Professional authority in the United States today is undergoing an unprecedented transformation. This is more true for the classic professions of law and medicine than it is for other professions and even "semi-professions" like social work and nursing. While less prestigious professions still struggle to establish their authority on the grounds of expert knowledge and special training, the authority of the legal and medical professions is being undermined by the commodification of legal and medical services. How these new market relations affect the legitimacy of professional authority and, indirectly, the political legitimacy of the state is the subject of this essay.

Arguments about legitimation dominated political theory for almost a decade after the events of the late 1960s. While less mechanical than earlier Marxist crisis theory, they never moved beyond an abstract systems theoretic approach. This is unfortunate because the legitimacy of the modern state should be at the center of political theory. I hope to revive the legitimation crisis thesis by focusing on the current transformation of professional authority. When read in the context of this transformation, some of the central claims of Jürgen Habermas and Claus Offe in particular become more plausible.

I begin with the importance of professional authority for Habermas's and Offe's theories generally. These preliminary remarks only serve to link professional authority and their analysis of state power through the concept of needs. By themselves, they do not strengthen Habermas's and Offe's legitimation crisis theses, which I will hereafter refer to as a single thesis with complementary parts. To expand and strengthen this thesis, I will then work my way through the current transformation of professional authority and finally return to Habermas and Offe in more detail.
to show how the deconstitution of professional authority may threaten the legitimacy of the state.

Legitimacy and needs

According to Habermas and Offe, the “scientization” of politics is the underlying cause of the legitimation crisis in capitalist democracies today. It has both a theoretical and practical dimension. The singlemindedly scientific study of politics distorts the unavoidably hermeneutic dimension of political thought. The scientific practice of politics strips it of its democratic content. Politics, in theory and practice, has become a rationalized technocratic activity and an invitation to authoritarianism. At the center of the scientization of politics is the state, the primary agent of organization and administration, which is increasingly closed to popular participation. As such, the state can command neither moral respect nor political loyalty. Its objective and subjective legitimacy is potentially called into question.

However, there is no guarantee that this will happen. The legitimation crisis of the state is only a possible product of several tendencies and counter-tendencies. As the state has intervened more deeply in crisis-ridden capitalist economies, its ability to act on behalf of capital while maintaining an adequate level of popular acquiescence has periodically faltered. This, in turn, has led to forays into more traditionally private spheres of life like the family and the school in order to rebuild a minimum level of popular acquiescence. However, the state’s presence in these private spheres has triggered new political impulses (“new social movements,” which include the women’s movement, the ecology movement, the peace and antinuclear movement, and the movement for local autonomy) that resist state action. These movements have created a political space outside existing political institutions and formulated a rudimentary moral discourse separate from the narrow technocratic rationality of state-centered politics. Thus, while the scientization of politics is marked by a general antidemocratic depoliticization of the public sphere, it has also kindled a repoliticization outside established political institutions and skepticism about the legitimacy of state power. This, at least, is the direction in which Habermas and Offe believe things are going.

It is this particular hypothesis about a legitimation crisis brought on by repoliticization that an analysis of professional authority eventually can