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The book is published by Edinburgh University Press, and available for purchase from booksellers.

Author(s): Derek Robbins

Dictionary entry: Legitimation

Year of publication: 2011

Citation: Robbins, D. (2011) Legitimation. In S. Sim (Ed.), *The Lyotard Dictionary* (pp. 124-127). Edinburgh: Edinburgh University Press.

Link to published version:

<http://www.euppublishing.com/book/9780748640058>

Edinburgh University Press, March 2011

ISBN 9780748640058 (Hardback) 9780748640065 (Paperback)

Publisher statement:

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Information on how to cite items within roar@uel:

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Legitimation.

Some initial consideration of the work of Weber and Habermas is necessary to contextualise Lyotard's contribution to debate on legitimation.

In a speech delivered at the University of Munich in 1918 – “Politik als Beruf” (Politics as a vocation) - published in 1919, and subsequently re-published posthumously in his *Gesammelte Politische Schriften* (Collected Political Works) in 1921, Max Weber argued that “If the state is to exist, the dominated must obey the authority claimed by the powers that be” (Weber, ed. Gerth & Wright Mills, 1948, 78). He proceeded to ask: ‘why do men obey?’. He distinguished between the ‘inner justifications’ leading men to obey and the ‘external means’ adopted to enforce domination. The former can be regarded as types of *legitimacy*, and the latter as mechanisms of *legitimation*. Weber famously suggested three types of legitimacy, which he called ‘traditional’, ‘charismatic’, and ‘legal’. Whatever type of legitimacy might justify domination in any society at any time, Weber argued that continuous domination has to be maintained by administrations whose loyalties are enforced. Although Weber sought to articulate an explanatory model which might be universally applicable, his specific concern was with the analysis of developments in Germany. Whereas his model assumed that legitimated leaders used administrations to maintain their domination, he considered that, in the rational-legal state of his day, the leaders had undermined the autonomy of their administrators such that legitimation per se had marginalised the originally social grounds of legitimacy.

For Weber, modern political organisation is based on legal authority. Discussing the same formal circumstances in relation to religious organization, Weber argued that, in our modern situation, a leader or official never exercises his power “in his own right; he holds it as a trustee of the impersonal and ‘compulsory institution’” (Weber, ed. Gerth & Wright Mills, 1948, 295). Weber's definition of the modern situation corresponded with what Habermas was to describe as that of the modern bourgeois state. Habermas's *Strukturwandel der Öffentlichkeit* (The Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society) was first published in 1962. It was a socio-historical account of the way in which, in the 18th Century and, particularly in Britain, the traditional authority of the monarch, which was the legacy of feudal society, was controlled by the institution of a parliament representing the new bourgeoisie. His *Legitimationsprobleme im Spätkapitalismus* of 1973 (published in English translation in 1976 as *Legitimation Crisis* and in French in 1978 as *Raison et légitimité* [reason and legitimacy] extended historically the earlier discussion so as to consider social organization in ‘capitalist’ and ‘post-capitalist’ societies, with a view to speculating whether the examination of crisis tendencies ‘in late- and post-capitalist class societies’ might disclose ‘possibilities of a “post-modern” society ...’ (Habermas, 1976, 17). Habermas suggested that ‘advanced capitalism’ is of a different kind from the ‘competitive capitalism’ or ‘liberal capitalism’ which operated within and between political states. Systemically, ‘advanced capitalism’ operates independently of state regulation except when malfunctions occur causing states to ‘intervene in the market’ (Habermas, 1976, 33). Habermas argued that the ‘re-coupling the economic system to the political’ in times of crisis ‘creates an increased need for legitimation’ (Habermas, 1976, 36) and he devoted the third part of his book (On the Logic of Legitimation Problems) to consideration of the consequences of alternative views of the ‘relation of legitimation to truth’ – whether, in effect, force majeure, legitimacy and legitimation coincide or whether ‘every effective belief in legitimacy is assumed to have an immanent relation to truth’ (Habermas, 1976, 97).

This is the immediate context for Lyotard's consideration of legitimation in *La condition postmoderne: rapport sur le savoir* (Lyotard, 1979) [*The Postmodern Condition: A Report on*

Knowledge (Lyotard, 1984)]. As its sub-title indicates, Lyotard's book was concerned with the nature of knowledge within post-modern society. He did not dissent from Habermas's characterisation of the historical progress of Western social, political and economic organisation, but he differed from Habermas in refusing to accept that legitimation had to be either the consequence of a process of sociological/social-psychological acceptance or of rationally grounded truth claims. As Lyotard says of legitimation, specifically contrasting himself with Habermas, "...I use the word in a broader sense than do contemporary German theorists in their discussions of the question of authority" (Lyotard, 1984, 8). Lyotard's concern was more fundamentally epistemological and he argued that the kind of rationality invoked by Habermas to resolve legitimation problems was predicated on a view of 'science' that was no longer tenable. Habermas's recourse to rationality to resolve the legitimation crisis of 'post-modern' society involved the mobilisation of precisely the form of thinking which that society is in the process of superceding. It involved reference to a redundant 'grand narrative' and wrongly sought to secure communicative consensus. Lyotard's contention was, rather, that we have to determine 'whether it is possible to have a form of legitimation based solely on paralogy' (Lyotard, 1984, 61) or scientific and linguistic pragmatics, and he concluded that, as a result of viewing legitimation pragmatically, we are now 'in a position to understand how the computerization of society affects this problematic' (Lyotard, 1984, 67).

Lyotard explicitly stated that *La condition postmoderne* was the report of a 'philosopher'. As a philosopher, he was already wrestling specifically with the problem of the kind of 'judgement' which would be compatible with the demands of postmodern legitimation. Following on from his attempt in *Discours, figure* (1971) to liberate aesthetic experience from the tyranny of cognition, and his attempt in *Economie libidinale* (1974) to characterise that liberated condition in a post-Freudian discourse, he attempted to find a way out of the alternative legitimacies proposed by Habermas through detailed scrutiny of the work of Kant. Whereas Kant's *Critique of Pure Reason* and his *Critique of Practical Reason* had seemed to emphasize forms of *a priori* regulation of thought and action, Lyotard sought to show (notably in *Au juste: conversations*, 1979, *Le différend*, 1983, "Judicieux dans le différend" in Derrida et al., *La Faculté de juger*, 1985, and in *Leçons sur l'analytique du sublime*, 1991) that Kant's *Critique of Judgement* represented a transition to a form of pragmatics, reconciling sensation and reason, which acceptably deployed aesthetic legitimation as a paradigm which could be deployed for all the kinds of legitimation needed in postmodern society.