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# Contents

# Weber Past and Present

Max Weber was, among quite a few other things, the historical sociologist par excellence. As such, he belongs to the "patron saints" of this journal, and a special issue devoted to his work is overdue. The present collection of papers deals with different aspects of his legacy and reflects diverse lines of interpretation, but their common ground is an awareness of new problems and perspectives thrown up by the edition of Weber's complete works (*Max-Weber-Gesamtausgabe*).That landmark achievement (together with new and more adequate English translations of some key texts) has changed received notions about Weber's life and work and enriched our knowledge of both aspects, but also to some extent reactivated old questions in a much-altered context. The unity of the work has always been hard to grasp (alternative keys to that question will be discussed in the present issue), and this has sometimes tempted Weber scholars to look for clues in his very distinctive biography. But the unity of life and work is a dubious assumption that can lead to disastrous results; and in any case, biographical themes will not enter into the discussion to be pursued here. There is, however, a question that borders on biographical matters and demands some attention before confronting the labyrinthine paths of the work. It has to do with the definition of Weber's intellectual and cultural identity, its reflection in his self-definitions, and its place in a broader historical context.

## Weber's Multiple Identities

It has never been controversial that if it makes sense to speak of sociological classics, Weber should be counted among them; disagreements have arisen around the question of limits, complements and counterweights to that identity, and the *Gesamtausgabe* has clearly not brought them to an end. He obviously arrived at a position that led him to focus on conceptual foundations of sociology; but the text traditionally known as the first part of *Economy and Society*, now published in the *Gesamtausgabe* as *Sociology* (*incomplete*), is marked by a certain ambiguity. On one hand, Weber explicitly justified his elaboration of a conceptual scheme as a critical response to dominant but misguided ideas about the object and aims of sociology; but at the same time, he claimed to be spelling out the implicit meaning of an already practiced – but not clearly identified – empirical sociology. Given his preference for speaking about and in the name of *Kulturwissenschaften* in a broad sense (a term and a theme particularly prominent in early writings, but not abandoned in later phases), as well as Weber's difficult relationship to the German sociological association, it would seem reasonable to describe him as a reluctant, ambivalent and conditional sociologist. That raises the question of other labels used to describe his work; some of them deserve brief consideration.

Attempts to portray Weber as a philosopher have a history that cannot be recapitulated here; the following comments will be limited to the first and the most massive case. But to begin with, the *prima facie* case for this view should be noted. There are texts – mostly short – where Weber undeniably adopts an overarching perspective that is best described as philosophical. That applies to the essay on objectivity, even more so to the *Zwischenbetrachtung* and *Science as a Vocation*, somewhat less to *Politics as a Vocation.* In *Science as a Vocation*, he made the following crucial statement: "Let us stay it he disciplines closest to me, that is with sociology, history, political economy (*Nationalökonomie*) and political theory (*Staatslehre*) and the kind of cultural philosophy that makes their interpretation its task" [*MWG I/17: 95*]. This formulation seems unequivocal: Weber accepts the philosophy of culture as a legitimate pursuit, inseparable from the cultural sciences (invoked and defined in a very broad sense in the preceding paragraph) and admits to an interest in it. The association of culture and philosophy might help to explain why the concept of culture is not included in the discussion of sociological concepts traditionally known as the first section of *Wirtschaft und Gesellschaft* [*now in MWG I/22: 1*].

But although these texts are among the most interesting parts of Weber's work, their intermittent resort to philosophical reflection cannot sustain claims relating to the work as a whole. If Weber is to be canonized as a philosopher, some supporting evidence of a lasting commitment is required. Karl Jaspers was the first to argue that case, in a funeral oration and then in later publications; moreover, Dieter Henrich [*1988*] has shown that claiming philosophical identity and importance on behalf of Weber was, for Jaspers, a roundabout way to define his own line of research in such terms. That point can be taken further. Jaspers's portrait of Weber was not simply a search for shared philosophical credentials; over and above that, it served to defend an exorbitant conception of the philosopher's role and status: "A *philosopher* is more than simply one who knows; what characterizes him is the *matter* that he comes to know and its origin. The time, its movement, its problematic are present in his personality … He is representative of what the times are; he represents it in the most substantial way, whereas others realize only parts, offshoots, emptyings, distortions of the forces of the times … The philosopher is the heart in the life of the times" [*Jaspers 1988: 36*; this is a passage from the 1920 funeral oration]. It is safe to say that no philosopher has ever lived up to this description; there have been thinkers with ambitions akin to Jaspers's model, but they are not necessarily inspiring examples (the most tragically absurd case is probably Martin Heidegger in 1933). Jaspers's own aspirations were not altogether alien to the superlatives designed for Weber; his 1932 publication on the "spiritual situation of the times" reflects that stance, but the timing of that book could not have been worse, and Jaspers's influence on opinion and debate in postwar Germany was nowhere near the stipulated level. As for Weber, and with all due acknowledgement of his exceptional stature, his work was too fragmentary and the overall perspective too one-sidedly articulated for the quoted definition of the philosopher to be applicable. More specifically, he was too committed to certain mirages of the epoch to be capable of the distance required by Jaspers's model. There are three such aspects of Weber's thought, none of them entirely without reservations or correctives but all strong enough to leave their mark on his thought. His vision of the cultured great power (*kultureller Machtstaat*) aligns him with the nationalizing of empires that was – in varying ways and degrees – a pronounced feature of the decades before 1914. The idea of the sovereignly autonomous individual,

combining a firm value-orientation with an ethic of responsibility, implies an aristocratic twist to individualism and reflects – as Wolfgang Mommsen has convincingly argued – a diffuse but undeniable influence of Nietzsche. The most emphatic expression of this view, bordering on a modern myth [*Mommsen 1983*], is the conception of *Führertum* as an indispensable "caesaristic" ingredient of modern politics [*MWS I/15: 233*]. That does not make Weber responsible for later excesses in this vein, but it does reflect a lack of insight into historical possibilities. Finally, the perspective of a future serfdom (which justifies *ex negativo* the aristocratic-individualist mode of resistance), brought about by the irreversible fusion of capitalism and bureaucracy, was based on underestimation of the adaptive capacities inherent in both sides of the bipolar constellation. A more balanced version of Weber according to Jaspers can be found in later texts, where Weber as philosopher is portrayed alongside his record as a politician and a researcher.

The most ambitious attempt to interpret Weber as a philosopher was made by Pierre Bouretz [*1996*]; it should also be noted that Paul Ricoeur wrote an introduction to that work, very interesting in its own right and not quite in line with Bouretz's own approach. Bouretz's reconstruction of Weber's philosophy is very detailed, and here I can only note the most salient points. The title, invoking "promises of the world", already suggests a key theme: the author engages critically with Weber's concept of *Entzauberung* and advocates a search for counterweights to the trend thus described (Bouretz's extensive work on – and apparent affinity with – messianism in twentieth-century thought should be seen as a background to this effort). But Bouretz's focus differs from usual approaches to this topic. The term *Entzauberung* is commonly taken to denote the joint effect of two processes: a long-term one, centred on the history of religion, identified in the 1920 version of the *Protestant Ethic* and traced back to Greek and Jewish origins, and a distinctively modern one equated with the growth of scientific knowledge.[1] Bouretz is primarily interested in a third factor: the situation of multiple and in principle unresolvable conflicts that emerge when the internal logics of different value spheres clash with each other and traditional ways of harmonizing or hierarchizing them lose strength. This is, for Bouretz, a key characteristic of the European crisis that preceded World War I, and Weber's fleeting reference

[1] There is no adequate English translation of *Entzauberung*. "Disenchantment", proposed by Parsons, is misleading because it has other more familiar meaning, and because it misses the metaphorical charge of the German word: magic as a symbol of meaning. "Demagification", occasionally used, is a rather clumsy expression and tends to suggest a literal reading of the metaphor. Bouretz's extension of the term makes the metaphorical aspect even more salient; Weber's reference to conflicting modern values (and more tentatively to rival national cultures) as *entzaubert* versions of "old gods" is more massively metaphorical than the use of the same term to describe the cultural impact of religious and scientific development. There is no genealogical connection between the polytheistic imagination and the modern divergence of values; the meaning that has vanished is the idea of an overarching framework of meaning, capable of muting or transcending the conflicts of values. It may be added that this accentuation of the metaphorical element suggests a brief consideration of possible links to recent and ongoing attempts to theorize the roe and the history of metaphorical discourse. Hans Blumenberg's unfinished project of metaphorology is the most prominent project of this kind. His distinction between fundamental and residual metaphors (*Grundbestände* and *Restbestände*) is central to the whole argument; the former term refers to metaphors that go beyond the limits of conceptualization and remain essential to cognitive or interpretive efforts, the latter to cases where metaphorical discourse can in principle be translated into more precise concepts but is retained for reasons of convenience. It seems difficult to fit the notion of *Entzauberung* into this scheme. It is certainly not a remnant, and it seems clear that Weber intended to give it a more precise meaning (it represents one of the unfinished lines of exploration in his later work). Should we perhaps consider a category of synthesizing metaphors, invoked in order to impose some kind of unity on an inquiry with multiple starting-points and an uncertain outcome?

to national antagonisms helps to put the war into the picture. Bouretz also includes the separate and self-contained logics of the capitalist economy and the bureaucratic state, occasionally described by Weber as "machines", among the driving forces of *Entzauberung*; and he aligns Weber's sociology of law with his theory of the state: legal development culminates in the "restriction of political experience to the participation in a system of formal rules that organize an institution of rationalized rule" [*Bouretz 1996: 300*].

Bouretz argues that Weber's confrontation with the crisis of European modernity, summed up in the particular perspective on *Entzauberung* outlined above, can be seen as a further extension of the intellectual trajectory analyzed by Karl Löwith as a rupture leading from Hegel to Nietzsche (Ricoeur appears to agree with this view) and refers to it as "the Weberian moment", in a transparent allusion to Pocock's "Machiavellian moment", already imitated by a few other authors. There is no doubt about Weber's particularly sharp and keenly conscious opposition to Hegel; several statements indicate that he saw this contrast as a defining feature of his project. The emphasis on irreducible pluralism, impossible reconciliation and disparate rationalities does reinforce this point. But both Bouretz and Ricoeur think that it can be taken one step further back: for them, the Weberian vision of a modernity at multiple odds with itself is a definitive break with the Enlightenment's belief in all-round and unified progress.

Bouretz's repeatedly stated intention is to move beyond the Weberian moment, with all due respect for its significance, and thereby to "awaken from the twentieth century". The limits that have to be overcome for this to be possible are more clearly defined in *Science as a Vocation* than in *Politics as a Vocation*. They have to do with two presuppositions: the individualistic conception of commitment to a vocation and its intrinsic value(s), and the radical *Entzauberung* culminating in the belief that everything can be mastered through calculation. In other words: the absence of community and the imaginary closure of the world horizon. Bouretz's proposal to open up new perspectives on both sides is clearly formulated in general terms, but possible results of the "awakening" are only vaguely described. The wide range of authors invoked – from Tocqueville to Habermas, and from Arendt to Levinas – does not make for precision. As an overall indication, we can say that the title of the book ("Promises of the World") expresses hopes for new ways of relating to others and to a shared world. Existential community and contextual creativity are keywords for the future beyond twentieth-century crises and disasters. A background assumption, vaguely stated, is the belief – accompanied by a reference to Levinas – in a primordial ethic inherent in the human condition, a kind of recognition prior to struggle; that claim may also be understood as a counterpoint to Weber's emphasis on struggle as a fundamental feature of social life. The book ends with another suggestion in a Levinasian spirit: the possibility of rejecting the connotations of certainty linked to Weber's concept of *Entzauberung* and regarding the process in question as a wager on atheism, open to critical reflection on the outcome.

It remains to add a few words about Ricoeur's preface to Bouretz. He raises a general hermeneutical issue that has critical implications for Weber's work as well as for Bouretz's reading of it. It is the question whether they do justice to the "problem of equivocity in the interpretation of large-scale cultural phenomena" [*Bouretz 1996: 11*]. Ricoeur is, in other words, reminding readers of a problematic that plays a key role in his own work: the conflict of interpretations. This applies to a whole range of themes in Weber's historical

sociology; Ricoeur asks whether theodicy was the only major problem faced by Jewish prophecy, whether the quest for guarantees against damnation was the only relevant religious motivation of Puritanism, and whether ascetic Protestantism was the only generator of economic rationality. All these examples merit a long discussion, but here it may be noted in passing that an alternative approach to the first one can be found in Jan Assmann's analysis of monotheistic political theology as a negation of sacred kingship. As for the last one, Weber did not claim that the Protestant Ethic was the only source of the modern capitalist spirit, but he did not elaborate on other factors; the most suggestive line of argument on that matter is the one proposed by Christoph Deutschmann [*2001*]. It focuses on the quai-religious orientation inherent in capitalist accumulation as such, the sacralization of wealth and the promise of its unlimited growth.

Further discussion of Ricoeur's questions is beyond the scope of this introductory text. We should now turn to another definition (open to variations) of Weber's place in intellectual history and modern thought. It focuses on political aspects of his work and of the outlook or mindset behind it. We can distinguish four main versions of this approach. There have been attempts to locate Weber's key themes and concerns within a much older tradition of political philosophy; a more nuanced version stresses the influence of political views or ideological alignments on his sociological conceptions and historical interpretations. Scholars more attentive to the concrete historical background have raised the issue of Weber's involvement in (and opinions on) German politics during the Wilhelmine period and its early aftermath; the question of connections between his political lifeworld and his scholarly work is not to be dismissed out of hand. Finally, there have been readers and interpreters of Weber who envisioned him as a groundbreaking (though not infallible) analyst of modern politics, not to the exclusion of other identities and not necessarily as the dominant one, but at least to a degree that merited special attention.

Weber's affinities with the tradition of political thought – from Plato and Thucydides to Rousseau and Tocqueville – are most emphatically foregrounded in Wilhelm Hennis's writings [especially *Hennis 1987*]; as he sees it, the main thematic connection is an abiding interest in the formative effect of social regimes – especially their political frameworks – on the constitution and self-understanding of humanity (*Menschentum*). Hennis does not deny that Weber takes this line of interpretation far beyond the traditional limits of political philosophy, but regards the continuity of an inherited problematic as more important than the often-overestimated identification with the new discipline of sociology. This is not the place to survey Hennis's extensive comments on Weber (often insightful, occasionally facetious), but one fundamental problem with his approach should be mentioned. Scholars who emphasize Weber's conversion to sociology have objected to Hennis's use of the term *Menschentum* in the singular, but that is hardly a reason for dispute; such formulations also occur in Weber's work. The real problem is elsewhere. Weber's most revealing statement about anthropological foundations of his research interests (defined, be it noted, with reference to a plurality of cultural sciences) centres on the ability of *Kulturmenschen* to lend meaning to the world and adopt a stance towards it [*MWG I/7: 188–189*]. The point is, in other words, not just *Menschentum*, understood in a more or less variable sense; the matter at issue is the variously articulated human condition in the world (that is, of course, a theme later most explicitly tackled by thinkers in the phenomenological tradition). This claim implies a cultural perspective, but not a culturalist one in any reductionistic sense;

more specifically, it does not suggest a one-sidedly culturalist view of politics. Rather, the indicated task is a comparative study of interactive relations – including tensions and divergences – between culture and politics. It is obviously true that political philosophy has often had something to say on that subject; but then it does not support the case for a primacy of the political.

As for the idea of a political intention or attitude behind Weber's strategy of concept formation [*Palonen 2016*], it is hard to see how that could apply to more than a part of his work. The fundamental concepts of world acceptance and world rejection do not reflect a political rationale. It is true that when it comes to the conceptualization of power, the decision to focus on *Herrschaft* (and set aside the multiple less concentrated and polarized forms of power) testifies to a political concern; but the next move – the typology of legitimacy – brings cultural frameworks back in, albeit with a restrictive twist. That problem will be discussed elsewhere in this issue. Finally, the most elusive and controversial part of the typology, the concept of charisma, is clearly designed to deal with both cultural and political transformations, as well as their absorption into more durable patterns of social life. The upshot of these considerations is that cultural and political perspectives intertwined in Weber's work, with some changes on both sides and without any kind of any definitive balance between them being reached. Weber was interested in the cultural significance (*Kulturbedeutung*) of social and historical phenomena, across the board and for interpretive as well as explanatory purposes; the most important shift within this context was the turn to a comparative analysis of different cultural worlds. Both before and after that extension, the cultural focus allowed Weber to maintain a unifying reference for his interdisciplinary scholarship. On the other hand, nobody doubts that he was an intensely political person, keenly aware of political implications in all fields of inquiry and interested in political history as well as the political problems and conflicts of his times. In this regard, it is more difficult to identify a decisive shift; but in a late text, written in 1918, he does describe his political journey as a change from conservative to democratic positions [*MWS I/15: 421–596*]. That seems to have happened more slowly and had a more limited effect on the theoretical level than the abovementioned broadening of the cultural focus. Attempts to conceptualize democracy as a distinctive theme for political sociology were late and inconclusive.

As already noted, the question of Weber's political identity or orientation can also be posed in terms of his place in the modern constellation of political ideologies. More specifically, it is Weber's undoubted but not easily defined relationship to liberalism that has been brought up for this kind of debate. He has often been described as a liberal, even as a classic of that tradition, but on the basis of closer reading, some scholars have suggested significant qualifications of that view, or even rejected it. Wilhelm Hennis [*1987: 195–236*] has argued at length that Weber does not fit standard definitions of liberal thinking; the convincing part of that claim rests on Weber's critique of illusions frequently shared by nineteenth-century liberals (and not unknown to reappear in later times), relating particularly to belief in the guaranteed progress or permanence of modern freedoms. However, objections are bound to arise when we consider Weber's commitment to value pluralism and individual autonomy, clearly indicative of a basic affinity with liberalism, though not of predetermined agreement with its dominant versions. Hennis suggests – in passing – a comparison with Roger Boesche's argument about "the strange liberalism of Alexis de

Tocqueville" (referring to an article with that title; the book with the same title [*Boesche 1987*] had not been published when Hennis's essay was written). It is tempting to generalize this suggestion and identify a category of thinkers who have criticized liberal illusions, notably those linked to the belief in progress and the doctrine of an invisible hand harmonizing private interests, while at the same time developing original and insightful interpretations of fundamental liberal themes. Whether we call them estranged, disillusioned or critical liberals is a secondary issue. Weber and Tocqueville are not the only candidates for inclusion; Raymond Aron is an obvious further choice.

Expanding this argument, we might ask whether a similar type of thinkers can be found within – or in the margin of – other political traditions. In the case of the socialist tradition, that seems to be a late development; the present writer admits a preference for Cornelius Castoriadis and Claude Lefort. As for the conservative one, the matter seems more complicated, but a list of possible candidates might begin with Jacob Burckhardt.

If Weber can be read as a critic of widely accepted liberal illusions, we must also confront the question whether his alternative views were marked by or could be conducive to illusions of another kind. Wolfgang Mommsen has argued that Weber's individualism has strong aristocratic connotations, due to Nietzsche's influence, and that its most explicit normative formulations border on myth, notwithstanding Weber's sharp criticism of attempts to revive myth in a modern context [*Mommsen 1983*]. The question of Nietzsche's influence is one of the most controversial issues in Weber studies, and cannot be discussed at length here; suffice it to say that those who have argued that it was significantly stronger than direct references would suggest seem to have a stronger case than their opponents (advocates of the first position include scholars otherwise as different as Hennis and Mommsen). In any case, one relative weighting seems uncontested: the more Nietzsche, the less Rickert, and vice versa. But the specific question of an aristocratic stance allows for a brief answer, based on the concept of freedom. Although this was not one of the concepts which Weber singled out for clarification, there is no doubt about his very strong commitment to its normative claim. If we look for a definition (which Weber did not provide), Christian Marty's suggestion is a persuasive choice: "Freiheit, das ist derjenige Typus der Lebensführung, bei welchem man bewusst genau das tut, was man in einem letzten Sinne für wertvoll hält." Freiheit "vollzieht sich … dort, wo der Mensch … das Leben hellsichtig nach eigenem Prinzip führt" [*Marty 2020: 70*]. There are at least two remarks to be made on this statement. In the first place, it clearly transcends the distinction between negative and positive freedom; the acting individual is supposed to be free from external constraints, at least to such an extent that he/she can lend meaning and consistency to her/his own life, and at the same time free to follow value commitments that can be made understandable to others. On the other hand, the move towards a complex idea of freedom does not involve any consideration of social freedom, and it is not made with a view to reconciling freedom and equality. The additional value-ideas invoked by Weber's conception of freedom (as interpreted by Marty) are human dignity and responsibility; and to the extent that their chances of effective impact depend on abilities and conditions, there is an implicit link to the aristocratic stance mentioned above.

The question of Weber's political orientations and their influence on his work cannot be discussed without some reference to his involvement in the political life and demise of Wilhelmine Germany. This is not to suggest that the exceptionally complex and ambitious

intellectual project pursued for some three decades – with a short interval around the turn of the century – is reducible to a historical context. Wolfgang Mommsen, who wrote the most seminal account of Weber's political views and interventions, did not fail to note that "fundamental philosophical views and ultimate value-related convictions" [*Mommsen 1974: XVIII*] were also involved in an essential way. Another factor of distanciation was Weber's very critical attitude towards different sections of the political spectrum. His original (though never unqualified) admiration for Bismarck gave way to a sharply critical judgment, based on the view that German political culture had regressed under his regime and that he had manouvered himself into a position where he faced the alternative of a coup leading to outright authoritarian rule or capitulation to parties whom he had previously worked to render unfit for government. Both options being impracticable, the outcome was Bismarck's demise and a transition to the confused mixture of erratic monarchic actions, lobbyism and court intrigue characteristic of the Wilhelmine period. Weber was an increasingly vocal critic of these practices, especially during World War I. He took a notoriously dim view of the German bourgeoisie (in the broad sense of *Bürgertum*) as a political force and saw its weaknesses as in large measure due to an inferior version of Protestantism; but he also lambasted the political immaturity and subaltern culture of the self-proclaimed herald of an alternative to bourgeois society, the Social Democratic party. Documented sympathies for the "revisionist" current within the party did not translate into clear-cut partisanship. As for Weber's general attitude to socialism as a tradition and a movement, interpretations have varied and there is still room for debate. Otto Hintze, who can hardly be dismissed as an uninformed witness, wrote a review of Marianne Weber's biography where he described Weber as a "radical democrat of strongly socialist colour" [*Hintze 1982: 151*]. That is, however, not a view supported by present scholarship (most certainly not by Mommsen's account). The most that can be said is that Weber saw socialism as an integral part of the modern world, a response to some of its central problems, but also as an ambiguous force in that it could both favour bureaucratization and mobilize resistance against it.

It remains to consider a specific issue that inevitably comes up in the debate on Max Weber and German politics. It concerns the role of the nation in Weber's vision of history and society, as well as the relative weight of nationalism in his political thought. There can be no doubt about his commitment to national greatness and honour; those who nevertheless balk at describing him as a nationalist are usually assuming that nationalism is, as such and *ipso facto*, a reprehensible attitude or mindset. The present writer does not share that view and consequently has no problem with calling Max Weber a German nationalist. That said, the next step must be to clarify what kind of nationalist he was, and on what understanding of the nation this version of a very common but multiform outlook was based.

Wolfgang Mommsen [*1974: 52*] suggested that for Weber, the idea of the nation-state had roughly the same kind of meaning as Jahve for the ancient Jews. This is probably the most glaring overstatement in an otherwise well-balanced book. Weber thought that the German nation needed political re-education; there is no record of Jewish prophets wanting to re-educate Jahve. But there is no doubt that the trinity of nation, state and culture was a very strong and stable principle of orientation in Weber's intellectual biography; there is a late and forceful reminder in *Science as a Vocation*, where he compares the difference between French and German culture to the conflict of fundamental values,

which he had identified as a defining feature of the modern condition. It would be hard to find a more radical endorsement of national differences and antagonisms; to use Weber's term, this was obviously a major case of *Wertbeziehung*. But he was also well aware of its problematic aspects. Neither the separate components of the trinity nor the relations between them are given constants; they have a history, and that also implies possibilities of relapse and dissonance. For one thing, Weber explicitly doubts that the military prowess of the German state after 1870 was beneficial to German culture [*MWS I/22-1: 77*, unnumbered n.]. This is surely one of the traces pointing to a reading of Nietzsche. More generally speaking, the conditions for *Wertbeziehung* translating into critical inquiry and a quest for objective knowledge seem to be present; the actual results are not quite up to that expectation.

As Stefan Breuer [*2022: 121 n. 6*] argues against Wolfgang Schluchter, Weber's references to the nation (in the strong sense including its claims to statehood and its cultural identity) are too weighty for them to be set aside when his way of theorizing society is reconstructed. On the level of conceptual foundation, this claim is conclusive. It is nevertheless striking that the central and emphatic idea of the nation is never backed up by a historical analysis in detailed terms. The only text that seems to set out towards that goal [*MWS I/22-1: 65–77*] is short, unfocused and ends with an incomplete sentence; no title proposed by Weber is recorded (the title used in the *Gesamtausgabe*. "The prestige of power and national feeling", was chosen by the editors). Much of the text looks like a digression from the intended topic; there is a discussion of connections between statehood and expansion and of the changing role of economic factors in imperialist policies, interesting in its own right but not very relevant to the twin problematics of nation formation and national identity. The most noteworthy statements on the latter subjects confirm that they have to do with intertwinings of culture and power, but the emphasis is somewhat one-sided. Weber's main point seems to be that national belonging involves a claim to some kind of prestige; that prestige is most commonly and directly rooted in the power wielded by the collectivity in question; cultural elites or "intellectuals" (as Weber calls them, with quotation marks included) tend to transfigure it into cultural terms. This approach does not confront the question of differences and possible combinations of culture-centred and state-centred conceptions of the nation, particularly relevant in the German context. Weber's own insistence on Germany's mission to become a "*kultureller Machtstaat*" was clearly a step beyond the interpretation that focused on a mere transfiguration of power, and the same applies to his occasional remarks about German culture as a counterweight to the threatening division of the European world between Anglo-Saxon and Russian models.

The upshot of these reflections is that Weber was not only sensitive to the central role and cultural significance of the nation in the modern world; in principle, he was also aware of the main steps to be taken towards a historically grounded theorizing of its constant and variable components, but did not complete the task thus outlined. It would, however, be misguided and unfair to close this discussion without highlighting one particularly interesting formulation in the abovementioned text. At the beginning of a paragraph, Weber notes that if the concept of the nation can at all be defined in an unequivocal way, it certainly cannot be done "on the basis of common empirical properties of those who belong to it" [*MWS I/22-1: 74*]. This is a clear statement on the limits of methodological

individualism, the necessity of concepts relating to supra-individual patterns of the kind known in Hegelian language as the realm of the objective spirit, and the legitimacy of a position that Gert Albert [*2005*] has described as moderate holism.

The last version of politics-centred interpretations mentioned above is the reading that gives pride of place to Weber's vision of political options, demands and constraints characteristic of modern societies. *Politics as a Vocation*, often translated and published separately, then appears as a key text; but while it is true that no other sociological classic wrote a comparable guide to political action, it is also the case that Weber's reflections on this subject depend on concepts in progress and incomplete theoretical arguments. The main focus of his thoughts on modern politics is on the tension between expanding bureaucratic power on one side, charismatic and democratic counterweights on the other, these categories are building-blocks of an evolving political sociology that was left unfinished in crucial respects but invites further elaboration. That set of problems will be discussed elsewhere in this issue, chiefly in a paper on ways of reading Weber.

As we have seen, the philosophical and political aspects of Weber's intellectual profile are salient enough to demand attention when his legacy comes up for debate. Many scholars have also written about Weber as a historian, but here we will reserve comments on that part of his work for another context. To define him as a historical sociologist is to stress the permanent and essential (though not untroubled) intertwining of history and sociology in his writings; his conceptualizing efforts reflect this twofold focus, including the tensions that surface from time to time, not least because of the simultaneous interest in recurrent patterns and individual constellations. In short, the historical dimension of Weber's work is best discussed in close connection with sociological themes (which he tackled before identifying with sociology as a discipline) and with the overarching conceptual schemes. The last paper in the issue will return to these interconnected questions.

**Czech Encounters with Weber**

This is, to the best of my knowledge, the first time that a Czech journal devotes a special issue to Max Weber (a Slovak one was published in 2012). It seems appropriate to include a brief survey of earlier Czech responses to Weber's work. That is, for obvious historical reasons, a discontinuous record, but it includes some significant moments. Given the limited space, no detailed account is possible, but some landmarks should be mentioned.[2]

As with other aspects of twentieth-century Czech thought, the work of T. G. Masaryk is the obvious starting-point. Given their biographical and geopolitical proximity, the question of affinities and indirect contacts between Weber and Masaryk has not gone unnoticed; on the political level, it is tempting to compare Weber's criticism of the immature German *Bürgertum* to Masaryk's struggle against the particularist and mythologizing aberrations of the Czech national movement. Ilja Šrubař's article in the Czech Sociological Journal [*Šrubař 1998*] is the most systematic discussion of sociological and political views held by the two thinkers, and some of his observations merit further comment. The fact that Masaryk alludes to Protestant sources of capitalist dynamics seven years before

[2] Thanks are due to Miloš Havelka and Marek Skovajsa for conversations that have helped to clarify this complex story.

the publication of Weber's first essay on the subject is not as significant as Šrubař thinks; not only because that theme had been in debate for quite some time, but also for the reason that – as the *Gesamtausgabe* has now clarified – Weber's distinctive approach to it was already being adumbrated in lectures during the 1890s. More interestingly, Šrubař notes two references to Weber in Masaryk's writings. In the book on philosophical and sociological foundations of Marxism, published in German in 1899, Masaryk mentions Weber's work on Roman agrarian history in connection with critical remarks on Marx's oversimplified picture of pre-capitalist economic regimes. This shows that Masaryk, fifteen years older than Weber, was already following the latter's early work and appreciating it as a contribution to the critique of Marxism. The other reference is from Masaryk's book on Russia and Europe; in the context of reflections on Russia's developmental perspectives, Masaryk adds a footnote mentioning Weber's thesis on the importance of the Protestant ethic for modern capitalism and indicating agreement, with the proviso that the question must also be posed in a broader moral and social setting.

That said, some reservations about Šrubař's comparative perspective are in order. The claim that both thinkers deal with the modernization of societies is a bit on the anachronistic side; they both used the adjective "modern", but did not translate it into the kind of modernization theory that was to triumph in a later stage of sociological inquiry. On one occasion though, late in his career, Weber came closer to that than Masaryk ever did. In the 1918 text on parliament and government in the new German order (a reworked version of articles published during the preceding year), he made the following statement: "the so-called progress towards capitalism from the Middle Ages onwards is the obvious criterion for the modernization of the economy, and similarly, the progress towards bureaucratic officialdom, based on employment, salary, pension, promotion, professional training and division of labour, clearly defined competences, filing system, hierarchy of subordination and seniority, is an equally obvious criterion for the modernization of the state, be it monarchic or democratic" [*MWS I/15: 212*].[3] Two implications of this somewhat unwieldy formulation should be noted. The reference to "so-called progress" reflects fundamental doubt about the direction of the process in question, at odds with the belief in progress built into later modernization theory. Secondly, the qualifying clause at the end shows that the question of democracy is a minor issue; democracy is neither a path-determining force, nor can it be seen as a counterweight to the bureaucratizing trend.

Šrubař maintains that for both Masaryk and Weber, the democratization of society plays a central role as "a demand and at the same time as a necessary part of its modernization"; he also writes that both thinkers saw the "effectivity of religious values and of norms derived from them in everyday life" as essential to the modernizing process [*Šrubař 1998: 418, 424*]. Such claims exaggerate the affinities and obscure the differences between the respective intellectual and political visions. In Weber's writings during World War I, the concept of democratization is sometimes used in a more emphatically positive sense than before [especially in the text on democracy and the right to vote, *MWS I/15: 155–189*]; but there was no basic change to his conception of the relationship between nation and democracy. Democratizing measures were to serve the purpose of educating, integrating

[3] This text has not been as widely discussed as it deserves. It contains statements that link fundamental historical perspectives more closely to political issues of the times than anywhere else.

and mobilizing the nation. It was only in his very last writings that Weber began to consider the idea of democratic legitimacy as a distinctive type. Masaryk's frame of reference was different. His political philosophy (to all intents and purposes identical with a philosophy of history) centred on the dichotomy of democracy and theocracy. His concept of theocracy was much broader than the Weberian one; it covered all political regimes with at least a remnant of a sacralized hierarchy, thus including – in particular – the incompletely or fraudulently constitutionalized monarchies of Central and Eastern Europe. A religious connection was, as Masaryk saw it, also essential to the rise and progress of democracy: it was, first and foremost, grounded in the Protestant Reformation and the cognitive as well as moral autonomy of individuals that represents the most important cultural legacy of Protestantism. But Masaryk also placed a much stronger emphasis on the continuity of Protestant religious mentality than Weber did. The conclusions of the latter's analysis of the Protestant ethic and its fate did not support that expectation.

In short, Šrubař's comparison of Masaryk and Weber overstates the case for convergence. But even a more balanced account of contrasts and affinities would suggest a fruitful terrain for further discussion. Given Masaryk's central position in Czechoslovak intellectual and political life after 1918, one might expect favourable conditions for a sustained reception of Weber's work. That is not at all what happened. The paradoxical story of Czech encounters with Weber is best summed up in two facts: the first translation of *Politics as a Vocation* was a Czech one, published in 1929, but a complete translation of the *Protestant Ethic* was not published until 2023, and is – worldwide, to the best of my knowledge – the most recent to date. This record calls for a closer look at developments, positive and negative, during the near-century in between. Its second half was marked by four decades of Communist rule, but even that period saw some significant initiatives, and before the totalitarian turn, there were noteworthy episodes during the interwar years (the time of the German occupation, with universities closed and intellectual life severely constrained, was obviously less relevant).

The first landmark to be taken note of is the Czech translation of *Politics as a Vocation*, published in 1929. It was, as noted above, the first translation of this seminal text, now available in very many languages (for comparison: a Japanese translation was published in 1939, together with a translation of Carl Schmitt's *Concept of the Political*, an English one in 1946 and a French one in 1959). The translator, Jan Mertl, wrote an introduction that merits a closer look. It begins with a praise of the work as a foundational contribution to political sociology, and of Weber as an exemplary practitioner of the "objectivist" approach to politics, explicitly contrasted to the normativist stance that had hitherto prevailed among Czech scholars, mostly due to Masaryk's influence. But that is not the whole story. Mertl goes on to stress that Weber's idea of value-neutral science was not at all incompatible with strong personal commitments (he only objected to the illusion that the second could be derived from the first), and to describe Weber's political engagement. Mertl's Weber is not quite the same figure as the man now known through detailed and intensive historical research; the former appears as a nationalist reformer, concerned with social justice and more sympathetic to the Social Democrats than the latter is now known to have been. In short, Mertl's portrait looks a good deal more like Masaryk than the real Max Weber was. This shows how difficult it was to move out of Masaryk's shadow; and when it happened, it tended to result in shifts and disputes so massive that they obstructed the dialogue with

Weber in another way. That was confirmed by the controversy succeeding the publication of Mertl's translation, which became known as the debate on objectivism. On one hand, defenders of sociology as a young and still insecurely institutionalized discipline barricaded themselves behind a notion of objectivity that fell far short of Weberian standards. On the other hand, critics of that position were attracted to the idea of a "balance-sheet sociology", introduced by the philosopher and scientist Emanuel Rádl; this kind of social science was meant to distinguish and evaluate the positive and negative effects of progress.

Mertl was increasingly marginalized in a discussion sparked but not lastingly inspired by his comments on Weber; he gravitated rightwards and became attracted to authoritarian politics. He published a book on bureaucracy [*Mertl 1937*] which reflects a decisive shift from Weberian ideas to a position inspired by Carl Schmitt. Weber is credited with the first serious attempt to formulate a historically grounded theory of bureaucracy, but then dismissed as an exemplary spokesman of obsolete liberal views; the idea of a plebiscitary leader democracy, capable of confining bureaucratic officialdom to an instrumental role, is rejected as a last refuge of liberalism in crisis. The real hallmark of the post-liberal condition is mass democracy, opening the way for multiple social groups to pursue their interests in ways detrimental to coherent administration, but also for bureaucratic particularisms. Mertl then embarks on a comparative study of the interaction between democratization and bureaucratization in four countries: Czechoslovakia, France, Britain and the United States. The overall picture is of a transitional phase, with an authoritarian turn in the air; and there was worse to come. Mertl developed a sympathetic interest in National Socialism. His conduct during the German occupation was ambiguous enough for him to be accused of collaboration in 1945; the court absolved him, but he was ostracized by the academic community and did no scholarly work after the war. He died in 1978.

A pioneering translation was thus not enough to initiate a sustained engagement with Weber's work. But he did not disappear altogether. A prolonged but somewhat centrifugal debate on the meaning of Czech history was conducted during the first Czechoslovak republic and had some interesting echoes after World War II; this was another offshoot of the agenda imposed by Masaryk's efforts to Europeanize and modernize the Czech national movement, and it opposed critics of his project to those who sought to defend or develop it in ways more attuned to contemporary realities and reasonings. At one point in the 1930s, references to Weber surfaced in this context, but in a curiously one-sided way. The most principled part of the controversy involved opposite poles of Czech historical scholarship: Josef Pekař, a conservative with Catholic leanings and a prominent adversary of Masaryk, and Jan Slavík, a decidedly non-Communist socialist whom Masaryk asked to write a postscript to the second edition of his book on Russia and Europe. The matter most central to their disagreement (and to the whole debate) was the interpretation of the Hussite revolution, seen by Masaryk and his followers as an early harbinger of modern democratizing trends. Pekař condemned this as an anachronistic projection and insisted on the medieval character of the Hussite movement. In his anti-critical response [*Slavík 1995: 599–622 and 623–672*], Slavík invoked Weber's essay on objectivity, which he saw as a convincing defence of the kind of philosophy of history still needed but mostly ignored by professional historians. Visions of total history or universal laws were no longer on offer, but reflections on the presuppositions of historical knowledge had not lost their relevance.

Weber's version of that approach hinged on the concept of culture as a background to choices of themes, problems and perspectives. Slavík quoted what he called Weber's "excellent definition" of culture as a value-concept and went on to argue that in the case at issue, a value relation to modern democratic culture could justify a search for antecedents in earlier history (such as the Hussite upheaval) even if the self-articulation of actors and times seemed to belong to another world. But when he summed up his Weberian lesson in a statement to the effect that evaluation and knowledge were inseparably fused, he was obviously overstating his case; and as Miloš Havelka notes in his comments on the debate, this enabled Pekař (who did not quote Weber) to defend a position more attuned to Weber's idea of *Wertfreiheit*, even though his overall conception of historiography was much closer to Ranke than to Weber.

There is more to be said on Jan Slavík. A few years after his contribution to the debate on Czech history, he wrote a series of newspaper articles with the title "Reflections on Dictatorships" [*Slavík 1936*]. It is a pioneering attempt to use Weber's concept of charismatic rule for a comparative analysis of the interwar European dictatorships. Slavík begins with an explicit reference to Weber, crediting him with explaining the origins of monarchic rule better than anybody else: as a monopolization of contact with supernatural powers. That is the original meaning of charisma. What the then recent experiences showed was the possibility of charismatic rule returning as a response to crises (economic, social and geopolitical) and in conditions that differed from earlier ones in two very significant ways. The traditional frameworks and supportive social arrangements of monarchic rule have disappeared; at the same time, dominant currents of thought and public opinion have moved away from the religious cultures of the past. New kinds of charismatic rule have proved capable of adapting a disguisedly religious content to overtly anti-religious claims; as Slavík saw it, the development of Soviet ideology was a prime example. Nevertheless, the changed historical setting necessitated some additional pillars of power. The sheer compelling authority of charisma may be self-sufficient at the very beginning of a regime (as it was during the few years of Lenin's rule after 1917), but in the longer run, a complementary development sets in. It is not the routinization or institutionalization of charisma, familiar to Weber; Slavík thinks that it is best understood as dogmatization, the institutionalization of infallibility, and it does not so much replace charisma as reinforcing it. Again, the Soviet Union serves as the clearest illustration: the cult of Stalin as the fourth and last classic of Marxism-Leninism went hand in hand with the construction of an all-encompassing ideology. Slavík has less to say on the specific features of Fascist dictatorships, although he thinks that the mutual reinforcement of charisma and dogma is also at work there; but he draws a sharp distinction between the two new types of dictatorship. The Soviet policies summed up in the slogan of socialism in one country are described as mobilization for self-strengthening, whereas the Fascist regimes are mobilizing for outright conquest and a more extreme form of colonialism.

This was not the end of Slavík's engagement with Weber. During the war, he embarked on a long-term study of nation formation in the Czech lands. The second volume of that project, dealing with cities and nation in the later Middle Ages [*Slavík 1948*], contains no direct reference to Weber, but the echoes of his work on the city are unmistakable. Slavík describes the medieval city as a new form of social life, a new type of economic regime, and an embryo of the modern state. He goes beyond Weber in explicitly characterizing it as

a key phase in a long-term democratizing process (which in his view could also be traced back to the efforts of nobilities to limit the power of kings through elected representatives).

The work on nation formation was never completed. After 1948, Slavík was barred from publication, subjected to police harassment and twice briefly arrested, but not brought to trial. Some of his manuscripts were confiscated. Attempts to re-establish contacts with the community of Czech historians in 1968 were cut short by the Soviet invasion and the following purge. He died in 1978.

After the completion of the Communist takeover in 1948, there was no public space for encounters with Weber. But under these very oppressive circumstances, one of the most interesting – though strangely muted – Czech variations on Weberian themes was developed in clandestine conditions. Jan Patočka, now unanimously recognized as the greatest Czech philosopher, continued to work on a wide range of themes after he was expelled from the university in 1950. One of his main concerns was the problematic of modernity, not least in light of the experience of a Communist alternative that had gained more mass support in Czechoslovakia than elsewhere in Europe. He was, to the best of my knowledge, the first thinker to interpret modernity as a new type of civilization. That idea is first adumbrated in his philosophical diaries from the end of the 1940s, and it comes out of critical engagement with two authors. Patočka had read the first volumes of Toynbee's *Study of History*, seen reason to rethink the question of modernity on the basis of Toynbee's civilizational paradigm and found the most convincing clues to an answer in Weber's work. Weber is explicitly quoted in support of defining modernity as a rational civilization; but compared to Weber's own work, Patočka's emphasis is on the multiple and mutually sustaining rationalizing processes in modern societies, rather than on long-term developments that go back to Greek and Jewish origins. His most substantial discussion of this subject is to be found in an undated and unfinished text, probably written in the early fifties, much later circulated as *samizdat* and subsequently included in his collected works [*Patočka 1996*]. There he uses the term "super-civilization", obviously in order to stress the modern break with preceding types of civilization. Weber is only briefly mentioned, but implicit references to him are still significant, and the main innovation of this text is a variation on a Weberian theme. Patočka distinguishes two versions of super-civilization, moderate and radical. The former version, more or less identical with societies shaped by a liberal political regime (Patočka's view of economic liberalism was less clear), confronts a central cultural problem with social and political consequences. Its break with the traditional type of civilization, followed by diverse rationalizing processes and concomitant social differentiation, left it without the unifying patterns of meaning that had been possible in earlier cultural worlds. The moderate super-civilization, as defined by Patočka, develops various ways of coping with this problem, but he was particularly interested in the ability to enter into dialogue with older traditions. Patočka's main emphasis was on Greek sources, but the general perspective was in principle applicable to a broader spectrum.

The other version of super-civilization, radical but secondary in the sense that it emerged as a response to the moderate one, was characterized by an attempt to derive a definitive and comprehensive meaning from a totalized conception of rationality. In somewhat more Weberian terms, this was a project aiming to stave off a threatening loss of meaning through an imaginary absolutization of reason. It is worth noting that this interpretation avoids any reference to charisma; there is no trace of any "charisma of reason". As

Patočka saw it, antecedents of this historical phenomenon can be found in earlier phases of modernity, sometimes in seemingly diverse currents of thought, such as French Jacobinism and English utilitarianism); but the consummate expression of modern civilizational radicalism was the twentieth-century Communist project, with its pretensions to a scientific world-view, knowledge of historical laws and comprehensive planning of progress.

Patočka's writings from the later 1950s and the 1960s did not pursue the question of modernity as a civilization. He returned to this theme (among others) in the 1970s, with his "heretical essays on the philosophy of history" [*Patočka 2007*], widely regarded as his concluding philosophical statement. He now returned to the concept of rational civilization, again with an explicit but less than exhaustive reference to Weber; there was less emphasis on internal divisions of this civilizational formation than before (that change was surely not unrelated to the manifest decline of the Communist alternative). Further details of the evolving argument cannot be discussed here, but it is surely justified to speak of a "hidden dialogue with Weber", as does Jakub Homolka in his doctoral thesis [*Homolka 2016*], so far, the best discussion of the subject.

The cultural and intellectual revival that unfolded in Czechoslovakia during the 1960s (culminating in the Prague Spring) did not do much to rekindle interest in Weber; other themes and thinkers seemed more topical. But there are a few cases that merit mention. One of them has to do with the most interesting philosophical work of the decade, Karel Kosík's *Dialectics of the Concrete*. This book was very much an attempt to show that a revitalized Marxist mode of thought could match challenges and assimilate lessons from other traditions; responses to it have disagreed on the relative weight of phenomenological and Hegelian sources. There is no comparable Weberian connection, but a brief comment is meant to clarify the difference between Marxian and Weberian visions of history. It is certainly not one of the strongest parts of the book, but its very weakness is instructive and throws light on an issue often overlooked by self-professed Weberians. Kosík [*1965: 74–81*] argues that the difference between Marxian and Weberian views on economy and society is a matter of basic conceptual options: Marx (properly understood) thematizes the economy as a structure, Weber treats it as a factor among others. This distinction between structure and factor obviously posits the former as a "structuring structure", a totalizing part of the whole, in the sense that Marx had in mind when he referred to production as an "übergreifendes Moment". What Kosík overlooked was that precisely this kind of structure had been outlined by Weber in the *Zwischenbetrachtung*; the economic order of life, particularly in its capitalist version, is a structure with potentially macro-social implications.

A retrospect on Czech encounters with Weber in the 1960s, however brief, should not omit a remarkable input from a Czech in exile. Ferdinand Kolegar had (together with Jiří Musil) been a member of the last cohort of students enrolling in sociology at Charles University just before the discipline was banned and replaced by Marxism-Leninism. Having been excluded from further study and got into trouble because of dissenting views, he emigrated via Germany and Sweden to the United States, where he taught at Roosevelt University in Chicago. In 1964, *The Sociological Quarterly* organized a symposium on Weber; Kolegar contributed an article on rationalization and cultural pessimism in Weber's sociology. This was a very explicit and radical criticism of the then dominant American interpretation of Weber, represented most forcefully by Talcott Parsons. Against the emphasis on systematic theory (especially the theory of action), Kolegar stressed the "concerns

and issues which it has become fashionable to label as philosophical and to exclude from sociology", but also the "historical and comparative aspects" of Weber's work and the commitment to an "interpretative analysis of the totality of social existence" [*Kolegar 1964: 357, 355, 357*]. Taking his cue from the essay on objectivity, Kolegar was fully aware of Weber's debt to Rickert, but he also underlined the rejection of Rickert's "metaphysical axiology" and the focus on the historicity of cultural orientations and problems. Combining Weber's notion of *Wertbeziehung* with the metaphor invoking the light of cultural problems, Kolegar then argues that Weber's gradually emerging central theme was a value that was also a problem, namely rationality (and its processual aspect, rationalization); his insight into the fundamental ambivalence of rationality enabled him to "make the first major attempt at refining the sociological concept of rationality and to dissociate it from the ideology of cultural optimism and progress" [*Kolegar 1964: 363*]. This balanced line of argument allows for a certain recognition of cultural pessimism without making it a dominant note. The result was "a genuinely sociological analysis of a total society at a crucial point of its history" [*Kolegar 1964: 373*], rather than a guide to a general theory of social action or social evolution.

It would be difficult to find another 1960s text on Weber that would be as far from prevailing opinion of the time and as close to views that have gained ground in the wake of the *Gesamtausgabe*; and it may be added that one of its striking features, no doubt relevant to Kolegar's reading of Weber, is a reference to the first edition of Norbert Elias's work on the civilizing process, otherwise virtually unknown at the time.

Sociology was reinstated at Czechoslovak universities and research institutes from 1964 onwards. There were signs of interest in Weber's work (for one thing, a selection from his writings was printed for internal use at the party school), but that was not a major factor in this revival of the discipline. On the Western side, the influence of Talcott Parsons was more important; and as for contacts within the Soviet bloc, Zygmunt Bauman's distinctive conception of Marxist sociology was very well received in Czechoslovakia. There was, however, one episode concerning Weber that deserves special mention. In 1966, Jiří Musil (who later became the first post-Communist director of the sociological institute in Prague) published an article on "Max Weber's views on the role of science in society" in the *Sociological Journal* that had been founded in 1964. This was a systematic discussion of Weber's *Science as a Vocation*, and although there was no mention of official Marxist-Leninist views, Musil's unmistakable message was that Weber's ideas were a better basis for reflection on the subject of science and society than the party doctrine. There was a sharp reaction from the party watchdog, warning the editors of the journal against publishing this kind of heresy; but this was already a time of fluid and uncertain politics, soon to be followed by the reformist turn of the Prague Spring, and no further measures were taken.

The two decades following the invasion of 1968, known as the period of "normalization" (a term first coined by the pro-Soviet leadership that ousted the reformists but later used in a strongly negative sense) were obviously not a favourable time for genuine engagement with Weber, or any other thinkers beyond the pale prescribed by Maxist-Leninist orthodoxy. There was more attention to Weber in official criticism of "bourgeois" thought, but that is not a matter worth further comment. Radical change came with the "velvet revolution" at the end of 1989. The intellectual atmosphere of post-Communist

Czechoslovakia and – after 1992 – the Czech Republic was receptive to previously forbidden classical and contemporary currents of thought, but owing to the disproportionate influence of neo-liberalism, the results were somewhat one-sided. In this context, interest in various aspects of Weber's work found expression in multiple terms and ways: but it can hardly be said that he has received the broad, balanced and critical reception that he deserves. Some significant responses should be mentioned. The most important translations are a selection from Weber's writings on methodology, sociology and politics, translated, edited and introduced by Miloš Havelka, published in 1998, and a full translation of the *Protestant Ethic*, by Miloš Havelka and Aleš Valenta, published in 2023. As for publications on Weber, the most detailed work is a book on Weber and interpretations of his thought, published in 2005 by Marek Loužek; but as reviewers have noted, it is more on the descriptive than the critical-interpretative one. Noteworthy articles were written by Miloš Havelka [*1992*], on Weber and Neo-Kantianism; Jiří Musil [*2007*], on knowledge and action from a Weberian perspective; and Miloslav Petrusek [*2007*], on the reception of Weber's work in Central and Eastern Europe. It is to be hoped that this issue will rekindle interest in Weber and inspire further debate.

**Contents of This Issue**

All contributors to this issue have, in one way or another, been involved in recent debates about Weber's work. The issue begins with a paper by Keith Tribe, one of the foremost Weber scholars in the English-speaking world; he has written on many aspects of Weber's work and produced better English translations of Weber than were previously available. His present text deals with an early phase of Weber's career. The themes and arguments adumbrated in his Freiburg and Heidelberg lectures during the 1890s are among the aspects brought into better perspective by the publication of his collected works; it has now become clear that these lectures foreshadowed many significant developments in Weber's later work. They throw light on his first approaches to the question of a Protestant background to the spirit of modern capitalism, his critical engagement with Karl Marx, and his evolving views on socialism and the workers' movement.

The two following papers deal with political themes, but of a very different kind. Andreas Anter has published extensively on Weber's political sociology, with particular emphasis on his conception of the state. It has often been noted that Weber's definitions of the state vary from one context to another; his last university course, now known only through note taken by students, was designed to cover this problematic in a more systematic way, but the project was cut short by his death. Anter's paper raises the question of a key to the unfinished and partly divergent lines of interpretation, argues that the main point is to adopt a process-oriented perspective, and specifies this through a definition of the state as a complex of actions that take shape gradually and face challenges and transformations. The focus on degrees and directions of statehood makes Weber appear as a more important pioneer of scholarship on state formation than has mostly been assumed.

Edith Hanke was the general editor of the Max-Weber-Gesamtausgabe and sole editor of the volume on the sociology of rule; she was also co-editor of the Oxford Handbook of Max Weber. Her paper discusses a topic complementary to Anter's analysis of statehood, especially its modern version, but very differently treated by Weber. He did not write

any substantial text on the public sphere, but a picture of his views on this subject – later recognized as a crucial theme of political theory – can be put together on the basis of his various political interventions and suggestions for research to be done. The most interesting piece of evidence is a project of inquiry into the press and its role in the formation of public opinion; it was never realized, but Weber's formulation of the project and ways of justifying it are revealing of his general approach to a field of some importance to his sociology of rule.

Toby Huff's contribution is the first instalment of a larger project, and therefore somewhat less self-contained than the other papers. Weber's sociology of law has been less extensively debated than other major parts of his work, and there is still much work to be done on its place and significance within his overall agenda. Huff proposes to tackle this problem from historical and comparative perspectives; the former is already evident in Weber's analyses of legal development, which Huff reconstructs in some detail, whereas the second was not developed in ways that would have corresponded to the comparative studies of religious and political pattern, and further work in that vein will call for a much broader scope. Huff outlines ideas for comparison with Islamic, Russian and Chinese law.

Among responses to Weber's work outside Germany, the Japanese one stands out as the most intensive and sustained; it began in earnest – with the first translations – in the 1920s and is still vigorous. Edith Hanke's recent survey of Weber translations counts 194 Japanese publications of that kind [*Hanke 2022: 174–180*]. The United States is next on the list with 118 publications, Italy third with 68. Wolfgang Schwentker knows the story of Weber studies in Japan better than any other Western scholar. His book on this subject [*Schwentker 1997*] traces it from the first mention of Weber to the last decade of the twentieth century. His paper in this issue describes the journey (literal and figurative) of a key figure in the field, Andō Hideharu; it throws light on the human dimension of Japanese engagement with Max Weber.

The publication of Max Weber's collected writings has reactivated questions about the unity of his work. Its markedly multi-perspectivistic character makes this issue difficult to settle. Jóhann P. Árnason's paper argues against attempts to apply such concepts as paradigm or research program (both influential in contemporary philosophy of science) and in favour of the concept of problematic, originating from the French philosophical tradition but so far less clearly defined than the two others. It connotes a more ambiguous, consciously fragmented and exploratory set of approaches; by the same token, it invites an effort to excavate latent presuppositions and spell out implicit connections. The result would not be a return to Weber, but might be a better way to combine his insights with those of later thinkers who have – at least in partial regards – moved beyond his horizons.

Thanks are due to the German and anglophone contributors, for agreeing to participate in a project coming from outside the metropolitan domain of scholarship; and especially to Keith Tribe, who helped in various ways beyond writing his paper.

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# Max Weber as Professor: Freiburg and Heidelberg, 1894–1903

KEITH TRIBE*

**Abstract:** Five of the seven volumes in MWG III, devoted to Weber's academic lecturing, present notes from his teaching on political economy, finance and economic policy in Freiburg and Heidelberg before 1900. Detailed historical understanding of these subjects during this period in Germany is today limited, rendering Weber's teaching relatively inaccessible for modern readers. All the same, the raw state of this material lends us a window into Weber's reading and interests in a way mostly denied us in MWG I, which assembles published material for which the drafts, typescripts and proofs are almost all lost. An outline of Weber's lecturing 1894–1900 is provided, and especial attention given to MWG III/4, devoted to "The Worker Question and the Workers' Movement". The editor, Rita Aldenhoff-Hübinger, emphasises that this topic was not uncommon in contemporary university teaching, and that Weber made good use of contemporary sources. Besides reproducing Weber's own lecture notes, a Freiburg student Nachschrift – a fair copy written up after the lecture from shorthand notes – exists that sheds much light on the way in which Weber presented his material. Similarly, Else von Richthofen's fair copy of her notes from Weber's Heidelberg lecture course on agrarian policy (MWG III/5) confirms the lucidity with which Weber talked in the lecture room, based on notes that were at times quite limited.

**Keywords:** Max Weber; political economy; economic policy; agrarian policy; workers' question

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In July 1898, aged 34, Max Weber's short, intense and successful career as a university professor began to fall apart. In June he had reported being plagued by sleeplessness [*MWG II/3.1: 499*]; on 16 July he formally applied to be released from teaching for the final two weeks of the Heidelberg summer semester so that he might go on a *Kur* [*MWG II/3.2: 515*]; by 25 July he was in a mental institution in Konstanz, where he spent three months before returning to Heidelberg [*MWG II/3.2: 520–521*]. In January 1900, after abortive attempts to resume regular lecturing, he made his first formal request to be released from his post, that a successor be appointed and his status and duties reduced to those of a *Privat-Dozent* [*MWG II/3.2: 712-1*]. Reluctant to lose such a successful young academic, the Baden administration in Karlsruhe demurred, and it was not until 1903 that Weber achieved the clean break that he desired. Fifteen years later, for the Summer Semester of 1918, he accepted an invitation to teach one course in Vienna on a trial basis, elaborating arguments he had sketched out in the 1913 essay on categories. Completing the lectures, he concluded there was after all no way back, that he found lecturing an exhausting and tedious exercise. But in the spring of 1919, he accepted an appointment at Munich, repeating in a short summer semester the material he had presented in Vienna, then for the winter semester presenting his last complete course of lectures, later reconstructed from

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student notes and published as his *General Economic History* [*Tribe 2019: 22–24*; *Weber 2023*]. Presenting a new course on *Staatssoziologie* during the Summer Semester of 1920 he fell ill in late May, and died in June.[1]

That Weber, once he assumed his teaching duties in Freiburg during the autumn of 1894, only taught fourteen semesters during the following twenty-six years – four semesters of which were in some respect or other incomplete, so ten full semesters out of the following fifty-two – has perhaps contributed to the neglect of this aspect of his work, given the scope and volume of his subsequent published writing. It is also likely that the tendency to discount "teaching" as a significant part of academic activity has also played its part. These priorities were reflected when in 1981 the programme for the *Max Weber Gesamtausgabe* was published. It was divided into three sections: 23 volumes of writings, speeches and unpublished drafts [*MWG I*]; 8 of correspondence [*MWG II*], and 2 volumes of lectures, the *General Economic History* plus one of unspecified lecture notes by Weber and notes on these lectures by students [*MWG III*].[2] As it turned out some forty years later, there are 24 volumes in MWG I; 10 in MWG II; but now 7 in MWG III. Most of the contents of MWG I were already in the public domain; the correspondence now included in MWG II has been significantly supplemented beyond the material preserved until the early 1990s in the former GDR, and so not readily accessible for scholars;[3] while in 1981 no-one seems to have been aware at all that the Merseburg archives also contained Max Weber's lecture notes from Freiburg and Heidelberg, which now fill five of the seven volumes of MWG III. Given the general absence of manuscripts, typescripts or proofs against which the contents of MWG I can be checked, these lecture notes are a unique resource. They provide an entirely new perspective on Max Weber's interests, reading, and working methods. As we already knew from the MWG edition of *Politik als Beruf*, published in 1992 as MWG I/17, Weber's own lecture notes were sparse and scrappy; but diligent editorial work has shed much light on this apparently unpromising material.

The primary editorial work done on the lecture notes, as with the correspondence, was transcription, emendation, and the provision of biographical detail. This was itself a major and time-consuming undertaking. With MWG I the manuscript and typescript source material (now with minor exceptions entirely lost) had mostly already been set, proofed and published, and the general value of the relevant editions depends on the quality of the editorial work done on material which was already available. This is variable from volume to volume, but it is possible to single out the major scholarly achievements represented by Knut Borchardt's edition of the writings on the Bourse [*MWG I/5*], and Edith Hanke's

[1] The course briefly summarised positions outlined in the lectures of Summer Semester 1919, then developed in a more formal manner material presented in the third chapter of *Wirtschaft und Gesellschaft* – see MWG III/7.

[2] *General Economic History* had been compiled in the early 1920s from student notes by its editors, Siegfried Hellmann and Melchior Palyi, but these sources were not retained. The general veracity of the continuous narrative they produced could later be confirmed from the two sets of shorthand notes published in MWG III/6 – hence *Mitschriften*, made during the lecture. However, if students write up notes into a continuous narrative shortly following their attendance at a lecture, they will tend to reproduce the broader sense of what the lecturer said (*Nachschriften*), and there are two sets of notes of this kind from the 1890s. It is possible that Hellmann and Palyi worked from both *Mitschriften* and *Nachschriften*, which would have made the construction of a continuous narrative much easier, and less speculative.

[3] The insights in Wilhelm Hennis's essays on Weber during the 1980s were in part supported by his visits to the archives in Merseburg.

edition of the drafts on *Herrschaft* [*MWG I/22-4*].[4] Generally speaking, the editors of the lectures have refrained from exploring too deeply their substance, but the care with which they have been assembled make it possible for the reader to do this work. Handed over to the Prussian State Archives in June 1943 by Marianne Weber, after the war they ended up in the GDR's Merseburg archive, where in the early 1950s they were re-ordered into sections without any prior account being made of their condition and organisation.[5] Returned to Berlin in 1993, Wolfgang Mommsen re-divided and arranged them, so that the editors

*Table 1.* Max Weber's Teaching in Freiburg and Heidelberg (MWG III/7: 123–124)

| **Freiburg** | | **Weekly load** |
|---|---|---|
| WS 1894–95 | Allgemeine und theoretische Nationalökonomie | 4 hours MWG III/1 |
| WS 1894–95 | Finanzwissenschaft | 4 hours MWG III/3 |
| SS 1895 | Praktische Nationalökonomie (Volkswirtschaftspolitik) | 4 hours MWG III/2 |
| SS 1895 | Die Deutsche Arbeiterfrage in Stadt und Land | 2 hours MWG III/4 |
| SS 1895 | Agrarpolitik | 2 hours MWG III/2 |
| WS 1895–96 | Theoretische Nationalökonomie | 5 hours MWG III/1 |
| WS 1895–96 | Geld-, Bank- und Börsenwesen | 2 hours MWG III/2 |
| SS 1896 | Theoretische Nationalökonomie | 5 hours MWG III/1 |
| SS 1896 | Geschichte der Nationalökonomie | 1 hour MWG III/1 |
| WS 1896–97 | Nationalökonomie | 5 hours MWG III/1 |
| WS 1896–97 | Finanzwissenschaft | 4 hours MWG III/3 |
| **Heidelberg** | | **Weekly load** |
| SS 1897 | Allgemeine ("theoretische") Nationalökonomie | 6 hours MWG III/1 |
| WS 1897–98 | Praktische Nationalökonomie: Handels-, Gewerbe- und Verkehrspolitik | 5 hours MWG III/2 |
| WS 1897–98 | Agrarpolitik | 2 hours MWG III/5 |
| SS 1898 | Allgemeine ("theoretische") Nationalökonomie exkl. Litteraturgeschichte | 5 hours MWG III/1 |
| SS 1898 | Arbeiterfrage und Arbeiterbewegung | 2 hours MWG III/4 |
| WS 1898–99 | Praktische Nationalökonomie | 5 hours MWG III/2 |
| WS 1899/1900 | Agrarpolitik | 2 hours MWG III/5 |

[4] See Knut Borchardt [*2002*] a translation of his "Max Webers Börsenschriften. Rätsel um ein übersehenes Werk", Bayerische Akademie der Wissenschaften, Philosophisch-Historische Klasse, *Sitzungsberichte* 2000 (4); and my review of MWG I/5 [*2002*]. For Edith Hanke, see my review of MWG I/22-4 [*Tribe 2017*].

[5] This same neglect was characteristic of the draft material left in Weber's study at his death.

could work with the materials related to one course of lectures. As is usual with lecture notes, they were re-used, revised and supplemented for subsequent courses, so for example the lecture notes we now have on "theoretical economics" have travelled a long way from their initial state.

Prior to assuming his full professorship in Freiburg Weber had been teaching in the Law Faculty in Berlin, primarily on commercial subjects since he had begun by deputising for Levin Goldschmidt, the supervisor of his doctoral dissertation on medieval trading companies. The full manuscript of the dissertation had been submitted in February 1889 [*MWG II/2: 182–183*], then a printed version of Ch. III for formal examination followed during the summer, while the complete dissertation was published in October. Already in May 1889 he wrote to his uncle, Hermann Baumgarten, that he had in mind completing a *Habilschrift* on Roman agrarian relations [*MWG II/2: 187–188*], which would qualify him as a university teacher. His legal training was completed in October 1890 with his second state exam, having previously applied to work for the Bremen Chamber of Commerce; but his qualifying examination came too late [*MWG II/2: 214*], he failed to be appointed to the post and he made no further applications for permanent non-academic legal employment. Living at home in Berlin he regularly attended an informal Thursday evening meeting of a "Staatswissenschaftliche Gesellschaft" and wrote to his uncle in January 1891 that he had become "one-third economist" [*MWG III/2 22*]. In late October 1891 he had formally submitted an application for his *Habilitation* [*MWG II/2: 254*]; by 5 February 1892 the process was complete and he was qualified as a *Privat-Dozent*.

Shifts in national politics now played a part in the development of Weber's career. The Verein für Socialpolitik had been founded shortly after German Unification in 1871 as a national organisation of historians, economists, lawyers, politicians and public officials dedicated to investigating and publicising the "social question" – the social condition of the German people. Following Bismarck's resignation as Chancellor in March 1890 and a general opening-up of national politics the Verein now seized the opportunity of repositioning itself as a body offering the government counsel on public policy. Its first move was to propose in September 1890 a national survey of the situation of rural workers, circulating two questionnaires to rural employers between December 1891 and February 1892 [*MWG I/3.1: 3–5*]. Max Weber was commissioned to write up the results for East Elbia, the heartland of the Prussian aristocracy [*Tribe 1983: 195–196*]. In May he also accepted a proposal from Gustav Schmoller that he make a presentation of the topic at the forthcoming annual meeting, scheduled for September in Posen, but postponed to March 1893 in Berlin because of a cholera epidemic. His substantial and detailed report was ready by the autumn and published in December 1892 [*Weber 1892*]. The 28-year-old Max Weber then delivered the plenary address to the VfS annual meeting, outlining the organisation of rural work, literally "the constitution of rural labour" [*Weber 2019*].

Now qualified to teach in the university, Weber had already during Summer Semester 1892 presented two lecture courses, on the Roman law of property and on insurance law, and then three during the Winter Semester 1892–93: on Roman legal history, commercial law and the law governing bills of exchange, substituting for his teacher Levin Goldschmidt who had fallen ill. His VfS report had immediately lent him a national profile; from late 1892 he became the subject of various provisional discussions regarding an appointment as a professor of law other than in Berlin [*MWG II/2: 6*]. Meanwhile Max Sering, Professor

at the Berlin Agricultural College and who had in 1891 originally proposed the VfS survey of rural labour, was approached as the preferred successor to Eugen von Philippovich, the professor of economics at Freiburg who was moving to Vienna. On 3 March 1893 – hence before 20 March 1893, when Weber addressed the annual meeting of the VfS – Schmoller wrote to Friedrich Althoff, the Prussian Minister for Higher Education, suggesting that if Sering took the Freiburg post, then Max Weber would be a suitable replacement for the vacancy created in Berlin [*MWG II/2: 7*]. Given Max Weber's work on Roman agrarian relations, and the positive reception of his text on East Elbian rural labour, he was therefore already being considered as a candidate for positions outside the standard legal curriculum, reflecting his growing interest in economics, agrarian history and contemporary policy. Then, in June 1893, Sering turned down the proposal from Freiburg. In July the faculty in Freiburg drew up a new list of candidates for the post, with Max Weber now at its head.

Althoff had in the spring of 1893 floated the possibility of an appointment for Weber as an "extra-ordinary" Professor of Law in Berlin, normally an unpaid post but remunerated by lecture fees, regularising his position as *de facto* deputy for Goldschmidt. There was much confusion during the following months, Althoff prevaricating about the proposed appointment, sounding out Weber's intentions, the relevant official in the Karlsruhe ministry going on holiday and so stalling the Freiburg proceedings, Weber eventually at the end of 1893 being appointed as a salaried "extra-ordinary" Professor of Law in Berlin, the faculty in Freiburg then drawing up a third list of candidates and for the second time putting Max Weber in first place, until finally in April 1894 Weber accepted the Freiburg post. The convolutions of Weber's transition from an "extra-ordinary" Berlin Professor of Commercial and German Law, teaching during the Summer Semester of 1894 four courses over eight hours a week – law of the sea, agrarian law, commercial law, insurance law – to a full Professor of Political Economy and Financial Science at Freiburg a few months later in the Winter Semester of 1894–95, are laid out at some length in the second volume of correspondence [*MWG II/2: 6–11, 320–323*]. The editorial apparatus supplied by Rita Aldenhoff-Hübinger lays to rest to some of the more conspiratorial stories about Althoff, Berlin, Prussia and the German states that have been linked with Weber's transition of 1893–94. But these stories should not distract attention from the fact that Max Weber, a fully-qualified academic teacher of commercial law, had from early 1893 developed a profile as a leading specialist on the German rural economy and labour organisation that could serve as a basis for an appointment in political economy.

But the complexities of this period do not end there. That Weber also during 1894 rapidly became an expert on stock and commodity exchanges, composing the first part of an outline for a Workers' Library publication during the summer of 1894, reviewing the results of an investigation into the functioning of stock and commodity exchanges published in the specialist journal *Zeitschrift für das Gesammte Handelsrecht* in four parts during 1895–96, on this basis contributing two articles on stock and commodity markets to Conrad's *Handwörterbuch der Staatswissenschaften*, being appointed to a provisional national advisory committee on the regulation of exchanges in 1896 but excluded in 1897 from the permanent following Junker machinations, being the first academic to lecture on Financial Science in a German university – hardly any of this is illuminated in his correspondence, or by any other sources. We are fortunate that Knut Borchardt's magisterial editorial introduction to the writings on *Börsenwesen* [*MWG I/5.1: 1–11*] provides

a thorough account of the regulatory and policy issues arising out of the operation of stock and commodity exchanges in later nineteenth century Europe, clearly connecting with Weber's political and policy interests. Max Weber had in the course of just over three years first dissected the functioning of agricultural labour markets, then gone straight on to the analysis of financial markets. He quickly gained a reputation as the leading specialist in both fields. The energy he brought to his practical and institutional mastery of market functioning was then applied to the academic study of political economy and financial science during the Winter and Summer semesters in Freiburg, rendering more understandable the breakdown that he eventually experienced in 1898.

His first task in Freiburg during the autumn of 1894 was to put together courses on both general economics and financial science while lecturing on each of them four times a week. Since there were usually more students during the summer than the winter semester in Freiburg the general economics course was usually given in the summer, and that on "Practical Economics" in the winter. But this arrangement went awry at the start, due to decisions made before Weber arrived, and his efforts to get the programme back on track merely led to him repeating the same course another three times in Freiburg, and then immediately again when he arrived in Heidelberg. But he did get the desired alternation in place for the winter of 1897–98, and then prepared a more elaborate version of the general course, complete with printed guide, for the Summer Semester of 1898. But this was the semester in which he was increasingly distracted by his sleeplessness, and he never taught the subject again. All told, he repeated the course with which he had begun in Freiburg another five times, and since the papers now reflect where he had got to, but not directly where he had started out, we cannot know exactly how and what he taught as general economics in the autumn of 1894. On the other hand, the lectures on Financial Science that he gave in the autumn and winter of 1894–95 were only repeated once more, in WS 1896–97, and so we can assume that these notes reflect more closely where he had started out. Similarly with "Practical Economics", while he should in theory have taught this course three times in Freiburg, in each of the winter semesters, he actually only presented it once, in the summer of 1895, then repeated it in Heidelberg during the winter semester of 1897–98, then limping though it for the third and last time during the autumn and winter of 1898–99. Agrarian policy he taught three times; the "labour question" twice.

As I have shown elsewhere systematic comparison of Weber's exposition of general economics with that of his predecessor Philippovich's own textbook reveals an interesting mix of convergences and divergences; but above all, how rapidly Weber mastered the basic principles and materials of his new subject [*Tribe 2019: 44–47*]. Any adequate survey of the five volumes of lectures would need far more space than is available here; I will instead outline what we can learn about Weber's working methods, the sheer range of material that he successfully mastered, and how this was reflected in his own lecture notes and two sets of student's *Nachschriften* – fair copies of notes written up as a continuous narrative that must reflect how Weber built upon his notes in oral presentation. Importantly, these materials are, besides two sets of student notes from Knies's Heidelberg lectures in the early 1880s, the only direct evidence we have of how the emergent subject of economics was presented to German students during the heyday of the "German Historical School".

Weber had in fact registered for Knies's lectures in his second student semester at Heidelberg, SS 1883 [*MWG II/1: 329*], since evidence of attendance at a course of lectures on

political economy was by then a required part of a training in law. In an essay originally written in 1984 Wilhelm Hennis drew a clear line from Knies to Weber on the basis of the new 1883 edition of Knies's textbook [*Hennis 2000: 119–143*; *Knies 1883*], arguing that here was the origin of Weber's "Science of Man". But on the narrower technical front of basic principles as presented in lectures, Weber's allegiance in the later 1890s was primarily to the new Austrian wave of economists, initiated by Carl Menger's *Grundsätze der Volkswirthschaftslehre* [*1871*] and during the 1880s developed by Eugen von Böhm Bawerk and his brother-in-law Friedrich von Wieser [*Tribe 2010*]. Knies's textbook had originally been published in 1852, and the revisions to the new edition were separate additions, *Zusätze*, so that it is easy to identify in what way Knies's text had been updated to reflect the major shifts in political economy since the early 1870s, let alone the 1850s. Knies entirely overlooked the significance of Menger, indeed made no reference at all to any Austrian writing and instead heavily criticised the work of Léon Walras for its mathematical nature [*Knies 1883: 501ff.*].[6] He did recognise that a major shift in what counted as modern political economy had occurred; but he associated this not with any "Marginal Revolution" of the 1870s but with a new socialist political economy – of Rodbertus, Marx, and Lassalle. He associated them with the idea of labour as the source of all value, hence after all as continuous with the core principles of early nineteenth century Franco-British political economy, an abstract system of production and distribution in which there was no place for human agency – and so actually quite unlike the early nineteenth century *Nationalökonomie* upon which Menger himself explicitly drew. So confused was Knies about recent developments in political economy that he saw Walras as a continuation of Ricardo.

In fact Böhm-Bawerk and von Wieser had attended Knies's lectures and contributed to his seminar in 1876 [*Hennings 1997: 10*], but as Kiichiro Yagi observes in his introduction to a set of Knies' lecture notes from 1886, the conception of market price that he there advances owes nothing to the new theory [*Yagi 2000a: 10*]. Furthermore, the broad similarity of these notes from the period immediate following Weber's attendance at Knies's lectures with another set of notes dating from the Summer Semester of 1880, two years before Weber's first casual attendance in Summer Semester 1882, confirms the regular manner in which Knies reproduced the content of his lectures.[7] Knies begins both courses with a systematic overview, starting from with the definition of concepts, the relation of the legal order to economics, the divisions of political economy and its literature. In Seligman's notes from 1880 the textbooks listed are those of Rau, Roscher, Hildebrand, Knies, Schäffle, Lorenz von Stein, Mangoldt, and Hermann. In 1886 the list is similar, excluding von Stein and adding Schönberg's *Handbuch der politischen Ökonomie* and Kohn's *Lehrbuch*. The most recent book listed is Bischof's 1876 *Grundzüge eines Systems der Nationalökonomie* [*Yagi 2000b: 21*]. Schäffle was Menger's predecessor in the Vienna chair, and Knies adds the comment that his textbook "is very productive"; while Mangoldt is relegated in this later listing to "smaller works". None of the newer work in economics, in German or any other language, is here included.

[6] We can assume that Knies only had a copy of Walras's *Éléments d'économie politique pure* [*1874*] because Walras had sent him one, which was something he regularly did to publicise his work – letter of Knies to Walras, 22 September 1874, Letter 299 [*Jaffé 1965: 429*].

[7] "National Oekonomie. Prof. Knies April 1880", Edwin R. A. Seligman Papers Box 86 Notebook IV, Rare Book and Manuscript Library, Butler Library, Columbia University.

All of which is to say: Weber had indeed attended a course of lectures on political economy as a student, but what he presented eleven years later in 1894 bore little relation to what had been conveyed to him then about the basic analytical framework of contemporary economics. How did he manage to finish teaching four courses in commercial law in Berlin at the end of SS 1894, then begin teaching a course in general economic theory the same October in Freiburg, without anyone apparently noticing that he had never done this before? Part of the answer to this can be found in the editorial work done on the lectures on "Practical Economics" included in MWG III/2, which he began teaching in SS 1895.

Hauke Jessen and his editorial team asked the question: so if Weber was a novice lecturer in economics getting up lectures in a field entirely new to him in the summer of 1894, how did he manage to lecture from Tuesdays to Fridays for one hour a day throughout SS 1895 and give the impression he knew what he was talking about? Jessen homes in on the issue of where the material used by Weber comes from, and how he used it. With hindsight, the first point is almost predictable: Weber ransacked by topic the substantial handbooks available to him. His principal sources were the *Handwörterbuch der Staatswissenschaften*, the first edition with two supplementary volumes including about 2000 entries (70 separate articles are identified as Weber's sources – MWG III/2: 97); Schönberg's *Handbuch der Politischen Ökonomie* in its third and fourth editions that contained only a few dozen entries, but in greater detail than the *Handwörterbuch*; journals such as Schmoller's *Jahrbuch* and Conrad's *Jahrbücher der Nationalökonomie*; materials from the reports of the Verein für Socialpolitik; together with titles in a series he jointly edited with fellow economics teachers in Baden [*MWG III/2: 10–11*]. The editorial report to the volume also includes two plates of pages from Weber's notes, showing how this core material was supplemented in the margins by more detailed data and material related to texts cited in the further reading to the entries Weber had consulted [*MWG II/2: 100–102*].

Jessen then goes on to examine the relationship between direct quotations and their sources, establishing that a direct quotation could often be traced to a handbook entry, while this entry itself was not mentioned in the lecture notes – giving the auditors of the lectures the impression that he had read far more widely than he really had. Indeed, the bibliography assembled from the lectures [*MWG III/2: 748–769*] identifies those entries that are not directly mentioned in the lectures, but can be assumed to be sources for them. By my count there are 88 of these.

As for the oral presentation of Weber's lectures, the scrappy nature of the notes he used implies that he relied heavily on his own ability to present a coherent narrative from a rough outline. He was very good at this. In the summer of 1895, he taught the *Praktische Nationalökonomie* course four times a week at 11 a.m., and so he had some time in the morning to go through materials and add to them so that everything was fresh in his mind during the lecture. There again, constantly working in this way with unfamiliar material is very stressful, and given the nature of his breakdown – that he lost confidence in his ability to speak, and ever after hated lecturing – this does seem a plausible contributing factor in his eventual retirement in 1903 from any obligation to lecture in Heidelberg, and the long break before he tentatively started again in Vienna in the summer of 1918.

Set against the lectures on economic history from 1919–20, we can perhaps better appreciate that the account of those lectures we now have is not a confection whose coherence comes to a greater or lesser extent from Hellmann and Palyi as the editors of student

notes; rather, as evidence of the range but also the consistency of Weber's intellectual interests, rooted in his very earliest work. The essential task of placing the *Wirtschaftsgeschichte* in its proper context has still barely begun, after almost a century. Jessen's account of the lectures on *Praktische Nationalökonomie* does seek to provide such a context, hampered however by the generally poor quality of existing historical commentary on the "German Historical School" to which Weber claimed allegiance, and a tendency to overlook that in an increasingly international context – of politics and economics, of economy policy and economic "theory" – German academics were increasingly detached from their European and American colleagues. The two contemporary English-language standard authorities on trade, Frank Taussig [*1892*] and Charles Bastable [*1887*], are not mentioned in the bibliography of MWG III/2. Here Weber reflected the limitations of his German colleagues, an important feature of any context: an absence.

But there are also clues in these lectures to his later interests. In 1910 Weber maintained in passing that his arguments on religion and the "spirit" of capitalism went back to lectures he had given twelve years before. He was referring to his lectures on *Praktische Nationalökonomie*. In reviewing economic development since the Reformation, the ideals of Catholic "utopians" like Campanella, the role of Jesuits in South America [*MWG III/2: 236–243*], he sketches out the economic consequences of particular Christian ideals. And there is more: having already argued that societies based upon slave labour were doomed to long-term decline, he here elaborates that idea in a comparative account of Brazil, the United States, and China. Here we see the Weber we "know" in the process of its formation, and it changes what we think we knew.

We can see more directly the relationship between the production and delivery of Weber's lectures in MWG III/4, "The Workers Question and the Workers' Movement". He lectured on this twice a week in Freiburg during SS 1895, and then again in Heidelberg during SS 1898. The manuscript of Weber's original notes was revised and added to for 1898, but this does not seriously alter what we are able to conclude from it. For there is also a student *Nachschrift* for the Freiburg lectures [*MWG III/4: 250–310*], 166 pages in the original notebook, and so a substantial record in its own right. By comparing the *Nachschrift* with Weber's own notes we can see how successfully Weber converted his lecture notes into a coherent and fluent oral narrative.

Rita Aldenhoff-Hübinger's introduction to this volume is especially helpful, since she begins by making clear that this topic existed uncontroversially in German university lecture programmes. She demonstrates how widespread formal lecturing on socialism and workers' movements during the 1880s and 1890s was – so that, for example, Schmoller, Wagner, Sering and Oldenburg all lectured regularly on the social question and the history of socialism in Berlin [*MWG III/4: 5*]. Similar lecture courses were given in Breslau, Freiburg, Strasbourg and Tübingen. In Heidelberg Knies lectured on "The History of Economics and of Socialism, with reference to Communist Doctrines" during WS 1895–96 and WS 1896–97. Both Georg Adler and Heinrich Herkner taught in Freiburg, and importantly had published books on the subject [*Adler 1885*; *Herkner 1894*]. Lujo Brentano, Weber's eventual predecessor in Munich, had early in his career studied English trade unions and published a major two-volume work on the subject in the early years of the newly-united Germany [*1871/1872*]. When Weber moved to Heidelberg for SS 1897 Emil Leser was giving a special lecture course on "Contemporary Socialism", and

a *Privat-Dozent*, Carl Kindemann, also taught a course of "The Worker Question in Industrial Life" [*MWG III/4: 14*]. Both repeated the courses in the following winter semester, while 50 students registered for Max Weber's course on the workers' movement during SS 1898, including Else von Richthofen. Moving back to the teaching in Freiburg, Weber's colleague Schulze-Gävernitz had also studied the English trade union movement, and his *Zum socialen Frieden* [*1890*] traced its development from Chartism to the contemporary union movement. 35 students signed up for Weber's Freiburg lecture course on "The German Worker Question in Town and Country" in SS 1895, as against 19 for his course on "Praktische Nationalökonomie" [*MWG III/4: 13*].

Weber's lectures on general economics began with "Begriff der Wirtschaft" [*MWG III/1*: *200*][8]; so too the lectures on the *Arbeiterfrage*:

> § 1. Introduction: Concept of the Worker Question
> A **problem** that is involved with **workers**.
> Existence presupposes that a **group of people** exist which distinguishes itself as "**workers**" from **others**, and therefore rightfully have this as a special characteristic.
> If this is in fact the case
> 1. **Of what does the characteristic feature** of the worker consist?
> Others **work**, not only intellectually but **physically** (master shoemaker)
> **Works for others**. – In a certain sense everybody today **works for others**: for the purpose of **exchange** (even the **master** shoemaker).
> What is specific to the "working for others" of the worker? [*MWG III/4: 73*]

Weber proceeds through clarifications and specifications of the nature of work, subordination, liberty, exchange and competition, arriving over a page of notes later at "the modern form of **economic rulership**, the rule of man by man, in **contrast** to other economic circumstances, personal dependency" [*MWG III/4: 75*].

The *Nachschrift* opens as follows:

> Introduction §1. Concept of the Worker Question
> The Worker Question presupposes, that men and women (*Menschen*) are distinguished from others as workers. What are the characteristic features of the worker?
> Initially one might say: the worker works **for** others. Thereby is distinct from a craftsman. But that cannot be the particular feature of the worker, because everyone works for others, in that each produces for exchange, so for the use of others. It could further be said: the worker offers services, others, the master craftsman, the factory owner and so forth, commodities. [*MWG III/4: 250*]

And so Max Weber's concise notes are transformed into his speech, presumably noted in shorthand by this student, then converted back into a record of this speech as a continuous narrative that reproduces the points Weber had prepared in the way that he spoke them.

That Weber began his lectures on the "worker question" by defining what a worker was, following this with a historical account of unfree labour organisation from antiquity to the Middle Ages, subsequent to which there emerged the modern form of free

[8] "'Economic action' (*Wirtschaften*) is a particular form of external human purposive action, i.e. of conscious behaviour towards goods and people; motivated/brought about by those **needs** which for their satisfaction require 'external' means …" (translated for sense omitting editorial insertions).

rural workers and the genesis of a working class – this was the way that any Professor of Law would proceed. Not like Georg Simmel, who had studied philosophy; or Friedrich Gottl who, trained as a philosopher, tried his hand at this kind of conceptual elaboration but never got beyond the concept of a concept [*Tribe 2019: 53–55*]. It is also here quite evident where the structure of the first three chapters of *Economy and Society* originates, as distinct from the earlier, discursive, manuscripts appended to them by Marianne Weber. MWG III/4 lays out the structure of the *Nachschrift* in parallel with the lecture notes, showing how some sections of the lectures as delivered were abbreviated by the student – comparison of the student's version of Weber's account of Marx's *Das Kapital* with Weber's notes highlights that much of the detail Weber presented simply passed this student by [*MWG III/4: Weber's notes 174–179, the student's version 303–306*]. What is indeed very striking about these passages in Weber's lectures is the fluency and detail with which he described the development of Marx's account of capitalism. When talking of the labour movement in France, England and Germany Weber clearly draws upon Herkner [*1894*]; Adler's book was devoted to the German labour movement, while further detail of the English labour movement would have been found in Brentano, if not in Conrad's *Handwörterbuch der Staatswissenchaften*. But however limited Weber's sources might have been, evident throughout the student *Nachschrift* is that Weber's oral delivery provided a structured historical narrative that accurately reproduced the accounts we can find in Brentano, Adler and Herkner.

And this is a characteristic throughout these lectures: with very little time to prepare for topics about which he had not it seems previously read in any detail, his presentations are structured, factual and detailed. He is never busking, free-associating to fill time – his notes provide sufficient defence against that hazard. Perhaps this capacity had been fostered by his legal training, the years that he had worked in and out of Berlin courts. From the sometimes-acerbic comments he made about his Heidelberg teachers in letters to his mother and father during his first two semesters [*MWG II/1: 296–298, 323–329*] we know that he had strong opinions about the rights and wrongs of university teaching.

What is evident in the Freiburg materials is confirmed by comparison of Weber's Heidelberg lecture notes on agrarian policy for WS 1897–98 with the notes written up after each lecture by Else von Richthofen [*MWG III/5: 331–410*]. Unlike the lectures on the labour movement, socialism and communism, Weber was here lecturing on a subject upon which he had extensive specialist knowledge. His presentational structure remains the same: he opens with "The Concept and Particular Nature of Agrarian Policy" [*MWG III/5: 197*]. While part of economic policy, agricultural production raises problems distinct from those of commerce and industry in general, making necessary an appreciation of agrarian organisation and development, of *Agrarverfassung*. *Technologie,* the technical organisation of production including agronomy, identifies how a particular production outcome can be achieved and the technical means of so doing; economics by contrast

> seeks to identify the forms and institutions of human social life that are created by the meeting of need, hence in particular the production of goods. **Social** science, not applied natural science, like *Technologie*. [*MWG III/5: 198*]

Land is the basis of the production of means of subsistence, but this is also a form of immoveable property that has a population distributed across it. Weber's notes here are

somewhat hard to follow, but if we turn to the opening lines of Else von Richthofen's *Nachschrift* it all becomes clear:

> Agrarian policy concerns the economic problem that rest on the particular character of agriculture. Agrarian policy does not ask, like agricultural science, how a technical production outcome can be achieved, but is an economic science.
>
> It is important 1. because of the fundamental importance of the ownership of land, 2. because of the specific nature of population structure, 3. because of the particular role that *Grund + Boden* assumes in the means of production. To begin with, its particular character does *not* derive from its immovability, that can be found with other goods. But land is
>
> 1. the place of human economic activity, and this is especially true of agriculture.
> 2. The land has to be capable of cultivation.
> 3. Particular climatic conditions are necessary.
>
> There is a tendency to claim that land cannot be increased, is limited + a natural product, *the* monopoly good in contrast to capital goods, *but*
>
> 1. Today land is also a product of labour.
> 2. The amount of land in the world is indeed strictly limited, but this absolute limitation is not yet something that is directly felt, the yield of these lands can still be increased through labour. [*MWG III/5: 334*]

Besides anything else, we can see here in Else von Richthofen's notes the listing by number and alphabet that is such an obvious feature of the first three chapters of *Economy and Society*, marking the regular structure of the presentation. Here again, her *Nachschrift*, in organising Weber's oral presentation, leads us straight back to the structure of the notes he had made. There is so much that could be done with this material that it is hard to know where to start, and this is certainly not the place to do so.

What these five volumes of lecture notes do however confirm at length and in great detail is how little we know about the *Staatswissenschaften* during the last third of the nineteenth century – not simply of economics (or more variously and idiomatically *Nationalökonomie*, *Volkswirtschaftslehre* or *Politische Ökonomie*), but of the linkage of economics, politics and the law. The primary literature is enormous, while the secondary literature, apart from legal history, is both dated and limited. The German university was at this time at its peak of international prestige, across the sciences and the humanities. The American university system, expanding rapidly during this post-bellum period, adopted many of its features and creatively adapted them. Developing initially on the basis of undergraduate education, a new generation of American students seeking postgraduate training but lacking opportunities in the USA studied in Germany – auditing lectures, like Edward Seligman in Heidelberg during SS 1880, or Frank Taussig in Berlin for WS 1879–80 – or registering for doctoral study. In this way by the 1890s American academic economics quickly became both strongly historical/institutional and at the same time Austrian; not then incompatible approaches, as Max Weber himself exemplified. Eugen von Böhm-Bawerk made a particular impact during the 1890s, publishing in American journals just as the first wave of American graduates who had studied in Germany began to offer graduate training to domestic students. We know very little about all of this, either the German story or the American story; but this proved to be the formative phase for the academic economics that developed in the USA from the 1930s onwards, and hence foundational for academic economics as we know it today. One way into a better understanding of how this all came about has been made possible by the Max Weber Gesamtausgabe, especially

through the publication of Weber's lecture notes as MWG III. The diligent and thorough editorial work of many scholars has opened up a resource of immense significance, even if there is at present little recognition of the potential that has been unleashed.

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# Max Weber's Degree-Based Concept of the State and Its Impact on Political Sociology

ANDREAS ANTER*

**Abstract:** The modern state is a form of political rule that has emerged over the course of centuries. In the past and present, states are not static or uniform entities, but differ considerably in their stability, assertiveness and legitimacy. It was Max Weber who first formulated the insight that the existence of the state is always a matter of degree. With this approach, he breaks new ground in state theory and laid the foundations for the historical study of the emergence of the state as well as for the comparative analysis of its today's threats. This goes particularly for the monopoly on violence, the central feature of the state. Weber developed his approach by strictly distancing it from the contemporary juridical theory of the state, which he accused of turning the state into a thing-like entity. The article shows that Weber is essential for the historical study of the emergence of the modern state as well as for the analysis of its current threats.

**Keywords:** Max Weber; state; state theory; Norbert Elias

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States emerge in a long-term and violent process – from early beginnings to today's heterogeneous formations.[1] Thus the conclusion is obvious that there must be different degrees of statehood, a conclusion that is the basis for analyzing the emergence as well as the varieties of the state in historical and comparative perspective. However, the theorist who invented the degree-based method is rarely acknowledged and, in some cases, not even mentioned in historical studies [e.g. *Glenn 2013*; *Clapham 1998*]. It was Max Weber who first established this approach, rejecting a binary view of the state existence – as "existent" vs. "not existent". Instead, he reveals the state to be only a complex of actions that always exists to varying degrees. With this approach Weber breaks new ground in state theory. He argued for a process-oriented view that does not treat the state as a static entity, but as a complex of actions subject to constant threats and transformations. But what consequences does this view have for a realistic concept of the state? And what might be the significance of this approach for today's political sociology and historical state research?

## The Action-Based View of the State

Weber developed his method by strictly distancing it from the contemporary juridical theory of the state, which he accused of having an "objectifying" view that turned the state into something "thing-like" [*Weber 1913: 439*]. This is paradoxical, insofar as he himself

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had a penchant for thing-like metaphors of the state, as a "machine", an "apparatus", or an "enterprise" [cf. *Anter 2014: 195–215*]. Nevertheless, this did not stop him from polemicizing against the "objectifying" view. In a letter to the Freiburg economist Robert Liefmann, a younger colleague, he adopts a strict didactic tone: "Regarding the 'state', for instance, you still express quite old-fashioned ideas. For sociology, the state is nothing else than the chance that particular forms of specific *action* occur, action on the part of particular individual men. Nothing else at all" [*Weber 1920: 946–947*].

In his late letters and writings Weber seeks nothing less than to revolutionize the concept of the state, a project to which he devoted himself during the last months of his life. He does so in a radical critique of the juridical view that treats the state "as a 'legal personality' ['Rechtspersönlichkeit'] as well as an individual person", while for sociology, by contrast, "the word 'state' … *only* covers a course of human action of a particular kind" [*Weber 1913: 439–440*]. For a lawyer, he admits, it might be unavoidable to understand the state as a "person", but for a sociologist such perception would be simply impossible, since the state is sociologically only a "complex of a specific mutual action of individuals" that only exists "because specific individuals orient their action in regard to their idea that the state exists in this form or should exist in this form" [*Weber 1985: 7*].

Weber even goes a step further, bringing the category of "chance" into play. Like every social structure, the state "exists exclusively and solely in the *chance* that mutual action has taken place, is taking place and will take place. This must always be kept in mind to avoid a 'substantive' interpretation of these concepts. A 'state', for example, ceases to 'exist' sociologically as soon as the *chance* that particular forms of meaningfully oriented social action might disappear" [*Weber 1985: 13*].

This idea preoccupied him particularly in his Munich course on the "Sociology of the State" in his last semester. Although only recorded in the form of two student transcripts, these clearly document how much the *chance* character of the state preoccupied him. His students, reading the brief announcement Weber posted at the beginning of the semester, must have expected something different from what they subsequently heard in the lecture theatre. Weber asked the following question: "What do people think of when they talk about the state?" His answer was that they think of chances: "Always only the chances for a certain kind of human action. The entirety of these chances is the state" [*Weber 2009: 68*].

In his lecture, Weber outlined a radically new perspective, turning against the prevailing opinion of contemporary German state theory. If the state consists only of specific *chances* of action it is not a static "structure" but a complex of actions and chances. At first glance, this proposition sounds almost libertarian; but since society is shaped by rulership [*Weber 2005: 127*], it is evident that this complex of actions and chances must also be structured by rulership. Weber does not state this explicitly. However, we should note that he is not presenting an elaborated state theory, but merely some unsystematic outlines. This is true of his lecture on the "Sociology of the State" as well as of the remarks made in his essay "On some Categories of Interpretive Sociology" and the first chapter of "Economy and Society", "Basic Sociological Concepts". Here the question of what kind of action make up the state remains open. To be sure: if the state is characterized by domination and coercion, this will be not without consequences for the type of action in the state.

Early critics such as Hans Kelsen and Leopold Franke did not accept this view and rejected the "dissolution" of the state into actions, since only a small part of these actions

belong to the state [*Kelsen 1928: 158*; *Franke 1932/33: 272*]. Quentin Skinner asks the critical question: "Whose actions properly count as actions of this agency?" [*Skinner 2010*]. By contrast, Carl Schmitt and Talcott Parsons understood early on the originality and significance of Weber's concept of chance [*Schmitt 1932: 30*; *Parsons 1937: 629–630*].[2] It is now widely recognized that Weber's use of "chance" is quite original.[3] It plays a prominent role in his work and is omnipresent in his later writings, especially in the "Basic Sociological Concepts". His usage is not limited to the concept of the state, but is a key category used in the definition of terms such as "power", "rulership", "legitimacy" or "class position" [*Weber 1985: 28, 123, 177*].

In the case of the state, the concept of chance effects a significant shift, since it reveals the state to be a "liquid" object.[4] If a "chance" could be "very great or vanishingly small" [*Weber 1985: 13*] one must assume that there are always different degrees of statehood, degrees which could even be empirically measurable. Such a graduated understanding of the state is the corollary of Weber's concept of chance. It corresponds not least to the graduated character of the state's monopoly of violence. "To be, or not to be", that is not the question for the Shakespeare aficionado Max Weber. For him, it is only a question of the *degree* of being.

## State Formation as a Matter of Degree: The Unsolved Problem of the Concept of the State

A process-oriented concept of the modern state is essential for any understanding of its emergence. Statehood is not invented overnight, but emerges gradually in a complex and violent process, at different times in different territories.[5] This is particularly true to the central element of the state, i.e. the monopoly on violence, which did not emerge overnight but was enforced through long-term and violent struggle.

In *The Process of Civilization* Norbert Elias reconstructs a process of monopolization that lasted for centuries in Western Europe and gave rise to the state. Despite all ambivalence with respect to Weber's "sociological nominalism" [*Elias 1970: 126*] and various components of his sociology, he agrees with Weber's findings on this point: "It is only with the emergence of this permanent monopoly of central power and this specialized apparatus of rule that the ruling units take on the character of 'states'" [*Elias 1981: 143*]. He emphatically emphasizes the processual nature of state formation – and is therefore one of the forerunners of degree theory. Even more meticulously than Max Weber, he examines the psychogenetic consequences of this process. The monopoly of violence creates "pacified spaces" in which individuals are increasingly forced to control their affects [*Elias 1981: 320–323*], in an act of "self-constraint" [*Elias 1981: 327*]. In this regard, the state is a decisive factor, since

[2] Nevertheless, Parsons translated the concept of "chance" as "probability". See *Tribe 2023*; *Anter 2014: 91*.

[3] For the significance and reception of Weber's concept of chance, see *Tribe 2023*; *Döpking 2022*; *Palonen 2019*; *Mori 2016: 18–19*; *Anter 2014: 88–95*.

[4] "Liquid" is one of Weber's favorite metaphors. Cf. *Weber 1985: 2, 16, 18, 32, 38, 123, 198, 200, 217, 420, 424, 524, 638, 662, 774*.

[5] The fact that the modern state emerged in Western Europe is emphasized by numerous authors [e.g. *McGovern 2022: 21*; *Pierson 2011: 30*; *Ertman 2005: 173–186*; *Reinhard 2003*], even though it took some centuries to catch on.

the "pacification, the relatively peaceful coexistence of large masses of people", belongs to the effects of the emerging central power of the state [*Elias 1980: 100*].

The process of monopolization of violence, as Weber, Elias and their successors reconstructed it, lasted several centuries in European territories. At present, however, the monopoly of violence is under constant threat [*Anter 2019*]. This applies to many Western European states. In any case, large parts of Africa and Latin and South America have never succeeded in establishing such a monopoly.[6] Although, following Weber, one can only speak of a "state" once a monopoly of force proves enduring, it is not an absolute concept. The monopoly can never be absolute, since no state in the world can completely prevent any kind of violence on its territory. Monopolization inevitably remains imperfect, since violence is a form of human action that always remains latently or manifestly present [*Popitz 2017: 36–41*]. Like the state itself, the monopoly of violence is therefore to be understood in a gradual sense, as a claim that must be constantly renewed and enforced [*Anter 2014: 32–35*].

In historical terms, however, Weber's concept of the state cannot be stretched arbitrarily, since he classifies the state as a specific achievement of the Modern Age. Weber does not believe that there was a "state" in the Middle Ages. "There was no question of a 'state' in the modern sense of the word" [*Weber 1917: 367*]. This is because there was no monopoly on violence in the Middle Ages, but rather a variety of essentially independent holders of prerogatives. Thus, patrimonial structures were merely "precursors" of modern state institutions; "the concept 'state' in its modern sense of the word" is not applicable to them, since they were still in the constant "struggle between the central power and various centrifugal local powers".[7]

If one can only speak of a "state" after the enforcement of the monopoly of violence, the concept of the state should be reserved for those political communities that have at least basic components of the monopoly. The insight that the concept of the state cannot therefore be applied arbitrarily throughout history has prevailed since the 1920s, particularly in German state theory. Hermann Heller insisted that "the state as a name and as a reality is something historically unique, and that this early modern individuality should not be smuggled back into earlier periods". He opposed "the retrospective projection of the concept of the state", since "an unlimited expansion would entirely denature the concept of the state and renders it useless" [*Heller 1934: 125*]. Heller, outing himself here as a Weberian, left a lasting impression on subsequent state theory. Carl Schmitt in particular adopted his position [*Schmitt 1941*]. Otto Hintze examined in detail state-building processes in European territories, considerably influenced by Weber [*Hintze 1931*; cf. *Anter – Bruhns 2024*]. Ernst-Wolfgang Böckenförde, the later doyen of German constitutional law, could only emphasize that it was "no longer possible today" to speak of the "state" of the "ancient Romans" or the "ancient Greeks" or the Incas.[8]

But anyone who thought that the talk of "ancient states" would become passé will be disabused by a glance at today's research in ancient history and historical sociology. The talk of the "Roman state", the "Greek state", the "Aztec state" or "ancient statehood"

[6] See *Fukuyama 2014*; *Andersen et al. 2014*; *Krause 2012*; *Rodgers – Muggah 2009*; *Baker 2006*.
[7] *Weber 2005: 343, 411*. For this, see *Troper 2021*; *Anter 2014: 149–158*; *Breuer 2011: 87–95*; *Pierson 2011: 28–51*.
[8] *Böckenförde 1967: 92*. – Similar *Forsthoff 1971: 11–20*; *Quaritsch 1970: 32–35*. – For the Weberian criteria, see *Isensee 2023: 741*; *Troper 2021*; *Anter 2019*; *Luhmann 2014: 84–90*; *Pierson 2011: 5–9*; *Schuppert 2010: 38–45*.

is widespread everywhere – as if Max Weber had never existed. Numerous authors insist on retaining the concept of the state under any and all circumstances. Ancient historians insist on speaking of the "ancient state",[9] and proclaim defiantly: "I use the terms 'state' and 'statehood' consciously and without a bad conscience for the Roman imperial period" [*Wiemer 2016: 2*].

The same goes for the political sociologist Stefan Breuer, who rejects Weber's historical limitation of the concept of the state [*Breuer 2014: 9–37*]. In his study on "The Charismatic State", he traces the emergence of ancient "states" in the Andes, Mesoamerica, China, Mesopotamia, Egypt, and the Aegean.[10] In doing so, he refers to the generous use of the concept of the state in relevant disciplines such as archeology, ethnology or anthropology, which naturally speak of the "state" of Aztecs, Greeks or Romans [*Breuer 2014: 10*]. But is the reference to a practice that refers to most diverse structures of rulership as "states" a convincing argument? Breuer, one of the most renowned experts on Weber, himself admits that the arbitrary use of the term "state" in the aforementioned disciplines lacks conceptual clarity [*Breuer 2014: 11*]. Although he rejects Weber's concept of the state, he believes that it is so complex "that it can be used for non- or pre-modern forms of state through a methodological reduction and specification of its characteristics" [*Breuer 2014: 12*]. He asks "how many compromises can be made with Weber's definition without leaving the sphere within which one can still speak of a state" [*Breuer 2014: 12*], and his suggestion is that political associations that reveal a "tendency" towards a monopoly of force should not be denied the designation "state" [*Breuer 2014: 15*].

At this point, Breuer touches on a core problem of the degree-based theory of the state. Historical research is always faced with the problem of determining from what point in time one can speak of a state. Decades ago, Breuer had apparently advocated a binary approach when stating that "a monopoly can no more be weakly developed than one can be a little pregnant" [*Breuer 1990: 12*], while his later studies on the genesis of monopoly underline its inevitably processual character [*Breuer 2016*]. But does his "tendency proposal" offer a way out of the conceptual dilemma? Ultimately, it leaves the fundamental conceptual problem unsolved, since the problem will only be shifted back to earlier epochs. At what point can one speak of a "tendency" towards a monopoly of violence? Moreover, the striking differences between the modern European state and ancient formations should not be neglected. To defend a conceptual distinction, it seems appropriate to reserve the concept of the state for the modern state – and to refer to earlier forms as structures of rulership.

## The Degree-Based View of the State in Contemporary Research

The generous use of the concept of the state in today's ancient history and historical sociology stands in a paradoxical relationship to the popularity of Weber's monopoly formula in current international legal and social sciences. There is hardly a fundamental study in state theory that does not refer to it. Weber's concept is a fixed point of reference in state

[9] See, for example *Bang – Scheidel 2016*; *Wiemer 2016*; *Lundgreen 2014: 18–28*; *Günther 2009: 259–281*; *König 2009*; *Demandt 2007*; *Stahl 2003*.

[10] For the reception of Breuer's study see especially the detailed review by *Arnason 2014*; also *Assmann 2014*; *Reinhard 2014*.

studies,[11] particularly since a "Weberian approach" has become established in international state theory.[12] Even the object itself, the state, is referred to as the "modern Weberian state".[13] Only a few authors turn against Weber's concept of the state – and they generally suffer from a lack of knowledge of Weber.[14]

Apart from a few distorted positions, it can be said that Weber's degree-based view of the state has also become internationally accepted. It is indeed methodologically advantageous to understand statehood as a gradual phenomenon, which is especially true for Comparative Studies and International Relations. The term "gradual statehood" was established in 1998 by Christopher Clapham's essay "Degrees of Statehood", which illustrated the concept using data on the situation in sub-Saharan Africa [*Clapham 1998*]. The idea of gradual statehood can be found as early as 1968 in the essay "The State as a Conceptual Variable" by the American political scientist J. P. Nettl, although he initially met with little response before his approach later found followers. Recent studies on statehood emphasize that Weber's approach was the first to enable "an understanding of the state as a variable" [*Lambach et al. 2016: 21*]. With some delay, Canadian comparatist Hugh Patrick Glenn advocates the concept of the "degrees of statehood" from a comparative legal perspective and argues in favour of replacing Hobbes's "binary" logic with a new "degree" theory [*Glenn 2013: 11–12*]. In so doing, however, he ignores the fact that this approach had already been developed by Max Weber. Significantly, Weber does not appear in his book.

Only a degree-based understanding of the state makes it possible to reconstruct historical state-building processes [*Brooke – Strauss 2018*] or develop typologies of strong and weak statehood [*Schneckener 2007*] or evaluate the data of individual states in a *State Fragility Index* [*Marshall – Cole 2014*]. At present, for example, it is difficult to recognize even fragments of statehood in a failed state like Somalia. The *State Fragility Index* shows that weak statehood is primarily due to a weak monopoly on violence due to terrorism and civil war, and that strong statehood worldwide is the exception rather than the rule. The claim that the discipline of International Relations is "particularly resistant to acknowledging varying degrees of statehood" [*Tull 2005: 76*] can only be described as untenable.

When Robert H. Jackson and Carl G. Rosberg complain that Weber's concept cannot be applied to African states because neither these states nor their populations have a uniform order [*Jackson – Rosberg 1982*], the complaint misses Weber's point. Their criticism arises from ignorance, because for Weber the struggle between rival orders was the precise reason for developing his theory of the validity of orders. In his 1920 Munich lectures on "Sociology of the State", it becomes clear that his approach was influenced by the experience of the civil war-like 1919 Munich Soviet Republic, when revolutionary and monarchist troops faced each other, where the monopoly of violence and the validity of order

[11] Cf. *Isensee 2023: 741*; *Hay – Lister 2022: 7–8*; *Döpking 2022*; *Troper 2021*; *Anter 2019*; *Brooke – Strauss 2018*; *Lambach et al. 2016: 20–22*; *Hall 2015: 61–62*; *Lemay-Hébert 2014: 92*; *Fukuyama 2014: 23*; *Voigt 2014: 185*; *Schulze-Fielitz 2013*; *Isensee 2011: 460ff., 497ff., 521ff.*; *Pierson 2011: 5–11*; *McGovern 2007: 20*; *Portinaro 2006*; *Fukuyama 2005: 19–20*; *Isensee 2004: 40–41*; *Schiera 2004*.

[12] See *vom Hau* 2015: 135–136. Cf. also *Hall 2015: 61–62*; *Lemay-Hébert 2014: 92*. – In today's International Relations theory, Weber is considered "the father of modern IR theory" [*Lebow 2017: 1*].

[13] See, for instance, *Lemay-Hébert et al. 2014: 7*.

[14] When Denis M. Tull, for example, accuses authors oriented towards Weber of ignoring "the discrepancy between ideal-type and real-world states" [*Tull 2005: 76*], this only shows that he misunderstands Weber's ideal-type concept.

began to falter.[15] The method pursued by Jackson and Rosberg, namely the distinction between an "empirical statehood", which can be measured in stages, and a "juridical statehood", which can only exist or not exist (i.e. is binary),[16] is unconvincing, since this "two states" assumption only leads to fresh methodological problems.[17] Their lack of knowledge of Weber becomes evident when they complain that Weber "does not explore what many students of international law consider to be the true character of territorial jurisdiction: the reality that such jurisdiction is an international legal condition rather than some kind of sociological given" [*Jackson – Rosberg 1982: 2*]. Jackson and Rosberg ignore the historical context in which Weber developed his positions, and that such an explanation could not have been his intention.

The modern state is considered "the globally most powerful idea of political order in the twentieth century" [*Hansen – Stepputat 2001: 10*], although the practice of the established state order was never free from threats. States are not static entities but constantly exposed to processes of decay. Talcott Parsons identified this problem in 1937 as the "Hobbesian problem of order" [*Parsons 1937: 36*]. He considered it illusory to assume that the problem of order would be solved by the formation of the modern state. In contrast, he made it clear that every political order inevitably remains precarious and fragile [*Parsons 1968*]. This diagnosis has often been confirmed by history – and by comparative state studies [*Marshall – Cole 2014*].

A decisive factor in a state's stability is its perceived legitimacy, which is no less essential than the monopoly on violence. The intimate relationship between the state and legitimacy becomes particularly apparent in times of crisis. Only an order that is perceived as legitimate will be followed and supported. Things change when a growing part of the population opposes the state order, as increasingly the case in many Western European states today. Due to mass immigration from Islamic cultures, parallel societies have emerged in many countries that are alien to Western culture and state order. In many places, they have established their own Islamic parallel justice [cf. *Bauwens 2016*; *Wagner 2012*]. Moreover, Western European societies are confronted with new phenomena of violence that pose unexpected challenges to the state order. In this respect, a latent process of erosion can be observed here.

If we follow Max Weber, the stability of a political order can be determined by the degree to which the actions of individuals are oriented towards the validity of that order. This is evident in the history of the modern state, but it is also evident in contemporary states. Today's studies on state collapse, which often draw on Weber, conclude that a belief in legitimacy is a central factor that "determines the success or failure of a state. The state therefore only exists to the extent that people follow its rules" [*Lambach 2008: 278*]. This conclusion confirms Weber's conviction that the existence of the state is based on people's belief that this state should exist, and therefore ultimately on the belief in legitimacy. Otherwise, the state order would not persist.

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[15] *Weber 2009: 68*. The struggle between rival orders is what interests Weber: "Soviet Republic, Democracy, and Kingdom side by side in Bavaria!"

[16] *Jackson – Rosberg 1982: 4–12, 12–16*. – "Juridical statehood" Jackson – Rosberg [*1982: 12–16*] corresponds to the rules and regulations of the United Nations. Here there is only a choice between recognition and non-recognition of a state, which is a binary code. Tertium non datur.

[17] This is even true of Georg Jellinek's classical "two-sided theory" [*Jellinek 1900: 174–183*].

## Conclusion

Weber laid the crucial foundations for the comparative and historical study of the modern state. Since his degree-based view of statehood has been widely received in political sociology and state theory, the argument that research is "resistant to the recognition of varying degrees of statehood" has proved untenable. His degree-based view of the state makes it possible to trace the historical emergence of states and analyze current phenomena of state-collapse. In the interest of conceptual distinction, it is appropriate to retain Weber's concept of the state, even if its key criterion, the monopoly of violence, is a matter of degree. Weber generally proves to be a theorist of degrees. In this regard, the stability of the state depends on the degree to which the actions of individuals are oriented towards the validity of the state order. Even legitimacy is a matter of degree.

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# Politics and Public Opinion in Max Weber

EDITH HANKE*

**Abstract:** Social media now strongly determine public opinion, while traditional media, especially newspapers, are losing influence. Max Weber was aware of the power of public opinion. As a sociologist, he presented an extensive project outline for the study of the newspaper industry at the First German Sociologists' Conference in 1910. As a bourgeois intellectual, he tried to actively influence the formation of public opinion through newspaper articles and political speeches. However, the tension between politics and public opinion remains a blind spot in Max Weber's political sociology because of his sudden death. My contribution goes in search of traces. At issue are central questions particularly relevant in modern mass democracies: Who has the official 'mandate' to form and represent public opinion? How much publicity is wise in terms of state policy? What power does public opinion have in relation to the legitimacy of political systems?

**Keywords:** Max Weber; press inquiry; journalism; political sociology; mass democracy

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*Political affairs are public affairs.*
Max Weber to Karl von Amira, August 23, 1919[1]

Something has changed. In the public sphere, an increasing brutalization of language and an increased willingness to use violence against public figures, especially politicians, can be observed. With the 21st century, "social media" are on the rise, replacing traditional forms of communication, but also professional reporting and legally relevant responsibility structures. The expression of opinion has become more direct and "democratic", but also more emotional, more dramatic, because it is aimed at transient attention, clicks and likes. Classic journalism of news evaluation and reflective commentary is fighting for market share. At the same time, a strengthening of populist currents can be observed in Europe and America. The core principle of parliamentary democracy, representation, is called into question. The political class, the elite "up there", no longer seems to represent the population. Protest actions are organized via social media channels.

In 1962, Jürgen Habermas described the "structural transformation of the public sphere" as a multiple transformation of social, economic, legal and political structures in interaction with changed forms of communication. With this complex sociological explanatory approach, he follows in Max Weber's footsteps – without naming him directly.

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[1] Weber's letter to Karl von Amira [*MWG II/10: 738*] concerns Weber's election to the Bavarian Academy of Sciences and Humanities. For political reasons – Weber was considered the "foster father of the [Bavarian] Soviet Republic" (*Nährvater der Räterepublik*) [*MWG II/10: 750*] – the Historical Class had only agreed to his co-optation by a narrow majority.

Habermas thus points beyond media sociological studies in the narrower sense, because he focuses on the interplay between the different spheres. Max Weber approached the founding of the German Sociological Association with two major projects, which he presented at the First German Sociologists' Conference in 1910: a press inquiry and an association inquiry. The study of the newspaper industry was a project close to his heart, because newspapers were largely the product and means of expression of modern mass society. The change in media and communication occupied him as a social scientist, and at the same time he tried to influence public opinion through newspaper articles and speeches as a politically engaged intellectual during the First World War.

The following contribution aims in particular to focus on the interaction between politics and public opinion or opinion-forming in Max Weber's work, by 1) attempting to explain these terms, and 2) examining the intermediary powers with regard to their function of political opinion-forming in the age of mass democracy – here the focus is on Weber's press inquiry. After a look 3) at the legal framework in Germany, 4) describes the support layers and professional opinion leaders of Weber's time. Finally, 5) presents the connection between the political system and public opinion in Weber's work. As a brief look beyond Weber, the section on "The Press and the Public" discusses the 7th German Sociologists' Conference in 1930, the last before the National Socialist "Third Reich".

**Definitions: Politics and Public Opinion**

"Politics" is clearly defined by Max Weber. At the beginning of his speech "Politics as a Vocation", given in the revolutionary winter of 1918/19, he states: "In our terms, then, 'politics' would mean striving for a share of power or for influence on the distribution of power, whether it be between states or between the groups of people contained within a single state" [*Weber 1919/1994: 311*; *MWG I/17: 159*]. Nevertheless, the definition of the term is not included among the "Basic Sociological Concepts" or the "The Types of Rule" of 1920. Thus, the term remains outside the domains of general categories and typologies of legitimacy. Presumably, if Weber had not died suddenly in June 1920, he would have included it in his planned sociology of state and parties.

It is more difficult to systematically grasp and locate the concept of "public opinion" in Weber's work. He does not give a definition. To this day, the term "public opinion" in the German language is an ambiguous term in need of interpretation. Although it was translated from English and French into German in the 18th century, it has been given its own slant. It stands in the tradition of the Enlightenment and a rising bourgeoisie which demanded civil liberties, and which critically dealt with the ruling estates in terms of "public opinion" [*Hölscher 1978*; *Tönnies 1922*]. In German, the term resonates with a critical ability to judge, but also with a moral component. In 1871, the jurist Johann Kaspar Bluntschli, who last taught in Heidelberg, wrote about "Public Opinion": "It has become the authority of the ignorant multitude and the study of the wise. Public opinion always presupposes a *free judgment*, as is possible in political matters, but alien to religious emotion. Without the development of the power of thought and the faculty of judgment (*Urtheilsfähigkeit*), therefore, there is no public opinion, and it can only flourish in a free life of the people. It is the opinion primarily of *the greater middle classes*" [*Bluntschli 1871: 745*]. It expresses itself in various forms, including "free speech", "in meetings of all

kinds", but above all "in the press and the people's representation" [*ibid.: 746*]. From the viewpoint of political science, it is therefore "a public power", but "not a public authority" [*ibid.: 747*]. – Later, Habermas, quoting Fraenkel, gets to the point: "public opinion rules, but it does not govern" [*Habermas 1965: 260*]. – The jurist Franz von Holtzendorff, who placed Bluntschli's definition at the beginning of his study "The Essence and Value of Public Opinion", demarcates public opinion negatively: distinct from private opinion, the opinion of the state organs, the political party majority, expert opinion and professional opinion. It can be identical with the types of opinion mentioned, but it does not have to be. Rather, it is an independent power, not the sum of different individual opinions, but an "imagined" uniform opinion [*Holtzendorff 1880: 44*], which was also described as "popular opinion" in the language of the time.

Jürgen Habermas develops a critique of "public opinion" as an ideological entity: it is a specific construct of the liberal bourgeoisie that at the same time legitimizes the rule of law and parliamentarianism through "public opinion" [*Habermas 1965: 93–94*, *258*].[2] In Max Weber's work, "public opinion" comes into focus as a factor in connection with his study of the Russian Revolution of 1905. In the struggle for fundamental liberal rights – in particular freedom of the press and freedom of assembly – the Zemstvo movement, i.e. the Russian self-governing bodies, had strong support in public opinion [*Weber 1906/1995: 105*; *MWG I/10: 263*]. In his writings on Russia in 1906, Weber followed this struggle for freedom benevolently, but at the same time critically. To this end, he learned Russian and, according to Marianne Weber, subscribed to several Russian daily newspapers in order to be able to follow developments directly [*MWG I/10: 9, 685, 687*]. Weber was very aware of the power of public and published opinion, so he read newspapers of various orientations in order to be well informed. The idea of an investigation of the newspaper industry in 1909/10 seems to have been largely due to his sensitization by the failed Russian Revolution.

As a scholar and intellectual, Max Weber himself used the means at his disposal to influence public opinion in Germany. On the one hand, there are the appeals written by the educated middle class on current political issues, be they calls for solidarity or petitions on draft laws;[3] on the other hand, there are the many "letters to the editor" that Weber wrote on questions of science policy.[4] However, his involvement in the First World War

[2] The sharpest criticism, however, was made by Carl Schmitt, to whom Habermas also refers [*Habermas 1965: 94*]. In the last chapter of "Political Theology" Schmitt says: "The bourgeoisie is committed to freedom of speech and freedom of the press, and it did not arrive at those freedoms from any kind of arbitrary psychological and economic conditions […]." It had itself made "freedom of speech and press" its "religion", so that "the ideal of political life consists in discussing, not only in the legislative body but also among the entire population, if human society will transform itself into a monstrous club, and if truth will emerge automatically through voting" [*Schmitt 1992/2005: 62–63*]. This passage, as well as the entire last chapter, is not found in the otherwise identical article in the memorial volume for Weber in 1923. It would have offended Weber.

[3] A particularly good proof of this are the 11 petitions and appeals that Max Weber co-signed in the years 1902 to 1912. They range from invitations to the Evangelical Social Congress to Prussian electoral reform, women's issues and support for an association for international understanding [*MWG I/8: 405–478*].

[4] These letters concern the "Bernhard Case" (1908) [*MWG I/13: 75–104*]; "The Alleged 'Academic Freedom' at German Universities" (1908/09), a debate in which Weber stood up in particular for Robert Michels [*MWG I/13: 109–138*]; the reporting on the Third German Conference of University Teachers in Leipzig (1909) [*MWG I/13: 171–179*], and on the Fourth German Conference of University Teachers in Dresden (1911) with Weber's statements on the alleged "Althoff System" [*MWG I/13: 298–362, 378–393*]; cf. the selection of translations [*Weber 2008: 53–79, 116–146*].

was extraordinarily great; he tried to influence the political opinion of Germans through the spoken and written word, advocating rational conduct of the war and necessary constitutional reforms. In the times of war and the revolutionary upheaval of 1918/19, the public mood was particularly emotionally charged. In this respect, Weber's appearance here can be studied as an example of the practical handling of public opinion by the liberal bourgeoisie.

**Intermediary Powers and Political Opinion Formation**

James Bryce dedicated a chapter to "Public Opinion" in his two-volume work *The American Commonwealth* [*Bryce 1890: II, 237–364*], which Max Weber studied extensively.[5] Bryce defines it as: "the aggregate of all that is thought and said on a subject, – sometimes merely the views of the majority, the particular type of thought and speech which prevails over other types" [*ibid.: II, 239*]. In contrast to European societies, whose public opinion is shaped by educated and propertied classes, i.e. estates, it is represented in America by "the man in the cars" [*ibid.: II, 242*]. American public opinion, therefore, as Bryce believes, no longer needs representative bodies, but expresses itself directly in accordance with the democratic ideal. Public opinion in the U.S.A. is therefore identical with the "will of the people" (national will), not as in England, France and Germany.

Against this background, Max Weber's concern to investigate the significance of the intermediary powers – press (newspapers), associations (clubs, parties, sects) – in two large-scale projects of the newly founded German Sociological Association can be described as very European and bourgeois. What significance do these social institutions have under the radically changing conditions of modern mass society? Max Weber's "Disposition", his "Preliminary Report" on a newspaper inquiry and its presentation in the context of the "Annual Report" at the First German Sociologists' Conference in October 1910 in Frankfurt am Main have all found widespread resonance among media scholars in recent decades,[6] particularly since the first publication of the "Preliminary Report" by Wilhelm Hennis in 1995 and its English translation [*Weber 1909b/1998*]. In the meantime, this text has also been translated into French [*Weber 1909b/2001*] and Spanish [*Weber 1909b/2012*]. The texts have been included in the Max Weber Complete Edition (*Max Weber-Gesamtausgabe*) since 2016 [*MWG I/13: 139–152, 208–228, 256–286*]. In contrast to Hennis, who interpreted Weber's outline of the newspaper inquiry anthropologically – the question of what type of human beings is shaped by modern culture [*Hennis 1998*] –, I would like to focus on the connection between the newspaper industry and public opinion, i.e. strengthen the political science perspective.

The press inquiry is actually a newspaper inquiry in the strict sense of the word, because the newspaper was the only medium of mass communication in Weber's time, before there was even radio. The major German newspapers sometimes published several issues a day as well as special supplements, for example, the liberal *Frankfurter Zeitung*, to which Max Weber subscribed. Before the outbreak of the First World War, 4,200 independent

[5] With marginal notes and underlining by Max Weber in the copy of the Heidelberg University Library.

[6] In Germany, especially: [*Weischenberg 2012*; *Weischenberg 2014*]. The special issue of Max Weber Studies of July 2013 provides a good overview of the reception of the Press Inquiry and its current relevance: [*Darmon – Frade 2013*; *Bastin 2001/2013*; *Bastin 2013*; *Davis 2013*; *Dickinson 2013*; *Weischenberg 2013*].

newspapers were published in the German Empire [*Hübinger 2008: 33*]. In order to stay informed even on vacation Max Weber had his wife forward newspapers to him [*MWG II/5: 344*; *MWG II/8: 150*]. Weber wanted to have the importance of the press investigated in a large-scale study by scientists and practitioners at home and abroad and, something which is very topical, undertook a fundraising operation, including the Heidelberg Academy of Sciences and Humanities. The text on the "Preliminary report on a proposed survey for a sociology of the press" of April/May 1909 served as an application. It was approved on 16 July 1910, i.e. before the First German Sociologists' Conference [*MWG I/13: 284 n. 49*]. There, Weber sums up his question in the "Annual Report" (*Geschäftsbericht*): "What is the significance of capitalist development *within* the area of the press for the sociological position of the press in general, and for its role in the formation of public opinion?" [*Weber 1911/2008: 86*; *MWG I/13: 269*].

In the first part of his project outline, Weber devotes a detailed, expert catalogue of questions to the material aspect, the portrayal of the newspaper industry as a capitalist private enterprise. The focus is on the questions of how increasing capital requirements affect newspaper production and sales, what influence owners, advertisements and subscriptions have on financing. In mass societies, according to Weber, public taste plays an extraordinary role. There can be large fluctuations in sales, especially in the case of individual sales of newspapers, and corresponding adjustments to the readers' wishes [*Weber 1911/2008: 86*; *MWG I/13: 268*], which usually means a flattening in terms of content. Competition and monopolies characterize the newspaper market just as in other capitalist branches of business. It is obvious that these conditions of the mass market have an effect on the "newspaper attitude" (*Zeitungsgesinnung*) – as it is called in the "Preliminary Report" – but especially on the formation of public opinion.

If one takes a closer look at section "III. The production of public opinion by the press" with its eight sub-sections in the "Preliminary Report", one gets an impression of the complexity of the planned empirical survey, but also of the depth of Max Weber's concept of "public opinion". Sub-section 1. covers "Comparative analysis of the forms of newspaper reading" at home and abroad [*Weber 1909b/1998: 118*; *MWG I/13: 224*]. Weber is here concerned with the presentation of content, such as the relationship between (telegraphic) reporting and commentary. At the Sociologists' Conference Weber explains this with reference to the different reading expectations in America, where newspaper consumers only want "facts", while in France they prefer "a paper with a particular slant" (*Tendenzblatt*) [*Weber 1911/2008: 87*; *MWG I/13: 270*]. Sub-section 2. considers "What are the other media forms that the Press *displaces*", while sub-section 3. raises the question of "What kind of reading matter does the press encourage, and what changes in forms of thought and expression does it promote (*erziehen*)?" [*Weber 1909b/1998: 118*; *MWG I/13: 225*]. Using Russia as an example, Weber shows that the "granting of the – relative – freedom of the press", i.e. the relaxation of strict censorship measures, has abruptly opened up the market for leaflets and newspapers, and therefore the demand for magazines and books has fallen immediately and dramatically [*MWG I/13: 149 with n. 18*; *Weber 1909b/1998: 118*; *MWG I/13: 225*; *Weber 1911/2008: 89*; *MWG I/13: 273*]. As a result – a very topical point – readers' attention spans are restricted to short items and longer texts are no longer consumed at all. Neurological examinations were already carried out in Weber's time [*MWG I/13: 272 with n. 29*]. How do the brain and perception change as a result

of media consumption? At the Sociologists' Conference, Weber explains: "The continual change, and the recognition of the massive changes in public opinion and of the universal range and inexhaustible variety of opinions and interests" weighs on the newspaper reader [*Weber 1911/2008: 89*; *MWG I/13: 273*]. The flood of news has to be processed and ordered by modern people, daily, hourly, by the minute. The fourth sub-section covers the "Influence of colloquial speech by the press". Does so-called "newspaper German" have an effect on the written and literary language, on the "need for discussion and knowledge" as well as on the readers' possible cognitive and logical-systematizing thinking abilities? [*Weber 1909b/1998: 119*; *MWG I/13: 225*]. Then follows sub-section 5.: "What kind of people does the Press *make* 'famous' or influential?" [*ibid.*]. At the Sociologists' Conference, Weber spoke more drastically of the power of newspapers to "create and destroy someone's livelihood" [*Weber 1911/2008: 84*; *MWG I/13: 266*]. Sub-section 6. deals with "The nature of the demands made on press contents according to gender, occupation, social stratum both at home and abroad" [*Weber 1909b/1998*: *119*; *MWG I/13*: *226*]. With this genuinely sociological question, Weber wanted to capture the usage behavior of readers more precisely. Finally, 7. deals with "The degree of 'discretion' on the part of the press" and 8. "Newspaper publicity and 'public morality'" [*ibid.*]. Here, Weber – as he explained at the Sociologists' Conference [*Weber 1911/2008: 84*; *MWG I/13: 265*] – had the American press in mind, which, for example, had published all the personal details of the future wife of a British lord, which would have been considered improper in Europe. The distinction from the sensationalist press ("gutter and 'revolver' press" in Weber's words [*Weber 1909b/1998: 119*; *MWG I/13: 226*]) concerns the more general question of what is made public in the newspapers or what belongs in the very personal area worthy of protection. With these individual points of investigation, Weber wanted to create a basis for discussing the significance of the press and its "ubiquitous, standardizing, matter-of-fact and at the same time constantly emotionally-coloured influence on the state of feelings and accustomed ways of thinking of modern man, on political, literary and artistic activity, on the constitution and displacement of mass judgments and mass beliefs" [*ibid.*].

Compared to the detailed work plan for the press inquiry, the keywords for the association inquiry, which was also planned, are more modest. Max Weber wanted to use the "Sociology of Associations" to examine all civic-voluntary forms of socialization that are located between the "forced associations" (state, commune, church) and the family. In the classical bourgeois understanding, these intermediate groups, from bowling clubs to political parties to artistic and religious sects, are an expression of civil society and its claim to self-organized representation of interests. In the case of the party, it is obvious that it is "a structure fighting for domination and therefore tends to be organized, often very tightly and 'authoritarian'" [*MWG I/22-1: 270*; *Weber 1922a/2013: 939*]. The parties can be oriented and organized in very different ways: While in Germany the parties were still predominantly ideologically oriented (Social Democracy, the Catholic "Centre"), in North America they were organized as pure party machines in order to get majorities and thus also government jobs ("spoils") in the event of electoral success. In contrast, Weber regarded the sect – as he wrote in his first anti-critique of Rachfahl in 1910 – as the "archetype of those social groupings which today mould 'public opinion', 'cultural values' and 'individualities'" [*Weber 1910/2001: 77*; *MWG I/9: 618*]. While Weber assigns the sects a (morally) formative role in the formation of public opinion, the parties are more concerned with

actively influencing public opinion in the sense of public interests through their party press and talented political speakers.

Neither the association nor the press inquiry were implemented. Although Max Weber had invested a lot of time, commitment and also money in the planning of the press inquiry, he withdrew from active planning in February 1911 [*MWG II/7: 93, n. h*]. The official reason for Weber's withdrawal was court proceedings concerning the press, in which he was himself involved from May 1911 to October 1912. Without the spiritus rector, the project came to a standstill.

**The Legal Framework in Germany**

The conditio sine qua non for the formation of public opinion is the right to freedom of expression and also the freedom of assembly. The constitution of the German Empire of 1871 did not contain any fundamental rights, and it was only the Weimar Constitution that protected under Article 118 the right "to freely express one's opinion by word, writing, print, image or other means", but only for German citizens and "within the limits of the general laws".[7] During Weber's lifetime, freedom of the press was granted by the Reich Press Law of 7 May 1874, but at the same time it was subject to restriction. The decisive factor for German press law was the imprint obligation introduced in § 6, which requires the name and address of the printer and publisher as well as the responsible editor for every print publication – known to this day under the abbreviation "V.i.S.d.P." ("Responsible within the meaning of the Press Act"). This information enabled the authorities to prosecute if they thought it necessary. § 30 included special provisions for times of war and "riot". These took effect as early as 1878 at the time of the Anti-Socialist Law. Censorship measures were imposed on a larger scale during the First World War. This also affected the *Frankfurter Zeitung*, because of Max Weber's article "German Parliamentarism in the Past and Future. III. Administrative Publicity and Political Responsibility" of 24 June 1917 [*MWG II/9: 660*].

Relevant to Max Weber's first press trial of May 1911 was § 11, paragraph 1 of the Press Act, according to which the responsible editor of "a periodical" is obliged "to record a correction of the facts communicated in the latter at the request of a public authority or private person concerned without intervention or omissions […]".[8] This was Weber's lever against the responsible editor of the *Dresdner Neueste Nachrichten*, which had not wanted to print Weber's reply to an anonymously published article. Weber's actual goal was to find out the name of the author (Otto Bandmann) and in turn to obtain information on who had spread the rumor in Heidelberg that he (Weber) had cancelled a duel with Arnold Ruge due to illness. The informant was the Heidelberg lecturer in journalism Adolf Koch.[9] The media law aspects of this unpleasant court story have been presented by Albrecht Götz von Olenhusen [*Götz von Olenhusen 2016*]. The corresponding trial documents and letters

[7] Cf. https://www.verfassungen.de/de19-33/verf19.htm (7. 6. 2024).

[8] Cf. https://de.wikisource.org/wiki/Gesetz_%C3%BCber_die_Presse (6. 6. 2024).

[9] Cf. the editorial preliminary note to Max Weber's letter to the editors of the *Dresdner Neueste Nachrichten* of 11 January 1911 [*MWG II/7: 31–33*], as well as the editorial report on: Weber, Zur Affäre Dr. Ruge I. Brief an das Heidelberger Tageblatt, 9. Januar 1911 [*MWG I/13: 235–238*]. Weber's second reply to Ruge is translated into English [*Weber 2008: 104–105*].

are printed as attachment in MWG [*MWG II/7: 816–988*]. In the "Preliminary Report" on the newspaper inquiry, Weber had still expressed understanding for the anonymity of newspaper articles as practiced in Germany, since it protects the journalist from censorship measures and guarantees a certain uniformity of newspapers. By contrast, in his own case Weber wanted to have the anonymity of the journalist lifted by the courts. This corresponded to his own credo of personal responsibility, especially in the political sphere – known worldwide as the "ethic of responsibility" ever since his later speech "Politics as a Vocation" [*Weber 1919/1994: 359*; *MWG I/17: 237*].

**Social Carrier Groups and Professional Opinion Leaders**

The question of the influence of social classes and the "political spirit cultivated by them" on the "formation of a country's public opinion" had been raised by Weber in September 1909 in connection with Georg Jellinek's project for a German-American Institute for International Law and Comparative Politics [*MWG II/6: 258*]. There are no systematic explanations by Weber on the question, but his own statements during and after the First World War provide sufficient evidence to form an impression.

It was the development of Germany's foreign and domestic policy that brought about Max Weber's engagement. From December 1915 he actively intervened in political debate as a speaker and article writer, the latter preferably in the *Frankfurter Zeitung*. Weber's activities are documented in the two volumes "On Politics in the World War" [*MWG I/15*] and "On the Reorganization of Germany" [*MWG I/16*]. In November and December 1918, Weber even took an active part in the editorial work of the *Frankfurter*, "to help", as he wrote to his mother on 19 November 1918. And – somewhat resigned – he continues: "It is politically useful and there is nothing else to do now" [*MWG II/10: 309*]. Weber felt compelled to go public to fight for his political convictions, which can be described with a few keywords: a parliamentary monarchy with equal suffrage; the disempowerment of Wilhelm II, who in his eyes was incompetent; and a moderate policy of war aims. He took on the mandate of the "scholar-intellectual" (*Gelehrten-Intellektueller*), as Gangolf Hübinger put it [*Hübinger 2019: 4*]. Weber felt supported in this role by the self-confidence of the cultural-Protestant bourgeoisie, which saw itself as the leading class despite the feudal structure of the Empire.[10] In his Munich speech on the "reorganization of Germany" of November 4, 1918, Weber was finally defeated by an enraged revolutionary audience. The liberal citizen in a "frock coat", as Oskar Maria Graf described Weber, was shouted down [*Hanke 2020: 178*]. The liberal, culturally Protestant bourgeoisie lost its leading role in the formation of public opinion.

Max Weber was not squeamish in the political battle of opinions**;** verbally, he could be very sharp in attacking his political opponent. During the World War he reserved his contempt for the "literati". This primarily meant reactionary, right-wing publicists who defended the government's backward-looking state and economic policy, as well as its preposterous war policy. The arsenal of Weber's insults was large, as the following examples prove: "short-sighted 'law and order philistines'" [*Weber 1917b/1994: 84*; *MWG I/15:*

[10] Cultural Protestantism was an influential movement in the German Empire that wanted to reconcile the Protestant faith with modern culture. It was supported in particular by the enlightened educated middle class.

*351*], "scribbling romantics" (*Tintenfaßromantiker*) [*ibid.: 100, 366*], "prolix ideologues" (*schreibselige Ideologen*) [*ibid.: 90, 357*], "childish literary soap-bubbles" [*ibid.: 95, 361*], "dilettante literary ideas" [*Weber 1918b/1994: (149 n. A)*; *MWG I/15: 454 n. 1*], "literary phrase" [*ibid.: (164), 472*], "philistine literary chatter" (*spießerhaftes Literatengeschwätz*) [*ibid.: (165), 472*] and "stupid literary moralism" [*Weber 1917b/1994: (111)*; *MWG I/15: 378*]. The list could be continued indefinitely. In summary, Weber turned "literati" into a combative negative formula for political ignorance, stupidity, and statements lacking all objectivity. He found it downright fatal when the "literati" made "the moral gossip of the philistines the standard of political judgment" [*Weber 1918b/1994: (164)*; *MWG I/15: 472*]. He denied them an objectively substantiated ability to judge political issues. In his speech "Politics as a Vocation" Weber took a critical look back at the influence on the press during the World War. He cites the devastating influence of advertisements by political interest groups and the irresponsible statements of the "notoriously worst tabloid newspapers" [*Weber 1919/1994: (333)*; *MWG I/17: 195*]. What deeply upset him, and is expressed in his polemical and pejorative language, was the obvious impact of these "literati" on public opinion. The disputes are therefore primarily about the fundamental question: Who actually has a "mandate" to form public opinion? Weber also gives an answer to this in "Politics as a Vocation". There he devotes a longer passage to journalism "as a profession".

It is worth taking a closer look at these remarks, which Weber apparently did not make during his speech, but later added to the printed version of "Politics as a Vocation". In doing so, he links up with the keywords from his "Preliminary Report" for the newspaper inquiry of 1909, where he had already thought about the "social background, previous education", the social position and the "professional organisation of journalists" [*Weber 1909b/1998: 116*; *MWG I/13: 221–222*]. Gangolf Hübinger rightly points out that by around 1900 journalism had been professionalized through training at academic institutes, plus representation by the "Reich Association of the German Press", founded in 1910, into which, among others, the "Association of German Journalists' and Writers' Associations" and the "Association of German Editors" were merged [*Hübinger 2019: 110*]. In "Politics as a Vocation" Max Weber greatly enhances the importance of the journalist by assigning him a firm and significant place in the political sphere. In addition to the professional politician, who gains influence through the power of speech, the "political publicist" has an even more "lasting" effect through the printed word. For Weber, both are the appointed representatives of "modern demagogy" [*Weber 1919/1994: (331)*; *MWG I/17: 191*]. "Demagogy" is not pejorative here but, as will be explained in detail later, is to be understood in Weber as having a political role in a democracy. Weber thus assigns the journalist the official mandate for the formation of political opinion, in contrast to the "literati" who, in a useful formulation by Gangolf Hübinger, "enchant" "world views and power relations" instead of "disenchanting" them – like the journalists [*Hübinger 2019: 112*].

In order for journalists to be able to fulfil their socio-political mission Weber opposes the widespread bad public image of journalists while at the same time binding them to a high professional ethos. As free-floating intellectuals, they lack a fixed class affiliation, which – claimed Weber – must be compensated for by extraordinary character traits [*Bastin: 2013*]. These are: "the sense of responsibility of every honourable journalist"; great "inner balance", because of the dangers that the profession entails, and because of the lack of "firm conventions of his profession" and economic security; furthermore: "discretion"

and incorruptibility, precisely because journalists are flattered by the "mighty of this earth" [*Weber 1919/1994: (331–334)*; *MWG I/17: 191–196*]. From an intellectual point of view, Weber considers journalistic achievement to be creative work comparable with scholarly achievement. His respect for journalistic work was all the higher since it has to be produced under heightened time pressure, "immediately, to order", and should be "immediately effective" [*ibid.: 332, 192*]. The psychological pressure that weighs on the journalist is – as Weber indicates – extremely high. However, according to Weber, the mutual permeability of the two professions – that of journalist and of politician – had so far been very limited and only possible in the Social Democratic Party. When mass democracy became a reality with the revolutionary upheavals in Germany, Max Weber pinned his hopes on professional journalism with a high, self-committed professional ethos in terms of political opinion-forming.

**Political System and Public Opinion**

The influence of public opinion on politics is undisputed. During the First World War, Max Weber observed the pressure exerted by certain press campaigns on the government and the Reichstag. He spoke of "unprecedented agitation directed against the Reich Chancellor and other statesmen" or of an "unscrupulous press agitation" that had prepared the ground for the January strike in Berlin [*Weber 1918a/1984: 416, 420*]. A heated atmosphere can not only influence the decisions of political leaders, but also – as Weber suggests – undermine the stability of the government, so that – as in Germany in 1918 – there is a loss of legitimacy and ultimately a collapse of the existing political system.

In relation to government policy, how much right the public has to information and the transparency of government decisions is a legitimate question in democracies. Weber already dealt with the question in connection with his projected press inquiry: In the British Parliament, the "mother of all parliaments", it had been forbidden since 1738 to report on parliamentary deliberations without a privilege. The weekly *North Briton* was severely fined in 1762 for the violation, because it was a parliamentary "breach of privilege" [*MWG I/13: 264*; *MWG I/23: 584 with n. 57*]. Until 1998, it was still possible to exclude the public from parliamentary sessions at the request of a member of the House of Commons. The British Prime Minister's cabinet also did not meet in public – as the term suggests. Max Weber, whose political ideas were strongly oriented towards the British system of government, was quite statesmanlike in his assessment of what belonged to the public and what did not. As a liberal and with reference to Jacob Burckhardt, he rejected radical publicity, as had prevailed in Hellenic democracy [*MWG I/13: 263–264*]. His own demands for publicity therefore did not correspond to those of radical democrats. In terms of constitutional policy, Weber advocated a differentiation of statements by the German head of state that were either personal and private or made in his official function. Weber had been outraged by Kaiser Wilhelm II's ominous public statements on foreign policy and had also sharply criticized them. The Kaiser's statements had been exaggerated by the press's need for sensationalism and had caused "a useless and detrimental excitement of the public" [*Weber 1917a/1984: 287*]. During preliminary constitutional deliberations, Weber advocated that the Imperial Privy Council (*Reichskronrat*), namely the Reich Chancellor and the Minister-Presidents, should be responsible for the publication or non-publication of

the monarch's foreign policy statements [*ibid.: 286–288*]. This was intended to keep the monarch out of public party affairs and thus protect his reputation in the public eye [*Weber 1918b/1994: 197*; *MWG I/15: 509*].

Another matter close to Max Weber's heart was the "publicity of administration". He felt it was outdated for a democracy that the entire administrative apparatus could work unchecked and invoke "official secrecy" to fend off any possibility of external control. For the new imperial constitution, he therefore proposed the right of inquiry (*Enqueterecht*), based on the British model. It allows special parliamentary committees of inquiry to summon officials and question them. This right, proposed by Weber, was incorporated into the Weimar Constitution and the Basic Law of the Federal Republic of Germany and thus belongs to the existing democratic constitution. However, what Weber at the same time wanted to prevent was the unhindered release of the documents and deliberations to the entire public. Weber also claimed "confidentiality" (*Diskretion*) for politically highly explosive issues, such as warfare and peace negotiations, for reasons of state [*Weber 1918b/1994: 186*; *MWG I/15: 496*]. It seemed to him that informing the public in parliament through official announcements was the statesmanlike solution. However, this meant the controlled release of government decisions in order to protect them from misinterpretations or tendentious press coverage [*ibid.: 208, 522–523*].

Although the power of public opinion is undisputed, it has no institutionalized place in the constitutions of modern democracies. It lies, in the words of the jurist Johann Kaspar Bluntschli, beyond the powers of state and government. Instead of talking about "public opinion", Max Weber often uses the older term "demagogy". This has been introduced into political theory, and with interesting parallels: Attic democracy since Pericles and Ephialtes was – as Weber explained in the text "The Three Pure Types of Legitimate Types" – "completely tailored to the existence" of the "demagogue", "without whom the state machine would have no prospect of functioning" [*Weber 1922b/2004: 140*; *MWG I/22-4: 736 with n. 26*]. In the ancient democratic constitutions only the election of strategists was provided for, but not of the demagogue. Their position was based solely on the trust of the population. For Weber, therefore, the great demagogues – along with the prophets and war heroes – are examples of the purest type of charismatic rule. Because of their charismatic authority, they gather a following around them. Weber transfers this relationship to the modern parties: the demagogue is able to build up a party following using his personal charisma, but also with the support of the party apparatus. On this basis, he can be successful in political struggle and gain official rulership. If he is confirmed by plebiscite, he is a democratically legitimized politician and thus part of the political system. Max Weber's "plebiscitary leadership democracy" is therefore based on the figure of the "demagogue", who manages to win the trust of the masses through various selection stages and who is able to integrate them into the political system. In this way, Weber establishes a contact between the two spheres – public opinion and politics.

Mass democracy was a challenge for the liberal bourgeoisie, as the following sentences by Max Weber from "Parliament and Government" clearly demonstrate: "The *danger* which mass democracy presents to national politics consists principally in the possibility that *emotional* elements will become predominant in politics. The 'mass' as such (no matter which social strata it happens to be composed of) 'thinks only as far as the day after tomorrow'. As we know from experience, the mass is always exposed to momentary,

purely emotional and irrational influences. […] By contrast, as far as national politics are concerned, the *un*organised mass, the democracy of the street, is wholly irrational. It is at its most powerful in countries with a parliament that is either powerless our politically discredited, and that means above all where *rationally organised parties* are absent" [*Weber 1918b/1994: 230–231*; *MWG I/15: 549–550*].

Max Weber's political argumentation shows that he wanted to bind political action – among the masses he described the boundary between reactive behavior and meaningful action as "highly fluid" [*Weber 1920a/2019: 100*; *MWG I/23: 174*][11] – to fixed rules and orders. To ensure that the political and public spheres were not exposed to the easily influenced mass moods, Weber placed great emphasis on strengthening "rationally organized" parties and a high-tension professional ethos for the modern "demagogues": politicians and journalists.

**"The Press and the Public" at the 7th German Sociological Conference 1930**

On October 4, 1930, Siegfried Kracauer reported somewhat listlessly in the *Frankfurter Zeitung* about the Sociologists' Conference in Berlin that had just ended [*Kracauer 1930*]. As a journalist, he focused on the first section on "The Press and the Public", which was close to his interests. However, he complained about the lack of knowledge of research literature and the "empirical facts" [*Kracauer 1930/2011: 341*]. And so Kracauer appears as an advocate for Weber's claim that press inquiry should collect reliable facts, but without mentioning him. That is however what Leopold von Wiese did: in his foreword to the printed proceedings, he drew a direct link to Weber's work plan presented at the 1910 Sociologists' Conference [*DGS 1931: X*]. In the subsequent papers by Carl Brinkmann, who was actively involved in Weber's memorial volume in 1923, and Hans von Eckardt, the Heidelberg newspaper scholar and son-in-law of Else Jaffé-von Richthofen, as well as in the contributions to the discussion, there is no direct reference to Max Weber. However, the frequent references to the press as a private-capitalist acquisitive enterprise and the resulting orientation of the newspapers sound quite Weberian.

Heinrich Waentig, the Prussian Minister of the Interior, himself an economist and sociologist, but also a politician, formulated the explosive nature of the topic of "The Press and Public Opinion" in his welcoming address: he noted how in the "age of democracy, i.e. the decisive influence of the masses of the people on the formation of the will of the state and the state administration", that the press and the public relate to each other, and how much control and criticism of the public the politician has to put up with [*DGS 1931: 7*]. With historical distance and the knowledge that the 7th Sociologists' Conference was the last before Hitler's seizure of power, the situational descriptions of the press in the presentations and contributions to the discussion read as very clear-sighted – in contrast to Kracauer's negative impression. The contributions to discussion also reflect an exchange between the various intellectual milieus of the Weimar period, from Carl Schmitt to the Social Democrat Friedrich Stampfer to Eric Voegelin. There was almost unanimity that the "liberal ideology of freedom of the press", as the main speaker Brinkmann called it, had

[11] On the double face of the power of public opinion (information versus manipulation of the masses): [*Senigaglia 2002: 230*].

reached its limits [*DGS 1931: 9*]. Voegelin drew the conclusion that the press no longer contributed to the formation of public opinion, i.e. that there had been a mental decline [*DGS 1931: 71*]. The "age of opinions and counter-opinions" had now, according to Carl Schmitt, been replaced by the age of "propaganda, suggestion, agitation". Instead of the old freedom of the press, broadcasting now has the power of censorship and monopoly [*DGS 1931: 57–58*]. Referring to the newspaper press, Wilhelm Kapp spoke of a "new censorship of the masses". There is "mass spirituality", "mass taste" and "mass instinct" [*DGS 1931: 54*]. Brinkmann put it even more harshly and spoke of "the almost dictatorial suggestion that modern mass society exerts through the press" [*DGS 1931: 22*]. In contrast to its earlier versions, critical of authorities and traditions, public opinion itself has now become a medium of "censorship of society" [*DGS 1931: 24*].

In addition to the classic newspaper industry, authorities and companies have now also set up their own press offices and press departments in order to influence public opinion [*DGS 1931: 27–29*]. In doing so, they are pursuing their own information policy and are no longer dependent on the reporting of independent journalists. They thus became part of the opinion industry themselves, but none of the participants of the Sociologists' Conference associated this with a greater plurality, or with a gain in freedom of expression.

In view of the Reichstag elections on 14 September 1930, which took place shortly before the Sociologists' Conference, the question of the National Socialists' increase share of votes motivated many speeches. How can it be, that fascists on the one hand and Bolsheviks on the other have such a strong following, even though there are no major press organs behind them? Farsightedly, editor-in-chief Friedrich Stampfer said that both parties aspired to rule and strove to take control of the entire press [*DGS 1931: 63*]. Kapp explained the formative influence of these new aspiring masses through the "organs of internal mediation of the groups, the organs of attitude of the federations (*Gesinnungsbünde*)– whether it is the *Nationalistischer Beobachter* or the *Rote Fahne* or the *Jungdeutsche* or the *Stahlhelm*". These make them "immune to the journalistic will of the big press" [*DGS 1931: 56*].

Taken together, the statements of 1930 indicate a structural change in public opinion. This is no longer determined by plurality, argumentative exchange, freedom of expression and critical expertise, but by left- and right-wing populist attitudes that claim to be an expression of society as a whole. The "current mass mood", as Carl Brinkmann stated, blames the existing political institutions themselves for "disenchantment with parliamentarism and formal democracy" [*DGS 1931: 26*]. In this way, the so-called public opinion of the time undermined the legitimacy of Weimar democracy. In retrospect, self-censorship and the concentration of mass communication, together with the simultaneous erosion of freedom of expression can be seen as warning signals of an incipient totalitarianism. Explaining mechanisms of opinion-formation and political influence in an insightful way could be an important academic contribution to political culture today.

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# Max Weber's Comparative and Historical Sociology of Law. Extending the Legal Paradigm: A Prolegomenon

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**Abstract:** The recently established *Complete Collection of Max Weber's Writings* [the *Max Weber Gesamtausgabe*] resulted in a new orientation to Weber's *Sociology of Law*, now known as the *Developmental Conditions of the Law.* This retitling of Weber's work-in-progress stresses the *developmental* intent of Weber's study which holds the project together. Another reading of that work suggests four different levels of legal change embedded in Weber's text and with the possibility of outlining a research program, enhanced by more recent historical studies, that prepares the way for comparing the developmental trajectories of European, Islamic, Chinese, and Russian law in appropriate time periods. This is the first installment of such a study.

**Keywords:** Max Weber; comparative legal studies; Islamic law; European legal revolution

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## Part I

Max Weber's essays in the sociology of law are widely known to be exceedingly challenging, often containing elements of "incomprehensibleness", and yet "a grand design for the interpretation of modernity" [*Gephart 2015: 13*]. More challenging, the essays have been declared to be a "vast hodgepodge of ideas", containing both "general and historical analyses" and "the most abstract conceptual scheme, all thrown together in a random fashion", which "do not in other words, constitute a *work*" [*Kronman 1983: 2*].[1] Despite such deprecatory comments, I suggest that Weber's Sociology of Law, now known as *The Developmental Conditions of the Law* [*Treiber 2012*] remains the most insightful and unique exploration of the comparative and historical sociology of law that we have. I do not dismiss Harold Berman's critique of Weber in his "False Premises" essay [*Berman 1987*] nor his critique of Weber as a legal historian [*Berman – Reid 2000*]. Berman remains Weber's most important and constructive critic insofar as the historical facts are concerned [*Berman 1983, 2003*]. Whatever flaws one can find in Weber's *Developmental Conditions*, the fact remains that there are no frameworks available in American sociology of law predicated on both a comparative and historical approach such as Weber pioneered [*Wikipedia*; *Deflem 2008*; *Tamanaha 2020*].

In this essay, I shall sketch such a program that would allow us to extend Weber's project by carrying out an objective comparison of four legal traditions, the European, the Islamic,

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1 Soon after this a German scholar wrote that in Weber's Sociology of Law "the style is miserable and the statement obscure". And despite his training and greatness, Weber "thoroughly misjudged the law and jurisprudence of his time" [*Rehbinder 1987: 127*].

Chinese and Russian. For this purpose, my focus is on Weber's essays and their recasting rather than the voluminous literature that has grown up around Weber's work.

Apart from the extraordinary detail that Weber's essays provide on this subject, two aspects of Weber's approach to legal development stand out. The first is that it is based on world-historical or global foundations. As Weber proceeded he sought to provide examples of various forms of legal development from the oldest and most primitive to the most advanced and modern, from around the world. It does appear, however, that in the early chapters Weber's discussion is almost wholly focused on European legal history. Its analysis implies a form of universal development, into which examples from preliterate peoples were incorporated in order to suggest early forms of juridic development. In the fifth chapter of the *Developmental Conditions,* Weber diverges somewhat from that pattern by bringing in what he calls "theocratic and secular law" that includes brief sketches of Indian, Islamic, Chinese, Persian, Jewish and Canon law. These are only brief vignettes (except for Canon law) and do not probe to the very different fundamental assumptions that undergird the non-European systems.

It is also true that sometime before the end of 1913 Weber moved away from the sociological study of law by turning his attention to the major world religions – Confucianism, Hinduism and Buddhism, Judaism, Islam and Christianity – and this resulted in the reorganization of Weber's whole system of thought. As Weber told his publisher on December 30, 1913, he had worked out a "complete theory" concerning the major forms of social groupings to the economy: from the family and household to the enterprise, the kingroup, the ethnic community, religion (encompassing all the major religions of the world …) [as cited in *Schluchter 1999: 60*] and so on.

According to Schluchter these studies comprised a "voluminous manuscript" focused on the religions mentioned, including Islam, which were later published in the *Archiv für Sozialwissenschaft und Sozialpolitik* in 1915 and thereafter. (The part on Islam, however, was apparently lost.) In any event, after 1913/14 and because of the beginning of the war, Weber put these essays on the sociology of law in his desk drawer and did not return to them thereafter. This was because Weber's interest now shifted to the study of "the economic ethic of the world religions" [*Schluchter 2017, 2005, 2023*] which like his many other projects, remained unfinished at his untimely death in 1920 [*Mommsen 2005*].

The second outstanding feature of Weber's *Rechtssoziologie* is that he surmised that the Western legal system had undergone a profound developmental process that he conceptualized as *rationalization and systemization* [*Weber 1978: 655f.*; *MWG I/22-3: 301*]. This was the process of making all the elements of a legal system more concise, logically and systematically ordered around basic legal principles. This was largely based on his study of European law, especially Roman and Canon law, that he had been studying since the early days of his legal training. These studies extended from early Roman law through the various changes from Republican and then Imperial Roman law, followed by the great synthesis of the Canon law in the 12th and 13th centuries [*Berman 1983: 100–224, 225–254*; *Wieacker 1998*]. This was followed by the 19th century codification movement that gave the world the Code Napoleon (1806) [*Weber 1978: 839–859*; *MWG I/22-3: 552*].

A pattern of theoretical reform in law based on the history of Roman law was also suggested by Rudolph Jhering (1888: 334–388) that was adopted by Weber [*Gephart 2010: 301 n78*; *Treiber 2020: 25*]. On the other hand, when in 1913 or a year or so earlier, he began

to explore the great world religions mentioned above, he realized that the legal systems embedded in them did not follow the European pattern, but he never got the chance to spell out those developmental differences.

It is also significant that during a crucial time in Weber's own intellectual development, the period of 1911–12, he discovered the rationalization process in the West applied not only to law, but to many other aspects of the human endeavor, especially, e.g., to music (but also to art, architecture, politics, science, etc.) as he pointed out in his "Prefatory Remarks to the *Collected Essays in the Sociology of Religion*" [*Weber 2004*].

A third result of Weber's pioneering work in the sociology of law, and despite the unfinished nature of his project, there is a sense in which Weber's essays on this subject give us a rough outline of a research program, a variety of indicators that, with amplification, could be used to compare contrasting legal systems, not just on the basis of rationalization as Treiber [*2020*] undertook to illustrate. There is a sense in which the real test of Weber's legal sociology rests upon a well-crafted comparison between the development of European law (Roman to Canon law and then the Code Napoleon) and the broader and deeper study of Islamic and Chinese law. For one of the criticisms of Weber's essays in sociology of law is that he never "analyses these systems on their own terms" [*Berman – Reid 2000: 231*].

We know that Weber had a keen interest in both Islamic and Chinese law (and made frequent references to Russian law[2]) and that he did look into them further after putting aside his legal studies. Whatever Weber found out later about Islamic law, we have only scattered hints (in his *Sociology of Religion* and elsewhere) [*Weber 1963*]. His study of Confucianism, misleadingly titled the *Religion of China* [*Weber 1951*; *Schluchter 2013*] contains several more insightful comments on Chinese law that were connected to his earlier essays on this subject. Given all that, there remains the task of looking more fully into these other legal systems in comparison to the European, especially the Chinese, Islamic and the Russian.

Because their fundamental assumptions were not the same as in the European tradition, it requires us to reformulate our basic conceptual markers of what a legal system entails. For example "lawyers" (advocates in the European sense) were missing in both classical Islamic and Chinese law. In Islamic law, judges (*qadis*) decide actual cases but not the law. Their decisions apply only to the two parties in litigation, are not publicly recorded, while it is the mission of the legal scholar (*mufti*) to decide what the law is [*Masud – Messick – Powers 1996*; *Powers 2002*]. A closer look at those two systems will give us a better understanding of how various elements of alternative legal systems were actually constructed and what other basic assumptions were built into them. Furthermore, there is ample material suggesting a quite different image of what a "prophetic" and "sacred law" looks like in its origins and early formative period.

As further background to this discussion, it is well to remind readers that when the modern European legal system coalesced and defined the nature of *modern* legal systems, the Continental *Civil Law* tradition and the Anglo *Common Law* tradition came to dominate the global scene. Outside of those two traditions in the new world order, we find, as

[2] Weber's comments of Russian law and society have been both strongly criticized [*Pipes 1955*] and warmly praised [*Hildermeier 2015*].

noted above, three influential non-European legal systems and these were the Islamic, Chinese and Russian. Their influence on international legal thought remains, though greatly diminished.

We may also note that currently there is a rise of autocracies around the world [*Applebaum 2024*]. It would be useful to consider in particular the elements of political and *legal autonomy* present or absent in those systems and their possible contribution to establishing constitutional democracy. That sort of historical retrospective in a Weberian spirit should be useful for understanding both Weber's concept of legal rationalization and our present condition when constitutionalism and democracy are being challenged in new ways.[3] From that perspective alone, it would be useful to examine the historical roots of these other 8essays.

***The Gesamtausgabe (Max Weber's Complete Collection)***

Thanks to the outstanding efforts of all the scholars involved with creating the *Complete Collection of Max Weber's* writings, the *Max Weber Gesamtausgabe* [*hereafter MWG*] and Weber's volume on law in particular [*MWG I/22-3 2010*] that began in 1984 [*Hanke – Hübinger – Schwentker 1984*; *Whimster 2012: 7–12*], a great deal of new light has been cast on the large and small details of Weber's incomplete projects. Because these complete editions of all of Weber's writings (totaling 47 volumes) [*Schluchter 2020: v*] are now preserved in their original German with variorum additions, along with voluminous new editorial commentary, these new resources need to be consulted, along with the English translations.

At the same time, it must be remembered that in the case of Weber's contribution to the sociology of law, this was a posthumous publication based on the assembly of unfinished texts that were part of his estate papers, and most likely unrevised and incomplete [*MWG I/22-3 2010: 135–159, 182–188*; *Schluchter 2005, 2023*]. In addition, it was Marianne Weber who identified and published together these essays for the first time in the first edition of *Economy and Society* [*Weber 1922*] that we now recognize as Weber's contribution to the Sociology of Law.

Since the beginning of the project to create a Complete Edition of all of Weber's writings, a great deal of effort has been expended in the attempt to determine just when Weber wrote various parts of *Economy and Society,* especially his legal chapters. It is now understood that Weber's volume on law (*Recht*) [*MWG I/22-3 2010*] is composed of two texts: "The Economy and the Orders", and "The Developmental Conditions of the Law". The latter manuscript appears in eight "paragraphs" or "sections" that were translated into English by Max Rheinstein and Ed Shils [*Weber 1954*]. (I shall refer to these units as "chapters" following the English tradition.) Later these essays were incorporated into the English edition of *Economy and Society* edited by Guenther Roth and Klaus Wittich [*Weber 1978: 311–338, 641–900*].

[3] That is, if Applebaum is correct, a group of autocratic national actors now exist across the world who actively aid one another for the purpose of undermining the international world order and democracy. However, Harold Berman already sensed "a crisis in the Western legal system" one in which there was "a confrontation with non-Western civilizations".

The exact dates of composition of these essays remain unknown so that scholars working on this aspect of Weber's writing are only able to narrow the time periods down to three-four-year intervals [*Gephart 2010: 135ff.*; *Schluchter 2005, 2023*; *Treiber 2020: 1–8*]. The conclusion is that Weber worked on his legal texts mainly in the period from 1911 to possibly 1914 [*Schluchter 2023: 21ff.*; *Gephart 2010: 182–187*; *Treiber 2020: 6–8*]. The resulting manuscript, however, was put aside because of the start of World War I. Very little if any work on the essays occurred in the postwar period [*Schluchter 2023: 81–89*].

A major change in our understanding of Weber's essays on the sociology of law has been the retitling of them as *The Developmental Conditions of the Law* noted earlier. This in my view [now see *Treiber 2020*], represents a significant change in the underlying assumptions of what Weber intended when he began writing these essays, and is an entirely missing perspective, for example, in Kronman's [*1983*] assessment and that of other earlier critics. With regard to issues of dating and composition of his essays, and for present purposes, I shall provide only marginal comments on the important editorial details that brought us to this new understanding, for I am interested here primarily in the larger contours of Weber's *comparative and historical the sociology of law* and how some of its baseline anchoring and assumptions can be transformed into an ongoing research program.

### *Weber's Developmental Conditions of Law*

Today's perspective on the sociology of law would automatically consider both the effects of law on society and society's effects on law. The latter would explore the role of key actors or social groups in the development of law, or on the role that key actors might play in the juridic process.[4] Weber cast a wide net because he was interested in the earliest formations of law and the developmental process of legal evolution along with the particular ways by which new legal rules arise. He was interested in the ways in which ancient and traditional law were transformed into the central structure of what we today think of as modernity. Still more evident was Weber's interest in the connections between legal and economic development.

Because of the extraordinary complexity of Weber's texts, especially the fact that he was often writing as a lawyer and legal scholar, and was attempting to compare legal systems and traditions from all over the world and from ancient to modern times, it has been challenging to identify the overriding aims in Weber's texts, apart from the clear indications that the process of rationalization in law was a major theme. With a view to constructing a comparative framework, I suggest that another reading of Weber's legal essays reveals four different perspectives on legal change. The *first* of these I shall call his micro approach of legal change that he set out in his early chapters of the *Developmental Conditions*.

A *second* perspective which is far more widely known concerns the *rationalization and systematization process* that applied both to European law and Western culture broadly. This theme was part of the very early introduction of Weber's writings to the American audience when Talcott Parsons (in 1930) translated *The Protestant Ethic and the Spirit*

[4] There is now a whole subdivision of scholarship working under the heading of *Law and Society* with a journal using that name. Also see Tamanaha [*2020*].

*of Capitalism (1904–05)* into English [*Weber 1930/1958*] and placed Weber's "Prefatory Remarks" to his *Collected Essays in the Sociology of Religion* as the *Introduction* to the *Protestant Ethic.* But those prefatory comments represent a much later period in Weber's intellectual development. Today the assumption of the rationalization process as a major driver of legal development is understood by virtually all students of Weber's *Sociology of Law* and his writings more broadly [*Schluchter 1981, 1989, 2023*; *Swedberg 2005: 225–228*; *Kalberg 2012*; *Gephart 2015*; *Ford 2022*; most recently *Treiber 2020*] and many others.

The *third* perspective on broad legal change posits a *four-stage* model that begins with the appearance of legal edicts proffered by a charismatic leader or law prophet; next is the "empirical creation of law through cautelary [empirical, case by case] jurisprudence"; followed by "the imposition of law by secular or theocratic powers"; and then "the systematic elaboration of law and professional administration of justice" by legally trained scholars [*Weber 1978: 882 / MWG I/22-3: 617f.*]. This latter phase seems to be specific to European law, above all the connection between the rise of the universities and the emergence of university- trained legal scholars which did not appear in the Islamic culture[5] or China [*Huff 2017*], nor Russia before the early 19th century [*Wortman 1976*].

A *fourth* pattern of legal development that Weber was laying out in the second chapter of the *Developmental Condition*s entails a complex set of legal innovations, starting in a primordial period of status relations, followed by a medieval period of innovation, that was driven by market forces and economic development. This resulted in the widespread use of *purposive contracts* (voluntary contracts) and the fictive juridical instrument of the corporation, a truly unique European legal innovation. Though Weber discusses these issues in considerable detail [*Weber 1978: 668–729*; *MWG I/22-3: 309ff.*] he did not articulate the larger picture that comes out of his extraordinary legal-historical analysis that has only been set out by Harold J. Berman in the mid-nineteen-eighties [*Berman 1983*]. This latter set of developments is rarely discussed in connection with Weber, though he deserves credit for pushing our historical understanding of European development in that direction. I will set out these ideas in a later section.

Although Weber's writings on the sociology of law are conventionally traced to Weber's scathing critique (1907) of the writings of the legal scholar, Rudolph Stammler, *The Historical Materialist Conception of Economics and Law: A Socio-philosophical Investigation* [*Weber 1977*], it is important to remember that Weber was trained in law, first at Heidelberg and then at Berlin where he received a law degree in 1886 [*Dilcher 2008*; *Kaesler 1988*]. Due to his completion of both a qualifying dissertation and a second thesis called a Habilitation, Weber qualified to teach both German and Roman law [*Dilcher 2008*; *Borchard 2002: 152*] which he did for a short period of time.

His dissertation was titled, *On the History of Commercial Partnerships in the Middle Ages* [*Weber 2003*], completed in 1889. This means that from his early training Weber was interested in the history and development of legal concepts *as well as* the role of law in political and economic development. Due to his sagacity as an historical researcher, he

[5] The critical point here is that the institutions of higher education in the Islamic world, *madrasas,* were not legally autonomous entities. They were specifically dedicated to the study of Islamic religious sciences, not broad knowledge, did not teach Greek philosophy nor the sciences generally. The masters of the madrasas were Islamic legal scholars, but were not trained as lawyers in the Western sense (did not "defend clients") but were dedicated to defending the Sharia, Islamic religious law [*Makdisi 1981*; *Berkey 1992*; *Chamberlain 1994*].

discovered in the historical records of southern Europe in the medieval period the invention of the legal form of the business "firm" (or enterprise) that resulted from the formal separation of the household from business activity. For various economic reasons, as well as technical legal issues, the household which was a business unit in the medieval period, fell apart and this happened simultaneously with the development of new legal understandings, the creation of a "commercial register", and so on.

This separation of the household from the business enterprise entailed creating a separate fund from which all business-related expenses (and not family expenses) were to be paid. This separation was (in Weber's view) an indispensable step on the way to modern capitalism and has been termed a "revolutionary" development in cultural history [*Swedberg 1998: 41*]. This reshaping of the household enterprise also entailed the legal assumption that the partners in the firm took equal responsibility for all debts incurred by the partners. They were *solidary* in legal responsibility for the enterprise [*Ford 2022: 37*].

Despite the fact that Weber's highly regarded mentor and teacher, Levin Goldschmidt, believed that the legal innovations they had both uncovered in the medieval era were the product of "universal" business needs and practices, Weber disputed that conclusion and was ready to debate his teacher on that issue [*Dilcher 2008: 169ff.*]. Eventually after a great deal of additional research Weber reached the conclusion that neither Roman, Islamic, Indian nor Chinese law developed such legal conceptions [*Weber 1978: 375ff.*; *Weber 1927: 205–207, 225ff.*]. In effect, legal scholars in those civilizations did not invent the legal concept of the business firm separate from the family nor the associated legal structures essential to the rise of modern capitalism. It is for such reasons that one can see why Weber's unique dissertation in the history of law and economics proved to be a "prelude to the *Protestant Ethic and the Spirit of Capitalism*" [Kaelber's interpretation in *Weber 2003*] that was to appear fifteen years later with great acclaim as well as controversy [*Weber 1958*]. Still, the Protestant ethic thesis departs significantly from focusing on law and legal structures as critical factors in economic development.

In sum, Weber's training in law and legal history set him on a path that led him to think broadly and deeply about the place of law in social and economic activity, and above all, in a comparative and civilizational framework. This framing of the issues prevented him from projecting onto other cultures characteristics that were uniquely Occidental. That stands in contrast to his contemporary Eugen Ehrlich (1862–1922) who wrote his own book on the fundamentals of the sociology of law [*Ehrlich 1913/1962*] and set out a conjectural path of legal development that appeared to be universal when in fact it completely ignored legal development outside of Europe [*Ehrlich 1922*].

Weber planned two opening chapters on law for *Economy and Society*: the first was to focus on "Economy and Law (1. Principal relationships. 2. Epochs in the development of the contemporary situation") [*Schluchter 2023: 3–7*; *Gephart in MWG I/22-3: 57ff., 135ff.*; *Gephart 2015: 69ff.*]. Thus early in this period (i.e., ca. 1907–1910), while working on his major contribution to the *Handbook of Political Economic*s (later, *Outline of Social Economics*), Weber thought that the role of law was a critical variable in the development of economy and society; and second, that law as well as the economy (and "the state") had gone through "epochs" (or stages) of development, which was a common assumption in that period of scholarship.

I shall turn to Weber's last thoughts on the four-stage model presently. Despite criticisms of the model,[6] it signifies that Weber's larger objective was to provide a deep analysis of legal development taken as a very broad mandate encompassing primitive and preliterate forms of law, the role of law prophets, the existence of a variety of influential legal actors (legal *honoratiores*) [*Weber 1978: 784ff.*; *MWG I/22-3: 476ff.*] directing that process, and, at least in Europe, the rationalization and systemization of law through codification. Efforts toward codification in Islamic and Russian law were also attempted in the 19th century (to be discussed in Part III). In whatever manner we construe Weber's early efforts in the sociology of law, it must be admitted that even his incomplete (and sometimes mistaken) writings offer the rudiments of a unique and powerful approach to comparative and historical legal studies, not just in the "West," but cross-culturally.

### *Unfolding Weber's Theories of Legal Change*

Although the broader task of Weber's *Developmental Conditions* is the laying out of the four-stage progression of legal development from charismatic revelation, to the emergence of judge-made law, "imposition of law from above", legislative enactment and then the workings of legal scholars, Weber repeatedly deviates from that story to explore the processes of legal change and innovation in a variety of social and developmental contexts. Weber's unfolding inquiry sets forth numerous generalizations about patterns of legal development that could only come from a long study of historical development that was part of Weber's long legal education.

As a beginning university student, Weber read large parts of the *Corpus Juris Civilis* – Roman Civil Law – such as the *Digest* (Pandects), the *Code*, and the *Institutes* [*Whimster 2017: 231–331*]. For his doctoral thesis he wrote *the History of Commercial Partnerships in the Middle Ages* (1889) [*Weber 2003*], and this was followed by his *Roman Agrarian History* (1891) [*Weber 2008*]. This was followed by *The Agrarian Sociology of Ancient Civilizations* (1909) [*Weber 1976*]. Clearly Weber was soaked in European legal history. When, in 1910-11, as he began his inquiries that would turn into the never-completed sociology of law, Weber was very much a legal historian and amateur economist whose deepest studies were in Roman law and its history. To be sure Weber in the first decade of the twentieth century was exploring many facets of sociology as a nascent social science, but the key to Weber's breakthrough as a sociologist, and on the path to "my sociology," was the "Categories Essay" of 1913 [*Weber 1913*; *Schluchter 2000*; *Adair-Toteff 2011*], part of which involved Weber's severe critique of the legal scholar, Rudolf Stammler.

Accordingly, the generalizations that Weber presents in the *Developmental Conditions* are often very complex legal ideas that he abstracts from the developing history of European law from its Roman roots to the medieval and early modern period. Much of these preliminary findings that he presents to the reader are intellectually indigestible because of our lack of a legal education such as he had and refined by teaching both Roman and German law. For example, the long chapter 2 is notably structured around a bevy of legal concepts that

[6] "[T]he division into stages and eras does not follow … the history of events. It also fails to allow for an exact indication of historical time periods. Yet it refers to the history of events and to approximate dates" [*Schluchter 1991* as cited in *Treiber 2020: 36*].

would be familiar to law students such "legal propositions", "freedom of contract", "purposive contracts", "legal autonomy", "juridic person/personality", legal "obligations" linked to coercive punishment, and "legal privileges" issuing from contractually secured rights; "negotiable instruments", and many more.

Weber's definition of law is essentially positivist in the sense that it is predicated on the existence of a set of norms (rules) whose existence "are directly guaranteed by legal coercion" [*Weber1978: 313*; *MWG I/22-3: 215*]. It is the element of coercion, of norm enforcement, by a staff of enforcers who have been appointed for that purpose, that establishes the existence of a lawful regime. The idea of "law as rules" has a long history and was most systematically explored philosophically by H. L. A. Hart [*1961*], indeed with Weber's work in view [*Lacey 2004: 230*]. This is not to discard other approaches to the study of law and legal regulation, only to state Weber's view, and to suggest that sociologically, as a behavioral science, this makes perfect sense. It does not preclude discussion of "justice", or natural law and how such concepts might be embedded in a larger philosophical framework. It places emphasis on behavioral and empirical markers, not jurisprudential efforts to arrive at the correct legal concept or ruling.

Weber's opening discussion of "Fields of Substantive Law" (his first "chapter" in the *Developmental Conditions*) references the usual divisions of private vs public law, criminal law, procedural law, the early existence of "primitive dispute resolution" and so on. The inquiry seems to be preliminary and unfolding but in the last section of this discussion Weber introduces the schema according to which law develops through a process of "analysis, generalization, construction, and systematization" [*Weber 1978: 655*; *MWG I/22-3: 301*].

This is actually a formulation borrowed from the legal scholar, Rudolph Jhering (1818–1892) and his book, *The Spirit of Roman Law* [*1888: 334–388*]. Weber had read this book during his first years as a university student studying law [*Whimster 2017: 232*]. In addition he adopts the German Historical School's ideal of *codific*ation whereby the goal of legal development is the production of a "gapless system of rules" [*Weber 1978: 656*; *MWG I/22-3: 303*] under which it is implied that all conceivable fact situations must be capable of logical ordering.

The modern legal system under this view, developed by the Pandectists (modern German students of Roman law), is governed by five postulates:

First, that every concrete legal decision [must] be the "application" of an abstract logical proposition to a concrete "fact situation"; second, that it must be possible in every concrete case to derive the decision from abstract, legal propositions by means of legal logic; third, that the law must actually or virtually constitute a "gapless" system of legal propositions, or must at least be treated as if it were such a gapless system; fourth, that whatever cannot be "construed" rationally in legal terms is also legally irrelevant; and fifth, that every social action of human beings must always be visualized as an "application" or "execution" of legal propositions, or an "infringement" thereof since the gaplessness of the legal system must result in a gapless "legal ordering" of such conduct [*Weber 1978: 657–658*; *MWG I/22-3: 305*].

This codified and putatively gapless system is the one that came to dominate Continental Civil Law, and by extension, large parts of the non-European world in the latter part of the 19th century when forms of it were adopted by Middle Eastern Islamic countries [*Merryman 1985*; *Glendon – Carozza – Picker 1999*; *Khadduri – Liebesney 1955*; *Anderson*

*1976*]. Even Russian officials in the 1860s attempted to reconstruct Russian law in this spirit [*Wortman 1976*; *Butler 1993*].

This is the ideal type of the modern, rational-legal system that Weber takes as a model and then seeks to explain how it came about. He wants "to find out how the various influences", the sociological and historical forces, produced these results [*Weber 1978: 657*; *MWG I/22-3: 305*]. The code Napoleon was in Weber's view, "completely free from the intrusion of, and intermixture with, non-juristic elements and all didactic, as well as all ethical admonitions; casuistry, too, is completely absent" [*Weber 1978:865*; *MWG I/22-3: 552*]. This, I believe, is what Weber meant by the rationalization of the law, its systemization and elimination of extraneous elements that arose in the past, such as references to religious or ethical ideas.

This model of legal organization does not apply to English Common Law that was organized along very different lines. It developed the collection of legal precedents and relied heavily on traditions of the past. Though Jeremy Bentham (1748–1832) was the originator of the idea of "codifying" all legal systems, many British scholars did not agree. They claimed that their system was just as rational as Roman law and that it was not possible to transform it under the guidance of Roman law, as the Germans had done, into the new form of codification recommended by various scholars [*Maitland 1922: vii–lv*]. Berman [*2006: 3*] argues that Weber misunderstood certain parts of English law while others have sought to defend Weber's argument [*Trubeck 1972*; *Sally Ewing 1987*].

***How Legal Change Happens***

Before turning to the great transformation of European law and society, we need to recognize Weber's vision of micro-legal change. Weber takes up the question of how law originates and changes in three different chapters. This he does in "Legal Order and the Economic Order" [*Weber 1978: 321–323*; *MWG I/22-3: 191–203*]; in "Forms of Right Creation" [*Weber1978: 666ff.*; *MWG I/22-3: 306ff.*]; and the "Emergence and Creation of Legal Norms" [*Weber 1978: 753–776*; *MWG I/22-3: 430ff.*]. In his original discussion of law [*Weber 1978:321f.*; *MWG I/22-3: 192*] Weber suggests that legal change comes about through "inspiration", which seems to refer to the insights attributable to unique individuals, perhaps those who "have experienced abnormal states". Nevertheless, in the third chapter, Weber takes a quite different approach, following his question, "How do new legal rules arise?" [*Weber 1978: 753*; *MWG I/22-3: 430*]. In it Weber examines theories suggesting that legal norms arise from new behavior that becomes customary, then becomes ordinary "usage", followed by the emergence of a coercive apparatus that makes norms justiciable and enforceable [*Weber 1978: 754f.*; *MWG I/22-3: 433f.*]. The change occurs almost unconsciously when ordinary actors or business people interpret a legal norm in a new way, though they claim that the law had always been thus [*Weber 1978: 755*; *MWG I/22-3: 434*]. The departure begins with individuals engaging in new forms of activity, often in the economic sphere, and when forced to justify their behavior through litigation, the legal specialists, usually lawyers, claim that the law had always been so. The result is a subtle shift in legal understanding.

But following this micro-analysis, Weber continues on with the transition from "irrational adjudication" to "the emergence of judge-made law", followed by the "imposition" of

law "from above" as in legislative enactment; and finally, the emergence of legal specialists who "formally elaborate" and administer the law. This latter development achieves a high state of logical-rational development [*Weber 1978: 754–777*; *MWG I/22-3: 433f.*].

But there is another, many times longer, discussion in which Weber sketches a series of legal innovations that in effect, transform social interaction and the organization of European society.

### *Legal Privilege, Purposive Contracts and Juristic Personality*

As noted above, Weber was deeply conversant with Roman law, its historical development and transformation in the fashioning of Canon law in the 11th and 12th centuries. In his longest section in *The Developmental Conditions* [*Weber 1978: 666–774*; *MWG I/22-3: 306–429*] Weber sketches a long period of legal change that extends from ancient "status" relations to the emergence of "purposive contracts", taking place in some indeterminate period of time. In the process he introduces many new concepts and suggests the novel idea that volitional contracts – "purposive contracts" – represent a new means of legal change. Such contractual agreements bind two or more parties together and at once grants them privileges available only to the contacting individuals. At the same time it subjects them to contractual obligations whose neglect could result in coercive enforcement.

The beginning point is similar to Henry Sumner Maine's passage from status to contract except that Weber's contractual stage is one of intentionally designed contracts that signify the creation of *new legal rights*. That new status follows an entirely different set of dynamics than might have been anticipated and heralds "freedom of contract" in the modern sense.

Weber takes the reader through a long and complex discussion of legal concepts and multiplying qualifications. In the first phase of this new state of purposive contract formation, the availability of contractual freedom enables the rise of new *rights* and *privileges.* These are created by the action of ordinary citizens joining in concert with one or more others to create a new binding legal situation. Through the instrumentality of a purposive contract, the individual acquires power over another or in concert with another (i.e., in a contract-bound relationship) with exclusive control over property, resources, and potentially patentable products and processes. Such concerted action could generate exclusive rights over property (and possibly commercial processes, including what is now called "intellectual property"[7]), for *private use* [*Weber 1978: 699*; *MWG I/22-3: 368*]. What could be seen as a process of generating greater inequality and monopoly through status privileges, Weber instead sees as a general trend within Western law toward formal equality that makes such privileges "formally and generally accessible to any person" [*Weber 1978: 697*; *MWG I/22-3: 367*]. It represents a transition from social selection in economic affairs based on the assumption of a special "quality" of the person to selection based on merit or special competence. Weber identifies the rise of the "principle of formal legal equality" that means that anyone, "'without respect to person,' may establish a business corporation or entail a landed estate …" [*Weber 1978: 699*; *MWG I/22-3: 369*]. Such voluntary associations

[7] Laura Ford has spelled out a major insight regarding the origins of property and intellectual property rooted in Weberian assumptions in her outstanding work [*Ford 2021, 2022*].

may be of virtually any nature, "a club, just as well as a business corporation, a municipality, an 'estate', a guild, a labor union, or a circle of vassals" [*ibid.*]. In short, Weber claims that, in the West at least, there has been a grant "to everyone the power to create law of one's own by engaging in private legal transactions" [*Weber 1978: 698*; *MWG I/22-3: 365f.*].

Along with this practical modification of the law, Weber is gesturing toward a broader, civilization- wide transformation that encompasses elements of legal innovation that extend from early Roman law up to the late Middle Ages, the emergence of Canon law, along with the rise of the administrative state. But his starting point is, historically speaking, with all individuals ensconced in a primitive status contract binding them to their group and community without the capacity to make individual contracts outside their family, ethnic or religious group [*Weber 1978: 672f.*; *MWG I/22-3: 315*]. The same restriction applied to the incapacity of the individual to alter religious or customary rules of testation. The best example of this is Islam and the Quran where it spells out the exact divisions of inheritance that are to be applied at the death of any family member [*Schacht 1964: 169ff.*]. In such a regime, all rights are fixed by tradition and are administered solely by the head of household. Weber frequently refers to this situation as one in which law is simply an administered informality, without implicit rights or rules of due process [*Weber 1978: 643, 844*; *MWG I/22-3: 278*]. Thus the invention of purposive contracts represents a sharp break from the earlier reign of status contracts and the assumption that legal change is brought about only by legal authorities.

There are three dimensions to this momentous shift in law creation and social organization that Weber is sketching. One dimension concerns the rise of a contractual society of purposive contracts. The other entails the formation of *legally autonomous* entities, *corporations*, and the proliferation of these creates a whole new social, economic, and political organization, though Weber does not explicitly say so. The third transformation about which Weber says very little, is the rise of *the administrative state* and its monopoly of law creation [*Weber 1978: 666*; *MWG I/22-3: 306*], though the other two pathways to law making (instituting purposive contracts and the creation of corporate bodies with their own rights) suggest a good deal of spontaneous and autonomous legal innovation. The rise of the state as a dominant Western institution is generally dated to the 12th and 13th centuries [*Bagge 2019*; *Strayer 1970*; *Tilly 1975*] but Weber does not offer any details on that in the *Developmental Conditions*. He does mention that in earlier legal discussions, there was a debate as to whether the state was an independent corporation [*Weber 1978: 715*; *MWG I/22-3: 399*].

To break out of traditional constraints on human relatedness and in a formal legal sense such as this, seems revolutionary, and would stand in contrast to what an Islamic judge or mufti, or Chinese magistrate would have thought possible in the late nineteenth century or earlier (as will be shown later). It is only much later that Weber remarks on differences with China, Islam, and Russia [*1978: 726*; *MWG I/22-3: 419ff.*].

Weber is fully aware that all these formations of purposive contracts (and sometimes, corporate entities) inevitably have effects on third parties, resulting in "special laws" [*Weber 1978: 695*; *MWG I/22-3: 361*]. This arises in part because of the existence of many "law communities" and when new contractual arrangements are made, the priority of "particular" rights overrides the "general" [*ibid.*]. In the long run Weber sees the process producing "a great mass of legal particularism" [*ibid: 698*; *MWG I/22-3: 366*]. Weber's discussion of

freedom of contract and the emergence of purposive contracts often entails some form of corporate entity such as an endowment, an institution (*Anstalt*) or a corporation [*ibid.: 708*; *MWG I/22-3: 384*]. Consequently, Weber devotes many pages to the emergence of the *juridical person*, the legally autonomous corporation.

***Corporations and Juridic Personality***

Otto Gierke (1841–1920), one of Weber's dissertation examiners, gives credit to Pope Innocent IV (1243–1254) for finally defining the characteristics of a corporation [*Maitland 1922: xix*]. In terms of the historical development of fictive legal entities, there were aspects of corporate existence in Roman law, especially in the form of legally independent towns and municipalities; but a *theory* of corporations had to wait for the Canonists in the 12th and 13th century to fully articulate such a theory and the bundle of rights that obtain with the achievement of that status [*Berman 1983: 215*; *Duff 1938: 62*].

With the action of Pope Innocent IV in 1243, those entities labelled as a *universitas, corpus, or collegium* (and typically, a *societas),* were declared to be *persons* (*persona ficta*) in law. They have the same rights as others, such as the right to own property, to make contracts and to have legal representation, but they could not commit treason or criminal acts. With the eventual proliferation of such entities across Europe, a new social, political, and economic organization began to take shape.

This invention of the juridic person is often connected to purposive contracts, as we have seen, and signifies the creation of a whole large *class* of fictive entities bearing legal rights. Despite his deep knowledge of this literature, extending all the way to Roman law and the seminal work of his teacher, Otto Gierke, Weber does not concisely spell out the underlying rules and assumptions of corporation theory as they evolved and were understood by the 12th and 13th century Canonists [*Tierney 1982*; *Berman 1983: 199ff.*]. He is aware of the proliferation of legally autonomous entities and the complications they bring for the administrative state, but stops short of articulating the broader sociological implications of their existence for Western law and society.

On another level, Weber is attempting to piece together the elements of corporation law from pre-existing early Roman law but also borrowing certain conceptions from German corporate ("fellowship") law (*Genossenschaftsrecht,* the work of Gierke), along with the work of the Canonists and their unique Christian ideas of spiritual unity [*Berman 1983: 215ff.*]. Indeed, Weber admits that a "peculiar ecclesiastical corporate law" was elaborated by Church officials and "this very ecclesiastical law … markedly influenced the development of the secular corporation concept of the Middle Ages" [*Weber 1978: 714*; *MWG I/22-3: 398*].

With the proliferation of all these corporate entities and the rise of an economically competitive society, Weber speaks of the growing complexity of social and economic life. The rise of the administrative state itself further spawned the need for accountability and thus the creation of "separate juristic persons of innumerable public enterprises such as schools, poor-houses, state banks, insurance funds, savings banks, etc." [*Weber 1978: 715*; *MWG I/22-3: 399*]. Notwithstanding the great variety of such entities that take on corporate status, all of them are treated exactly alike [*Williston 1888: 10ff.*; *Duff 1938*].

Given all this complexity, Weber argues, there was a need for the "the unambiguous" determination of "the significance of every action of every member and every official of an organization" [*Weber 1978: 706*; *MWG: 381*]. In other words, to maintain accountability and transparency in this increasingly complex world, a technical solution was needed, and Weber suggests that the "juristic person" was that solution. Clearly it was not an independent bourgeoisie that produced this technical innovation, but rather the trained legists of the Church.

The first step in that direction he suggests, was a "complete separation of the legal sphere of [group] members from the separately constituted legal sphere of the organization" [*Weber 1978: 707*; *MWG I/22-3: 382*]. This is related to Weber's dissertation on commercial trading companies in that the creation of *the business firm* as a legal entity required just such a separation of the business from the household (which had been the primary unit of production). This was necessary for the purpose of increasing accountability within the firm. Relying further on corporate theory of this era, it was understood that "certain persons designated, according to rules, are regarded from the legal point of view as alone authorized to assume obligations and acquire rights for the organization", while "the legal relations thus created do not at all affect the individual members and their property and are not regarded as their contracts, but all these relations are imputed to a separate and distinct body of assets" [*ibid.*]. In this way Weber invoked the many prerogatives of corporate existence in which the assets of the organization are separated from those of members, that "what is owed to the organization is not owed to the individual members" [*Weber 1978: 715*; *MWG I/22-3: 400*]. Once created, a corporation must (have a name) and appoint a specific official, chosen by way of a majority vote, to make contracts and other arrangements in the name of the corporate entity. The organization itself now acquires rights, to be represented by an official agent, to buy and sell property, to make additional contracts, and so on.

This is as far as Weber takes the reader in understanding some major legal changes in the late medieval and early modern era. In the next chapter Weber returns to his multistage theory of legal development that results in the imposition of law from above discussed earlier.

**Part II**

***Toward Comparative and Historical Analysis***

If we start with a broad comparative and historical demarcation, "East" and "West", we can notice that in virtually all European languages, the terms for law (*ius, diritto, droit, derecho, Recht*) refer to both law and to rights [*Pennington 1998*]. Indeed, the medieval Canonists (the ecclesiastical legal scholars) worked out the idea of subjective human rights in the 12th and 13th centuries [*Tierney 1997*]. These were rights that were possessed by the individual and were enforceable by law with precedents going back to Roman law [*Wolff 1951: 62*]. But this was not the basic assumption that we find underlying Islamic, Chinese [*Bodde – Morris 1967*] or Russian law [*Pomeranz 2018: 165*] prior to the arrival of European influences. Accordingly, we need a different set of conceptual terms to establish a heuristic framework for carrying out more detailed comparisons of European law and the three other systems in a Weberian spirit.

We saw in Weber's chapter on "Forms of Right Creation" that he was gesturing toward a large transformation of the European legal system that was emerging out of the new contractual freedom to create and use purposive contracts along with a plethora of autonomous legal entities, namely, endowments, corporations, trusts and institutions representing every sort of business, civic, charitable, professional, and other interests. But it was Harold Berman [*1983*] who pointed out that Europe during this period – starting with the Investiture controversy (1076–1122) – began to completely reorganize all the spheres of the law, that, taken together, constitute a sweeping legal reform, indeed, a revolutionary reconstruction, of all the realms and divisions of law – feudal, manorial, urban, commercial, and royal – and therewith the reconstitution of medieval European society.

Behind all this was the revolutionary transformation of Canon law and the general development of a new science of law. It fused Roman, European folk and Canon law into a new entity, commonly referred to as the *ius commune*, the Common law of Europe [*Stein 1999: 74f.*; *Wieacker 1998*; *Pennington 1998*]. It was taught in the universities and put into practice across the Continent and in England [*Hartmann – Pennington 2016: 2–3*; *Brundage 2008a: 3ff.*, *2008b*]. The list of legal items to follow represents in skeletal form an outline of the emerging legal culture of Europe that many historians have associated with the Renaissance of the 12th century and is still not fully appreciated.

### *The European Legal Revolution: A Heuristic Framework*

In didactic form the legal revolution contains [cf. *Berman 1983: 7–10*] the following items:

(1) a legal reorganization and transformation of European society whereby collective actors were treated as legally autonomous entities, i.e., whole bodies (corporations) that included cities and towns, charitable organizations, professional associations of doctors and lawyers, parliamentary assemblies and universities. Because this legal innovation created the concept of a fictive or juridic personality, each of the entities mentioned was granted a bundle of rights: a) the right to buy and sell property, b) to sue and be sued, c) the right to have legal representation in courts and before the king; d) along with the right to issue their own internal regulations and ordinances, even to set up their own courts of adjudication (witness the Law Merchant); e) national/regional units were empowered to issue legislation transcending scriptural sources applicable within a jurisdiction, i.e., delimited legal and geographic space; and f) such entities were expected to follow the organizational principle of election by consent following the rule of "what concerns all should be considered and approved by all" [*Post 1964: 135*], or the will of "the greater or sounder part"; 2) a formalized judicial process following a calendar of proceedings so that a trial should involve a plaintiff and a defendant [*Pennington 1998*; *Brundage 2008*; *Hartmann – Pennington 2016*] each with his own trained advocate, operating according to formalized litigation protocols involving witness testimony, carefully recorded evidence (oral and written), cross-questioning, conjoined with the public presentation and preservation of court records; and 3) new protocols developed for holding public *officials (prince and pope) accountable and subject to the legal order* [*Pennington 1998, 1993*]. Underneath this sociological transformation were the rich political and legal ideas of *jurisdiction*, *sovereignty*, and *ownership* that were carefully delineated by the Canonists. According to them, to

possess jurisdiction one had the right to legislate, to judge, and to execute the law [*Tierney 1982: 45*]. Legally autonomous entities were granted sovereignty, i.e., legitimate authority (jurisdiction) over the members and the affairs of the organization within a delineated territory and with the assumptions specified above. A further distinction was made between the right to rule or govern and ownership of the office itself and its assets [*Tierney 1982: 45*]. To serve as the designated official of the entity was not the same as ownership that belonged to the collective. Other specific elements of law that Weber stressed can also be incorporated in detailed analyses.

### *Law, Modernity and Institutional Structure*

These intellectual landmarks, I have argued elsewhere [*Huff 2020*], constitute the central core of what I call the *hidden structure of modernity*. Taken together and in their separate ways these elements of legal process serve to establish institutional spaces – neutral spaces – wherein a myriad of social conflicts and disputes could be resolved peacefully.

A case can be made that the foundations of free inquiry established in the universities of Europe were a product of the European legal revolution, and that no such major legal reform happened outside Europe, as we shall see. The universities are the premier example of legally autonomous entities, corporations, that allowed free and unfettered pursuit of ideas that arose during this time (but not outside Europe), as I have argued elsewhere [*Huff 2017: 293–294*].

Similarly, parliaments are political institutions that allow, encourage, and routinize the means for regulating human conduct and creating political and social change using legislative action and public debate [*Marongiu 1968: 47*; *Downing 1989*; *van Zanden 2012*]. I submit that this constellation of resources and legal devices serve in these ways to both stabilize human relations, create forums for peaceful resolution of conflict, and space for political and social change in the early modern period. As we shall see, they did not develop in the same way if at all in Islamic, Chinese, or Russian law.

The heuristic markers laid above (1a–f; 2a, b, and 3) are the criteria against which other legal systems can be fairly compared. In what follows I shall use this heuristic framework to compare aspects of European legal development with that of Islamic, Chinese and Russian law during the early modern period. Notice, however, that the legal revolution as I have portrayed it, was something that happened mainly in the 12th to 14th centuries.

Consequently, comparisons with the other legal systems in the centuries thereafter are appropriate. However, to understand Islamic law and its development, one must understand its formative period, roughly 8th to 10th centuries C.E. Similar background is partially needed for Chinese and Russian law.

### *Islamic Law and the Sharia*

Max Weber's categorizing Islamic law as *sacred* law implies a rigid derivation of law from sacred revelations but contemporary sources suggest that it was a human construction. As several leading specialists in Islamic law put it, "The Sharia developed by means of human juristic efforts into a comprehensive and detailed corpus of law …" [*Masud – Messick – Powers 1996: 4*]. This had to be so because there were multiple elements and actors

that made that construction possible. The first is the Quran whose verses originally existed only in oral form for the purpose of recitation. They had to be written down in order to be studied and fully understood; but there was an additional difficulty in that there were "seven *ahrufs*", seven alternative readings of the Quranic verses and it was believed that Muhammad himself had approved them [*Déroche 2022*; *Dutton 2012*; *Berg 2020*]. However, there were not just the seven approved alternative readings but ten and even more [*Déroche, ibid.*; *Dutton, ibid.*; *Nasser 2013*]. Much of this had to do with the consonantal Arabic text of the Quran that before its early standardization lacked vowels and diacritical marks. As the process unfolded, multiple copies were produced requiring various officials and their assistants to serve as both scribes and editors [*Powers 2009: 155–169*]. For some people it would seem extraordinary that the Quran remained "open and fluid … a full century after the death of the Prophet" [*Powers, ibid.: 161*], but that appears to be the case. Despite all those interventions, scholars today believe that the collection of the Quran compiled under the supervision of the second caliph, "Uthman (r. 644–656), has come down to us with a considerable degree of faithfulness to the original" [*Déroche 2022: 36*].

With the standardization of the Quran, a different problem arose: only a few verses of the Quran relate to legal matters, even if we extend the category to include verses concerning ritual prayer, purification, and so on. Lacking further guidance in the Quran, caliphs, governors and proto-judges (*qadis*) made their own legal decisions following *reasonable inferences* which became part of the Muslim legal tradition.

But the most important part of the juridic tradition was the *sunna,* the deeds and dicta of Muhammad (the *hadith*) that were recorded by pious Muslims and thus became an official part of the Sharia. This second source amounted to thousands of items that had to be combed for relevant legally binding injunctions. These in fact, became the most numerous element in the legal manuals.[8] Once these two sources of the Sharia were identified and made available, the task was to meld them together into a legal manual. Such a manual emerged

*Table 1.* Distribution of Legal Subjects in the *Muwatta*[9]

| | |
|---|---|
| Inheritance | 3% |
| Manumission of slaves | 7% |
| Marriage/divorce, and fostering by suckling | 9% |
| Sales | 10% |
| Judicial rulings | 7% |
| Preemption rights | 1% |
| Agricultural partnerships & the lease of agricultural land | 1% |
| Investment partnerships | 3% |
| Acts of battery | 4% |
| Collective oaths | 1% |
| Scripturally determined criminal penalties | 3% |
| Inebriating beverages | 1% |

[8] For example, almost every verse of the over 2000 verses of the Muwatta (the first Islamic legal manual) begins with a hadith, a saying attributed to Muhammad or one of his close religious followers.

[9] As reported in Fadel and Monette [*2019: 25–26*].

in the last half of the second century after the hegira, ca. 770 CE [*Wyman-Landgraf 2013*]. This was the *Muwatta,* the "smooth path" to salvation written by Malik ibn Anas (d. 795). His organization of Islamic law in the *Muwatta*, scholars now assert, became the paradigmatic expression of Islamic law and its organization that was followed by virtually all legal scholars thereafter [*Dutton 1999: 157*; *Fadel – Monette 2019: 7ff.*]. Its distribution of legal rules reveals the following:

There was little on litigation and no mention of defending attorneys, for which Arabic lacked a term and did not evolve during subsequent years [*Jennings 1975*; *Tyan 1955: 257*]. As a legal system of practitioners, there was a bifurcation between two sets of actors, judges (qadis) on the one hand and muftis (jurisconsults) on the other. The qadis were state officials appointed by the caliph, his vizier or governors. They were charged with presiding over litigation, issuing binding decisions and supervising enforcement. They also had many other duties such as collecting taxes, supervising public buildings and roads, etc. With regard to court room practice, the qadi's decision in litigation was binding only on the parties involved and was not publicly recorded, nor was it presumed to have any bearing on future cases [*Masud – Messick – Powers 1996: 3f.*]. There was no effort to create a collection of authoritatively decided cases adjudicated by judges that could serve as precedents and also enhance uniformity of justice before the law [*Masud – Messick – Powers 1996: 19*].

In contrast, the *muftis* (jurisconsults) were learned masters (*mujtahids*) of the Quran and the hadith collections. From the 10th century onward the written opinions (*fatwas*) of the muftis analyzing cases referred to them were informally collected and formed the basis upon which future muftis determined what the law is. A mufti might be consulted in the midst of a trial, either by the judge or one of the litigants, or he might be consulted outside the litigation.

When consulted, the mufti had four sets of sources to reconcile in the process of giving his opinion [*Powers 2002: 229ff.*]. The first of these was the Quran; the second the Hadith literature; the third was comprised of cases (*Nazila)* [*Encyclopedia of Islam, second edition*] that previous muftis had discussed and compiled [*Masud – Messick – Powers 1996: 9ff.*[10]]. Lastly, Maliki jurists would need to consult the *Muwatta,* the most important legal handbook, roughly half of whose verses deal with legal questions. It should also be noted that in the process of issuing an opinion and reviewing a particular case, the mufti did not review the actual factual basis of the litigation, only the law surrounding it [*ibid.*].

In the end, the mufti's opinion (fatwa) remained non-binding. Even as the most qualified jurisconsults, muftis were not empowered to issue definitive legal rulings that establish precedents or innovative opinions that transcend the injunctions of the Quran or the hadith collections. In H. L. A. Hart's terms, Islamic law lacked "rules of change" [*Peters – Bearman 2014: 5–7*]. Put differently, the mufti was not empowered to issue definitive precedents (the concept did not exist [*Masud – Messick – Powers 1996: 19*]). The mufti had to walk the fine line between *taqlid*, following the established view of a particular school of law, and being creative by issuing a ruling falling outside the established view, a very rare event. Nevertheless, a common view was that every mufti is obligated to exercise his intellectual abilities to the fullest and to decide the case for himself. Some even claim that "it is

[10] These have been estimated to be far more than 6,000 cases [*ibid.: 10*].

prohibited for such a jurist to follow the opinion of another jurist; it is obligatory on him to derive the law itself" [*Nyazee 1994: I, 589*].

In the same sense that Islamic law lacked a mechanism of legal change, it did not have a special court that could function as an "appellate court", though there was a *mazalim* court (court of grievances) launched by the Abbasids [*Tillier EI3*]. These courts were run by local rulers and did not follow the same rules as the qadi courts, nor were they consistently staffed by experienced qadis [*Tillier 2009*]. In addition, only another qadi could reverse or undo a decision made by a qadi [*Masud – Peters – Powers 2006: 6–16*; *Powers 1992*]. Considering all this, it is not surprising that there was often disagreement between muftis as seen in 14th century fatwa collections in the Maghrib (the Western, North African domain). Based on his study of such documents in this period of Marinid Maghrib, David Powers reports that "in almost every case that we will examine, two or more muftis disagreed about the proper outcome of the dispute, thereby demonstrating that the norms and values of Maghrib society in the Marinid period were highly contestable" [*Powers 2002: 11*]. This follows from a similar assessment by Wael Hallaq who reports that during the formative period of Islam, legal thought "was highly individualistic, giving rise to an extreme version of 'jurists' law'," and a "staggering plurality" of opinion regarding Islamic doctrine, each espoused by a different jurist [*Hallaq 2009: 76*].

If we refer back to the heuristic markers set out earlier, it is evident that Islamic law did not introduce the legally innovative concepts that the Europeans did in the 11th to 12th centuries. It continued to lack the concept of a legally autonomous corporation (the juridic person) and there were no legally autonomous entities as discussed earlier by Weber. Later specialists in Islamic law have confirmed Weber's view [*Schacht 1974*; *Stern 1970*]. The religious trust, the *waqf*, was a pious endowment dedicated to the letter and spirit of Islamic law [*Makdisi 1981: 35ff.*; *Catton 1955: 203–222*]. Nothing contrary to the religious sciences could be studied or pursued within a waqf. Once established, it remained dedicated solely to its original religious purpose and it had no mechanism for change, for undertaking a new agenda, religious or otherwise. It was not an autonomous juridic person. Business partnerships, likewise, lacked legal autonomy and were entirely ephemeral because if one partner died or withdrew from it, the partnerships dissolved [*Udovitch 1970*; *Kuran 2011: 63ff.*].

In short, there were no legal entities that empowered its members to establish new legal rules, regulations and privileges, nor were there entities in which the members could govern themselves through a process of *election by consent* and decision-making based on "what concerns all should be considered and approved by all", or the greater and sounder part [*Berman 1983*; *Post 1964*]. Neither jurisconsults (muftis) nor qadis were trained lawyers in the Western sense and did not "defend" one party against another. Nor did they think of writing or enacting new law.

The planned sequel to this paper will examine the nineteenth-century Islamic legal reforms, the assumptions and practices of Chinese law during the Qing dynasty, and the problematic attempt to create a modern legal system in Russia, eighteenth to twentieth century.

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# The Scholarly Pathfinder: Andō Hideharu's "Wēbā kikō" (Max Weber – A Travelogue, 1972)

WOLFGANG SCHWENTKER*

**Abstract:** In 1969/70, Andō Hideharu (1921–1998), a Japanese historian of ideas, was a visiting professor at the Max Weber-Institute in Munich, Germany, for a period of one year. He was a harsh critic of Marianne Weber's 1926 biography of her husband. During his tenure, he travelled to a number of places associated with Max Weber, with the aim of reconstructing his personal history. Andō literally followed Weber's path from the cradle to the grave, though not necessarily in a chronological order. In a travelogue published in 1972, Andō recounted his experiences in Germany, Switzerland, Austria, and France, with a particular emphasis on interviews conducted with contemporaries of Max Weber who were still alive in 1969/70. Andō's primary concern was in the personality of Max Weber, with a secondary focus on Weber's work and the adaptation of Weber's sociology for the study of Japanese modernity. The following article reconstructs Andō's travel experiences in Europe by analysing his "Weber Travelogue". It then discusses a bitter controversy that arose between Andō and certain colleagues in the context of Japanese Weber studies upon his return to Japan. Finally, the article assesses the merits and limitations of Andō's "time travel" into Max Weber's life through the lens of "Motivenforschung" (study of motives), a concept he drew from Weber's methodological writings.

**Keywords:** Max Weber; Japan; Andō Hideharu; reception; personality; Motivenforschung

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*What fascinates me about Max Weber more than anything else is his character.*
Andō Hideharu, Wēbā kikō, 1972, p. 1.

## Introduction

In the long history of the reception of Max Weber's work in 20th-century Japan, the sociologist and intellectual historian Andō Hideharu 安藤英治 occupied a unique position. Born in Tokyo in March 1921, he was exposed to political turbulence from an early age. Upon completion of his primary education in 1932, Japan proceeded to establish

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a puppet state in Manchuria, following its invasion the previous year. During his studies at a middle school in Tokyo, he witnessed the armed conflict that erupted in the capital city during a coup d'état in February 1936. As a high school student in 1937, he observed the commencement of hostilities between Japan and China. As a student at the Faculty of Economics of Keiō Gijuku University he was profoundly affected by the news of Japan's attack on Pearl Harbor on December 8, 1941. For a period of two years, the Pacific War remained a distant phenomenon. However, in 1943, Andō, like numerous other students, was conscripted to serve in the Japanese navy. By the conclusion of the war, he had returned to southern Japan, where he experienced the nuclear bombing of Nagasaki on 9 August 1945. In reflecting on these formative years of nationalism, imperialism, and defeat in 1964, Andō identified a personal ethical dilemma shaped by his wartime experiences [*Andō 1965: 416*].

During his youth, Andō engaged with the works of Kawakami Hajime 河上肇a prominent left-wing intellectual. Like many other gifted intellectuals, he was profoundly influenced by Marxist thought. Marxism exerted considerable influence well into the 1930s, contributing to a more nuanced understanding of the emergence of capitalism in Japan. During the period of militarist governance, however, those representing Marxism in Japan, particularly those belonging to the Communist Party of Japan, were subjected to repeated purges. In the mid-1930s, many of them were compelled to undergo a form of political "conversion" (*tenkō* 転向), which entailed renouncing their political beliefs and instead espousing the political system of Imperial Japan, characterised by expansionism abroad and oppression at home. For Andō, the enforcement of *tenkō* created a political and theoretical dilemma, namely a consciousness of the discrepancy between theory and practice. This was because the majority of Marxist thinkers were aware that they were acting in a way that was contrary to their beliefs. However, in order to survive or to avoid imprisonment, they gave in to the demands of the "thought police".

It was during the early years of the Pacific War that Andō encountered the name of Max Weber for the first time. In the period preceding his admission to Keiō University, Andō met with Maruyama Masao 丸山眞男, his senior friend and advisor, to deliberate upon these matters in comprehensive detail. Maruyama was, at the time, an associate professor at the University of Tokyo, with a specialisation in Japanese political thought [*Karube 2008*]. Subsequent to the war, he became one of the most influential political scientists and a prominent public intellectual in Japan. Maruyama Masao advised Andō to study the work of the German sociologist Max Weber, particularly his contributions to the methodology of the social sciences, including his renowned text "Science as a Vocation". Maruyama asserted that it was Weber who elevated the issue that Andō was grappling with to the level of a significant scientific concern. From this point onwards, Andō resolved to devote his academic career to the study of Max Weber. Concurrently, he began to dissociate himself from the initial influence of Marxism. For his graduation, he submitted a thesis entitled "The Limits of the Materialist Conception of History".

The immediate post-war period proved challenging for Andō and numerous other students who had returned from the war. For a period of several months he was unemployed. However, he subsequently secured a position at Iwanami Shoten, a prominent Japanese publishing house, following a recommendation from Maruyama. Andō commenced employment with the recently inaugurated periodical "Sekai", which began publication in

early 1946 and rapidly evolved into a significant forum for public discourse. At "Sekai" Andō had the opportunity to engage with prominent Japanese scholars and writers. For example, meeting Sakisaka Itsurō 向坂逸郎, a prominent Marxian economist, had a significant and enduring impact on Andō, as he was able to engage in discourse with Sakisaka on the relationship between Marx and Weber, a topic of paramount importance to Weberian scholarship in Japan [*Andō 1965: 478*].

Andō's work for the editorial board of "Sekai" was relatively brief. In 1949, at the age of 28, he was offered a professorship at the Department of Economics at Seikei University in Tokyo. This appointment founded his prospective career trajectory. At Seikei he was afforded the opportunity of dedicating his efforts to an in-depth examination of Max Weber's intellectual legacy. Three major topics define Andō's contribution to Weber scholarship in Japan.

1. In Weber's sociology of religion, Andō found a key to analyzing the spiritual structure of modern societies, emphasising, as Weber did, that even in modern societies with a high degree of rationality spheres of irrationality do exist. This was a matter he had experienced first-hand during the war. In his writings, Andō thus identified a key challenge in Weber's sociology, which he saw as mirroring the issues facing Japanese society. He considered this to be a personal as well as a societal concern [*Andō 1965: 467*].

2. The issue of rationalisation and irrationality was closely related to the topic of how to define modernity in Japan, especially in comparison with the historical developments of Europe [*Andō 1972 b*]. In this regard, Andō was largely a product of his era, particularly until the mid-1960s. He, along with other prominent Japanese scholars of Weber such as Ōtsuka Hisao 大塚久雄, Sumiya Kazuhiko 住谷一彦 and Uchida Yoshiaki 内田芳明, sought to identify the semi-feudal elements remaining in Japan following the country's forced modernisation under the influence of the American occupation (*Andō/Uchida/Sumiya 1970*). It is important to note, however, that even at a time when research on Weber and modernity reached its zenith around 1965, Andō diverged from the prevailing perspective by translating texts such as Weber's "Sociology of Music", which was regarded as somewhat ephemeral at the time [*Weber – Andō – Ikemiya – Sumiakura 1967*].

3. Another area in which Andō made a significant contribution to Weber scholarship in Japan was the role of values in modern sciences. For Andō, this was not merely a theoretical issue; it was a topic that addressed his personal experiences before 1945. It was evident to him that Marxism was inadequate in its analysis of the structure of Japanese society. Marxism's "theory fetishism" and economic determinism rendered it incapable of comprehending the "spiritual structure" of Japanese society [*Andō 1965: 472–473*]. Furthermore, the Marxist perspective on the state and society was constrained by specific values and political objectives that impeded a comprehensive examination of society based on "value freedom", as conceptualized by Weber as a fundamental principle in his "Methodological Writings".

How did Andō Hideharu conceptualize the interrelationship of diverse spheres of interest in Weber's work? For him, the concept of "Motivenforschung" (the study of motives) is of paramount importance. He first encountered the concept in Max Weber's review of Eduard Meyer's "Theorie und Methodik in der Geschichte" [*1902*], a work of historical methodology. The review article constituted the initial section of Weber's "Kritische Stu-

dien auf dem Gebiet der kulturwissenschaftlichen Logik" [*Weber 1906/2018*]. In his review Weber expressed reservations about Meyer's conception of "Motivenforschung" [*Weber 1906/2018: 224*]. It is notable that Meyer never actually employed this term, despite his engagement with the issue. The concept of "Motivenforschung" is also raised by Georg von Below in a review of Meyer's book in the "Historische Zeitschrift" [*Below 1905*]. Below maintained that the objective of "Motivenforschung" was to examine "the inner forces of history". Weber, who was undoubtedly aware of Below's review, defined the concept of "Motivenforschung" in a footnote to his own review in a similar manner: it concerns the analysis of "real intentions" and the "causes" of these intentions. Furthermore, he stated that the objective was to examine how human intentions are transformed by the concatenation and significance of historical events.

Although Meyer maintained that the objective of historical writing should not be psychological analysis of actions, but rather the exploration of facts, Andō positioned the concept of "Motivenforschung" at the core of his methodological approach in a manner similar to that of Weber. He employed the concept of "Motiv", or "Motivforschung" in modern German, as a methodological tool to connect Weber's biography and his work. This is true from his early contribution to the 1964 centenary Weber symposium on "The Concept of Rationalization in Weber: A Research in Motives" [*Andō 1965b*] up to his later talk on "Die Protestantismus-These als Niederschlag eines Kulturschocks", published shortly after his death in December 1998 [*Andō 1999*]. Andō posited that the social sciences should prioritise the study of human beings and their actions, rather than focusing on abstract systems and structures. He did not intend to reconstruct Weber's theory of society from an abstract perspective; rather, he sought to gain insight into the fundamental motives that shaped Max Weber's work by delving into the personal experiences and motivations that informed his theoretical approach. In 1998, he wrote that his research was inspired by this very concept, which he defined as "Motivforschung" [*Andō 1999: 416*]. In what way did Andō adopt this concept for his research on Weber? Was this method of approaching Weber by using "Motivenforschung" beneficial for a more comprehensive understanding of Weber? Did his "anthropological approach" (or, as Weber would term it, the "characterological" question) ultimately prove fruitful?

To address this, I will commence by examining Andō Hideharu's early studies of Weber, preceding the 1964 centenary symposium in Tokyo, which marked a pivotal juncture in the Japanese reception of Max Weber, both in general and in Andō's particular case. In the main body of the article I will concentrate on Andō's book "Wēbā kikō", which is based on his experiences in Germany, Austria, France, and Switzerland during his tenure as a visiting professor at the Max Weber-Institute (MWI) in Munich from February 1969 until February 1970 [*Andō 1972a*]. The MWI served as the point of departure for various journeys undertaken by Andō, literally tracing Weber's life from cradle to grave, though not always in a strictly chronological order. Additionally, he had the opportunity to meet and conduct interviews with several of Weber's contemporaries still alive at the time. The tapes he recorded have partly been published in Japanese and German, forming a unique source for Andō's "Travelogue" in particular and for Weber scholarship in general [*Kamejima 2005*; *Konno 2003*; *author's collection*]. In the third chapter I will examine how following Weber's path affected Andō's perspective of Weber upon his return from Germany. This experience ultimately led to a contentious dispute with some of his Japanese colleagues. In

conclusion, the ambivalence of Andō's interpretation of Weber, oscillating between admiration and critique, will be discussed.

Given the limited research on Andō Hideharu's oeuvre to date, reference to his own writings and to his correspondence with contemporaries is necessary. Of particular interest are the letters exchanged between Andō and Johannes Winckelmann, the director of the MWI in Munich, between 1967 and 1972. At the research level, Kamejima Yōichi's 亀嶋庸一article on "Andō Hideharu's Journey into the 'Inside of Weber'" published as a postscript to the Japanese edition of the interviews represents the most comprehensive and up-to-date source of information on the subject [*Kamejima 2005: 243–267*]. Kamejima, a political scientist and disciple of Andō, provides an insightful and nuanced intellectual portrait of Andō, emphasising his personal obsession with Weber. In the same volume, Konno Hajime 今野元, one of the few Japanese historians specialising in Weber and the translator of the interviews, contributed another article to the Japanese edition of the interviews, in which he discussed the "'Meaning of Remembering' Max Weber" [*Konno 2005: 219–241*]. Konno identifies five key points that are essential for an accurate understanding of Andō's contribution to Weber studies in Japan: 1. the crisis of consciousness during the last months of the Empire and the controversies about modernity after 1945; 2. Andō's critical evaluation of the concept of modernity, influenced by Arthur Mitzman's book [*Mitzman 1979*]; 3. the criticism of modernisation theory; 4. his distaste for the glorification of Max Weber by Marianne Weber and by his fellow scholar Ōtsuka Hisao; and finally 5. his somewhat reluctant response to the issue of nationalism in Weber's political thought. In the introduction to the German edition of Andō's interviews for the *Kölner Zeitschrift für Soziologie und Sozialpsychologie* Konno noted the potential issues with the recorded material, collected as it was from Weber's contemporaries 50 years after his death. This dictates a cautious and thorough analysis of the material, since memories may have faded or been influenced by subsequent events. Some of the memories he shared were based on recollections from early in his own life, while others were shaped by his interactions with these individuals in later years. These points are undoubtedly important and should be taken into account when undertaking a more detailed examination of Andō's journey.

## 1. Andō Hideharu's Early Weber Studies

Before examining Andō Hideharu's "Travelogue" we should briefly consider his reading of Weber prior to his departure for Europe. Was he adequately prepared? By the mid-1960s Andō had established himself as a leading expert in the field, with a notable reputation among his peers and students in Japan but a relatively lesser degree of recognition elsewhere. All of his previous publications were in the Japanese language. In 1948/49 Andō was once again supported by Maruyama Masao, who was funded by the Ministry of Culture for a project entitled "Comparative Studies on the Methodology of Karl Marx and Max Weber". Andō wrote a substantial article on the "Theory of Labour Value as an Ideal Type" published in the *Seiji Keizai Ronshū* of Seikei University in 1950/51 [*Andō 1965a: 9–86*]. This text represents an early example of the manner in which Japanese social scientists during the immediate post-war period were still influenced by Marx (or Marxian categories), but were already beginning to view Marxist theory from a different perspective. Andō

adopted the perspective from Max Weber's methodology of science, which placed significant emphasis on the concept of "ideal type". During the subsequent 15 years a substantial corpus of articles on Weber and the fundamental tenets of his sociology was published in the "Journal of Politics and Economics" of Seikei University and the journal "Shisō"; these were well-received by scholars and intellectuals in Japan. Andō's contributions to the journal "Shisō" included articles on subjectivity (1959), formal thought (1960/61), objectivity (1963) and charisma (1964) [now collected in *Andō 1965*].

Of particular note is an article that illuminates Andō's approach to Weber and the application of Weber's central categories for social and political analyses. In 1956/57, he published a substantial essay on "Modern Rationality and Fascism" in two parts in the journal Shisō [*Andō 1965a: 293–320*]. In the inaugural collection of his articles he included a brief piece on the concept of "rationality", delineating the distinctions between "formal rationality" (associated with value neutrality or value freedom) and "material rationality" (founded upon normative values). For readers of "Makkusu Wēbā kenkyū" [*Andō 1965a*], this helped to clarify how the distinctions Weber had made in his reflections on rationality constituted the foundation for Andō's analysis of the rational and irrational elements in Hitler's regime. This was analogous to the approach taken by Maruyama Masao in his seminal work on pre-war Japan entitled "The Theory and Psychology of Ultra-Nationalism" [*Maruyama 1946/1969*].[11] In his article on "Modern Rationality and Fascism" Andō applied the concept of *riken* (concessions, interests, profits) to identify elements of "irrationality" in the Nazi organization of the market, bureaucracy and the law. In contrast to Weber's concept of "rational capitalism", Andō characterized the economic policies of the Hitler regime as exhibiting "irrationality", or a "substantial rationality" that served the normative standards of Nazi ideology. The ascendancy of Hitler can be attributed to a particular "socio-psychological configuration among the middle classes", largely shaped by the economic crisis of 1929/30 and subsequent years. In this context Hitler came to power as the leader of a mercenary group, or a *condottiere*.

Even cursory examination of Andō Hideharu's early contributions to Weber scholarship reveals his role at the centenary Weber-Symposium in Tokyo in December 1964. At this conference Andō presented a discussion of the concept of "rationalization" [*Andō 1965b*]. In the subtitle of his contribution, he introduced the concept of "Motivenforschung" for the first time, which he subsequently developed in greater detail in later publications. In comparison with the numerous articles on Weber that he had published prior to 1964 his contribution to the centenary symposium was somewhat less impressive, rather lacking in coherence. Andō was able to address the problems associated with the concepts of "rationality" (*gōrisei* 合理性), "rationalization" (*gōrika* 合理化), and "rationalism" (*gōrishugi* 合理主義) in Weber's sociology. With specific reference to actions that are guided by a rationality of purpose (*mokuteki gōrisei* 目的合理性) or a rationality of values (*kachi gōrisei* 価値合理性), Andō's examination of Weber's core concepts remained somewhat opaque. In his analysis, he shifted from the methodology of the social sciences to the sociology of religion and subsequently to the sociology of domination in an attempt to define the relationship between rationality and charisma. Nevertheless, he made a noteworthy

[11] The English translation of the Japanese title (*Chō-kokkashugi no ronri to shinri* is somewhat misleading: it would be more precise to translate *ronri* as "logic", not as "theory").

observation regarding the relationship between rationalisation and ethos, particularly in Weber's evolution of the ethic of conviction (*Gesinnungsethik*) and the ethic of responsibility (*Verantwortungsethik*). Andō's analysis drew upon the concepts of *Zweckrationalität* and *Wertrationalität*. Nevertheless, he failed to address the concept of *Motivenforschung*, as referenced in the subtitle. It was only in the section of contributions to the debate where he described Weber's journey to America and the role of sects in his sociology of religion that the audience (and subsequent readers) could understand what he had in mind when applying Eduard Meyer's concept of "Motivenforschung" to his reconstruction of the meaning of "rationalisation" in Weber's sociology [*Andō 1965c*].

The period between the centenary symposium in Tokyo in 1964 and Andō's departure for Germany in February 1969 was marked by the arduous task of translating Max Weber's *The Rational and Sociological Foundations of Music* (1921). Thanks to the successful collaboration with two experts in musicology, he was able to publish the translation in 1967 [*Andō – Ikemiya – Sumikura 1967*]. In a separate contribution that was intended as an introduction to Weber's sociology of music, Andō rightly emphasised that the idea of "rationalisation" was again emphasised in order to demonstrate how, and indeed to what extent, the music of the West was influenced by "rationality". This is exemplified by the measurement of melodic intervals when using modern instruments. For Andō, the translation of the sociology of music was a significant accomplishment that proved invaluable when he sought a research grant in Germany in 1967.

## 2. The Travelogue

### *2.1 Johannes Winckelmann, Andō's Host in Munich*

At this time, Winckelmann was a prominent figure in international Weber scholarship [*Lepsius 1986*]. He began his career outside the academic sphere, working as a lawyer for various courts in the city of Hamburg from 1927 to 1938. He then held a position at the Ministry of Economics in Berlin between 1938 and 1945. Subsequently, from 1946 onwards, Winckelmann was legal adviser at the central bank of the state of Hessen, a post he held until his retirement in 1954. Winckelmann shared with Andō a kind of obsession with Max Weber, but in contrast to his Japanese counterpart he was not interested in Weber's biography, let alone his personality or character. In 1925 he initiated contact with Marianne Weber, proposing a series of new editions of Max Weber's major works. Following the conclusion of the Second World War Winckelmann began publishing commentary on Weber and editing Weber texts in revised versions. This began with the publication of the revised edition of the *Wissenschaftslehre* (1951), followed by a revised edition of *Wirtschaft und Gesellschaft* (1956) and the writings on politics (1958). In 1958, he relocated to Bavaria and was appointed Honorary Professor at Munich University's Institute of Sociology in 1963. Three years previously he had established the Max Weber Archive at the Institute of Sociology; this subsequently became the Max Weber Institute (MWI) in 1966. The MWI was established as an independent research facility within the Faculty of State Economics. The MWI's objective was to collate all pertinent material on Max Weber that was still accessible and to serve as a research foundation for German and international scholars. In 1974 the MWI was relocated to the Bavarian Academy of Sciences and

Humanities, which soon afterwards became the editorial headquarters for the recently inaugurated *Max Weber Gesamtausgabe* [*Hanke – Hübinger – Schwentker 2012*].

Given the reputation of Winckelmann among international Weber experts, it was unsurprising that Andō was eager to establish a relationship with this prominent figure. Following an initial correspondence in the spring of 1967 and the submission of recent Japanese publications to Winckelmann, Andō expressed his desire to spend a year under the guidance of Winckelmann at the MWI in Munich [*Letter from Andō H. to J. Winckelmann, 12 September 1967*]. Winckelmann accepted Andō's proposal and provided him with a letter of recommendation to submit to the Humboldt Foundation. Unfortunately the Humboldt Foundation declined Andō's application, presumably due to his age – he was already 46 years old. In a letter dated 3 June 1968 Andō expressed his profound disappointment with the negative decision of the Humboldt Foundation. Winckelmann subsequently informed Andō that he would apply on his behalf to other research foundations. This course of action proved successful some weeks later when the German Academic Exchange Service (DAAD) accepted Winckelmann's proposal and offered Andō a three-month stay at the MWI, which he was able to extend by using private funding and financial support from his own university. Winckelmann did not hesitate to write to the DAAD, expressing his gratitude: "This immediate influence from one person to another is, in my experience, an extremely effective means of enhancing the reputation of German science in Japan." He suggested that it was desirable for German science to gain greater recognition in Japan, alongside the influence of American and English science. "I will not dwell on the exceptional economic significance of Japan in the broader East Asian context" [*J. Winckelmann to DAAD, 22 August 1968*].

A period of approximately two months elapsed between the submission of Andō's application and formal approval by the DAAD, subsequently conveyed to him by the German embassy in Tokyo. Andō decided to commence his year in Germany by attending an intensive German course at the Goethe-Institute in Passau. On completion of the course Andō wrote to Winckelmann indicating his intention to relocate to Munich [*Letter of Andō H. to J. Winckelmann, 8 October 1968*]. With supplementary private funding he would be able to extend his stay in Germany until the end of February 1970, when he would have to return to Japan to prepare for the new academic year.

### *2.2 The Arrival*

During the winter of 1968/69 Andō devoted himself to the study of German, besides applying himself intensively to the task of collating all Japanese translations of Max Weber's work. In the preceding year, another visitor to the MWI, Abe Ryūichi 安部隆一, an economist from Ōsaka, had prior to his return to Japan compiled a list of Japanese literature on Weber. Winckelmann appeared surprised by the extensive Japanese scholarship on Weber. However, he may have anticipated this, given that Yawata Yasusada八幡廉貞 [*König – Winckelmann 1963: 358*] – a Japanese student – had attended his seminar in Munich in 1961. Winckelmann encouraged Andō to complete the list of Japanese translations of Weber's work that Abe had begun prior to his arrival in Germany. He also requested that all available Japanese translations be sent to the MWI. He was prepared to pay the provider so that he could establish a collection of Weber translations as part of the MWI. With the assistance of various Japanese publishing houses, including Sōbunsha, Iwanami Shoten,

and Miraisha, Andō was able not only to send a collection of translations, but also an assortment of secondary literature [*Andō H. to J. Winckelmann, 7 February 1969*]. Subsequently these Japanese books formed the nucleus of the Japanese Max Weber Collection at the Bavarian Academy of Sciences and Humanities.

Andō Hideharu arrived in Munich on 21 February 1969. He soon discovered that, in contrast to Japanese customs, he was entirely on his own. His initial challenge was to overcome a significant linguistic barrier. He proceeded to Passau, where he joined the Goethe-Institute for two months. He then began the process of locating suitable housing in Munich, given that neither the University nor the MWI was able to provide him with accommodation for visiting professors. Meanwhile, he devised a comprehensive research plan, which he forwarded to Winckelmann on 10 May 1969 [*Andō H., "Mein Forschungsplan in Deutschland", J. Winckelmann Papers*]. The plan was in three sections.

Initially, Andō sought to collate information regarding the MWI, its historical development and organisational structure, the library and the manuscript collection. This was with a view to introducing the Institute to the academic community of Weber scholars in Japan. The rationale behind this aspect of the research was that a number of prominent Weber scholars in Japan were attempting to establish a comparable institute, potentially at Tsukuba University.

Secondly, he sought to gather further resources for examining the "personality" of Max Weber, or as he termed it, "the unadorned humanistic perspective of Weber". For this reason, he planned to meet with all of Max Weber's contemporaries who were still alive, including scholars, family members, and students. For Andō, Marianne Weber's *Lebensbild* proved a useful starting point, but was insufficient for a proper understanding of Weber's personality. He was particularly critical of Marianne Weber's glorification of her husband – to which however Andō also later fell victim.

Thirdly, he sought to advance his interpretation of Weber's work by consulting Winckelmann's compilation of Weber's *Staatssoziologie* in *Wirtschaft und Gesellschaft* and studying the concept of *ethos*. He also planned to explore primary sources regarding the inaugural lecture at Freiburg University in 1895, the Lauenstein conference of 1917 and the council regime during the revolution of 1918/19. Moreover, Andō intended to reconstruct the genesis of Weber's sociology of music, which he had translated into Japanese several years before. In addition to these ambitious plans, he sought to gain insight into Weber's perspectives on the "Neger-Frage in Amerika" and the role of Islam.

Winckelmann expressed reservations about some aspects of Andō's schedule but appeared supportive of others [*Letter of J. Winckelmann to Andō H., June 15, 1969*]. Given that Max Weber was born in 1864, searching for contemporaries 105 years later was an implausible undertaking. However, he extended an invitation to Andō to attend his seminar on the sociology of the state. From a political standpoint, Winckelmann was considerably more interested in planning for a Japanese MWI. Accordingly, he gave Andō comprehensive material regarding the MWI in Munich. Moreover, Winckelmann proposed his interpretation of *ethos* as a fundamental category of moral philosophy and of *charisma* as a pivotal concept in the history of early Christianity. In regard to the primary material on Weber's Freiburg Lecture, the Lauenstein Conference, and Weber's analysis of the "Rätesystem" (i.e., the "system of councils" of soldiers and workers during the 1918/19 revolution), he told Andō that no sources would be available at the MWI in Munich.

### *2.3 Critical Readings*

Embarking upon his research project, Andō adopted a critical approach to Marianne Weber's *Lebensbild* [*Andō 1972a: I–III*]. At the outset of his "Travelogue", Andō underscored the ambivalence of his initial impressions. On the one hand, he considered Marianne Weber's characterisation of her husband as a "civil knight" and a "nationalist" to be accurate. However, he felt that she had not addressed other significant aspects that would have enabled a more comprehensive and nuanced portrayal of the man and his work. The psychological breakdown of Max Weber, its religious background, and a certain guilt consciousness, combined with Marianne's description of Weber's political activities during the Bavarian revolution, especially in the case of Anton Graf Arco-Valley who assassinated the Bavarian prime minister Kurt Eisner in February 1919, were the primary reasons for Andō's critical assessment of the *Lebensbild*.

The memorial volume (*Gedächtnisschrift*) edited by René König and Johannes Winckelmann in 1963 constituted the other principal source for Andō's research in Germany. He compared Marianne's *Lebensbild* with the various memorial essays of Max Weber's contemporaries and reached the conclusion that, for instance, the analyses of Weber's role in 1919/20 as presented by authors such as Max Rehm or Friedrich J. Berber in the *Gedächtnisschrift* differed significantly from Marianne's interpretation. He sought therefore to establish contact with all surviving students of Max Weber with a view to ascertaining their perspectives on the events of the Munich revolution. After arriving back in Munich he went on to Cologne, where he met the sociologist René König. König furnished him with a list of the contributors to the *Gedächtnisschrift*, which proved invaluable in the subsequent course of his research. However, König was not convinced by Andō's methodological approach to Weber. In a letter to Johannes Winckelmann, König expressed his scepticism about the value of visiting the house where Weber was born or the hotel where he lived in Vienna as a means of learning about Weber. König was particularly disheartened to learn from Andō that he was uninterested in applying Weber's "Sociology of Music" to a sociological analysis of Japanese music. His commentary concerning other Japanese experts on Weber was similarly critical. From a sociological perspective, he found the biographical and historical approaches of Japanese Weber studies to be somewhat uninspiring.

### *2.4 A Side Trip to Vienna*

During the language course in Passau, Andō had the opportunity to embark on brief excursions. In April 1969, he went to Vienna, where he met with Aruga Hiroshi 有賀 弘, a Japanese historian of Western political thought, and with a couple of Austrian scholars, including the sociologist Leopold Rosenmayr. Andō's objective was to gain further insight into the circumstances surrounding Weber's lectures at the University of Vienna between April and July 1918. He was particularly interested in the circumstances surrounding Weber's renowned speech, "On Socialism", delivered on 13 June 1918 before the officer corps of the Austrian army [*MWG I/15: 597–633*]. However, the results of his research in Vienna were somewhat inconclusive, as Rosenmayr and his colleagues were unable to provide further insights. At the Vienna University archive he was however able to collect some material about Weber's lectures and seminars during the summer semester of 1918.

### *2.5 Visits to the German Democratic Republic*

In the second chapter of his "Travelogue", entitled "East Germany's Weber", Andō describes his experiences in Erfurt, Merseburg, and other cities [*Andō 1972a: 13–64*]. Prior to his arrival in Berlin, he had the opportunity to meet Etō Kyōji 江藤恭二, an educational scientist from Nagoya, in Munich. Etō was a member of the Japanese-East German Friendship Society and offered his assistance in preparing Andō's visit to East Berlin and other locations. Andō spent a couple of days in West Berlin attempting to locate the former residence of the Weber family. He subsequently entered the German Democratic Republic (GDR) via Checkpoint Charlie on 2 October 1969. In his published account, he noted that he was surprised to observe the proximity of the tourist information office and the police station. Nevertheless, he did not perceive the country to be a police state. Many aspects of Eastern Berlin, including its trams, evoked memories of Japan in the period preceding the Second World War. At the time, the GDR was commemorating the 20th anniversary of its founding. Consequently, the prevailing atmosphere was relatively open, particularly towards a foreigner from Japan.

Initially, Andō was granted a visa for a 24-hour stay, which permitted him to travel to Erfurt, where Max Weber had been born in April 1864. As he had not previously informed the relevant authorities of his intention to visit, the staff at the mayor's office were somewhat taken aback when a Japanese scholar arrived requesting access to the city's 1864 birth register. The officers at the archive in Erfurt were cordial, yet unable to assist Andō immediately. However, they did pledge to dispatch a microfilm containing all pertinent materials to him.

A second excursion to East Germany, undertaken approximately six weeks later, proved similarly unproductive. Andō was eager to view the papers of Max Weber at the Central Archive II of the GDR in Merseburg. However, he was unable to secure the requisite approval from the Home Ministry and the central administration of archives in Potsdam. He was however able to examine the "Findbuch", the register and index of the "Nachlass Max Weber", which revealed that it comprised 20 boxes. This information was already known to West German scholarship, as Wolfgang J. Mommsen had investigated the papers in Merseburg in the late 1950s when writing his book on Max Weber and German politics from 1890 to 1920 [*Mommsen 1959*].

As he was not permitted to work on Weber's papers at the Central Archive, Andō opted to visit a number of other cities in East Germany instead. Subsequently, he visited Leipzig, Magdeburg, Halle, Weimar and, for a second time, Erfurt. The "Travelogue" provides readers with a general impression of the living standards and cultural icons of East Germany based on the author's experiences travelling across the country. For Andō, the punctuality issues of the railways were indicative of the inherent deficiencies of a socialist economic system. Furthermore, he observed that the level of destruction caused by the war was less pronounced in the eastern than in many western German cities. In trains and restaurants, he observed the presence of a social elite within a formally egalitarian society, predominantly comprising representatives of state administration and scientists. These individuals were notably better-dressed than the general population and conversed more openly with foreigners, even addressing social and political matters. Upon learning that Andō was a visitor from Japan, some citizens expressed admiration for the Japanese people, invoking

the term "rippa na minzoku", which translates as "a great people". They cited Japanese companies such as Sony and Honda as examples of the country's economic and technological prowess. In conclusion, Andō departed from the GDR with a favourable impression of the country, although he did not gain any new insights regarding Max Weber's work.

### *2.6 Family Histories and Other Encounters*

Prior to travelling to East Berlin, Andō had the opportunity to meet Peter Weber-Schäfer at Bochum University, where he held a chair for political sciences at the East Asian Institute. Weber-Schäfer, a member of the Weber family, studied Japanese and Chinese at the University of Munich, where he also completed his PhD, writing his thesis on Ono no Komachi, a great poet of the Heian period who was considered by her contemporaries to be an outstanding beauty. Combining poetic excellence with a legendary erotic charisma she featured prominently in many Nō plays [*Weber-Schäfer 1960*]. Weber-Schäfer was a member of the community of heirs. He was fully informed about the status of Max Weber's manuscripts and letters and gave Andō some crucial information [*Andō 1972a: 42–43*]. Following Weber's death in 1920 the surviving manuscripts and correspondence were transferred to the Prussian State Library in Berlin. During the Second World War the manuscripts were divided into three sections. One portion was relocated to an underground storage facility in the Austrian Alps, while another was stored alongside the papers of Bismarck and other prominent German politicians and scientists in Czechoslovakia. Following the conclusion of hostilities some of the material was offered for sale on the black market in Prague and subsequently disappeared, as did the material that had been sent to Austria. The third part of Weber's papers survived at the Central Archive II of the GDR in Merseburg. This information was not known to Western scholars at the time, but Andō was unable to ascertain what had become of the missing parts of Max Weber's papers.

Chapter III of Andō's "Travelogue" was devoted to Weber's youth, his years of study, and his military service in Strasbourg. In order to ascertain the rationale behind Weber's ambivalent stance with respect to modernity, Andō sought potential evidence in Berlin, where the young Weber spent his formative years following his family's relocation from Erfurt to Charlottenburg in 1869. For Andō, it was evident that the formation of Weber's worldview was shaped during the period preceding and succeeding the establishment of the Kaiserreich in 1871. Given his father's prominent political status, Max Weber and his younger brother Alfred were introduced to influential politicians and renowned scholars at an early age. They participated in discussions at the "Salon" of his parents' house, where guests included Wilhelm Dilthey, Heinrich von Treitschke and Theodor Mommsen. This was a period during which Bismarck had a considerable number of admirers, although this was not the case among socialists or right-wing Junkers, who were members of the landowning class situated to the east of the Elbe River. During his upbringing in Berlin Weber was confronted with the inherent tensions between modernity and tradition. These were exemplified by the liberal middle class to which he belonged and the landed interest classes. In early October 1969 Andō visited the Charlottenburg city hall and made contact with a retired officer who was engaged in historical research on Berlin in the city's archive. Despite being unable to obtain any hitherto unknown material on Weber and his family, Andō was able to gain a detailed impression of the city and the living conditions of the

liberal bourgeoisie during the latter decades of the nineteenth century. In his travelogue, he focused on the icons of Berlin's memory culture, such as the *Siegessäule*, which represented the victories of Prussia in the wars against Denmark in 1864, Austria in 1866 and France in 1871.

In Göttingen, where Max Weber completed his studies in 1885/86, Andō visited the university and was able to find some material related to Weber's law examination. Of greater significance was the meeting on 6 November 1969 with the American sociologist Reinhard Bendix (1916–1991), who was then affiliated with the Berkeley Office at Göttingen University. To Andō's surprise, Bendix was reluctant to discuss Weber's personality, especially psychological topics, and was similarly disinclined to address the concept of the 'unconscious' in Weber's work. A further issue that arose during the meeting was that Andō's proficiency in English was limited. These linguistic limitations created an opportunity for a misunderstanding. It seems highly improbable that Bendix failed to appreciate the significance of Weber's journey to America in 1904, as Andō states in his "Travelogue". It was of great importance, however, that Bendix showed Andō the proofs of a book by Arthur Mitzman, an American colleague of his, who was going to publish his study of Weber entitled *The Iron Cage* that later became a classic in the field. Andō appeared taken aback, since Mitzman had adopted a methodology comparable to his own, both in terms of the objective of his study – the psychological disposition of the work – and in regard to his approach to the subject matter, having already conducted interviews with some of Weber's contemporaries.

On 20 November 1969 in Strasbourg Andō met with Julien Freund, the leading expert on Weber in France. In a sense, both men came to recognise a kinship when discussing their respective journeys into the field of Weber studies. For Freund, as for Andō, personal experiences during the war proved to be pivotal. Freund joined the French Resistance and was apprehended on two occasions by German military forces occupying France. Andō had first-hand experience of the control exerted by the military state of Imperial Japan. The concept of "value freedom" was of central interest to both men in their study of Weber. In their discussion, Freund referred to the controversies in Strasbourg and Berlin surrounding the so-called "Spahn affair". The Kaiser had intervened in an academic dispute to ensure that Martin Spahn, a Catholic professor of history, would be appointed to a second chair at Strasbourg University. This chair was the subject of dispute. The rationale behind this decision was that Wilhelm II sought to facilitate the integration of the Catholic population in Alsace-Lorraine. His intervention for purely political reasons was strongly criticised by Theodor Mommsen, who advocated a "scholarship without [political or religious] preconditions". This was precisely the concept of *Wertfreiheit* that Weber developed several years later. Additionally, Weber, who had close relatives living in Strasbourg, did his military service in the city. In contrast to the somewhat one-sided portrayal of the *Lebensbild*, Andō's "Travelogue" highlights that Weber's military service in Strasbourg fostered his interest in the relationship between leader (Führer) and bureaucracy. However, this assertion lacks supporting evidence.

To reconstruct Weber's family history and his formative years as a scholar Andō initially visited Oerlinghausen, the hometown of Weber's wife Marianne, and Freiburg, where he was professor of national economics and finance policy. These journeys into Weber's early years did not meet Andō's expectations, as he was unable to find any new material

in the city archive of Oerlinghausen that would contribute to Weber studies [*Andō 1972a: 101–116*]. A copy of the marriage register did not facilitate a greater understanding of the complex history of Marianne and Max's family. Consequently, Andō was compelled to rely on Marianne Weber's *Lebensbild*, which was the primary source of information regarding Max Weber's life. Nevertheless, for Japanese readers, Andō succeeded in providing an account of the religious disposition of Helene Fallenstein, Max Weber's mother, and her elder sister Ida, who was married to Hermann Baumgarten, a prominent figure in German liberalism. Weber's father, Max sen., had a background in commerce. However, as the youngest son, he was able to pursue a career in law and subsequently became one of the first politicians to represent the National Liberal Party. He served initially in the Prussian parliament and later in the German Reichstag. It is notable that Andō emphasised the quasi-literary quality of the family history, which was only stable due to its wealth. Otherwise, it was characterised by an emotional approach to religion and various psychological problems. He saw these as "motives" for Weber's later work, particularly the sociology of religion, and his personal life.

### *2.7 The Reconstruction of Weber's Academic Career: Freiburg and Heidelberg*

Andō's research during his visit to Oerlinghausen was limited to an empathising experience: of Marianne's hometown, the surrounding landscape and the history of the Teutoburg Forest. The academic outcome was unsatisfactory. His visit to Freiburg proved considerably more fruitful [*Andō 1972a: 116–130*]. In the archives of the university he discovered Max Weber's personal file, enabling him to reconstruct and confirm Weber's teaching schedule. In Ebnet, situated in the vicinity of Freiburg, he encountered Eduard Baumgarten, the son of Max Weber's cousin Fritz Baumgarten. Given his role in editing the 1964 collection of texts and letters, entitled *Max Weber – Werk und Person*, Eduard Baumgarten was regarded as a significant contemporary witness. In 1920 Baumgarten had attended Max Weber's lecture on the "sociology of the state" and his final seminar on the topic of "Revolution – Councils – Russia" at the University of Munich [*Weber 2009: 49*; *Andō 1972a: 120*]. Following Weber's death in June 1920, he lived in the home of Marianne Weber for a brief period. He subsequently proceeded to Heidelberg, where he submitted his dissertation on the topic of "Innere Formen menschlicher Vergemeinschaftung" under the supervision of Alfred Weber. Returning from a visit to the United States, where he had met John Dewey, Baumgarten sought the support of Martin Heidegger for a *Habilitation* at Freiburg University [*Kaesler 2006: 170–178*]. At the outset of their relationship Heidegger was receptive to Baumgarten's proposal, but soon became a vehement critic when he realised that Baumgarten had a more pragmatic approach to philosophy. In 1933 Heidegger denounced Baumgarten to Göttingen University, claiming that he was not a staunch supporter of National Socialism and therefore unsuitable to join the German Dozentenbund. Nevertheless, Baumgarten managed to survive the Nazi regime, maintaining his position within the academic community. He was a member of the Nazi Party from 1937 onwards and held a chair in philosophy at Königsberg University. In the post-war period Karl Jaspers, Marianne Weber and other liberal figures provided political support for Baumgarten. From 1957 until his retirement in 1963 he held the position of Professor of Sociology at the University of Mannheim.

Andō was unaware of the details of Baumgarten's biography, including his activities during and in the aftermath of the Second World War. However, he knew that Baumgarten was a significant figure in the field, particularly given his familial connection to Max Weber. After the war Marianne Weber proposed that Baumgarten assume responsibility for the safeguarding of those personal papers of Max Weber that had not already been transferred to the Prussian State Library. The collection comprised Max Weber's letters to Emmy Baumgarten, his first love, and to Mina Tobler and Else von Richthofen, among others. Eduard Baumgarten did not permit anyone to examine these letters, yet he was not disinclined to show them to Andō. This proved to be of little assistance, as Andō was unable to decipher Weber's notoriously challenging handwriting. He was however presented with a collection of photographs relating to the family's historical background. There is a photograph of Baumgarten and his wife in Andō's "Travelogue". However, the academic outcome of his conversation was again rather inconclusive.

In comparison with his trips to Oerlinghausen, Andō's journey to Heidelberg, covered in the fourth chapter of his book, represented a highlight of his academic year in Germany [*Andō 1972a: 131–160*]. In mid-October 1969 Andō spent a week in the city that had been the centre of Max Weber's life and work for nearly two decades. As was his custom, Andō requested material from the city archive and the church administration relating to Weber's relocation from Freiburg to Heidelberg in 1897, and from Heidelberg to Munich in 1919. Moreover, Andō visited the former residence of Max and Marianne at Ziegelhäuser Landstraße, where they had lived with Ernst Troeltsch and his wife. On 19 October 1969, he was able to make contact with Else von Richthofen-Jaffé [*Tape recording of interview*; *Andō 1972a: 148–156*]. She first encountered Max Weber in Freiburg at the residence of the philosopher Alois Riehl in 1894. However, during her formative years, she was considerably more closely associated with Marianne, greatly intrigued by her involvement in the bourgeois women's movement preceding the First World War. At Heidelberg University from 1898 onwards she attended Max Weber's lectures on "National Economics", "Economic History" and "Agrarian Policy". In the course of her conversation with the Japanese visitor she emphasised that pursuing higher education had not yet then been a common pursuit for young women. She had for each series of lectures or seminars to ask for permission to attend. Some, such as Adolph Wagner during her time in Berlin, declined. However, Max Weber was considerably more accommodating. In 1900 he supervised her doctoral thesis, which examined the role of authoritarian parties in the legal protection of workers. Following her examination at Heidelberg, she began working as a factory inspector in the state of Baden. This was a highly unconventional career choice for a young and educated woman at the time [*Demm 2014*].

When the young Else von Richthofen inquired about the most suitable introductory literature on the subject of national economics, Max Weber responded: "The works of Adam Smith, Ricardo, and Marx's *Capital*" [*Interview conducted by Andō H., 19 October 1969*]. This was previously little-known information regarding the sources of Weber's economic thought; many experts were not aware of it at the time. Given that Andō was inspired by Marxism as a young man, he appeared surprised that Weber had read Marx's *Capital* and recommended it to his students. It is regrettable that he did not inquire further and ascertain whether Weber had any reservations about the capitalist system, given that no discernible critique of capitalism could be identified in his writings. Instead of pursuing

a more detailed discussion of the relationship between Weber and Marx, Andō adopted a strategy of *Motivensuche* in examining Weber's biography. He inquired about the conflict between Weber and his father and its influence on his religious thought, particularly his consciousness of sin and its role as a constant element in his beliefs or as a source of his writings on the sociology of religion. He was more successful in obtaining information regarding the biographical background of Weber's "Sociology of Music". In the context of this discussion, Else von Richthofen informed Andō of the significant influence that the pianist Mina Tobler exerted on Weber, with whom he was in a brief romantic relationship. Additionally, she stated that Weber had a high regard for Richard Wagner and was particularly fond of some of his operas, notably "Tristan und Isolde". Nevertheless, she declined to link these personal preferences to a scholarly context, as Andō had proposed.

Else von Richthofen also suggested that a meeting with Dora Busch, another noteworthy individual who had known Weber, might prove beneficial. In 1969 the daughter of Georg and Camilla Jellinek (born in 1888 in Austria) was still living in Heidelberg. Her father had from 1890 been a professor of constitutional law at Heidelberg University. Her mother, Camilla, played a relatively minor role in the women's liberation movement. In 1911, Dora Busch married Friedrich Busch, an Austrian psychiatrist who served in World War I and died on the Western Front at a relatively young age. She studied literature, obtaining a PhD in 1922, after which she worked as a schoolteacher in Heidelberg. In 1933 she was dismissed from her post following the Nazi regime's discriminatory legislation targeting the Jewish population. In 1944 she was incarcerated in the Theresienstadt concentration camp. After the war she resumed her teaching career at the Hölderlin Gymnasium in Heidelberg. However, her advanced age and poor health, a consequence of her incarceration, compelled her to retire prematurely. Andō was eager to meet her in Heidelberg, yet she was the sole individual to decline his requests for an interview. As Andō was aware, friends of Busch in Heidelberg, such as Else von Richthofen or Lydia Radbruch (widow of the philosopher of law Gustav Radbruch, who had excellent contacts in Japan), had already informed him that Busch was very reserved and not readily approachable socially. In the concluding section of the chapter entitled "Old Heidelberg" he conceded that she was the sole contemporary of Max Weber with whom he had established contact but was unable to meet.

### *2.8 A Short Visit to Switzerland*

A further topic of interest was the Heidelberg circle of Max and Marianne Weber, both before and during the First World War. This was the subject that dominated Andō Hideharu's interviews with Edgar Salin in Basel and Helmuth Plessner in Zurich, both conducted on 13 January 1970. The interviews were summarised in chapter VI of the "Weber Travelogue" [*Andō 1972a: 162–171*]. Salin studied economics, law, and philosophy at the universities of Heidelberg, Munich, and Berlin. His unique mode of thought combined an interest in economics with an inclination towards literature. It was in Heidelberg that, influenced by Friedrich Gundolf, Professor of German Literature, he was introduced to the circle of Stefan George. As a disciple of Alfred Weber, who in 1913 supervised his dissertation on the economic development of Alaska and the Yukon Territory, his relationship with Max Weber was not straightforward. During a visit to Rome in the autumn

of 1913 he had the rare opportunity of meeting with Max Weber on a regular basis over several weeks. He frequented the Café Aragno, where he engaged in discussions about academic and political matters with Georg Lukács and other thinkers staying in Rome. Subsequently Salin maintained contact with Weber and participated in his salon following his return to Heidelberg. Two points emerged from Andō's interview with Salin, as documented in Konno [*2003: 600–604*]. He was highly critical of Marianne's conduct during the "jour fixe" and her portrayal of herself in the *Lebensbild*. Salin stated that she consistently declined to engage in academic discussions during the Sunday gatherings at Ziegelhäuser Landstraße. In her biography of Max Weber, she claimed a reputation she did not deserve. In addition, Salin's stance on Weber's nationalism was ambivalent. It is beyond doubt that Weber advocated a "democratic empire". In the context of the historical experience with National Socialism in Germany, however, Salin considered the term "nationalist" to be highly problematic when applied to Weber. Without any reference to Wolfgang J. Mommsen's analysis of Weber's engagement with German politics, Salin advanced a more nuanced interpretation.

When Andō encountered Helmuth Plessner, living near Zurich following his retirement in 1962 as professor of sociology at Göttingen University, he shared with Salin a particularly critical perspective on the role of Marianne Weber [*Tape Recording, 13 January 1970*]. Plessner asserted that Marianne lacked erotic charisma. In Heidelberg, she was regarded as a "Protestant Madonna". Her husband was renowned for his patriotism and admiration for Bismarck; however, he held reservations about Kaiser Wilhelm II. In Heidelberg, Plessner was a student of Hans Driesch, a biologist with an interest in philosophy. Weber was influenced by Neo-Kantianism, which makes a clear distinction between natural sciences and cultural sciences. He opposed Driesch's attempt to develop a "philosophy of nature". Plessner informed Andō that Weber was solely concerned with establishing the methodological position of modern social sciences between the two principal fields of scholarship: the natural sciences and the "Geisteswissenschaften" (humanities).

A comparison of the interview with Plessner and the summary of the meeting in the "Travelogue" reveals that Andō did not mention Plessner's observations regarding Karl Mannheim, whom he characterised as the intellectual descendant of Max Weber. Additionally, Andō's "Travelogue" lacks any mention of Plessner's insights on Georg Simmel and the significance of Simmel's *Philosophy of Money* for Weber's intellectual development. Moreover, it is important to acknowledge that there were some misinterpretations on Andō's part when he described Plessner's perspective on the relationship between Marx and Weber. Plessner identified Weber as a disciple of Marx when reflecting on the relationship between "spirit" and economics, rather than religion and economics as Andō had understood. Plessner's reconstruction of Weber's reception of and impact on contemporary social thought did not align with his approach of "Motivenforschung".

### *2.9 Weber's Final Years: From Vienna to Munich*

The final chapter of the "Travelogue" is devoted to the last years of Max Weber's life. It encompasses his political activities, his teaching, and his work from 1918 to June 1920, the month of his death. Andō remained sceptical concerning Marianne Weber's *Lebensbild* and sought to ascertain the reasons behind Max Weber's decision to reconsider renewing

his academic career when he accepted an invitation from Vienna University to teach courses on national economics during the summer of 1918. In late October 1969 Andō made a second visit to Vienna with the objective of locating additional primary sources in the city's archives, having deemed the initial trip in April unsuccessful. With the assistance of Georg Zamorski, a disciple of the Vienna sociologist Leopold Rosenmayr, he visited the university archive and was able to reconstruct a list of 55 students of Weber during the summer semester of 1918. That was relatively straightforward. It proved considerably more challenging and time-consuming to identify the names of those who were still residing in Vienna, using the city's telephone directories. This line of enquiry yielded no results. Similarly, a search for reports of Weber's speech "On Socialism" in Austrian newspapers proved fruitless. Andō and Zamorski conducted a comprehensive review of all press materials, following Baumgarten's timeline in *Werk und Person*, which indicated that Weber delivered the speech in July 1918. This was an error; the date in question did not match the correct date as indicated by Baumgarten in a footnote to the text [*Baumgarten 1964: 713, 243*]. Andō realized he had wasted three days of effort. However, he was able to visit the lecture room in which Weber lectured on *Wirtschaft und Gesellschaft* under the heading "A Positive Critique of the Materialist View on History". Andō was very emotionally engaged with his subject; he likened the experience to travelling with a "time machine", speculating on how it would have felt to be a student of Weber, waiting for him in this Vienna lecture hall [*Andō 1972a: 176*].

To reconstruct the personal circumstances of Max Weber during the final year of his life in Munich Andō once more sought the advice of his host. However, Winckelmann appeared to take no interest in Weber's personal history, as Andō observed [*Andō 1972a: 178*]. He therefore began to search for Weber's residence in Munich independently, and was soon able to gain access to Weber's final address at Seestraße. In 1919/1920, the proprietor of the property was Helene Böhlau, the daughter of the publisher Hermann Böhlau from Weimar. She was a highly regarded author who mostly lived in rural Bavaria. Andō discovered the nameplates of "Böhlau" and "Wegner" at the entrance and fortuitously encountered Helene Böhlau's granddaughter, who in 1969 was living at the Seestraße address with her husband, Horst Wegner. They subsequently made contact with her father, Hermann Böhlau, who had been a student in Göttingen and had occasionally visited Munich, living in close proximity to Max Weber's study. In the course of the conversation, Hermann Böhlau underscored the acute sensitivity of Weber to any form of noise.

In a separate interview conducted by Andō in Hannover, another student of Weber, Emmy Delbrück, confirmed this fact. It was strictly forbidden for anyone to enter the house between the hours of 12 and 3 pm. Marianne, who experienced considerable discomfort in her rather confined living space, endeavoured to shield her husband from any potential disturbances. Their neighbours found her constant complaints vexatious.

With the assistance of Emmy Delbrück, Andō was able to establish contact with Wilhelm Stichweh in Hannover on 10 November 1969. Stichweh had studied law and economics in Göttingen and Rostock before relocating to Munich. Julius Hatschek, his supervisor in Göttingen, was an expert in the fields of administrative and international law, and held Max Weber in high regard. He advised Stichweh to proceed to Munich with a view to attending some lectures and seminars delivered by Weber. The encounter with Max Weber in the spring of 1920, as he informed Andō, proved to be a pivotal experience in his life

[*Tape Recording, 10 November 1969*; *Graf – Hanke 2020: 50–51, 76*]. In the course of a conversation with Weber at the beginning of the summer semester of 1920 he was advised to study the city economies of Islamic countries, especially the caravan cities, since this was a topic that Weber had not covered either in his sociology of the city or in his sociology of religion. Weber's unexpected death on 14 June 1920 prevented any further development of this project. Stichweh was obliged to return to Göttingen, where in 1923 he submitted a dissertation on a subject entirely unrelated to his previous studies: the history of dyeing in Lower Saxony. In 1923, following the death of his father, he assumed control of the family business.

During the interview with Andō Stichweh showed a notable capacity for self-reflection, acknowledging that his memories of 1919/20 were somewhat fragmented and shaped by subsequent readings. He provided a detailed account of the political climate in Munich in the aftermath of the collapse of the *Räterepublik* and the conclusion of the revolution. Furthermore, Stichweh provided Andō with a detailed account of Weber's pedagogical approach and his role as a political commentator. He highlighted Weber's involvement in the Arco affair and his tolerance towards political critics, both on the left and on the right. He was particularly disheartened by Marianne Weber's conduct at the funeral service, which he deemed to be a social misstep. She had chosen to speak at the event in the capacity of the widow. He revealed to Andō that he had subsequently read Marianne's *Lebensbild* in a state of disquiet, irritated by the excessive sentimentality evident in the biography. This was at odds with the rational objectivity that her husband had typically sought to embody.

### *2.10 At the Graveyard*

Andō concluded his "Travelogue" with an "Epilogue" entitled "Where Weber rests". Subsequent to his meeting with René König in Cologne on 16 September 1969, Andō travelled by rail to Heidelberg, where he remained for a period of two nights at the residence of his Japanese colleague, Aruga Hiroshi. One of the reasons for visiting Heidelberg was to locate the graves of Max and Marianne Weber. In this context, Andō once more describes his search for Weber's grave as if it were completely lost and forgotten [*Andō 1972a: 200*]. It is evident that his assumption that the grave had not been visited was erroneous. At the MWI in Munich he encountered the Danish Weber scholar H. Henrik Bruun, who informed him that locating the grave would be a challenging endeavour, given the prevalence of the surname "Weber" in Germany. Upon his arrival in Heidelberg, Andō proceeded directly to the administration of the Bergfriedhof, where he was accompanied by staff members to the grave, marked by a stone pillar bearing the names of Max and Marianne Weber. Near the grave Andō discovered two additional graves belonging to members of the Weber family: that of Weber's sister Lili, who committed suicide on Good Friday in 1920, and that of Hermann Weber-Schäfer, Lili's youngest son. Max Weber, who had died on 14 June 1920 in his apartment at Seestraße in Munich, was cremated in Munich three days later. The urn was relocated to Heidelberg in early 1921, coinciding with Marianne's return to Heidelberg from Munich. For Andō, a visit to the Bergfriedhof represented the culmination and most emotionally charged aspect of his journey in tracing the footsteps of Max Weber. Nevertheless, the question of what kind of man Weber really was remained somewhat mysterious.

### 3. The Disenchantment of Weber Studies in Japan

In early February 1970 Andō Hideharu left Germany for Japan, with a brief stopover in Israel. After an absence of nearly a year, he was obliged to fulfil certain administrative requirements and to prepare for the commencement of the new academic year on 1 April. It took approximately two months for Andō to make contact with his host, Johannes Winckelmann. In his correspondence, he expressed regret for the delayed response, citing physical exhaustion following his return. In this letter, Andō informed Winckelmann of his intention to write a travelogue about Weber. Moreover, he explained to Winckelmann the rationale behind his decision to disengage from the project to establish a Max-Weber-Institute in Japan. He emphasised the existence of persistent internal conflicts within the university that would have constituted an obstacle to the establishment of an MWI. (At the time, founding an MWI at Tsukuba University in Ibaraki Prefecture was the preferred option of the steering committee.) Secondly, Andō was not in agreement with the plans proposed by Sumiya Kazuhiko, who was responsible for the project. Sumiya suggested limiting access to a select group of Weber specialists. This was entirely at odds with the original plan, as well as the philosophy of Tsukuba University, which aimed for the MWI to become an open research facility accessible to all interested in the work of Max Weber. In a reply dated 27 October 1970, Winckelmann conveyed his regret at Andō's decision to withdraw from the project. He planned to discuss the project further with Sumiya, as he considered an MWI in Japan to be a vital facility for the exchange of Japanese and international Weber experts. Ultimately, the failure of the project to establish a Japanese MWI can be attributed to internal disputes within Tsukuba University and the differing ideas of leading Japanese scholars.

The conflict surrounding the purpose and outlook of a MWI at Tsukuba University had a complex historical trajectory. Prior to travelling to Germany, Andō was aligned with the group surrounding the economic historian Ōtsuka Hisao, with Sumiya Kazuhiko and Uchida Yoshiaki representing the driving forces. In 1964, Andō participated in the Weber Centenary Symposium at Tokyo University, which was organised by Ōtsuka. Subsequently, he published a collection of essays authored by all four scholars, namely Ōtsuka, Andō, Uchida, and Sumiya [*1965*]. Four years later, together with Uchida and Sumiya, he edited a collection of articles by 18 Japanese scholars, covering topics such as "Max Weber in Contemporary Times", "The Methodology of Social Sciences", and "The Structure of Social Theory" [*Andō – Uchida – Sumiya 1969*]. Up until this time, Andō was a member of the "Wēbā no mura" ("The Weber Village"). Following his return from Germany, he began to be regarded as an outsider, eventually becoming a recluse.

The pivotal moment was an article by Andō entitled "The Disenchantment of Max Weber Studies", published in the influential journal "Shisō" [*Andō 1971*]. Andō began with a critical examination of the status of Max Weber studies in general. He referred to Eduard Baumgarten's *Werk und Person*, which was designed to challenge the somewhat uncritical portrayal of Max Weber's life by his wife Marianne. Furthermore, he offered a critique of the interpretation of social theorists presented at the Heidelberg Centennial Symposium in 1964, particularly the non-historical perspective espoused by Talcott Parsons and his followers. One pivotal point of contention was the relationship between Max Weber and Carl Schmitt, as emphasised by Wolfgang J. Mommsen. On the one hand, Parsons and Reinhard

Bendix were not inclined to pursue this relationship further. Conversely, Raymond Aron and Jürgen Habermas endorsed Mommsen's interpretation [*Stammer 1965*].

In the context of a debate between those advocating a more theoretical, modernist interpretation of Max Weber and those favouring a historical, critical approach, Andō aligned with the latter group. In light of his experiences in Germany, Austria, France, and Switzerland, he emphasised that the theoretical dimension of Weber's work held secondary importance for him. He was, as he repeatedly emphasised, primarily interested in Weber as a human being. In comparison with the research approach of the Ōtsuka school, he asserted that "our research has developed in completely different directions" [*Andō 1971: 21*]. The topic of "Max Weber and Contemporary Times" was of particular significance to Ōtsuka, Uchida, and Sumiya, as they perceived Weber as a valuable source of concepts and ideas that could be employed in criticizing the semi-feudal remnants of modern Japan. Andō was particularly critical of Sumiya's approach, which he accused of elevating Weber to the status of a "holy figure", a tactic similar to that employed by Marianne. He stated that he had no interest in the approach of the "trio". Rather than lauding Max Weber as a liberal interpreter of modernity, he sought to reconstruct the "Weberian human being" (in Japanese: "Wēbāteki ningen"), a somewhat vague concept. With this objective in mind, Andō conducted research in Germany, which resulted in the publication of the "Weber Travelogue". He found support for this focused view on the human, sometimes irrational parts of Max Weber's personality in the recent studies of Arthur Mitzman, as recommended to him by Reinhard Bendix in Göttingen. The concepts of alienation and eros were central to Andō's interpretation of Weber, along with *ethos* and *kratos*. This was in contrast to the Ōtsuka group, who believed that the Weberian idea of political and economic modernity should be adopted in Japan.

The situation became further complicated in 1988 when Ōtsuka Hisao published a translation of the Protestant Ethic under his own name. The history of the Japanese translations of the Protestant Ethic is a complex one [*Schwentker 2014: 132–136*]. In 1938, Kajiyama Tsutomu 梶山力, a young sociologist, undertook the initial translation of Weber's seminal articles. He passed away prematurely in 1941 shortly after the translation was published. A revised edition of the translation, for which the economic historian Ōtsuka Hisao was responsible, was published in two volumes in 1955 and 1962, respectively, under the names of both Kajiyama and Ōtsuka. The final revision, edited solely by Ōtsuka, was published in 1988, followed by a paperback edition one year later. The present edition is the most widely read version of the "Protestant Ethic" in Japan.

Andō Hideharu expressed disquiet upon learning that Ōtsuka Hisao had omitted the name of Kajiyama Tsutomu from the 1988 edition of the translation. In a polemical essay published in 1991, Andō Hideharu posed the question, "Should We Really Erase Kajiyama Tsutomu's Translation of 'The Protestant Ethic and the Spirit of Capitalism' [From the List of Translations]?" [*Andō 1992*: *521–533*]. For his readers, the answer to this rhetorical question was not unexpected: "I do not think so at all", for two principal reasons: Firstly, although Kajiyama's translation was challenging to read, it was regarded as a remarkable accomplishment, and thus the name of the translator should be retained. Secondly, Andō identified a number of issues in Ōtsuka's translation that could potentially lead to a different interpretation of Weber's articles. Moreover, Kajiyama had furnished his readers with a nuanced commentary that was absent from the revised translation by Ōtsuka. For these

reasons, Andō decided to reconstruct the original version of Kajiyama's translation, supplementing it with additional commentary to render the text accessible to contemporary readers. This revised version was published by Miraisha in 1994 [*Weber – Kajiyama – Andō 1994*].

## 4. In the Final Years of His Life

In 1992 Andō undertook another visit to Germany to attend a German-Japanese conference on the subject of "Max Weber and Modern Japan" [*Mommsen – Schwentker 1999*]. Among the 17 Japanese participants he was regarded as an unconventional figure who reiterated the methodological significance of "Motivenforschung" in the context of Max Weber studies [*Andō* 1999]. When he presented his paper, the atmosphere in the conference room was palpably tense, though this was not observed by the non-Japanese participants. Subsequently, he was able to re-establish his personal relationship with the friendly and open-minded Sumiya Kazuhiko, who was also in attendance at the Munich Symposium. He did not engage, however, in further discourse with other members of the Ōtsuka group.

Andō passed away at home in Tokyo in December 1998. At the academic memorial service held at Seikei University, his alma mater for half a century, a remarkable number of colleagues and friends gathered to pay respect to a most unique scholar in the world of Max Weber scholarship. This demonstrated that, contrary to his own belief, he was not so isolated as he had always thought.

It is clear that, at a time when international Weber studies relied on Marianne Weber's *Lebensbild* for biographical studies, Andō was able to collect a significant amount of previously unknown material concerning the life and academic career of Max Weber. As he published the results of his research in Japanese only, his influence on international scholarship was limited. Andō's principal objective was to gain a deeper understanding of Max Weber's personality and the personal circumstances of his life. In this he was successful. However, his approach of "Motivenforschung" proved less fruitful when one considers how his findings could assist in reconstructing the work of Max Weber. For example, it is unclear whether Max Weber's conflict with his father in 1897 really led to a certain consciousness of sinfulness that influenced his later sociology of religion. This thesis, like many others connecting Weber's personal "motives" to his scholarly findings, is neither evident nor helpful for studying what we are interested in today: a systematic understanding of Max Weber's work as the founding father of the social sciences.

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# Research Program, Paradigm or Problematic? Three Ways of Reading Max Weber

JÓHANN PÁLL ÁRNASON*

**Abstract:** This paper discusses ways of understanding the unity of Max Weber's work and argues that the concept of problematic is more suitable than those commonly used in contemporary philosophy of science, such as paradigm or research program. The concept of problematic implies a less closed and integrated framework than the other two; it also places more emphasis on the problems of conceptualization. All these features make it a more adequate key to Max Weber's eminently multi-disciplinary and multi-perspectivistic but very unfinished project. The reference to a problematic connotes both strengths and weaknesses; the strengths have to do with Weber's exceptional ability to tackle diverse domains of research and theorizing in an original and productive way, the weaknesses with unclear connections between them and with insufficient grounding in basic concepts. These claims are backed up by closer examination of Weber's sociology of rule, especially his analysis of changing historical relations between political and religious power. Insights gained through this approach to the political sphere can then serve to conceptualize the cultural and economic ones in a way that builds on Weber's work but goes beyond its historically conditioned horizons.

**Keywords:** Max Weber; paradigm; research program; problematic; rule; religion; culture

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The following reflections are not grounded in any primary research on Max Weber's intellectual biography. They will draw on new approaches to Weber – sources, interpretations and debates – made possible by the recently completed publication of his collected writings.[1] Some reasonably well established conclusions about the development of Weber's work, shared by the most representative scholarship on the subject, will be taken for granted; on that basis, I will argue that the new perspectives opened up by the *Gesamtausgabe* have highlighted three different ways of reading Weber, and that one of them is significantly superior to the others. This line of interpretation will then serve to background a brief concluding sketch of possible post-Weberian viewpoints. If that term is taken to indicate a combination of key Weberian insights with adequate efforts to develop them further and think beyond their original context, such aims have proved difficult to achieve. Two particularly influential twentieth-century sociologists, Talcott Parsons and Pierre Bourdieu, made vastly premature claims to that effect. As I have argued elsewhere [*Arnason 2020a*], Shmuel Eisenstadt's work is a more genuine example; but here the discussion will focus on general concepts and criteria, rather than specific cases.

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1 The *Max-Weber-Gesamtausgabe* was organized and supported by the Bavarian Acaddemy of Sciences; the first of 47 volumes was published in 1984, the last in 2020. Some of the volumes have been published in a *Studienausgabe,* and a digital edition is in progress.

**Preliminary Remarks: Why Classics and Which Most?**

Some forty years ago, at the beginning of a book then meant to be his *magnum opus* (later superseded as such by Luhmann 1997), Niklas Luhmann exhorted the sociological community to stop "gnawing the bones of the classics" and adopt a "new theory design", which was of course a codeword for his own theory of autopoietic systems [*Luhmann 1984: 8*]. It is hardly to be doubted that this eminently tasteless remark has fallen flat; during the first decades of the present century, the classics have proved more present in sociological debates than they had been for some time before, whereas Luhmann's attempt at a radically new beginning has lost much of its initial appeal.[2] Not that the classics were ever completely forgotten; however, their relative weight varied, and so did the understanding of their role. This is not the place for a detailed survey of that story, but a brief glance at salient alternatives will help to contextualize the following discussion of a particularly important classical source.

Earlier views on the role of the classics include the claim that their names and exemplary works can serve to identify major divides within the discipline of sociology, divergent orientations of a more general kind than the specific disagreements between proliferating schools. Examples of such invocations are the references to Weber and Durkheim as pioneers of – respectively – individualistic and collectivistic approaches (now definitively known to be misleading), or to Marx and Durkheim as the paradigmatic theorists of conflict and normative integration. As a purely descriptive take on the history of sociology, this view can thus be credited with some truth. On the other hand, it bypasses the questions of substantive perspectives and theoretical issues that might link the classics to contemporary debates. Another approach, more attentive to that legacy, stresses the interdisciplinary scope of the classics, largely obscured by later efforts to confine them – as founding fathers – within a strictly circumscribed canon of sociology. Two aspects of these broader horizons merit a closer look. All three authors recognized as classics of the first order developed distinctive philosophical perspectives, still relevant to problems arising when the social sciences are – intermittently – forced to face questions about their foundational assumptions. None of the three cases can be dismissed or downsized as a mere derivative of earlier philosophical teachings. The particular importance of Hegel for Marx, Kant for Durkheim and Rickert's Neo-Kantianism for Weber is not in dispute, but in each case, the privileged source was (more or less smoothly) integrated into a project that broke new ground. The complex Marxian paradigm of production (with additional but hesitant glimpses of dimensions beyond its borders) was not a simple transcription of capacities and achievements that Hegel had ascribed to the world spirit; as I have argued elsewhere [*Arnason 2020b*], the starting-point is a breakthrough to an anthropological perspective, which then serves to provide new responses to problems posed by Hegel's account of the world spirit awakening to itself. Kantian connections were essential to Durkheim's focus on the moral integration of society; but in his later and most important work on the elementary forms of religious life, the emphasis shifts to social creativity and its articulation

[2] One sign of growing doubts about Luhmann's approach is the controversy on the conceptual status of his laconic statement that "there are systems" (*es gibt Systeme*). In my opinion this must be read as an ontological statement; the attempt to present it as an inaugural constructivist move – a kind of intellectual "big bang" – casts doubt on the cognitive status of the whole subsequent analysis.

through collective representations. Society creates and re-creates itself, and in so doing, it also creates a broader world. It may be tempting to interpret this comprehensive re-theorizing as a transformation of Kant's elusive thoughts on the role of the imagination in the constitution of experience; but even so, it would amount to an innovation so radical that a distinctive philosophical perspective must be given its due. Moreover, the interpretive approaches necessitated by the mature conception of religion and society are best described as a case of hermeneutics in actual use, though not by name, and in that sense a move to closer contact with philosophy than before.

As for Max Weber, the most conclusive evidence for an independent and original philosophical position is to be found in a text from the beginning of what most Weber scholars regard as the second phase of his intellectual biography. The essay on objectivity in the social sciences (which still awaits an adequate English translation) is, on one hand, emphatically in line with neo-Kantian thinking on specific features of scientific inquiry in the socio-cultural sphere, and more specifically with Heinrich Rickert's version of it. This is the main point of Weber's argument on *Wertbeziehung,* an essential complement and counterweight to the principle of value neutrality, but much less noticed by readers and self-styled disciples than the latter. However, the same text contains formulations that go beyond neo-Kantian horizons and indicate dimensions open to a different kind of philosophical reflection. Weber subordinates the value-relation supposedly constitutive of social-scientific knowledge to historical change; if it is true that – as many interpreters have argued – that the recourse to neo-Kantian ideas helped him to settle accounts with German historicism, there is also a case for arguing that his further engagement with the issues singled out by both sides led to a deeper and more differentiated understanding of history. In that context, it is noteworthy that he uses the concept of "cultural significance" (*Kulturbedeutung*) to signal the connection that lends meaning and contours to themes of the social sciences (he refers, for example, to the *Kulturbedeutung* of modern capitalism). This term obviously implies a broader focus than *Wertbeziehung,* and a clearer emphasis on meaning beyond value (but not thereby divorced from it). And there is another sign of unmistakable but uncompleted thoughts on that note. In a concluding statement on the transitory character of dominant interests and central themes in the social sciences, Weber refers to the "light of the great cultural problems" (*das Licht der grossen Kulturprobleme*) moving on and redefining the agenda of scholarly research [*MWG I/7: 234*]. Two aspects of this formulation call for comment. Where we might have expected a conceptual pinpointing, Weber resorts to the time-honoured and massively meaning-laden metaphor of light (its history has been impressively reconstructed by Hans Blumenberg [*2001*], but he did not mention Weber). The only plausible common denominator of its multiple uses is that it implies the possibility of a search for truth. The second step is properly conceptual, but it is surely not irrelevant that Weber refers to problems, rather than values or meanings. Some implications of that will come to light when the discussion moves closer to the substance of his work.

The above comments should suffice to show that Weber did draw on and – up to a point – articulate a philosophical perspective. Two other interpretive viewpoints will strengthen the case for placing him ahead of the other classics, in terms of intrinsic reach as well as relevance to strategic tasks of contemporary scholarship. Not the least weighty aspect of interdisciplinary ambitions is the fusion of historical and sociological

perspectives, characteristic – in different ways and degrees – of the three major classics. Marx's version of that approach found its first representative expression in the opening chapter of the *Communist Manifesto* (this part of the text was obviously what Weber had in mind when he described the *Manifesto* as a first-class scientific achievement); in a later phase, *Capital* combines historical and structural analyses of an evolving socio-economic order (that is one major reason why the search for a unified logic of *Capital* was misguided). The intertwining of history and sociology is at first sight less obvious in Durkheim's writings, but a closer look will reveal some significant connections. His work on the evolution of educational thought in France, less noted than it deserves, is a study in historical sociology. The much more influential *Division of Social Labour*, although most prominently an exposition of systematic theory and primarily received as such, is anchored in a background picture of late medieval and early modern European transformations. Durkheim's crowning work, *The Elementary Forms of Religious Life*, is outside the domain of historical sociology, but the analysis of a tribal society and its religious culture is undertaken – at least in part – in search of a key to the understanding of more complex historical patterns and their transformations (with particular reference to the French Revolution).

If a historical dimension is common to the sociological thought of all three classics discussed here, there is no doubt that Weber stands out as the most committed to historical research and most capable of innovative historical approaches to problems of social theory; he is therefore of prime interest to those who share the idea of historical sociology as a way to reorient a whole discipline, rather than a special branch to be added to existing ones. Several substantive aspects and developmental phases of Weber's work may be noted in support of this view. First of all, Weber was – in terms of research interests, though not of academic status – a historian before he became a sociologist, and his focus on classical antiquity deserves particular mention. A programmatic statement on knowledge and objectivity, published when he resumed scholarly work after a breakdown, relies on a historical turn to gain some distance from the philosophical debates to which it relates. Simultaneously, he produced his most widely read, most controversially debated and arguably most misunderstood work: the essays on the Protestant ethic and the spirit of capitalism. They are saturated in history (including passages that must be counted among the so far inconclusive attempts to establish historical psychology as a discipline), and on one occasion, Weber described them as a purely historical study. That did not prevent them (more precisely: the later amplified but no significantly revised book publication) from becoming the most discussed text of the sociological tradition, whereas no remotely comparable response has come from historians (Sokoll 2020 argues that they have yet to face the challenge in an appropriate way).

This shift of disciplinary focus cannot be dismissed as a misunderstanding (the real misunderstandings lie elsewhere and will be discussed later). Whatever Weber may have thought of the *Protestant Ethic* at the time of writing, it is a text that poses crucial problems at the intersection of history and sociology, and the additions to the 1920 edition enhance that aspect.

Looking back at the last decades, before and after the turn of the millennium, there is no doubt that in regard to the last-mentioned issue (theoretical lessons from the classics), Max Weber's work has been by far the most prominent source. There may be signs of declining interest. A German scholar [*Schwinn 2020*] has coined the term *Klassikerdämmerung*

(twilight of the classics), with particular reference to Weber. If there is such a trend, it is probably best understood as part of a more general darkening that has set in as the delusions of neo-liberal millenarianism evaporated. But the changes in question are a reason for maintaining contact with Weber, not for consigning him to past history. Instead of entering a world benignly governed by market forces, we are back in a world of economic crises, great power competition, and wars threatening to go global. This state of things is closer to Weber's world than were the recent *fin-de-siècle* expectations. Some participants in ongoing discussions have raised the question whether Weber is our contemporary or not; it seems clear that present global developments are making him more contemporary.

**The Search for Unity**

The following line of argument will assume that the case for contemporary relevance needs no further pleading; the next question to be tackled is then the problem of thematic and interpretive unity in Weber's work (to use an expanded version of Friedrich Tenbruck's formulation). Given the extent and complexity of the work, as well as the vast secondary literature, it is obviously true that no shorthand summary will be of any use. But if we accept the hermeneutical principle that the understanding of a text or a set of them involves a broader commitment to certain guidelines and horizons of interpretation, we can distinguish underlying ways of reading Weber, based on alternative premises with some background in the philosophy of science and divergent enough to imply different visions of the work as a whole. The rival concepts of a paradigm and a research program are obvious cases in point. It is true that in the discussion that developed in the wake of the *Max-Weber-Gesamtausgabe*, they have been used in a rather unsystematic way; those involved have opted for one or the other, not necessarily with full recognition of their divergences. But the two terms have well-established meanings and connotations, we can refer to discussions where they have been confronted, and a proper use of such sources will have consequences for the reading of Weber. However, the main thrust of the approach attempted here is to argue in favour of a third option: the concept of a problematic. It originates from French discussions, where it has been used in a rather loose fashion, without clear definitions, and sometimes invoked under other names. The following explication will centre on a somewhat stylized version of the concept; but the reworked meaning is in line with prior usage, and as I will try to show, it helps to clarify crucial questions concerning the interpretation of Weber's work.

The proposals for a more adequate and context-sensitive reading of Weber should not be mistaken for an advocacy of unqualified return. Although it is true that we can more directly link up with his ideas than with those of the other sociological classics, there are also arguments to rethink, loose ends to be finalized and shortcuts to be corrected. The concluding reflections of this essay will therefore seek to clarify the necessary conditions for a theoretical project to claim genuinely post-Weberian credentials. As I have argued elsewhere [*Arnason 2020b*], Cornelius Castoriadis and Shmuel Eisenstadt are the two most significant thinkers of that kind. Both are indebted to Weber, but reformulate and reorient his insights in new contexts; they both theorize the unity of history and society, albeit in very different ways. The parallels and affinities that can nevertheless be noted have something to do with comparable ways of criticizing dominant traditions, first from within

but ultimately resulting in a radical break. Castoriadis came out of the Marxist tradition but arrived at the most comprehensive and innovative critique of historical materialism; Eisenstadt took off from the widely shared framework of Parsonian structural-functionalism but became increasingly critical of its basic assumptions, and his civilizational turn marks a decisive move beyond the variations on action and system as alternative and/or complementary paradigms of social theory. A further point to be noted is that both Castoriadis and Eisenstadt reject the evolutionist view of history and society, no longer defended in nineteenth-century versions but variously reformulated by Habermas, Luhmann, Parsons, Runciman, Schluchter and Tenbruck. Evolutionist preconceptions have been a major obstacle to effective engagement with Weber.

Here the focus will be on general criteria for moving beyond Weber's conceptual boundaries without losing touch with his often-unfinished explorations, rather than on particular attempts in that vein; and as indicated above, the argument must begin with a comparison of alternative ways to read Weber. The concept of a research program is often used in a loose fashion (after all, any intellectual project that requires further work can be described as a research programme. What matters for present purposes is a distinctive meaning, elaborated (primarily by Imre Lakatos) within the school of thought known as critical rationalism, and designed to counter the destabilizing and self-destructive implications of Karl Popper's original statement of that position. It is this emphatic version of the concept that has – in unclear association with the rival concept of paradigm – been invoked in discussions about the structure and significance of Weber's work. Our first task is to disentangle the two concepts, and that is best done with direct reference to the source where they were first and most effectively brought into contact [*Lakatos – Musgrave 1972*].

For those who incline to hermeneutical modes of reading and reflection (including the present writer), it is tempting to defuse and downsize the confrontation between Thomas Kuhn and the critical rationalists by arguing that both sides were – unbeknownst to themselves – working with revamped hermeneutical figures of thought. They both emphasized the interpretive dimensions that hermeneutical thinkers have described as pre-comprehension, anticipation of the whole and interplay of horizons (the latter involving fusion as well as differentiation and mutual polarization).[3] The idea of a research program highlights the importance of whole theoretical frameworks for the testing and advancing of knowledge in light of experience, but with a twist towards intentionality, control and transparency; that trend finds expression of an agenda, the selection of basic assumptions to be maintained and specific claims to be put to the test, and in the choice of alternative theories to fit and enable new discoveries. By contrast, the idea of a paradigm posits a more sweepingly and emphatically holistic pattern, including non-intentional and to some extent non-cognitive components. Lakatos concludes the statement of his view by claiming that his concept of a research program is normative, whereas Kuhn's notion of a paradigm is "social-psychological" and makes scientific revolutions "a matter for mob psychology" [*ibid.: 177, 178*]. This comparison of an idealization with a caricature is not very useful (the methodology of research programs is clearly meant to serve analytical and historical purposes as well

[3] It should be noted that Gerard Radnitzky's work on "metascience" [*Radnitzky 1968*] pioneered the attempt to identify harmeneurical figures of thought within the school of critical rationalism; but it was written before Kuhn's confrontation with Lakatos.

as normative ones), but may be read as a backhanded way of acknowledging a difference of dimensions.

The idea of a paradigm is – *prima facie* – the more genuinely hermeneutical of the two options, not least because of its stronger accent on implicit meanings and tacit knowledge. But its weaknesses are the obverse of its strengths. The effort to encompass multiple aspects is vitiated by insufficient attention to their differences; critics have noted a tendency to shift abruptly between intellectual, social and cultural determinants; similarly, relations between the scientific community and a broader universe of discourse and meaning remain under-theorized. It is also possible to identify situations where interpretations in terms of paradigms run into particular problems. They face difficulties when dealing with cases where approaches within a shared field of inquiry differ so markedly that the idea of a multi-paradigmatic condition seems plausible but must be reconciled with the unity of a discipline; they are ill-equipped to deal with thinkers who venture on a multi-disciplinary project and draw on correspondingly diverse sources while remaining aware of open and fundamental questions in each of the explored domains (Max Weber is an outstanding example of that position); and they will not easily accommodate a constellation of pioneers who inaugurated a new branch of knowledge in different but partly overlapping ways, and without any of them completely and exclusively identifying with it (that was the situation of the sociological classics, and especially of Weber as the most important and most interdisciplinary among them).

These observations bring us a bit closer to Weber's work. As mentioned above, recent debates around it have invoked both the idea of a paradigm and that of a research program, not always with due attention to the difference between them. However, there are examples of explicit and reasoned opting for one or the other; here I will only briefly consider one case of each. In a paper explicitly titled "The specificity and the potential of the Weber paradigm", M. Rainer Lepsius [*2003*] proposed a definition in terms of a "space with three poles": the unfolding of action, the formation of structures and the projection of meaning. As he notes, this "principle of three-dimensionality" should not be identified with a multi-level analysis; the three components are mutually irreducible, but always already intertwined. So far, so good; the problem is that on closer examination, the whole constellation turns out to be embedded in a much more complex and ramified pattern of interrelations (the German phenomenological word for it would be *Verweisungszusammenhang*). The "projection of meaning" that shapes the course of action and the build-up of institutions (as we might also label the "structures" mentioned by Lepsius) is grounded in patterns of culture, defined by Weber as ways of lending meaning to the world and adopting a stance towards it; there will be more to say about this concept of culture, but at this point it should be noted that it posits a close but variable connection between interpretation and evaluation. On another level, the tripolar "space" is involved in social processes, and they are of two kinds: each of the components has its own processual character (as Lepsius notes), but there are also macro-processes that affect all of them in significant ways. Weber's concept of rationalization reflects this duality, but it was never fully clarified. Finally, the main connection between cultural patterns and social-historical processes is a complex of spheres, in Weber's terms "orders of life"; they represent distinctive domains of meaning, value and conduct. This is one of Weber's most seminal themes, but also one of the least conclusively analyzed. If all these problems are taken into account, the result

looks less like a ready-made paradigm than a highly unfinished conceptual mapping of a vast and diverse terrain.

Wolfgang Schluchter [*2005*] prefers the idea of a research program, but he does not so much argue against the idea of a paradigm as list the advantages of the other option. They seem to be of four kinds. A research program is, in principle, more open to confrontation with experience than a paradigm. It is, by definition, involved in and dependent on competition with other such programs. Its distinction between the formulation of problems (*Problemstellung*) and the testable solutions to them (*Problemlösung*) enables a nuanced reading of Weber: his *Problemstellungen* remain – to a large extent – valid and instructive, but his solutions call for a more critical debate. Notwithstanding these arguments in favour of a research program, Schluchter arrives at a definition roughly identical to Lepsius's paradigm. His trinity of action, order and culture is therefore open to the objections outlined above. Moreover, he explicitly identifies his Weberian research program with a theory of rule-governed action [*ibid.: 11*], and that has reductionistic implications for the concepts of order and culture. If order is reduced to rules, thus excluding less explicit and more problematic patterns, it follows that the concept of culture will tend towards a focus on its programmatic function (however, "culture" is not one of the keywords explained in the second part of Schluchter's paper). The theory of rule-governed action is obviously superior to utilitarian models, but it needs at least two major correctives. On one hand, there is the approach that stresses the creativity of action, most systematically presented by Hans Joas [*1996*]; on the other hand, a theory of action should take note of the aspect that we might – following Gregory Bateson – call "schismogenetic", most effectively brought into sociological discourse by Norbert Elias's analysis of figurations leading to conflicts.

**Defining a Problematic**

To sum up the discussion so far, the concept of paradigm can serve to highlight aspects that are less visible from the perspective of a research program; it might therefore seem more congenial to the hermeneutical reading of Weber that will be attempted here. On the other hand, it implies a closure and a level of interpretive integration that will prove hard to reconcile with the specific problems posed by a critical reading of Weber's work. One of the most prominent figures in Italian debates on Weber has described the hermeneutical challenge in stark terms. Noting that the two major projects (the now separately published successive instalments of *Wirtschaft und Gesellschaft* and the comparative studies of world religions and civilizations) were not completed, he continues: "anyway, we do not know whether it was at all Weber's intention to provide a clearly defined picture of the ultimate direction of his work as a social scientist. Rather, his way of working suggests the image of multiple roads simultaneously opened, roads where there are more or less visible advances and more or less consistent corrections of course, without him – dominated as he was by the necessity to obey the urgency of his enormous speculative tension – really feeling the need for an even provisional synthesis. With regard to the main works, but also to the methodological essays, the impression is that of an unorganized overlap of several lines of analysis" [*Marra 2022: 12*]. The author adds that it is thus left to the reader to judge which tracks were interrupted and which were followed, at least to a significant extent.

This is the situation to be tackled through a third way of reading, based on the concept of a problematic. Marra's description (to my mind quite convincing) pinpoints the most salient intuitive grounds for doubting the relevance of the two abovementioned alternatives. If Weber's work is as centrifugal, multi-directional and open-ended as Marra suggests, it lacks the coherence of a research program. We can easily identify or imagine programmatic constructions based on choices of some Weberian themes and intellectual trajectories at the expense of others (a classic case is the long influential but now much less accepted reading that portrayed him as a pioneering theorist of action). Such reductions of scope and complexity are in fact regressing to pre-Weberian modes of thought. Matters become more complicated when attempts are made to encompass the whole work, with its loose ends, internal tensions and conceptual ambiguities, in a streamlined scheme claiming paradigm or program status. Some examples of that kind will be considered below.

The concept of a problematic comes from the French tradition of the philosophy of science, where it has had a rather elusive career, much less conducive to clear definitions than the anglophone discussion of the two other approaches. It has been implicitly invoked in other terms (as in Foucault's concepts of *episteme* and discursive order) and explicitly linked to projects now discredited and abandoned (as in a case that will be briefly discussed below). But if we look for its origins, it seems clear that it was first introduced by Gaston Bachelard [*2024 (1949)*]. Admittedly, his definition of it was a good deal less than exhaustive, but some indications are there, and they were to some extent improved on by later commentators on his work. Bachelard's reference to the concept of problematic is intimately linked to his polemic against empiricism and existentialism (the latter target being a feature of the French philosophical scene in the aftermath of World War II) and to his quest for a rationalism that could turn the table on these adversaries. In very brief terms, that kind of rationalism had to be guided by the idea of a knowledge in context, process and community; Bachelard also calls it a "questioning rationalism" where "the foundations are themselves put to the test, they are called into question by the question" [*Bachelard 2024: 116*]. Patrice Maniglier's interpretation of Bachelard sums up the latter's project in a very shorthand way: it involves the "substitution of the category of problem for that of object", and this is "something the French epistemological tradition shares with both the Popperian and the Heideggerian traditions" [*Maniglier 2012: 21*]. The author might also have mentioned Weber's reminder that the domain of a science should be conceived as a *Problemzusammenhang,* rather than a type or a set of objects. Differences from the Popperian tradition will emerge as we move towards a more detailed reconstruction. As for the Heideggerian one, it would make more sense to speak of a hermeneutical tradition (unknown to Bachelard and anathema to some of his successors); in this case, the search for more specific points of contact will prove crucial to a more precise concept of problematic, and that applies most significantly to a key theme in the French branch of hermeneutics. The conflict of interpretations will be seen to matter more to the demarcation and articulation of a problematic than it does in the context of research programs or paradigms.

The road thus indicated must begin with a slightly more extensive account of Bachelard's theses. His most basic point is an emphasis on context, against the atomism which he sees as an enduring flaw of empiricist thought. "Everything becomes clearer if we place the object of knowledge within a problematic … It goes without saying that we

are now dealing with an *interesting* object, an object for which the objectivating process is not finished" [*Bachelard 2024: 113–114*]. A problematic is focused on the frontier between the known and the not-yet-known but to-be-known; in this capacity, it redefines the Cartesian idea of doubt (for Bachelard a legacy no less in need of correction than empiricist fallacies); it becomes a localized and contextualized awareness of fallibility and uncertainty. Finally, a problematic is constitutively linked to what Bachelard called "interrationalism", the reasoned exchange of views, arguments and conjectures within a scientific community. In this way, the concept of problematic implies a lesser emphasis on the unity of that social basis than does the concept of paradigm; the coexistence and communication of multiple problematics replaces – or should replace – the dominance of one paradigm. As for the alternative model of a research program, Bachelard's position makes such arrangements look less stable and less like rational constructions than they do from the perspective of critical rationalism. They reflect the unfolding of innovative encounters between problematics.

Patrice Maniglier's interpretation of Bachelard adds some significant points to the original formulations. As he puts it, a problematic "is not simply a set of questions; it is rather the matrix or the angle from which it will become possible and even necessary to formulate a certain number of precise problems" [*Maniglier 2012: 21*]. If questions are asked about the character and composition of the matrix, it seems obvious that the answer can only begin with concepts, i.e precisely the element that was – as we have seen – under-exposed in the debate about paradigms and research programmes. But those of us who have taken on board the notion of social imaginaries will be inclined to bring it into this discussion. Not only is the analysis and interpretation of social imaginaries (pioneered by Cornelius Castoriadis, Paul Ricoeur and Charles Taylor) best understood in terms of a problematic; it also throws light on the underpinning meanings of approaches that do not explicitly acknowledge the imaginary dimension.[4]

That said, a more qualified acceptance of another statement by Maniglier should be noted. He maintains that a problematic offers an alternative between already elaborated or structured options. This claim must be toned down. A problematic can be multi-perspectivist (as will be seen, that feature is essential to a clear demarcation from the other two epistemological models), but whether this potential develops into structured alternatives will depend on a variety of circumstances. To put it another way, the conflict of interpretations is a possibility inherent in the defining pattern of a problematic, but its levels of articulation vary greatly.

Bachelard's work is still a seminal source for those who see the concept of problematic as a promising option for the philosophy of science, but there are other thinkers to be remembered. A later and temporarily much more influential use of the concept was linked to a very ambitious and briefly authoritative reinterpretation of Marx. To avoid misunderstanding, it should be noted that this reference to Louis Althusser does not imply any sympathy with his version of Marxism, which turned out to be an exemplary blind alley; but some purely methodological points can be acknowledged. In his introduction to a proposal for a new reading of Marx, Althusser invoked the concept of problematic as the most adequate way of defining the "specific unity of a theoretical formation" [*Althusser 1969: 24*]; he further argued, with an explicit reference to Bachelard, that this perspective

[4] For more information on social imaginaries, see Adams and Smith 2019.

becomes particularly revealing when the focus is on the "epistemological breaks" that lead to the constitution of a new scientific discipline. Further work made it clear that a problematic is, most fundamentally, made up of concepts; for Althusser, Marx's foundational contribution to a new discipline – a science of history – was, first and foremost, enshrined in the basic concepts of historical materialism. In specifying the meaning and – as he saw it – proper use of these concepts, Althusser also acknowledged (although in a backhanded way and without any verbal concession to hermeneutics) the conflict of interpretations as an accompaniment to a problematic; his advocacy of Marxism as a science of history was inseparable from a critique of earlier readings, in his view overly philosophical and dependent on humanistic ideology. The understanding of concepts as both building blocks and problem indicators is easily compatible with Bachelard's idea of a problematic as the frontier between the known and the to-be-known, and it will be important for further discussion.

When Bachelard coined the concept of problematic, he was clearly more interested in its relevance for the natural rather than the social sciences. But it is safe to say that its later career has moved it closer to social theory, and this becomes even clearer if we add a few words on a recent development. The concept has become an exemplary vehicle of what some sociologists (beginning probably with Anthony Giddens) have called the double hermeneutic of social theory. The original insight expressed in this term was that hermeneutical approaches to the social world – designed to grasp the intertwining of meaningful action with the instituted and culturally articulated patterns of meaning – should be understood and justified as encounters with the inbuilt hermeneutical efforts of social actors and forces; the reasoned inquiry into meaning was to be attuned to the practical uses and invocations of meaning. A move from this perspective to the concept of problematic is most visible in Peter Wagner's theory of modernity [especially *Wagner 2008*], although he is not particularly keen on stressing the hermeneutical connection. Briefly, the key point is that modern developments in different socio-cultural spheres – economic, political and ideological – can be analyzed as interpretations and implementations of alternatives available within a problematic, and are therefore more or less susceptible to challenges by other elaborations based on the same problematic. Economic orders, political regimes and ideological models are embedded in fields of cultural articulation and conflicting interpretations; levels of conceptualization vary, but that element is always to some degree present. Wagner identifies the three key "problématiques" (to use his preferred term) as epistemic, political and economic (it may be suggested that the ideological field is an intersection of the epistemic problematic with the two others); they are "spaces of experience and interpretation", and the relevant units of analysis will depend on "a common space of experience giving the background to a specific and unique interpretation of modernity" [*Wagner 2008: 12*].

In a different context, I have argued [most recently in *Arnason 2023*] that the concept of problematic is an indispensable category of civilizational analysis. Eisenstadt sometimes used the term "cultural program" to describe the formative role that he attributed to interpretations of the world and the human situation in it; the connection between culture and institutions is central to his view on the "civilizational dimension of human societies". The substitution of a cultural problematic for a cultural program has several noteworthy consequences. We need not presuppose an internally consistent pattern; the cultural orientations

of a civilizational formation can be more or less marked by crosscurrents, tensions and conflicts. Such problems may be more or less mitigated by a stable division between dominant and marginal cultural themes. Divergent interpretations of shared cultural sources are a recurrent trend, interconnected with dynamics and distributions of social power. Varying degrees of ideological codification and critical reflection are also to be expected. All these aspects are focal points for comparative analysis and by the same token signposts for conceptual framing. In general terms, the shift just outlined calls for a stronger emphasis on social imaginaries (with the connotations of indeterminacy, ambiguity and excess meaning), rather than a clearly defined pre-programming logic of norms and values. It would be anachronistic to look for explicit ideas of this kind in Weber's writings, but as will be seen, there are allusions and adumbrations that can still serve to flesh out the agenda of civilizational analysis.

To sum up the advantages – or promising suggestions – inherent in the concept of problematic, they may in general terms mostly be described as distinctive twists to ideas shared with the two other approaches. The focus on problems and their interconnections (Weber's *Problemzusammenhang*) has become a commonplace in the philosophy of science; the reference to a problematic adds two specific points. It implies a questionable unity; a problematic is less committed to central and stable assumptions than a paradigm or a research program, more open to the possibility that the centre of inquiry might shift in response to changing contexts. It also entails an increased problematization of singular components. As we have noted, it places a stronger emphasis on basic concepts than do the alternative models, but at the same time, it makes them contestable. The conflict of interpretations is integrated at the most basic level. These two features enhance the processual character of a problematic; it is a framework in movement, more so than a paradigm or a research program, both of which allow for a fundamental though not absolute constancy of their core premises. Finally, the concept of problematic was shown to relate particularly strongly to cases where foundations are laid for a new discipline or a radical revision of an existing one undertaken. This last consideration has an interesting bearing on Weber. His interdisciplinary project brought new perspectives to all the fields involved, but more distinctively foundational efforts were reserved for two of them: sociology and the comparative analysis of civilizations. Weber's approaches to them differed in degree and kind. The grounding of sociology, most methodically and extensively presented in the section on basic concepts at the beginning of the later part of *Wirtschaft und Gesellschaft,* is neither a concluding capstone of the entire work, nor a self-contained new departure; there were simultaneous moves in other directions, and notable absences in the list of concepts (e.g. culture and institution) raise doubts about the completeness of the argument. It is nevertheless a series of systematically interconnected and clarified definitions, and that is more than can be said about the other foundational move. The *Vorbemerkung* at the beginning of Weber's collected essays on the sociology of religion is justly regarded as one of his most important texts (it is also his last statement), and it does (as Benjamin Nelson was the first to fully realize) outline the case for comparative civilizational studies, but the level of conceptualization is not at all comparable to the sociological project, and the nomenclature is uncertain. A credible witness [*Staudinger 1982: 7–8*] cites Weber as saying – before the 1914 outbreak of war – that *Kulturgeschichte,* not sociology, was his main interest; what he meant was obviously what we would now call a global history of civilizations.

The most marked difference between the concept of problematic and those of paradigm and research program is, as we have seen, the constitutive link between a social-historical and a theoretical level; the problematic of a social theorist (or the less explicit one of a social scientist) functions through a dialogue with the operative problematic of social formations, be they particular institutional spheres or encompassing cultural worlds. There is no literal anticipation of that theme in Weber's work, but an indirect one is easily located. It is implicit in his concept of value relation (*Wertbeziehung*), central to the essay on objectivity and taken to denote a formative precondition of social scientific knowledge. From the Weberian perspective, values are problematic in a double sense: they lack logical grounding and they are enmeshed in mutual rivalry. This situation does not change if we subordinate the language of values to a more hermeneutical perspective, allowing for broader horizons of meaning; that opens up a space for interpretive conflicts.

**Key Themes and Major Projects**

At this point, we should move from preliminaries to direct engagement with Weber's work. If the concept of problematic is to serve as a key to its unity, and at the same time to be enriched through this encounter with a classic, the first step must be to confront and criticize other conceptions of unity. The search for a thematic unity, most forcefully pursued by Friedrich Tenbruck, was one of the most effective motives for the revival of Weber studies during the last decades of the twentieth century. Repeated attempts to portray rationalization as a unifying theme were obviously related to evolutionist preconceptions, then influential across ideological divides, but interpretations of Weber as an evolutionist now seem to have been laid to rest. Wilhelm Hennis argued against the emphasis on general rationalization, on the grounds that Weber was solely interested in a specific kind of rationalization: the rational conduct of life (*Lebensführung*) and had a pronounced preference for one type of such conduct: the one that originated in radical Protestantism, found its most transformative expression in an ethical sublimation of capitalist development and gave rise to a broader idea of vocation that became central to modern culture. While the prominent place of this thematic complex in Weber's work is not in dispute, the claim that it was his exclusive concern is quite untenable; he was certainly interested in the logic of bureaucracy as a historical phenomenon and an increasingly dominant force in modern societies, and also in the rationalizing drive of modern science (for unclear reasons, he uses the term "intellectualization" to describe the latter case, but it obviously belongs to the broader family of rationalizing processes). These two forces were at odds with the imperatives of autonomous *Lebensführung*, but in different ways: bureaucratic domination threatened to destroy it, whereas science as a vocation imposed a kind of self-negating *Lebensführung*, an ethos of unconditional service to the cause of advancing knowledge.

However, the manifest interest in multiple rationalizing processes cannot justify the more sweeping conception of rationalization as a unifying theme. In the first version of the *Protestant Ethic*, Weber had already referred to the diversity of context-dependent, divergent and in part contradictory patterns of rationalization; the concept thus enters his field of vision and his theoretical language as a centrifugal notion, conducive to a proliferation of themes and perspectives, rather than to any kind of synthesis. He never developed an adequate unifying counterweight to this pluralism. Three tentative hints in that direction

can be distinguished, none of them taken beyond first steps. One option, the most elementary, is to start with the general observation that rationality translating into rationalization always involves (and demands) some kind of added content, analytically separable from the abstract imperative of making things or thoughts more rational; this viewpoint finds expression in the distinction between formal and material rationality and/or rationalization, most visibly operative in the sociology of law. Another approach, outlined in passing, relies on basic dimensions of human activity; the rationality of logical thinking is distinguished from the rationality of purposeful action. This primary typology can be taken further; the rationality of thought extends to the construction of worldviews, and the rationality of action has to do with value-orientations more fundamental and comprehensive than the changing correlations of means and ends. Glimpses and reminders of both these domains can be found in Weber's work, but no systematic elaboration. Finally, the orders of life (*Lebensordnungen*), distinguished most clearly in Weber's *Zwischenbetrachtung*, are primarily thematized as value spheres, but they are also to some extent associated with main frameworks of rationalization, and to that extent they would at least impose limits on the proliferating pluralism first envisaged in the *Protestant Ethic*.

The whole complex of issues concerning rationality and rationalization is one of the most markedly fragmentary parts of Weber's work, and not at all supportive of the search for thematic unity. In the final instance, this is due to the dependence of rational perspectives, projects and developments on cultural contexts; culture appears as the formative, path-directing and -differentiating background to rationality. As noted in the editorial introduction, Wilhelm Hennis's efforts to redefine Max Weber's *Fragestellung* (in opposition to sociological reductionism) fail to reach the most promising starting-point for such arguments: the conception of cultural humanity as a transcendental presupposition of the cultural sciences. But even a full acknowledgement of that premise does not provide the required evidence for thematic unity. In the essay on objectivity, Weber defines cultural humanity in terms of two basic capacities: to lend meaning to the world and to adopt a stance towards it. As I argued in a much earlier publication [*Arnason 1988*], Weber's later work did not follow this guideline in a systematic way; and most importantly, the lines of interpretation that linked up with it did so in a one-sided way, privileging the attitude to the world (acceptance or rejection) over the ways of lending meaning to it. Moreover, the emphasis on cultural presuppositions should not be mistaken for a justification of culturalist reductionism. Neither *homo politicus* nor *homo oeconomicus* is reducible to cultural humanity, as defined by Weber, although both of them draw on cultural sources. Weber had of course much to say about relationships between the three dimensions of human societies; but as will be seen, gaps and self-limiting choices within that field constitute a major shortcoming of his problematic.

Instead of continuing the search for thematic unity, the present discussion will opt for a contrary claim, to be – provisionally – taken as an interpretive hypothesis, with the expectation that the following closer reading will do something to substantiate it. The view to be defended is that where many interpreters have looked for unity we find in fact a specific plurality, more precisely a constellation of pluralities; with regard to each of them, as well as to the ways of combining approaches to them, Weber pursued a more complex and ambitious project than the other sociological classics and his work still holds lessons for contemporary scholarship; but unanswered question and unexplored issues

in all three abovementioned fields and on the level of synthesizing perspectives reveal an underlying problematic that calls for restructuring rather than mere restatement or direct continuation.

The pluralities in question are of three kinds. In the primary analytical context, Weber distinguishes different components of the socio-cultural world. In his own terms, this means above all a division into religious, political and economic aspects; there will be some comments to make on his definitions of them. A second theme is the exacerbated tension between "life orders" and corresponding values in advanced modernity. Up to a point, these orders correspond to the three fundamental aspects, but Weber takes them further; here the main focus will be on the socially based and socially formative ones. As such they are neither an exclusively modern phenomenon, nor is their differentiation a universal historical trend; both the premodern steps towards their institutional and interpretive separation, more marked in some civilizations than in others, and the modern turn to a situation of acute conflicts must be understood in relation to specific historical contexts. Finally, the comparative analysis of different cultural worlds, better understood in terms of mutual contrasts than in thematic isolation, became a crucial part of Weber's agenda. It seems clear that a certain distinction between Orient and Occident was already evident in his early work on the social and economic history of antiquity, but later work involved the division of the Orient into two very dissimilar cultural worlds, Chinese and Indian, as well as a clearer periodization of Occidental history, still following traditional notions of classical, medieval and modern, but with unequally developed new perspectives within each phase. It does not seem far-fetched to suggest that tripartite divisions were important – though not equally marked – within every part of this very broadly defined last field. Most prominently, the Eurasian triangle of Chinese, Indian and Occidental civilizational domains replace the traditional dichotomy of Orient and Occident. The three phases of Occidental history remain; within the world of antiquity, there is at least an adumbrated distinction between Judaic, Greek and Roman origins of European history; the medieval world can be seen as an arena of interplay and rivalry between the unifying religious culture supported by an institutional framework, the emerging territorial states and the newly empowered *homo oeconomicus* fostered by the medieval cities. That story had a modern sequel: the culture of modern, bourgeois capitalism.

To understand how this multiple plurality of perspectives played out in Weber's intellectual trajectory, we must start with the question whether there is a main work that would dominate or sum up the whole body of research and reflection. The traditional but misguided assumption that *Wirtschaft und Gesellschaft* was such a work was irreversibly discredited in German debates connected to the *Gesamtausgabe*. An alternative view was put forward by Friedrich Tenbruck, who argued that the collected essays on the sociology of religion should be regarded as Weber's principal text, on the grounds that they developed an evolutionary theory not formulated as such anywhere in other writings. That claim has also been rejected; the predominant opinion is now that the texts posthumously collected in *Wirtschaft und Gesellschaft* and the essays on the sociology of religion (also posthumously published, but prepared by Weber) represent two projects, complementary but unfinished. The following discussion will adhere to this reading, but with several important qualifications. They will put us on the track of conceptual reflections that unfold in the background of the two projects, though not in equal measure. If the projects can be

described as research programs, the conceptual level involves a problematic, in the sense outlined above.

The qualifications are partly based on the exceptionally illuminating work of Peter Ghosh (2014), who has thrown new light on the *Protestant Ethic* and its place in Weber's work. His conclusions differ sharply from influential earlier views. According to an interpretation defended by Talcott Parsons and for some time widely accepted by Weber scholars in the English-speaking world, the *Protestant Ethic* demonstrated that a certain religious culture – that of ascetic Protestantism – was crucial to the rise of modern capitalism in the West; the essays on India and China had then reinforced this thesis by showing that a capitalist breakthrough did not happen where this factor – or a comparable one – was not present. Closer reading of Weber's texts (not least due to German debates moving beyond the Parsonian straitjacket) revealed this to be a vast oversimplification, incompatible with the added content of the essays on India and China; notwithstanding the overall title referring to economic ethics, they had moved towards more complex analyses of cultural worlds. As a result of this correction, the *Protestant Ethic* came to be seen as merely the first instalment of a more long-term and broadly conceived project, surpassed in importance and perhaps superseded by later work. An offshoot of this interpretive line was the claim that Weber's 1919–1920 lectures on social and economic history had proposed a final theory of modern capitalism, reducing the argument of the *Protestant Ethic* to a partial perspective [*Collins 1986*]. As shown in the editorial introduction to the corresponding volume of the *Gesamtausgabe* [*MWG III/6*], the textual evidence does not support such speculations. Weber's last thoughts on modern capitalism did not depart from the ideas of the *Protestant Ethic* in any significant ways; his additions to its 1920 edition did not amount to a revision. It is true that the 1919–1920 lectures contain a more detailed distinction between external and internal – in other words: structural-institutional and cultural-ethical – aspects of capitalism than any earlier part of Weber's work; but in principle, this analysis stays within the dichotomy of *Form* and *Geist,* already formulated in the *Protestant Ethic*.

Against the devaluation of the *Protestant Ethic,* Ghosh argues that it can still be read as a centerpiece of Weber's work. The key reason backing this assessment is the central role attributed to the idea of the vocation (*Beruf*), traced back to its origins in ascetic Protestantism, shown to have found its most transformative (but also, in the long run, most self-defeating) expression in the historical dynamic of modern capitalism, and theorized as a formative component of modern culture, broadly defined. It is not being identified as the single decisive cause of the modern capitalist breakthrough; Weber is too aware of the infinite complexity of causal interconnections to make that kind of claim. Rather, the point is to grasp a cultural orientation that has a double impact: it lends a specific charge to capitalist development and links it to a wider social-historical context. As Weber repeatedly stressed, the argument of the *Protestant Ethic* is incomplete, and Ghosh documents his plans (and his publisher's pressure) to continue it. That did not happen; instead, Weber embarked on the two major projects mentioned above. Both of them can be understood as indirect continuations of the *Protestant Ethic*: they explore broader horizon suggested but not thematized in Weber's 1904–1905 essays. On one hand, the "social orders and forces" (to use Weber's own terms) related to and interacting with the economic sphere had to be brought into conceptual focus; that task was tackled in successive parts and versions of *Wirtschaft und Gesellschaft*. On the other hand, the case of transformative Protestantism

invited comparison with other cultural worlds, beginning with those most markedly different from European patterns; the essays on India and China pursued that aim, and a study of Islam was in the making but not brought to fruition.

The transition to this two-pronged inquiry was not quite direct; Ghosh is more attentive than most Weber scholars have been to the fact that there was a brief return to work on classical antiquity after the completion of the *Protestant Ethic*. Weber published the final version of his text on agrarian relations in antiquity in 1908. As Ghosh shows, the main reason for this detour was that it enabled Weber to clarify both the general concept of capitalism and the differences between its modern and premodern versions (as well as the corresponding long-term perspectives). Apart from that, the most obvious comment to be made from the viewpoint of present scholarship is that Weber's interpretation of ancient history, and more specifically of its final Roman phase, is in some ways surprisingly close to Marxist views; the affinity is clearest when the discussion turns to problems of an economy based on slavery, its dependence on wars of conquest and its decline when they ground to a halt. Late antiquity is now predominantly seen as a time of multilinear transformation, rather than simple decline and fall, and the role of politics and religion is given more weight than in Weber's account.

Politics and religion figure prominently in the two major projects, but – as will be seen – not without some difficulties in defining their domains and interrelations. To get closer to such problems, we must begin with a brief glance at the division as such. It is not a complete mutual separation of two research programs. As Ghosh notes, results of the comparative research on world religions were incorporated into the writings that became *Wirtschaft und Gesellschaft*; the section on religious communities, now published as a separate volume of the *Gesamtausgabe* [*MWG I/22-2*], reflects this cross-substantiation. To a much more limited extent, insights into the sociology of power (primarily linked to the typology of rule) entered into the essays on the economic ethics of world religions. Such overlaps raise questions about the very distinction between two projects. In my view, it can only be duly understood and defended if we add a point that is missing in Ghosh's interpretation. Notwithstanding the fact that they are written from specific angles (more complex than the title suggests), and despite Weber's reluctance to admit any kind of totalizing intention, the comparative studies of world religions did develop into openings to a comparative analysis of civilizations, with particular emphasis on their core cultural patterns. That breakthrough is the decisive reason to distinguish this part of Weber's work from those that went into the making of *Wirtschaft und Gesellschaft*.

To conclude this characterization of the two projects, their different levels and directions of inbuilt self-reflection should be noted. In the case of the one resulting in *Wirtschaft und Gesellschaft,* a rethinking of issues and presuppositions led to a radical but very incomplete revision. Two aspects of that outcome are of major importance. On the substantive side, the sociology of rule (*Herrschaft*) was reconceptualized in a way that provided clearer categories (the three types of legitimacy), but did not get far enough to rework the historical content of the earlier version and remained ambivalent about some key questions (notably democratic legitimacy).[5] With regard to basic assumptions and orientations,

[5] English translations of *Herrschaft* have varied. Parsons rendered it as "authority", but this is quite misleading; later translators preferred "domination", but "rule" has the advantage that it underlines the connection to the state.

Weber came to recognize the need for definitions of operative concepts; he also took the further step of identifying this line of reflection with a grounding of sociology, geared to the double task of refuting speculative misconceptions and spelling out the implicit guidelines of ongoing research (his own and that of others).

There are no comparably significant reflexive turns in texts belonging to the other project; but a certain degree of self-clarifying effort, expressed in short and tentative statements, was required to sustain the move to multi-civilizational levels. Three texts of that kind stand out as particularly instructive, all written during the late phase of Weber's work. The first in chronological order, and arguably the most important, is the *Zwischenbetrachtung* (intermediate consideration), inserted between the essays on China and India in the 1920 publication (there is, however, a slightly earlier and somewhat less elaborated version, traditionally treated as a part of *Wirtschaft und Gesellschaft* but now published in the separate volume on religious communities [*MWS I/22-2: 141–157*]). Next in line is the concluding chapter of the essay on India, where Weber sets out to define general characteristics of "Asiatic religiosity" [*MW I/20: 253–264*]. It is one of his most confusing and least discussed texts, but closer examination will reveal genuine problems behind the chaotic surface. The third and last is the abovementioned introduction (*Vorbemerkung*) to the essays on the sociology of religion. These intermediate reflections, as they might all be described, illustrate three things more salient in this late phase of Weber's work than before: a vast range of themes interrelated in ways yet to be further clarified, plans for future fields of research and theorizing, and an enduring ambiguity of key concepts in progress.

**Beyond Capitalism and Bureaucracy**

As a qualification to this picture of a multifocal agenda, we may look for recurrent thematic fixtures, signs of Weber's dominant interests surfacing across the divides and distances between his multiple domains of inquiry. Following Peter Ghosh, three such keystones can be identified: religion, capitalism and bureaucracy. They constitute the core of his framework for the genealogy and interpretation of the modern world. Although he never proposed or even hinted at a monocausal explanation of the transition to modernity, he clearly saw the articulating scope and transformative potential of religious significations as the most promising starting-point for a comprehensive analysis of various factors converging in a breakthrough. The specific role of paradoxes in the genesis of modern culture, exemplified by the destinies of ascetic Protestantism, was best understood in a religious context; for Weber, this was an important consideration. As for the formative forces active after the transition, Weber's emphasis on modern capitalism (culminating in its description as "the most fateful force of the modern world" in the *Vorbemerkung*) is an uncontested focal point. Some scholars (e.g. Basso 2021) would claim that the modern state, with its monopoly of legislation, is the other main shaper of modern history; but it is a well-established fact that Weber hesitated between different definitions of the state (more will be said on that below), and when he dealt with the modern state, which he even considered equating with statehood *tout court*, its bureaucratic rationality was the unequivocal defining feature. It was also the meeting-ground of capitalist development and state formation.

These observations on Weber's abidingly dominant interests raise a question only briefly mooted by Ghosh, but deserving of further discussion. It has to do with Weber's

conceptual armory and the specific weight of ideal types in that context. It seems clear that the Weberian concepts of religion, capitalism and bureaucracy, as such, are not ideal types, but that ideal types come into play when the task is to describe them from specific angles. Weber was notoriously reluctant to define religion, but he could not have embarked on a comparative study of religions and their socio-economic impact without some kind of pre-comprehension; for one thing, such a preliminary perspective is involved when he classifies an important tradition (Confucianism) as a doubtful borderline example of religion. The problem reappears on the level of particular religious formations. Ghosh specifically notes that asceticism, as defined in Weber's general sociology of religion, is an ideal type, but ascetic Protestantism is not; it is a common label for a concrete grouping of religious confessions. In the case of capitalism, the conceptual constellation is somewhat different. The claim that the history of capitalism begins with ancient civilizations is backed up by an ideal-typical general definition, but when it comes to diverse historical types, capitalism turns out to be a complex phenomenon whose elements and variations must be examined in multiple contexts. Modern capitalism is not always approached from the same angle; the capitalist dynamic of the ancient Roman economy and its reversal are contextualized in a different way; hints at capitalist trends in other historical settings are not taken to comparable lengths. Finally, nobody doubts the ideal-typical character of Weber's section on bureaucracy in the earlier part of *Wirtschaft und Gesellschaft,* but this is first and foremost an interpretation of modern bureaucracy, and the references to patrimonial bureaucracy do not amount to an alternative ideal type (the very concept of patrimonialism is so vague and sweeping that it might even be seen as an example of counter-productive ideal-typization). The more general problem posed by these conceptual issues has to do with the justification and direction of hermeneutical amendments to Weber's ways of theorizing. There are several possible openings to that line of interpretation, but in the present regard, it is the interplay of historical context and theoretical construction that calls for clarifying remarks. Ideal types are undeniably characteristic of Weber's scholarly approach (though not invented by him); the other side of that matter is their grounding in holistic but open-ended conceptualizing of historical patterns (epochs, cultural worlds or institutional complexes), within and across which the ideal types are applied. The second focus, less frequently discussed than the first, was what Adorno had in mind when he praised Weber (after denouncing his positivist inclinations) for grasping the importance of constellations [*Adorno 1966*].

If the three main matters of interest are to be seen as historical fields and forces (aspects of the history that gave rise to modernity as we know it), more must be said about the dynamics of that domain. Here we can link up with Wolfgang Mommsen's argument about rationalization and charisma as the two opposed but complementary modes of historical change. The fundamental ambiguity of the former concept has already been noted; the notion of charisma is ambiguous in a more substantive sense. Its most widely accepted meaning refers to leadership, both religious and political. As Mommsen [*1982: 97–143*] shows, its place in Weber's vision of history is more complex than this popular usage would suggest. The concept of charisma refers to creative discontinuity in a general sense, and in contrast to the processual continuity implied by the concept of rationalization; thus defined, it may be understood as a displaced offshoot of Weber's emphatically outlined but underdeveloped concept of culture, and the phenomenon of exemplary or transformative

individuals is one of its manifestations, recurrent in multiple fields but not the only one. To complete the picture, one step beyond Mommsen's interpretation is needed. The concept to be added is that of *Entzauberung*, to be defined in relation to the two others. On one hand, it is obviously grounded in the concept of rationalization, but it is not simply a radicalizing turn of that process; the fact that its logic finds its final expression in relation to the world (*Entzauberung der Welt*) shows that it takes rationalizing trends to a new level. On the other hand, it challenges charisma in a more fundamental way than mere rationalization does. Rationalizing processes can result in a preservation of charisma, but *Entzauberung* tends towards an elimination of meaning, and is thus in frontal conflict with the charismatic creation of new meaning. It is a significant feature of Weber's late phase that he was increasingly aware of this cultural dynamic, but uncertain about its ultimate destiny; the concluding sentences of the 1920 edition of the *Protestant Ethic* admit the possibility of future charismatic innovations.

The next step will take off from Ghosh's argument, but move beyond the horizon of immanent interpretation, towards a conceptual mapping along post-Weberian lines though not without a background Weberian inspiration. As I will try to show, the enduring focal points identified by Ghosh are also potential starting-points for a restructuring of the whole theoretical field that they mark out. They entail implicit references to a broader context, thus providing scope for alternative interpretations and – if that possibility is taken to ultimate lengths – a shift to different views of their internal patterns as well as their interrelations. This use of Weber's work fits the model of a problematic, rather than the two other modes of reading.

References to capitalism in Weber's writings reflect three different perspectives. On the most elementary level, the general and ideal-typical definition of capitalism as identical with the pursuit of ever-renewed *gain*, of "*profitability* (*Rentabilität*)" [*MWS I/18: 3*]. This denotes a continuous and rational mode of economic activity (*Wirtschaften*) and is not far removed from Marx's conception of capitalism as an economic regime of perpetual accumulation. In other formulations Weber adds the point that to qualify as capitalistic, this pursuit of gain must be peaceful; that implies some reservations about the notion of war or booty capitalism, repeatedly mentioned in both premodern and modern contexts. It would seem to represent an intermediate stage between capitalism proper and the mere quest for "the greatest possible monetary gain" [*MSW I/18: 2*]. The second perspective is the one applied in the *Protestant Ethic* and the late lectures on economic history, and also involved in the contrast drawn between ancient and modern constellations. Capitalism appears as part of a more complex socio-cultural context, dependent on and interacting with other components; in the modern setting, that is primarily a matter of connections to religious culture and bureaucratic statehood (with the long-term prospect of a capitalist dynamic undermining the foundations of religious life and fusing with the expansion of bureaucratic power). This vision of the future points towards a third perspective, most clearly expressed in the *Zwischenbetrachtung*. Here the economic sphere appears as an "order of life" among others, and as such a particularly alien rival of religion. The orientation of a rational economic order is determined by monetary prices that result from the struggle of human interests on the market, and this trend becomes fully dominant in the "cosmos of the modern rational capitalist economy" [*MWS I/19: 214*]. The metaphor of a cosmos reappears towards the end of the *Protestant Ethic*; it suggests a view of capitalism

as not just a part of a whole, but a part with claims to shape the whole and resources to implement them. In other words, this is the capitalist economy as a world order (also, and above all, in the phenomenological sense referring to a universe of meaning).

The third perspective (and, more generally speaking, the whole conceptual framework adumbrated in the *Zwischenbetrachtung*) is arguably the most ground-breaking approach in Weber's theoretical work. But it is not taken very far; neither the autonomy of each order nor their interaction and changing overall constellation are theorized in a conclusive way. The task of taking it further is therefore correspondingly important for the articulation of a post-Weberian problematic. To outline a pathway to that goal, we may start with another look at Weber's moves from elementary to complex definitions of capitalism. The interpretation of capitalism as a mode of economic activity presupposes some understanding of the latter; Weber's version of this prior step is summed up in his "Basic sociological categories of economic action" [*Weber 2019: 143–334*]. In a preamble, Weber explains his intention to avoid "the much-debated concept of value" [*ibid.: 143*]. This can no doubt be read as an allusion to the unfruitful controversy between Austrian and Marxian economists; the polarizing distinction between objective and subjective theories of value had led the whole debate astray. Marx's theory of value was vitiated by inadequate concepts (as I argued in a much older publication [*Arnason 1976*], the crucial flaw was Marx's failure to distinguish the domains of production and institution). But the marginalist critique could only target a derivative part of Marx's argument (the problem of price formation). The core problematic remained unsettled. It is understandable that Weber preferred to bypass this unpromising terrain, but there was a price to pay for that decision. His definitions of economic action and its ramifications are rather convoluted, but the translator, Keith Tribe, sums them up well: "the object of economic activity" is defined "as the acquisition of utilities" [*ibid.: 139*]. The levelling concept of utility replaces the discarded concept of value. As Tribe notes, this does not prevent Weber from achieving a synthesis of insights due to the Austrian school and the German historical school; but a third potential source, the classical tradition from Smith to Marx, was sidelined. The concept of wealth was a master key to that line of thought, brought to prominence by Smith's *Wealth of Nations* but also important for the critical as well as the utopian perspectives of Marx's work. *Capital* begins with a statement about the form of wealth prevailing in the capitalist mode of production; the inadequacy of the concepts that Marx then uses to spell out his message (principally the concept of value as a *sui generis* object produced by abstract labour) obscures the meaning of the starting-point. It reappears when Marx reaches the point where general orientations of an anti-capitalist alternative have to be indicated; the prime defining feature is a reconceiving of wealth, now identified with the free development of human capacities.

Compared to the concept of utility, wealth is a more dynamic category, in more senses than one. It refers not only to the satisfaction of needs, as does the focus on utility, but also to the resultant expansion and diversification of needs; that development can be seen as a form of wealth, and the same applies to the correspondingly enlarged scope for human activity and creation. A further implication is that the concept of wealth connotes a basic but historically variable and vastly increasable capacity to produce a surplus (for further discussion of that aspect, see Arnason 2022). It is important to note the multiple levels and guises of surplus wealth. One of the achievements in question is the gain of time for activity and/or enjoyment free from the constraints of imperative utility; this variety of

surplus has been invoked in otherwise very different contexts of theorizing on society and history. Marshall Sahlins's conception of the "first affluent society" singled out prehistoric communities that had supposedly managed their pursuit of material livelihood in a way that maximized free time; Marx's utopian "realm of freedom" was a vision of future technological progress making free time the dominant dimension of human life. More realistic approaches to historical experience will – not least – raise the question of power exercised and cultural models applied in relation to expanding temporal horizons. That is, more generally speaking, the road to be taken beyond the economic sphere; the focus on surplus leads to closer examination of its political and cultural uses and definitions.

Seen in this light, Weber's emphasis on utility as the central determinant of economic action is a concession to the generalized utilitarianism that critics have shown to be a persistent temptation for the social sciences. This is all the more striking if we recall the powerful (though largely implicit) argument against utilitarianism contained in the *Protestant Ethic*. A similar claim can be made for the analyses of bureaucratic power; not that utilitarian considerations are alien to the rationalizing processes unfolding in this context, but there is another very distinct force at work: a drive for the maximization of power. We should now take a closer look at the social and historical dimensions explored in those texts, with a view to more specific comprehension of their links to the economic sphere. Weber was well aware of such links, as shown by his classification of social phenomena as economically determined, economically conditioned and economically relevant. But his actual tracing of the connections leaves something to be desired, and as will be seen, that also has to do with incomplete and one-sided accounts of non-economic aspects.

Bureaucracy is, for a variety of reasons, the central theme in Weber's sociology of rule, and the topic that, in one way or another, guides the discussion of all others. It is the basis for Weber's most sweeping construction of a developmental line, positing a continuity from Ancient Egypt through late antiquity to the modern West (MWG I/6; this was a kind of concluding finale to Weber's study of the ancient world). It is also crucial to his analysis of modernity, with regard to observable trends as well as expected outcomes and likely regression; there is no denying the strong admixture of cultural pessimism in Weber's thought, although it should not be mistaken for the whole story. Admittedly, capitalism rather than bureaucracy is singled out as "the most fateful force of the modern world", but Weber also argues that bureaucracy is a condition, a component and an ultimate horizon of capitalist development. The rationalizing impact of the bureaucratic state created a supportive environment for the capitalist economy; the internal power structure of capitalist enterprise and organization became a bureaucratizing force in its own right; and in the longer run, the convergence of economic and political roads to bureaucratization tended to undermine the original liberating dynamic of capitalism. Last but not least, the problematic of bureaucracy became the centrepiece of a comparative project linking the general theme of power to the specific tasks of theorizing the state (the latter connection is the main reason why the translation of *Herrschaft* as "rule" is to be preferred to the previously common "domination").

The sociology of rule is a core part of the macro-project traditionally associated with *Wirtschaft und Gesellschaft*. The general introduction to the first version is followed by a section on "bureaucratism", characterized as the most familiar, most rational and distinctively modern type of rule [*MWS I/22-4: 11*]. Bureaucracy, seen as a model of rational

rule, thus becomes a guiding example for the whole field in question; the main categories applied to other patterns of rule are either constructed as approximations or as marked contrasts to the bureaucratic paradigm. The former approach produces the concept of patrimonial bureaucracy, rather loosely defined and prone to a levelling portrayal of pre-modern and non-Western political regimes. The latter one brings in the protean concept of charisma, meant to signal a polar opposite but in fact overflowing that boundary in multiple directions. More will in due course be said about that problem. To clarify the background, loose ends of the whole framework should be noted; they appear at two different anchorages of Weber's project. At the outset, the indispensable but very perfunctorily treated concept of power is set aside after serving as a stepping-stone to the concept of rule; as Edith Hanke [*2022: 26*] notes, Weber demarcates *Herrschaft* as a "partial domain" (*Teilmenge*) of a "comprehensive but indeterminate concept of power"; he never did anything much to clarify the more At the intended summit of the argument, the theory of statehood, there is an inconclusive wavering between different definitions. Stefan Breuer [*1993*] distinguishes two Weberian concepts of the state, one singling out the monopoly of legitimate violence as a defining feature and the other equating statehood with the Occidental invention of the rational bureaucratic state. Breuer's own later work on the charismatic state [*2014*] shows that a third alternative is at least foreshadowed in Weber's writings; it centres on the monopolization of contact with divinity or other sources of extraordinary powers. Finally, the late lectures on *Staatslehre* include a very brief but potentially significant hint: the decisive characteristic of the state is said to be that it is obeyed [*MWG III/7: 69*]. If we spell this out as the ability of a power centre to impose rules within a given territory, it may be the most useful guide to the elementary structures of statehood. But since all the diverse definitions are to be found in Weber's late work, the hesitation had obviously not been overcome; it would seem to be due to the dominant interest in bureaucracy overshadowing the more basic issue of statehood as such.

Weber's second sociology of rule is very different from the first. It is structured around the well-known tripartite typology of rule, in much more rigorous conceptual terms than was the first instalment. This revised version was first outlined in a concluding section of the introduction to the collected essays on the sociology of religion, printed as a journal article in 1915; but there is nothing to suggest that it grew out of the unfolding engagement with Chinese and Indian civilizations. It is, if anything, less sensitive to lessons from the world beyond Europe than was the voluminous first instalment (thus revealing that an external overlap of the two macro-projects did not necessarily lead to substantive contact). The 1915 text is presented in cautious terms, indicating that the tripartite division is constructed for a specific purpose and is not the only conceivable approach of its kind. The purpose is easily identified: the three ideal types help to pinpoint different configurations of personal and impersonal rule. This criterion is clearly inspired by a vision of modernity as a far reaching (but not complete) departure from the over-personalized forms of power that had marked much of human history and been – in the guise of modern survivals – the target of Weber's passionate criticism.

Legal rule, occasionally but not systematically also labelled legal-rational, is a model of power exercised on the basis of rules, minimizing the personal element, and bureaucratic rule is identified as its purest form [*MWS I/19: 24*]. An obvious objection is that this view obscures the role of democracy in modern government; Weber's implicit counter-argument

is that the stabilization of democracy depends on laws about voting an on constitutional rules about the exercise of supreme power. As will be seen, this answer turned out to be less than sufficient; the levelling logic of the basic category called for correctives. Similarly – in fact even more – levelling implications are encoded in the two other types. Traditional rule is strongly associated with everyday habits and conventions, believed to go back to the beginning of time or at least to be of indefinitely remote origin; the 1915 text refers to the "belief in the holiness of the everyday" [*MWS I/ 19: 23*]. This is obviously an ideal type, but of a disturbingly reductionistic kind; it is strangely out of tune with basic facts about traditions. Comparative studies of their dynamics have not failed to underline aspects at odds with Weber's choice of focus: times and spaces devoted to reactivation of sacred sources, more or less mythologized foundational actions and episodes, different views on the world and the human condition that set civilizational traditions apart from each other. Orthodox Weberians might object that these aspects can be subsumed under the concept of charisma. That would be a flight from bad to worse; "charisma" is Weber's common denominator for an extremely varied range of phenomena, but its qualifications for that role are never clearly stated. The definition of charismatic rule as "specifically non-everyday" (*ausseralltäglich*) is strictly speaking a contradiction in terms: *ausseralltäglich* is an eminently unspecific concept. Weber makes frequent use of it, not least in religious contexts, and it is tempting to relate that to his famous description of himself as "religiously unmusical", but neither irreligious nor anti-religious. The most plausible interpretation is that he claimed to be insensitive to religious meanings, but neither hostile to religion nor ignorant of its historical importance. *Ausseralltäglich* is the kind of word likely to be used by somebody hesitating to commit himself to the idea of the sacred.

Weber evidently assumed, without further argument, that the concept of charisma was equally applicable to religious and political fields, though not to the economic domain. Charisma is defined, in similarly abrupt terms, as a distinctively anti-economic force. Another dimension of double meaning is the intertwining of personal and impersonal versions; there is no denying that Weber was particularly interested in individual embodiments of charisma, but he did admit the recurrent possibility of its de-personalization, and some formulations come close to suggesting a collective version. Weber refers to mass emotions as an expression of charisma [*MWS I/22-4: 169*], and although the term is not used, his account of the creative transformations achieved in and by the Occidental city seems easily compatible with the idea of a collective charisma. Even if we accept to focus on cases where individual excellence and socio-cultural significance are closely connected, the heterogeneity of such occurrences is striking. Religious revelation is something very different from political or military virtuosity; a mass-murdering conqueror and empire builder is hardly to be understood through the same prism as the founder of a philosophical tradition. But the most adventurous twist to Weber's notion of charisma comes in a late addition to his sociology of rule: he moves to include democratic legitimacy in his typology (a first glimpse of it, without a proper name, had already been recorded in the work on the city, difficult to date and to locate between the two macro-projects). To minimize the departure from the established version, democracy is presented as "an antiauthoritarian transformation of charisma" [*Weber 2019: 409*]. That statement seems even more puzzling if the original German expression, *Umdeutung*, is taken into account. The verb *deuten* is commonly used in the sense of interpreting, and that reminds us of Weber's remark in the

essay on objectivity, to the effect that the theory of interpretation is still in its infancy. If democracy is based on an interpretation that turns a primary authoritarian meaning into its extreme opposite, one would expect some clarification of the very remarkable interpretive process in question. No such thing is forthcoming.

If we survey the whole range of references to charisma in Weber's work, it is tempting to recall Hegel's much-quoted comment on Schelling's conception of the absolute: it is the night in which all cows are black.[6] In an earlier publication [*Arnason 1988*], I argued that the concept of charisma is best understood as a disguised or displaced return of the concept of culture, as outlined in the essay on objectivity. Central to the charismatic aspect of history and society, as seen by Weber, is the creation of new interpretive and evaluative perspectives on the world. I do not disavow this claim, but I now think that a more differentiated version is needed. The concept of charisma is not simply the resurgent concept of culture in a new dressing; it is a multifunctional substitute concept, applicable – as Weber sees it – to a variety of social and historical contexts. Its manifest overstretch calls for alternative approaches. This does not mean that it should be discarded; as I will try to show, it can be reconstructed in a significantly downsized sense. But first we need a closer look at the symptoms of trouble.

**The Religio-Political Nexus**

One of the parts getting short shrift when Weber revised the sociology of rule was a long final section on "state and hierocracy". The latter term refers to power structures emerging within religious communities and encroaching, in one way or another, on the domain of political rule. Weber is, in other words, dealing with what I have elsewhere [*Arnason 2014*] called the religio-political nexus, but in a somewhat one-sided fashion. Three core components of this recurrent but very variable historical phenomenon may be distinguished. It involves a constitutive role of religious meanings in the definition of political power; an intertwining of religious and political institutions, not too close for competition and conflict; and a changing, sometimes relatively stable but never uncontested balance of power between the two sides. Weber's discussion is mainly about the last aspect, with some reference to the second, but without any use of the concept of institution. It is the first-named aspect that receives least attention, and a brief reflection on premises and consequences of this omission will pave the way for a more far-reaching argument.

Weber distinguishes three versions of the relationship between political and clerical power [*MWS I/22-4: 173*]. The first (also, it seems, historically speaking) is a rulership imagined either as an embodiment of divine forces or delegated by them, and legitimized by priests who hold religious power. Another variety is the direct takeover of political power by priests; for Weber, this is the only version that can be described as a theocracy. Finally, there is the type that Weber calls "caesaropapistic" and describes as a very common pattern; it involves a supreme authority of secular rulers over churchly matters. This is

[6] It is almost tempting to suggest a more disreputable comparison. One photo of the Trumpist attack on the American Comgress on 6 January 2021 shows a rioter holding a placard with the slogan "Jesus is my saviour, Trump is my president". Needless to say, I am not implying that this activist had read Weber, but the overstretched concept of charisma, more seriously misused by later authors than by Weber himself, is undeniably conducive to the kind of amalgamation that can end in a continuity from Jesus to Trump.

supposedly the case in the Chinese, Byzantine, Turkish and Persian empires, but also in the city-states of Occidental antiquity and the "enlightened despotisms" of early modern European states; even the modern British and German monarchs who figure as heads of their reformed churches are survivals of the same regime. Weber adds that "some minimum of theocratic or caesaropapistic elements" is usually present in any kind of legitimate power, and that this reflects the magic origins of charisma [*MWS I/22-4: 173–175*].

Before going on to specific criticisms, a comment on general reasons for dissent is in order. The phenomenon conspicuously absent from Weber's typology is sacral rulership in the strong sense, as its own source of meaning, dignity and legitimacy. An enduring and widespread version of the religio-political nexus is thus left out of the picture; so is the variety of the forms that the interconnection of divine and monarchic power can assume, as well as the singular importance of the most radical attempt to relativize it (the ancient Jewish conception of monotheism). To sustain these points, it is necessary to accept Durkheim's concept of the sacred as an essential complement and corrective to Weber's way of theorizing religion. This does not entail agreement with Durkheim's sociological reductionism; it is the sacred as the structuring and meaning-giving centre of a world-view, not the sacred as a self-projection of society, that is to be brought in. Instead of Durkheim's reductionist turn, we can draw on the contributions of phenomenological thinkers that have amplified the concept of the sacred through analyses portraying it as a fusion of meaning, power and reality, as well as those of anthropologists who reassessed Durkheim's work on the Australian aborigines and introduced a dimension of the mundane in addition to those of the sacred and the profane. Compared to those lines of thought, Weber's ventures into the same region seem notably hesitant; when he alludes to the German term for the sacred, he does so in a way that downgrades its meaning. His definition of traditional rule in the introduction to essays on the sociology of religion refers to a "holiness of the everyday" [*Heiligkeit des Alltäglichen, MWS I/19: 23*], thus levelling the religious connotations to the status of habits and conventions. In a similar vein, the short and late (but not precisely datable) text on three pure types of legitimate rule [*MWS I/22-4: 217–225*] invokes a belief in the holiness of orders that appear to have existed from time immemorial. On another level, the eclipse of the sacred is completed through the genealogical conjunction of magic and charisma. The former concept is too reductionistic, the latter too sweeping and unfocused to grasp the specific meaning of the sacred. Weber's approach fails to match Durkheim's distinction between magic and religion.

To back up these claims, some landmarks in the history of sacral rulership should be noted. This broadly defined concept covers different interpretations of the relationship between human rule and its divine source; it may be understood as embodiment, descent or delegation. The differences between archaic civilizations, as well as within the history of each case, are still a matter of debate among historians. In particular, contrasts between Egyptian and Mesopotamian pattern have been extensively analyzed and shown to be less simple than first assumed, but still significant. In the context of the Ancient Near East, the Jewish transformation of political theology may be seen as a critical response to both Egyptian and Mesopotamian models. As Jan Assmann [*2002*] argues, the idea of a divine creator and legislator amounts to a transfer of sovereignty from the terrestrial to the celestial ruler, and thereby to a fundamental relativization of kingship. At the very least, older Near Eastern traditions of sacred rulership were negated. But as later developments were to show, the

radicalized monotheism that began in ancient Israel opened up new possibilities for sacral legitimation; they were realized in different ways in the two monotheistic traditions that took off from Judaism. The fusion of Christianity with Roman imperial power was a landmark; recent scholarship [especially *Heather 2022*] suggests that the emperor acted to all intents and purposes as the head of the Church, but even so, Weber's concept of caesaropapism is hardly applicable. The emperors were – despite repeated attempts – unable to gain full control over the development of theological doctrines and disputes; in other words, a deficit of ideological power. At a later stage, the medieval conflict between emperor and pope is best understood as a schism within the religio-political nexus. The consolidation of the Catholic Church bore some resemblance to state formation (noted by historians who speak of a papal monarchy); as the political summit of Western Christendom, the emperor could claim and try to extend a certain sacral authority of his own. As for the other domain of Christendom, the traditional image of the Byzantine empire as the caesaropapist regime par excellence has been subjected to criticism by scholars who argue that the relationship between imperial and clerical power was too complicated and variable for this term to be appropriate. In the Islamic world, a very emphatic original vision of sacral rule gave way to a more complexly articulated differentiation of religion and politics. Some recent scholarship, to my mind convincing, supports the idea that the caliphate was initially conceived as an institution deputizing for God, not for the prophet; later on, resurgent Persian notions of kingship, further reinforced by Central Asian conquerors, were accompanied and counterbalanced by more independent versions of religious authority, represented by the ulema and later by the Sufi orders (the Shiite version also acknowledged the ultimate but latent supremacy of the hidden Imam).

Further complications, signaled but not fully theorized in Weber's writings, emerge when Chinese and Indian patterns of rule are added to the picture. Weber had obvious problems with categorizing the Chinese state; the ultra-elastic concept of patrimonialism does not take us very far. More interestingly, but only occasionally and without further clarification, he refers to a Chinese church-state (*Kirchenstaat*); that idea was later taken up by John Lagerwey [*2010*], who suggested that if we want a European analogy to the Chinese monarchy, we should imagine a complete fusion of imperial and papal roles. That kind of synthesis helps to explain the extraordinary durability of the Chinese version of sacral rulership, as well as its ability to survive major social change. But there are other aspects that reveal the limits of the imagined European analogy. The sacral framework of the Chinese imperial centre was shaped by a shift from personal divinity to impersonal order; it started at an early stage but took a long time to be completed and was not immune to backlashes initiated by ambitious emperors. In any case, the imaginary signification of a sacral cosmic order was the paradigm that prevailed during the most representative and consequential phases of Chinese history. The prime task of the ruler was to act as a connecting link between cosmic and social order. In that mission, he was to be assisted by advisers and subordinates of a particular kind; as a social group, they had some of the characteristics of a bureaucracy (that was the feature of most interest to Weber), but they also represented a specific kind of intellectual elite, and if we follow Lagerwey (and others) in stressing the religious dimension of Confucianism, their role is – up to a point – comparable to those of priesthoods in other cultures. This does not mean that they legitimized the ruler in the sense represented by the first model in Weber's typology. But the ideal image of

an adviser risking status and perhaps life in remonstrating with a misguided ruler became a staple theme of the Chinese tradition; and the assumption that a whole dynasty could lose its legitimizing mandate was accepted as a principle of political culture.

The Chinese example highlights the dependence of the religio-political nexus on cultural horizons. The transfer of sacral significance and authority from personal divinity to cosmic order involves a comprehensive reorientation of meanings lent to the world and of attitudes to it; it thus links the typology of states and hierocracies – and through them the whole sociology of rule – to Weber's half-submerged concept of culture. But it also underlines the need for further differentiations on that level. The concept of world acceptance (*Weltbejahung*) calls for specific references to the kind and degree of human intervention that is required in different versions of this anthropological stance; the world acceptance that Weber attributes to primitive religions is not the same cultural orientation as a pattern that demands a ruler entrusted with the maintenance of harmony between humans and the cosmos, a tradition with authoritatively defined classics to guide this effort, and a systematically trained cultural elite to put the teachings into practice.

Another example enables us to take this line of argument one step further. When Weber broadened his frame of reference to include comparative analyses of major non-European civilizations, he encountered several phenomena that pointed to new perspectives and necessary reconsiderations of earlier assumptions based on a more limited range of evidence, but the implications are often less than fully spelled out. One such discovery stands out in his essay on India. He notes that early developments led to a particularly clear separation of two prominent elite groups, priests and warriors, and that nothing comparable happened in China. He does not elaborate on the contrasting Chinese pattern, but in view of scholarly work done in the meantime, the details are now easy to recapitulate. The basic fact about China is the precocious progress of state formation. The "warring states" mobilized big armies, but after the unification of China, the role and presence of military force was obscured by a dominant political culture that emphasized civil power. Archaic claimants to priesthood were replaced by the cultural elite mentioned above. The development of Daoism as a religion gave rise to a new type of priesthood, but although it became an important force in Chinese society, it was – for official, state-building and central ideological purposes – overshadowed by Confucian traditions in the twin guises of literati and bureaucrats.

The Indian pattern singled out by Weber was characterized by a dominant presence of both priests (Brahmins) and warriors, a clear division between them and a plurality of practical consequences from the separation; it could be construed as a division of labour, but could also lead to alliances and rivalries. Rulers of Indian states mostly came from the warrior stratum, and the socio-cultural regime that prevailed can only be understood as an outcome of a complex and ambiguous historical alliance between Brahmins and kings, with implications and consequences that went far beyond the strategies and situations of actors in search of social power. The Brahmins became legitimizers of kingship, thus – at first sight – fitting into the first category of Weber's typology. But what made the Indian version of the religio-political nexus most distinctive was the counterweight to this relationship. The Brahmins imposed a hierarchy *sui generis*, based on the distinction between pure and impure; it made them superior to kings. This was a type of stratification unknown elsewhere to any comparable degree, and irreducible to the standard sociological notions

of status and prestige. Its specific logic was analyzed by Louis Dumont [*1966*], who drew extensively on Weber's work but went beyond it in his analysis of hierarchy. Historians have – with some justification – criticized his account of the caste order as overly structuralist and oblivious to rivalries that could stretch its principles; but his conception of hierarchy defined by levels of purity remains relevant.

Dumont's work also helps to establish a closer connection between two aspects of Indian civilization, duly emphasized in Weber's essay: the "organic social ethic" of the caste order and the world-rejecting ethos of the most articulate Indian religions. If the ascent to higher levels of purity is equated with growing distance from the entanglements of everyday life, the rejection of the world can be understood as the ultimate radicalization of this trend. It was, as Dumont stresses, embodied in the figure of the "renouncer"; Weber had already argued that this step was taken by intellectuals of two different social proveniences; the versions commonly associated with Hinduism point to Brahmin origins, whereas the affinities of Buddhism were more with the warrior stratum (the relation to kingship is still a matter for scholarly debate). The result was a religious divergence and a long period of coexistence within a shared civilization. The two religious traditions turned out to be unequally equipped for internal and external influence; Hinduism was more capable of penetrating Indian society, Buddhism more successful in spreading across civilizational borders but less so in shaping a distinctive civilization of its own.

There is a further point to be noted, and it applies to both India and China. The shift from personified figures of the sacred to notions of an impersonal higher reality (cosmic order in China, a more transcendent vision of a realm beyond mundane illusions but also a more high-profile coexistence with polytheism in the Indian case) paved the way for more radical reflexivity. It was, in other words, an opening for philosophical reflection. That dimension of cultural history is strikingly absent from Weber's analyses; neither the comments on the realm of knowledge in the *Zwischenbetrachtung* nor the summary of rationalizing processes in the *Vorbemerkung* do anything to clarify the specific aims and achievements of philosophy. It is tempting to explain this as a result of Weber's own original but hesitant relationship to philosophy; he was aware of adopting a philosophical position that was only in part aligned with the neo-Kantian current closest at hand, and of the need for further work on basic issues, but put it off in favour of more pressing historical and sociological tasks.

If we want to add a comparative perspective on philosophy to the civilizational approach pioneered by Weber, the most promising guideline is in my opinion the idea of the "three philosophical civilizations" – China, India and Greece – proposed by Ben-Ami Scharfstein [*1978*]. Having had a brief look at the first two, it remains to take note of the third one, undeniably the most important for the global history of philosophy; as will be seen, the form taken by the religio-political nexus is also important for the road taken by Greek thought. The key aspect was the pattern now known to classical scholars as *polis* religion. This concept does not imply that all religious life was subordinated to the *polis*; what it does mean is that the institutionalized core of religious cult and custom was integrated into the political life of the city-state; in this way, the development of what Weber called hierocracy was blocked (the priesthood became a part of the city's officialdom), and by the same token, there was no driving force and no scope for the imposition of doctrinal orthodoxy. The *polis* that thus encompassed the core of religious life was a political

community, however restrictively defined at the outset, and capable of broadening its basis. Weber's attempt to subsume this pattern under the concept of caesaropapism is therefore misguided; there was no Caesar and no pope (there were tyrants, but durable tyranny was the exception rather than the rule, and did not lead to any significant change in the relationship between *polis* and religion).

The *polis* was, as Pierre Vidal-Naquet [*1981*] put it, "a civilization of political speech" (*une civilisation de la parole politique*). Various other interpreters of Ancient Greece, notably Cornelius Castoriadis and Jean-Pierre Vernant, have highlighted the connection between the self-ordering mode of political life and the autonomy of reason that found an epoch-making expression in philosophical thought. The deliberative element of politics and the disempowered character of religion combined to enable a breakthrough to new ways of articulating human being in the world. It should be added that the new cultural genres of philosophy and tragedy were more involved in dialogue with religion than overly modernistic interpretations have often suggested.

At this point, we should sum up the lessons of the above encounter with Weber's sociology of rule. Four points stand out as essential corrections to Weber's line of argument and as steps towards a reformulation of his problematic (not to be mistaken for a radical break). At the most basic substantive level, the inclusion of sacral rulership and its variations broadens the spectrum of patterns to be compared and theorized. But this thematic extension also has conceptual implications. The reference to the sacred is a cultural definition of power, and its different versions illustrate the diversity of alternative choices in that context; the range of possibilities becomes even more visible when the breaks with sacral rulership, realized in vastly different way in ancient Israel and the Greek *polis*, are taken into account. This is a significant issue in the debate on Weber's sociology of rule. His focus on legitimacy (even stronger in the later version of his typology than in the earlier one) elides the level defined by a later author as "the cultural plasticity of power" [*Pye 1985*].The stress on reasons for acceptance (in other words: the recognition of legitimacy) skates over the point that claims to legitimacy have to be understood if they are to be recognized; that precondition involves the cultural definitions of power, and they may be more or less conducive to absolute obedience, more or less vulnerable to contestation, and more or less open to negotiation.

A cultural definition of power is always embedded in broader constellations of meaning, and that brings us to the third point. The shifts that affect the religio-political nexus are interconnected with changes to cultural articulations of the world; such transformations involve reinterpretations, mutations and relocations of the sacred, as well as the emergence of perspectives that call is centrality into question. In brief, the changing patterns of the religio-political nexus are intertwined with those of culture in the Weberian sense of interpretive and evaluative relations to the world. It would be misguided – and contrary to Weber's views – to attribute general primacy to one side or the other; rather, their relative weight and the modes of their interaction are matters for comparative research. Finally, and as a corollary to the last statement, it should be noted that transformations of the religio-political nexus can – in ways that vary from one civilization to another – open up a space for major cultural innovations and enhanced autonomy of particular spheres (the example of the three philosophical civilizations is a case in point).

To sum up, the above reflections have moved from conspicuously central themes in Weber's work to background categories and domains of inquiry, defined with help of his

indications but also in critical response to shortcuts and omissions. The concept of culture, introduced in a key text but then overshadowed by a pervasive concern with religion, was – in principle – restored to a fundamental role. From the analyses of bureaucracy, with a critical look at the typology of legitimate rule, the focus shifted to the religio-political nexus (not conceptualized as such by Weber) and ultimately to the cultural context of the political. To round off this argument, it seems best to return – very briefly – to the question of the economic sphere and its integration into the context that has already been outlined through a rapprochement of culture and politics; and since the concept of the sacred has proved useful for that purpose, it may serve as a key to problems to be posed in relation to a third domain.

**Capitalism Revisited**

That approach links up with attempts to identify a religious element in the direct and permanent goals of capitalist economic action, not just in its broader cultural background. Such ideas have been suggested by various authors (Walter Benjamin may have been the first to raise the issue in explicit terms, but without further development). Among recent work, the abovementioned book by Christoph Deutschmann [*2001*] stands out as most insightful; here I will summarize its argument and then add a few words on the connection to Weber's problematic. Deutschmann joins those who see the "pre-monetary" perspective as a major flaw in Marx's theory of value; the generalization of commodities as a form of wealth is only possible in a monetary economy. Over and above its specific functions, money acquires a social signification as the embodiment of abstract wealth. Marx acknowledged that, but did not draw the appropriate conclusions; on this point, his analysis must be upgraded through insights set out in Simmel's *Philosophy of Money.* Deutschmann adds that in a dynamic society, committed to ongoing growth and characterized by incessant technological change, the institution of abstract wealth becomes a promise of absolute wealth – in the sense that it holds out the perspective of unlimited scope for human desires and abilities. The central meaning and dominant position which money – in the form of capital – thus acquires justifies comparison with the role of the sacred in overtly religious societies.

Deutschmann's line of argument invites reflection on some hints and loose ends in Weber's work. The discussion can begin with a well-known remark that precedes his definition of capitalism. Weber stresses that capitalism is not identical with the striving to accumulate more and more wealth (it is of some interest that the Latin expression quoted in this context, *auri sacra fames,* invokes both gold and the sacred). In light of Deutschmann's analysis, we might note that Weber's demarcation of capitalism from this supposedly age-old and cross-cultural mode of behavior overlooks a basic historical fact: Capitalism does not simply discipline and rationalize the drive for wealth; at the same time, the latter is magnified and transmuted by a new historical context. *Auri sacra fames* is reborn and reinvigorated as the commitment to accumulation as an end in itself. Deutschmann links the "promise of absolute wealth" to the concept of imaginary significations, with explicit reference to Castoriadis; it may be added that the imaginary in question is articulated at several different levels. It is already at work in the institution of money as the symbolic incarnation of wealth; a further extension is the belief in permanent self-sustaining growth; and the

vision of financial markets governing the world, harshly refuted by the massive return of great power politics, was a recent and extreme offshoot.

There are other points of contact with Weber's evolving conception of capitalism. He never claimed that the ethic inherited from ascetic Protestantism was the only source contributing to the spirit of modern capitalism, but no attempt was made to construct the more complex model that would have brought in additional factors. The "promise of absolute wealth" is a distinctive component of the capitalist ethos, certainly more durable, reinforceable and capable of broader appeal than the still much-debated Protestant source. Moreover, it bridges the divide between external and internal aspects that was central to the discussion in Weber's lectures on economic history; the self-propelling pursuit of monetary wealth is both an operative principle and an animating vision. On both these levels, it connects with notions of rationality and progress and puts its own stamp on them. This surplus meaning is crucial to the capacity of the economic sphere to project its logic onto a roader social context. But that very point is also a reminder of counter-trends. The totalizing potential of the spheres that Weber describes as orders of life (*Lebensordnungen*) is one of the themes of the *Zwischenbetrachtung*, more implicit than explicit but present enough to allow a distinction between two modes of articulation: the tendency to constitute a separate world and the rivalry that stems from multiple attempts to encompass the socio-cultural realm as a whole. For present purposes, our main concern is with the strictly social ones among Weber's orders, i.e. the economic, the political and the cultural. The last-mentioned one is of course not identified as such by Weber, but it is the domain that takes shape when we add the sphere of "thinking knowledge" (*denkendes Erkennen*) to religion and include philosophy, which does not figure as such in Weber's scheme; the aesthetic sphere is another candidate for inclusion. This reconstructed sphere corresponds, in other words and up to a point, to Hegel's realm of the absolute spirit. As we have seen, the interplay of these three domains is the field of inquiry that emerges from a critical rethinking of central themes in Weber's work. A more detailed analysis of this redefined constellation will be attempted in a later essay. But to conclude, it may be useful to recall the concept of a meta-institution. Durkheim did not use it, but as Gianfranco Poggi [*1972*] has shown, it is a perfect description of his views on religion and its dominant role in the structuration of human societies. The reading of Weber proposed here suggests a few amendments. Most obviously, the meta-institutional role of religion has, throughout a long history, been exercised through the religio-political nexus, the meta-institutional reach is therefore not to be understood as an exclusive attribute of religion. The transformations of the nexus show that the relative weight of meta-institutional forces can change. A further indication of historical change is the modern upgrading of the economic sphere; it acquires a stronger meta-institutional position than at any earlier stage, but that transformative turn can only be understood in the context of a broader historical mutation.

Rather than the codification of a Weberian research program (positing a higher degree of control and transparency than Weber's intellectual odyssey allowed), or the reconstruction of an inevitably truncated Weber paradigm (imposing a closure incompatible with Weber's uniquely multi-perspectivist project), we need a comprehensive transformation of the Weberian problematic, with due attention to lessons yet to be learned from Weber's work, but also in dialogue with thinkers who have – in different ways – moved beyond his horizons.

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To simplify things, I have quoted the volumes of the *Gesamtausgabe* and the *Studienausgabe* as MWG and MWS respectively, with numbers of series and volumes attached. Translations of Weber and other authors are my own, with one exception; I have used Keith Tribe's justly acclaimed translation of the first part of *Wirtschaft und Gesellschaft*.

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# "Interwoven Histories: Expanding the Horizons of Long-Term Processes in Social Figurations" – Reflections on the Conference *Social Figurations: Long-Term Processes, Present Concerns, and Future Directions* 4th–7th December 2024, Prague

The 2024 conference *Social Figurations,* held in Prague, represented a significant and intellectually stimulating convergence of historical sociologists and interdisciplinary scholars. Emerging from a collaborative effort between the Norbert Elias Foundation, Charles University's Faculty of Humanities, the University of York, the ISA's RC56, and the University of Warsaw's Centre of Figurational Research, this event engaged directly with a pivotal question in contemporary sociology: the relevance of historical sociology in understanding and addressing social issues across past, present, and future contexts.

The conference represents the latest undertaking in a series of fruitful engagements between historical sociologists at Charles University and the Norbert Elias Foundation. Significant previous events have included a tribute to Johan Goudsblom in the form of a conference in Amsterdam (2022) focused on long-term processes and the conference *The Fantasy-Reality Continuum: Science, Religion, Politics and Culture* which to place in Warsaw that same year. Our conference *Social Figurations* also marked the continuation of a fruitful collaboration between Charles University's Faculty of Humanities and the Sociology Department at the University of York, which began with the 2023 symposium *Perspectives in Historical Sociology*. In response to the increasingly solitary nature of historical sociology research, both the symposium and the subsequent conference aimed to bring together an international community of scholars whose work aligns broadly with the paradigms of processual and figurational sociology.

At its heart, historical sociology offers an unparalleled framework for exploring the interplay between individual agency and structural dynamics over extended temporal spans. This perspective contrasts sharply with the presentist tendencies that dominate much contemporary social analysis, where immediate issues are often examined in isolation from their historical underpinnings. As Marta Bucholc highlighted in her plenary session, figurational sociology provides a dynamic and relational approach to such challenges, enabling researchers to discern continuities and ruptures across historical epochs and diverse cultural contexts. By situating present concerns within broader temporal and spatial interdependencies, the conference reaffirmed historical sociology as an indispensable discipline for probing the origins of contemporary crises and envisioning potential resolutions.

Spanning four days and multiple venues across Prague, the structure of *Social Figurations* reflected the scale and depth of contemporary historical-sociological inquiry. The conference not only showcased pioneering research but also sought to reinvigorate historical sociology as a collaborative and interdisciplinary endeavour. Through its wide-ranging thematic focus and methodological diversity, the event provided participants with an invaluable platform to address the central question: How might long-term historical

perspectives illuminate and address the pressing challenges of our time? Over the course of these intellectually rich sessions, distinguished by rigorous theoretical debate and empirical depth, the conference achieved its aim of advancing historical sociology while charting a course for its future development.

**Opening Plenary and Thematic Highlights**

The opening plenary, delivered by Helmut Kuzmics, established a robust theoretical framework for the conference by examining the interrelations of emotions, state formation, and habitus through a long-term historical perspective. Kuzmics drew on his extensive scholarship in historical sociology, civilisation theory, and the sociology of emotions to illustrate how historical trajectories of emotional development and state formation remain essential to understanding contemporary societal processes. His analysis of emotional habitus and its interplay with state structures provided a nuanced framework for addressing current sociopolitical developments, thereby situating the conference firmly within broader debates about the utility of historical sociology in contemporary theory.

Over the subsequent three days, a wide array of topics was explored, reflecting the breadth and depth of the processual perspective. The sessions ranged from analyses of colonial legacies to inquiries into mental health, each uniting around a commitment to long-term sociological insights.

**Gender, Power, and Social Change**

The exploration of gender emerged as a recurring theme, with discussions centred on the historical evolution of gender relations and their enduring significance. Notable contributions included Dominique Memmi's examination of individuation and domination, Lucy Císař Brown's reimaging of the civilising process as it relates to church, witchcraft, and gender, and Miklós Hadas's investigation into the global transformation of gender orders. Emilia Sieczka's study on the historical evolution of legal frameworks addressing sexual violence was particularly innovative, illustrating how historical perspectives can inform contemporary policy debates. Mariana Montagnini's research on the production of behavioural norms in teacher training, alongside Tatiana Savoia Landini's longitudinal study on laws related to the exploitation of minors, further underscored the enduring relevance of historical analysis in addressing gender-based violence and child protection policies.

**Global and Colonial Processes**

The thematic stream on colonial and global processes showcased the discipline's capacity to critique Eurocentric narratives. André Saramago's advocacy for non-Eurocentric grand narratives and Gordon Hughes's analysis of colonialism within the framework of the Western civilising process demonstrated how historical sociology deconstructs persistent colonial legacies. These theoretical contributions were complemented by Christian Ramirez's empirical case study of Afro-Indigenous relations in colonial Veracruz, which offered valuable insights into ongoing racial and ethnic dynamics in the Americas. In his plenary session, chaired by Stephen Mennell, John Hobson addressed inter-civilisational

relations and Eurocentrism, providing a critical interrogation of the historical processes that continue to shape global power dynamics.

**National Identity and Authoritarianism**

Several sessions focused on the longue durée of nationalism and authoritarianism, offering valuable frameworks for analysing these phenomena. Simina Dragoș's analysis of nationalism as a persistent historical process and Borys Cymbrowski's Eliasian interpretation of dictatorships contributed significantly to these discussions. Waldemar Rapior and Tomasz Detlaf's exploration of Polish-Ukrainian interdependence during the Russo-Ukrainian War offered a timely case study of how historical sociology can illuminate contemporary geopolitical tensions. Dane Erlo Matorres's investigation into the role of intellectuals in legitimising authoritarian regimes, through an analysis of the Marcos dictatorship, underscored the importance of examining the intellectual foundations of political power.

Marta Bucholc's plenary brought together several of these threads, particularly through her work on gender figurations and illiberal constitutionalism. Bucholc highlighted how historical sociology provides critical insights into the ongoing challenges to democratic institutions and social rights in Eastern Europe, demonstrating the applicability of figurational approaches to urgent political and social transformations.

**Mental Health and Emotions**

The conference also delved into mental health through processual perspectives, offering groundbreaking interpretations. Baptiste Brossard's historical analysis of war trauma and Eva-Maria Griesbacher's concept of "neurofigurations" reframed mental health challenges as products of evolving societal interdependencies. Keith Goldstein's exploration of trauma through the twin lenses of the Holocaust and Nakba, coupled with Eva Kalousová's study of generational trauma, revealed how historical traumas reverberate through time, shaping contemporary social relations.

**Environmental Concerns and Sustainability**

The exploration of environmental crises through figurational sociology was another highlight. Gilles Verpraet's work on the interplay between social history and environmental challenges, alongside Carsten Kaven's analysis of survival units amidst ecological crises, revealed the long-term interdependencies shaping environmental issues. John Lever's investigation of barriers to sustainable food system transformations provided actionable insights into how historical sociology can inform contemporary sustainability debates.

**Methodological Innovations and Future Directions**

The conference consistently demonstrated the methodological vitality of historical sociology. Presentations such as Benjamin Etzold and Katja Mielke's figurational analysis of refugee displacement and Robert Van Krieken's work on digital technologies highlighted

how figurational sociology adapts to contemporary phenomena. Jiří Šubrt's reflections on the concept of "figuration" itself served as a capstone to these discussions, underscoring the field's theoretical evolution.

The final day's sessions on emerging research areas, including changes to the concept of stigma (Hannah Farrimond and Mike Michael) and analyses of psychedelic microdosing (Michael Dunning and Jason Hughes), highlighted the ongoing expansion of historical sociology into new domains. Professor Gerda Reith's closing plenary on addictive consumption encapsulated the conference's thematic breadth, using Eliasian frameworks to interrogate the interrelations of capitalism, modernity, and consumption excess.

**Concluding Reflections**

The *Social Figurations* conference underscored the pivotal role of historical sociology in disentangling the complexities of contemporary social life. By situating present-day challenges within the broader context of long-term historical processes, the conference offered a compelling alternative to the fragmented and often narrow approaches that dominate contemporary social science.

A central theme that emerged from the proceedings was the reaffirmation of Norbert Elias's vision of sociology as a relational and process-oriented discipline. The diverse contributions demonstrated the robustness of figurational sociology in addressing the challenges of modernity, whether through analyses of the historical roots of authoritarian regimes, the persistence of gender inequalities, or the colonial structures underpinning global power relations. Jiří Šubrt's incisive reflections on the evolution and adaptability of the concept of "figuration" illustrated its enduring methodological relevance, offering new avenues for sociological inquiry that bridge theoretical innovation with empirical investigation.

The conference also highlighted the practical applicability of historical sociology. Contributions such as John Lever's exploration of the systemic barriers to sustainable food systems and Waldemar Rapior and Tomasz Detlaf's examination of Polish-Ukrainian interdependencies demonstrated how insights from long-term historical perspectives can inform responses to pressing global challenges. These works underscored that historical sociology is not merely an academic endeavour but a critical tool for envisioning and fostering sustainable and equitable futures.

As the conference drew to a close, a clear consensus emerged: historical sociology must resist the pull towards academic insularity and instead embrace its potential as a discipline that bridges empirical research, theoretical development, and practical application. By fostering interdisciplinary collaborations and employing a historical lens to address urgent social concerns, the field can illuminate the intricate interdependencies that define human societies across time and space. The *Social Figurations* conference provided a compelling testament to this vision, serving as both a celebration of the field's current achievements and a blueprint for its future trajectory as a vital scholarly and practical endeavour.

*Lucy Císař Brown*
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**Gerard Delanty: *Senses of the Future: Conflicting Ideas of the Future in the World Today*. Berlin – Boston: Walter de Gruyter 2024, 213 p., ISBN 978-3-11-124050-3**

Immanuel Kant, in his Critique of Pure Reason, defined the task of philosophy with three questions: "What can I know?", "What can I do?", and "What can I expect?". The last of these questions is recalled by Gerard Delanty in *Senses of the Future*, the subject of this review. Delanty's concern in is not precisely with what we can expect or what future awaits us, but how we can and should consider and discuss these questions. It is not, then, about futurology or prediction, but mapping out the areas of thought and ideas we have developed in our search for answers to the question of the future; what is available in this regard, and what we can rely on.

Gerard Delanty (born 1960) is Professor of Sociology, Social and Political Thought at the University of Sussex. He is also editor of the *European Journal of Social Theory*. His bibliography includes more than three dozen books, of which the 2003 *Handbook of Historical Sociology* (with Engin F. Isin /eds./, London: Sage) is probably the best known to fans of historical sociology. The book under review is loosely based on some of Delanty's earlier studies on critical theory or cosmopolitanism. Some chapters contain ideas formulated in 2022 during his lectures at Alberto Hurtado University in Santiago de Chile and at East China Normal University in Shanghai.

Delanty asserts that the future is a way in which we experience our world. Humans, he says, are future-oriented beings, so this is something constitutive of humanity. He also points out that the concept of the future is multilevel and there are many different reflections on it; it is thus neither purely subjective nor objective. The intellectual tools that humanity has utilised in this regard include prophecy, prediction, hope, faith, utopia, dystopia, the idea of progress, political programs, catastrophism, posthumanism, and many others. For Delanty, the future thus grasped is a field of possibility but also of tension, in which desires, imagination, social interests and conflicts are exposed.

The future has become a category of historical experience varying over time and assuming various forms and depths. It is not an empty space, but determined to one degree or another by past and present. The horizon of the future, existing in every present, is constantly moving forward as the present and future gradually become the past. But when a present ends, not everything associated with it goes into the past; much remains.

Much imagining of the future, according to Delanty, has been associated with expectations concerning events in the near future or within a generation, implying a conception not too different from the present. The more distant future, on the other hand, appears open, unknown and indeterminate. It can never be fully predicted because subject to research and dispute where our knowledge and reasoning are limited; it blends determinism and necessity with contingency and free will. The future thus becomes a domain of competing visions. Imaginings of the future can offer something better than the present, but also a source of anxiety, fear and despair.

The way Delanty deals with the question of the future is somewhat influenced by his long-standing interest in critical theory. He notes that despite our unknown future, we have knowledge that no previous epoch had. At the same time, he admits that this does not necessarily contribute to our emancipation, primarily producing a sense of uncertainty. Delanty challenges the simplistic optimism of technocratic approaches and attempts to control the future, but equally critiques dystopian thinking and the tendency to exaggerate potential tragedies and existential threats. He sees his goal not in telling what the future holds, but finding a meaningful way to discuss it, working with often very different ideas without going to extremes; and finally: how to conduct the struggle for the future that is currently taking place. For Delanty, the principles that must be respected in this process include truth, justice, freedom and authenticity.

Delanty pays special attention to the issue of disasters and crises. Disasters in his view are events which reveal much about the nature of life in individual societies. They demonstrate that history has been linked to the experience

of suffering, and that human societies are fragile and prone to disintegration. However, history also shows that crises can be turning points from the past which lead to the emergence of something new. Crisis events may (or may not) inspire new thinking or even fundamental social transformation. Delanty uses the term 'permacrisis' to characterise the current situation, living in a long period of instability and uncertainty in which many crisis processes are unfolding in parallel (relating to climate, energy, economy, politics, war threats, technological risks, etc.), which are intertwined and mutually reinforcing.

Thinking about the future entails many areas of scientific interest and a multitude of professional disciplines. It is linked to philosophy, social sciences, astronomy, physics, biology, environmental sciences and geology. Our attitude towards the future is changing due to the increase in social complexity, the development of biotechnology, digital technologies and artificial intelligence. In relation to this, there is speculation that we are entering a new, posthuman age. Living in a planetary environment, thinking about the future also has an important planetary dimension.

Delanty, as an author on historical-sociological themes, is aware that thinking about the future has undergone development throughout human history. Reflecting on this, he notes how views of the past and the future have influenced each other. He seeks to problematise the notion of a unidirectional relationship between past, present and future, since in his view there is a bidirectional relationship where the past shapes the image of the future, while our orientation towards the future shapes our image of the past. Delanty states that historiography is based on explanations containing knowledge of future outcomes unknown to the contemporaries of the events described. And vice versa: those who have sought to glimpse the future often looked to history for stimulus and inspiration. The future could thus be seen as a return of lost times, a replication or revival of something from the past.

How we consider the future is, according to Delanty, not least related to how societies understand themselves, how they interpret themselves, the cultural models they develop and what they attribute meaning to. In pre-modern societies, the author notes, people lived a kind of eternal present where the future was reflected on only to a limited extent, as something different from the present. It was based on what preceded it and predetermined by the past. Forecasting was done by those who fulfilled the roles of prophets and oracles. If the future became the subject of human inquiry, such concepts as providence, prophecy, divination, and destiny served that purpose.

Emphasis on the future, according to Delanty, is a product of modernity and bears the stamp of the Enlightenment. Two narratives that came to play a key role in the rise of modernity, replacing pre-modern eschatological conceptions, were utopian thinking and the idea of progress. This signalled a break with the past. Prophecy was replaced by science, and belief that the future could be controlled by human will based on scientific knowledge. Although yet to come, it was thought that the future was achievable through political action. In the 19th century, many political ideologies began to lay claim to the future, most notably socialism, communism, and nationalism. Alongside this growing optimism, however, the late 19th and early 20th centuries also saw a conservative critique, coupled with a vision of the end of civilisation.

Although the early 20th century was associated with a prevailing historical optimism, a series of events and phenomena of global proportions significantly shook the belief in progress. In sociology, the late 20th century witnessed the emergence of risk society theory and the concept of globalisation, combining reflections on the future with the dangers posed by contemporary risks. Another feature of our times is that democratic political systems have tended to reduce the future to relatively short electoral cycles in practice. Postmodern philosophy in particular has played a significant role since the 1980s, leading to the erasure of the idea of the future. Postmodernism, according to Delanty, has identified thinking about the future with utopianism, and shifted the thinking of many intellectuals from the future to the past, to questions of memory, to nationalism and the theme of identities. Thus presentism has come to dominate.

Delanty argues however that there are counter-currents in the social sciences today, and a revival of interest in the theme of the future. However, this has changed significantly compared to the previous two centuries. Previous ideas about the future are seen as part of the past, not as relevant today. While in the 20th century the common idea of the future was that it was under the control of the present, now the future is being considered as something unknown, beyond our control. Doubts are emerging about the sustainability of what we are trying to achieve. While the future is open and not clearly determined, it is not completely so. This unknown future is a source of anxiety and fear, but also of hope because it "signals possibilities" – it shows that the present is imbued with certain potentials.

In conclusion, Gerard Delanty's book is intended neither to lead to unwarranted optimism nor to paralyzing pessimism. It intends not to present unambiguous truths or simple lessons, showing that even in an age of artificial intelligence the road to knowledge of reality is difficult and tortuous. Reading Delanty's work can become a school of thought for us of the perspectives that must be taken to understand contemporary problems in all their complexity and depth, while also telling us much about ourselves.

*Jiří Šubrt*

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**Wolfgang Schwentker: *Geschichte Japans*. München: C. H. Beck 2022, 1050 p., ISBN 978-3-406-75159-2**

Wolfgang Schwentker's 1000-pages long *History of Japan*, published by C.H. Beck in 2022, is by any standards a major work, and an English translation is much to be desired. This is, to the best of my knowledge, the most ambitious and exhaustive one-man account of Japanese history from prehistoric to present times in a Western language.

Some specific strengths of the book should be underlined. It integrates the results of archaeological research with those of historiography based on written sources; this enables a narrative that links prehistoric and archaic developments to the better-known trajectory that began with the great sixth- to eight-century transformation. Another major merit is the multifocal approach that combines cultural and political themes with socio-economic ones, most impressively in the chapters on the medieval period with its striking record of proliferating violence, cultural flourishing and economic progress. Particular emphasis is placed on the most interesting change to received views on Japanese history during the last decades, the reassessment of the Tokugawa period (1600–1868, or – in Schwentker's shorter chronology – 1615–1840); here it seems best to quote Schwentker's own summary of the situation at the end of this crucial but long misunderstood developmental phase: "When, after Perry's first visits, numerous merchants and diplomats from the United States and Europe arrived in Japan, they did not encounter a 'sleeping beauty', but a markedly dynamic and differentiated society in the process of questioning the dominant political order from within" (p. 520). The idea of Tokugawa Japan as a case of stagnation reinforced by closure has been abandoned. That said, historians still face the task of explaining the long-term stability of key political institutions and judging the effects of measures taken to limit contact with the outside world, even if the notion of a "closed country" is dismissed as a misleading construct.

Finally, Schwentker's perspective on Japanese history is based on two interpretive keys, one of which is clearly defined at the beginning of the book, whereas the other emerges more implicitly from the narrative developed in successive chapters. The more explicit "leitmotiv" is "the tension-filled relationship between 'the inner' (*uchi*) and 'the outer' (*soto*)" (p. 21). This formulation refers to the Japanese conceptualization of a recurrent historical pattern; the point is, in other words, that the interaction of borrowings from other cultures and the affirmation of native (in more modern terms national) identity has been of particular importance for the Japanese trajectory. Some variations within this pattern are immediately obvious. The two orientations can coexist and intertwine while

retaining a varying degree of polarity, as they did at two crucial junctures: when the consolidation of a central state in the Japanese archipelago went hand in hand with the adoption of Chinese cultural and institutional models, and when partial Westernization was combined with the increasingly nationalistic self-definition of a reconstructed Japanese polity. But there were also epochs and episodes where one orientation or the other was markedly more in evidence. Besides, the same relative weighting did not necessarily prevail across the spectrum of contacts. In relation to China, the political and diplomatic aspects were sometimes more important than the cultural ones, and vice versa. Some further differentiations within the *uchi-soto* framework will be suggested below.

The other key feature, discernible through the course of events and developments traced by Schwentker, is the very close interconnection of state transformations and social change. Not that either side can be credited with ultimate causal primacy; but it is a fact that an early, exceptionally ambitious and culturally charged project of state formation left a legacy of resilient structures as well as problems that could trigger backlash and derailment. The project unfolded in successive waves from the sixth to the eighth century, with culminating episodes in the middle and the last quarter of the seventh. This was a case of path dependency, but that concept is only applicable if we avoid its deterministic versions and stress the spaces of possibilities and chances of counter-moves that emerge during the processes in question. Following Schwentker's narrative, we can distinguish several stages of the dynamics resulting from this initial constellation. The record of the *ritsuryō* state (as historians now label the power structure finalized in the early eighth century) is a story of excessive claims, partial withdrawals and self-defeating maneuvers, all of which contributed to social changes, opaque to the power centre and still puzzling to historians. The long-term redistribution of power and the recomposition of elites led to the rise of warriors with a backland in the provinces but not without connections in court society; the fact that their bid for more power took the form of a counter-state may be seen as a testimony to mimetic rivalry inspired by the pre-existing ultra-presumptuous state, vulnerable to lateral challenges but effectively unassailable at the level of sacral legitimacy. The military counter-state, operating in and to some degree reinforcing a situation of accelerated social change, went through a history of changing centers, power reach and relations to older authority. The first attempt to impose supreme power (the Muromachi Shogunate, established in 1338) was, as things turned out, only a prelude to extreme fragmentation and violent rivalry; but that phase was also a time of significant innovations in many fields, and altogether one of the most interesting periods in Japanese history. It ended with a restored and unified military state; its rulers made an unprecedentedly radical attempt to contain social change through a system of hereditary castes. This restrictive order did not function quite as it was meant to do but was undoubtedly one of the factors that explain the long-term stability of a very intricately constructed political regime. When this last (and paradoxically peaceful) version of the military counter-state collapsed under combined internal and external pressures, its successor was another paradox: a militantly modernizing state with an ostensibly traditionalist anchoring. The imperatives of control and mobilization applied by that state became the main driving forces of social change.

The following comments will move to a more text-related consideration of Schwentker's narrative, with references to highlights of the argument but also with reservations about some problematic aspects and indications of themes that seem under-exposed. It should be noted that the present reviewer approaches the book as an interested outsider, not as a Japanese Studies scholar, and the main concern is with questions of importance for comparative perspectives.

Schwentker's treatment of early Japanese history is appropriately centered on state formation, with due emphasis on its multiple contexts: relations between the Japanese islands and the East Asian mainland (always with the double focus on China and Korea), the internal geopolitics of the archipelago, social differentiation and the development of tribal coalitions

with dominant families. Although the islands were never isolated from continental influences, a phase of predominantly indigenous development can be distinguished from the subsequent one of sustained (though not purely receptive) borrowing of Chinese models, often through Korean intermediaries. The former stage is mainly known through archaeological evidence, some of which is for ideological reasons less accessible than scholars would wish (on the *kofun* graves and their probable implications, see pp. 85–114). The record, such as it is, suggests an emerging political power with strong sacral claims; that is the background to the following phase of accelerated, expansive and culturally transformative process of state formation; but it is very difficult to draw a line between native and imported or externally induced patterns.

Earlier interpretations of Japanese history were often inclined to overstate the role of the mid-seventh century changes known as the *Taika* reform; more recent research has portrayed these state-building measures as part of a more long-term process. Schwentker follows that line and demarcates the process as the "Asuka and Nara period", 592–784 (the label alludes to successive capitals), but with due acknowledgment of two major turning-points: the Taika reform and the no less important reign of Tenmu Tenno (672–686). The impact of Chinese civilization during these two centuries was not a simple one-way transfer. For Japanese state builders, the China connection was a double-edged prospect: a matter of learning from the very strong state re-established by the Sui and Tang dynasties, but also of self-strengthening against a vastly more powerful neighbor; expansion within the still not fully controlled archipelago was part of that effort, and so was a brief venture into continental conflicts, but the latter initiative was abandoned after a disastrous defeat in Korea, so decisively that almost a millennium was to elapse before another continental offensive was attempted. On the cultural level, borrowing from China was compatible with an active recomposition of traditions; Schwentker analyzes the distinctively Japanese way of combining Buddhist and Confucian teachings. But the most original and consequential Japanese input into the cross-cultural framework of state formation was the redefinition of the religio-political nexus: the ruling dynasty was legitimized through a myth of divine origin, not through a Chinese-style mandate of heaven. This was a way of staving off any suggestion of inferiority to the rulers of the culturally overpowering empire.

The claim to divine origin had to be backed up by native religious traditions; the question of their presence and particular features is therefore of major importance. Schwentker discusses the relationship between Buddhism and "Shintō" (his quotation marks; he admits that the term is of later origin) and asks whether they should be seen as complementary or competing religions (p. 140). In light of later developments, it is tempting to suggest a third alternative; they became intertwined religions, more intricately fused than the notion of complementarity would suggest. I think it is fair to say that Schwentker assumes a stronger identity and continuity of Shintō than do the historians who have most recently written on that subject [e.g *Hardacre 2017*; *Breen – Teeuwen 2011*]. In one case, a book title refers to the "assembling" of Shintō [*Andreeva 2017*], thus suggesting a gradual construction rather than a survival of archaic religiosity. There is a further reason for doubting the latter assumption. It is an established fact that Daoism was not officially introduced in Japan, in the way that Buddhism and Confucianism were, and there is a credible record of a Japanese delegation rejecting an offer to that effect, made by a Tang emperor; but recent scholarship has thrown light on multiple local and unauthorized modes of transmission; it has, moreover, been suggested – in my opinion plausibly – that Daoist elements, unacknowledged as such, entered into ritual practices of the kind later identified with Shintō.[1] If that was the case, we should think of the "nativist" self-affirmation that accompanied the alignment with Chinese civilization as at least to some extent dependent on tacit or indirect appropriation of Chinese themes, beliefs and practices. That would be

[1] For further discussion, see *Richey 2015* and *Ooms 2008*.

a particularly interesting twist to the *uchi-soto* polarity.

The reason for elaborating a bit on these issues is that the great sixth- to eighth-century transformation was the most formative episode of Japanese history, and the interpretation of its dynamics and meaning affects the vision of all subsequent epochs. Later sections of the book will be more briefly discussed. Schwentker's chapters on the aristocratic court society of Heian Japan (pp. 217–325) are the most balanced account of this long and important period that I have read; the strengths, weaknesses and vicissitudes of the mature *ritsuryō* state are convincingly explained. The power claimed and exercised at the beginning was extraordinary, but the retreat began early, occurred on many fronts and had unforeseen consequences. The attempt to impose state property of all land proved unviable and soon gave way to various strategies of privatization. Power shifted from the court nobility to its agents in the provinces; the de-militarization of the court, meant to put an end to the conflicts that had plagued it during the previous Nara period, paved the way for a concentration of military power in the provinces. Rival strategies for the delegation of power weakened the court from the inside. The overall result was a strengthening of the *samurai*; in Schwentker's view, they began as a "functional political elite" (p. 333), specialized in the exercise of military power but soon embarking on a quest for more.

The only critical question I want to raise in this context concerns the character of Heian religiosity. Schwentker refers (in a subtitle) to the "coexistence" of Buddhism and native cults; the following text speaks of a "fusion" (*Verschmelzung*) between Buddhism and native divinities, and then goes on to mention imperial decrees designed to strengthen native religion and its links to the dynasty. The fusion thus seems to have been a Buddhist offensive, blocked from complete success. There is some scope for debate on this point. Allan Grapard's formulation in the *Cambridge History of Japan* suggests a more nuanced view: "The cultic realm of Heian society was combinatory, by which is meant that it consisted of intermeshed forms of Esoteric Buddhism, Exoteric Buddhism, Taoism "though not in the institutionalized form, such as was then found in China, and various practices taking place in shrines" [*Grapard 1999: 523*]. The notion of combinatory religiosity differs from those of coexistence or fusion, and I find it persuasive; the fact that Heian rulers tried to keep some ritual apart from others is not a conclusive objection. The religio-political nexus was structured in a way that enabled and motivated them to keep ultimate control of the combination, and this did not contradict the religious pluralism of the dynasty and the court. Buddhist leaders were also highly influential in the capital. A further point to be noted is the inclusion of Daoism – as a fluid imaginary, without a corresponding institution.

There is something to be said for treating the chapters on the rise of the *samurai* (pp. 329–464), on the unification of Japan (pp. 467–503) and on the "pax Tokugawa" (pp. 507–604) as one self-contained narrative. They deal with the formation, temporary fragmentation and successful long-term restoration of the military state, as well as the social and cultural developments that accompanied these political sea changes. Schwentker's view on the first phase is on the side of those who stress the division of power between the court and the new *samurai* centre; a major shift in favour of the latter resulted from a brief conflict in 1221. A noteworthy aspect of Schwentker's view on the following century – the hegemonic phase of the Kamakura shogunate – is that he places a stronger emphasis on the failed Mongol invasions of 1274 and 1281 than many other historians have done. I find his argument convincing. The Mongol attack was a very serioua challenge; nothing comparable had happened before, and was not to happen again (on an incomparably grander scale) until 1945. The military rulers responded with an impressive but costly mobilization, but the strains thus caused were a major reason for the subsequent weakening of the Kamakura centre.

The sequence of military regimes was briefly interrupted by the abortive imperial restoration of 1333 to 1336 – a spectacular failure with long-term consequences starkly opposed to what was attempted. This episode was an interesting variation on Schwentker's theme of *uchi* and *soto*.

The emperor Go-Daigo was clearly inspired by Chinese Neo-Confucian notions of a strong and uncontested ruler, but in practice, his bid for renewed power turned out to be a futile effort to implement a re-imagined archaic model of Japanese rulership. The result was a return to military rule (the Muromachi shogunate), this time with a direct takeover of the capital. Notwithstanding economic and cultural efflorescence, this political overstretch soon gave way to a phase of progressive fragmentation, culminating in the period known to Japanese historiography as *Sengoku* (warring states), most often dated from 1467 to 1568 (the latter date is then taken to mark the beginning of a unifying process).

There are two comments to be made on Schwentker's treatment of these successive developments. In the first place, the *Sengoku* phase deserves more extensive analysis than it receives, and a stronger emphasis on its significance in Japanese history. This was in fact a relatively brief but consequential transformation of Japan into a state system; a weaker version of that arrangement was later incorporated into the Tokugawa settlement. The rulers of the *Sengoku* domains experimented with diverse techniques of state building; among other things, they introduced legal codes sometimes described as "constitutions", but this is only mentioned in passing (p. 402). The politics and culture of these mini-states represent a kind of historical laboratory.

The other comment concerns Oda Nobunaga, the first key figure in the unifying process. Schwentker's discussion of his career is very short (pp. 471–476) and begins with a reference to recent Japanese work proposing a notably downsized account of Nobunaga's aims and achievements. My impression (admittedly based only on Western scholarship) is that the debate on this matter is more open than Schwentker's sources suggest. The controversial questions have to do with Nobunaga's vision of *tenka* (realm) and of himself as its ruler. Was he trying to outflank the imperial court or seeking a compromise with it? This issue raises the more general problem of divergent and unfinished projects within the unifying process.

Be that as it may, Nobunaga's career came to an abrupt end, and more decisive steps towards unification were taken by Toyotomi Hideyoshi and Tokugawa Ieyasu. The final settlement began with Tokugawa Ieyasu's victory over a coalition of rivals in 1600 and was completed during the first decades of the seventeenth century. Schwentker's detailed and emphatic interpretation of the Tokugawa period has already been noted, but a few points may be added. In general terms, he stresses the Tokugawa combination of dynamism and stability, but with due regard to the difference between the seventeenth and the eighteenth centuries; the latter was characterized by growing economic, demographic and social problems. The strategies of Tokugawa rule moved gradually from state building and political engineering to crisis management. The arrangement of relations with the imperial court was durable but potentially ambiguous; headquarters of military rule were kept separate from the imperial court, the emperor was deprived of effective power, but could – in a crisis situation – be activated as a symbol of higher authority, to be turned against the regime in charge. Tokugawa rulers did not impose an orthodoxy; they relied on a controlled ideological pluralism, including intellectual currents that could – under certain circumstances – take more subversive turns than was at first apparent to those in power. The most serious candidate for that role was the "school of national studies" (*kokugaku*); a critical point was reached when its revival of a native legacy could link up with a renewed focus on the emperor and thus respond to challenges, internal and external, with which the Tokugawa regime could no longer cope.

Many historians, Japanese and western, would see the Tokugawa regime as an early phase of Japanese modernity (the present writer agrees). Schwentker prefers a later date, equating the beginnings of modernity with the crisis of Tokugawa rule after 1840. But the events of 1868 were a landmark, notoriously difficult to describe in Western terms. Schwentker's discussion of them (pp. 620–624), presented as an "excursion", is one of the sections where readers might wish for a longer explanation; but the comments seem on the right track, as far as they go. He stresses the untranslatability of the Japanese term *ishin,* used to describe the beginning

of the Meiji era; the restorative character of the change, not just in the sense of a symbolic return to direct imperial rule, but also in regard to parts of the military elite regaining power from which they had been excluded; and he agrees with those who emphasize the key role of lower *samurai*, though with the proviso that this was a very heterogeneous group, and that Marxist attempts to portray it as a kind of stand-in for a not yet active bourgeoisie do not make sense. However, it is – as the following sections of the book make clear – much easier to define the change on the level of state formation than on that of social forces. The Tokugawa mixture of central state and a subordinate state system was replaced by an uncompromisingly centralized nation-state. It is still a matter for debate among historians whether the period most directly dominated by this state – from 1868 to World War I – should primarily be understood in terms of Westernizing transformations or as a breakthrough on the road to a distinctively Japanese version of modernity. Schwentker leans towards the former position (a chapter is titled "The West as a model: Dimensions of cultural modernization"); but as will be seen, he is not at all insensitive to the particular directions taken by Japanese conceptions and constructions of modernity.

This new state soon took an imperialist turn, and that was a development of major importance for all aspects of Japanese modernity; the next step will therefore be a brief look at Schwentker's interpretation of Japanese imperialism. To start with, there is a certain discrepancy between the national and the international context: in the international arena, Japan was a latecomer entering a world that was already to a large extent dominated by a group of Western colonial powers, but on the national side, the imperialist moment came at an early stage of nation-state building. As Schwentker stresses, this was not simply a matter of imperial expansion seen as an essential attribute of modern statehood; the threat of intensified Western expansion in East Asia was highly visible and bound to be perceived as a challenge to the aspiring regional vanguard. The Japanese response was a "state-driven colonialism, for which military interests in security and national prestige were decisive" (p. 696). More economic considerations came later, and so did the development of diverse ways of colonial administration; direct, indirect and informal rule were applied in different cultural and geographical contexts. A particularly noteworthy episode was the construction of a nominally independent state in Manchuria, seen as a space for experiments with economic modernization (pp. 758–762). But the final phase of Japanese imperialism was a "war on many fronts" (pp. 749–788), ending in utter defeat for Japan but with massive consequences on the Asian continent; both the collapse of Western colonialism in South and Southeast Asia and the Communist takeover in China were directly related to this turn of events.

The early imperialist option meant that overseas conquest went hand in hand with industrial and capitalist development, and the interconnection sometimes took a paradoxical turn. Schwentker quotes – with apparent agreement – the work of the economic historian Noguchi Yukio, who argued that "the system of the year 1940", i.e. the measures taken to optimize state control of the war economy, proved beneficial to growth and innovation after the war. Otherwise Schwentker is rather cautious when it comes to questions about the originality and achievements of Japanese capitalism. He does not enter explicitly into the discussion about Chalmers Johnson's concept of the developmental state, but some formulations suggest an agreement on basic points, though not necessarily on all points of detail. The overall pattern of capitalist development is clearly defined: "In Japan, industrial capitalism was not the work of an 'invisible hand'; rather, it was organized from above and orchestrated through fiscal instruments" (p. 717). As for the postwar boom that prompted many observers to speak of a "Japanese miracle", he notes – a Johnson did – the key role of the Ministry of International Trade and Industry (MITI). His account of the post-boom period is more nuanced than the widespread Western clichés about "lost decades" and a terminal crisis of the Japanese model would suggest. As Schwentker sees it, Japan still has a very strong economy, capable of adjustment and innovation, and remains a major force in

the global economic arena. But he also takes the view that the power bloc of party, bureaucracy and key economic actors is still in place, and that changes made from the 1980s onwards do not amount to a wholesale conversion to "Anglo-Saxon" capitalism.

The destinies of modern Japanese democracy are also intertwined with the imperialist ventures, but in different ways. Schwentker discusses the notion of "Taishō democracy", commonly applied to the period from 1913 to the end of the 1920s, and regards it as valid up to a point. Power shifted from a narrow oligarchy to more broadly based political parties; voting rights were greatly expanded; social movements became much more active than before. The twenties saw the first harbingers of mass democracy. But the limits of these developments are also obvious, not least in the nationalist and imperialist aspirations that often went hand in hand with democratic ones. An organization summing up its program in the slogan "constitutionalism at home, imperialism abroad" is cited as an example (p. 738). Such associations undermined resistance to the authoritarian and militarist forces that were gathering strength at the same time and triumphed in the 1930s. For a decade and a half, the progress of Japanese democracy was reversed. It took defeat and foreign occupation to restart the process. Schwentker agrees with the description of the American occupation as a "revolution from outside", but criticizes interpretations of postwar Japan as simply a product of collusion or convergence between American policies and conservative Japanese forces (pp. 813–816). The process was more complicated; there was, as Schwentker puts it, an American revolution followed by a creeping Japanese reaction; but the former was partly reversed by a change of course due to the beginning of the Cold War, and the latter was troubled by political shifts, splits and realignments. The result was thus something quite different from intentions on either side.

If space permitted, there would be more to say on Schwentker's interpretation of contemporary Japan; but the review will have to end here. It is to be hoped that a distinctive and impressive interpretation of Japanese history has, however briefly, been presented well enough to arouse interest.

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