HIDDEN

MAX WEBER'S HISTORICAL

MASCU

SOCIOLOGY OF BUREAUCRACY

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ANNEKE VAN BAALEN

HIDDEN MASCULINITY
Max Weber's Historical Sociology of Bureaucracy

Anneke van Baalen, HIDDEN MASCULINITY, Max Weber's historical sociology of bureaucracy Amsterdam 1994. CONTENTS

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Abbreviations:

* indicates a variation in the translation

The works of the Webers are indicated as follows:

Marianne Weber:

Biography: Max Weber: A Biography, John Wiley and Sons, New York, 1975

EuM: Ehefrau und Mutter in der Rechtsentwicklung, Eine Einführung (1907), Scientia Verlag Aalen, 1971

Lebensbild: Max Weber. Ein Lebensbild (1926), Verlag Lambert Schneider, Heidelberg 1950

Weber-Schnitger (1919): Frauenfragen und Frauengedanken der Frau. Gesammelte Aufsätze, J.C.B. Mohr, Tübingen, 1919

Max Weber:

DpE: Die protestantische Ethik und der Geist der Kapitalismus, Eine Aufsatzsammlung (1904/5), hrsg. von J. Winckelmann, Siebenstern Taschenbuch Verlag, Hamburg, 1920, 4. Aufl. 1975

EK: Ueber einige Kategorien der verstehenden Soziologie (1913), GAzW p. 427 ff.

ES: Economy and Society, Ed. by Guenther Roth and Claus Wittich, University of California Press, Berkeley, Los Angeles, London, 1978

GAzR: Gesammelte Aufsätze zur Religionssoziologie, 1920, 4. Aufl., Mohr, Tübingen

GAzSS: Gesammelte Aufsätze zur Soziologie und Sozialpolitik, Mohr, Tübingen, 1924/1988

GAzW: Gesammelte Aufsätze zur Wissenschaftslehre, 5e Aufl., Hrsg. J. Winckelmann, Mohr, Tübingen, 1982

GPS: Id., Gesammelte Politische Schriften, 2e Aufl. hrsg. Johannes Winckelmann, Mohr, Tübingen, 1958

On Universities, The Power of the State and the Dignity of the Academic Calling in Imperial Germany, Transl. and ed. by Edward Shils, The University of Chicago Press, Chicago and London, 1973

MSS: The Methodology of the Social Sciences, Transl. and ed. by E. A. Shils and H.A. Finch, The Free Press, New York, 1949

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PG: 'Parlament und Regierung im neugeordneten Deutschland, Zur politischen Kritik des Beamtentums und Parteiwesens' ('Parliament and Government in a reconstructed Germany, A Contribution to the Political Critique of Officialdom and Party Politics)', GPS p. 294 ff., ES p. 1381 ff.

PV: 'Politik als Beruf' ('Politics as a Vocation') GPS p. 493 ff., FMW p. 77 ff.

SV: 'Wissenschaft als Beruf' ('Science as a Vocation'), GAzW p. 582 ff.

TPE: The Protestant Ethic and the Spirit of Capitalism, transl. by T. Parsons, Harper Collins Academic, 1930/1991

WG: Wirtschaft und Gesellschaft, Grundriß der Verstehenden Soziologie, 1920, Studienausgabe, besorgt von Johannes Winckelmann, 5e Aufl., Mohr, Tübingen, 1976

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Anneke van Baalen, HIDDEN MASCULINITY, Max Weber's historical sociology of bureaucracy, Amsterdam 1994, dissertation University of Amsterdam INTRODUCTION

Introduction: the search for explanation of the phenomenon of the underrepresentation of women in positions of command in modern bureaucracies

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1. The feminist claim to equality with men versus the exclusion of women from the brotherhood of equal men; the struggle with universalist concepts and the conceptual separation of public and private life.

In democratic societies which proclaim the formal equality of all subjects, entire areas of social and economic activity are monopolized by men. Positions of command in particular are considered a masculine prerogative. Although affirmative action programs designed to support women in their claim to access to these positions have at times caused some change, female leaders are no more than exceptions which prove the rule.[1]

The long and arduous fight for formal equality between women and men started with the declarations of human rights of the French and American revolutions. Feminists formulated their claims within the framework of Enlightenment universalism: if all men are equal, equality includes women. As the women of the Seneca Falls Convention in 1848 formulated it:

'We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed.'[2]

The burden of proof that women really are human, however, was still placed on the feminists. Universal human rights on which formal democracy was based did not automatically apply to them; they had to fight the whole body of rules which implemented their exclusion. Today most human rights have been acquired, many discriminatory rules have been abolished[3] and universalist rules are declared to include women. Yet application of these rules still confers the largest part of wealth, power and prestige to men, although 'brotherhood' has been deleted from the public relations slogans of Western society. Women still have to prove that they possess exceptional qualities to gain leadership functions. Feminists therefore still feel compelled to keep explaining that women have the same

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[1] Facts and figures on the positions of women can be found in feminist literature and in governmental and other affirmative action programs. See for recent data on the Netherlands Bruyn-Hundt (1988); M.I. Demenint en C.E. Disselen (1992).

[2] Seneca Falls Declaration, in Schneir ed. (1972), p. 77 ff.

[3] In the Netherlands, as in the USA, the word 'male' was added to the Constitution article regarding voting rights at the end of the 19th century. From 1904 on several laws explicitly forbade certain official functions inside the government to women; these articles were repealed in the thirties and forties. See Posthumus-van der Goot e.a. (1977), p. 99 and 212.

'capabilities' as men[4], that they possess 'toutes les facultés intellectuelles'[5], do not lack 'competence' or 'quality'[6]; in general, that they do not differ in any important respect from men[7]; they keep hoping that once they have argued these facts conclusively, universalist rules will be applied to women in equal measure.

Universalist democracy presents women with a paradox. Western-type societies rule the world by their power of organization: enormous numbers of people become encapsulated in coherent social 'systems', in which many of them have the positions of autonomous 'members'. Many more, however, are excluded from such positions - though often no formal difference between insiders and outsiders has been established; neither do the excluded have any effective recourse against their exclusion: formal equality has been granted them and it is considered their own responsibility to implement it.

Abstract universalism denies the sex- and color-defined character of modern domination. This is why all kinds of feminists have attacked the early modern separation of a 'personal' or 'private' sphere which is ruled by 'nature', 'passions', 'drives', 'instincts', or other biological forces on the one hand, from a rational, universalist 'political' or 'public' sphere on the other one; for this separation serves to create exceptions to the rule that rational claims to freedom and equality are universally valid.[8]

'Universalism' can be defined as a characteristic of specific historical rule systems which have been established by men to confer to all men the inalienable rights of free and equal brothers and to exclude women, whose labor, by the same rules, has been defined as property or potential property of men. The power potential of formal democracy as a form of social organization lies in its inclusiveness: for the first time in history all men are potential members of those groups which organize the division of riches and labor; therefore they are motivated to fight for entrance in and willing to comply with demands for loyalty and obedience.[9]

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[4] Seneca Falls Declaration in Schneir ed. (1972) p. 82.

[5] Olympe de Gouges, Les Droits de la Femme et de la Citoyenne, 1791, cited in Albistur et Armogathe (1977) p. 229.

[6] the terms used in the Netherlands to explain why the women candidate again and again had to be rejected, see Verhaar (1992).

[7] Kanter (1977) p. 261: 'Something has been holding women back. That something was usually assumed to be located in the differences between men and women as individuals: the training for different worlds; the nature of sexual relationships, which make women unable to compete with men and men unable to aggress against women; the "tracks" they were put on in school or at play; and even, in the most biologically reductionist version of the argument, "natural" dispositions of the sexes. (...). Whether one leans toward the more social or the more biological side of the argument, both add up to an assumption that the factors producing inequities at work are somehow carried inside the individual person.' See on theories trying to establish significant biological differences between women and men Sayers (1982). Some feminists have introduced a concept of 'gender' to separate a 'cultural' from a 'biological' sex identity; this separation, however, is again based on the idea that 'nature' is a force which shapes human beings independently of their historical relations. See for a recent summary of the discussion on 'gender' Orobio de Castro (1993); on the relation between essentialism and 'deconstructionism' or 'post-structuralism' Fuss (1990); and on the connections of the sex-gender opposition to the nature-mind opposition below Ch. 1 no 2 n. 32.

[8] In the formulation of Pateman (1988), p. 223: 'Freedom is enjoyed by all 'individuals', a category that, potentially, pertains to everyone, men and women, white and black alike. In the fullness of time, any historical, accidental exceptions to the principle of freedom will be removed.'

[9] In Geschiedenis van de Vrouwentoekomst (1980) Marijke Ekelschot and I called modern society a

2. Two options to connect sex-defined to sex-neutral concepts

Viewed sociologically instead of juridically, universalist rule systems are upheld by human beings who function in 'bureaucratic society' in general and in 'bureaucracies' or 'organizations'[10] in particular and who orient their actions to a consistent hierarchy of command and obedience based on these rules. Bureaucracies organize production and domination nationally and internationally; a person who is excluded from positions of authority inside them has to work for her or his livelihood.

Since the rules on which modern bureaucracies are based mostly have a universalist character, the rule of formal equality should determine access to leadership positions; this means that everybody who possesses the knowledge of rules and their application - a knowledge which is called 'competence', 'quality', 'expertise' - required for a leadership function, should have the same chance of access, regardless of his or her personal characteristics.[11]

The struggle to have sex defined as one of the personal characteristics which should not influence access to bureaucratic positions is an important part of the struggle of the feminist movements of the last two centuries. So far, however, women have mostly been granted entrance into those bureaucratic positions which give authority over children or over other women; they have to obey men and seldom command them; if they work among men, they are treated as dependents instead of as equals.

Social theories on 'bureaucracy' do not mention this phenomenon. This is because they have been formulated in the same universalist terms as the rules their objects are based on and therefore they only mention 'men' in the sense of 'people' or 'people' in the sense of 'men', depending on the language; the 'generic he'[12] is used to designate 'the individual', regardless of its sex. The relations between women and men are considered to be private and therefore excluded from the analysis.

Feminist social scientists who want to explain either the barriers
to entrance of women into bureaucracies or organizations or the characteristics of the position of those who happened to gain access, therefore meet with difficult problems. They have to connect the experience of women inside and outside of bureaucracies[13] and the feminist concepts formulated by feminists to generalize this experience, with the concepts organization sociologists developed to explain the position of the different 'individuals' in the organization and the changes in those positions. To make this connection two options

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'manschappij' - 'menship': 'maatschappij' meaning 'society' and 'maat' 'comrade' or 'socius' - to differentiate it from 'patriarchy', in which the membership of society is based on the position of patriarch, and 'heerschappy', 'lordship' as the society based on the rule of patrimonial lords, which in both cases meant that most men had no autonomous membership rights; see below, Ch. 5 and 6. See on the continuing existence of 'patriarchy' the radical feminist classics: Notes from the Second Year, Firestone, Millet, and Greer, all of 1970.

[10] See on the difference between these concepts Mouzelis (1971).

[11] See for Dutch law in general Asscher-Vonk (1989).

[12] See for a definition of this term and a criticism of its use in order to refer generically to 'creatures of unspecified sex' for instance Silveira (1980).

[13] The Dutch radical-feminist writing collective De Bonte Was connected these experiences to each other by conceptualizing women's activities in the family as 'work for one man' and work outside of the home as 'working for several men'; see De Bonte Was (1975).

present themselves: one can try either to translate the factors that define the position of women versus the 'organization' or 'bureaucracy' into the factors that define the position of sex-neutral 'individuals' according to universalist sociology, or one can try to translate the sex-neutral concepts of universalist sociology in sex-defined terms.

If the first option is chosen, universalist sociology is enriched with some more 'laws', formulated in sex-neutral concepts. The most famous of these is the 'law of numbers' which was formulated in 1977 by Rosabeth Moss Kanter. It says that as soon as people who work in an organization or department, where they form a minority of a 'significant social type'[14] which is deviant from the 'significant social type' of the majority, they become either totally *invisible* or too *visible* to the majority.[15] In the latter case they become *'tokens'*.

The concept 'token' was formulated by the black and feminist movements: the token black, the token woman, is the exception who proves the rule - the exclusion of blacks or women[16] - by displaying all the stereotyped characteristics members of the majority expect; the majority then reacts by in its turn exaggerating its own stereotyped characteristics.

Kanter takes all her illustrations of her concept of 'numbers' from her own experience as an organization adviser and from reports of other women in organizations, which she found in feminist texts. As soon as a token woman appears on the scene, the men around her become more masculinist, especially in social contacts *outside the formal work situation*: young men brag about their sexual victories, older men of their business ones.[17] The token woman is visible only as a woman, not as a colleague; if she tries to show her achievements, the men, fearing she performs better, often retaliate. She is also pressurized to turn against other women, since she has to share the men's notions about her own sex: to believe that women just are not able to perform the tasks she herself performs.[18]

The token woman is therefore compelled to conform to female stereotypes - she can only choose which one.[19] Kanter's analysis here echoes the feminist theory that in patriarchal culture men divide women in 'mothers' and 'whores'; to the types of 'mother' and 'seducer', though, she adds those of the 'iron lady' - unmarried aunt - and 'mascot' - 'kid sister'. Of all these only the iron lady expects equal treatment from men; since men do not know how to deal with her claim, she finds herself isolated. One could summarize Kanter's description in the statement that the token woman can be seen both as the symbol of equality between women and men and as a living proof of their inequality.

Kanter's approach of 'numbers' is easy to criticize: any investigation of the situation of men who form a minority among women will show that their 'visibility' results in quite different

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[14] Kanter p. 208; or 'persons bearing a different set of social characteristics', p. 210.

[15] Kanter p. 210: 'The proportional rarity of tokens is associated with three perceptual tendencies: visibility, contrast, and assimilation. These are all derived simply from the ways any set of objects are perceived.'

[16] See Oxford Concise Dictionary on 'token': beside the meaning of 'sign, symbol, evidence (of affection etc' another meaning is given: that of 'a. Serving as token(s) or sample; perfunctory; ~money (...); ~payment, 1. payment of small proportion of sum due as indication that debt is not repudiated, 2. nominal payment; ~resistance, ~strike (brief, to demonstrate strength of feeling only); ~vote, Parliamentary vote of money in which the amount stated pro forma to allow discussion is not meant to be binding; ~Ism, policy of making only a token effort of doing no more than is minimally necessary.'

[17] Kanter p. 221 ff.; see also Rogers (1988) p. 22 ff.

[18] Kanter (1977) p. 228 ff.

[19] Kanter p. 233 ff.

conduct of everybody concerned; while minority women are treated like Cinderellas, minority men lead the lives of crown princes.[20] Thus the sex-neutrality of the concept 'numbers' limits even its potential for description of behavior. It can only be applied to organizations in which men form a majority, only as long as it is complemented with explicitly sex-defined feminist concepts and experiences which are no elements of the concept itself. Yet even then it cannot serve to explain *why* the position of the male minority member is the reverse of that of the female one.

When they try to explain the differences in the effects of sex-neutral social 'laws' on the positions of women and men feminist sociologists often take recourse to other sex-neutral concepts, such as the concept of 'status'. If one takes the fact that men have a higher status than women for granted,[21] the 'law of numbers' can be formulated in a sex-defined way: since men have a higher status than women, their minority position and the attendant visibility result in positive attention for them from the low-status women.[22] When formulated in this way, however, this law is not social at all: the phenomenon that men have a higher 'status' than women cannot be understood rationally and thus appears to be unchangeable.

Universalist concepts cannot explain social relations between women and men in modern democratic society, since those concepts are based on a separation of 'public' life from sex-defined 'private' life. Only the second option - to employ sex-defined concepts - can provide an insight into the masculinist character of 'public' domination. If sex-neutral concepts, such as 'organization' or 'status' are translated in sex-defined ones, the connection between the possession of a male member and the membership of bureaucratic fraternities can be rationally understood.

To transform the concept 'bureaucracy' into a sex-defined concept it has to be connected with the concepts social theory makes use of to understand the relations of private life. Only by overcoming the separation of public and private life can 'bureaucracy' be understood as a set of social relations between women and men; these relations can then be shown to be defined by the contradiction between formal equality - which, being the foundation of the relations between men, forbids men to exclude women or other persons defined as lacking the correct masculine characteristics from these relations - and the patriarchal private relations between men and women or other non-persons.

The separation of public and private life in modern society, however, is 'a real mystification'[23]: it is not only an ideology supported and reinforced by science, but it is a historical characteristic of the institutions of modern society itself. In order to be able to analyze modern relations between women and men the history of the 'institutions' which define their lives has to be investigated.[24]

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[20] See Ott (1985).

[21] See Sullerot (1968) I, Ch. I.

[22] Ott (1985) p. 29, 157.

[23] Marx uses this term to characterize the labor contract: 'The perpetual renewal of the purchase-sale relationship does nothing but mediate the continuity of the specific relation of dependency, by gicing to it the mystified appearance of a transaction, a contract between commodity owners endowed with equal rights and seemingly free one in the face of the other', see Un chapitre inédit du Capital, Union Générale d'Editions, Paris, 1971, p. 263, cited by Larrain (1983), p. 157. See on Marx' way of representing the relation between illusion and reality under capitalism Van Erp (1982).

[24] Virginia Woolf, who in A Room of One's Own (1929) had denounced the study of women as useless, was the

3. Bureaucracy and masculine domination in Max Weber's Economy and Society

The first comprehensive sociological analysis of modern Western democratic society and of the societies preceding it was written in the beginning of the century by the German sociologist Max Weber. He founded modern universalist sociology, of which both the method and the central object are based on the opposition of public and private life.
Since Weber opposed the rationality of science - the realm of facts - to the 'irrationality of the world' - the realm of values -, he chose a comparative method to understand 'irrational' phenomena in a rational way. He therefore constructs logically consistent 'ideal types' to compare the social actions of individuals to, in order to understand them rationally. His method opposes facts and values, reason and emotion, rationality and irrationality, science and politics; his central object, the bureaucracy which dominates modern society, is based, according to him, on a separation of public from private property, of reasons of state from the feelings of the officials, of administration from politics.

The correspondence of Weber's method and his scientific object seems to result in an analysis of modern reality which is impervious to rational feminist criticism, since it relegates relations between women and men irrevocably to the 'private' sphere of emotions, values and irrational notions.
Yet Weber's work, in contrast to many later sociological theories, offers many starting-points for an analysis in sex-defined terms. This is because his sociology is a historical one. He does not only aim to explain the workings of modern bureaucratic society in its own terms, but also to understand its genesis: its development from other social formations. And since no other society has explained its own foundations in the sex-neutral terms of 'human' freedom and equality, relations of women and men emerge from his historical analysis. Weber therefore presents two sets of concepts: those constructed to understand the bureaucratic aspects of modern society, and those constructed to understand other - in his terms 'irrational' - social formations. The latter concepts can be shown to be sex-defined, that is connected to relations between women and men; they can be used to connect feminist knowledge of modern relations between women and men to historical knowledge represented in Weber's sociology.

Before I can use the knowledge Weber presents in ES to understand the development of the relations between women and men in Western society,
his separation between the concepts he constructed to understand respectively 'rational' and 'irrational' social formations has to be explained. For since these sets of concepts are based on different parts of Weber's consciousness - respectively on that of his scientific thinking about the public world, and on that of his emotions about problems of private life - they are different in character and therefore are developed in a different way.
I will show that Weber's 'logical constructions' of 'irrational' social formations - which in my interpretations are relations in the private sphere, relations between women and men and

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first to construct a 'bridge which connects the private house with the world of public life' to investigate the ruling institutions and the men who embody their power; in Three Guineas (1938) she gives a shattering insight into their military character.

between 'men' and 'not-men' - are not logical at all: they are full of 'paradoxes', 'inversions of meaning' and 'fluent transitions between opposites'.

These conceptual manipulations enable him to speculate on the history of 'irrational' social formations by constructing conceptual developments in a reverse way. He first projects modern phenomena - the domination of the father in the family of his time and the compelling powers of the extraordinary person - back into history as respectively 'traditional' and 'charismatic' 'domination', and then develops these concepts in such a way that known historical phenomena - like 'patriarchy' or 'knighthood' - can be defined by them.

His speculations on the 'origins' of institutions which are described in written history or 'ethnology' therefore are hidden in conceptual manipulations. Moreover, since the concept 'rationality' is a static one - 'rationalization' indicating only changes in what is being 'rationalized' - his search for the origins of 'rationality' also is to be found in the development of 'irrational' social forms and in the conceptual manipulations needed to establish connections between 'irrational' and 'rational' formations, which are also formulated with the help of 'contradictions' and 'fluent transitions between opposites'.

For a better understanding of Weber's method and of the contents of his sociology I will analyze his private values as he represented them explicitly in his political writings and implicitly in his method and his sociology, and even more implicitly in the values which his wife, Marianne Weber-Schnitger, proclaimed in 'Ehefrau und Mutter in der Rechtsentwicklung', on which he cooperated.

If the overt and convert workings of Weber's mind, as they appear from his writings, have been clarified, the historical knowledge which is transferred in Weber's sociology has to be translated in rational terms. This can be done because Weber does not only constructs modern concepts to understand historical relations, but also derives concepts from historical relations. These historical concepts connect his otherwise separate constructions of the economic, social, religious, political, juridical and military spheres to each other.

The concepts of 'office' and 'household' are such historical concepts. In his attempts to understand the history of 'rationality' itself, Weber analyzed a disintegration process of 'the bourgeois household', caused by the growing money economy, in which 'the office' was separated from it; in this way he located the separation of public and private spheres in historical reality. Following Marx' and Freud's theories on the connections between being and consciousness, I presume that the effects of the growing money economy did not only separate 'private' relations from 'public' ones, but that bourgeois consciousness was split in a 'private' and a 'public' sphere as well. A contradiction developed between the official world of men, which increasingly was ruled by principles of freedom and equality, and the household world of women, which remained defined by patriarchal domination. Since both worlds were only connected by patriarchal relations, the official world took precedence over the private one; the patriarchal relations which connect both worlds and dominate household relations were increasingly repressed from consciousness and therefore only represented in 'irrational' or 'ideological' - indirect, transformed and inverted - ways.

In 'official' theory therefore only 'official' relations between men were represented; 'household' relations were conceptualized as irrational 'tradition' and even as 'nature' - as defined by 'passions', 'drives', 'instincts' or 'genes' - and therefore as being outside of the reach of rational masculine knowledge. Knowledge of the private sphere becomes 'women's knowledge', which is only of interest for men if it is transformed into - irrational - art.

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The interest of Weber's sociology is that he did not totally deny this kind of knowledge, although he refused to give it official status. By deviating from his own standards of the 'logical consistency' of concepts, he provided an abundance of - mostly implicitly formulated - insights into causal relations between social actions of historical individuals, which include also many cases in which the historical actors according to Weber were not (fully) conscious of the interests they wanted to serve.

Although any reconstruction of relations between historical actors finds its limits in Weber's self-admitted lack of a theory on the relation between being and consciousness, I will connect many of his fragmented analyses of specific European developments to each other. The central concept of this reconstruction is the historical concept of 'patriarchy', which Weber included in his analysis of 'irrational domination'. By translating his sex-neutral concepts in his sex-defined ones, I will present a theory on the origins and the modernization processes of Western masculine domination for which Weber in spite of himself provided the material.

Since the historical parts of Weber's sociology are not well known, this will mean that I will not only present a criticism of its irrational aspects, but also a summary of those parts in which he, in my view, gives a rational account of historical social relations.

Chapter 1. Max Weber's universalist sociology of bureaucracy: the contradiction between public rationalism and private masculinism

1. Separation of public and private life as a characteristic of Weber's ideal type of bureaucracy

In his unfinished work Wirtschaft und Gesellschaft (Economy and Society)[1] Max Weber constructed the first analysis of modern society as a bureaucratic society. Weber saw 'bureaucracy' as 'the specifically modern form of domination', namely as 'legal domination with bureaucratic administrative apparatus'[2], which is founded on a belief in the validity ('Geltung') of intentionally established law as a 'cosmos of abstract rules', to which also the 'Herr' (lord or master) owes obedience. Bureaucracy according to Weber separates public and private life[3], both through a separation of public from private property - the rules do not permit any appropriation of functions, career chances, secretaries or material advantages which are not officially included in the salary - and through the belief 'that obedience is not due to persons, but to *rules*'[4].
The characteristics of bureaucracy which are the result of this belief are, according to Weber, continuity, division of competence, hierarchy[5], professional training in the application

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[1] I will use the English translations of Wirtschaft und Gesellschaft edited by Roth and Wittig in Economy and Society; only when they show very important deviations from the meaning of the German text I will give a different translation, indicated by *.

[2] WuG p. 124, ES p. 217. To the distress of many later sociologists Weber has never given an exact definition of 'bureaucracy'; see on the history of the concept Martin Albrow (1970).

[3] 'In the rational type it is a matter of principle that the members of the administrative staff should be completely separated from ownership of the means of production or administration'; 'There exists, furthermore, in principle complete separation of the organization's property (respectively, capital), and the personal property (household) of the official. There is a corresponding separation of the place in which official functions are carried out - the "office" in the sense of premises - from the living quarters'; 'there is also a complete absence of appropriation of his official position by the incumbent', ES p. 218/9, WG p. 126.

[4] Those rules can be 'technical rules or norms', ibid.

[5] 'The organization of offices follows the principle of hierarchy; that is, each lower office is under the control and

of the rules, the use of written reports. The public character of legal domination becomes apparent in its 'spirit of formalistic impersonality': "Sine ira et studio", without hatred or passion;' its universalism from the characteristic that bureaucracy is based on formal equality and therefore tends to level social inequalities.[6] According to Weber bureaucracy is the most effective of all forms of domination. It is impersonal to the degree, that it functions like a machine. It can work for all masters, since it holds no values except the belief that rules have to be obeyed;[7] its own 'power instincts' are 'inseparably fused with the abstract and "objective" idea of "reasons of state"'.[8]

Weber formulates his characteristics of modern bureaucracy in masculine grammatical forms; yet he does not mention 'masculinity' as a characteristic of bureaucratic officers. He states nowhere that it is required to prove any form of manhood in order to become an official.

In Weber's work everybody who is sociologically relevant - as a politician, official, general or soldier, manager or worker - is a 'he'; but it is unclear whether this 'he' is a 'generic he' which formally includes women, or whether Weber means to draw attention to the masculine sex of officials, thereby implying that the number of women among them is too low to be of any interest for the investigator.

The latter interpretation does not seem very plausible; in Weber's time women everywhere were challenging their exclusion from public life, which, although it was often not formal, had been undisputed; it had been considered self-evident that doctors and officials were male. The ambivalence of the term 'rights of man', though, had given rise to several feminist movements which claimed masculine rights and positions, patriarchal relations being eroded by the growing market economy and by the men's revolutionary claims to freedom, equality and brotherhood. In Weber's time, around the beginning of the 20th century, these movements had not won many victories as yet, but they had won much support for their fight for women's suffrage. The several wings of the movement were also united in their claims for equal rights in marriage, for access to all jobs and functions, in particular bureaucratic ones, and for an education which would provide them with the diploma's required for access to bureaucratic functions.

In Weber's analysis of bureaucracy the almost total exclusion of women from it goes unmentioned; indeed, his treatment of modern society lacks any discussion of the 'women's question'.[9]. Women are only mentioned where modern marriage is

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supervision of a higher one.' ES p. 218, WG p. 125.

[6] WG p. 129, ES p. 225: 'Everyone is subject to formal equality of treatment; that is, everyone in the same empirical situation'.

[7] Winckelmann (1952) has criticized this empty concept of 'legality' and claimed that also in Weber's view some 'material' rationality is necessary to provide legitimation; see for a repudiation of this view Mommsen (1959) p. 404 ff. and for a summary of the discussion his Zum Begriff der plebizitären Führerdemokratie in Mommsen (1974), note 76 (p. 242). I will show, however, that according to Weber patriarchal-patrimonial domination in the absolutist 'welfare state' of the 17th ad 18th centuries was partly legitimated by 'material rationality', by an orientation to the welfare of the subjects; many theorists of modern public administration state that legitimation in the modern democratic 'welfare states' has shifted from formal to material rationality as well. See further below no 7.

[8] ES p. 979, WG p. 565, see below, Ch. 8,10.

[9] See on the German feminist movements Evans (1976), Koontz (1987) p. 19 ff., Kandal (1988), p. 89 ff. (p. 126 ff.),

discussed.[10] This cannot have been because Weber had never heard of the feminist movement; feminists were rather vociferous and he himself was actually married to one of them; his wife, Marianne Weber-Schnitger, held important functions in the Bund Deutscher Frauenvereine and wrote an important work on the positions of 'married women and mothers in the development of law'[11]. Weber's refusal to include the women's issue in his analysis of modern society can be therefore only be explained by his separation of public and private spheres: it appears that, consciously or unconsciously, he must have relegated the 'women's question' to the private sphere, to the 'woman's world' of his wife.

Because of his separation of public and private life, the meaning of Weber's analysis of bureaucracy is not immediately clear: it can either be understood as being strictly universalist and sex-neutral - sex not being relevant to public life - or as a description of a strictly male society with strictly male forms of domination, founded either on sociological or on biological differences between men and women. It is, however, certain that a formal exclusion of women is not an element of Weber's concept of 'bureaucracy'.

To be able to give an interpretation in sex-defined terms of Weber's sex-neutral concepts and thus to answer the question whether Weber conceptualizes bureaucracy as a form of masculine domination, I will discuss the universalist foundations of Weber's method and the way in which he deals with sex-defined social formations - with relations which in modern society constitute 'private life'. For this discussion I will use, as much as is possible, his Introduction to ES, in which he summarizes an earlier article on his method, entitled 'Some Categories of Interpretive Sociology'[12]. Since he also refers in this Introduction to his famous article on 'objectivity' in the social sciences[13], I will first treat some of his famous postulates on 'Wertfreiheit' ('freedom from values') and on the logical strategies to achieve this goal.[14]

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[10] See below no 9.

[11] See Ch. 2,1 and 8. Max Weber promoted the appointment of his student Else von Richthofen as the first female official in Germany, see Lebensbild p. 263, Biography p. 230: 'It was part of the women's program to obtain such occupations.' Some ten years later he fell in love with her and later even began an affair with her, which lasted to his death in 1920. See Mitzman (1970) and Green (1974).

[12] Einige Kategorien der verstehenden Soziologie (1913), in GAzW, p. 427 ff.

[13] ES p. 22, WG p. 11 refers to 'Objectivity in Social Science and Social Policy', of
 1904, MSS p. 49 ff., GAzW p. 146 ff. To clear up some other points I will also use 'The Meaning of "Ethical Neutrality" in Sociology and Economics, of 1917, MSS p. 1 ff., GAzW p. 489 ff. and 'Science as a vocation', FMW p. 129 ff., GAzW p. 582 ff.; this last text is a lecture addressed to students and therefore to a general scientific public; one may therefore expect the technical terms of methodology in it to be translated in everyday scientific language.
Though I will refer to the pages of the translation of Shils and Finch in MSS I will mostly use my own, more literal translation, when they render neither the exact meaning nor the literary flavor of Weber's words . (In 'On Universities' Shils published a revised translation of a part of 'Der Sinn der "Wertfreiheid" der soziologischen und ökonomischen Wissenschaften', published earlier in MSS p. 1-10 (p. 47 ff.), and some pages of Science as a Vocation (Wissenschaft als Beruf) (p. 54 ff.)).

[14] The secondary literature on Weber's methodological views is enormous, but it is almost wholly formulated in universalist terms; its point of interest is the difference between Weber and other masculinist theorists. My analysis, however, tries to uncover those elements that are common to masculist universalism as such.

2. Sociology as rational social science: the separation of facts and values and the creation of the abstract individual as consequences of the separation of public and private life

Weber was the first scientist who constructed 'sociology' as a separate academic discipline, developing it from 'social economy',[15] in such a way that the social scientist could claim the authority of the natural sciences: he made sociology an 'objective' science[16] which is assumedly based on a universalist procedure of acquiring knowledge which would enable everybody ('even a Chinese'[17]) to judge the validity of the evidence, independently of his or her personal opinions and values. Paradoxically, he did this on the basis of his conviction that every social theory depends on the value-bound selection of elements of reality by the investigator.

Weber's emphasizes that social science is about 'facts', which he views in a sharp opposition to personal 'value' judgments[18]; he wants to differentiate between 'what is' and 'what should be'.[19] This differentiation between facts and norms has become such an fundamental element of established social science, that it is hardly ever discussed as such[20]. In Weber's view the opposition of facts and values is the same as that of ratio and feelings[21] and that of rationality and irrationality[22]; it therefore appears to be similar to the opposition of 'sense' and 'sensibility' Jane Austen analyzed a century earlier. It is based on the liberty of conscience granted by the declarations of human rights, which made the choice of values a private decision, protected against the public domination of the state.[23] In Weber's method

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[15] MSS p. 63 ff., GAzW p. 161 ff.

[16] See Beetham (1974) p. 276: 'The impact of Weber's undoubted brilliance as a scholar and thinker, and his obvious concern to distinguish between the logical status of facts and value judgments, itself contributed powerfully to the illusion of an epoch of social science which believed that to avoid the open expression of values in its work was sufficient to make the conclusions objective and value-free.'

[17] MSS p. 58/9, GAzW p. 156/7.

[18] A clear example is to be found in SV, FMW p. 146, GAzW p. 602: 'I am ready to prove from the works of our historians that whenever the man of science introduces his personal value judgments, a full understanding of the f a c t s ceases.' That Weber himself, however, had some notion of the problematical status of this opposition, can be deduced from what he writes only a little earlier: '"To let the facts speak for themselves" is the most unfair way of putting over a political position to the student.'

[19] MSS p. 51, GAzW p. 148.

[20] See Weiß (1981) p. 49.

[21] MSS p. 60, GAzW p. 157.

[22] See Van Vucht Tijssen (1985) p. 6: the definition of 'the irrational' in terms of 'the rational' 'finally results in a dichotomization of the rational and the irrational, while Weber makes the latter category into a repository ('vergaarbak') of the most heterogeneous elements.'

[23] According to Winckelmann (1952), p. 66, the liberty of conscience is the oldest 'human right'. Jane Rendall in 'Virtue and Commerce: Women in the Making of Adam Smith's Political Economy', in Kennedy & Mendus (1987), p.44/5, presents an interesting interpretation with regard to the changes in the concept of citizenship in early modern Europe: 'Throughout much of early modern Europe, definitions of the public sphere had looked to an older model of citizenship, that ultimately based on the pursuit of virtue within the classical republic. Through anachronistic, the classical rhetoric, based around the theme of the independent, virtuous, and by definition masculine, citizen, remained immensely powerful. Yet this was to be challenged as, increasingly, citizenship came to be seen as resting not on virtue, but on rights, the rights of the individual, both natural and contractual. The public world was no longer that in which the individual might find moral fulfillment. Inseparably associated with such a changing view of the public sphere, was the relocation of the pursuit of virtue within the private

separation of public and private life is conceptualized as a *norm*; to produce objective science, social scientists *should* deny personal values in their scientific work, as far as this is humanly possible.[24]

In Weber's time German bourgeois social theory was dominated by a new interpretation of Kant's philosophical separation of a rational and a moral sphere; this interpretation emphasized the difference in character of the natural and the cultural sciences and the ensuing necessity of formulating a special methodology for the latter ones. Weber shared the neo-Kantian view on the 'irrationality of history'[25]; history, according to him, could not be interpreted as 'evolution', 'progress',[26] or a succession of 'stages of development'; he repeatedly warned against the latter view, referring in particular to marxism.[27] On the other hand he disagreed with the conclusion drawn by the other neo-Kantians that the formulation of social laws is impossible because of the uniqueness of human experience, which can only be described by way of 'Einfühlung' - as it were artistically; he viewed the ideas of the 'historical school' of economics, which postulated the existence of an unique 'Volksgeist' from which all cultural phenomena 'emanated' and which was therefore not accessible to rational analysis, as a ridiculous superstition.[28] Therefore he had to find a middle way between the reification of collectivities by historical materialism on the one hand and the irrationality of idealism on the other:[29] to find a method of his own, on which a rational, objective social science could be based.

The most important building stones for Weber's method are the concepts of 'the *individual'*, *'adequate causation' and 'chance'.*

'The acting *individual'* is the starting point of Weber's sociology. The object of social science is 'social action' ('Soziales Handeln') of individuals: action 'insofar as its subjective meaning takes account of the *conduct of *others* and is thereby oriented in its course'[30]. Weber does not ask the question whether the abstract 'individual', whose action orientations are studied by sociology, has always existed. He defends his methodological individualism only on

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sphere, at its heart the life of the family and the moral inspiration of women.'

[24] See Marianne Weber (1950), p. 731, (1974), p. 678: 'One day, when Weber was asked what his scholarship meant to him, he replied: "I want to see how much I can stand." What did he mean by that ? Perhaps that he regarded it as his task to endure the a n t i n o m i e s of existence and, further, to exert to the utmost his freedom from illusions and yet to keep his ideals inviolate and preserve his ability to devote himself to them.'

[25] See for instance MSS p. 78, GAzW p. 177 ('chaos'), p. 81 resp. p. 180 ('the meaningless infinity of the world process'; see on different interpretations of what Weber meant by this 'irrationality' Weiß (1981) p. 37. He himself refers to 'the implications of the fundamental ideas of modern epistemology which ultimately derives from Kant; namely, that concepts are primarily analytical instruments for the intellectual mastery of empirical data and can be only that', MSS p. 106, GAzW p. 208.

[26] See for instance MSS p. 27 ff., GAzW p. 518 ff.

[27] According to him the use of ideal-types of developments, 'though of great heuristic value', involves a risk of identifying ideal-type and reality, see MSS p. 101, GAzW p. 203. See on the conceptualization of 'development' MSS p. 102, GAzW p. 204; on the influence of 'naturalistic monism' MSS p. 86/7, GAzW p. 186/7; on 'marxian "laws" and developmental constructs' MSS p. 103, GAzW p. 204/5. See for an excellent summary of the Marx-Weber discussion before Marx was treated as a dead horse, Mommsen (1974) Ch. I.

[28] GAzW p. 1 ff. (9/10); cf. also ES p. 754, WuG p. 442.

[29] See Albrow (1990), p. 107.

[30] ES p. 4, WG p. 1. I have followed the translation of 'Verhalten' by 'conduct' - instead of 'behavior' - given by the Rheinstein group (Ch. VIII of ES).

practical grounds: in his view marxists, who, following Marx' criticism of 'Robinsonades', attack methodical individualism, cannot present a rational alternative.[31]

The consequences of Weber's 'methodological individualism' are far-reaching. 'The individual' is not only presupposed to exist as someone whose existence can be conceptually separated from that of other human beings, but also as an entity that is abstracted from its sex; this abstract individual is therefore identical with the 'individual' of modern public life, where sex formally is not relevant.

The concept 'individual' can be used for the purpose of analyzing those realms of modern social, public life, where individuals can be clearly differentiated as having separate rights; it does not make much sense, however, when applied to the analysis of social relations in which human beings are formally or informally dependent on others and *identify* with them, forming collectives in which social actions cannot be described as being oriented to the actions of 'others', since nobody can tell where the one 'individual' ends and the 'other' one begins.

Of this kind of social relations there have been many examples. The most important of them are those of kinship and the relations in the 'patriarchal' household in which women, children and slaves are treated as the property of the male head of the household. The institutions of private life in Weber's time still had a patriarchal character; married women and children did not count as 'individuals' in any formal-legal sense, and unmarried women remained subject to paternal domination in important respects. In Weber's time these 'individuals' can only have been identical with men, especially men who are 'free, white and twenty-one'.[32]

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[31] Obj. MSS p. 95, GAzW p. 196. See on Weber's criticism of Knies' view of the 'personality' as a naturalistic-organic 'unity' GAzW p. 138 ff.

[32] I would argue that Weber's concept of 'the individual' has a normative character; Henrich (1952) p. 44, points to Weber's identification of the 'individual' with both 'freedom' and 'reason', 'Für Max Weber ist "Persönlichkeit" nun das, was von dem im menschen Geschehenden eigentlich menschlich ist, nicht aber "der dumpfe ungeschiedene vegetative "Untergrund" des persönlichen Lebens, d.h. die auf der Verschlingung einer Unendlichkeit psycho-physischer Bedingungen der Temperaments- und Stimmungsentwicklung beruhende "Irrationalität", welche die "Person" ja doch mit dem Tier durchaus *teilt*". Im Zusammenhang der Wissenschaftslehre kann mit Max Weber diese Eigenschaft des Entlassenseins aus der Irrationalität des Gegebenen Freiheit nennen.' See also p. 49: The structure of reality 'is bedingt durch die Eigenart menschlichen Seins, das sich von naturhaftem psychischen und physischen Sein dadurch unterscheidet, daß es sich bewußt von Bedeutungen, von Werten abhängig machen *kann*, die es ohnehin im Erleben immer schon bestimmen.''Vernunft und Freiheit sind in diesem Sinne identisch.' And p. 104 nt 1: '..daß Webers Begriff der Vernunft sich am besten mit den Begriffen Hegels beschreiben läßt als der Geist, der aus dem bloßen An-sich-sein zur für-sich-seienden Bewußtsein gelangt.' That in such a theory of science there will be little attention for traditional housewives, slaves and other objectively unfree persons (or non-persons) will be evident; these human beings tend to be identified with the ' dull undifferentiated vegetative "underground" of the personal life.' The opposition between 'gender' and 'sex' can only be used if such a concept of 'the person' is conceptualized in this way as separated from 'nature': then can sex be defined as 'the raw material "beneath" gender, like Oakley did (1972); see Orobio de Castro (1993). See on the relation between essentialism and 'deconstructionism' or 'post-structuralism' Fuss (1990); on the 'manliness of women' Van Baalen (1991), p. 151 ff; and on Weber's opposition of 'individual' and 'nature' (defined as 'processes and phenomena without subjective meaning') below no 4.

3. Adequate causation and chance

The way in which Weber conceptualizes causality, which for him is central to science, is intimately bound up with that of the 'individual', since he wants to trace the consequences of individual social actions. Although he considers reality to be chaotic, he states that the historian is nevertheless able to *impute* certain phenomena to certain causes, as long as he uses the same concept which a criminal judge uses when imputing a certain effect to the actions of the accused, namely that of '*adequate causation*'[33]; the judge holds the accused responsible for the results of his actions, *as far as he was able to foresee them according to rules of experience.*[34]

According to Weber however, the historian is not a judge: historians should not sit in ethical judgement over historical actors, defining their measure of *guilt*.[35]

In Weber's view scientific causality has to be judged on the basis of rules of experience, guilt (moral responsibility) on the basis of ethical rules. Rules of experience are objective - ethical rules are subjective; the former are rational, based on the technical relations between given means and given ends - the latter are irrational; the former are public, accessible to every rational being - the latter private, ruled by the belief in gods and demons which the actor cherishes in the privacy of his conscience.[36]

The concept which serves to introduce rules of experience into rational social science is that of *'Chance'*, 'probability'[37]. Weber formulates this concept in order to be able to formulate empirical social 'laws'. Social life is possible because we can to a certain degree *predict* the acts of others; we do this by calculating the chances that specific acts will occur and by orienting our acts to these predictions. It is the task of the social scientist to reconstruct the predictions individuals make in order to understand their motivations for social actions in their 'context of meaning', 'Sinnzusammenhang'[38]. For Weber's sociology, defined as 'the interpretive understanding of social action and thereby with a causal explanation of its course and consequences'[39], not all human action is therefore relevant; it is relevant only '*when and insofar the acting individual attaches a subjective meaning to his *conduct

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[33] GAzW p. 67-69; MSS p. 79/80, GAzW p. 179; GAzW p. 266 ff. (286); ES p. 11, WG p. 5: The interpretation of a sequence of events' will on the other hand be called c a u s a l l y adequate insofar as, according to established generalizations from experience, there is a probability that it will always occur in the same way.'

[34] The classical example of such a judgement is that on a person who has given a blow on the head of a person with an egg-shell skull, resulting in death or grievous bodily harm. According to Dutch jurisprudence, this action has not c a u s e d death, because 'it could not reasonably be expected'. See Rb Rotterdam 11.7.1946 NJ 1947, 213 (egg-shell skulls occur only in one of the 2000 cases); cf. also Hoge Raad 24.1.1950, NJ 1950, 293 and Hazewinkel-Suringa (1991), p. 163 ff. (175).

[35] GAzW p. 271 nt 1. See further below, no 6.

[36] FMW p. 147 ff., GAzW p. 603 ff.

[37] ES p. 11/12, WG p. 5/6: 'On the other hand, even the most perfect adequacy on the level of meaning has causal significance from a sociological point of view only insofar there is some kind of proof for the existence of a probability that action in fact normally takes the course that is held to be meaningful.' To avoid confusion with the mathematical concept 'probability', the translators have often used the term 'likelihood' (nt 13, p. 59). See on the connection between 'chance' and 'causality' also Rb. Rotterdam cited in n. 34 above.

[38] See about this translation ES p. 8 nt 8.

[39] ES p. 4, WG p. 1

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sociology of bureaucracy: the contradiction between public rationalism and private masculinism

(Verhalten)'[40]. By this 'methodological individualism' Weber wanted to exclude collectivities -
'the state', 'the German people', 'the working class' - from being viewed as historical actors;
we will see later that this starting point caused serious problems when it came to connecting
types of 'social relations' to the individually motivated actions they are supposed to be based
on.[41]

As Weber views historical reality as irrational, but nevertheless wants to understand it in a
rational way, he can only do this by making rational constructions; he himself has to select,
to choose and to order. This is only possible on the basis of *choice*; this choice, in its turn, is
defined by his private values. He considers himself free to choose his object of study, be it in
the realm of facts or in that of values; in this choice his own value orientations can be
expressed. But once he has chosen his object, he has to repress his private values; since
concepts cannot be derived from social reality, he has to construct them according to the
rules of logic and experience.

The most important choice Weber made in order to solve the problems inherent to the neo-
Kantian dichotomy between the natural and the cultural sciences, is actually his decision to
strive for 'objectivity' itself. In order to be able to construct an 'objective' method he had to
anchor it to a specific, historical meaning of 'rationality': to the *beliefs* of modern science in
the validity of rules of logic and method[42] and to 'the *objective* validity of empirical
knowledge', which according to him are '*subjective*' in so far as they are a product of
particular cultures.[43]

Weber therefore incurred the risk of reifying modern 'rationality' as an a-historical category
which cannot be analyzed as the 'value' it is; but curiously enough he did not analyze
'scientific rationality' in the same way he analyzed the 'reasons of state', the 'bureaucratic
rationality', which according to him constituted a fusion of the power instincts of the
bureaucrats and the formal rationality by means of which they legitimate their decisions.
Nowhere does he analyze the power interests in 'our capacity and need for *analytically
ordering* empirical reality in a manner which lays claim to *validity* as empirical truth';[44] he
does not criticize the conventional separation of 'thought' from 'will'.[45]

Weber's only attempt to counter the risk he runs in his attempt to objectify a subjective
phenomenon is his investigation of 'rationality' itself. This investigation is at the center of his
work; but although he does conceptualize 'rationalization' as a historical process, or a series
of rationalization processes, the only instrument with which he is able to do this remains the
'rational' scientific procedure. It is no surprise that this analysis of 'rationalization processes'
remained so fragmentary.[46]

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[40] in a broad sense, which includes also covert or passive behavior, ibid.

[41] Van Vucht Tijssen (1985) p. 10 ff. avoids the issue by stating that the meaning of Weber's subjectivist
individualism is only that of a 'dam against the reifications of idealism and spiritualism'; the question remains,
however, if 'the individual' is a sufficient realistic category to build such a dam with.

[42] FMW p. 143, GAzW p. 598/9.

[43] MSS p. 110, GAzW p. 213; see also MSS p. 55, GAzW p. 152 and MSS p. 58, GAzW p. 155.

[44] MSS p. 58, GAzW p. 155. He seems to see the need to 'order the cosmos into a meaningful whole' as a
'natural rationalistic need of intellectualism' (ES p. 505/6, WG p. 307/8) an innate one - one of the motors of
rationalization processes; see Van Vucht Tijssen (1985) p. 93 and below, Ch. 9,2.

[45] Cf. MSS p. 53, GAzW p. 150.

[46] See Van Vucht Tijssen (1985) p. 157.

To summarize: to analyze the development of 'rationality' and 'bureaucracy' in an 'objective' way, Weber conformed to the rules of the object of his investigation; by fostering belief in 'objective social science', in the existence of a correct 'procedure' to attain 'objectivity', he reinforced the separation of a public sphere of 'rationality' and a private sphere of 'irrationality'.

4. Weber's rational construction of ideal types and its limits

The concepts Weber constructs to order empirical reality are his famous 'ideal types'. These are 'ideal thought images' ('Gedankenbilder') which 'integrate certain relations and events of historical life into a cosmos of *in our thought* existing relations, which is free of inner contradictions';[47] they are to be used as 'limiting concepts to which the real situation or action is *measured*, with which it is *compared*, to clarify specific components of their empirical content'.[48]
Ideal types serve to bring to consciousness those *specific* characteristics of cultural phenomena which fall *outside* of the ideal type as it had initially been constructed; the ideal-type proves its use in particular when it *'demonstrates its own unreality'*.[49] The main instance of the use of abstract constructions to understand concrete circumstances in an indirect, comparative way, are the rational constructs Weber uses to understand irrational actions.

As long as actors act rationally, Weber can reconstruct their calculations and in this way understand their action orientations; but for those cases in which the actors apparently do not predict the actions of others in a rational way, he advises the use of a comparative method. This means that he has to supplement his subjective emotional understanding of the irrational actions, acquired through 'Einleben' or 'Einfühlen'[50] - a method which Weber derived from the neo-Kantians - with a rational reconstruction; he should treat 'all irrational, affectually determined elements of *conduct as factors of deviation from a conceptually pure type of rational action.'[51] Weber calls this method the 'uncertain procedure of the "imaginary experiment"'; it consists of 'thinking away certain elements of a chain of motivation and

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[47] MSS p. 90, GAzW p. 190: 'ein in sich widerspruchlosen Kosmos gedachter Zusammenhänge'; see also ES p. 20, WG p. 10: '... which in each case involve the highest possible degree of logical integration by virtue of their complete adequacy on the level of meaning.' This is a way of systemization which is intimately related to German legal thinking, the 'Begriffsjürisprudenz', of Weber's time as he defines it in his chapter on Economy and law, ES p. 656, WG p. 306: 'According to present modes of thought it represents an integration of all analytically derived legal propositions in such a way that they constitute a logically clear, and, at least in theory, gapless system of rules, under which, it is implied, all conceivable fact situations must be capable of being logically subsumed lest their order lack an effective guaranty.' See Ch. 9,2 below on the charismatic elements in this kind of formal rationality.

[48] MSS p. 93, GAzW p. 194.

[49] MSS p. 101/2, GAzW p. 202/3; see also ES p. 20, WG p. 10: 'The more sharply and precisely the ideal type has been constructed, thus the more abstract and unrealistic in this sense it is, the better it is able to perform its functions in formulating terminology, classifications, and hypotheses. (...). Then it is possible to compare with this the actual course of action and to arrive at a causal explanation of the observed deviations (...).'

[50] The term 'sich einleben' is easy to translate into Dutch, but difficult to translate into English. My dictionary only gives 'sich einleben' into a role ('enter into a part'); its meaning can be approximated by 'project oneself into', or 'identify oneself with'.

[51]ES p. 6, WG p. 2.

working out the course of action which would then probably ensue, so arriving at a causal judgment.'[52] In this way the 'construction of a purely rational course of action in such cases serves the sociologist as a type (ideal type) which has the merit of clear understandability and lack of ambiguity.'[53]

Weber admits that his method incurs the risk of having a 'rationalistic bias'[54]: it might provide 'rationalist interpretations where they are out of place.' In his view, however, the risk of a rationalist bias can be counteracted by using rationality only as a *means of comparison.* Non-rational social relations therefore can be conceptualized in an indirect way; the social scientist should first imagine rational actions which might have occurred in a given situation and then explain the difference between these imagined rational actions and those that actually occurred.

As a consequence of the separation of public and private life interpretive sociology ('Verstehende Soziologie') therefore consists of two interpretive processes, a rational one - which is a construction of what the investigator considers rational action - and an emotional, empathic one. The faculties of the investigator's mind are thought of as divided in a 'rational' and an 'emotional' one.[55] Weber himself admits that the combination of these opposite ways of understanding constitutes no more than a 'thought experiment' or the use of an 'imagination nurtured by personal experience and trained in methodical thinking'[56]. Rational and emotional investigation and their respective results therefore retain their different cognitive status, which is also hierarchical.

The sociological interpretation of individual action orientations, according to Weber, has to take account also of the reactions of individuals to processes and phenomena which from the view of the individuals concerned are just given data, since they cannot control them.[57] Weber views a whole range of facts of human life as such given data for the scientist as well as for the actors themselves; he mentions 'human mortality, indeed the organic life cycle from the helplessness of infancy to that of old age (-)'; 'certain psychic or psychophysical phenomena such as fatigue, habituation, memory etc.; also certain typical states of euphoria under some conditions of ascetic mortification; finally, typical variations in the reactions of individuals according to reaction-time, precision, and other modes'[58]. Nevertheless he

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[52] ES p. 10, WG p. 5.

[53] ES p. 6, WG p. 3.

[54] ES p. 6/7, WG p. 3.

[55] Marianne Weber-Schnitger views this opposition as one between masculine and feminine intellectual faculties, see Die Beteiligung der Frau an die Wissenschaft (1904) in Weber-Schnitger (1919) p. 5 ('ihrer besonderen Gabe, sich in die Gefühlswelt anderer zu versetzen un deshalb die Motive ihrer Handelns nacherlebend zu verstehen.'); as she is convinced that 'woman' and 'man' share a common 'allgemeine Menschlichkeit' one may suppose that she would have considered the use of this kind of intellectual faculty a necessary condition for all social science; see further below, Ch. 2, 8.

[56] MS p. 79, GAzW p. 179

[57] In the words of Weber, ES p. 7, WG p. 3: they 'cannot be related to action in the role of means or ends (...)'. Weber calls these 'processes and phenomena which are devoid of subjective meaning'. These processes and phenomena, according to him, have to be taken account of 'in the role of stimuli (Anlaß), results, favoring or hindering circumstances'.

[58] Weber conducted an investigation into the possibility for the natural and the social sciences to collaborate in the field of industrial psychology; in her biography Weber-Schnitger summarizes his conclusion as follows: 'the

announces that he will suppose some phenomena, such as 'differences in hereditary biological constitution, as of "races"', to be meaningful and therefore social ones, until other sciences have proved them to be biological in character.[59] He treats the subject of what biologists called 'race' by formulating the sociological concept of 'caste'; nevertheless he again leaves room in his treatment for phenomena of a biological character.[60]

At other points in his argument, though, Weber does not even try to analyze supposed natural human characteristics sociologically. In his view 'traditional' action in particular is defined by 'mechanical and instinctive factors' even in later stages of human development.[61] We will see later that his treatment of the concept of 'sex' is ambivalent: in his construction of traditional or patriarchal domination he introduces the concept 'masculine superiority' in an aprioristic manner, as if it were a 'datum' which lies outside of sociological investigation; in his treatment of charismatic domination, however, he constructs a difference between biological and social manhood; he then constructs an ideal type of 'patriarchy in a technical sense' established by members of groups who have monopolized this social manhood.

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sociological analysis of mass phenomena could use neither the methods of the "exact" laboratory experiments nor the uncertain results of the theory of heredity.' (Biography p. 331, Lebensbild p. 377). See: Methodische Einleitung für die Erhebungen des Vereins für Sozialpolitik über Auslese und Anpassung (Berufswahlen und Berufsschicksal) der Arbeiterschaft der geschlossenen Großindustrie (1908) and Zur Psychophysik der Industriellen Arbeit (1908-09), in GAzSS, p. 1 ff. and 61 ff.

[59] 'It is possible that future research may be able to discover non-interpretable uniformities underlying what has appeared to be specifically meaningful action, though little has been accomplished in this direction so far'. 'Thus, for example, differences in hereditary biological constitution, as of "races", would have to be treated by sociology as given data in the same way as the physiological facts of the need of nutrition or the effect of senescence on action. This would be the case if, and insofar as, we had statistically conclusive proof of their influence on sociologically relevant behavior."(Thus it may come to be known that there are typical relations between the frequency of certain types of teleological orientation of action or of the degree of certain kinds of rationality and the cephalic index or skin color or any other biologically inherited characteristic)', ES p. 7/8, WG p. 3.

[60] See below, Ch. 4, 9. In his earlier works he attacked race biologists far more fiercely, see for instance Obj. MSS p. 69, GAzW p. 167. See for an elaborate treatment of the marxist view on 'nature' as a factor in human life Schmidt (1978); for a herstorical materialist view Van Baalen en Ekelschot (1985).

[61] See ES p. 17, WG p. 8: 'The most that can be hoped for, then, is that these biological analogies' (from the field of the psychology of social animals) 'may some day be useful in suggesting significant problems. For instance they may throw light on the question of the relative role in the early stages of human social differentiation of mechanical and instinctive factors, as compared with that of the factors which are accessible to subjective interpretation generally, and more particularly to the role of consciously rational action. It is necessary for the sociologist to be thoroughly aware of the fact that in the early stages even of human development, the first set of factors is completely predominant. Even in the later stages he must take account of their continual interaction with the others in a role which is often of decisive importance. This is particularly true of all "traditional" action and of many aspects of charisma, which contain the seeds of certain types of psychic "contagion" and thus give rise to new social developments. These types of action are very closely related to phenomena which are understandable either only in biological terms or can be interpreted in terms of subjective motives only in fragments. But all these facts do not discharge sociology from the obligation, in full awareness of the narrow limits to which it is confined, to accomplish what it alone can do.'

Weber furthermore has no objections to making pronouncements about general human characteristics; see for instance ES p. 953, WG 549: 'the generally observable need of any power, or even of any advantage of life, to justify itself'; ES p. 603, WG p. 362: 'sexually conditioned physiological needs'; 'ES p. 855 and 884 on 'intrinsic intellectual needs'.

5. From the understanding of 'action orientations' to the construction of ideal types of legitimate domination

Since rational reconstruction is a means to understand 'irrational' actions, Weber derives the construction of his three concepts of 'legitimate domination' from his opposition of 'rational' 'action orientations' to 'irrational' ones. Rational action orientations, however, may also be of two different types. Only those that are oriented to the use of means to reach ends[62] ('instrumental rationality', 'Zweckrationalität') are really rational; those actions which are rationally oriented to values ('value rationality') are ultimately based on irrational choices.[63] The purely irrational action orientations themselves are actually conceptualized in a clear way: they are differentiated in 'affectual (especially emotional)', and 'traditional' ones, the latter being determined by 'ingrained habituation'[64].

Weber is mainly interested in action orientations as long as they lead to definable 'social relations', that is to say: to social relations insofar as they develop certain empirical uniformities.[65] Such uniformities are greatest when social action is 'guided by the belief in a legitimate order'[66]. The link between the subjective 'giving of meaning' ('Sinngebung') of individual actions and the objective existence of fixed socials forms therefore is 'legitimacy': the *belief* in the *validity* of a claim to 'domination' or 'authority'.

The different types of legitimate orders correspond to the types of action orientation, since they are founded on 'tradition' ('valid is that which has always been'), on 'affectual (especially emotional) faith' ('valid is that which is newly revealed or exemplary'), on 'value-rational faith' ('valid is that which has been deduced as an absolute') or 'positive enactment which is believed to be legal'.[67] According to Weber the most common form of legitimation of a social order is 'tradition', when 'what always has been' is considered to be valid.[68]

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[62] In which also secondary consequences, alternative means to the end and the relative importance of different possible end are taken into account, ES p. 26, WG p. 13.

[63] This orientation 'is distinguished from the affectual type by its clearly self-conscious formulation of the ultimate values governing the action and the consistently planned orientation of its detailed course to these values. At the same time the two types have a common element, namely that the meaning of the action does not lie in the achievement of a result ulterior to it, but in carrying out the specific type of action for its own sake.' ES p. 25, WG p. 12. Van Vucht Tijssen (1985), p. 104 and 185, points out that the separation Weber constructs here between purposive rationality, which is defined in terms of interest, on the one hand, and value-rationality, which 'he connects to an irrational option for last and inexorable values', at the other one, is too final: no mediating concepts are formulated.

[64] ES p. 25, WG p. 12.

[65] ES p. 29, WG p. 14. He constructs a logical series of ideal types to trace the different components of social action; in this construction of the establishment of social contacts, connections and institutions he proceeds from open social relations to closed ones, from vague and limited relations to clear and inclusive ones, from voluntary relations to compulsory ones, finally conceptualizing the territorial state as a 'compulsive association ('Anstalt') with 'the m o n o p o l y of the l e g i t i m a t e use of physical force in the enforcement of its order'; see ES p. 52 ff., WG p. 28 ff.

[66] ES p. 31, WG p. 31. 'The probability that action will actually be so governed will be called the "validity" (Geltung) of the order in question.'

[67] ES p. 36, WG p. 19.

[68] ES p. 36, WG p. 19.

The opposite of traditional domination is 'charismatic domination'. 'Charisma' is defined as 'a certain quality of an individual personality by virtue of which he is considered extraordinary and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities'.[69] Weber views charisma as the only cause of change; since it is based on 'extra-ordinariness', however, in the long run it is transformed into traditional domination or into formal rationality.

According to Weber 'value rationality' has never had a strong influence on actual conduct and therefore has not led to legitimate domination; the example he gives is that of natural law[70], which remained in the realm of ideas and values since the influence of its 'logically deduced propositions' on actual conduct 'lagged far behind its ideal claims'[71].
For this reason 'value-rational legitimation' is not mentioned by Weber as one of the definitions of the 'pure types of legitimate domination' in the conceptual exposition of the 'types of legitimate domination', the part of ES he worked on during the last years of his life. In this part Weber presents the 'pure types' only as a 'heuristic model'; they can only prove their use by their 'results in promoting analysis';[72] he does not maintain the pretense of logical connections *between* the ideal types, which was suggested by his logical treatment of contradictory action orientations - ratio versus emotion, habit versus extraordinariness - in the Introduction. Weber's treatment of the types domination is therefore characterized by a pragmatist identification of the understandable with the real. This identification conceals a shift in his work from the action orientations of the ruled to those of the rulers; from the empathic understanding of the action motivations of human beings to the rational construction of models of domination.

Weber's concept of 'legitimacy' differs from that of modern sociologists who regard it as arising from a constitutive consensus of the dominated[73]. In his view, however, domination has to be classified according to the character of the *claims of the masters to legitimacy* ; as long as the dominated are powerless only the claims to legitimacy on which the relation of

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[69] ES p. 241, WG p. 140.

[70] ES p. 37, WG p. 19.

[71] ES p. 37, WG p. 19.

[72] The Introduction, however, suggests a systematic, logical treatment of possible action orientations and their possible ways of uniformization. That Weber leaves one of the four types of 'legitimate domination' out of his conceptual exposition is ostensibly a departure from this consistency; the effects of the ambiguous character of the concept of 'value-bound rationality' become apparent.
The concept of 'value-rationality' bridges the split between values and rationality. Since Weber has no methodological instruments to conceptualize such ambiguous phenomena, he has to choose whether 'value-rationality' is to be understood as 'factual' or as 'normative'; he chooses the latter option and in this way reinforces the opposition between facts and values, producing a paradox: though some people believe in 'value-rationality' and, as we will see later, even orient their actions to it, it does not really exist.
Though Weber views rational and irrational action orientations both as belonging to social life, some action orientations - those who lead to domination - are more real than others; the only way to judge the status of a certain kind of action orientation is empirical reality. If a type of action orientation leads to domination, it belongs to the realm of facts; if not, it belongs to the realm of values.
In this way Weber changed a logically consistent ideal-type of 'legitimate domination' into three separate constructions, based on a pragmatist identification of what is 'rational' with what is 'real'.

[73] We will see in Ch. 10,1 that Weber views this kind of legitimation as the specific 'democratic' one.

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the masters to their staff are based are decisive.[74] Legitimacy is no longer defined as a *belief of the ruled*, but only as a *probability* that those over whom domination is exerted will submit to it. The concept of *chance* enables Weber to transform conforming individuals into a kind of statistical category, in which the motivations of individuals to conform - which can be of all kinds - are of no account.[75] This concept of 'legitimacy' therefore denies all those action orientations and motivations of the ruled which are irrelevant to the legitimacy claims of the ruler and therefore remain private.

By founding his sociology of domination on this concept of legitimacy, that is by focusing his sociology on those at the top - on those who are able to have their actions and their motivations reported - Weber sidestepped the practical difficulties of having to collect information on motivations and action orientations from 'individuals' who 'have nothing to say'. The interpretation of the 'giving of subjective meaning' ('Sinngebung') as a starting point for causal analyses of the actions of historical actors is transformed into a pragmatist analysis of the motivations of those actors who have won the struggle and so laid the foundation for modern domination.

The difficulties Weber had in integrating concepts and experiences of the public sphere - official domination - and the private one are apparent in the dual character of his ideal types of 'irrational domination': the ideal types of 'tradition' and 'charisma' both can be differentiated in a sex-neutral and a sex-defined one. By formulating both forms of domination - which according to his own analysis concerned relations between women and men and those between men as such - also in a sex-neutral way, he could construct sex-neutral 'rationalization' as an unintended result of the interaction between the two emotionally based forms of domination and legitimation, 'tradition' and 'charisma'.

To connect the sex-neutral conceptualizations of 'irrational domination' to the sex-defined ones, however, Weber takes recourse to conceptual manipulations he has omitted to explain in his conceptual exposition; I will discuss them in the next section.

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[74] ES p. 213, WG p. 122. 'Furthermore, a system of domination may - as often occurs in practice - be so completely protected, on the one hand by the obvious community of interests between the chief and his administrative staff (bodyguards, Pretorians, "red" of "white" guards) as opposed to the subjects, on the other hand by the helplessness of the latter, that it can afford to drop even the pretense of a claim to legitimacy. But even then the mode of legitimation of the relation between the chief and his staff may vary widely according to the type of basis of the relation of the authority between them, and, as will be shown, this variation is highly significant for the structure of domination', ES p. 214, WG p. 123.

[75] 'Loyalty may be hypocritically simulated by individuals or by whole groups on purely opportunistic grounds, or carried out in practice for reasons of material self-interest. Or people may submit from individual weakness and helplessness because there is no acceptable alternative.' ES p. 214, WG p. 123. See also ES p. 37/38, WG p. 20: 'Submission to an order is almost always determined by a variety of interests and by a mixture of adherence to tradition and belief in legality, unless it is a case of entirely new regulations. In a very large proportion of cases, the actors subject to the order are of course not even aware how far it is a matter of custom, of convention, or of law. In such cases the sociologist must attempt to formulate the typical basis of validity'.

6. Ideal types of developments; the problem of causality in an irrational world; Weber's law of unintended consequences; 'paradoxical causation'

As we saw before, Weber understands concrete social processes and phenomena by comparing them to rationally constructed ideal types so as to understand and explain them causally.[76] Because of 'the irrationality of the world', causal explanations according to him can only be partial and subjective; he cannot conceptualize any other causal relations than those of individual, concrete constellations.[77]

Weber constructs such concrete causal connections by means of the juridical concept of 'adequate causation' I mentioned before; he redefines this concept in sociological terms by forbidding social scientists to pass a verdict on historical actors.

Weber's differentiation between a moral and a scientific concept of 'adequate causation' is a typical instance of his procedure to attain 'value-freedom'. First he defines scientific causality in a moral way, borrowing the concept from criminal jurisprudence; then he differentiates scientific from moral judgment by invoking the ethical postulate of value-neutrality. Yet 'adequate causation' retains its aspects of moral judgment. It can be seen as a scientific transformation of Weber's political ethic, which he calls the 'ethic of responsibility', a term in which he expresses his standpoint that he holds a politician responsible for the consequences of his actions insofar as he could have foreseen them, even though they may be entirely unintended.[78] In Weber's scientific ethic, however, he has to decide which consequences the acting individual *has* foreseen; since in most cases he lacks the means to know this, however, he invokes the 'rules of experience' and imputes those consequences to the action which, in the terms of Dutch jurisprudence, the actor 'might reasonably have expected'.[79] Thus the moral judgment is smuggled in in the guise of 'rules of experience'.

By using a concept of causation which separates objective consequences from subjective intentions, Weber is able to transform the simple insight that individual actions often have other consequences than those which, in the eyes of the scientist, had been intended, into a proof of 'the irrationality of the world': into an ironical 'law of unintended consequences'. He formulates this 'law' as follows:

'the final result of political action often, no, even regularly, stands in completely inadequate and often even paradoxical relation to its original meaning'[80].

The most famous example of an unintended consequence is the capitalist work ethos, which according to Weber was created by Calvinism, although Calvin himself intended to proclaim a religious belief.[81] Weber cannot say that Calvin's religious activities have 'adequately

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[76] MSS p. 43, GAzW p. 536.

[77] MSS 78/9, GAzW p. 177/8.

[78] See Ch. 2,6.

[79] See above no 3, n. 34.

[80] FMW p. 117, GPS, p. 535. In Einige Kategorien der Verstehenden Soziologie GAzW p. 435 Weber already presented his 'law of unintended consequences' in a generalized form, in the statement that 'conditions of life' sometimes transform irrationally motivated phenomena into rational effects', see Ch. 10,3.

[81] See on Weber's view on the connection between economics and religion in particular TPE p. 183, DpE p. 190: 'But it would also further be necessary to investigate how Protestant Asceticism was in turn influenced in its development and its character by the totality of social conditions, especially economic. The modern man is in general, even with the best will, unable to give religious ideas a significance for culture and national character which they deserve. But it is, of course, not my aim to substitute for a one-sided materialistic an equally one-

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caused' the development of the work ethos, since it cannot be said that he has foreseen
such an economic development or that, according to rules of experience, he could have
foreseen it. Therefore Weber presents the *economic* consequences of a *religious* action as a
'paradox'[82]; having first separated 'religion' and 'economy', each with their own laws[83], he
can conceptualize the connection between action in one area and result in the other only as
a kind of 'interaction' for which no rational 'cause' can be found.
In ES Weber evolved the use of the concept of the 'paradox' much further than he did in the
Protestant Ethic. There he formulates important insights into causal relations not by
searching for a direct, 'adequate' causation, but by constructing *paradoxical connections*
based on his 'law of unintended consequences'.[84]

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sided spiritualistic causal interpretation of culture and of history. Each is equally possible, but each, if it does not
serve as the preparation, but as the conclusion of an investigation, accomplishes equally little in the interest of
historical truth.' See also ES p. 341, WG p. 201: 'for the forms of social action follow "laws of their own"..".

[82] He explicitly formulated this in ES p. 586, WG p. 353/4.

[83] See for a later definition of 'economic motives' MSS p. 65, GAzW p. 163.

[84] Weiß (1985), p. 104, compares Weber's 'law of unintended consequences' to Engels' famous passage on how
actions of individuals 'acting with deliberation or passion' may converge into situations which are analogous to
unconscious nature, because the goals of actions might be intended, but the consequences are not (MEW 21, p.
296/7). The comparison Weiß makes neglects Engels' point that the historical materialist activist-theorist can, by
trying to change class relations, understand the process as a rational one, or at least understand it in the
categories of Hegelian dialectics. Though Weber's formulations on the inversion of concepts - especially of the
several meanings of 'charisma' - have a dialectical flavor, he denies the rationality of the process represented by
the inversions. I would want to argue that the mystical character of marxist dialectics is caused by its
universalism; before Engels wrote his 'Origins' neither he nor Marx considered women and children as historical
actors. Feminism changes the perception of what 'history' is, by including women as its subjects - thence the term
'herstory'. In marxist theory 'patriarchy' ended with the abolition of slavery, property of persons under capitalist
relations being hidden in the quasi-natural, a-historical concept 'reproduction'. 'Scientific socialism' is universalist,
since it proclaims a community of revolutionary interests between 'proletarian' women and men, denying the fact
that the 'proletarian' man is actually a property owner: that is, he has a right to the fruits of the labor of his wife
and children. Marx and Engels used the 'generic he' to indicate both capitalists and workers, though in Die Lage
der arbeitenden Klasse in England Engels conceded that actually there were more female laborers than male
ones - one of the most important problems of male workers being that capitalists preferred women and children;
until the edition of 1887 he even used the term 'castration' to picture the awful fate of the husband who had to
mend the stockings of this breadwinner; see MEW 2, p. 370/1. See also Das Kapital I, p. 674: '..., schleudern sein
Frau und Kind unter das Juggernaut-Rad des Kapitals' and p. 665, 666. Marx diagnosed 'the end of the family'
(Das Kapital I p. 513), but in the socialist movement it was only discussed in a superficial way: since Marx
bundled the physical and psychic labor of women together in the concept 'reproduction', socialists claimed that
child care centers, restaurants and laundries would make household work superfluous. Furthermore, since
'reproduction' was located in the private sphere, the possibility that under particular historical circumstances men
as such constitute a ruling class was not analyzed at all.
In this universalist way chains of historical causes and effects then cannot be understood in a rational way: the
actions of women have disappeared from the consciousness of the historical materialist; only herstorical
materialism could find the vanished chains. The ironic character of Weber's paradoxes and even, according to
Brecht, of Hegel's dialectical idealism - Brecht made one of his personages deplore Hegel's choice for the
Prussian civil service, since 'he had the stuff in him to be one of the greatest humorists among philosophers'
(Brecht, Flüchtlingsgespräche, Suhrkamp, Frankfurt, 1961, p. 108, cited by Martin Nicolaus in his Foreword of the
Pelican edition of Marx' Grundrisse, 1977, p. 26) - perhaps could be explained in a Freudian way by the comical
effects of the repression of the existence of women from consciousness.
Interestingly enough Erickson (1993), p. 92, characterizes Weber's use of the phrase 'lack of a clear borderline'
(e.g., in the case of the 'individual' versus the 'social', ES p. 24, WG p. 12) as 'humoristic' and compares it to

Weber constructs his paradoxical connections in two ways. Sometimes he conceptualizes a developments by changing the meaning of a concept in a paradoxical way, claiming that the concept 'is transformed' or even 'is inverted'; the transformation or inversion of the concept then represents a change in social relations. At other times he constructs a 'fluent transition' between ideal types constructed as opposites, thus suddenly postulating their identity; the development is represented by the 'fluent transition'.

Through his use of his concept of 'the paradox' Weber is able to conceptualize the development of non-rational domination relations, insofar as he considers them to develop at all. Change is for instance conceptualized by paradoxical transformations of charisma working on the unchangeable phenomenon of traditional domination; paradoxical transformations of charisma in their turn make way for the unchangeable process of formal rationalization.

I will now examine Weber's methodological problems in connecting the two ideal-types of irrational domination and their developments with those of 'formal rationality' and 'formal rationalization'. First I will discuss Weber's only bridge between ratio and values, 'material rationality', which serves him to demonstrate the paradoxical character of 'formal rationality'.

7. The contrast between formal and material rationality

To compare rational and irrational types of social formations had never been an aim in itself for Weber: it served only to answer his questions on the characteristics and origins of Western society. His questions, in their turn, are based on personal - private, sex-defined - interests or 'value-orientations' which will become clearer when I deal with his political views. In order to be able to translate Weber's universalist terms in his sex-defined ones and thus to answer his questions from a perspective which includes the question of what the origins of Western domination of men over women are, his comparative method has to be taken seriously; his ideal-type of 'modern bureaucracy' has to be interpreted merely as an instrument of comparison, as a means to detect those characteristics of modern domination which are not formal-rational. Yet it is often interpreted in a different way. In the reception of Weber's works, especially in those scientific communities which were dependent on English translations[85], his treatment of modern social relations has been divorced from his treatment of their history which he described by conceptualizing irrational actions orientations and types of irrational legitimate domination. Therefore the tenuous connections with the relations of 'private life' which are present in Weber's historical comparisons were severed and the sex-defined relations of private life further obscured.

American sociologists neglected Weber's scientific analysis of contradictory, irrational elements of bureaucracy, an analysis which he also presented in his texts on bureaucracy, but which acquire a clearer meaning when interpreted in connection with his

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'Marx's self-acknowledged cover to Engels - whenever I get in trouble, I call it a dialectic'. The translators of ES point out that 'the work is full of irony, sarcasm and the love of paradox', which according to them is hard to render in translation (p. XXXIV and n. 1); nevertheless they declare they have deleted many of the quotation marks which according to them Weber uses 'as an alienating device to indicate that he employs familiar terms with reservations, with a new meaning, or in an ironic sense' (p. CVII).

[85] Roth, Introduction to ES p. XXXIII/IV, speaks of the 'fragmented and erratic fashion' in which Weber's works became available to the English reader' and of 'the uneven influence exerted by the various parts'.

conceptualizations of 'irrational' social relations; therefore they had to refill the emptied theory with concepts of irrational relations, such as that of 'informal organization'[86]. Weber's conceptualization of 'modern bureaucracy' came to be interpreted as a definitive *result* of developments, as a description of modern society, instead of a *means* to compare rational and non-rational aspects of modern society.[87]

Weber's use of the concept of 'formal rationality' or 'bureaucracy' as a means of comparison, however, has been a complicated one because of his desire to construct a *process* of 'rationalization' as well. Weber views this process as the most important characteristic of Western developments; in his view it seals the rationalization process, locking modern Western economy, domination, administration, war and religion inside a self-reinforcing process of modernization, of which the results are 'Entzäuberung der Welt' ('disenchantment[88] of the world'), expansion and intensification of domination and discipline, and finally the trapping of the individual in an 'eiserne Gehäuse der Hörigkeit', an 'iron cage of bondage'.

For those who consider 'rationality' a way to improve human life, Weber has constructed a concept which is opposite to modern, empty 'formal rationality': 'material rationality'. Its position in science and society, however, is rather marginal. In his economic chapter in ES Weber defines 'material rationality' as intelligent production without the use of accounting, its only irrational aspect being its value-orientation:

'The term "formal rationality of economic action" will be used to designate the extent of quantitative calculation or accounting which is technically possible and which is actually applied. The "substantive rationality", on the other hand, is the degree to which the provisioning of given groups of persons no matter how delimited) with goods is shaped by economically oriented social action under some criterion (past, present, or potential) of ultimate values ('wertende Postulate'), regardless of the nature of those ends. These may be of a great variety.'[89] In Weber's view value and rationality cannot be unified; an economy planned with the intention to realize material rationality, must necessarily suffer some loss of rationality:

'This fundamental and, in the last analysis, unavoidable element of irrationality in economic systems is one of the important sources of all "social" problems, and above all, of the problems of socialism.'[90]

Through the concept of 'material rationality' therefore, and through that of 'value rationality', Weber tries to bridge the modern separation between 'public' and 'private' spheres; but, as he has made this separation a foundation of his science, 'material rationality' remains a contradiction in terms,[91] since it can not be defined with the aid of an impersonal, objective

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[86] See Merton (1968).

[87] Such a view of bureaucracy as identical with modern social reality, however, is reinforced by Weber's political writings. In these texts Weber does not present rationalization or bureaucratization as a means to understand and change the irrational aspects of German society, but as a real and existing rational domination that has to be fought in the interests of German greatness, individual freedom and the survival of capitalism, see below Ch. 2.

[88] Erickson (1993) p. 102, n. 3 follows the suggestion of Wolfgang Schluchter and uses the term 'demagicalization'.

[89] ES p 85, WuG p. 44.

[90] ES p. 111

[91] I will show later (Ch. 9) that formal rationality is a contradictio in terms as well: for its 'formal' aspect is not rational at all, being based on a magic belief in 'formula's' and ceremonies. Weber, though, did not analyze the implications of this formal element for his interpretation of modern legitimate domination; he only states that e v e r y 'legitimacy' of domination - thus also that of formal rationality - is founded on 'belief'; he did not, however, connect his analysis of magic to that of bureaucracy in a non-ironical way.

procedure. There are as many kinds of material rationality as there are possible value orientations.[92]

Weber does not restrict his use of the concepts formal and material rationality to the economic sphere. Sometimes he contrasts formal rationality as the modern form of legitimate domination with 'material rationality' as a critical concept, for instance when he states that the formal rationality of bureaucracy may conflict, 'as so often happens', with material rationality. The conflict between them can be the result both of economic and of social 'material rationality'; this may be the case when they are being eroded by formal rationality: when it comes to producing goods or services, or a commitment to values that are connected to the legitimation of the particular bureaucracy. Material rationality, however, is the loser: though Weber discerns a 'tendency of officials to treat their official function from a material-utilitarian* point of view in the *service of the dominated who have to be made happy'[93], this interest becomes transformed into reinforcement of the rules: the result often is more bureaucracy.[94]

Instances of 'material rational legitimation', however, did occur in history. We will see that Weber himself gives the example of the 'welfare state', the European patriarchal-patrimonial state of the 17th and 18th centuries, which acquired the support of the population by alternating formal rational strategies with material rational ones. Bureaucratic domination in modern democracies is legitimated in the same way; some material care for the poor is combined with symbolic policies to implement humanitarian values. The dispossessed, in their turn, claim material equality, asking for support of the state in order to improve their position; but since they also do not want to lose their 'equality before the law' they have to support material rationality itself.

In the last instance the concept 'material rationality' refers to private life and to its opposition to public life. Officials, who are committed to their responsibility as private persons may be inclined to meet human needs; however, as their private life is institutionally separated from their public life, their private values have no relevance, and so cannot serve as a source of inspiration for their office actions.

According to Weber material rational critique cannot be more than negative and marginal; when formal rational institutions do not produce any of the intended results or even generate reverse effects, the only remedy is to create more bureaucracy. Any implementation of material rationality would involve a rational choice between values, which is impossible. On the other hand one may say that in modern democracy no formal rational legitimation can be maintained if no material rationality of bureaucratic actions is visible at all.

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[92] 'Formal and *material rationality, no matter by what standard the latter is measured, are always in principle separate things, no matter that in many (and under certain very artificial assumptions all) cases they may coincide empirically', ES p. 108, WuG p. 59. See on the discussion on Weber's concept of 'legality' note 7 above.

[93] ES p. 226, WuG p. 130; the irony of 'im Dienst der zu beglückenden Beherrschten' is lost in Roth & Wittig's translation. Weber proceeds: 'This tendency to material rationality is supported by all those subjects to authority who are not included in the group mentioned above as interested in the protection of advantages already secured. The problems which open up at this point belong in the theory of "democracy"'. See also ES p. 980, WG p. 565.

[94] This insight is the foundation of the post-war analyses of the 'dysfunctions', the 'ineffectivity' or 'inefficiency' of bureaucracy and of the phenomenon that officials can provide services for their 'clients' only by breaking the rules; see for instance Blau (1963), Crozier (1963), Merton (1967), Heymann (1975).

In Weber's view material rationality concerns the fulfillment of human needs, formal rationality conformity to rules. By defining 'material rationality' in opposition to formal rationality he implicitly criticizes the latter insofar as it pretends to fulfill human needs; at the same time he reinforces the legitimatizing power he ascribes to formal rationality by suggesting that it is 'objective', since it would be independent of value choices. He therefore defines only private values as 'irrational'; the irrationality of public values remains concealed, hidden in the concept 'formal'. Criticism can only be private, excluded from the rational, universalist public sphere.

No rational alternative to bureaucracy can therefore be formulated; only irrational, emotional remedies can be tried; these, however, will in their turn either be defeated by formal-rational bureaucracy or become encapsulated within it[95]. Here again Weber presents a paradox: material rationality can only be furthered by irrational means.

Weber discusses the possibility that material rationality could become the center of action orientations, social relations or legitimate domination only in his economic chapter, when he criticizes socialism. His conclusion there is that the allocation and coordination problems of industrial society can only be solved by formal-rational means; therefore socialism, where bureaucracy lacks the counter-force of the formal rationality of the market, has to adhere 'to tradition or to an arbitrary dictatorial regulation which, on whatever basis, lays down the pattern of consumption and enforces obedience.'[96]

In Weber's investigation of material rationality as one of the bases of 'traditional' - patriarchal-patrimonial - legitimation, however, the problem of the absence of connections between values and rationality undergoes a shift: revived patriarchal patrimonialism, as we will see, shows an unexplained alternation of formal-rational and material-rational forms of legitimation. Since in Weber's view patriarchal patrimonialism was the foundation of the modern bureaucracy, this historical instance of material rationality therefore is part of the problem of the meaning and origins of formal rationality.

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[95] Weber does not use this term, but in 'Ueber einige Kategorien der Verstehenden Soziologie' he analyzed the process in which non-rational social action is brought under the rule of bureaucracy; see GAzW p. 467.

[96] ES p. 104, WG p. 56.

8. The origins of rational bureaucracy in Europe: Weber's unfinished analysis

Weber does not succeed in explaining the historical causes of Western rationalization; his elaborate conceptualization of its results is only marginally connected to them, Weber does not answer the question which is at the center of his analysis of the development of modern Western bureaucracy: why did this type of bureaucracy only grow on European soil ? I will show that this question can only be answered if one abandons the view that 'formal rationality' and 'rationality' are identical; not only does one have to relativize the pretense of an 'objectivity' which is said to be guaranteed by a formal rational procedure, and see it as a belief - as Weber himself did - but one also has to connect this belief to specific historical circumstances and interests.

The text in which Weber posed his question about the origins of modern bureaucracy in Europe is to be found in his essay on 'Feudalism, Ständestaat and Patrimonialism'; it reads as follows:

'The feudal association and the Ständestaat are by no means indispensable intermediate links in the development from patrimonialism to bureaucracy; on the contrary, under certain circumstances, they present considerable obstacles to bureaucracy. The beginnings of a genuine bureaucracy can be found everywhere in relatively uncomplicated forms of patrimonial administration; the transition from the patrimonial to the bureaucratic office is fluid and the typological attribution dependent not so much upon the nature of the individual office, but upon the manner in which offices in general are set up and administered. However, the fully developed Ständestaat as well as the fully developed bureaucracy grew only on European soil, for reasons to which we will turn later.In the meantime we will deal with certain intermediate and transitional forms, which preceded pure bureaucracy within feudal and patrimonial structures.'[97]

In the German edition the editor, Johannes Winckelmann, adds to this text one of his few annotations, which I translate as follows:

'The execution of this intention has been prevented by the death of Max Weber.'[98]

At the end of his life Weber was still working on Economy and Society. His widow, Marianne Weber-Schnitger, edited the unfinished manuscripts,[99] but in a order different from the one Weber had planned in his table of contents. Johannes Winckelmann in his edition of 1956 restored the intended order. Weber's plan begins with a conceptual exposition of the different ideal types and ends with explanations and argumentations of these concepts. The last part, however, he wrote first, the conceptual exposition last. The passage I cited above is from an earlier part of the book; the conceptual exposition therefore could possibly contain further attempts to answer the question of what the unique characteristics of Western European bureaucratic developments are. I have indeed found some causal connections which have been stated in the conceptual exposition as well in the essay on The City Weber wrote after his treatment of 'Feudalism, "Ständestaat" and Patrimonialism'; these connections I will present in my last two chapters.

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[97] ES p. 1087, WuG p. 638.

[98] Winckelmann further refers to the 8th Abschnitt of the same edition, in which he edited parts of two of Weber's political essays: 'Parlament und Regierung im neugerordneten Deutschland' and 'Politik als Beruf', which Weber wrote in the last year of his life; see below, Ch. 2,2. The editors of the American translation, who did not translate Winckelmann's footnote, do not deal with this question at all.

[99] with Melchior Palyi, see the Introduction by Marianne Weber to the first edition of Wirtschaft und Gesellschaft, 1921.

9. Resistances to rationalization: the modern family

In his treatment of formal-rational domination Weber explains neither *why* an increasing number of people - or men and women - orient an increasing number of their actions to an increasing number of rules, nor does he say whether there is, in his view, any limit to this process. In quite another part of ES, however, where he deals with the connections between economy and law, he treats a social formation which, although he does not say so in so many words, appears to resist the rationalization process: the family. Modern marriage and fatherhood are shown as restrictions of the freedom of contract; they are institutions where one of the elements of legal rationality is missing.

Weber did not describe modern sex-defined relations in the family - the only modern relations between adult women and men he mentions at all - in the context of domination and legitimation.[100].

Nevertheless, when one views public and private life as belonging to the same society, one also has to take into account the existence of a contradiction between legal-rational domination at the one hand and patriarchal domination of the family on the other. Weber discusses the resistance of patriarchal marriage to modernization in his chapter on economy and law; he conceptualizes it as a *restriction of the freedom of sexual contract*, one of the legal restrictions of the modern freedom of contract.

According to Weber freedom of sexual contract developed together with the contract of patriarchal marriage, by means of which families of high status wanted to protect their daughters against the exploitation concomitant to the 'de facto lifelong polygamy' in the primitive patriarchal household.[101] 'Status contracts'[102] created a special position for the 'legal principal wife'; they could also establish other sexual relationships.[103]

In the autonomous cities of classical Antiquity freedom of sexual contract had been restricted in order to protect 'the monopoly of citizenship', 'the politico-economic privileges of citizenship being reserved to the sons of male and female citizens.'[104] Prophetic religions instituted other restrictions;[105] concubinage 'was finally proscribed in the Occident by the Lateran Council and the Reformation.'

Weber seems to view patriarchal power over children as a manifestation of the freedom of sexual contract; he suggests that several institutions and processes worked together to restrain it:

'The father's right of disposition over the children was seriously limited first by sacred law, then subjected to additional limitations, and finally abolished for military, political, and ethical reasons.'

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[100] There is no repetition in ES of a passage such as the one on 'rationalization as encapsulation' in Einige Kategorien der Verstehenden Soziologie, where he construct an at least partial connection between 'rational institutions' and 'the household': 'fast alles Verbandshandeln ist mindestens partiell durch rationale Ordnungen - die "Hausgemeinschaft" z.B. heteronom durch das von der Staatsgewalt gesatzte "Familienrecht" - irgendwie geordnet,' GAzW p. 467.

[101] ES p. 688/9, WG p. 413/4

[102] See below, Ch. 3,4.

[103] 'Simultaneously, however, the freedom of the sexual contract unfolded in many different forms and degrees', ES p. 689, WG p. 413.

[104] ES p. 690, WG p. 413.

[105] See ES p. 602 ff., WG p. 362 ff.: according to Weber they did this because they objected to the orgy, and 'sexual intoxication is a typical component of the orgy, the religious behavior of the laity at a primitive level.'

In Weber's view patriarchal marital power is kept in check by the restrictions of the freedom of sexual contract - the patriarch for instance is not allowed to have concubines - but not abolished by it. Weber does not mention the possibility that women would want to diminish or to abolish marital patriarchal power; he only discusses the possibility that they would want a 'return to freedom of sexual contract'. Alas, this aspect of patriarchal freedom[106] seems to be lost forever:

'Today the chances of a return to freedom of sexual contract are more remote than ever. The great mass of women would be opposed to sexual competition for the males which, as we can conclude from the Egyptian sources, strongly increases the economic opportunities of the women of superior sex appeal at the expense of the less attractive; it would also be opposed by all traditional ethical powers, especially the churches.'

Weber, however, comes up with a different solution:

'Yet, while such absolute freedom seems impossible, a similar state of affairs may be produced within the framework of legitimate marriage by a system of easy or completely free divorce combined with a system whereby the position of the wife remains both free and secure with respect to property law.'

Weber mentions late Roman, Islamic, Jewish, as well as modern American law as examples[107]; only in Ancient Rome and in the U.S. had a high divorce rate occurred for a time:

'As once in Rome, both economic freedom and freedom of divorce are strongly desired by the women in the United States where their position in the home as well as in society has come to be secure.'

Italian women, however, fear the resulting increase of competition for the male and 'do not wish to jeopardize their economic security, especially in old age, just as an aging worker would be afraid of losing his daily bread.'

Weber, by emphasizing the sexual freedom women enjoy in formally rigid marriages, presents his 19th century 'double standard' in a sophisticated form:

'Generally both men and women seem to favor a formally rigid or even indissoluble type of marriage where loose sexual *conduct is regarded as permissible for the members of one's own sex; men may also be content with such *a kind of marriage where, because of weakness or opportunism, they are apt to condone a certain female license.'

Nevertheless, the repudiation by both bourgeois men and women of the freedom to divorce, because of 'the real or imagined danger to the children's educational chances' it involves, appears to be connected with the interest of (bourgeois) men in maintaining patriarchal power:

'besides, authoritarian instincts on the part of the men have also played their part, especially where women have become economically emancipated to such a degree that the men are concerned about their position in the family and their male vanity is thus aroused.'

Besides a psychological cause for the supposed wish of (bourgeois) men to maintain the restrictions of the freedom of sexual contract, Weber also finds general ideological interests which support male authoritarian instincts:

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[106] See on Weber's extramarital adventures and his wife's reactions to them Green (1974); in the last chapter of her biography of her husband, however, Marianne Weber-Schnitger gives us a more acute insight in the way she distanced herself from him.

[107] ES p. 691, WG p. 414: 'Such relative freedom has obtained, in varying degrees, in late Roman, Islamic, Jewish, as well as modern American law; it also obtained, though only for a limited period, in those legislations of the eighteenth century which were influenced not only by the contract theory of the rationalist Natural Law but also by considerations of population policy.' According to the translators this happened under the Prussian Code of 1794, note 78 p. 743.

'There are, furthermore, the authoritarian interests of the political and hierocratic powers, strengthened by the idea which has become powerful through the very rationalization of life in the contractual society, that is to say, the idea that the formal integrity of the family is a source of certain vaguely specified irrational values or is the supporting supra-individual bond for needful and weak individuals. In the last generation all these heterogenous motives have resulted in a backward movement away from freedom of divorce and in some respects even from economic freedom within marriage.'

Weber's treatment of the development of sexual relations in general and of the patriarchal family in particular precludes any systematic analysis. He only discerns 'heterogenous motives': motives belonging to the public sphere are not connected to those of the private sphere.

The result of all these jumbled interests, anyhow, is that the patriarchal family, insofar as it is based on the restriction of sexual freedom, not only resists freedom of contract, but is also consolidated by the rationalization process in a paradoxical way: because it is a source of 'vaguely specified irrational values' its integrity is protected.

Weber, however, does not elaborate on the paradoxical connection between rationalization and the consolidation of irrational family values; the 'freedom of contract' is part of his analysis of the connections between economy and law, not between legitimate domination and law in general or family law in particular. The connection of freedom of contract, however, is explained first from an economic perspective; and then explained from a psychological and ideological one, old age provisions of married women being the only economic factor in the collection of 'heterogenous motives'. In his treatment of the history of the prohibition of the contract of slavery Weber establishes a direct connection with economic processes when he mentions how indirect coercive methods inherent in the wage contract were regarded as more effective than the direct ones of slavery. However, according to him 'for the final and complete elimination of personal servitude' strong ideological conceptions of natural law were ultimately decisive everywhere.'[108]

According to Weber value-rationality therefore played a important role alongside instrumental rationality; however, he does not mention the equally important role the 'ideological conceptions of natural law' played in the development of the movement to abolish patriarchy.[109]

Weber does not conceptualize the contradiction between the continuing patriarchal domination of the family on the one hand and legal-rational domination on the other in a rational way; on the contrary, the patriarchal character of private life is only described journalistically, and formulated in unscientific terms as 'authoritarian instincts' and 'irrational values'. The productive character of the household - which can easily be understood rationally - remains outside his investigation, together with all production.

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[108] ES p. 692/3, WG p. 415.

[109] Often in a direct causal relation, as with the Quaker abolitionist women who, having discovered that they lacked civil rights as well, formulated the Seneca Falls Declaration in 1848; see Introduction, no 1.

10. Conclusion: the irrationality of formal rationality

The unintended consequence of the formal-rational choice interpretive sociology makes for the public sphere as its object of investigation is not only that private life cannot be conceptualized in a rational way, but also that formal-rational processes and phenomena lose their subjective content, which is displaced in an 'irrational' private sphere and therefore becomes inaccessible to interpretive explanation. Weber, however, formulates the limits of interpretive sociology in another way: according to him an investigation of the subjective meanings 'the individuals' give to their actions often is often made difficult because the true meaning of an action is often not accessible to the actor:

'Every interpretation attempts to attain clarity and certainty, but no matter how clear an interpretation as such appears to be from the point of view of meaning, it cannot on this account claim to be the causally valid interpretation. On this level it must remain only a peculiarly plausible hypothesis. In the first place the "conscious motives" may well, even to the actor himself, conceal the various "motives" and "repressions" which constitute the real driving force of his action. Thus in such cases even subjectively honest self-analysis has only a relative value. Then it is the task of the sociologist to be aware of this motivational situation and to describe and analyze it, e v e n t h o u g h it has not, *or mostly: not fully, been brought, as concretely 'meant', into the c o n s c i o u s n e s s of the actor.'[110]

In Ueber Einige Kategorien der verstehenden Soziologie Weber had stated that an important part of the task of interpretive sociology is to be found around its boundary: it is to discover motivations - exactly like Marx, Freud and Nietzsche did - which can be understood as objectively 'rational' serving of the actors' interests, although the actors themselves were unconscious of their rational intentions.[111] For him such 'unconsciously rationally motivated' actions, however, have to be differentiated from 'irrationally motivated' actions followed by unintended rational consequences; therefore he cannot cross the borderline except by making 'plausible hypotheses'. As I have shown, these hypotheses are often formulated in a paradoxical form, thus as inversion of the meaning of concepts or as a fluent transition between opposite ones; in these cases Weber jumps the gap between rationality and irrationality, between his public thoughts and his private feelings, with the help of irony.
I will show, however, that if one conceptualizes the separation of public and private life, of 'the individual' on the one hand and 'the household' on the other, as a social process in a particular economic context, many of the unconsciously rational motivations - which in my view are always sex-defined in character, - can be discovered and explained in a rational way.

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[110] ES p. 9/10, WG p. 4.

[111] See further Ch. 10,3.

Anneke van Baalen, HIDDEN MASCULINITY, Max Weber's historical sociology of bureaucracy.
Amsterdam 1994. Chapter 2 The Weber's private, sex defined values.

Chapter 2. The Webers' private, sex-defined values

1. Weber's separation of science and politics versus Weber-Schnitger's value-bound science

To explain the paradoxes of Weber's sociological analysis of the history of bureaucracy, I will
first analyze his masculinist value orientations further. Many of these already have been
deduced from his method and from his central concepts. Weber, however, calls some of his
own private, personal values and opinions 'political'; therefore he deals with them in non-
scientific, 'political' texts. I will show that Weber's 'political' views represent his deepest
personal views, his 'gods and demons', and that these views are sex-defined and therefore
'private'. Weber's 'political' values are by definition masculine values: for a 'real man' life
means fighting. Others may choose to be led by other gods or demons: the amount of
possible values one may believe in is endless and inaccessible to rational discussion; the
number of choices open to a real man, however, is restricted. The scientific analysis of
relations between women and men is not one of these choices; in Weber's opinion it
belonged to the realm of his wife, Marianne Weber-Schnitger. Because of their sex-defined
division of activities and also because of the personal, value-bound way in which Weber-
Schnitger performed her scientific work, I will discuss 'Ehefrau und Mutter in der
Rechtsentwicklung' as well.

In Ch. 1 I discussed the separation of facts and values - of 'objective' science and
'subjective', value-bound politics - which is the basis of Weber's sociology. As a
consequence of this separation Weber only allowed himself to proclaim his 'values' in texts
he termed 'political'.
In his 'political' texts, written mostly in or after the first world war in the form of newspaper
articles or speeches, Weber felt free to judge, to give advice, to admonish, to preach and to
prophesy on the situation of Germany at large, on its government, its politics and its
educational system. These texts, though they are concerned with German politics, are thus
'private' in the sense defined above.
It is not possible to interpret these texts in such a way that the 'politicians' or 'officials'
mentioned in them would also include women, who in that case would also have been
admonished by Weber to be 'manly'. Even when he proposes an extension of suffrage, he

does so only with respect to manly men: to the soldiers who will return from the front and, having risked their lives, have a right to influence the future. Nowhere does he allude to the situation of women or to their claims to political, personal, social and economic rights.[1]

As I have said before, the omission of women and of their claims is not caused by Weber somehow not having noticed the existence of the feminist movements in the Western countries and in the rest of the world. His wife, Marianne Weber-Schnitger, was an active feminist who campaigned for the rights of unmarried mothers, held important functions in the right wing of the German bourgeois women's movement, the Bund Deutscher Frauenvereine, and was, after the institution of the Weimar Republic, the first woman in the Baden parliament.[2]

In the Weber household, although the everyday sexual division of labor was rejected,[3] 'feminism' and 'politics' appear to have been separated along the lines of the conventional separation of the realms of women and men. According to Weber-Schnitger the responsibility of women could only be to combine their general human capabilities and responsibilities with 'the important special tasks resulting from her sexual determinedness ('Geschlechtsbestimmtheit')'[4]; for Weber politics concerned the struggle between men for power in society. It is she who defines feminine values - feeling, goodness and love;[5] and he in his turn points out the masculine ones, which according to him concern power, struggle and objectivity.

The scientific labor of both spouses is also divided along sex-defined lines. In 1907 Weber-Schnitger published a historical work on the legal position of married women, Ehefrau und Mutter in der Rechtsentwicklung; Weber not only stimulated her to begin this study, but also helped her and contributed formulations on several subjects.[6] In his own work, however, he

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[1] The claim to women's suffrage was honored in 1918 by the Weimar Republic, see Koontz p. 22 ff.; I found only one place where Weber dedicates a parenthetic clause to the restricted version of this claim (ES, Appendix II, p. 1442, GPS p. 371).

[2] To avoid calling the Webers Max and Marianne I will call her Weber-Schnitger. In 1919 she succeeded Gertrud Bäumer as president of the liberal Bund Deutscher Frauenvereine, the association which dominated the German bourgeois women's movement. The BDF originally fought for equality between women and men, but after 1860 - when the German translation of Stuart Mill's On the Subjection of Women unleashed the wrath of masculine intellectuals - it shifted its standpoint to that of the difference between women and men; only in 1890 and 1910 the fight for equality was resumed, but in 1910 the 'radicals' were ousted; see van Vucht Tijssen (1987), Koontz (1986) p. 35/6, and Evans (1976) p. 145 ff., who reports that Weber-Schnitger played at least a passive role in this process, Since Weber-Schnitger after the death of her husband in 1921 did not write on feminist subjects anymore, she did not speak out against the collaboration of the bourgeois feminists with the nazi's. See Koontz (1986), p. 123.

[3] According to her biography of Weber Weber-Schnitger had had some trouble convincing Weber that the real traditional division of labor was not acceptable, but she refused to yield to the pressure of Weber and his mother; she judged it more important to 'follow her own demon' than to train herself for housework. See Lebensbild p. 215 ff., Biography p. 186 ff.

[4] Weber-Schnitger (1919), Die besonderen Kulturaufgaben der Frau, 1918, p. 238 ff. (239).

[5] Ibid. p. 240: 'Ihre Gefühlsbeseelung, ihre Durchwärmung mit Liebe, Güte und reiner Gesinnung...'.

[6] EuM, Vorwort, p. VI/VII. According to Roth in his introduction to ES, p. XLVIII, n. 23, EuM 'should be seen as the background for the cursory treatment of marriage and property rights in chs. III and IV of Part Two' of ES; he does not discuss, however, the relation between both works, nor the reasons why Weber does not refer to Weber-Schnitger's theories.

investigates the connections between 'economy' and 'society' in universalist terms that almost wholly excluded women; he nowhere refers to his wife's work.

Moreover there is an important difference in their respective scientific methods. Rejecting Weber's objective, value-free science, Weber-Schnitger chooses a subjectivist standpoint. She works from her own experiences as a woman, freely proclaiming her own values in her scientific work; in 1904 she writes that she considers scientific 'objectivity', in the sense of renouncing all value ideas, a 'phantom', which can only lead to viewing history through masculine spectacles.[7] As no further methodological discussions between the Webers have been reported - in her biography of her husband Weber-Schnitger just summarizes his views, without commenting on them - it is as if the Webers extended the double moral on feminine and masculine behavior also to social science. Weber-Schnitger's work was directed primarily to women and therefore could be considered to have no universalist pretensions; this could be the reason that Weber neither saw reasons to submit a subjectivist woman scientist to the criticism he directed to subjectivist men, nor objected to take a hand in such a subjective women's book.

In order to understand Weber's values and interests and his vain striving for 'objectivity', I will now discuss those parts of Weber's 'political' texts which are relevant to the questions treated in ES and to those methodological writings I dealt with before. I will complement this analysis with a discussion of the standpoints Weber-Schnitger formulated in Ehefrau und Mutter.

2. Introduction to Weber's political texts Parliament and Government and Politics as a Vocation

'Parlament und Regierung im neugeordneten Deutschland, Zur politischen Kritik des Beamtentums und Parteiwesens' ('Parliament and Government in a reconstructed Germany, A Contribution to the Political Critique of Officialdom and Party Politics)'[8] is a enlarged revision of some articles published in the Frankfurter Zeitung in the summer of 1917; 'Politik als Beruf' ('Politics as a Vocation') is a written version of a lecture which was given in the winter of 1918-'19 to students supposed to be supporters of the socialist revolution in Germany.[9]

In his introduction to 'Parliament and Government' Weber emphasizes its non-scientific character. He will assume a role which is totally different from the role he usually occupies

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[7] Weber-Schnitger (1919) p. 5.

[8] The translation by Roth and Wittich is published as Appendix II to ES, p. 1381 ff.

[9] GPS p. 493 ff., FMW p. 77 ff. Parts of both texts are published in Winckelmann's edition of WuG. In order to compose a chapter on the sociology of the state - which had been planned by Weber - from these texts, Winckelmann had to transform them in scientific texts and thus to amputate all value judgments. It is obvious, however, that Weber wrote these texts exactly to promote these values; therefore Winckelmann's transformation is difficult to defend, the more because, although Winckelmann suggests the opposite, Weber does not give much new information on his sociology of the state. As Weber says in his introduction to Parliament and Government: 'The essay does not provide any new information for constitutional experts, and it does not claim the protective authority of any science.' ES p. 1381, GPS p. 294. See for a criticism of Winckelmann's project Beetham (1974), p. 25/6: 'Weber's political writings do not meet these [scientific] criteria, even if all the value judgments could somehow be spirited away'.

as a social scientist: he will take on a *responsibility* - a concept he will elaborate on later in Politics as a vocation - to give his views on 'what is to be done'. Naturally he uses his own science to argue these views; as a political writer he uses his own scientific information on causes and effects, on what is feasible and what is not. But first he has, in his own view, to make *choices*; these choices, 'which cannot be made with the tools of science', concern fundamental values. The choices he makes also restrict the public he wants to influence to those who share these values.[10]

The values emphasized in both texts are the same, but the contexts are different. PG was written in the heat of the first world war, PV in the midst of the German revolution; they differ in mood and tone, and partially in content. In PG Weber wanted to formulate a *national* political strategy with the help of which the imperialist successes of Great Britain and the USA could be emulated; in PV he proclaims an *individual* political responsibility to confront the dark future of Germany in a realistic way. In the next four sections I will treat both texts together, in order to show that Weber's political opinions, his 'value orientations' are indeed masculinistic in character and therefore 'private' in the sense I defined earlier.[11]

3. Nationalism and militarism; politics as independent leadership: fight for power in the state, which is defined by its monopoly of physical violence

In PG Weber states his nationalist concern with 'the historical tasks of the German nation' in the clearest way possible;[12] in his discussion of the best strategy to perform these tasks, he does not explain what they are or why 'one could be grateful to fate for being a German'[13]. These tasks appear to concern the military survival of the German nation as it is, and may include the extension of its rule to as many people as possible. According Weber the German soldiers shed their blood fighting 'against an army in which Africans, Ghurkas and all kinds of other barbarians from the most forsaken corners of the world stand poised at the frontiers ready to devastate our country'.[14] Only by emulating the oligarchical political

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[10] In PV, his lecture for the leftist students, he does not make this restriction.

[11] It would of course be possible to include the abundant biographical material available on the Webers' in my investigation, like Mitzman did in 'The Iron Cage' (1969). But as I want to analyze universalist sociology and not one masculine sociologist (see for an example of the latter approach Bologh (1990), who, after quoting a few of the relevant Weber texts, proceeds to analyze the personality of the great man, criticizing him for making the wrong choice between Love - for his father, of all people - and Greatness), I will generally refrain from doing this. The extensive discussion of Weber's political values started by Wolfgang Mommsen (1959) is focused on Weber's propagation of those nationalist and elitist ideas that could have furthered the growth of national-socialism; see for a summary of Mommsen's argument and the reactions of the 'Weber-orthodox' his Zum Begriff der 'Plebiszitären Führerdemokratie', in Mommsen (1974) and notes 33 and 46 below. As, in the words of Alice Schwarzer, nazism is both 'masculinity-madness' and 'femininity-madness', the democratic critique of Weber's political values and ideas shares many elements with the feminist one; the difference between the latter and the former one is that the former one does not criticize the real existing democracy with regard to its sexist and racist foundations.

[12] 'The arguments presented here cannot influence those for whom the historical tasks of the German nation do not rank above all issues of constitutional form, or who view these tasks in a radically different manner,' PG p. 1381, GPS p. 294.

[13] ES p. 1383, GPS p. 297.

[14] Weber would have preferred the repeating of this racist statement to 'the endless repeating of 'war-goals', ES p. 1382, GPS p. 295.

strategies of Great Britain - for 'the British parliament became, after all, the proving ground for those political leaders who managed to bring a quarter of mankind under the rule of a minute but politically prudent minority'[15] - German power can be saved. When Weber wrote PV the war already had been lost; he speaks no more of military struggle and world domination:

'Not summer's bloom lies ahead of us, but rather a polar night of icy darkness and hardness, no matter which group may triumph politically now. Where there is nothing, not only the Kaiser but also the proletarian has lost his rights.'[16]

Weber's militarism has been transformed; elements common to both forms of his militarism, however, lie behind his treatment of national strategy in PG and his definition of *politics* in PV. Politics in general cannot do without 'any kind of *independent* leadership in action'; he is going to lecture the students, however, on a narrower concept of politics: 'only the leadership, or the influencing of the leadership, of a *political* association, hence today, of a *state*.'[17]

The state, in its turn, cannot be defined by its tasks;[18] it can only be defined 'in terms of the specific *means* peculiar to it, as to every political association, namely, the use of physical force.'[19] And therefore 'the decisive means for politics is violence.'[20]

Weber's way of defining politics is not without its rhetorical element: at first his concept of 'politics' involves only 'independent leadership', albeit in the broadest sense of the word; it is only after it has been narrowed down to the level of the state that it is widened to 'influencing the leadership'. In this process a new emphasis has been created: Weber has now pushed 'independent leadership' into the foreground and any form of collective, or heteronomous, struggle of the powerless, as well as any struggle to abolish all power, into the background, never to speak of it again (in PG he condemned syndicalism as 'the unpolitical and anti-political heroic ethos of brotherhood'[21]). An instinct for power indeed belongs to the normal qualities of the politician.[22]

As Weber writes in PG, it is the task of the politician, as distinct to that of the bureaucrat, to enter the political arena[23] and fight for his own convictions[24]. This is repeated in PV:

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[15] 'The main point is that to a significant degree this subordination has been voluntary. Where are the comparable achievements of the much-praised German Obrigkeitsstaat ?' ES p. 1420, GPS p. 343.

[16] FMW p. 128, GPS p. 547.

[17] FMW p. 77, GPS p. 493.

[18] See also ES, p. 55, WG p. 30.

[19] FMW p. 77/8, GPS p. 494.

[20] FMW p. 121, GPS p. 540.

[21] ES p. 1428, GPS p. 354.

[22] FMW p. 116, GPS p. 534.

[23] See also ES p. 1462, GPS p. 394 on the conditions for the moral claim ('inneren Anspruch')of Germany to count in the arena of world politics; the end of the final section on Parlamentarisierung und Föderalismus, which because of its technical character was not included in the translation, elaborates on these conditions: 'Only "Herrenvölker" have the vocation to intervene in the spokes of the development of the world. If people who lack this quality try this, then not only the sure instinct of other people resists against it, but they founder at this attempt also inwardly.' Weber adds that he does not mean 'Herrenvolk' in the racist sense of 'the English deserter' Chamberlain; a nation however, 'which has o n l y produced good officials, worthy clerks, honest merchants, sound scientists and technicians and - loyal servants' and lets officials rule it without trying to control them, is no 'Herrenvolk' and may better concern itself with its everyday business (GPS p. 430).

[24] ES p. 1417, GPS p. 339. Cf. ES p. 1399, GPS p. 317 and ES p. 1415, GPS p. 338: 'Wille zur Macht'.

'To take a stand, to be passionate - 'ira et studium' - is the politician's element, and above all the element of the political l e a d e r.'[25]

The politician is a gladiator or a knight, striving for power as a means to an end or for its own sake.[26]

4. Leadership and entrepreneurship; Beamtenherrschaft as anti-political force

Weber's argument in PG and PV is based on his opinion that in Germany no real politicians exist, since its politicians behave like officials. Therefore the bureaucracy rules: Germany suffers from 'Beamtenherrschaft'; there are no leaders who are able to control the bureaucracy; Weber therefore advocates the creation of leaders to check its power.

To support these statements he summarizes his historical argument on the development of that bureaucracy in ES, emphasizing the parallel between public and private 'enterprises':

' The all-important economic fact: the "separation" of the worker from the material means of production, destruction, administration, academic research, and finance in general is the common basis of the modern state, in its political, cultural and military sphere, and of the private capitalist economy. In both cases the disposition over these means is in the hands of that power whom the b u r e a u c r a t i c a p p a r a t u s (of judges, officials, officers, supervisors, clerks and non-commissioned officers) directly obeys or to whom it is available in case of need.'[27]

Yet Weber does not explain clearly *why* public bureaucracies in particular suffer so easily from a lack of leadership, and why this absence led to such disastrous results in Germany; he only mentions mistakes in foreign policy, which mostly have to do with pronouncements of the monarch and his environment against which the government did not protest[28]. A *responsible* leader should resign if he cannot bear the responsibility for the policy of the monarch; if he does not, he is a 'miserable "Kleber"'.[29]

Even when he is not dealing with German foreign politics Weber repeatedly states the need for political leadership in the modern state, because there 'the actual ruler is necessarily and unavoidably the bureaucracy, since power is exercised neither through parliamentary speeches nor monarchical enunciations but through the routines of administration.'[30]

Weber goes on to unfold his political program in a general statement on the political limitations of the irresistibly advancing bureaucracy - which in case of a socialist revolution

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[25] FMW p. 95, GPS p. 512.

[26] 'He who is active in politics strives for power either as a means in serving other aims, ideal or egoistic, or as "power for power's sake", that is, in order to enjoy the prestige-feeling that power gives.' FMW p. 78, GPS p. 495.

[27] ES p. 1394, GPS p. 309/10; cf. FMW p. 81/2, GPS p. 497 ff.

[28] ES p. 1431 ff., GPS p. 357; the title of this section, "Die Beamtenherrschaft in der auswärtigen Politik' is translated by 'Bureaucracy and Foreign Policy', thereby losing Weber's differentiation between 'bureaucracy' and 'rule by officials'. Both words mean the same, but Weber wants to create charismatic leaders which break the rule of the officials, without abolishing bureaucracy; see below.

[29] 'An official who receives a directive which he considers wrong can and is supposed to object to it. If his superior insists on its execution, it is his duty and even his honor to carry it out as if it corresponded to his innermost conviction, and to demonstrate in this fashion that his sense of duty stands above his personal preference. It does not matter whether the imperative mandate originates from an "agency", a "corporate body" or an "assembly". This is the ethos of o f f i c e. A political leader acting in this way would deserve contempt.' ES p. 1404, GPS p. 323.

[30] ES p. 1393, GPS p. 308.

would only become more rational and so more unbreakable[31] - in the form of three questions about the future forms of political organization:

'1. How can one possibly save a n y r e m n a n t s of "individualist" freedom in any sense ? After all, it is a gross self-deception to believe that without the achievements of the age of the Rights of Man any one of us, including the most conservative, can go on living his life. But this question shall not concern us here, for there is another one:

2. In view of the growing indispensability of the state bureaucracy and its corresponding increase in power, how can there be any guarantee that any powers will remain which can check and effectively control the tremendous influence of this stratum ? How will democracy even in this limited sense be a t a l l possible ? However, this too is not the only question with which we are concerned here.

3. A third question, and the most important of all, is raised by a consideration of the inherent limitations of bureaucracy proper. It can easily be seen that its effectiveness had definite limitations in the public and governmental realm as well as in the private economy. The "directing mind", the "moving spirit" - that of the entrepreneur here and of the politician there - differs in substance from the civil-service mentality of the official.'[32]

Weber's political program is a liberal as well as an aristocratic one: beside the human rights - in particular freedom -, 'entrepreneurship' and 'leadership' appear to be values as well.[33] The Germans are supposed to need 'a moving spirit', although Weber does not explain what is to be moved and why. In the same way the liberal belief that bureaucracy crushes freedom ('human rights') is stated without argument; it is illustrated only by the famous passage on what would happen if under socialism 'the private and public bureaucracies, which now work next to, and potentially against, each other and hence check one another to a degree, would be merged into a single hierarchy':

'An inanimate machine is mind objectified. Only this provides it with the power to force men into its service and to dominate their everyday working life as completely as is actually the case in the factory. Objectified intelligence is also that animated machine, the bureaucratic organization, with its specialization of trained skills, its division of jurisdiction, its rules and hierarchical relations of authority. Together with the inanimate machine it is busy fabricating the shell of bondage which men will perhaps be forced to inhabit some day, as powerless as the fellahs of ancient Egypt.'[34]

It is only when he deals with the question of which powers could check bureaucracy, that Weber's solutions appear to be more than only rhetorical in character; then he does come up with answers that are more than proclamations on leadership in general, and that also present a statement on where these leaders are to be found.

5. Parliamentary democracy; the superiority of the leadership in England and America

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[31] ES p. 1402, GPS p. 320

[32] ES p. 1403, GPS p. p. 321.

[33] See on Weber's position within European liberalism Mommsen (1974) p. 46; according to him Weber is actually not much interested in a value-rational foundation of democracy, as he considered natural law as anachronistic; see also p. 48 and 62 and above Ch. 1,7. Weber, though, here clearly wants to reinforce parliament to protect the human rights, see also Beetham (1974) p. 113-5, who points out, however, that Weber was most outspoken when he wrote on the lack of human rights in Russia.

[34] ES p. 1402, GPS p. 320.

In Weber's view, parliament and bureaucracy go hand in hand;[35] he connects these institutions with his general concept of 'legitimation', but does not explain the actual form of 'formal-rational' or 'formal-legal' legitimation, as he did in ES. This may be because in the actual German situation the domination was only partially legitimated: administration did not restrict itself to the execution of laws parliament established - it actually ruled, since the politicians did not claim their prerogatives. Parliamentary activity in Germany according to Weber was reduced to 'negative politics', parliament being excluded from the direction of political affairs.[36]

In Weber's view the political impotence of the German parliament had been the work of the great Bismarck. When parliament is so strong that government is entrusted to party leaders, it serves as a breeding and training ground for leaders, men 'who have great political power instincts and highly developed qualities of political leadership'.[37] Only parliament can train politicians for struggle, in the way the army trains soldiers for combat.[38] Therefore the British parliamentary system is superior: it develops *caesarist* features.[39]

The parliamentary system Weber advocates is a form of the '*plebiscitary* democracy' he conceptualized in ES as a 'kind of political power that rests on the confidence of the masses'[40] and which I will discuss later.[41]

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[35] 'Modern parliaments are primarily representative bodies of those ruled with bureaucratic means. After all, a certain minimum of consent on the part of the ruled, at least of the socially important strata, is a precondition of the durability of every, even the best organized, domination. Parliaments are today the means of manifesting this minimum consent.' ES p. 1407/8, GPS p. 327.

[36] '..., as long as a parliament can support the complaints of the citizens against the administration only by rejecting appropriations and other legislation or by introducing unenforceable motions, it is excluded from positive participation in the direction of political affairs. Then it can only engage in "negative politics", that means, it will confront the administrative chiefs as if it were a hostile power; as such it will be given only the indispensable minimum of information and will be considered a mere drag-chain, an assembly of impotent fault-finders and know-it-alls.' ES p. 1408, GPS p. 327.

[37] 'Every conflict in parliament involves not only a struggle over substantive issues but also a struggle for personal power. Wherever parliament is so strong that, as a rule, the monarch entrusts the government to the spokesman of a clear-cut majority, the power struggle of the parties will be a contest for this highest executive position. The fight is then carried by men who have great political power instincts and highly developed qualities of political leadership, and hence the chance to take over the top positions; for the survival of the party outside parliament, and the countless ideal, and partly very material, interests bound up with it require that capable leaders get to the top.' ES p. 1409, GPS p. 329.

[38] 'In the army, training is directed toward combat, and this can produce military leaders. However, for the modern politician the proper palaestra is the parliament and the party contests before the general public; neither competition for bureaucratic advancement nor anything else will provide an adequate substitute.' ES p. 1414, GPS p. 335.

[39] 'The prime minister gains an increasingly dominant position toward parliament, out of which he has come.' The president of the United States according to Weber occupies such a position; as Bismarck did earlier, and the British Prime Minister in the war. ES p. 1415, GPS p. 337.

[40] 'The caesarist leader rises either in a military fashion, as a military dictator like Napoleon I, who had his position affirmed through a plebiscite; or he rises in the bourgeois fashion: through plebiscitary affirmation, acquiesced in by the army, of a claim to power on the part of a non-military politician, such as Napoleon III. Both avenues are as antagonistic to the parliamentary principle as they are (of course) to the legitimism of the hereditary monarchy. Every kind of direct popular election of the supreme ruler and, beyond that, every kind of political power that rests on the confidence of the masses and not of parliament - this includes also the position of a popular military hero like Hindenburg - lies on the road to these "pure" forms of caesarist acclamation.' ES p.

In Weber's view the plebiscitary selection of leaders, though, should be combined with parliamentary control, as is the case in England,[42]
where the rule of that small minority which brought a quarter of mankind under its domination was established in this way. As Weber states in PV, followers of a 'charismatic' party leader who are motivated not only by a hope for offices or other advantages, but also by 'the satisfaction of working with loyal personal devotion for a man, and not merely for an abstract program of a party consisting of mediocrities', can be molded into a disciplined party 'machine'.[43] The 'Entseelung' of the members of these parties[44] through extreme rationalization stands in cynical opposition to the irrationality of the emotional surrender of the masses to the caesarist dictator.[45] Weber would gladly sacrifice the souls as well as the sense of both party members and voters to acquire a strong leader who fights the power of bureaucracy.[46]

6. Masculinism and the manly virtues

It will not come as a surprise that in Weber's work 'manliness' appears as a value on a par with values such as nationalism, racism, militarism, the instinct for power and the need for leadership. Weber scolds with the epithets 'unmanly'[47] and 'old women'[48], praises with 'manly'[49]. There appear to be several kinds of manliness, yet Weber suggests that there is only one real kind: that of the 'real politician', the *leader*.
In PG Weber denied the manliness of German officials in an indirect way, by attacking politicians who behave like officials; he reinforced this denial by a eulogy of their virtues, which would have served as a perfect epitaph on the tomb of a Victorian housewife:

1451/2, GPS p. 382.

[41] See below, Ch. 7,2 and Ch. 10,1.

[42] There Parliament 'vis-à-vis the factually Caesarist representative of the masses' safeguards '1. the continuity and 2. the supervision of his power position, 3. the preservation of civil rights, 4. a suitable political proving ground of the politicians wooing the confidence of the masses, and 5. the peaceful elimination of the caesarist dictator once he has lost the trust of the masses.' Weber thought democratic, that is equal, suffrage, would make a two-party system impossible, 'if only because of the split of the modern economic strata into bourgeoisie and proletariat and because of the meaning of socialism as a mass gospel', ES p. 1443, GPS p. 372. After the second world war

[43] FMW p. 103, GPS p. 520/1. See for Weber's connection between 'charisma' and 'discipline' Ch. 10,1 below.

[44] 'it has to be clearly realized that plebiscitarian leadership of parties entails the 'soullessness' of the following, their intellectual proletarianization, so as to say.' FMW 113, p. GPS p. 532,

[45] '"a dictatorship resting on the exploitation of mass emotionality"', FMW p. 107, GPS p. 525. See on the relation between Weber's elitist political disdain of the 'masses' and his scientific formulation of the 'law of the small numbers' Beetham (1974) p. 111/2 .

[46] See on Nietzsche's influence on Weber W. Mommsen, (1974), p. 97 ff., in particular p. 108 ff. (see also note 41) and p. 130: 'Nur eine hauchdünne Linie trennt Max Weber in diesem Punkte von Nietzsches Auffassung, daß der 'Wille zur Macht' das Grundgesetz und die Triebfeder aller Kultur überhaupt sei und daß die großen Individuen sich vor den Massen eben dadurch auszeichnen, daß sie sich konsequent und illusionslos zu diesem Gesetz bekennen und es zur Richtschnur ihres Handelns machen.' According to Mommsen the difference lies in Weber's liberalism and in his feeling of duty to 'the broad masses'; see also his note 125.

[47] ES p. 1387, 1391, GPS p. 302, 307.

[48] FMW p. 118, GPS p. 537 ('alte Weiber')

[49] FMW p. 118, GPS p. 537

'Our officialdom has been brilliant wherever it had to prove its sense of duty, its impartiality and mastery of organizational problems in the face of official, clearly formulated tasks of a specialized nature. The present writer, who comes from a civil-service family, would be the last to let this tradition be sullied.'[50]

The attitude of the official though should be the opposite of that of the politician, for he has to disregard his own inclinations and opinions.[51]

As Weber states in PV:

'Sine ira et studio, "without scorn and bias", he shall administer his office. Hence, he shall not do precisely what the politician, the leader as well as his following, must always and necessarily do, namely, f i g h t.'[52]

According to Weber the 'manly' way to react to the lost war is to allow it to be buried, 'through '*objectivity* and *chivalry* and above all only through *dignity*'[53](italics mine):

'Instead of searching like old women for the "guilty one" after the war - in a situation in which the structure of society produced the war - everyone with a manly and controlled attitude would tell the enemy, "We lost the war. You have won it."'

These criteria seem to be a minimum standard for manliness, since those who fail them are called 'old women'. For a politician, a leading man, however more virtues are needed. In Weber's view - as I reported earlier - a politician has to be *passionate*; he also has to be oriented towards an *'ethic of responsibility'*, and not to an 'ethic of ultimate ends'[54]. In order to achieve such an 'ethic of responsibility' the politician needs a *sense of proportion* : an 'ability to let realities work on him with inner concentration and calmness'. 'Hence his distance to things and men.'[55]

The 'ethic of responsibility' is Weber's openly moral version of the juridical concept of 'adequate causality', which is the basis of his scientific work. It forces the politician to hold himself responsible also for adverse consequences of his actions which he could have foreseen, instead of to attribute those results to other causes.[56] Also, because 'the decisive means for politics is *violence*'[57], he has to recognize that 'he lets himself in for the diabolic forces lurking in all violence'[58], and so has to hold himself responsible for its consequences. The ethic of ultimate ends, on the other hand, 'apparently must go to pieces on the problem of the justification of means by ends'[59]. This ethic is therefore inappropriate for politics:

'The great virtuosi of acosmic love of humanity and goodness, whether stemming from Nazareth or Assisi or from Indian royal castles, have not operated with the political means of violence. Their kingdom was "not of this world" and yet they worked and still work in this world.'[60]

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[50] ES p. 1417, GPS p. 339.

[51] 'On the contrary, his pride lies in maintaining impartiality, hence in disregarding his own inclinations and opinions, in order to adhere conscientiously and meaningfully to general rule as well as special directive, even and particularly if they do not correspond to his own political attitudes.' See also ES p. 1404, GPS p. 323, quoted above.

[52] FMW p. 95, GPS p. 512.

[53] FMW p. 118, GPS p. 537.

[54] FMW p. 120/1, GPS p. 539/40.

[55] FMW p. 115, GPS p. 534.

[56] FMW p. 121, GPS p. 540.

[57] ibid.

[58] FMW p. 125/6, GPS p. 545.

[59] FMW p. 122, GPS p. 540.

[60] FMW p. 126, GPS p. 545.

The revolutionary students in Weber's audience will have to choose: if they do not wish to be responsible for the consequences of their revolution - a revolution which, according to Weber, in this post-war situation cannot be other than disastrous - they will have to leave politics: 'turn the other cheek'; in fact choose religion.[61] Here he only advises those who are not real politicians to practice 'plain brotherliness in personal relations', and to go 'soberly about their daily work', though 'even those who are neither leaders or heroes must arm themselves with that steadfastness of heart which can brave even the crumbling of all hopes'.

The responsibility the politician takes upon himself, however, is an inner and permanent one, which should not be influenced by any commands he might receive from the 'sovereign', from the monarch who or the democratic assembly which appointed him. At the end of his lecture, Weber - having warned his audience for the polar night to come - summarizes his views:

'Politics is a strong and hard boring of hard boards. It takes both passion and perspective. Certainly all historical experience confirms the truth - that man would not have attained the possible unless time and again he had reached out for the impossible. But to do that a man must be a leader, and not only a leader but a hero as well, in a very sober sense of the word.'[62]

I think that Weber himself considered himself such a man, and therefore dared to advocate a political system in which so much power is given to one man, since he is convinced that, were he himself called to leadership [63], he would not misuse this power; therefore the question of a German parliament would be able to produce this kind of responsible heroic leaders or to control immoral ones, is not clearly discussed.

There is only one perspective on heroism in PaV that is formulated in a humanist way:

'Every one who is not spiritually dead must realize the possibility of finding himself at some time' in a position that he has to say: '"Here I stand; I can do no other". That is something genuinely human and moving.'[64]

This is the only time Weber speaks of what is 'human'; and perhaps his choice for a universalist formulation here is right for once: because it is only when 'charisma' is robbed of all its association with success, power and vanity, in situations of extreme necessity, which are outside of all routinized relations of public and private everyday life, that the definitions and identities of masculinity and femininity can be transcended.

7. The discussion on the 'matriarchy'

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[61] Weber here says nothing about the 'manliness' of those who 'turn the other cheek'; I will show later that in his scientific work he links the proof of manhood to military fraternities, not to religious ones; see below, Ch. 4,5.

[62] FMW p. 128, GPS p. 548

[63] Weber-Schnitger reports that Weber after the German revolution in november 1918 'was ready to do anything for the nation and to assume the leadership of youth, but there was no one to follow him', Biography p. 631, Lebensbild p. 679. He then became active in the new Deutsche Demokratische Partei, but refused to lower himself to competition for parliamentary seats, Biography p. 641 f., Lebensbild p. 690 ff.

[64] FMW p. 127, GPS p. 547. Perhaps even a woman could be human in this sense. Gerth and Mills in their translation of Weber's lecture on 'Science as a Vocation', addressed to the same audience, suggest that he addresses it as 'Ladies and gentlemen' (FMW p. 137); actually he said: 'honored audience' ('Verehrte Anwesende !', GAzW p. 591); but where they translate: 'Fellow students !' (FMW p. 150) he indeed exclaimed: 'Kommilitonen und Kommilitoninnen !' (GAzW p. 606). Of course, this makes it even more sad that in this lecture he only discussed the scientific vocation of young men.

The overt value statements on masculinity and femininity in Weber's political writings are complemented by those in his scientific writings and, indirectly, in Ehefrau und Mutter. These statements are better understood when read in the historical context of the discussion on 'the matriarchate'.

In the feminist debate of the turn of the century the concept of 'patriarchy' was central to the analysis of the relations between women and men. Both socialists and feminists saw 'patriarchy' as a historical formation which formed the basis of all oppression and exploitation of women by men; it was supposed to have its origin in a victory over 'matriarchy', in a process of usurpation of power by men over women which took place at a certain point in the evolution of society.

The theory of 'the matriarchy' or 'group marriage' as an origin of both family and society was one of the many 19th century theories on the 'evolution of society' through a succession of 'stages': from 'primitive' by way of 'barbarian', to 'civilized'. Romantic philosophers like Rousseau - in reaction to Hobbes who assumed an original state of war in which 'the right of the strongest' prevailed - had pictured a 'good savage' in the first stage; 19th century historians and 'ethnologists' tried to create a scientific base for this view by studying the information conquerors and travellers had collected on cultures which had since disappeared and on the small groups of people Western colonialism had left in existence. They discovered that many 'primitive' societies were democratic and relatively peaceful and knew no oppression of women by men, because the women ruled.[65]

The most important of those investigators were Bachofen and Morgan.[66] Bachofen, who used classical and biblical sources, in particular the reports of Herodotus on the position of the Lycian women and inscriptions confirming these, was the first one to provide the 'family' with a history. According to him the first stage of this history was 'hetaerism' - as he termed total promiscuity of men and women both -, which led to kinship in the female line (as fatherhood could not exist in such circumstances) and from there to 'gyneocracy', the rule of women, or 'Mutterrecht'; religious ideas were supposed to have led to the development of monogamy and patriarchy.

Morgan, however, based his views on materialist ideas on the evolution of society. He organized an extensive inquiry into the kinship organization of the original American population and lived a great part of his life among the Northern-American Iroquois, learning their language and studying their relations of kinship and the names of kin. According to him Iroquois society was in a state of transition; behind the existing relations an older system could be traced, which had been partly retained in Polynesian kinship names.[67] This kinship system, which he supposed to have been the social institution of many peoples everywhere in the world and which according to him was classless and without any form of state, he called 'group marriage'. In it *no fatherhood and no marriage* existed; these were still unknown to the Iroquois when Morgan visited them. In the original system there was also no

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[65] See for a discussion of these theories the introduction of L. Krader to Marx (1974). Since neither Marx or Krader are interested in the liberation of women, only the 'dialectical' development of universalist 'social relations' from the 'clan' and the 'tribe' are investigated.

[66] See for a short treatment of their ideas the Introduction of Engels (1884).

[67] Later called 'classificatory kinship'; as summarized by Evelyn Reed (1975), p. 12: 'Under this system all members of the community were categorized according to sex and age, which also defined their occupations and social functions.'

such thing as *individual motherhood*: all women of a generation were 'mothers' or 'grandmothers' to all children, which were
all of them brothers and sisters; all adult men were uncles of all children; all men could 'take their wives' from another gens in the same clan. However, in modern times relations had been individualized: a woman's children were only those she herself had given birth to; these were brothers and sisters; her brother was their uncle; but property was still held collectively in the mother's clan and sexual relationships between women and men were loose and temporary, having few social consequences[68].

Morgan, having been summarized by Bebel in his Die Frau und der Sozialismus and by Engels in his Der Ursprung der Familie, des Privateigenthums und des Staats, influenced both socialism and feminism[69]. Engels, who carried on Marx' ethnological studies[70] after the death of the latter, used Morgan's theory - which maintained that women became enslaved because of the invention of private property, since men wished to transmit their property after their deaths to sons and therefore acquired women to bear those sons - to create a connection between socialism and feminism. He suggested that feminism is impossible without socialism and that women have to fight alongside with socialist men, to be liberated from the patriarchate only when socialism will be established.[71]

In his book Engels therefore gave a summary of Morgan's successive stages of the development of society: first there was the 'consanguine family' - classificatory kinship - then, after the invention of agriculture by the women, there was the transition to relations of individual property and wealth and thus to patriarchal laws of succession, marriage, slavery, and war: the stage of 'barbarism', out of which 'civilization' developed. His rendering of Morgan's theory of the matrilinear origins of society tries to break down all dichotomies between public and private, between universalist and sex-defined, between historical and biological concepts - except where his utterly uncritical use of the concept of 'race' is concerned. He calls into question much of the ordinary notions of his time concerning the opposition of 'individuality' to 'collectivity', of 'masculinity' to 'femininity', of 'public' to 'private' life, and therefore his book could be called a valiant attempt at a humanitarian view of the relations between women and men, although of course he retains many masculinist notions.

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[68] Later feminist cultural anthropologists have emphasized the sexual autonomy of women in these circumstances; see for instance Ruth Benedict (1934) and Evelyn Reed (1975). See on this standpoint Schnitger, EuM, p. 8/9, cited in note 72.

[69] Weber-Schnitger writes in her notes on p. 80 of EuM that the fact that today these books 'dominate the heads of a part of the women's world, proves that critical study and practical social work are difficult to combine.' See for a recent discussion Sayers a.o. (1987) and the introduction of Michèle Barret to Engels (1884), who shares Weber-Schnitger's opinions on the scientific efforts of Morgan and Engels, but judges them to contain questions which are still important.

[70] Marx was very much interested in Morgan's book, and in the theories of other ethnologists like Phear, Maine and Lubbock. When we read his Ethnological Notebooks (Krader 1974), however, and in particular his annotations of Morgan's Ancient Society, it appears that his attention is focused on the relations between m e n in tribal society: on masculine democracy. Engels shifted the focus of the argument to the position of women; he considered Morgan's discovery of the matriarchal gens of the same historical importance as the discoveries of Darwin in the field of biology and of Marx on political economy.

[71] Engels does not say, though, that under socialism the matriarchy, or the general generation kinship, will be reinstated: he thinks that monogamy is the safest relationship for women.

Neither Weber nor Weber-Schnitger attacked the Morgan/Engels theory as a whole. Weber-Schnitger proposed an alternative theory, criticizing socialist or feminist theories in the course of it; she sees them as symptomatic of the absence of scientific abilities among practical feminist women who still believe in the fables of the 'stages of development'[72]. It is this theory which, though Weber nowhere refers to it, is the base for his treatment of 'original' relations between women and men in ES.

8. Weber-Schnitger's Ehefrau und Mutter in der Rechtsentwicklung

Weber-Schnitger, as I said earlier, did not share Weber's methodological position.[73] She does not try to create 'objectivity' or 'value-freedom' - which she considers to be a 'phantom' - but takes as her starting-point her own values and cultural ideas, which in her view have to differ from those of men, since women live different lives. As she wants to diminish the rift between objective ('sachliche') and personal culture to which men are subjected, in order to harmonize the dissonants in her personality and develop this personality as a whole[74], she does not feel obliged to separate sociological and political statements; her values and ideals lie at the root of her research.

This does not mean that Weber-Schnitger abolishes the neo-Kantian separation of facts and norms; indeed, her conviction that one should not derive norms from facts forms the backbone of her feminism.[75] The subjugation of woman by man according to her is simply based on his greater bodily strength, his physiological superiority.[76] It is comical, she adds in a footnote, that some feminists consider woman's lesser physical force as a *result* of the historical relation between men and women: if this were true, the everywhere existing oppression of women by men could only be explained by assuming the *mental* superiority of man![77] Yet natural differences between man and woman[78] should have no consequences

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[72] She refers to the theory on the 'group-marriage' as the first social form as to 'Concepts, in which the image of a liberty of the woman to give herself, according to h e r pleasure, to more men at the same time (?, AvB) regularly are included.' 'These presuppositions often have been used in the vulgar-socialist as well in the women's literature for the aim of untenable "development"-constructions, and even are brought up as instances and examples of a greater sexual "innocence" and "naturalness" by many social reformers who look for new forms and standards against the harm of modern sexual life.' EuM, p. 8/9. (The idea of 'group-marriage indeed caused Marx and Engels a lot of trouble: again and again they had to explain that socialism would not mean collectivization of women). See further concerning 'matriarchy' for instance EuM p. 10 (Morgan), 10/11 (Cunov's investigation of the Australian 'age groups' which were supposed to be central to matriarchal kinship formations), 15, 59 (Bachofen), 71, 80, 209 + note. Weber does not follow Schnitger's criticism of the concept of 'age groups'; on the contrary, the notion of 'age groups' is central to his concepts of 'military fraternities' and 'the men's house', which he presents as institutions which created social masculinity, having existed 'everywhere' - as something comparable to a 'stage of development' of social institutions; see below Ch.4,4 and 5.
See on Weber's standpoint on 'stages of development' Ch. 1,2.

[73] According to Van Vucht Tijssen (1987) p. 15 ff. and note 12, she followed her teacher Rickert, whose ideas on the different character of the natural and the cultural sciences Weber tried to relativize; see on these points B.E. van Vucht Tijssen (1985), p. 237 ff., 242 ff. ; (1988), p. 156-7.

[74] Weber-Schnitger (1919), p. 8.

[75] EuM p. 300 (Rousseau), 311 (Fichte).

[76] EuM p.17, 18 (by muscular force man protects woman against enemies from outside), 21, 46.

[77] EuM p. 17, nt 1.

[78] Like all biologist theoreticians, Schnitger mostly uses the singular form. In her view, however, the differences

for the equal rights of women; if woman is physically weaker than man, this does not justify man's refusal to grant her civil and personal rights. On the contrary, woman's natural weakness - her lack of the male aggressive and sexual drives - can be made to serve the general interest of humanity; equal rights for women will have a humanizing effect on society.

Weber-Schnitger's historical argument can be summarized as a combination of the pre-Bachofen view of the family as having existed in the same form since time out of mind and Hobbes' theory on the warlike origins of society.[79] According to her in pre-historical times the 'right of the strongest' ruled; for this reason the oppression of women by men who were physically strong was heaviest in that period. Only the growth of law, in particular law concerning marriage, has given women some protection; developing civilization has created ideals concerning the relation between the sexes as moral equals which will have to be realized in the future. The natural differences between the sexes, though, still have to be recognized; they will for instance prevent full economic equality between them. According to Weber-Schnitger women who are 'periodically tied through their sexual functions' will never be able to be equal competitors in the labor market[80]; furthermore the 'sexual vanity' ('Geschlechtseitelkeit') of men will cause them to refuse to work under the direction of women.[81]

Weber-Schnitger's views corresponded with those of the Bund Deutscher Frauenvereine;[82] both wanted to protect marriage and motherhood against feminism; both also claimed a right to paid labor in order to reinforce woman's position in marriage and so to reform it (according to Weber-Schnitger woman's nature could unfold only in a relation of spiritual equality). Weber-Schnitger's central criticism of feminist and vulgar-socialist theories is directed toward the supposed connection between private property and the oppression of women, thus towards the socialist aspects of Engels' theory; she saw the theory of patriarchy as victorious over an original matriarchy primarily as a 'vulgar-socialist' construction; it connected private property, monogamy and oppression of women, which real scientists should break into its component parts.[83]

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between man and woman are not total; they share in 'das allgemeine Menschlichen' (Van Vucht Tijssen (1987) p. 11, id. (1988) p. 91; Schnitger (1919) p. 132-3, see also EuM p. 300); therefore the humanity of men would be furthered if they would come to share the caring tasks of women.

[79] See concerning the 17th century theorists of the original social contract Pateman (1988), p. 44 ff. (Hobbes) and p. 51 on Pufendorf: 'The assumption is that a woman a l w a y s agrees to subordinate herself as a wife, because of the man's degree of superior strength, and the fact that the man 'enjoys the superiority of his sex'. Locke uses the same words: the man is 'the abler and the stronger', see Elshtain (1981), p. 124; his theory, however, is based on a presumed development 'from status to contract' (see Elshtain p. 118, Pateman p. 9) which Weber repudiated explicitly (see Ch. 3, 4).

[80] EuM p. 8; see also p. 86, 271 (2 x), 390, 391, 394.

[81] EuM p. 394.

[82] According to Van der Vucht Thyssen (1987) p. 10 this belief led in the BDF to an identification of motherhood and emancipation, which destroyed feminism; see for the connections between the BDF and national-socialism Evans (1976) and Koonz (1987).

[83] She criticized any idealizing of the past; she particularly criticized any conservative glorification of a 'germanic past' where marriage would have had such an extraordinary profoundness ('Innigkeit'), EuM p. 237.

According to her the oppression of woman is not the *result* of the institution of private property, but the *cause* of it: appropriation of women is the first object of a 'property instinct'[84] - presumably a masculine one.

She further opposes the socialists by maintaining that private property of land and money favors 'woman', since a woman's family can bargain a marriage settlement which keeps the woman outside of the total power of the husband.[85]

A second liberating effect of money and riches is their effect on law:

the woman who is active in commerce and crafts is always and everywhere an exception to the rules of the exclusion of women from juridical personality and juridical competence in marriage; if she lacks these, her husband cannot use her to earn money and legal security is threatened.[86]

By generalizing from 'rich women' or 'women from rich families' to 'woman', Weber-Schnitger is able to construct an evolution of the position of women from 'primitive' to 'civilized', as a result of the evolution of ethical ideas which benefit all women.

According to Weber-Schnitger 'primitive' society is a conglomeration of loose, temporary relations, which she calls a 'horde' or 'tribe'.[87] Inside the horde, which possesses and protects the area of food supply - hunting ground or fishing water - communally, the individuals mostly live in 'pairing families' or 'loose families', temporary groups consisting of father, mother and children, based on 'the need of protection of the woman for herself and for her child and the endeavor of the man to better the food supply by her help.'[88] The formation of those 'families' is not based on sexual drives, because these can be fulfilled in many other ways; this kind of 'family' differs from the modern family in that woman and children have no rights against the man, who indeed often leaves them; they are only based on an exchange of food for 'protection'.[89]

Weber-Schnitger generally rejects any socialist assertion that women in tribal associations acquired power and prestige by fulfilling the most important economic roles. *Even where a 'Mutterrecht' existed, in particular in agricultural societies*[90]*, women could be despised as 'working animals'.*[91] In a matriarchal kinship organization women, according to Weber-Schnitger, would fall under the authority of their brothers, and thus would not necessarily have more freedom than they would have under patriarchy.[92]

The only institution which liberates women from slavery is private property. Woman acquires rights in marriage through a long development which has been begun by rich families who want to protect their daughters against the slavery they will be subjected to. Private property

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[84] 'This drive (Trieb) of human beings to have the exclusive command over something, seems to have been directed first to woman.' EuM p. 7.

[85] EuM p. 52.

[86] EuM p. 238, 244, 379. The contrast between this important statement and Weber's silence on the subject of the emancipation of women through the growth of the market when treating the comparable emancipation of the sons of the household, is remarkable; see below, Ch. 7,10.

[87] 'The "tribe" only is an conglomeration of autonomous groups of people, which each serve their own interests.' EuM p. 3.

[88] EuM p. 3/4.

[89] See the discussion of the construction of this 'sexual contract' by the 17th century contract theorists in Pateman (1988).

[90] EuM p. 24 f., 31.

[91] EuM p. 86 (the original contempt for labor and therefore for women), 240, 271.

[92] EuM p. 26 ff (28).

therefore promotes the development of ethical values which may serve as a ground for the adjudging of personality rights to woman; the passions of the man are checked and the emotional character of the marriage relationship established and refined. In this way 'one of the great marvels of culture' is created: 'the recognition of the permanent and exclusive community of life between man and woman, which is demanded by moral consciousness,' 'in which also the deepest conflicts and the most powerful moral growth have their place.'[93] Moral convictions, however, do not prevent Weber-Schnitger from conscientiously reporting on cultures where the important and autonomous position of women astonished patriarchal observers; Herodotus' Lycians[94] and Eyptians[95], cited by Bachofen, are presented as examples. According to Weber-Schnitger the causes of the strong position of the Lycian women, which has been confirmed by inscriptions, are still an enigma; for Egypt the same applies. She concludes that these peoples have a very long history of which we do not know anything as yet. At one instance Weber-Schnitger even writes that the historical documents on them have upset every notion of the 'naturalness of family-patriarchalism'.[96] However, she does not elaborate on this.

An attempt to discover any *social laws* in the subjugation of women[97] can be seen in her emphasis on the 'wholly unmilitary character of the mass of the Egyptian men', which is caused by a lack of warlike nationalism and the use of professional armies.[98] Her description of the position of

Germanic women leads her to conclude that the more warlike a society, the lower the position of woman; *although there have been many reports of Germanic women fighting alongside the men and even of women having to be prevented from bearing weapons in public by means of legal measures, officially they were not able-bodied and therefore not allowed to bear weapons; for this reason they could not be associates in law.*[99]

Another - European - social-economic development she finds is the growth of the population and the creation of knightly armies[100], which caused the drafting of men into agricultural production; according to her this development increased the status of women. In the medieval cities the men went into craft production as well; and since according to Weber-Schnitger they possessed a physiologically determined ability to work continuously (because they lack the 'physical checks' woman suffers), they started to reduce women's work; nevertheless from that moment the ethical and juridical position of women according to Weber-Schnitger begins to improve gradually.

Weber-Schnitger's views on the possibilities of improving the ethical and juridical position of women are combined in a curious way with her ideas on the biological characteristics of men and women in general and the role of 'drives' and 'instincts' in particular. In her view drives

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[93] EuM p. 5.

[94] EuM p. 56 f.

[95] EuM p. 90 f. (108).

[96] EuM p. 63.

[97] This was later taken up by Weber in ES, see below Ch. 3.

[98] EuM p. 108.

[99] EuM p. 210; see also below, Ch. 7,5. Schnitger does not confront her criticism of the ancient Germans with her view that women by their nature, by the possession of organs of reproduction, are weaker than men and unfit for the struggle of societal life.

[100] EuM p. 270/1; Weber presented the creation of feudal armies as a consequence of the growing necessity for participation of men in agricultural labor, see Ch. 6, 1.

and instincts are mostly the lot of male human beings; a growing culture and morality can check them only with the greatest trouble. I will name a few of them: the property-drive earlier described[101], the rough and warlike instincts of male nomads[102], and all sorts of sexual drives of differing intensity: male sensuality in general[103] - which sometimes takes the form of 'polygamous instincts'[104] - or the strong sensuality of oriental peoples[105], of Arabians[106], of Greeks[107], of the southern French[108] in particular. The sexual drive of woman[109] contrasts a bit weakly with all these male passions, although the 'variety drive' appears to exist in both sexes.[110]

Since the assumption that women have a weak constitution, subjected as they are to all sorts of instabilities, is a central one in Weber-Schnitger's work, it is not surprising that she does not claim power, wealth and prestige for them. She does not pay any attention to those kinds of socially necessary labor, which from earliest times were based on the stamina of women, pregnant or not. She only claims rights and liberties; she does not claim activities. Weber-Schnitger asserts human and personality rights for women, not because she is a woman herself - that would be 'sexual egotism'[111] - but because of the ethical values she endorses. Her adversaries therefore are those philosophers who - sometimes in violation of all their other convictions and of their method - tried to derive ethics from nature, Sollen from Sein, and in this way tried to legitimize the total subjugation and depersonalization of women. These philosophers injure the high value of marriage: without personality rights and the possibility to earn an income women cannot enter marriage of their own free will. Emancipation makes possible 'the elevation of the female sexual love'.[112] She believes that the origins of a spiritual marriage relationship, the 'seelisch Zusammenwachsen'- the growing together of the souls - are to be found in England and 'America' where puritans preached an 'innerweltliche Askese', an ascesis in the world, which compelled the man 'to check the exclusive overgrowing of the sexual phantasy in literature, society and conversation'.[113]

Rejecting both historical materialism and naturalist ethics as a possible foundation for feminism, Weber-Schnitger sees *ethical individualism* - developed in the English protestant sects - as the only possible basis for it.[114]

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[101] EuM p. 7.

[102] EuM p. 46.

[103] EuM p. 112 en 181.

[104] EuM p. 96, 213.

[105] EuM p. 130.

[106] EuM p. 133.

[107] EuM p. 142.

[108] EuM p. 265.

[109] EuM p. 6.

[110] EuM p. 38.

[111] 'Geschlechtsegoismus', EuM p. VI.

[112] EuM p. 394/5.

[113] EuM p. 289. See further below Ch. 9,5.

[114] In the Netherlands the right wing of the women's movement at the beginning of the century advocated an 'ethical feminism', see Ekelschot (1982). The difference between 'ethical feminism' and Schnitger's 'ethical individualism' seems to have been political. 'Ethical feminism' holds women responsible for all functions in society as a whole which have to do with care. This view corresponds to confessionalist or corporative politics. Weber-Schnitger, however, restricts her moral claims on women; if she judges that women with children have to stay at

The difference between Weber-Schnitger's and Weber's scientific method appears to be a difference between ethical and methodical individualism, the former wanting to be moral, the latter to be value-free. As this difference, however, is based on a scientific division of labor between spouses which corresponds with traditional views of 'femininity' and 'masculinity', it is to be expected that the similarities between the Webers' respective analyses of the origins of masculine domination are greater than the differences between them.

Weber's striving for 'objectivity', however, forbade him to use his wife's theory. He had to develop his own approach for a discussion of the theories on prehistoric relations. I will show that it abounds in contradictions which have important consequences for the consistency of ES as a whole; Weber neither succeeded in being 'value-free', nor in being logical.

In the next two chapters I will present Weber's contradictory argument of the origins of 'patriarchy': the opposition of a 'natural' patriarchy on the one hand and a juridically defined patriarchy on the other.

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home with them, this is because of facts, not of values: if they do not kill their elementary sense of duty, they will 'degenerate' entirely if they have to work full time in the 'capitalist labor machine', EuM p. 391.

Chapter 3. Private versus public sphere: the origins of household and kin group

1. Weber's shift from 'traditional social order' to 'traditional domination' and from there to 'patriarchal domination'

In this chapter I will discuss the way Weber's private notions and the way he transformed them into social science are expressed in his construction of the concepts of 'traditional legitimation of a social order' and 'patriarchal domination'. As I have shown[1], Weber's development of 'legitimate domination' from 'legitimation of a social order' is pragmatic in character; he constructs his types of legitimate domination he will use to compare reality to, in a realistic way; he does not construct a type of value-rational legitimation, since in his view no legitimate domination ever has ever been built upon a value-rational social order.
The construction of his concept 'traditional domination' also is based on such a pragmatic shift. 'Traditional legitimation of a social order' is defined in a general sense and in a sex-neutral way as the validity of 'what always has been'[2]; the type of domination Weber constructs out of it, however, is presented as masculine in character.
Women are not excluded from the potential 'masters' by the content of Weber's definition of 'traditional domination' in the conceptual exposition, only by his use of masculine terms:
'*Domination' will be called traditional if legitimacy is claimed for it and believed in by virtue of the sanctity of age-old rules and powers. The masters are designated according to traditional rules and are obeyed because of their traditional status ('Eigenwürde'). This type of organized rule is, in the simplest case, primarily based on personal loyalty which results from a common upbringing.'[3]
He then proceeds to define 'traditional domination without the use of an administrative staff' as 'primary' or 'elementary' 'patriarchy'.[4]

This conceptual shift from the sex-neutral concept 'tradition' into the sex-defined concept 'patriarchal domination' is made explicit in the section of his essay on 'patriarchal and patrimonial domination' where he discusses the limits of patriarchal power.[5] These can be based on custom, since 'everything within this structure is ultimately determined by the power of tradition, that is, the belief in the inviolability of what has always been ("das ewig

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[1] See Ch. 1,5.

[2] ES p. 36, WG p. 19.

[3] ES p. 226/7, WG p. 130. Weber here uses the term 'Herrschaft'; ES translates it with the sex-neutral term 'authority', which is the equivalent for the German 'Autorität'. I will use 'authority' only in translation for 'Autorität'; 'Herrschaft' I will translate with 'domination'; see also Roth's note 31 on ES p. 61/2.

[4] ES p. 228 and 231, WG p. 131 and 133.

[5] ES p. 1008, WG p. 581/2.

Gestrigen")'; according to him this belief 'is rooted in fixed attitudes'[6], but originally also in 'the fear of undefined magical evils which might befall an innovator or an approving group[7] who violate the interests of the spirits'.

'Tradition' here is identical to the belief in the inviolability of *custom*, which in Weber's view does not necessarily imply the existence of any form of domination.[8] According to Weber, however, 'patriarchal domination' is a combination of 'piety toward tradition and toward the master'.[9] 'Traditional domination' therefore is only partly based on 'tradition'; its other element is 'piety towards the master', which results from 'a common upbringing'. Weber therefore has to explain the individual, masculine element by which he transformed the 'traditional social order' into 'patriarchal domination'. He does this in his discussion of the matriarchy theory in the essay in which he discusses household, neighborhood, kin group, enterprise and oikos[10] and in that on 'the nature and origin of patriarchal domination'[11].

2. *Weber on matriarchy*

Weber's criticism in ES of the 'matriarchy' theory is complex. It is not very clear which of the theories on the 'matriarchy' he discusses. He nowhere criticizes the socialist 'matriarchy' theory as a whole; it is in fact very difficult to decide whether he is attacking only Bachofen or also Morgan and Engels. It is clear, though, that he intends to give his own, consistent view on the origins and development of the first social relations which is not just a summary of Weber-Schnitger's argument in Ehefrau und Mutter.

He neither wants to fall back on the pre-Bachofen idea of the eternal existence of the modern patriarchal family, which is based on a formally monogamous marriage, where the children born to the wife are assumed to be begotten by the husband[12]. According to him the assumption that marriage is the first, the 'original', social relation, is not borne out by facts.[13] Viewed historically marriage proper is a late institution which developed even later than that

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[6] see also ES p. 29, WG p. 15: 'If an orientation toward social action occurs regularly, it will be called "usage" (Brauch) insofar as the probability of its existence within a group is based on nothing but actual practice. A usage will be called a "custom" (Sitte) if the practice is based upon long standing.'

[7] 'die soziale Gemeinschaft, die sein Tun billigt'.

[8] See ES p. 213, WG p. 123: 'Not every claim which is protected by custom or law should be spoken of as involving a relation of *domination.'

[9] ES p. 1008, WG p. 582.

[10] WG Kap. III, Typen der Vergemeinschaftung und Vergesellschaftung in ihrer Beziehung zur Wirtschaft, p. 212 ff., ES p. 356 ff...; the translators omitted the title of this chapter and broke Weber's chain of concepts by making a separate chapter out of Weber's discussion of the impact of (masculine) economic, military and political groups on the household collective; see below no. 5.

[11] ES p. 1006 ff., WG p. 580 ff.

[12] Unless the husband follows the complicated procedure for denying fatherhood.

[13] 'The relationships between father, mother and children, established by a stable sexual union, appear to us today as particular *"original" ("urwüchsig") relationships. However, separated from the household as an unit of economic maintenance, the sexually based relationship between father and children are wholly unstable and tenuous. The father relationship cannot exist without a stable economic household unit of father and mother; even where there is such a unit the father relationship may not always be of great import', ES p. 356/7, WG p. 212. 'The concept of marriage can be defined only with reference to other groups and relationships besides these. Marriage as a social institution comes into existence everywhere only as an antithesis to sexual relationships which are *not* regarded as marriage', ES p. 357, WG p. 213.

of fatherhood, which, in its turn, could only be created 'after the (by no means primitive) discovery that procreation and birth are connected.'[14]

Since marriage could not be an original social relation, Weber had to find another one. We saw that Weber-Schnitger solved the problem by assuming a Hobbes-like original state of 'the right of the strongest': she presupposed that the men dominated the women in temporary relationships, which were based on 'the need of the woman of protection for herself and for her child and the endeavor of the man to better the food supply by her help', and that women and men together formed a 'horde'[15]. To Weber, however, this 'horde' or 'tribe' presented serious problems. If he considered it to be an original social relation, with a claim on hunting and fishing grounds - like Weber-Schnitger supposed - they would in his terms be 'Verbände', social formations, perhaps even the oldest ones. But what would be the foundation of their social order ? It could not be based on patriarchal domination, since fatherhood and marriage are relatively young institutions. What kind of social relations could Weber find except those between women and children and between the children themselves, in youth and later in adulthood ? The construction of such relations, however, would mean a conceptualization of a 'matriarchal' or 'siblinghood' association, which would not differ essentially from the 'classificatory kinship' system which Morgan reconstructed from its survival in the customs of North America and Polynesia.

Weber indeed does not bring forward Weber-Schnitger's 'horde' or 'tribe' as an original social relationship; on the contrary he emphatically asserts that the 'tribe or 'clan' is a relatively late development, which occurred only in specific circumstances, in particular in the absence of any form of state formation.[16]

Instead of the 'horde' he presents the relation between the *individual* mother and her children as 'original' ('urwüchsig'):

'Of all the relationships arising from sexual intercourse, only the mother-child relationship is *"original", because it is a *caring community, of which the naturally given duration lasts until that comprises the time until the child is able to search for means of subsistence on his own.'[17]

Though Weber tries to avoid a too biologist interpretation of the relation of a woman and her children by including the economic aspect of 'care' ('Versorgung') as a decisive element of this relationship, some confusion between social and biologic elements[18] can be discerned. Not only does he present sexual intercourse between the woman concerned with some man as the foundation of the relation with her children, giving no attention to the subjective meaning the woman might have given to this activity, and positing in its place the modern biological knowledge that the child would not be there if the woman had not, during her fertile period, had sexual intercourse with a fertile man and become pregnant by this action; but he also conceptualizes her care for this child as self-evident, giving no attention to the fact that this care has to be based on a conscious choice - which may be supported by other people - to keep the child and care for it. Weber therefore appears to present both 'nature' and 'economy' as the foundation of all social relations: he views child-care is economic in

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[14] ES p. 1007, WG p. 58. Weber here follows the discoveries of the ethnologists of his time, which are often ignored even now, just like the body of knowledge on kinship relations is ignored; see Evelyn Reed (1978).

[15] EuM p.3/4.

[16] ES p. 363 ff., see also p. 673 and 688 ff.; WG p. 218 f., see also p. 402 and 412/413.

[17] ES p. 357, WG p. 212. In ES 'urwüchsig' is translated by 'natural'; the rest of the sentence by 'because it is a biologically based household unit that lasts until the child is able to search for means of subsistence on his own.' This way of translating introduces the kind of biologism Weber tried to avoid.

[18] See Ch. 1,4 above on 'given data' or 'processes and phenomena without subjective meaning'

character and thus social, but he implicitly leaves the decision who will be cared for to nature.

The second relationship Weber presents, that between the children themselves, the siblings[19], he defines as being not biologic, but wholly economic in character. The siblings are connected, not by the body of their common mother, but 'by common maintenance'.[20] Weber views this grouping of a woman and her children 'as (in the present sense) the most primitive sort of family'; nevertheless he does not consider it a cornerstone of society: 'it does not mean - indeed, it is unimaginable - that there ever were societies with maternal groupings only'.[21]

In Weber's view a 'matriarchy' seems to be a number of women all alone with their babes in the wood, unable to make contact without the help of men:

'As far as it is known, wherever the maternal grouping prevails as a family type, group relationships, economic and military, exist among men as well, and so do those of men with women (both sexual and economic).'

Although he has not explained the origins and character of these economic, military and sexual relations, he now relegates the maternal grouping to the position of 'a normal, but obviously secondary, form', which 'is often found precisely where men's everyday life is confined to the stable community of a "men's house", first for military purposes, later for other reasons.'[22]

Morgan and his followers, however, never maintained that no relations existed between adult women and adult men, or between adult men; their point was that these relations were *not those of the patriarchal family*. Morgan's construction of an original 'generation kinship' is based on the same phenomena Weber used as the basis of his concept of 'siblinghood': the social-economic ties developed in growing up together, in the same 'caring-community'. Weber, however, makes women lose these social-economic ties as soon as they are 'able to search for means of subsistence of their own'; adult women have no siblings. According to him social, economic, or military relations between *adult* women and men can only develop after men have developed their own, military associations. One would expect that he therefore would proceed to investigate the origins of such associations, in particular of the 'men's house'; but I will show later that he mentions it only in a later part of this chapter, and that he conceptualizes its origins not in his treatment of 'traditional domination', but in that of 'charismatic domination'.[23]

Instead of this he continues his treatment of family-like formations by restricting the social relevance of sexual and sibling relations to a stable economic formation he calls 'the household'. I will follow Weber's exposition and deal first with 'the household', and then with 'the tribe'.

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[19] 'which the Greeks called "milk-partners", "homogalaktes"', ES p. 357, WG p. 212.

[20] Ibid. In ES 'der gemeinsame Mutterleib' is translated by 'the common mother'.

[21] Ibid.

[22] Ibid. He adds: 'Men's houses (Männerhäuser) can be found in various countries as a specific concomitant and a result of militaristic development.' See below Ch. 4,5-6.

[23] See below, Ch. 4.

3. The household and its masculine authority

With his presentation of 'the household' as a stable economic formation of which sexual and siblinghood relationships are 'the normal, though not the only elements',[24] Weber introduces the individual, masculine element which transforms his concept of 'traditional social order' into 'traditional masculine domination' into his discussion of 'original' social-economic relations. According to him 'the household' is one of the most important social-economic formations, since it is the basis of patriarchal domination.[25]

Weber's 'household' therefore is no egalitarian formation. He views it as the basis of loyalty and authority; authority, however, according to Weber is derived from 'superior strength' or from 'practical knowledge and experience'. These bases of 'authority' in themselves do not imply that authority is only exercised by men; Weber's formulation, however, excludes the possibility that women can claim authority over men. For he sees this authority as

'the authority of men as against women and children; of the able-bodied as against those of lesser capability; of the adult as against the child; of the old as against the young.'[26]

The basis of masculine authority therefore can not be found in the social relations of the household; it lies outside of it, as an unexplained datum; for he neither does explain why men would possess more strength or practical knowledge and experience than women, nor why women would obey them if they had, since physical or psychical violence of men would not have been legitimized in any way.

This lack of sociological explanation of the origins of masculine authority corresponds to a lack or explanation of the origins of the household in which it is exercised. According to Weber the household, like the 'maternal grouping', is a 'secondary' social formation: it 'does not seem to have existed * under conditions of foraging',[27] but only in case of 'a certain degree of organized cultivation of soil'. However, in agricultural societies it was preceded by more egalitarian social relations:

'However, even under the conditions of a technically well-advanced agriculture, the household is often secondary with respect to a preceding state which accorded more power to the inclusive kinship and neighborhood group on the on hand, and more freedom to the individual vis-a-vis the parents, children, grandchildren, and siblings on the other hand.'[28]

Here again democratic, non-proprietary, matrilinear kinship relations appear on the conceptual horizon as a possible foundation of the social order; but again they are interpreted as a later development, a 'secondary formation' of women and children that exists alongside military men's organizations:

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[24] ES p. 358, WG p. 213.

[25] ES p. 359, WG p. 214: 'It is the fundamental basis of loyalty and authority, which in turn is the basis of many other groups'; ES p. 1006, WG p. 580: 'The roots of patriarchal domination grow out of the master's authority over his household'.

[26] ES p. 359, WG p. 214.

[27] The translators have succeeded here in expressing two prejudices in Weber's innocent sentence: they translate 'unter den Bedingungen rein okkupatorischer Nahrungssuche' with 'in a primitive economy of hunters and nomads', not only adding the unnecessary word 'primitive', but obscuring that 'okkupatorische Nahrungssuche' may include 'gathering'; this common omission is based on the - incorrect - assumption that in all societies hunting is done by men, and on the even more incorrect notion that women's work is of no importance. Their term 'nomads' probably refers to cattle herding, which also is presumed to be done by men. As it is relatively young, it is not of interest to a discussion of origins.

[28] ES p. 358, WG p. 214.

'The almost complete separation of the husband's and wife's means and belongings, which was very frequent especially where social differentiation was low, seems to point in this direction, as does the occasional custom according to which man and wife were seated back to back during their meals or even took their meals separately, and the fact that within the political group there existed independent organizations of women with female chieftains alongside the men's organizations.'[29]

The question or the origins of these separate women's and men's organizations - 'matriarchy' and 'men's house' - again is not answered, except by the cryptic statement that this 'primitive condition' can not be said to have been 'individualistic'[30], because it was ordered in a military way.[31]

To complicate matters further, Weber comes up with an independent *'household' authority of 'matrons' in agricultural societies, which could have been based on 'woman's function as the oldest agent of the basic economy, that is, the continuous provision of food through land cultivation and food processing.'[32] (it. mine). He here deviates from Weber-Schnitger's axiom that the work women do lowers their status[33] and seems to steer the argument against in the direction of 'matriarchy' or 'matrilinear kinship' theories. Moreover, in the section where he deals with the influence of masculine military groups, Weber follows up this point by stating that in agricultural societies women have the collective property of the agricultural land, which therefore is inherited through the maternal line.[34]

He does not mention, however, that the economic function of women exists in other non-technical economies as well, and in particular in those economies where women lived without 'a technically well-advanced agriculture', but *gathered* what they needed: 'fruit, nuts and roots'[35] and which formed the staple diet of all non-agricultural peoples in reasonably warm climates. Though Weber mentions only 'foraging' ('okkupatorische Nahrungssuche') in

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[29] See also ES p. 1009, WG p. 582: 'Sometimes patriarchal power has been split; for example, the independent authority of a matron may be found next to the normally superordinated authority - a condition that has always been connected with the oldest typical division of labor, the division between the sexes. The female chiefs among the sachems of American Indians, and occasional subchiefs, such as the lukokesha in the realm of Mwata Yamvo, who wielded independent authority in their own area, usually owed their existence to woman's function as the oldest agent of the basic economy, that is, the continuous provision of food through land cultivation and food processing; or they owe it to the complete separation from the household of all men capable of bearing arms, a separation which occurs in certain kinds of military organization.' See also ES p. 1153, WG p. 685.
In itself is not illogical to consider some matrilinear kinship formations as later developments, or even as 'secondary' to other institutions; for example in the hard life of the working class during the industrial revolution, family and kinship ties became matrilinear because the men were not to be depended on; see Young and Wilmott (1965).

[30] I would have supposed this to be self-evident, because he speaks about a political group with independent women's organizations; but perhaps he is attacking Hobbes' 'war of all against all', or Bachofen's 'hetaerism'; it is also possible that he means to say that a society in which women are free is 'individualistic' and thus no society at all.

[31] 'Rather, conditions that are due to a certain type of military organization, such as the man's absence from the house for his military service, lead to a "manless" household management by the wives and mothers.' Ibid.

[32] The translation 'patriarchal' suggests that this authority is derived from some patriarch, the 'normal superordinated authority'; the German text is less explicit: it speaks of 'die Abspaltung von Teilen der Hausgewalt'.

[33] Although on ES p. 372, WG p. 224 he repeats Weber-Schnitger's opinion that only formal marriage caused the liberation of women from wealthy from their position as 'chattel'.

[34] See below no 5 and Ch. 4,1.

[35] as Engels describes on the first page of his summary of prehistorical development in The Origins.

general, obviously meaning both gathering and hunting, gathering in many circumstances is the most stable and calculable source of income; in cultures where only men hunted, women would have performed the lionesses' share in the gathering and so in production and could therefore, according to Weber's own reasoning, have occupied positions of authority.

In his paragraph on the kin group, however, Weber relativizes this statement on the 'independent household authority' of women: according to him it exists 'only in rare cases subject to special conditions'.[36] In his view matrilinear descent ('Mutterfolge') does not guarantee women authority or even freedom, since it is mostly combined with the 'avunculate', which he defines as the authority of the mother's brother over the children.[37] In Weber-Schnitger's view the avunculate was connected to the low status of women as 'work-animals'; but this fact is not explained, and therefore it still is not clear why adult women, if their brothers - in Weber's words - 'protected' and 'disciplined' the children, could not at least enjoy freedom; their freedom would be greater than it is now. Therefore also the construction of 'the avunculate' cannot break the circularity of Weber's argument on the origins of masculine domination.

4. Kinship as a public formation; the establishment by status contract of sister-trading fraternizations

Although Weber does not view 'the household' as an 'original' social formation, he neither does view the 'kin group' as such: he can not imagine any kinship organization including women and men that is *autonomous*, not dependent on or dominated by masculine military organizations. In his view the kin group is secondary to the household; it only fulfills the public functions now performed by the state, while production - the private sector - is organized by the household.

This view becomes apparent in Weber's treatment of kinship organizations as such, which I will now discuss, supplementing it with his conceptualization of the 'status contract' and the 'exchange of women' in his chapter on Economy and Law.

As we saw above, Weber wants to treat 'the tribe' as a social form which developed after 'the household' did; he even gives 'the neighborhood' precedence over it.[38] Thus he deals first with the sexual relations in the household.[39]

In the beginning this household was communist: property was collective, the community immortal[40], the head of the household autocratic.[41] According to Weber the first intrusion into this totalitarian domination was not caused by economic factors, but by the development of exclusive '*sexual* claims 'of the *housepartners over women subjected to their *collective

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[36] ES p. 367, WG p. 221

[37] Ibid., see also EuM p. 26. In his sociology of law Weber mentions the 'age group' as an element of Morgan's 'classificatory kinship' system; he interprets it, however, as a consequence of the institution of the 'men's house', see Ch. 4,5-6. Schnitger rejects the concept of age groups, see EuM, p. 11.

[38] ES p. 360 ff., WG p. 215 ff.

[39] Again designated as 'the most *"original" of the externally closed types of social action', ES p. 363 ff., WG p. 218 ff.

[40] ES p. 359, WG p. 214.

[41] ES p. 364, WG p. 218: 'the autocratic head of the house'; Weber refers 'the father-in-law of an extended Russian family', and thus to a patriarchal household of his time (presumably to ridicule those socialists who think that Russian agricultural collectivities could be a foundation for modern communism). See also ES p. 688, WG p. 412, cited below.

domination'[42]. In the communist household no sexual freedom existed[43]; 'the members of such a household could adjust to this because their sexual attraction to each other was minimized by having grown up together'. Nevertheless Weber thinks that normative measures were needed 'to safeguard solidarity and domestic peace in the face of jealousies'. Because in his view house exogamy is older than sib exogamy and persisted next to it, members of the same house had to avoid each other even if they belonged to different sibs and would be free to engage in sexual relations. Here Weber deals with the question of the origins of *exogamy*; his solution, however, is not very clear:

'The beginnings of regulated exogamy can perhaps be found in exchange arrangements of household and of sibs, which resulted from their division.'[44]

How exogamy has been regulated Weber does not explain here but in his chapter on economy and law, where he treats the origins of the *contract*. Only when it had been developed, men from related groups could exchange their sisters:

'Freedom of contract in sexual affairs is not primitive. Those tribes which are most backward technologically and are least differentiated economically and socially live in de facto lifelong patriarchal polygamy. The disgustful rejection of endogamy obviously began in the narrowest circle, within the household community, in connection with the relative diminution of the sexual urge through common upbringing. The exchange of one's own sister for the sister of another is probably the oldest kind of sexual contract.'[45]

Weber sees the 'exchange of women' as a '*fraternization contract*' 'between exogamous sibs whose members seem to confront each other in the strange dual role of being partly comrades and partly *non-comrades. In this confrontation kinship is created while women come to be 'regarded as a mere object'.[46]

The contract of fraternization, according to Weber, is not an instrumental one; it is an older, indeed the oldest form, of contract: the *'status-contract'*, which may create all kinds of social relations:

'The distinction [between the status contract and the modern contract] is based on the fact that all those primitive contracts by which political or other personal associations, permanent or temporary, or family relations are created involve a change in what may be called the total legal situation (the universal position) and the social status of the persons involved. To have this effect these contracts were originally either straightforward magical acts or at least acts having a magical significance. For a long time their symbolism retained traces of that

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[42] ES p. 363, WG p. 218.

[43] Schnitger also criticized Morgan's use of the term 'group marriage' to indicate the sexual kinship relations with the cross-cousin group, see Ch. 2,8.

[44] Schnitger also considers endogamy as older than exogamy; exogamy takes the form of sister-exchange, EuM p. 12 ; see further below.

[45] ES p. 688, WG p. 412. Schnitger, EuM p. 12, also considered the 'exchange of women' by a generic 'one', the oldest form of exogamy. The concept reached feminist studies of the seventies by way of Lévy-Strauss , see Gayle Rubin (1975).

[46] ES p. 673, WG p. 402. 'In earliest times, b a r t e r, the archetype of all merely instrumental contracts, would seem to have been a general phenomenon among the comrades of an economic or political community only in the noneconomic sphere, particularly as barter of women between exogamous sibs whose members seem to confront each other in the strange dual role of being partly comrades and partly strangers ('teils Genossen, teils Ungenossen'). In the state of exogamy barter appears also as an act of fraternization; however much the women may be regarded as a mere object, there will rarely be missing the concurrent idea of a change of status to be brought about by magical means.'

It seems that what is described here is the ambiguous relation between the 'cross-cousins': kin and not-kin, which so intrigued ethnologists and feminists both, since it formalized the opposition of non-sexual and sexual relations between women and men in one unifying frame of kinship.

character, and the majority of these contracts are "fraternization contracts". By means of such a contract a person was to become somebody's child, father, wife, brother, master, slave, kin, comrade-in-arms, protector, client, follower, vassal, subject, friend, or, quite generally, comrade ('Genosse'). To "fraternize" with another person did not, however, mean that a certain performance of the contract, contributing to the attainment of some specific object, was reciprocally guaranteed or expected. Nor did it mean merely that the making of a promise to another would, as we might put it, have ushered in a new orientation in the relationship between the parties. The contract rather meant that the person would "become" something different in quality (or status) from the quality he possessed before. For unless a person voluntarily assumed that new quality, his future conduct in his new role could hardly be believed to be possible at all. Each party must thus make a new "soul" enter his body. At a rather late stage the symbolism required the mixing and imbibing of blood or spittle or the creation of a new soul by some animistic process or by some other magical rite.'[47]

It is a pity that Weber does not introduce this important concept of the 'status-contract' in his section on the kin group, since it offers an understanding of the *formal* aspects of kin relationships: of the aspects that defy the public-private dichotomy. Without this concept these relationships remain rather vague, as indeed they are in Weber's exposition of the kin group in the chapter on 'origins':

'The kin group is not as "original*" a group as the household or the neighborhood. As a rule, its social action is discontinuous and lacks association; in fact, the kin group proves that social action is possible even if the participants do not know another and action is merely passive (refraining from sexual relations, for example).'

'Substantively, the kin group competes with the household in the sphere of sexual relations and in-group solidarity; it is a protective group, which substitutes for our detective force and vice squad; and it is also a group of expectant heirs made up of those former household members who left when it was divided or when they married, and of their descendants. Hence with the kin group begins inheritance outside the household. Since members are committed to blood revenge, the in-group solidarity of the kin group may become more important than loyalty toward patriarchal authority.'[48]

Weber appears to view the kin group as a masculine organization, which is secondary to the patriarchal household. Although in passing he includes women as possible participants in status contracts - though only as 'wives' - they generally have the status of possessions, of objects. Neither the possibility of sisterhood, of 'consororization', nor that of free sexual activity of women within - or without - the traditional kinship regulations is conceptualized; although Weber mentions autonomous 'women's organizations', he does not give them anything to do. Thus, in his view, the kin group only has a police function; no work seems to be done or to be organized in it. The women are conceptualized as being outside of the kin group, even if they work on the land they possess collectively; each of them has to obey the head of the household they live in. How they worked together and how they lived before they developed agriculture is hidden in the mists of private life.

To summarize Weber's views on household and tribe: he separates public and private life so thoroughly, that he cannot imagine collective sibling relations between adult women and men who are no biological siblings but behave like siblings are expected to behave[49] - that

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[47] ES p. 672, WG p. 401. Weber here discusses the theory of the historical development 'from status to contract', of which Henry Maine is the most celebrated adherent. Pateman (1988) bases her discussion of 'the sexual contract' on this kind of theories; if she would have used Weber's criticism of them, she could have connected the 'stories' of the contract theorist to historical sociology.

[48] ES p. 365, WG p. 219.

[49] According to Baumgarten, cited by Green (1974) p. 125, 'Frau Weber separated Max, in his student days, from Lily' (a younger sister) 'by sending the latter out of the house, because she feared that his affection for her was semi-incestuous.'

is: without orientation to sexual pleasures - as a consequence of their growing up in 'caring-communities' consisting of the siblings of the women who bore the children.[50] His analysis denies the fact that in the 'caring community' a *social* formation ('Verband') is created, which remains unbroken even when its members one day are able to find food for themselves. If individual women would have wandered away when adult, taking their children, they would have lost their mothers, their sisters and their brothers, and would have had to care for the children alone, since their male sexual partners were not dependable. This would not have been practical. However, if the siblings would have stayed and worked together as adults, the children of the siblings would have grown up together, and would have come to be, in Weber's own definition, siblings of each other. Kinship ties and rules then would be 'tradition' in the literal sense - as always having been the same, and as being without any individual personal focus that could be called 'legitimate domination'. The result would have been a general system of generation kinship which eventually led to the formation of 'the tribe'. Weber, however, denies 'bristerhood' - non-sexual relations between adult women and men based on a common past and on common activities - and only recognizes 'siblinghood' relations between children, he cannot conceptualize kinship relations between men and women as a social-economic order: as an order which defines what now would be called 'public' and 'private' life both. He can conceptualize only sexual, patriarchal, irrational, 'private' relations between adult women and men; and so his 'universalist' concepts on 'public' life come to concern only men.[51]

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[50] According to Mitzman (1970) and Green (1974), however, his marriage to his cousin Marianne Schnitger did not include a sexual relationship.

[51] For those who study kinship relations an important question is how the differentiation between sexual and non-sexual relations came into being, since non-sexual relations between women and men exist side by side with sexual relations. This is the question of the origins of the 'incest-taboo'. If no such taboo existed, motherhood and sibling relationships - sexual or not - would be the only relationships possible, and the group could be extended infinitely, all groups in the region being kin. Now, it is well known that tribal people just do not live in this way; an opposition of those with whom sex is forbidden and those with whom it is allowed appears to be one of the fundamental principles of their societies. On the question of why and how this antithesis originated, speculation is rife; as, of course, it is on the question of how and why the social differentiation between women and men, that is to say: the separate social formations of women and men, like sororities and fraternities, came into being; see for instance Evelyn Reed (1975) for a theory based on the assumption of cannibalist males. In Geschiedenis van de Vrouwentoekomst Marijke Ekelschot and I conjectured that humanity developed from a kind of primates where the males, like chimpanzees, exhibited all kinds of aggressive display, disturbing the tranquillity and the relations between females and between females and young; when circumstances changed, as was the case when the African woods receded, this behavior threatened survival, so the females excluded the male from the center of their group and formed social relations based on division of labor between old and young adult females and the young. We did not view these events as constituting a biological evolution; we saw them as a breach with animal existence, with nature, which produced consciousness. We thus supposed an original identity of the first division of labor - in which the new humans cared for the young of others - and the matrilinear generational kinship system, to which the groups of men were linked as brothers, although they remained marginal to the group. From this social opposition between men and women in time divisions of labor between women and men could develop, depending on circumstances; the differentiation between gathering - which is in most climates the base of survival - and hunting is the most important of these divisions of labor. We supposed that women did the everyday work, feeding the men because they provided -if the hunt succeeded - variety in the diet and with their hunting stories also entertainment.
I still like this hypothesis, if only because it is a metaphor for radical feminism. However, after we wrote GvdV we have come to understand the influence of biologism in feminist thinking; and so we saw that, although we did

5. From 'masculine-dominated household' to 'patriarchy'

After Weber has discussed the tribe, he proceeds to analyze the development of political associations. This means that he wants to make a connection between his analysis of the development of 'household' and 'tribe' with official historical developments - the historically documented changes in the relations between men. This connection involves a conceptual shift from 'masculine-dominated household' to 'patrilineal descent and exclusively agnatic attribution of kinship and property'[52]: 'patriarchy' in a technical or legal sense.

Weber constructs his concept of 'patriarchy' in two ways. The first one is presented in his conceptual exposition and in his later essay The nature and origin of patriarchal domination in his chapter on patriarchalism and patrimonialism.[53] Here he develops 'patriarchy' or the 'patriarchal household' out of the masculine-dominated 'household'.

As we have seen, his definition of 'household authority' only gives a general statement on masculine authority, without mentioning any particular 'Herr' or 'patriarch'.[54] In his section on the nature and origin of patriarchal domination the authority of 'men over women', however, is attributed to one 'master':

'In the case of domestic authority the belief in authority is based on personal relations that are perceived as natural ("uralte naturgewachsene Situationen"). This belief is rooted in filial piety, in the close and permanent living together of all dependents of the household which results in an external and spiritual "community of fate". The woman is dependent because of the normal superiority of the physical and *mental energies ("Spannkraft") of the male ("des Mannes"), and the child because of its* objective helplessness, the grown-up because of habituation, the persistent influence of education and the effect of firmly rooted memories from childhood and adolescence, and the servant because from childhood on the facts of life have taught him that he lacks protection outside the master's power sphere and that he must submit to him to gain that protection.'[55]

Here the mystery of the origins of masculine authority over women deepens, since Weber attributes the 'normal superiority of the physical and mental energies of the male' to *one* man, a 'Herr' or 'father', who therefore appears to have appropriated the authority of other men, who now have become 'servants'.

In his striving to crush the matriarchy theories, Weber has denied every rational historical explanation of the origins of patriarchal domination. Denying his own statements on the

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construct no direct evolution from primates to human beings, some Darwinist elements had slipped into the argument. Thus the notion of most women - which could be interpreted with Weber's term 'negative status group' ideology, see below, Ch. 4,8 - that women and men are biologically different, the women being social, the men aggressive (borrowing from Marx we even called them 'incompletely humanized') still made itself felt. See on Darwinism, sociology and ethology Marijke Ekelschot in Van Baalen & Ekelschot (1985); on the marxist struggle with anthropologies and ontologies Alfred Schmidt (1978).

One has to realize that differentiations between social life and production, between relations with people and relations with the environment - things, plants, animals, geological and meteorological phenomena and processes - only have developed gradually. It seems that kinship rules could include any person, animal, plant or thing, if the correct magic formalities which Weber conceptualized in his 'status contract' had been fulfilled. In this way the rules, based on experience, of gathering and hunting would be formalized as rules of kinship; though nobody knows if these took the form of the 'totem' relations which survived into recent history. Food 'taboos' and sex 'taboos' appear to be connected; but the question which were the more 'original' cannot be answered.

[52] Ibid.

[53] ES p. 1006 ff., WG. p. 580 ff.

[54] His treatment of the development of kinship relations from the household, however, explicitly refers to patriarchal domination.

[55] ES p. 1007, WG p. 581.

autonomous, even dominating position of women in early agricultural societies, he projects the 'private' patriarchal family of his time backwards into the beginning of history. He does this by constructing a conceptual sequence which represents historical developments in a reverse way: from the sex-neutral concept 'traditional social order' to the sex-defined concept 'traditional domination based on personal loyalty to a man, resulting from common upbringing'; or, as in his older essays in ES, from 'the inviolability of custom' to 'masculine household authority over women based on superior strength, practical knowledge and experience' and from there to 'patriarchal household domination'. These conceptual sequences hide a speculation on the origins of patriarchy: a hypothesis that patriarchy appropriated the authority of custom: Weber makes the concept 'patriarchal domination' appropriate the concept 'masculine household authority', which at its turn, with the help of the concepts 'common upbringing' and 'superior masculine strength, practical knowledge and experience' had appropriated the concept 'authority of tradition'.

In this way Weber transforms his methodological separation of facts from values, of public from private life, into a sociological statement: he projects the modern split between private institutions, which include women and men, on the one hand, and public institutions, which include only men, on the other, back into prehistory, constructing a mutual, asymmetric dependence of separate 'household' and kin groups. The unfreedom and inequality of family dependents is placed outside of the realm of rational understanding.

In this way, however, the official historical developments - the change in the relations between men - cannot be understood. Weber, therefore, represents the appropriation of traditional relations by patriarchy also in another, more materialistic way: by connecting his concept of patriarchal domination explicitly to the concept of *property*, in this case the military appropriation of land. He gives three general statements on property:

'1) Land may be primarily a place to work on. In this case all land and all yield belong to the women's kin groups, as long as cultivation is primarily women's work. The father does not leave any land to his children, since it is handed down through the mother's house and kin group; the paternal inheritance comprises only military equipment, weapons, horses and tools of male crafts. In pure form this case is rare. 2) Conversely, land may be considered male property won and defended by force; unarmed persons, especially women, cannot have a share in it. Hence, the father's local political association may be interested in retaining his sons as military manpower; since the sons join the father's military group, they inherit the land from him, and only movable property from the mother. 3) The neighborhood composed of a village or a "rural commune" (Markgenossenschaft) always controls the land gained through joint deforestation, that means, through men's work, and does not permit its inheritance by children who do not continuously fulfill their obligations toward the association.'[56]

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[56] ES p. 371, WG p. 223. Presumably this shift from 'loyalty and authority' to 'property', is the reason why Roth and Wittig made a separate chapter of this section and the following ones on the disintegration of the household and its opposite developments into enterprise and 'oikos'. As Weber's discussion of 'the neighborhood' is not connected to his treatment of 'household' and 'tribe', I do not discuss this foundation of masculine property.

In Weber's view the usual situation after the invention of agriculture was that the women work on the land, and that the land was therefore theirs. Men performed agricultural labor only at a later stage.[57]

Masculine property of land according to Weber is a new idea; without it patriarchy, as it was juridically defined in historical times, namely as *'patrilineal descent and exclusively agnatic attribution of kinship and property'*[58] is unthinkable. He does not connect the creation of such legal patriarchy to masculine agricultural labor, but to military conquest. Legal patriarchy according to him became predominant 'when the members of a military caste were landowners living dispersed in the countryside'; it was only developed by 'the empire-building peoples of the Far East and India, the Near East, the Mediterranean and the European North'.[59]

Weber here resumes the discussion with the 'matriarchy' theorists. He criticizes the term 'Mutterrecht', which suggests a '*legal* arrangement'; a legal arrangement of kinship relations is typical for patriarchy.[60] The question of the character of kinship relations *before* they were regulated by law, however, remains unanswered.

In his chapter on the origins of social relations Weber treats the history of this legal patriarchate and the role of military men's associations in its creation only cursorily. He views these associations as a result of a *breach* with tradition; he constructs their development as a result of a series of transformations of *charismatic* domination. I will discuss these in the next chapter.

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[57] Cultural-anthropological research has established that in such groups there is an opposition between honorable masculine and dishonorable feminine activities, which is in accordance with Weber's concept of charisma: the men claim the extra-ordinary activities like burning, plowing and sowing, the women do the routine work: weeding, weeding and weeding.

[58] Ibid. 'Agnate' according to the Concise Oxford Dictionary means: '(One who is) descended esp. by male line from same male ancestor; descended from same forefather, of same clan or nation; (fig.) akin, of same nature.'

[59] Ibid. He adds: 'As far as our historical knowledge goes'.

[60] Engels had already rejected Bachofen's term 'Mutterrecht' for the same reason; see Origins, Ch. II, p. 71/2, MEW 21, p. 48.

Chapter 4. Relations between men: from routinization of charisma to patriarchal domination over men

1. Introduction. Weber's reverse representation of the origins of legal patriarchy

Weber constructed a second ideal type of 'patriarchal domination', based on its legal definition: as a social formation determined by 'patrilineal
descent and exclusively agnatic attribution of kinship and property'[1]. I have called it 'legal patriarchy' to differentiate it from the 'traditional' type of 'patriarchal domination', which according to Weber had its roots in the 'masculine authority over the household'. In my interpretation the ideal-type of 'traditional patriarchal domination' was constructed by Weber by performing a series of conceptual manipulations on the patriarchal household authority of his time, which he projected back into prehistoric times.
The type of patriarchy Weber defined in juridical terms can be shown to be constructed in a comparable way. Since in historical times it was defined in terms of 'descent' and 'property', Weber connected it to the emergence of a concept of masculine property, in particular of land, which in agricultural societies - gathering societies do not know the concept - had been the property of the women who worked on it. This concept of masculine property according to him was connected to military conquest of land by 'members of a military caste living dispersed in the countryside' and 'empire-building peoples'.[2] These military castes and 'empire-building peoples' are the links in the chain between 'legal patriarchy' and Weber's concept of 'charismatic domination'.
In this chapter I will present my interpretation of Weber's construction of the development of legal patriarchy. In my view he makes this construction by projecting back into prehistory a particular characteristic of legal patriarchal relations *between men*: *the phenomenon that only the patriarch is a 'real man', while other men are treated as women or children.* He does

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[1] ES. 371, WG p. 223.

[2] Ibid.

this by giving 'the men's house' or 'men's league' a decisive role in developments. These institutions, according to him, established training and examinations as a criterium for participation; the men who failed this 'proof of manhood' or refused to succumb to it remained with the women and children and were treated as such.

The concept of 'the men's house', in its turn, he constructed as an instance of 'routinization of charisma', a process in which the meaning of the concept of charisma is transformed into its opposite. More exactly: the routinization of charisma is based on transformations, not of 'charisma' proper, but of a 'secondary', artificially produced charisma, the belief in which is derived from that in 'primary charisma'. By identifying 'primary charisma' with the 'magic' 'primitive' people are supposed to believe in, he finally has reached prehistory.

In order to explain Weber's argument, I now will follow his construction of the development of the 'magic' or 'charisma' of prehistoric or 'primitive' people, into 'routinized charisma', monopolized by groups of 'proven' men in the men's house, and from there to the concepts of 'status group' and 'caste'.

2. 'Charisma' as a personal characteristic

The sexual meaning of the content of Weber's concept of 'charisma' is as ambiguous as that of 'tradition'. He defines it in a sex-neutral way; neither in his conceptual exposition, nor in the corresponding chapters, does he discuss the question whether women are able to exercise charismatic domination. His conceptual exposition of 'charisma' begins as follows:

'The term "charisma" will be applied to a certain quality of an individual personality by virtue of which he is considered extraordinary and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities. These are as such not accessible to the ordinary person, but are regarded as of divine origin or as exemplary, and on the basis of them the individual concerned is treated as a "leader". In primitive circumstances this peculiar kind of quality is thought of as resting on magical powers, whether of prophets, persons with a reputation for therapeutic or legal wisdom, leaders in the hunt, or heroes in war'.[3]

Women are excluded, not by the content of Weber's concept, but by the use of his pronoun 'he', just as they are excluded from 'rational legal' and 'traditional' domination. Weber mentions only masculine examples of charismatic leaders: beside 'berserkers' and 'shamans' only Joseph Smith (the founder of Mormonism) and the socialist leader Kurt Eisner ('who is overwhelmed by his own demagogical success').[4]

Weber considers modern 'charismatic leaders' to be of the same type as the 'berserkers' and 'shamans' of certain non-technical peoples. The likeness he discerns between these two types of conduct in quite different societies is the basis for his projection of modern 'charisma' into prehistory by way of its identification with what is known about 'magic' in such societies.

Weber defines *'magic'* as the use of extra-ordinary powers that are supposed by non-technical people to exist in certain objects or persons, by which, for instance, those objects

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[3] ES p. 241, WG p. 140.

[4] I cannot really believe that he did not know of the existence of female leaders like Jeanne d'Arc and Florence Nightingale - see on to her activities as a reformer of British public administration Woodham-Smith (1964) - who were 'exceptional' in all meanings of the word; the degree of circularity of his arguments - masculine domination is explained by comparing it to ideal-types of masculine domination - here does not conform to any standard of rationality.

can serve as 'fetish' or those persons can 'achieve the ecstatic states which are viewed, *in accordance with experience, as the pre-condition for producing certain effects in meteorology, healing, divination, and telepathy.'[5] These powers are indicated[6] 'by such special terms as "mana", "orenda" and the Iranian "maga" (the term from which our word "magic" is derived)'.[7] As the power to manipulate those powers was thought to be of the same order as these powers themselves, he employs the term 'charisma' for them.

As Weber himself points out, a definition of certain practices as 'magic' is made from a modern, rational viewpoint:

'Only we, judging from the standpoint of our modern views of nature, can distinguish objectively in such *conduct those attributions of causality which are "correct" from those which are "fallacious", and then designate the fallacious attributions of causality as irrational, and the corresponding acts as "magic". Quite a different distinction will be made by the person performing the magical act, who will instead distinguish between the greater or lesser ordinariness of the phenomena in question.'

In Ueber Einige Kategorien der verstehenden Soziologie Weber had already dedicated some passages to the difference between modern and 'primitive' interpretations of rational causation. There he claims that 'primitive' people have a better knowledge of the circumstances of their existence than people in 'rational society', since in 'rational society' people believe that there are *other* people who know what makes the streetcar move[8].

In ES he repeats that both 'religion' and 'magic' are primarily 'oriented to *this* world'; they are linked to everyday purposive conduct, to rules of experience and to economic ends.[9] In other words: 'primitive' social relations cannot be understood by using the modern terms 'economic' and 'religious', since in such societies 'economy' and 'religion' are not differentiated.

This standpoint could have been a starting-point for an historical-materialist analysis of the history of the differentiation between 'economics' and 'religion',[10] if Weber would have connected it to an investigation of social-economic character of 'magical' relations, which are probably the same as the 'traditional' ones he analyzes in his sections on household and tribe. He does not do this, since he wants to treat 'charisma' as an individualistic property of persons or things. As Weber is convinced that the 'primitive condition' (of relations between people; he does not mention their relations with things, plants, animals, geological or meteorological phenomena) was not individualistic,[11] 'charisma' appears as a *breach* with the 'communism' of early social relations.

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[5] ES p. 400, WG p. 245. ES adds 'primitive' to 'experience'.

[6] 'primarily, but not exclusively', ibid.

[7] Ibid.

[8] Einige Kategorien p. 473; the connection between 'magic' and 'rationality' is important for an understanding of Webers concept of 'formal rationality', because of the influence of magic and of later religious practices and 'rituals' on those of law. See further below, Ch. 9.

[9] 'Furthermore, religiously or magically motivated *conduct is relatively rational *conduct, especially in its earliest manifestation. It follows rules of experience, though it is not necessarily action in accordance with a means-end schema. (-) Thus, religious or magical *conduct or thinking must not be set apart from the range of everyday purposive conduct, particularly since even the ends of the religious and magical actions are predominantly economic', ES p. 400, WG p. 245.

[10] See below, no 6 n. 56.

[11] ES p. 358, WG p. 214; he also repeatedly emphasizes the 'communistic' character of 'the household'. See above, Ch. 3,3.

Weber defines 'charisma' as a non-everyday, revolutionary force, breaking tradition and sometimes even bureaucracy. He therefore abstracts it from the collective knowledge and experience, the magical practices and theories, which are the basis for attributing such extraordinary properties to certain persons or things; in this way he projects another later development back into prehistory.

Weber's connection of 'charisma' to 'traditional' social relations therefore is a contradictory one. According to him patriarchal domination is the normal, everyday domination, in particular of *economic* activities:

'The patriarch is the natural leader in matters of everyday life.'[12]

Weber defines 'charisma' as the very *opposite of 'tradition'*: according to him it is non-economic, non-everyday. 'Charismatic leaders' are the

'"natural" leaders in moments of distress - whether psychic, physical, economic, ethical, religious, or political'; they are 'bearers of specific gifts of body and mind that were considered "supernatural" in the sense that not everybody could have access to them'[13].

Definitions of 'charisma' are to be found in Weber's conceptual exposition of domination, and also in his essays on the sociology of religion and that of law in part II. In his conceptual exposition he combines all those aspects of charisma that create social relations, analyzing them from the viewpoint of their capacity to create permanent social formations: domination relations, in particular military and political ones.

In Weber's conceptualization charisma is the power that breaks the connection between the daily economic needs and the social structure in the universalist sense - between the private sphere of production, of relations of women and men on the one hand and public life, the struggle between groups of men, on the other. The activities concerning fulfillment of *everyday* economic needs cannot be oriented to charismatic leadership, since charisma is defined as a specifically anti-economic force, 'specifically foreign to everyday routine'[14]; it rejects 'all methodical rational acquisition, in fact, all rational economic conduct.'[15] This does not mean that charismatic leaders cannot be interested in money; indeed, 'in the case of charismatic warriors, the booty is both means and end of the mission.' Charisma thus is not hostile to money in itself, but 'to all systematic economic activities; in fact, it is *the* strongest anti-economic force, even if it is after material possessions.'[16]

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[12] 'Patriarchal power has its first locus in the e c o n o m y, to be precise, in those of its branches that are concerned with normal want satisfaction,' ES p. 1111, WG p. 654.

[13] Ibid.

[14] ES p. 246, WG p. 142. The translation adds the word 'structures' which is not to be found in the original text.

[15] ES p. 1113, WG p. 655.

[16] In Weber's view every 'need' outside of those taken care of by daily economic routine can form a basis for special charismatic formations. Religious groups are such formations. Since Weber sees religion as having its origin in charisma, he explains this concept most fully in the beginning of his chapter on Religious Groups, ES p. 399 ff., WG p. 245 ff.

3. The appropriation and production of charisma

Weber sees charismatic leaders as self-appointed; they 'determine themselves and set their own limits'. The charismatic leader demands obedience as a duty of his followers.[17] If nobody follows him, his claim collapses; 'if they recognize him, he is their master (Herr) as long as by 'proof' he can sustain this recognition'.[18]

In Weber's theory there is no connection between the needs of the leader's followers and the origin of the charismatic leadership; followers play no part in creating the charismatic calling of their leader; they are, however, indispensable for the realization and continuance of his charisma. Charisma thus breaks the rationality of history, since it is impossible to explain in a rational way why certain needs and interests are answered by self-appointed charismatic leaders, while other needs are not.

As Weber views the origins of charisma as irrational, the question is how he explains that this power becomes a property of special, masculine persons. For charisma proper such an explanation cannot be given. According to Weber 'primary charisma', as he calls it, is a natural gift, 'which cannot be acquired by any means'. He therefore constructs a second type of 'charisma', which can be produced artificially, by evoking an already existing germ of it by 'some ascetic or other regimen'.[19] To this 'secondary charisma' sociological explanations can be connected; according to Weber it is the foundation of professional specialization and the formation of groups. 'The oldest of all "vocations" is that of the professional *magician' who, in contrast to the ordinary person, is not only 'permanently endowed with charisma', but also knows to produce it: he 'has turned the distinctive subjective condition that notably represents or mediates charisma, namely ecstasy, into an "enterprise".'[20].

Here also Weber seems to represent a historical appropriation process by giving a different meaning to a concept, in this way transforming 'a gift of nature' into a social phenomenon. The origins of entrepreneurial magic are not explained; its existence is taken for granted and used as a beginning for the conceptual construction for a historic development. The magician is presented as a possessor of a means of production, an 'entrepreneur'. By production of 'ecstasy' power and riches can be conquered and other entrepreneurs created. In Weber's view not only the creation of priests and religious organizations is based on 'production' and 'transfer' of 'charisma' by way of its 'routinization', but also that of military organizations. It are the charismatic military organizations which play such an important role in specific Western developments.

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[17] ES p. 266, 1112, WG p. 156, 655.

[18] ES p. 1113, WG p. 655.

[19] ES p. 400, WG p. 245/6: 'Charisma may be either of two types. Where this appellation is fully merited, charisma is a gift that inheres in an object or person simply by virtue of natural endowment. Such primary charisma cannot be acquired by any means. But charisma of the other type may be produced artificially in an object or person through some extraordinary means. Even then, it is assumed that charismatic powers can be developed only in people or objects in which the germ already existed but would have remained dormant unless evoked by some ascetic or other regimen.' Weber continues: 'Thus, even at the earliest stage of religious evolution there are already present in nuce all forms of the doctrine of religious grace, from that of 'gratia infusa' to the most rigorous tenet of salvation by good works.' This sentence is a good example of Weber's law of paradoxical causation.

[20] ES p. 401, WG p. 246. ES translates Weber's general term 'Zauberer' with 'necromancer', from 'necromancy', art of predicting by means of communicating with the dead; magic, enchantment (Oxford Concise Dictionary).

4. Routinization and 'Versachlichung' of charisma. Charismatic education Transformation of charisma into group membership.

'Routinization of charisma'[21] is one of Weber's most interesting concepts. It involves a *transformation* of charisma in which the meaning of the concept 'often is transformed beyond recognition, and identifiable only on an analytical level'[22]; it can even be '*altogether reversed*':

'This reversal of genuine charisma into its exact opposite occurred everywhere according to the same pattern.'[23]

The process of routinization of charisma can be primed by the followers of the charismatic leader, when they establish a selection process in order to appropriate 'powers and economic advantages' and to regulate recruitment, which originally was based on personal charisma[24]. Since charisma cannot be 'learned' or 'taught', only be 'awakened' and 'tested, the *norms for recruitment* which are now set up involve 'training or tests of eligibility'. In this way charismatic power, which had at first brought about a dissolution of the social bonds of economic routine, becomes a social force.

The charisma which is routinized in this way appears to be of the 'secondary' kind: the kind which is not a natural gift, but is produced *artificially*[25]. By indicating this type of charisma with the same word as that used for the 'spontaneous' kind, Weber has already conceptualized the possibility of its transformation. Thus he lays the foundation for a conceptual *representation* of an *appropriation process* by means of the concept of 'routinization of charisma', in which charisma is transformed again. Charisma now becomes *'depersonalized', 'versachlicht'*[26]:

'It involves a dissociation of charisma from a particular individual, making it an objective, transferrable entity.'

Only 'Versachlichung' makes charismatic education possible:

'From a unique gift of grace charisma may be transformed into a quality that is either (a) transferable or (b) personally acquirable or (c) attached to the incumbent of an office or to an institutional structure regardless of the persons involved.'

This fundamental transformation turns the meaning of 'charisma' *into its opposite*. Weber nevertheless keeps using the same concept:

'We are justified in still speaking of charisma in this impersonal sense only because there always remains an character of extra-ordinariness*, of that what is not accessible to everyone and which typically overshadows the charismatic subjects and that it for this very reason *is serviceable for that social function, for which it is used[27]. But of course this form of flowing of the charisma into everyday life, its transformation in a permanent *formation (Dauergebilde), signifies the deepest transformation of its being and its functioning.'[28]

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[21] ES p. 246 ff., 1121 ff., WG p. 142 ff., 661 ff.

[22] ES p. 1121, WG p. 661, see also ES p. 1136, WG p. 671.

[23] ES p. 1139, WG p. 674.

[24] Securing an adequate successor is another cause. ES p. 246 ff., 1123 ff., WG p. 142 ff., 656. ff.

[25] ES p. 400, WG p. 245/6.

[26] ES p. 248, WG p. 144, ES p. 1135, WG p. 671. 'Sache' means 'thing', 'sachlich' means 'business-like'; therefore it is not the same as 'depersonalized'.

[27] ES p. 1135 translates: 'that charisma can fulfill its social function'.

[28] ES p. 1135, WG p. 671.

As 'pure' charisma in Weber's definition view is instable and exists 'only "in statu nascendi"'[29], it does not lead to permanent social formations. By employing a transformed concept of charisma, however, he can analyze permanent social relations which are determined by domination which is based on 'extra-ordinariness' and which he therefore calls *'charismatic domination'*. He therefore connects 'charismatic domination' to 'charisma' by shifting from an interpretation of the individual, subjective meaning of 'charisma', to a 'functionalist' argument on the social function of 'impersonal charisma', thus reasoning backwards, from effect to cause. By this methodological shift he is able to use the conceptual transformations of charisma to represent a historical development.

The development Weber conceptualized first is the appropriation of everyday magic by a masculine individual; I interpret 'routinization of charisma' as another appropriation process, this time by the followers of the charismatic leader. Weber's 'routinized charisma' becomes a property of the group, a foundation for 'economic subsistence', a 'permanent social formation.' In this process 'charisma' is 'versachlicht', transformed into a thing and a business; this transformation is the base for the establishment of 'charismatic domination'. The historical order of this developments, however, could have been the reverse of that Weber presents in his conceptual manipulations; it could have been that collective magic practice and theory was first appropriated by groups of men and only later became private property.

5. Proofs of manhood and the reversal of the burden of proof; monopolization of masculinity by warrior fraternities

The process of 'routinization of charisma' is of central importance to an understanding of Weber's argument on the origins of 'legal patriarchy' and its connections with his conceptualization of *social masculinity*. A central link in his argument is his presentation of the institution of the 'men's house' as an illustration of the routinization of charisma by means of the institution of charismatic education in which *magical asceticism is practiced, in order to produce magicians and heroes.*[30]

I will repeat the two sentences in small type which are all Weber has written about this important subject in his conceptual exposition; when discussing the means of closing off the administrative staff he says:

'* The magical and warrior asceticism of the "men's house" with initiation ceremonies and age groups belong here. An individual who has not successfully gone through the initiation, remains a "woman"; that is, he is excluded from the charismatic group ('Gefolgschaft').'[31]

It is easy to understand why the 'men's house' cannot be more than an illustration in Weber's argument about routinization of charisma in the conceptual exposition. There he analyzes charismatic domination in universalist terms, without either conceptualizing manhood in general, or the masculine character of magical and in particular of warrior asceticism, or the appropriation of manhood by routinized charismatic groups.

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[29] ES p. 246, WG p. 143.

[30] Weber himself refers to his treatment of 'charismatic education' in Ch. IV ('Status groups and Classes) of his conceptual exposition - see below, no 7 - but he did not finish this chapter. He discussed it in ES p. 1143 ff., WG p. 677 ff.

[31] ES p. 249/50, WG p. 145.

In the chapter on charismatic domination in part II, however, where he introduces the concept '*charismatic education*', Weber extends his statement on the recruitment of charismatic staff to the 'charismatic education' of warriors as a whole:

'He who does not pass the heroic trials of the warrior's training remains a "woman", just as he who cannot be awakened to the supernatural remains a "layman".'[32]

It is interesting to see that in Weber's view only *military* charisma is connected with social masculinity. Weber sees heroic military training by the practice of 'warrior asceticism' as the base from which the 'men's house developed:

'The basic Hellenic institution of the 'epheboi', a component of the individual's athletic-artistic perfection, is only a special case of a universal kind of military training, which includes in particular the preparations for the initiation rites, that is, for the rebirth as a hero, and the reception into the male fraternity ('Männerbund') and the communal house of the warriors, which is a kind of primitive barracks. (This is the origin of the "men's house" which Schurtz traced everywhere with such loving care.)'[33]

The elements of charismatic education are:

'Isolation from the familiar environment and from all family ties (among primitive tribes the novices - 'epheboi' - move into the forests); invariably entrance into an exclusive educational community; complete transformation of personal conduct; asceticism; physical and psychic exercises of the most diverse forms to awaken the capacity for ecstacy and regeneration; continuous testing of the level of charismatic perfection through shock, torture and mutilation (circumcision may have originated primarily as a part of such ascetic practices); finally, graduated ceremonious reception into the circle of those who have proven their charisma'.

This kind of education thus involves a 'regeneration of the whole personality.'[34] Empirical and rational elements can be introduced; I will deal with these later.[35]

A similar analysis of a charismatic education which is concluded by proofs of manhood, can be found in Weber's essay on Stages in the formation of political association in the Chapter on Political Communities.[36] Here he also connects such charismatically educated warrior groups - 'men's leagues' in Schurtz's terminology, - in general with the 'men's house' in particular.[37] The decisive concept in the understanding of the routinization of charisma is thus *'masculine military consociation', 'Männerbund'*, not 'men's house'. According to Weber wherever the 'myth of the rebirth of the hero' exists, the status of women is low.[38] In his chapter on religious groups Weber suggests that this myth also has the practical significance of helping the warriors to realize 'superhuman actions and powers'.[39]

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[32] ES p. 1144, WG p. 677.

[33] Ibid. ES p. 1144, note 11a refers to Heinrich Schurtz, Altersklassen und Männerbünde (Berlin 1902).

[34] 'since heroic and magical capacities are regarded as inborn; only if they are latent can they be activated', ES p. 1143, WG p. 677.

[35] Ch. 9,4.

[36] 'The bearer of arms acknowledges only those capable of bearing arms as political equals. All others, those untrained in arms and those incapable of bearing arms, are regarded as women and are explicitly designated as such in many primitive languages,' ES p. 904 ff., WG p. 516 ff.

[37] ES p. 1144, WG p. 677. According to Weber the men's house recurs in various forms in all parts of the world; see for another standpoint below n. 56.

[38] ES p. 489, WG p. 298.

[39] '... highly systematized procedures frequently played significant roles in those awakenings to charismatic rebirth which promised the acquisition of magical powers. This animistic trend of thinking entailed belief in the incarnation of a new soul within one's own body, the possession of one's soul by a powerful demon, or the removal of one's soul to a realm of spirits. In all cases the possibility of attaining superhuman actions and powers

The routinized charismatic consociation of warriors is a special case of *fraternization*, and thus of the 'status contract' which makes men into brothers. Weber defined this status contract in his sociology of law, but he did not refer to it in his treatment of the concept of 'kinship', which because of this omission remained rather vaguely defined; I already explained how 'fraternization' as described by Weber can be imagined to formalize the relations between adult men, creating an important part of kinship relations. One might therefore suppose that fraternization *contracts* formed the historical connection between traditional and anti-traditional relationships and that they were also responsible for the qualitative differentiation between the associations (Verbände) of women and those of men, which resulted in the establishment of 'consociations of warriors' who claimed charismatic domination. The training for 'rebirth' became a foundation, not only of all kind of privileged masculine consociations, but of the privileges of 'masculinity' as such. When warrior fraternizations develop, proven 'men' claim to be extraordinary beings.

It must be kept in mind that Weber nowhere explicitly states that the warrior consociations always consisted of *biological* men. Indeed, he does not seem to have been concerned at all with the question of who belonged to them. However, as we have seen, Schnitger reported about women fighting in wars and bearing their weapons in public; travellers and scientists have examined cultures in which girls were allowed to share in the education of boys and become warriors.[40] A woman thus can be a member of a warrior fraternization and prove her 'manhood'. For this reason 'manhood' need not be identical with biological masculinity.[41] From Weber's silence on this point, though, one may deduce that he presupposes biological masculinity to form part of the selection criteria for the routinized charismatic fraternization.[42] In his analysis, therefore, the reversal of the meaning of charisma by its routinization implies a beginning of a process of reversal of the meaning of masculinity in which male sexual characteristics acquire some special quality, even before the bearer of them performed anything special.[43]

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was involved. "Other-worldly" goals were of course completely lacking in all this. *But ('Sondern') the capacity for ecstasy might be used for the most diverse purposes. Thus, only by acquiring a new soul through rebirth can the warrior achieve superhuman deeds of heroism. The original sense of "rebirth" as producing either a hero or a magician remains present in all vestigial initiation ceremonies, e.g., the reception of youth into the religious brotherhood of the phratry and their equipment with the paraphernalia of war, or the decoration of youth with the insignia of manhood in China and India (where the members of the higher castes are termed the "twice-born"). All these ceremonies were originally associated with activities which produced or symbolized ecstasy, and the only purpose of the associated training is the testing or arousing of the capacity for ecstacy.' ES p. 534/5, WG p. 324/5.

[40] See for instance Evelyn Blackwood, Signs, Vol. 10, 1984, no 1, p. 29 and Saskia Wieringa, Lover 1989, p. 89 ff. on the famous 'berdaches'; according to them the concept of 'gender' cannot be used in order to characterize this kind of opposition of social position and biological sex.

[41] If one shares this view, the question has to be asked in what stage of the routinization of charisma biological manhood became a selection criterion for charismatic heroic education.

[42] Weber suggests a connection between biological masculinity and charisma by speaking of 'castration of charisma' by party organizations, ES p. 1132, WG p. 669.

[43] Cf. Ch. 2,8 on EuM p. 210, on which Schnitger reports that Germanic women were defined as not being 'able-bodied' and therefore not allowed to bear weapons. It is well known fact that in many cultures men at some point in time made an unhappy association between male sexual organs and weaponry; on the military character of male heterosexuality in classical Greece; see Borneman (1975) p. 224 ff.

Anneke van Baalen, HIDDEN MASCULINITY, Max Weber's historical sociology of bureaucracy. Amsterdam 1994. Chapter 4 Relations between men: from routinization of charisma to patriarchal domination over men.

The implications of Weber's analysis of the 'routinization of charisma' by 'charismatic education' can now be formulated as follows: once the process of routinization of charisma and the corresponding monopolization of manhood has been completed, the burden of proof of manhood for the men of some groups is totally reversed: membership of the monopolizing group is sufficient to prove masculinity. Those excluded from membership are definitively not-men, unless they succeed in forming their own charismatic fraternizations.

Some aspects of the establishment and perpetuation of manhood monopolies are treated in Weber's conceptual exposition of charismatic domination as well. A possible base for succession of charismatic leaders is *'hereditary charisma'*, 'the conception that charisma is a quality transmitted by heredity; thus that it is participated in by the kinsmen of its bearer, particularly by his closest relatives'.[44] In the chapter on religious groups he explains how charisma can be 'versachlicht' and transferred:

'The most frequent case of a *'Versachlichung' of charisma is the belief in its transferability through blood ties. Thus the desires of the disciples or followers and of the charismatic subjects for the perpetuation of charisma are fulfilled in a most simple fashion.'[45]

This way of transferring charisma is not based on 'heredity' in the modern sense; it is based on heredity 'only in the sense that household and lineage groups are considered magically blessed, so that they alone can provide the bearers of charisma'.[46]

Weber repeats that *another reversion of meaning* takes place:

'Once the belief is established that charisma is bound to blood relationship, its meaning is altogether reversed. If originally a man was ennobled by virtue of his own actions, now only the deeds of his forefathers could legitimate him.'[47]

To finish my analysis of the routinization of charisma resulting in the establishment of a warrior fraternity which monopolizes manhood, I will now return to the concept which Weber employed to embody his speculations on the creation of 'real men': the 'men's house'.

6. The men's house

Although in Weber's construction the charismatic education of warriors established the difference between socially proven 'men' on the one hand and men treated as 'women or children' on the other, he presents the 'men's house' as the decisive step to legal patriarchy. This is because he believes that the 'men's house' is an intermediary point in the development of a 'legitimacy of violence'.[48]

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[44] ES p. 248, WG p. 144.

[45] ES p. 1136, WG p. 671.

[46] 'Because its supernatural endowment a house is elevated above all others; in fact, the belief in such a qualification, which is unattainable by natural means and hence charismatic, has everywhere been the basis for the development of royal and aristocratic power.' But here we are already in patriarchy.'As physiological blood ties gain increasing importance, deification sets in, at first of the ancestors and eventually also of the incumbent ruler,..', ES p. 1137, WG p. 672.

[47] Yet there are still other ways of depersonalizing and transferring charisma: artificial, magical means, for instance, can do the trick. This way of depersonalizing and transferring charisma is connected with the concept of the holding of an o f f i c e which can transform charisma into an institution, like a church or a state, see ES p. 1139/40, WG p. 674. I shall deal with this form of charisma later, Ch. 9,3.

[48] Although he conceptualizes 'tradition' - that is to say: everyday economic conduct - as the starting point of

Therefore he elaborates on such a military barracks system in Ch. IX, § 2, 'Stages in the formation of political associations'.[49] He observes the development of legitimate violence in the sense of 'violence bound by norms' 'in situations where the most warlike members of a group on their own initiative consociate through personal fraternization to organize marauding raids'.[50] If these ad hoc associations under charismatic leadership, in which violence initially is only legitimate among members, develop into permanent war associations, these war associations can claim obedience from 'the inhabitants of conquered territories as well as against the military unfit members of the territorial communities from which the warrior's fraternity has emerged.'[51]

According to Weber those military unfit members are seen as women and children. The fraternity lives 'as a communistic organization' 'on war booty and on the contributions they levy on non-members, especially *on the women by whom the agricultural work is done*.'[52] (It. mine). Whatever the men did before, they now fight other men.[53]

The men of the men's house practice a kind of show violence, of which Weber gives examples which have been reported by Schurtz:

'In order to secure their economic position, which is based on the continuous plundering of outsiders, especially women, the consociated warriors resort under certain circumstances to the use of religiously colored means of intimidation. The spirit manifestations which they stage with masked processions very often are nothing but plundering campaigns which require for their undisrupted execution that, on the first sound of the tom-tom, the women and all outsiders flee, on pain of instant death, from the villages into the woods and thus allow the "spirits" conveniently and without danger of being unmasked to take from the houses whatever may please them.'[54]

However, the men do not consider their threat of violence against the women to be legitimate:

'Obviously, the warriors do not believe at all in the legitimacy of their conduct. The crude and simple swindle is recognized by them as such and is protected by the magical prohibition against entry into the men's house by outsiders and by the draconic obligations of silence which are imposed upon the members. The prestige of the men's league comes to an end, as far as the women are concerned, when the secret is broken by indiscretion or, as has happened occasionally, when it is intentionally unveiled by missionaries.'[55]

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charismatic extra-ordinariness, he regards the 'men's house' - conceptualized as a late development of charismatic warrior consociations - as older than 'the household', which is the oldest form of traditional domination; see Ch. 3,3.

[49] ES p. 904 ff., WG p. 516 ff.

[50] ES p. 905, WG p. 517.

[51] 'The freely selected leader is then normally legitimated by his personal qualities (charisma).'Violence acquires legitimacy only in those cases, however - at least initially - in which it is directed against members of the fraternity who have acted treasonably or who have harmed it by disobedience or cowardice. This state is transcended gradually, as this ad hoc consociation develops into a permanent structure. Through the cultivation of military prowess and war as a vocation such a structure develops into a coercive apparatus able to lay effective and comprehensive claim to obedience', ES p. 906, WG p. 517.

[52] Ibid. 'The only work, in addition to the conduct of war, regarded as worthy of them is the production and upkeep of the implements of war, which they frequently reserve for themselves as their exclusive privilege'.

[53] In many instances this fighting, however, cannot be called 'war' in the modern sense, because the rules of the game prevent mass killings.

[54] ES p. 907, WG p. 518.

[55] Ibid.

The men's house is thus a fraternization which practices a kind of symbolic violence against women and other not-warriors, a violence which is unsupported by any belief in legitimacy. According to Weber the warriors themselves do not believe in it, and he presents no facts from which it may be deduced that the women do.[56]

Weber therefore presents the military barracks culture as a halfway-house on the road to a legitimation of violence and therefore as halfway on the road to patriarchy. His argumentation, however, provides no argument for this view. Women feed men, but the men do not force them to do so through acts of legitimate violence: men have no *rights* to the fruits of the work of women. Proven manhood gives men only a claim to membership of the warrior fraternity with its fun and games, but no claims vis-a-vis the women; all the pomp and circumstance of the warrior fraternity, with its drums, its flutes and its hummers illustrates this.

This is consistent with Weber's statement that the men's house organization is older than the patriarchal household. Men can enter 'households' when they have reached a certain age; Weber however keeps repeating that these 'households' are matrilinear.[57] And indeed, the origins of the men's house itself cannot be explained without hypothesizing some kind of a matrilineal kinship organization, the warrior consociation being a 'fraternity': a formal kinship between men, created by magical means.[58]

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[56] See Fokke Sierksma 1962 and 1979, who states that in the cultures of the equatorial belt the invention of horticulture by women robbed the men of the necessity and the possibility to hunt, and so of their economic and social function. Hunting fraternities therefore developed new masculine activities, among which war and enemy-cannibalism were prominent. When, however, the fraternities no longer participate in everyday economic life, 'tradition', which consists of the common social ties which define the sharing of food and work, is broken. They saved their manhood vis-a-vis the women by creating the rituals of the 'robbery of the women's secret', that is the secret of the kind of horticulture the women practiced, in which plants are multiplied by cutting them up. This robbery is symbolized by the rape and cutting up of a female ancestor, whose bloody raffia skirt is shown during rituals. According to Sierksma the women act as if they are frightened, giggling among themselves; they tell outsiders that of course they know the secret. About plunder of food Sierksma tells us nothing; but of course in horticultural societies the women feed the men.

It has to be noted that Sierksma has found this myth and the corresponding men's house rituals only in the tropical regions of the equatorial belt; for this reason it would be better to use the concept 'men's league' instead of that of 'men's house', like Schurtz proposed.

In Geschiedenis van de Vrouwentoekomst Marijke Ekelschot and I, to explain the reported difference between for instance prehistoric Balkan and historic Pueblo cultures, concluded that magical productive activities - to secure the return of spring, to make rain, to make plants grow and animals prosper - could be defined as 'work', and that in cultures were groups of men, from a necessity caused by a harsh or variable climate, performed such activities, they were better integrated in matrilineal society than in circumstances were plants grew also without such interference, as in the equatorial belt where, after the invention of horticulture by the women, 'the men's house seems to have developed. See below, n. 89.

[57] 'The men's absence frequently establishes the household as a "maternal grouping" in which children and property are attributed to the maternal household, or the woman achieves at least a relative domestic independence, as is reported for Sparta,' ES p. 371, WG p. 223.

[58] If one chooses the matrilinear kinship organization as a starting point, though, the problems in conceptualizing the development of these fraternities are comparable to those Weber tried to solve with 'the routinization of charisma'.

Only once does Weber begin to address the question of the origins of the men's house; his answer, however, is based on the presupposition that patriarchy already existed in some way, a presupposition he had denied earlier:

'The numerous means that were specially invented to intimidate and rob women -for example, the periodic predatory exploits of the duk-duk - are an attempt by the men who have left the household to strengthen their threatened authority.'[59]

Neither Weber's concepts nor his cultural-anthropological material shed light on the question of origins. Nor do they provide an explanation for the origins of the diverse kinds of 'war'. His traditional ideas about the nature of men and women and the historical ubiquity of 'war' prevent him from asking the right questions. The main interest of his concepts of fraternization, routinization of charisma, charismatic education, proofs of manhood and men's house, therefore, lies in the possibility they offer to criticize another concept: that of the patriarchal household as the oldest social formation.

This concept can be criticized on the basis of Weber's own distinctions between 'warrior fraternity' and 'patriarchy' and between 'patriarchy' and 'legal patriarchy'. Not all warrior fraternities can legitimately claim patriarchal rights; a 'proven man' is not always a 'patriarch'. On the contrary, one may conclude from Weber's analysis of 'legal patriarchy' that the identity of 'warrior fraternity' and 'legal patriarchy' only came into being after certain warrior fraternities developed in a special way.

7. From men's house to legal patriarchy: from warrior fraternity by plutocratization of charisma to status group and caste

As we saw before, Weber employs the concept of 'military caste ' for his construction of the development of the 'warrior fraternity' into legal patriarchy.[60] The concept of '*caste*', in its turn, is developed from that of *'status group'*.

Weber defines the concept of 'status group' in separate chapters: in the unfinished Chapter IV of the conceptual exposition,[61] and in a corresponding section on 'Classes, Status Groups and Parties' in Part II[62]. He lays the foundation for this concept, however, in his treatment of the 'Genesis and Transformation of Charismatic Domination', in the form of a continuation of the construction of the series of stages of 'depersonalization of charisma' I discussed above. The last stage of the transformations of charisma is its *plutocratization*. This comes about through a monopolization of charismatic education by the rich. According to Weber every training 'may become the concern of a small circle of professional associates out of which may develop secret priestly fraternities or exclusive aristocratic clubs.'[63] All those clubs 'share the tendency to replace charismatic capacities increasingly with purely economic qualifications.'[64] Charismatic education takes time; as the intensity of economic work increased, dispensability from the household became less frequent. Therefore the rich

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[59] ES p. 371, WG p. 223.

[60] See above no 1 and Ch. 3,5.

[61] ES p. 302 ff., WG p. 177 ff.

[62] ES p. 926, WG p. 531 ff.

[63] ES p. 1145, WG p. 679.

[64] ES p. 1146, WG p. 679.

succeeded in monopolizing first charismatic education and finally membership of charismatic groups; as a result of this process the '*style of life*' made possible by property 'ennobles'.[65]

Weber employs the concept 'style of life' to construct his concept of *'status group'* which is one of his central concepts. In his definition *a 'status group' includes women, who enter it by way of marriage; it is therefore defined as patriarchal*. By opposing 'status group' to 'class', he conceptualizes an opposition of social and economic differentiations, of static and dynamic ones. A status group is defined as based on a shared claim to social honor:

'"Status" ("ständische Lage") shall mean an effective claim to social esteem in terms of positive of negative privileges; it is typically founded on

  a) style of life, hence

  b) formal education, which may be

  α) empirical training or

  ß) rational instruction, and the corresponding forms of *conduct

  c) hereditary or occupational prestige

  In practice, status expresses itself through

  α) connubium

  ß) commensality

  Γ) monopolistic appropriation of privileged modes of acquisition or the abhorrence of certain kinds of acquisition,

  d) status conventions (traditions) of other kinds.'[66]

In Weber's view property can bring social esteem, but monopolization of esteem can also lead to the formation of groups which are able to monopolize economic power.[67]

The conceptual history of status, honor and prestige lies in the concept charisma, which Weber so often has turned into its opposite that its original opposition to economic routine is lost and only *lifestyle* based on wealth is left as a factor which differentiates the two. Conceptually, though, Weber separates status groups from classes: the former are *groups*, which share 'a specific, positive or negative, social estimation of *honor*', thus social formations; the latter are 'interest situations' which can only be conceptualized in economic terms.

This status honor 'is normally expressed by the fact that above all else a specific s t y l e o f l i f e is expected from all who wish to belong of the circle. Linked with this expectation are restrictions on social

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[65]'The result was a monopolization of charismatic education by the well-to-do, who purposely reinforced this trend. As the original magic or military functions lost importance, economic aspects came to predominate ever more.' 'At the end of this development, a person can simply buy his position in the various levels of political "clubs" as in Indonesia; under primitive conditions it may suffice to organize a rich feast.''It is then not necessarily property itself that ennobles a person, but rather the style of life that is possible only on the basis of property', ES p. 1146, WG p. 679.

[66] 'Status groups may come into being:

        a) in the first instance, by virtue of their own style of life, particularly the type of vocation: "self-styled" or occupational status groups,

        b) in the second instance, through hereditary charisma, by virtue of successful claims to higher-ranking descent: hereditary status groups, or

        c) through monopolistic appropriation of political of hierocratic powers: political or hierocratic status groups', ES p. 306, WG p. 180.

[67] ES p. 926 ff., WG p. 531 ff.

intercourse (that is, intercourse which is not subservenient to economic or any other purposes). These restrictions may confine normal marriages to within the status circle and may lead to complete endogamous closure.'[68]

Thus, *marriage and paternity* are elements of Weber's concept of 'status group': they ensure the continuation of the group in time, by defining the children who belong to the group as having the superior characteristics of it 'in their blood'. Marriage especially means, according to Weber, 'that only children born of stable sexual relationships within a more inclusive economic, political, religious, or other community to which one or both parents belong will be treated, by virtue of their descent, as equal members of an *association ('Verband')'[69].[70]

The restriction of *'connubium'* to group members also gives the daughters a place inside the status group.[71]

Weber's transition from 'warrior fraternity' to 'status group', therefore, presents analytical problems. He solves these problems by way of a conceptual shift: he changes the meaning of the term 'warrior fraternity' in such a way that it can come to include 'patriarchy', in the sense of 'property of land, women and slaves'.

In his outlines for a conceptualization of 'warrior status groups', which Winckelmann published as a 'Beilage' accompanying the conceptual exposition of 'status groups and classes'[72], Weber presents this shift more clearly, by connected 'routinization of charisma' with 'status groups' (Stände). These outlines are a plan for a casuistry of the forming of status groups; the American translators left them out, probably because they are unfinished. In the first outline Weber distinguishes between 1. charismatic, 2. traditional, 3. feudal warrior status groups; in the second one between A. 'Gemeinfreie': communal free persons, free clubmen, and B. Appropriated traditional military associates ('Genossen). Under A 'Gemeinfreie' Weber conceptualizes his description of the men's house in terms of status instead of, as he did elsewhere, in terms of 'routinization of charisma' or 'manhood'.[73]

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[68] ES p. 932, WG p. 535.

[69] ES p. 357/8, WG p. 213. Weber, like Weber-Schnitger, sees the origins of marriage in the wish of rich or privileged families to protect their daughters against slavery and to give the children of these daughters a privileged status (ES p. 372, 688, WG p. 224, 413).

[70] The men who form the status group can only perpetuate the group if they have male children, who become equal members. They are therefore imagined as giving birth; in this way the myth of patrilinear descent - the myth that when a man possesses a woman and has sexual intercourse with her, her children are the fruit of his loins - is invented. See also Pateman (1988) p. 35/6, 214, 216, who uses the term 'monogenetic' coined by Carol Delaney.

[71] The Webers also mention a kind of 'matrilinear marriage' in cases where the family of the woman is richer than that of the man and therefore take their son-in-law into their own house; EuM p. 28, ES p. 368, WG p. 221/2 ('bina-marriage'). According to Weber-Schnitger EuM p. 24 ff. anthropologists who claimed to have discovered a 'matriarchy' had in reality only found this type of marriage.

[72] Two unnumbered pages after WG p. 180.

[73] In my translation:
'A. Free clubmen
1. Charismatic warrior associates: men's house association. Admittance after heroic-ascetic examination and novitiate through dedication of the youths.
Contradiction: 1. Children, 2. Old people, 3. Women, that is: everybody who did not go through the dedication ritual of the youths.
Way of life: without family in the house communism of the men's house, from loot, hunt and food contributions of

The *proven 'men'* are described as *'free men'*, although the opposite of 'free men' in this outline is 'women, old people and children', not 'unfree men'; under 'status privileges', Weber names *command (property) of land and slaves* - slaves being unfree women and unfree men. He describes the women as 'dependent economies ('Wirtschaften'), although he does not explain anywhere why they are dependent. He thus shifts here from a pre-patriarchal social structure to a patriarchal one where the free warriors possess land and slaves.
In my view Winckelmann was right to include Weber's sketch of the 'warrior status groups' in WuG. This sketch shows the awkward shift Weber makes from 'warrior consociations' *excluding* women to 'status groups' *including* women, albeit as dependents. In this new conceptualization the warrior confraternizations, who lived communistically in the men's house, apart from the women but dependent on them for their food, appear to have appropriated land, women and slaves.
Weber thus makes his concept of 'status group' appropriate that of 'warrior confraternization', turning its meaning into its opposite, just as he turned the meaning of 'tradition' and also two (or three) meanings of 'charisma' into their opposites. Through a conceptual allocation of land, women and slaves to the 'warrior fraternity', Weber is able to construct a development of a patriarchy in the legal sense of 'patrilineal descent and exclusively agnatic attribution of kinship and property', which indeed is his universalist, public concept of patriarchy as a legitimate domination of proven men over other men, defined as 'non-men' or 'women'.

I understand Weber's shift from 'warrior consociation', through 'warrior status group' to 'status group', as a functionalist conceptualization of
the *result* of a development in which *manhood*, *honor* and *property-ownership* have come to be identified. Women and failed men are each excluded from it in a different way: the 'women', the human beings without honor, are separated by the real men in women and unfree men, the difference between these two groups being that some of the women - the daughters of the legitimate wives of members of the status group - are candidates for marriage and thus for incorporation into the status group by way of a 'status contract'. These women therefore develop different career perspectives and competition strategies; they are increasingly followed by other women who wish to enter status groups through marriage. In this way 'femininity' as vicarious participation in masculine wealth and prestige is created.
The concepts 'honor' and 'status' complete the opposition between daily routine work and routinized not-work, which Weber conceptualized when he constructed the concept of 'charisma'. Human beings without honor or status have to *work*, to perform all kinds of physical and mental services that directly or indirectly benefit their betters. For through all his transformations and reversals of the meaning of charisma Weber leaves one element of it unchanged: the idea that *men who feel themselves to be superior abhor every kind of*

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the dependent economies (women).
Status privileges: "hunting stable", bearing of weapons, tool labor, participation in hunting and looting expeditions, food privileges (meat), participation in warrior orgies (cannibalism) and warrior cults, right to tribute, command of land and slaves, as well as certain kinds of cattle.
Sometimes development to secret clubs with a monopoly of (camorra-like) control of goods and security.
After the end of the youth period: resignation from the men's house, entrance in the family ('military service').
After the end of military ability: expulsion, killing, or on the contrary: to be worshipped as expert in magical tradition.'

routine and continuous economic activity ('Erwerbsarbeit').[74] We shall find remarks on the dishonoring effects of routine labor at several points in his description of the development of European social formations; yet he reports the development, especially in the cities of Western Europe, of status groups based on commercial activities. Weber in his treatment of status groups does not discuss this contradiction; he only leaves open the possibility that it may occur.[75]

The result of the opposition of honor and routine economic activities seems to be a relatively simple dichotomy in which the not-men, the honorless, the women and 'women', work to support the 'leisure classes', as Thorstein Veblen in his famous book of 1899 called the status groups.[76]

8. Positive and negative status honor; masculine and feminine values

'Class' and 'status' are for Weber complementary factors: social relations at any given moment are determined by either the one or the other. As the term 'status' indicates, status groups dominate social relations in stable economic circumstances; in times of economic upheaval, the class situation prevails.[77]

Classes, however, can be defined negatively as well as positively - by property and by the lack of it. To be able to construct a symmetry between the status order and the class structure, therefore, Weber conceptualized *negatively* privileged status groups beside the positively privileged ones (like the warrior status groups and their plutocratized successors). The problem with the symmetry between positive and negative status groups, however, is that it can only be partial. Classes according to Weber are 'interest situations', while status groups are *groups*, in which members share some positive evaluation of themselves. This

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[74] Compare ES p. 936, WG p. 537: 'Artistic and literary activity is also considered degrading work as soon as it is exploited for income, or at least when it is connected with hard physical exertion. An example is the sculptor working like a mason in his dusty smock as over against the painter in his salon-like studio and those forms of musical practice that are acceptable to the status group.'

[75] 'The frequent disqualification of the gainfully employed as such is a direct result of the principle of status stratification, and of course, of this principle's opposition to a distribution of power which is regulated exclusively through the market'. '...in most instances the notion of honor peculiar to status absolutely abhors that which is essential to the market: hard bargaining. Honor abhors hard bargaining among peers and occasionally it taboos it for the members of a status group in general. Therefore, everywhere some status groups, and usually the most influential, consider almost any kind of overt participation in economic acquisition as absolutely stigmatizing', ES p. 936 ff., WG p. 537 ff.

[76] Veblen (1899, 1992). Weber nowhere refers to this book, which bases the opposition of masculine and thus honorable activities - hunt, war, sports, religion, politics - and feminine, thus dishonorable activities - on a supposedly original differentiation between two kinds of magic, namely the magic of influencing objects etc. imagined as animate and those imagined as inanimate. Veblen's theory later brought much joy to Dutch radical feminists, since it explained why 19th century bourgeois women were not allowed to do any paid work: they had to be the embodiment of the honorable 'leisure' of their husbands.

[77] 'Every technological repercussion and economic transformation threatens stratification by status and pushes the class situation into the foreground.'' And every slowing down of the change in economic stratification leads, in due course, to the growth of status structures and makes for a resuscitation of the important role of social honor', ES p. 938, WG p. 539.

means that members of a negatively privileged status group have to turn their negative privileges into a form of honor.

However, in the fragment where he conceptualizes the 'status group' Weber does not deal with this process: all the characteristics of status groups he mentions refer to positively privileged groups. The concept 'negative status group' is thus a contradictio in terminis; it may be used to characterize ambiguous or contradictory social situations.

Weber's chapter on 'Status groups and Classes' in the conceptual exposition, however, has remained unfinished; it is therefore possible that he planned to include in it the analysis of 'negative status honor' he presented in his older essays on status groups and on religious groups. There he describes the 'negative status group' as follows:

'However, with the negatively privileged status groups the sense of dignity takes a specific deviation. A sense of dignity is the precipitation in individuals of social honor and of conventional demands which a positively privileged status group raises for the deportment of its members. The sense of dignity that characterizes positively privileged status groups is naturally related to their "being" which does not transcend itself, that is, it is related to their "beauty and excellence" (kalokagathia, in Greek letters). Their kingdom is "of this world". They live for the present and by exploiting their great past. The sense of dignity of the negatively privileged strata naturally refers to a future lying beyond the present, whether it is of this life or of another.'[78]

Weber's concept of 'negative status honor' could have led to an understanding of quite a few 'feminine mystiques'. Weber, however, never defined status groups consisting of women. In his view a negatively privileged status group is a group of *men* who base their self-esteem in some degree upon non-military and thus on non-manly values.[79]

The concept of 'negative status honor' thus serves to explain that in negatively privileged status groups values which are regarded by the positively privileged men as 'feminine' and

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[78] ES p. 934, WG p. 536. Weber proceeds to explain that 'this simple state of affairs, and not the resentment which is so strongly emphasized in Nietzsche's much-admired construction in the 'Genealogy of morals', is the source of the religiosity cultivated by pariah status groups (...)'. In his chapter on religious groups he had formulated this as follows: The sense of self-esteem which is characteristic of the non-priestly classes that claimed the highest social privileges, particular the nobility, 'rests on their awareness that the perfection of their life pattern is an expression of their underived, ultimate, and qualitatively distinctive b e i n g; indeed, it is in the very nature of the case that this should be the basis of their feeling of worth. On the other hand, the sense of honor of disprivileged classes rests on some guaranteed promise for the future which implies the assignment of some function, mission, or vocation to them. What they cannot claim to b e, they replace by the worth of that which they will one day b e c o m e, to which they will be called in some future life here or hereafter; or replace, very often concomitantly with the motivation just discussed, by their sense of what they s i g n i f y and achieve in the world as seen from the point of view of providence.' (ES p. 490/491, WG p. 298).

[79] 'The religion of the disprivileged strata, in contrast to the aristocratic cults of the martial nobles, is characterized by a tendency to allot equality to women. There is a great diversity in the scope of the religious participation permitted to women, but the greater or lesser, active or passive participation (or exclusion) of women from the religious cults is everywhere a function of the degree of the group's relative pacification or militarization (present or past)', 'Wherever an ascetic training of warriors involving the rebirth of the hero is or has been dominant, woman is regarded as lacking a higher heroic soul and is consequently assigned a secondary religious status', ES p. 488/9, WG #; 'It is by no means true that all religions reaching brotherly love and love for one's enemy achieved power through the influence of women or through the feminist character of the religion (...). The influence of women only tended to intensify those aspects of the religion that were emotional or hysterical. (...) But it is certainly not a matter of indifference that salvation religions tended to glorify the non-military and even anti-military virtues, which must have been quite close to the interests of disprivileged classes and of women.' ES p. 489/90, WG p. 297/8.

'dishonorable', can be considered 'masculine'. Male members of 'negative status groups' are therefore in an ambiguous position: they consider themselves masculine, but the members of positive status groups do not regard them as such.

Weber will later present several instances of men in such ambiguous positions. 'Coloni' and bondsmen are examples. The difference between their position and that of male slaves is that the latter are allowed a kind of 'quasi-marriage'; in Weber's view, the transformation of slaves into 'coloni' has played an important role in European history.[80]

I will show that Weber conceptualizes such ambiguous positions as the result of a *delegation* of patriarchal power. If the delegated 'quasi-patriarchs', as I shall name them, form their own status groups, these will initially be characterized by a lack of privileges other than that of delegated patriarchal power; however, by acquiring military or financial power, the members of a negative status group can strive to transform their group into a positive one.

9. Caste and 'race'

Weber uses his concept of 'status group' to reduce the scope of biologist conceptions of 'race'. His aim is to substitute sociological concepts for biological ones and to criticize those biologist thinkers who form the mainstream of social thought[81]. He therefore develops the concept of 'caste': it is a 'status group' which is closed to such a degree that physical contact with outsiders is regarded 'as making for a ritualistic impurity and a stigma which must be expiated by a religious act'.[82]

'Ethniticity' can be an element of the caste system in those instances where the members of the caste believe in their 'blood relationship'; yet, in Weber's view, caste transforms these 'ethnic differences' into a vertical social system of super- and subordination.[83]

Weber thus considers most 'ethnic' or 'racial' differences to be vertical caste differentiations, but he leaves open the possibility that status groups can *cause* racial differences by producing 'a thoroughbred anthropological type.'[84]

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[80] See GAzWG, p. 298 ff.

[81] See Ch. 1,4.

[82] 'When the consequences have been realized to their full extent, the status group evolves into a closed caste. Status conventions are then guaranteed not merely by conventions and laws, but also by religious sanctions', ES p. 933, WG p. 536; see also ES p. 435, WG p. 265.

[83] 'In general, however, the status structure reaches such extreme consequences only where there are underlying differences which are held to be "ethnic". The caste is, indeed, the normal form in which ethnic communities that believe in blood relationship and exclude exogamous marriage and social intercourse usually associate with one another.' 'A status segregation grown into a caste differs in its structure from a mere ethnic segregation: the caste structure transforms the horizontal and unconnected coexistences of ethnically segregated groups into a vertical social system of super- and subordination. Correctly formulated: a comprehensive association integrates the ethnically divided communities into one political unit. They differ precisely in this way: ethnic co-existence, based on mutual repulsion and disdain, allows each ethnic community to consider its own honor as the highest one; the caste structure brings about a social subordination and an acknowledgment of "more honor" in favor of the privileged caste and status groups. This is due to the fact that in the caste structure ethnic distinctions as such have become "functional" distinctions within the political association (...). But even pariah peoples who are most despised (for instance, the Jews) are usually apt to continue cultivating the belief in their own specific "honor", a belief that is equally peculiar to ethnic and status groups,' ES p. 934, WG p. 536; here follows the concept of 'negative status honor'.

[84] "Certainly status groups are to a high degree effective in producing extreme types, for they select personally

The importance of a sociological concept of 'caste' lies in its possibility to criticize historical myths of superior and inferior 'races' and to explain the ambivalent position of racially-discriminated men and of the women who identify with them. It also serves to provide Weber with a further element for his sociological interpretation of the origins of legal patriarchy, without taking recourse to 'the Aryan myth' on 'Indo-Germanic' conquerors who would have introduced patriarchy into Europe.[85]

10. Property of land and people: military caste and patriarchal 'familia'

As we have seen, Weber connected military castes to the invention of masculine property of land, based on the idea of male property as something 'won and defended by force', in which 'unarmed persons, especially women, cannot have a share'. If the members of a military caste lived dispersed in the countryside[86], according to him patriarchy in the legal sense usually became predominant.[87]

Weber does not explain how this situation has come about; neither does he explain how and why military fraternities acquired the power which enabled them to regard land as something which is conquered by men. Again he represents a historical development on a conceptual level by reasoning from the result backwards: military fraternities have conquered land and the people who live on it and therefore they can be conceptualized as a 'status group', in this case a ritually closed 'caste'. In his interpretation these 'warrior castes' cannot have been other than patriarchal; he deduces this from the character of great empires:

'As far as our historical knowledge goes, the empire-building peoples of the Far East and India, the Near East, the Mediterranean and the European North developed patrilineal descent and exclusive agnatic attribution of kinship and property; contrary to a frequent assumption, the Egyptians also had patrilineal descent even though they did not have agnatic attribution. The major reason for this phenomenon is that great empires cannot be maintained in the long run by small monopolistic, staff-like groups of warriors who live closely together in the manner of "men's houses"; in a natural economy empire-building requires as a rule the patrimonial and seignorial control of the land, even is this subjection proceeds from groups of closely settled warriors, as in Antiquity. The manorial administration develops quite naturally out of the patriarchal household that is turned into an apparatus of domination; everywhere the manor originates in patriarchal authority. Hence, there is no serious evidence for the assertion that the predominance of patrilineal descent among those peoples was ever preceded by another order, ever since kinship regulations among them had been regulated by any law at all.'[88]

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qualified individuals (...). But individual selection is far from being the only, or the predominant, way in which status groups are formed: political membership or class situation has at all times been at least as frequently decisive,' ES p. 935, WG p. 537, see also ES p. 386, WG p. 234: '"pure" anthropological types are often a secondary consequence of such closure (...).' and ES p. 388, WG p. 235: 'But if there are sharp boundaries between areas of observable styles of life, they are due to conscious monopolistic closure, which started from small differences that were then cultivated and intensified; or they are due to the peaceful or warlike migrations of groups that previously lived far from each other and had accommodated themselves to their heterogeneous conditions of existence'. Weber though does not criticize all ideas about race and its effects; he only relativizes them.

[85] See Poliakov (1971). Weber does not provide information on the religious sanctions which prohibited contact between conquerors and conquered.

[86] See on the development of military cities below Ch. 7.

[87] ES p. 370 ff.; WG p. 222 ff.; see above Ch. 3,5.

[88] Ibid.

Anneke van Baalen, HIDDEN MASCULINITY, Max Weber's historical sociology of bureaucracy. Amsterdam 1994. Chapter 4 Relations between men: from routinization of charisma to patriarchal domination over men.

According to Weber empires can only be built and maintained from patriarchal households, and because we know empires have existed, those patriarchal households must also have existed, as a basis for the development of patriarchal descent.

Although this functionalist argument gives no historical insight, I consider the conceptual connection Weber makes between 'warrior status group' and 'patriarchy' as a step forward from the idea of an original patriarchy, Military appropriation of land and people is at least represented on a conceptual level; one could even say that Weber presents at least a conceptual version of the theory that patriarchy is a 'stage of development' of the relations in the regions where the great empires ruled. 'Proven manhood' is connected to patriarchal property, as it was historically defined - as full and unfettered property of human beings, animals, things and land; to the Roman identity between of the 'family' of the patriarch and his 'Vermögen', his 'wealth': his 'familia'. Weber considers this property of dependent persons a characteristic of 'primitive patriarchalism'.[89]

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[89] 'Rather, primitive patriachalism continues to view household authority as the power of disposition over property even after the (by no means primitive) recognition that procreation and birth are connected. The children of all women subject to the authority of a master are considered "his" children if he so wishes, just as the offspring of his animals are his property. This holds whether the woman is a wife or a slave, and regardless of the facts of paternity. The purchase and selling of children is still a common phenomenon in developed cultures, in addition to the renting (into the mancipium) and mortgaging of children and of women.' ES p. 1007, WG p. 581; see also Schnitger EuM p. 48 ff.

The similarity between the appropriation of children and that of the young of cattle, has made many feminists suppose that patriarchy was developed by societies of cattle-breeding nomads, where women did not have a position similar to that of women in societies where they gathered or cultivated plants. The Webers do not discuss this hypothesis. Schnitger discusses the notion of cattle-breeding nomads as a phase in the development of humanity in general and of the Indo-Germans in particular, only to reject it. For Europe and the mediterranean countries, however, she sees cattle breeding and the wanderings it resulted in as having contributed to the individualistic striving for freedom which, according to her, still lives on in Western European culture (p. 44).

Cattle breeding causes the 'enslaving of labor by property' (p. 45). Whoever not is strong and adroit enough, and still more important, has no luck, will loose his cattle to others and will have to serve kinsmen who have property: he will become a 'proletarian'. Individualism here means greed, 'Viehsucht', enslavement to cattle, in Schnitger's words. This 'Viehsucht' smothers all other feelings and unchains all raw and warlike instincts' (p. 46). 'Larceny of cattle is considered knightly living, a man worthy', housekeeping and the cultivating of plants are women's work and therefore dishonorable and unworthy.

The origins of 'family' relationships, however, can also be found in agricultural societies. According to Evelyn Reed (1975) they developed through i n d i v i d u a l appropriation of collective kinship relationships. This individual appropriation of collective lands, the individualization of the communal property of children which developed into 'motherhood' and later fatherhood, and individualization of sexual contacts with cross-cousins which developed into the 'pairing family' all resulted in the forming of more permanent heterosexual relationships. This process goes hand in hand with a shift from gathering-hunting to horticulture and agriculture: if a man works in the garden of his girlfriend's kin, some productive relationship is founded, which has a more permanent character than the vagaries of sex can give. Under these circumstances one could even imagine the fraternities to transform their hunting magic, which not only serves to manipulate the behavior of animals but also the forces of weather and seasons, into agricultural magic, and thence into a religion in which groups of priest appropriate the ancestor spirits and transform them into goddesses that have to be served and worshipped, with compulsory services and taxes as a consequence. The archeological material from the neolitihic Balkan cultures, presented by Marija Gimbutas (1974) appears to support this line of interpretation, since Gimbutas found neither weapons nor other traces of warfare. Thus instead of the warrior hypothesis Weber's analysis of routinized charisma and transformation to priestly domination and hierocratic state formation can be used.

My conclusion is therefore that Weber's sociological concepts of charisma and its routinization could have

In contrast to his treatment of 'traditional patriarchy', in which the 'master of the household' seems to stand alone, Weber in his conceptual evolvement of 'charisma' presents the patriarch as a group member, in this way indicating a sociological basis of his power.

The patriarch in the legal sense had as a military man inherited his property from his military father; his 'blood' had guaranteed him admission to the charismatic education of his father's 'caste'; its military organization guaranteed his domination over his subjects. No physical or mental superiority is needed for his domination.

The concept of 'caste' can furthermore be interpreted as a representation of the phenomenon that not all the patriarch's subjects are his - patriarchal - kin. In the house only those whom he himself regards as his kin are treated as such: his legal wives share, as wives, his status, which is automatically transferred to their children; he can also adopt children at will. All his other subjects are of a different quality and are as such excluded from the brotherhood of superior beings.

In Weber's further analysis of the developments of 'patriarchy', however, the patriarch again appears as an isolated individual: as the only man between non-men. In his analysis of 'the oikos' he represents the great patriarch, without analyzing the confraternization or caste of which he is a member.

11. The 'oikos' as an economic conceptualization of the formal patriarchal household

Weber's identification of the 'patriarchal household' with legal patriarchy forms a indispensable building stone in his conceptualization of the 'social' - public - connections between economy and society, since in his analysis the patriarchal household can evolve into the economic association which the economist Rodbertus called 'the oikos'[90]. This 'oikos', in its turn, according to him can develop into a political association.[91]

Weber views the patriarchal 'oikos' as one of the most common economic formations in natural economies all over the world. It is not simply a large, selfsupporting household; it is

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explanatory force in a feminist historical materialist context, where development of production and subsequent wealth are thought to have been an incentive for groups of men, who, having lost their social economic position of hunters, transform their hunting fraternities into warrior or magical-religious consociations. Whether Weber is right in supposing that the warriors who used violence to appropriate the sources of wealth indeed developed patriarchy, or whether religious consociations also constituted a base for male power and appropriation, seems to me not the most important question, since, as Weber explains in his chapter on religious groups, patriarchal warriors and priests, often work closely together to dominate and legitimate their domination of women and other unfree persons. Charismatic as well as traditional d o m i n a t i o n have in any case to be understood as a r e s u l t of social-economic developments, not as their starting point.

[90] 'Oikos' just is Greek for 'house'.

[91] 'The disintegration of the household and of domestic authority because of exchange with the outside, and the resulting rise of the capitalist enterprise proceed in juxtaposition to the household's internal evolution into an o i k o s, as Rodbertus called it', ES p. 381, WG p. 230. This indeed is an analysis on the highest level of abstraction, because, as appears in Weber's paragraph on the disintegration of the household in ES p. 375 ff., WG p. 225 ff. This process 'became possible only within the framework of a money economy', which developed later: 'As early as in the large capitalistic households of medieval cities - for example, in Florence - every person had his own account.' Thus it is to be understood that the transformation of patriarchal household into capitalist enterprise occurred at quite another point in history than the development of the patriarchal oikos.

'the authoritarian household of a prince, manorial lord or patrician.'[92] The oikos is the economic formation Weber considers to have been the basis of the great empires. Weber is mainly interested in the large oikos of kings and aristocrats, where production of goods and services is specialized to a considerable degree; he mentions workshops where the work is being done by people who are personally unfree: servants, officials, house priests and warriors.[93]

The 'oikos' is primarily a concept not of sociology, but of economic science, as the reference to Rodbertus and its place in Weber's argument show. He conceptualizes it as a communal form of household differentiation[94], contrasting it to the capitalist enterprise, which produces for the market. Viewed sociologically, there is no difference between 'oikos' and 'patriarchal household', except perhaps in size; only a mythical nuclear family of one man, one woman and some non-working children could be classified as an undifferentiated household. Within a patriarchal household there will always be several more working dependents, each with her or his own tasks.

Weber's 'oikos' therefore is nothing more than a conceptualization of the economic aspects of the 'patriarchal household', which he employs as a term to analyze its further political developments. The term 'household' from this point onwards is reserved for 'bourgeois' - 'private' - production relations.

In Weber's analysis of the political developments of patriarchy he is only concerned with its public aspects: with the domination relations between men. The relations between women and men disappear from his discussion; they are assumed to be self-evident, since all men in the public relationships which now are the object of his analysis, have households or strive to acquire them: they all aim at becoming patriarchs. Weber pays no attention to their common characteristics and accentuates the differences in power between them. The transformation of 'patriarchal household' into 'oikos' is an intermediary step in this analytical shift from private life, which consists of the production relations in the household, to public life, which consists of politics and production in rational masculine organizations.

Weber does not elaborate on the production aspects of the oikos; although it can engage in trade and, in its workshops, in a limited measure of industrial production, it is in itself economically and sociologically static; according to him, it has therefore contributed little to Western, rational developments. For Weber the importance of the concept 'oikos' lies in the fact that in it patriarchal economic domination can be decentralized and develop into another kind of domination in which some of the dependent men are invested with a degree of patriarchal power of their own and come to rule as 'men' over women, children and other servants. Weber calls decentralized patriarchal domination 'patrimonialism'; I will discuss it in the next chapter.[95]

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[92] 'Its dominant motive is not capitalistic acquisition but the lord's organized want satisfaction in kind.'

[93] 'This state of affairs was approximated to a considerable extent by the royal economies of the Orient, especially of Egypt, and to a lesser degree by the households of the Homeric aristocrats and princes; those of the Persian and Frankish kings also appear quite similar.'

[94] ES p.1010, WG p. 583.

[95] It has to be noted that Weber's indication of all patriarchal rulers with masculine grammatical forms is not correct for legal patriarchy, since female kin members - who by status contract or blood ties are part of the ruler's status group - have often wielded patriarchal or patrimonial power; Weber does not mention this phenomenon.

Chapter 5. Expansion of patriarchy by decentralization and affiliation. Political patrimonialism as masculine domination by an hierarchy of unfree men

1. Decentralization of the patriarchal household: patrimonial domination

The concept of 'the large, differentiated patriarchal household' or 'oikos' is the basis for Weber's construction of 'political domination': for the understanding of the development of 'great empires' into modern, public, 'political' domination of men. In the patriarchal 'oikos' public and private sphere are not differentiated, since everything and everybody is property of the patriarch; under modern political domination the masculine subjects are themselves formally free and equal patriarchs. Weber constructs this contradictory development by first conceptualizing a *decentralization* process of patriarchy, in which patriarchal property and power is delegated to some of the members of the household, and then an *affiliation* process, in which free men subject themselves to the power of a greater patriarch. The results of both processes he calls 'patrimonialism'; the affiliation process is the development of 'patrimonialism' proper to 'political patrimonialism'.
If the men who have affiliated themselves to the patrimonial ruler and by their subjection have lost their formal freedom succeed in forming status groups in order to emancipate themselves from the patriarchal power of the ruler, Weber calls the resulting form of domination 'estate patrimonialism'; if they do not, 'patriarchal patrimonialism'.

The first step in Weber's construction of the building of empires is the decentralization of 'patriarchal' domination into 'patrimonial' domination. Such a decentralization may be caused by the size of an 'oikos' (a differentiated patriarchal household), by the quantity of land and dependents the patriarch wants to control; it results in a qualitative change. *In the decentralized patrimonial oikos some of the male dependents are made into some kind of patriarchs, while remaining dependent on the original patriarch.*

Decentralization of the patriarchal household leads to a material transformation of patriarchal power. The dependents, who are settled on the land of the patriarch and who are given their own house and family, animals and equipment, remain bound to the patriarch by the patriarchal loyalty and fidelity. Nevertheless they may evolve their own claims to reciprocity,

 which are recognized by custom.[1] They have to render 'compulsory labor ('Fronden') and services, honorary gifts, regularly and irregularly levied taxes', while all the time their master remains free too expropriate them at will.[2] But since the wants of the master are 'not directed toward monetary acquisition and are only quantitatively different from that of his subjects,'[3] he can restrain himself in the exploitation of them and so retain their loyalty and support, which according to custom has to be the maximum available, especially in war.[4] As Weber formulates it:

'Patrimonial domination is thus a special case of patriarchal domination - domestic authority decentralized through assignment of land and sometimes of equipment to sons of the house or other dependents.'[5]

For the first time men can dominate 'households' as 'patriarchs', without having to be members of a routinized charismatic consociation of reborn heroes; their 'patriarchy' is a derived one. I will call these men 'quasi-patriarchs'. They are 'men' in relation to their own dependents, but in relation to the patrimonial master they are children: they owe him the piety of children or servants.[6] Yet together with other unfree men they can gain some customary 'rights' and thus protect themselves against the power of the patriarchal lord, which formally is still total.

2. Political domination: the patrimonial state and the affiliation of free men

The second step in Weber's construction of 'political domination' is the expansion of patrimonial domination by *political* domination of *free* men: by their 'affiliation' to patrimonial power. The result of this development is Weber's patrimonial *state*, which according to him is the normal form of government for all great continental empires until and even after the beginning of modern times.[7]

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[1] 'At first it is only a decentralization of the household when the lord settles dependents (including young men regarded as family members) on plots within his extended land-holdings, with a house and family of their own, and provides them with animals (therefore: 'peculium') and equipment. But this simple development of an 'oikos' leads inevitably to an attenuation of full patriarchal power. Since there are originally no consociations in the form of binding contracts between masters and dependents - in all civilized countries it is even today legally impossible to contractually modify the legal content of paternal authority -, the psychological and formal relations between master and subject are here too regulated merely in accordance with the master's interest and the distribution of power.' ES p. 1010, WG 583.

[2] 'formally according to the master's need and discretion, in fact according to established custom'; 'and custom too takes it originally for granted that the master can freely dispose of persons and possessions left behind at the retainer's death.' ES p. 1011, WG p. 584.

[3] 'given the absence of a qualitative expansion of needs which is in principle limitless', ES 1010/1, WG p. 583; this is the difference with capitalist exploitation.

[4] ES p.1011, WG p. 583; these dependents form the 'appropriated traditional military associates (Genossen) from Weber's second outline of the 'military status groups', see Ch. 4,7.

[5] Patrimonialism can develop into 'a strongly tradition-bound structure of domination', 'the m a n o r ('seigneurie'), joining lord and manorial dependent with ties that cannot be dissolved unilaterally', when the master wants 'to formalize this traditional order as a manorial and service r e g l e m e n t'. 'For every such order turns a mere interest group into a privileged group (Rechtsgenossen) - whether or not in the strictly legal sense -, increases the member's knowledge of the common nature of their interests and thus the inclination and ability to look after them; eventually the subjects confront the master, at first only occasionally, then regularly, as a closed unit.' (ES p. 1012, WG p. 584).

[6] Which are often designated with the same word, cf. Old Dutch 'knechtje'.

[7] ES p. 1013, WG p. 585.

Weber's concept of 'patrimonialism' is an ambiguous one; after having used it in order to conceptualize the domination of dependent subjects who are formally the property of the patriarch, he develops it into one which conceptualizes 'political' domination of subjects who are formally free, although this domination is organized in the same way as patriarchal power.[8]

'Political' patriarchal power therefore is defined as the domination of *one* master of a house over *other masters* who are not subject to his patriarchal power. It is only possible to exert such power over free men as long as they submit themselves to it of their own free will; according to Weber this type of submission therefore 'implies an *affiliation*[9] of domination relations *to patriarchal power which differ only in degree and content, not in structure.' (it. mine). The concept 'patrimonial domination' thus refers both to a type of domination which is based on appropriation, as well as to patriarchal domination by 'affiliation'.

Thus Weber again represents a development - in this case the expansion of patrimonialism - by extending a concept - in this case that of patrimonialism - in such a way that it includes the opposite of its original meaning. He manages to do this by constructing a fluent transition between both opposites. The free political subjects come to differ from the unfree patrimonial subjects 'only in degree', as a result of the violence the patrimonial lord may use against them; in this way they lose most of their freedom without formally becoming the property of the lord.

Weber explains in detail how this specifically political power, this 'military and judiciary authority', is established. According to him a chief in principle has no judicial power over men who are not members of his household; he can however usurp 'contempt powers' (Banngewalten), until 'his position is practically identical with the unlimited judicial power of the patriarch.'[10]

The same principle applies to military authority: in early history military authority over non-dependents only occurred in extraordinary circumstances, under ad hoc leaders similar to the ones I dealt with in my chapters on charisma; if however the military authority of the ad hoc leader is great and persistent enough, 'it turns into a levying power toward his political subjects which differs only in degree from the patrimonial subjects' duty to render military service.'

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[8] 'We shall speak of a p a t r i m o n i a l state when the prince organizes his political power, * thus his not manorial, physical coercion, over extrapatrimonial areas and political subjects, just like the exercise of his patriarchal power', ES p. 1013, WG p. 585. The American edition translates the not very clear formulation 'seine nicht domaniale, physischen Zwang' with 'which is not discretionary and not enforced by physical coercion', which would be right if 'manorial' coercion would be identical with physical coercion; Weber, though, has defined 'manorial' domination as a strongly traditionally bound and regulated form, which resulted in 'a considerable disintegration of pure patrimonialism', which lies far from physical coercion. I thus read 'not manorial, b u t physical', which also makes it easier to understand why free men, who are masters themselves, would let themselves be politically dominated. This interpretation is the more plausible since Weber analyzes here the formation of the state, and for him the only decisive characteristic of a state is the monopoly of physical violence; the political powers Weber names next are indeed founded on the possibility of physical violence. In my view this translation problem is caused by the fact that, given Weber's views on sociology, it is essential for him to maintain that a permanent structure of dominance cannot be built on physical coercion alone, see below.

[9] 'Angliederung', ibid.

[10] ES p. 1014, WG p. 585/6.

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The same applies to tributes, taxes, and compulsory services (liturgies). The power of the
ruler can lead to a loss of rights and freedoms of the ruled and so to *a loss of the qualitative
difference between free and unfree subjects*.[11]

The 'power' of the lord is based on his capacity to use violence and thus on an army. The
power of the ruler is greatest when he succeeds in organizing his army in a way which does
not make him dependent on his subjects; this means that he has to find alternatives for the
use of either 'the propertyless or at least nonprivileged masses'- who often have to work on
the land and are therefore unavailable for military training - or the propertied strata, who are
in the habit of turning 'the duty and the honor of carrying arms into a privilege of a dominant
stratum' and are likely to become dangerous competitors.[12] If a money economy exists, the
ruler can hire mercenaries; if he has no money, he can only base his power on armies of
slaves or other household dependents.[13]

A too powerful army though is dangerous for the ruler himself, since he may become
dependent on it. Besides, fear of the army on the part of subjects can never be the ruler's
only base for a stable and permanent empire: stability is impossible without *legitimacy* of the
domination.

Weber nowhere explains how patrimonial rulers achieve this legitimacy; he only labels it as
'traditional'. In his view the 'political subjects' of a ruler are those who believe in his
legitimacy; mostly they do this because they are linked to the political patrimonial ruler
'through a consensual community which also exists apart from his independent military force
and which is rooted in the belief that the ruler's powers are legitimate insofar as they are
traditional.'[14] Weber thus reverts to the first meaning of the concept 'tradition', 'the authority
of what has always been', to explain the expansion of the legitimacy of patrimonial rule.
Political patrimonial power, however, according to Weber is founded on usurpation: on the
denial by the ruler of the rights and freedoms of his subjects. Yet he claims that for the
establishment of its legitimacy and the building of permanent relations of domination, some
'interest in obedience' must be present. To understand the foundation of this interest in
obedience - which Weber leaves unexplained - one has to bear in mind that 'free political

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[11] 'Whereas the old mark of "liberty" is the voluntary material support of the ruler and the absence of any
patrimonial obligation to surrender fixed tributes, a very powerful lord will tend to force even the "free" subjects to
meet the costs of his feuds and of his appropriate upkeep through means of liturgy or taxation. The only
difference between the two categories of subjects consists then regularly in the more narrow definition of these
tributes and in certain legal guarantees for the "free", that means, the merely political subject', ES p. 1014/5, WG
p. 586, and 'However, patrimonial domination inherently tends to force the extrapatrimonial political subjects just
as unconditionally under the ruler's authority as the patrimonial subjects and to regard all powers as personal
property, corresponding to the master's patriarchal power and property', ES p. 1022, WG p. 591. According to
Weber the degree in which the patrimonial ruler succeeds in his effort to appropriate goods, land and people
depends not only on his military power, but 'especially upon the mode and the impact of certain religious
influences, as we will show later.' I think Weber here refers to the domesticating (ES translates 'Domestikation'
with 'pacifying'; yet this is clearly not the meaning Weber intends, since in that case he could have used the word
'Befriedung'; 'domestication' is better because it includes the patriarchal appropriation of women) influences of
religion, and especially of the religious congregations, ES p. 455, WG p. 277.

[12] ES p. 1018, WG p. 589.

[13] Another possibility is the exchange of seigneurial rights for military services; then patrimonialism is transformed
into feudalism, see the next chapter.

[14] Hence we will call "political subjects" those who are in this sense legitimately ruled by a patrimonial prince.' ES
p. 1020, WG p. 590.

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subjects' are themselves 'masters': they are patriarchal lords over wives, children and servants. Therefore they also are unable to perpetuate their domination by pure physical coercion; they also need legitimacy.

One may conclude from Weber's analysis that 'affiliation' of free, weapon-bearing men is most likely to take place in cases where the patrimonial lord is more powerful than the associations of free men around him. The military power of the lord causes them to lose their autonomous military significance; they are therefore no longer able to dominate their dependents and to legitimate this dominance by membership of military confraternizations. 'Affiliation' is therefore a process in which status groups lose their autonomy and thus their positive status. By way of compensation, however, they are supported by the power of the patrimonial lord: they are incorporated or encapsulated in a patriarchal-patrimonial whole. In this hierarchy there is only one real patriarch, one 'real man'[15]: the ruler, who is entitled to treat all the other patriarchs like children, since they are no more than 'quasi-patriarchs'. Under patrimonial rule, therefore, the 'manhood' of all male subjects can be no more than ambiguous, as they all lack the opportunity to prove their masculinity once and for all by membership of autonomous charismatic or quasi-charismatic status associations. The ruler can violate their rights and freedoms.

Yet, as Weber explains, the 'patrimonial subjects' differ from the unfree personal retainers of the lord. They keep the right to mobility, 'at least in principle', and owe the ruler 'traditional and therefore fixed taxes'[16]; they can dispose freely of their property and also of their land, bequeath their property according to custom and marry without the lord's consent; in legal matters they have access to courts and they are allowed to resort to selfhelp by feuding. In principle they have 'the right and hence also the duty to bear arms'.[17] The contradictions in the concept 'political patrimonialism' are therefore not wholly resolved.

These contradictions also appear in the positions of the men the ruler uses as servants. The patrimonial ruler may extract services from his subjects; this way of organizing the state Weber calls 'the *liturgical* meeting of the ruler's political and economic needs'. When doing so the ruler will try to make corporations, guilds and other vocational groups of subjects collectively liable for these services, and he will even try to make those duties hereditary. The result can be another delegation of power, in cases where 'certain of the public duties which could only be fulfilled by the propertied members were delegated to the latter and, by virtue of the resulting influence, became status rights of the propertied who proceeded to monopolize them'[18]. A ruler who does not possess an extensive coercive apparatus, therefore becomes dependent on those associations, who in this way gain autonomy; in England this development even led to 'local administration by largely independent honoratiores'[19].

On the other hand a ruler with a strong army may reduce his subjects to total dependency, binding them hereditarily to soil and occupation. If he strives for an 'optimal personal power position', however, he will use his own officials for part of the services he needs. Thus in both cases the ruler needs *a body of officials*.[20]

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[15] Who also can be a woman, see Ch. 4, n. 95.

[16] The manorial retainers have the same position in this respect.

[17] As long 'as the feud is not outlawed by a general public peace edict (Landfrieden). ES p. 1020/1, WG p. 590/1.

[18] '...: thus corporations, guilds and other vocational groups established, legalized or made compulsory by the ruler become liable for specific services or contributions of their members', ES p. 1023, WG p. 592.

[19] ES p. 1025, WG p. 593, see farther below, Ch. 6,6.

[20] 'On the other extreme a personal patrimonial dependence of all subjects could develop which tied the

3. The patrimonial officials and their ambiguous position

In Weber's conceptual exposition the difference between patriarchy and patrimonialism lies in the fact that the patrimonial ruler commands a *personal administrative staff* .[21] The patrimonial body of officials, which makes patriarchy into a rule over 'subjects', 'Untertanen', originates from the patrimonial household and the administration of the manors:

'The crown offices which originated in the household administration are similar to all over the world. Besides the house priest and sometimes the ruler's personal physician we find the supervisors of the various branches of the administration: the lord high steward for the food supplies and the kitchen; the butler or cupbearer for the wine cellar; the marshal ('connétable': 'comes stabuli') for the stables; the 'Fronvogt' for the peasants compulsory services; the 'intendant' for clothing and armor; the chamberlain for treasury and revenues; the seneschal for general administration.'[22]

To these tasks new ones are added, like for instance those of commanding the cavalry and supervising the stables. The officials also have to perform representational duties and have to attend to the person of the ruler.

In the beginning the officials are recruited from personal *dependents*: kinsmen, slaves, clients, coloni or freedmen.[23] But with expansion of the administration recruitment of *free men* also becomes necessary, not only because the subjects do not like to see unfree men rise above them, but also because those forms of administration which already exist have to be continued.

The recruitment of free men as dependent officials can be seen as another instance of the *'affiliation'* process Weber mentioned in his definition of the patrimonial state, where he emphasizes the advantages that will be gained by free men who submit themselves

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individual hereditarily to the land, the vocation, the guild and the compulsory association and which exposed the subjects to very arbitrary demands; these demands were advanced within highly unstable limits merely set by the ruler's concern for the subjects' permanent capacity to fulfill their obligations. The more technically developed the ruler's own patrimonial position was, and especially his patrimonial military power on which he could rely also against his political subjects, the more easily the second type, total dependency, could prevail. (-) However, besides the army the coercive administrative apparatus available to the ruler was important for determining the size and quality of the enforceable demands. It was never possible or useful for the ruler, if he strove for an optimal personal power position, to turn all desired services into liturgies based on collective liability: he was always in need of a b o d y o f o f f i c i a l s.'

[21] If there is no staff, the group, in so far as it is organized at all, may be ruled by the elders; Weber calls this form of rule 'gerontocracy' and according to him this is 'common in groups which are not primarily of an economic or kinship character', ES p. 231, WG p. 133. In Weber's view the elders are men - though, as I stated repeatedly above, they could as well be women - in an organization which has an economic and a kinship character. The other possibility is 'patriarchalism':

'"Patriarchalism" is the situation where, within a group (household) which is usually organized on both an economic and a kinship basis, a particular individual governs who is designated by a definite rule of inheritance.'
'The decisive characteristic of both is the belief of the members that domination, even though it is an inherent traditional right of the master, must definitively be exercised as a joint right in the interest of all members and is thus not freely appropriated by the incumbent. In order that this shall be maintained, it is crucial that in both cases there is a complete absence of a personal (patrimonial) staff. Hence the master is still largely dependent upon the willingness of the members to comply with his orders since he has no machinery to enforce them. Therefore, the members ('Genossen') are not yet really subjects (Untertanen).'

[22] ES p. 1025, WG p. 594.

[23] ES p. 228 and 1026, WG p. 131 and 594.

voluntarily to patriarchal power and thus become a 'familiaris' [household dependent] or 'child'[24] of the prince, as was obligatory in patrimonial states throughout the Middle Ages.[25] Although patrimonial states have existed everywhere in the world, Weber here focuses on specific 'Occidental' developments. 'Free' men with a knightly lifestyle existed only in the West, as a consequence of developments - in particular those of the breaking of kin ties and the creation of feudalism - he will describe in his typification of 'free feudalism'. The particular position of the patrimonial officials in the Western European Middle Ages cannot be understood without a knowledge of these developments, since the entry of free men into patrimonial service reinforced the ambiguity of the position of the officials.

The 'free men' try to retain their knightly lifestyle; the officials of unfree origin also strive for independence and in the long run tend to form 'status groups set off from the ruled'.[26] They are able to do so because they share in the power of the ruler; the mightier the ruler, the mightier his official is vis-a-vis the ruled: by submitting to the ruler he has become an extension of him. In Weber's words:

'the position of the patrimonial official derives from his purely personal submission to the ruler, and his position vis-a-vis the subjects is merely the external aspect of this relation.'[27]

The patrimonial officials therefore struggle continuously to free themselves of the patrimonial aspects of their position: they do not want to be appropriated - they want to appropriate. They therefore try to monopolize their offices and form a closed status group.[28] Then they can differentiate the 'higher, courtly, administrative services and liturgies' which 'later come to be considered worthy also of a free man', from all those tasks which are considered dishonorable.[29] In this way certain activities of the higher officials become honorable and 'manly', the 'ministeriales' taking over the positive status of the originally free men 'adhering to a knightly style of life'[30] and 'everywhere in the Occident, and especially in England' finally becoming 'absorbed as equals by the knightly stratum.'[31]

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[24] ES p. 1026, WG p. 594/5; see also ES p. 266 (WG p. 155): or a 'puer regis', 'king's boy', as in the Carolingian system.

[25] 'On the other hand, free men derived such great advantages from serving a lord that they accepted the at first inevitable submission to the ruler's personal power. For whenever possible, the ruler insisted that officials of extrapatrimonial origin accept the same personal dependency as the officials recruited from unfree men.' 'The free men who became ministeriales in Germany surrendered their land to the lord and received it back from him as service land suitably enlarged.'

[26] ES p. 1026, WG p. 594.

[27] and: towards the ruled 'he partakes in the ruler's dignity because and insofar he is personally subject to the ruler's authority ('Herrengewalt')'.

[28] Regulation measures on the part of the ruler reinforced the formation of legally autonomous status groups, ES p. 1027, WG p. 595.

[29] 'The sordida munera and opera servilia of the manorial or personal dependents are everywhere differentiated, in late Antiquity as well during the Middle Ages, from those higher, courtly, administrative services and liturgies which devolve upon the ministeriales and which, at least in the service of great lords, later come to be considered worthy also of a free man.'

[30] 'After the extensive debates on the origin of the ministeriales it no longer seems doubtful today that they came at first from unfree strata; but it also seems certain that their rise as a status group was due to the massive influx of free men adhering to a knightly style of life.'

[31] 'In practice this meant that their position was largely stereotyped and that therefore the lord's claims were firmly limited; once this had happened it stood to reason that the ruler could demand of them only services conventionally befitting a knightly status group and that in general he had to adhere to the proper status

When this happens top officials do not work anymore. Weber's transformation of the concept 'ministeriales' - which is specific for the Western European Middle Ages - follows the historical development, since 'ministeriales' is a term coined, not by the scientist who reasons backwards from modern relations to the relations these developed from, but by the historical subjects themselves. The reversal of the meaning of the word 'ministeriales' from 'servant' to 'minister' is caused by a historical development, in this case the influx of free men, who brought the knightly lifestyle with them.

Weber calls the particular Western-European form of patrimonialism the '*estate*' type of patrimonialism, '*ständische Herrschaft*'.

4. Estate patrimonialism: administration by free men

Under Weber's 'estate patrimonialism' the administrative staff *appropriates* some of the powers of its office and the corresponding economic assets.[32] This becomes possible when the ruler is not able to maintain his officials directly. Originally the officials were fed at the lord's table, but in a bigger empire this is not possible; there they need their *own sources of income: benefices or fiefs*.

Benefices may consist of the fees the official claims for official acts, or they may consist of land: 'Amts- oder Dienstland'. Possession of land entails risks for the official, since he is dependent on what it yields; but land also enables him to found a family. For the work he 'could hire a more or less proletarian deputy'[33].

Remuneration of officials causes *decentralization*. Although in principle a benefice can be revoked, in reality it makes officials independent. Once they have families, they strive for independence and thus for lifelong and, finally, hereditary appropriation of the benefice. In my terms: they strive to attain social masculinity, to become real patriarchs.[34] The offices become 'stereotyped', the officials performing only specified, fixed tasks, and resisting every attempt at change[35]. The influx of free men who live according to the rules of the knightly stratum and who 'naturally declined to handle routine tasks' into the administrative staff reinforces this process.[36]

The process of the stereotyping of offices as a result of the appropriation of benefices 'took place especially in the early period of the modern patrimonial-bureaucratic state', most prominently in the Papal Curia and in France, to a lesser extent in England.[37] In France the appropriation of offices 'made it virtually impossible to dismiss officials', since the Crown had to refund the purchase price of the benefice once an official had been dismissed.[38]

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conventions in his relations with them', ES p. 1026/7, WG p. 595.

[32] ES p. 232, 1028, WG p. 134, 596.

[33] ES p. 1033, WG p. 598.

[34] This is the most important reason why the rulers prefer to employ celibate clerics; the word 'clerk' is derived from them.

[35] ES p. 1036 ff., WG p. 602 ff.

[36] 'In the course of this typification the old court officials became purely representative dignitaries and benefice-holding sinecurists; this was especially true of the officials of the most powerful lords, who chose no longer unfree men as court officials but nobles who naturally declined to handle routine tasks', ES p. 1040/41, WG p. 604.

[37] ES p. 1032/3, WG p. 599.

[38] 'If the king tried to impose his will upon the 'parlements' (the highest court authorities, ES p. 1033), he could be thwarted in case of need by a general strike - mass resignation which would have forced him to pay back the total

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The position of the patrimonial official under the estate type of patrimonialism thus appears
to be highly ambiguous: even if he is born free, he is formally an unfree dependent of the
patrimonial lord, whom he owes 'a servant's loyalty based on a strictly personal
relationship'[39] and who formally can punish him for disobedience. The degree of his actual
dependence and the degree in which he has to obey the ruler depends on the ruler's power
and on his 'purely *personal ability* to assert his will'.[40].
Weber does not analyze the contradictions in the status conventions of the patrimonial
officials which result from the ambiguity of their position. When he analyzes the mentality
('Gesinnung') of patrimonial officials, as contrasting with that of feudal knights[41], he does not
speak of the officials of estate patrimonialism, but of those of patriarchal patrimonialism.
Only by leaving out the contradictions in the positions of the diverse kinds of patrimonial staff
he analyzed before, he is able to construct a consistent ideal type of political patrimonialism.
Weber's extensive description of the typical developments of patrimonial officialdom in
Western Europe from the Middle Ages until 'the early period of the modern patrimonial-
bureaucratic state', therefore does not lead to a further analysis of the specific - 'ständisch':
estate-like or status-like - character of early European patrimonial bureaucracies. This
omission is all the more striking, since feudalism proper, the performing of military and
administrative tasks by fief-holders, also developed beside patrimonialism and influenced it:
the definitive 'Standenstaat' was a compromise between patrimonial king, feudal nobility and
cities.

The only passages in Weber's text where he reports feudal influences on the status
conventions of patrimonial officials are those where he contrasts Western European
administrations, in which the officials form knightly status groups with a corresponding status
honor, with those in a country like Russia where such official status groups did not develop.[42]
According to Weber the Occidental ministeriales followed 'a central guide to social conduct
in the form of a distinctive traditional ethic reinforced by education', including 'a personal
"honorable" relationship to the lord' and a 'personal sense of dignity':

'The Occidental ministeriales, whose social honor depended on the lord's favor, and the English gentleman of the
squirearchy, whose social honor was determined by autonomous notability, were both, although in different ways,
bearers of a peculiar, personal sense of dignity whose root was personal honor, not only the prestige of office. In
the case of the ministeriales it is obvious and in that of the English gentleman it can easily be seen that their
basic attitudes were influenced by Occidental k n i g h t h o o d.'[43]

Here Weber, wanting to isolate the typical Western-European factors, describes Occidental
ministeriales and English 'gentlemen' who are decisively influenced by feudalism. To be able
to answer the question why 'the fully developed *Ständestaat* as well as the fully developed

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purchase value of all benefices; this happened repeatedly before the revolution', ES p. 1034/5, WG p. 600.

[39] ES 1031, WG p. 598.

[40] ES p. 1042, WG p. 605.

[41] ES p. 1104 ff., WG p. 650 ff., see below Ch. 8,9.

[42] ES p. 1064 ff., WG p. 621 ff., see below Ch. 8,4.

[43] ES p. 1068, WG p. 623.

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bureaucracy grew only on European soil'[44] I will discuss Weber's analysis of feudalism
before I deal with the English form of administration and the 'gentlemen' it created.

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[44] ES p. 1087, WG p. 638, see also Ch. 1,8.

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1. Feudalism between patrimonial hierarchy and charismatic fraternization

As I explained in my previous chapter, Weber's conceptualization of the particular 'estate' character of Western-European medieval patrimonialism anticipates his treatment of 'free feudalism' as a contractual relationship between free men. To accentuate its specific character, Weber differentiates 'free feudalism' from feudalism in the wider sense, which he defines as 'the rule of a military landed aristocracy.'[1] Following the latter definition, traditional historical science has named the Greek social formation 'polis-feudalism', because the antique Greek style of life resembled that of the medieval Western European knights; Weber, however, rejects this term as the Greeks did not have a system of fiefs or of vassal fealty.[2] Feudalism is 'a world-wide phenomenon in all epochs', as long as one defines 'fief' as 'any grant of rights, especially of land use or of political territorial rights, in exchange for military duties'.[3] Such a relationship between the vassal and his lord, however, lacks the 'cosmos of piety rights and duties' characterizing 'free feudalism' as a specifically 'occidental' phenomenon, which influenced the 'status honor' of Western European patrimonial officials in such an decisive way.

Weber conceptualizes 'free feudalism' as a form of patrimonialism in which the officials do not formally submit to the patriarchal power of the lord. They keep their freedom by concluding a fraternalization contract, in which they offer their military or administrative services in exchange for a *fief*, a grant of seigneurial powers:

'Appropriated seigneurial powers will be called a fief if they are granted primarily to particular qualified individuals by a contract and if the reciprocal rights and duties involved are primarily oriented to conventional standards of status honor, particularly in a military sense. If an administrative staff is primarily supported by fiefs, we will speak of [Western] f e u d a l i s m .'[4]

According to Weber, feudalism develops in natural economies primarily for military reasons, in circumstances in which the patrimonial lord has no other possibility to organize a professional army; this is the case when the lord's subjects have to work on the land and are

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[1] ES p. 1070, WG p. 625.

[2] See ES p. 261, WG p. 153: 'B. so-called "polis" feudalism, resting on real or fictitious "synoikism" of landlords. These enjoy equals rights in the conduct of a purely military mode of life with high status honor.' See further ES p. 1070, 1072, 1105, WG p. 625, 627, 650.

[3] ES p. 1071, WG p. 626.

[4] ES p. 235, WG p. 136.

unable to train and to equip themselves[5] and when he has also no means to acquire an army of slaves or mercenaries. In Western Europe the frankish feudal system was created in defense against the Arabian cavalry, the princes taking the lands for fiefs from the church.[6] The obedience the lord can claim from his fief-holders is not based on the appropriation of their persons, but on a *personal fraternization contract*. This contract binds the military honor of the fief-holder, the vassal, to that of his lord, while the vassal is at the same time bound by a personal duty of fealty, of *personal piety* - a piety which according to Weber can be imagined as derived and isolated[7] from the piety a dependent in a (patriarchal) household owes his master[8]. In Weber's view *contradictory elements* have been merged in the feudal relationship; he conceptualizes this contradiction by defining the feudal relationship both as a marginal case of *patrimonialism* - the vassal is also a patrimonial lord, although he is not as powerful as the overlord - and as a marginal case of *charismatic* domination of the military-charismatic leader over his 'Gefolgschaft'.[9] The feudal relationship therefore is conceptualized as a peculiar merger of *personal and impersonal elements*: of personal fealty and the 'contractual stipulation of rights and duties, their depersonalization by virtue of the rent nexus, and finally hereditary control of the possession.'[10]

Because of this charismatic element of feudalism Weber discusses charisma and its routinization in his conceptual exposition before analyzing the feudal relationship. According to Weber feudalism is a return to the old charismatic relations of the 'Gefolgschaft' which develops when patrimonial lords are unable to recruit subjects for the army and the administration. In his view the tradition-breaking aspects of such 'Gefolgschaft' groups, of wandering military fraternities, have been crucial to the particular development of 'Occidental' societies.

2. The breach with kinship by charismatic robber bands and other military fraternizations

According to Weber the historical importance of wandering groups of robbers and conquerors lies in their break with 'tradition'. 'Tradition' here can be interpreted in the sense of 'that which has always been', 'das ewig Gestrigen' - thus in the sense of 'kinship relations'[11] as well as in the sense of 'patriarchal' or 'patrimonial' domination. Bands of robbers and
conquerors break both.

Weber states that a *breach with kinship* was the central factor responsible for the particular course of Western history.[12] In particular around the Mediterranean, bands of adventurers,

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[5] ES p. 260, WG p. 152.

[6] ES p. 1077, WG p. 630.

[7] 'losgelöst', ES p. 1070, WG p. 625.

[8] 'the piety *of children and servants', see ES p. 1009, WG p. 582.

[9] ES p. 1070, WG p. 625.

[10] ES p. 1074, WG p. 628. I will show later that a merger of personal and impersonal elements still is characteristic for modern masculine relationships, see Ch. 10.

[11] which in my view are matrilineal ones, since with the advent of patriarchy kinship as such ceases to be the central structuring factor; individual appropriation and domination take its place.

[12] See ES p. 1244, WG p. 745: 'The mercenary soldiering and the piratical life of the early period (of Western Antiquity), the military adventures, and the numerous inland and overseas colony foundations, inevitably leading to intimate permanent associations between tribal or at least clan strangers, seem with equal inevitability to have broke the strength of the exclusive clan and magical ties.' In the marxist tradition the breaking of clan ties is also considered a decisive influence on the particular Western developments, see for instance Engels (1884) Ch. V,

conquerors, pirates, traders and craftsmen who had formed charismatic fraternities to seek wealth and adventures, relativized the holiness of ancient traditions and rituals. According to Weber this was the reason why in the religions of Western Antiquity totemism and the casuistic adherence to sib exogamy never developed.[13]

One could say that the process of breaking with kinship ties and with patriarchal traditions was one which reinforced itself, since it created the conditions for the development of those societies in which *confraternizations between strangers* are the determining social relation, and leading to that unique conglomerate of confraternizations, which is to be found nowhere else in the world: the Western city, the base for economic, juridical and administrative processes of rationalization, which in the end - at least according to Weber - became irreversible.

In Weber's view even the 'military status group' and the 'city' of Greek antiquity are identical entities, since the members of the Hellenic 'caste of military landlords' have their residences in the city. In the early Western European Middle Ages wandering military groups broke with kinship traditions in the same way; the Great Migration (Völkerwanderung) lasted for centuries. In this way Christianity could become the religion 'of these peoples who had been so profoundly shaken in all their traditions', since it 'finally destroyed what religious significance these clan ties retained'[14] and replaced the old magic rituals by new ones, effecting in this way universal fraternization.

In the Western European Middle Ages the members of the military status groups, once they had subjected the country, did not live in market cities but in castles outside them. During the disintegration of the Roman empire the money economy had practically disappeared,[15] leaving no economic basis for the maintenance or the rise of great patrimonial empires; only the Carolingians had the military and administrative talents to create one. The Carolingians began to bestow *offices* as fiefs, especially from the 9th century on, 'after the strictly personal fealty of all office-holders had emerged as the only support of the royal thrones'.[16] In this way the military character of feudalism was transferred to the administration.

Borneman (1975), Ch. III, and Anderson (1978), p. 107 ff.

[13] Only traces of these can be found, ES p. 1243, WG p. 745. 'Rudiments' is the translation of 'verkümmerte Ansätze', the latter giving Weber's meaning more exactly; see Ch. 3,3 on Weber's kinship theory. Here he continues: 'The reasons for this, insofar as they are not specifically ('intern') religious, can only be vaguely guessed. The mercenary soldiering and the piratical life of the early period, the military adventures, and the numerous inland and overseas colony foundations, inevitably leading to intimate permanent associations between tribal or at least clan strangers, seem with equal inevitability to have broken the strength of the exclusive clan and magical ties.'

And on the Mycenean culture of the Greek mainland, as expressed in Homerus:

'The other important phenomenon is the completely unrestrained relationship - in site of a certain fearful respect ('deisdaimonia') - to the gods, whose treatment in the epics was later to be so painful to Plato. This lack of religious respect of the heroic society could arise only in the wake of migrations, especially of overseas migrations, and thus in areas in which the people did not have to live with old temples and close to the ancestral graves.' (ES p. 1284, WG p. 767). See further below, Ch. 7,5.

[14] ES p. 1244, WG p. 745/6: 'perhaps, indeed, it was precisely the weakness or absence of such magical and taboo barriers which made the conversion possible.' See also P. Anderson (1978), p. 117/8.

[15] The causes of these phenomena and the connections between them are treated by Weber in Die sozialen Gründe des Untergangs der antiken Kultur, 1896, GAzSW p. 289 ff.

[16] ES p. 1078, WG p. 631: 'Teilkönigsthröne'.

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3. Feudalism as the affiliation of free men with patrimonial power; fusion of contradictory patriarchal and charismatic aspects

Weber's analysis of 'free feudalism' can be understood as another instance
of the process in which free men affiliate themselves with powerful patrimonial lords. In free
feudalism the knights are 'hierarchically gradated'; yet they form a separate stratum 'above
the mass of freemen, forming a unit against them'. These free men not only share the
prestige of the lord, they also retain their own honor; the fealty contract does not diminish
their honor, but reinforces it.[17] Yet for them too affiliation provides '*the only basis for the
legitimacy of their own fief*'.[18]
Like the contract with a free man who becomes a patrimonial 'familiaris', the feudal contract
is a status contract; but while the first patrimonial officials had yet to fight for their material
freedom by appropriating benefices and making these hereditary, this contract brings about
a fraternization between formally free men[19]; Weber emphasizes the difference in
contractual foundation and its consequences for the respective positions of the vassal and
the patrimonial official. The emancipated office holder is 'a simple usufructuary or rentier
who had certain official duties and was to that extent akin to the bureaucratic officials'. The
free vassal, on the contrary, 'is subject to a very *tense[20] code of duties and honor', of which
his servant's piety is a part[21]:
'The warrior's sense of honor and the servant's faithfulness are both inseparably connected with the dignity and
conventions of a ruling stratum and buttressed by them.'[22]
The obligations the lord can impose upon his vassals are constrained by codes of honor as
well; they therefore become, in Weber's term, 'stereotyped', fixed.[23]
Weber on the one hand constructs a sharp contrast between the position of the ministeriales
and that of the vassals, suggesting that the contradictions between patrimonial dependence
and charismatic (or: 'routinized charismatic') elements in the position of the vassals are
resolved ('merged', 'inseparably connected'), while the position of the
ministeriales remains contradictory. On the other hand, however, he states that the position
and the activities of the ministeriales were transformed once knights began to enter into the
patrimonial service; thus in the long run the two groups became identical.[24]

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[17] 'commendation is not submission to patriarchal authority, though its forms are borrowed from it', ES p. 1072, WG p. 626.

[18] ES p. 1078, WG p. 631.

[19] ES p. 255, 260 (transl. 'personal loyalty'), WG p. 148, 151 ('Verbrüderungskontrakt').

[20] 'hochgespannte', ES p. 1074, WG p. 628.

[21] ES p. 1074, WG p. 628.

[22] ES p. 1078, WG p. 630/1.

[23] ES p. 1075, WG p. 628.

[24] In Ch. 6,7 I will show that Weber's construction of contrasting and identical characteristics of ministeriales and vassals occupies an important place in his account of the further developments of the 'Ständestaat'. He bases this account on a supposed contrast between English feudalism and German patrimonialism, neglecting the fact that this contrast amounts to a gradual difference at the most, since in his own analysis both types of domination share a great many characteristics.

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4. Feudal mentality and education

In Weber's argument on the crucial differences between patrimonialism and feudalism the mentality ('Gesinnung') fostered by these forms of domination plays a central role. At the end of his chapter on 'Feudalism, Ständestaat and Patrimonialism', after having described the ultimate victory of patrimonialism over feudalism, Weber conceptualizes the contrast between the political and social *ideologies* of patriarchal patrimonialism and the very different styles of life they create; in his view the structure of domination influenced the general habits of the subjects through the 'ethos', 'die Art der Gesinnung', which it established.[25]

Medieval western feudalism shares with Japanese 'vasallic' feudalism[26] and Hellenic urban feudalism a special status education which aimed at the inculcation of an *ethos* based on status honor; in 'free' feudalism, however, the vassal's *fealty* became 'the center of a view of life which perceives the most diverse social relations, to the Savior as well as the loved one, from this vantage-point.' This led to a 'cult of the personal', which 'contrasts violently with all impersonal and commercial relationships'.[27] The 'antagonism toward commercial rationality' appears also to be rooted in feudalism in general: in the feudal army 'individual heroic combat, not the discipline of a mass army, is decisive'; therefore the *game* still has a place in the training for knightly military perfection. Weber sees the game as very special indeed:

'the game is a form of "training", which in its spontaneous and unbroken animal instinctiveness as yet transcend any split between the "spiritual" and the "material", "body" and "soul", no matter how conventionally it is sublimated.'[28]

The game found its greatest artistic perfection in classical Greece, first of all in Sparta; but the dominant feudal stratum also 'maintained this kinship with an artistic style of life', with its 'need for "ostentation", glamour and imposing splendor', 'as an important power instrument for the sake of maintaining one's own dominance through mass suggestion'. The feudal strata did not 'view their existence functionally, as a means for serving a mission', since as a positive status group they regarded their existence as sufficient in itself.[29]

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[25] ES p. 1104, WG p. 650.

[26] Which is not a complete feudatory system, see ES p. 1075, WG p. 629.

[27] 'But in contrast to Hellenic feudalism they made the vassal's fealty the center of a view of life which perceives the most diverse social relations, to the Savior as well as the loved one, from this vantage-point. The feudal consociation thus permeated the most important relationships with very personal bonds; their peculiarity also had the effect of centering the feeling of knightly dignity upon the cult of the personal. This contrasts violently with all impersonal and commercial relationships, which are bound to appear undignified and vulgar to the feudal ethic.'

[28] 'Therefore, one element finds a permanent place in training and general conduct, which, as a form of developing qualities useful for life, belongs to the original energy household of men and animals, but is increasingly eliminated by every rationalization of life - the g a m e. Under feudal conditions it is just as little a "pastime" as in organic life, rather it is the natural form in which the psycho-physical capacities of the organism are kept alive and supple', ES p. 1106, WG p. 650/1.

[29] ES p. 1090, WG p. 639. (See also ES p. 1001/2, WG p. 578, summarized by the translators as 'excursus on the cultivated man', discussed in Ch. 4,3 above and Ch. 9,2 below). This leads to a specific solidarity which 'is based on a common education which inculcates knightly conventions, pride of status and a sense of honor.'} Earlier Weber wrote on this kind of education: 'Wherever feudalism develops a status-oriented "knightly" stratum, systematic preparation for a corresponding way of life emerges with all its consequences. Typically, certain a r t i s t i c creations (in literature, music and the visual arts), which cannot be treated here, become a means of self-glorification and establish and preserve the nimbus of the dominant stratum vis-à-vis the ruled. Thus "refinement" is added to the at first purely military-gymnastic training; the result is that very complex type of "cultivation" which

In his conceptualization of feudal mentality Weber emphasizes the charismatic, anti-economic, anti-routine, positively privileged aspects of feudalism over its patriarchal-patrimonial ones. These aspects also mean that the patrimonial lord cannot really use his vassals for a continuously functioning administration and that patrimonial power is decentralized to a substantial degree.

5. Feudalism and the decentralization of patrimonial power

In Weber's view the most important characteristic of developed feudalism is its rigidity: rights and duties become 'stereotyped' and 'fixed', while claims are to a growing extent monopolized by a diminishing group of increasingly hereditary nobles.

The fiefs become hereditary in practice. Although an heir formally has to be qualified personally for vassalage and also has to pledge fealty to his lord, in reality the lord is obliged to accept him if he is qualified by birth[30]. The vassals were furthermore united in legally autonomous groups; they considered all fiefs their property and compelled the lord to fill every vacancy[31], thus preventing him from appointing patrimonial, beneficial officials. They also monopolized the fiefs to a growing extent by demanding not only a pure knightly lifestyle of aspirant-vassals, but also knightly descent[32].

Obligatory services, on the other hand, were reduced as much as possible. For their military duties - which became increasingly fictitious - the vassals even acquired tax exemptions and they turned their duties of advice into a 'right' to be heard; a right they performed only in a discontinuous way[33]:

'Eventually it became almost impossible to run a continuously functioning administration with the help of vassals.'

Feudalism is therefore only a marginal case of patrimonialism, the noble 'estate' having succeeded in appropriating a part of the patrimonial powers.[34]

A further decentralization occurred through sub-infeudation, which could take place because the relationship between vassal and subvassal was also strictly personal; as a result of it the subvassal was faced with a dual obligation of loyalty, in which the choice was up to him.[35]

We have already seen that the lord was prevented by his honor and contract to impose duties on the vassal arbitrarily; however, once the vassal broke his oath of fealty, the lord could only deprive him of his fief, after he had accused him of 'felony'. To be able to do this, though, he needed the help of his other vassals.[36]

Feudalism therefore eventually leads to a chronic struggle for power.[37] Weber compares the feudal system to that of the 'Rechtsstaat', a state that is based on laws by which government

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is the polar opposite of specialized education in a bureaucratic regime.' ES p. 1090, WG p. 639/40.

[30] ES p. 256, 1074/5, WG p. 149, 628.

[31] 'The principle of 'nulle terre sans seigneur', ES p. 257, 1080, WG p. 149, 632.

[32] So firstly knightly parents, then knightly grandparents, and in the late Middle Ages sixteen ancestors were required, ES p. 1081, WG p. 633.

[33] ES p. 1085, WG p. 636.

[34] 'Powers over the household (including domains, slaves and serfs), the fiscal rights of the political group to the receipt of taxes and contributions, and specifically political powers of jurisdiction and compulsion to military service - thus powers over free men - all become objects of feudal grants in the same way', ES p. 257, WG p. 149.

[35] 'always considered himself entitled to examine for himself whether the overlord of his own lord discharged his obligations', ES p. 1079, 256, WG p. 632, 149.

[36] ES p. 256, 1079, WG p. 148, 631.

[37] 'It goes without saying that whenever 'Lehensfeodalismus' is highly developed, the overlord's *power

is bound as well: in his view the feudal system is a whole ('Gebilde') of subjective 'rights' ('Rechte'), and not of objective 'laws'.[38] This subjective 'Rechtsstaat' also brings with it a 'separation of powers', but here it is quantitative, not qualitative.[39]

According to Weber feudal lords generally could stabilize and expand their power in two ways: they could either centralize the feudal system by limiting or forbidding subinfeudation, or they could try to create or recreate a centralized patrimonialism by appointing patrimonial officials. The former process took place in England, the latter on the European continent. Because Weber attaches considerable political and social consequences to the centralization of the feudal system in England, especially, as we saw in my chapter on patrimonialism, with regard to its influence on the formation of semi-feudal status groups of officials, I will discuss this development first.

6. England: centralized feudalism and rule by honoratiores; justices of the peace and gentlemen

William the Conqueror introduced the Norman centralized feudal system in England. This meant that in England 'all subvassals were directly oath-bound to the king and considered his men.'[40]

A centralized feudal system can best be instituted on conquered territories.[41] Since it is much more powerful than a decentralized one, it makes a patrimonial bureaucracy almost superfluous; moreover, no patrimonial bureaucracy developed in England because the English rulers did not need a standing army for the defence of their island. Neither did they have a fiscal need for one. They only possessed a small centralized administration.[42]

As a consequence the position of the local landlords in England - and, as we will see later, that of the cities as well - was much stronger than that of their counterparts on the continent. Landlords ruled as '*honoratiores*', 'notables'.

The place of the concept 'rule by honoratiores' in the whole of Weber's analysis of domination is not very clear. As he formulates it himself:

'In itself the authority of honoratiores differs greatly in basis, quality, and impact.'[43]

According to Weber domination by honoratiores differs from patriarchal domination in only one respect: property, education or style of life made their social honor ('prestige') the basis of their domination; this domination thus differs from patriarchal domination in its lack of 'the specific personal loyalty - children's and servants' piety' of the unfree servants.

'Honoratiores' are therefore members of a positive status group, who rule over others beside

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('Herrengewalt') is precarious. This is because it is very dependent on the voluntary obedience and hence the purely personal loyalty of the members of the administrative staff, who, by virtue of the feudal structure, are themselves in possession of the means of administration. Hence, the latent struggle for authority becomes chronic between the lord and his vassal, and the ideal extent of feudal authority has never been effectively carried out in practice or remained effective on a permanent basis', ES p. 257, WG p. 150.

[38] ES p. 1082, WG p. 634. This concept is translated by 'constitutional government' or 'polity of Estates' (p. 1086); Weber's pun is therefore lost.

[39] The idea of the social contract (Staatsvertrag), 'which led to constitutionalism, is anticipated in a primitive fashion'.

[40] ES p. 1080, WG p. 632.

[41] as Arabian, Sassanid and Turkish military states did, and also the Catholic church in Occidental mission territory: ES p. 1135, WG 671.

[42] See also below Ch. 8,7.

[43] ES p. 1009, WG p. 582.

their own patriarchal dependents; their domination therefore is routinized-charismatic in character - as, in my interpretation, all patriarchal domination is.

For the treatment of his concept of honoratiores Weber himself refers only to the sections I will discuss now; they could be further connected with his treatment of compulsory liturgical associations.[44]

Rule by honoratiores according to Weber was strongest in the Occident after the disintegration of the Roman Empire when a patrimonial ruler could only try to eliminate the notables, if he had an administrative staff of his own to replace them.[45] He needed the honoratiores for his local administration; since they wanted to exploit the economic capacity of their retainers themselves, they demanded immunity from interference with the execution of their own patrimonial power over their retainers on the part of the ruler's administrative officials in return for their services.[46]

The medieval patrimonial rulers, lacking a bureaucratic apparatus, had to make even more compromises than the Roman emperors. Both in England and in Prussia they had to concede 'that the ruler's local official be an owner of landed property in the district and that he be taken from the stratum of local land-owning notables.'[47] Some of the most powerful of the medieval barons even usurped the office patronage of large areas. The local landlords therefore tried to sever the direct relationship between ruler and common subjects by attempting to monopolize the offices and to make them hereditary.[48]

The prince tried to retain fiscal and military interests in his subjects; in order to be able to do so, however, he had to prevent the landlords from exploiting the peasants so cruelly that their numbers dwindled. If he did not have a strong administrative staff, he could associate with another group of honoratiores, who could keep the great patrimonial lords in check. This is the process which took place in England; according to Weber it accounts for the reason why the English administrative system developed in such a different way. The institute which was created there was that of the '*justice of the peace*'.[49]

The task of a 'justice of the peace' was to 'police', in the old-fashioned sense of the word: to maintain a public security which was increasingly indispensable in an expanding market economy, and to order trades and consumption. He also had to deal with unemployment and rising food prices, which were the consequences of a market economy.

The Crown in England succeeded in pushing aside the patrimonial and feudal authorities, recruiting local notables from the 'gentry', landowners with a knightly lifestyle, for those new offices. The Crown retained the right to appoint them, but the gentry acquired a monopoly of the office.[50]

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[44] See above, Ch. 5,2.

[45] ES p. 1055, WG p. 614.

[46] ES p. 1056, WG p. 615.

[47] ES p. 1057, WG p. 615.

[48] Ibid. They tried 'to "mediatize" all subjects of the patrimonial ruler, to interpose the local honoratiores as the sole occupants of all political offices, to cut off the direct relationship between ruler and common subjects and to direct both exclusively to the local office incumbent for their respective claims - for taxes and military service, on the one hand, and for legal protection on the other. This was a trend toward the elimination of any control on the part of the ruler and toward the hereditary appropriation of the political office by a family, legally or in fact, or at least by a monopolistic group of local honoratiores.'

[49] ES p. 1059, WG p. 616.

[50] ES p. 1060, WG p. 617.

It is of interest to note that the remunerations of the justices of the peace, their fees and daily allowances, were so low, that it became status convention for them to refuse them; in contrast to most other offices, which were coveted for their chances of profit, this office was therefore truly honorary. For quite a few men it was only titular; others, however, supported by clerks, actually performed part of the work. The justices of the peace even succeeded, in spite of the increase in administrative tasks, in driving out the professional jurists, who could no longer compete with amateurs who refused all fees, and who fulfilled the office only to acquire a 'real and practically unrestrained influence'[51].

Since the office was unpaid, however, it could only be held by *rentiers* of some kind; for this reason it was held first, by members of the rural gentry, who increasingly leased their properties, and later also by retired businessmen from the city. And so, *in this framework of officialdom, rural and urban rentiers merged into a stratum of 'gentlemen'*.[52]

The city rentiers, once they were admitted to the squirearchian circle, also influenced the 'spirit' of the justices of the peace; they 'effectively transformed and rationalized it'. This happened even before 'the penetration of Puritanism', which would effect another transformation in which 'the squirearchic semifeudal features were gradually assimilated to the ascetic, moralistic and utilitarian ones', although 'as late as the 18th century they were opposed to each other.'[53]

Weber treats the justices of the peace as an extremely marginal case of *patrimonial* administration, emphasizing, however, the feudal influences on their lifestyle - which is 'knightly' - and on their status honor; he also sees a bourgeois influence working on these.[54]

The justices of the peace are no vassals, having received neither their lands nor their offices as fiefs; the tasks their office requires of them are an extension of the patrimonial administration of the prince. Like the later patrimonial rulers on the continent, the justices of the peace intervened in innumerable aspects of the life of the subject: they supervised all kinds of activities which could vary 'from visits to the pub, cardplaying or the choice of clothes proper to his station to the level of the corn prices and the adequacy of wages, and from indolence to heresy'.[55]

Yet it was up to them to determine the way and means of their interventions; their administration was furthermore discontinuous and unsystematic, since it was 'essentially a part-time occupation for gentlemen.'[56] For the cities this amateur administration was not

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[51] 'The decisive incentive for the gentry's interest in the office of the justice of the peace was not some specific "idealism", but the real and practically unrestrained influence which the office provided; formally it was limited solely by the rule that all important issues should be settled only collegiately, by at least two judges together, but substantively it was constrained by a strong sense of duty that derived from the status convention', ES p. 1061, WG p. 618.

[52] 'The characteristic fusion of the rural and urban rentier strata in the type of the
'g e n t l e m a n' was greatly facilitated by their common ties to the office of the justice of the peace. In these circles it became a status custom to have the sons appointed justices of the peace at an early age, after they had finished their humanist education.' ES p. 1060, WG p. 618.

[53] ES p. 1063, WG p. 620.

[54] ES p. 1064, WG p. 620.

[55] ES p. 1062, WG p. 619.

[56] 'technically unsuited to deal continuously and intensively with positive administrative tasks or to pursue a consistent unified "welfare policy"."The notion of systematic administrative activity in the service of definite goals was exceptional in these circles, (-) except an attempt to impose a coherent system of "Christian welfare policies" during the brief period of the Stuarts, especially under Laud's administration, which was frustrated by the circles from which the justices of the peace were recruited, ES p. 1062, WG p. 619.

practicable; paid justices of the peace were appointed in increasing measure. This did not lead to any systematization of the administration, because 'rational bureaucracy was introduced only in piecemeal fashion into the old administrative framework, as concrete individual needs arose.'[57]

The English patrimonial rulers did not succeed in appropriating these honoratiores as a part of a centralized and continuous administration; it would therefore be more logical to conceptualize the administration of the justices of the peace as an extension of *feudalism*. Formally the justices were 'subjects' ('Untertanen'), whose office was a 'liturgy' for qualified aspirants', but practically they were 'free members of a political association', 'citizens'.[58] Like the feudal knights they remained an *independent* status group, because their authority was not totally derived from the Crown, but originally had been based on their own position as 'honoratiores', and thus on their membership of a 'gentry' of small landowners, who were able to negotiate with the ruler and even to monopolize their office. The office indeed 'developed exactly parallel to the disintegration of private dependence'; in this sense it was not patrimonial at all.[59]

Though the honoratiores were not feudal vassals in the technical sense of the word, they were patrimonial landowners, who offered their loyalty freely in return for social honor. Weber greatly stresses the importance of the influence of the feudal *mentality*:

'Substantively the English squirearchy, which had created this system, was of course a stratum of notables of decidedly manorial character. Without specific feudal and manorial antecedents the peculiar "spirit" of the English gentry would never have come into being. The particular ideal of manliness of the Anglo-Saxon gentleman shows indelible traces of this origin. This trait comes to the fore mainly in the formal strictness of the conventions, in the vigorously developed pride and sense of dignity, and in the social importance of sports which in itself conducive to the formation of a status group.'[60]

Here the difficulties created by Weber's differentiation of male officials in dependent and independent ones - in 'patriarchs' and 'children' or 'men' and 'not-men' - are apparent. For all higher officials in Western Europe were patriarchs, who were supported by routinized charismatic fraternizations with a military past and by their affiliation with powerful patrimonial lords. Even if a status group of officials originally consisted in part of unfree men, in the long run these also succeeded in gaining freedom and the corresponding patriarchal position, because they shared in the power and the prestige of the lord and in the resulting possibility to exploit his subjects.

Therefore the contrast Weber constructs between 'estate patrimonialism' and 'patriarchal patrimonialism' in general is not relevant for Western Europe where all patrimonialism was influenced by feudalism and therefore 'estate patrimonialism'.

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[57] ES p. 1064, WG p. 620.

[58] 'but in reality, due to the actual distribution of power, it was the voluntary co-operation not of subjects, but of free members of a political association - of "citizens", that is - on which the prince depended for the exercise of his authority.'

[59] See also ES p. 1063, WG p. 619: 'At its peak the English administration by the justices of the peace was a combination of patrimonialism of the estate type with a pure type of autonomous administration by honoratiores, and it tended much more toward the latter than toward the former'.

[60] ES p. 1063, WG p. 620.

7. Weber's contrast between feudal Great Britain and patrimonial Germany

In distinguishing between 'estate patrimonialism' and 'patriarchal patrimonialism' Weber meant to conceptualize the difference between *modern* Germany and *modern* England, and to explain why German men were unmanned by bureaucracy, while English gentlemen succeeded in proving their manhood in military and economic world domination. His own analysis, however, shows that the characteristics the two systems, formed as they are by feudalism and patrimonialism both, have in common, are far greater than the contrasts. Because of his personal interest in changing government and administration in Germany, Weber was looking for arguments for the need of a stronger parliament, which would create a breeding ground for the 'real politicians' or 'caesarist leaders' he saw in Great Britain. To explain the differences between Germany and England he constructed a contrast between a linear rationalization process of 'patriarchal patrimonialism' at the one hand and 'administration by feudally influenced honoratiores' at the other. By emphasizing the feudal elements in the English modernization of manhood ideals - which according to him even survived the merging of rural rentier groups with urban ones - he could confront the German 'patriarchally dominated' officials and politicians with British 'gentlemen'.

However, Weber only later, in his essay on 'The City', analyzed the influence the bourgeois fraternizations of the cities on the Western European continent had on the modernization of manhood ideals. In his essay of patrimonialism in part two of ES he presents the bourgeois influence in England as marginal; there the continental development of patrimonialism is reduced there to a linear rationalization of patriarchal patrimonialism. Only in the conceptual exposition of patriarchal patrimonialism he does refer to bourgeois influence.

Both the different estates on the continent of Western Europe and the English ones merged into new, contradictory, forms. In my view this was possible *because* they were 'estates', honorable fraternizations of 'real men', who possessed common characteristics beside contrasting ones.

It is plausible that the centralized Norman feudal system in England and the mentality it produced and spread even among small squires, decisively influenced the formation and character of the status groups of local officials and also the piecemeal development of the English patrimonial bureaucracy. However, the question remains whether the continental development of 'estate patrimonialism' in other Western European countries, which was influenced by both feudalism and by the bourgeoisie, differed from the English developments in a decisive degree. Weber deduces this difference from the circumstance that the later continental rulers succeeded in defeating the estates and in establishing a *rational* patrimonial bureaucracy, while the English kings did not - with the result that bureaucratization took off so much later in England than it did in Germany and France that in Weber's time it had not yet been completed.

In my view Weber's question of why the modern bureaucracy 'grew only on European soil' cannot be answered by accentuating the difference in the degree of bureaucratization in Germany and Great Britain; emphasis should instead be placed on the unique characteristics of the European developments of patrimonialism - first into feudalism and 'estate patrimonialism', later into a renewed patriarchal patrimonialism with a more or less rational bureaucracy, influenced by developments in the 'occidental city' - contrasting them with patrimonialism in the rest of the world.

To understand these specific European developments Weber's analysis of 'the occidental city' is of primary importance. Therefore, before discussing the revival of European

patrimonialism, I will first deal with the Western European cities, which were centers of an expanding market economy and which developed the rational administrative techniques that were used by the rulers to enlarge their power.[61]

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[61] See ES p. 259 (WG p. 151) on the causes of the ruler's victory and the development of rational administration: 'Along with purely historical power constellations, economic conditions have played a very important part in this process in the Western World. Above all, it was influenced by the rise of the bourgeoisie in the towns, which had an organization peculiar to Europe. It was in addition aided by the competition for power by means of rational - that is, bureaucratic - administration among the different states.' See further below Ch. 7,14.

Chapter 7. The city: **new fraternities of patriarchs**

1. Winckelmann on The City as non-legitimate domination; non-legitimate domination as a breach with 'tradition'

The chapter on The City was not a part of the manuscript of ES; it was published separately as an essay. Winckelmann, the editor of the post-war edition, decided to include it in his reconstruction of ES. He found support for his decision in several remarks made by Weber in his various works, but also in the original plan for ES.[1]

In this plan, part 8, Domination, is subdivided into: 'a) The three types of legitimate domination; b) Political and hierocratic domination; c) Non-legitimate domination. The typology of cities.' They are followed by 'd) The development of the modern state' and 'e) The modern political parties'; these last two categories were to be treated together. In particular the parts entitled Sociology of the state and The theory of revolutions are unfinished.

Weber intended to discuss the cities under 'c) non-legitimate domination.' According to Winckelmann this was because he considered the cities' political autonomy their most

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[1] WG p. XIX, XXVII.

important characteristic. In his view 'the city' should be classified under the sociology of domination, after the forms of legitimate domination, as a 'revolutionary association'.[2] Winckelmann proceeds:

'Because it was Max Weber's often expressed didactic opinion (Lehrmeinung) that rational administrative organization with its rational administrative principles is copied by the territorial states from the political associations of the autonomous cities, the expositions on the sociology of the modern state corresponds systematically with the typology of the cities.'

I will show, though, that Weber's 'didactic opinion' is not clearly expressed in ES. There is only one passage in his conceptual exposition in which he refers to a connection between occidental urban developments and the rationalization process which took place within the patrimonial state; in this passage, however, no direct influence has been conceptualized.[3] Neither does Weber give a clear statement on the connection between the two characteristics Winckelmann named: non-legitimate domination and rational administration. Winckelmann himself explains the concept 'non-legitimate domination' with a passage from Politics as a vocation, where he gives the following statement on the freedom of the autonomous city communes:

'They were free: not in the sense of the freedom from forceful domination, but in the sense that princely power legitimized by tradition (mostly religiously sanctified) as exclusive source of all authority was absent.'[4]

The passage sheds a most interesting light on Weber's theory of legitimate domination. Everywhere in ES Weber presents *three* types of legitimate domination; here however, only *one* type seems to exist: traditional authority. Since in Weber's view traditional authority is always patriarchal authority, he seems to hold the same opinion as Kate Millet: to maintain that all domination is patriarchal. In deciding to present the city as a form of 'non-legitimate domination', he chooses to conceptualize it as representing a breach with patriarchal domination and not as a development of new forms of legitimate domination which perhaps are patriarchal as well. He thus conceptualizes the city burghers as revolutionary patriarchal *subjects*, not as any particular kind of *rulers*.

Earlier in my book I gave what could be an explanation for this choice. The relationship between the 'traditional', patriarchal or patrimonial, lord and his subjects is a public domination relationship between men; when a subject of a lord breaks away from the lord's domination in order to become a free men, the relationship between them changes into one of real men, of patriarchs. Weber, however, conceptualizes patriarchal domination of the city burghers only in terms of relations of the 'household', a concept which is private and therefore not relevant for the investigation of public relationships of domination.

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[2] WG p. XIX, translated: 'Everywhere in his most different works Max Weber viewed their characteristic in their specific nature of separate political entity, namely as an autonomous political formation (Verband).' 'The particularity of the occidental city development appears to him, in comparison to all other forming of cities, from the special political character of the European city, in this that it was an autonomous "commune" with its own, separate political rights.' ' The typology of cities, as it is designed, belongs thus indeed - in accordance with the plan - in the sociology of domination, and in fact at the appointed place: on systematic grounds in its specific character as a revolutionary Verband after the forms of legitimate domination, from historical considerations as a precursor of the rational constitution and administration as the state for the shaping of this.'

[3] ES p. 240/1, WG p. 139/40, see below no 14.

[4] FMW p. 84, GPS p. 501.

Because Weber chooses the aspect of the - temporary - break with patriarchal domination as the decisive characteristic of occidental cities, his essay on 'the city' is a chapter in his 'theory of revolutions': how were cities established and why did they develop only in the West ? The revolutionary process in the cities is presented 'from above', from the point of view of the lords: it is regarded as a rejection of their legitimate domination. The city founders thus appear as bands of revolutionaries. The continuity of patriarchy remains secondary to this analysis.

2. Revolutionary charisma and democratic dictatorship

According to the table of contents Weber drew up, 'domination' in the city exists, although it is not legitimate. An absence of legitimacy can only mean that this domination is unstable, impermanent and to a substantial degree based on violence; even so the city rulers needed a military and administrative staff and therefore had to have a relation to it which, in Weber's own view, had to be structured by some claim to legitimacy.[5] Although he does not use the term in his essay of the city, in his conceptual exposition of domination he characterizes the revolutionary city domination as *charismatic*. In his treatment of a last form of transformation of charisma, the 'herrschaftsfremde Umdeutung des Charisma' - the 'transformation of charisma in a democratic direction', as the American translation not quite accurately labels it - Weber discusses 'revolutionary charisma' and 'democratic legitimacy'.[6] By these terms he means a form of domination which respects the *formal freedom* of its subjects and therefore can develop into the formal mass-democracy which would become the political structure of modern Western societies.
According to Weber this 'revolutionary charisma' is an anti-authoritarian transformation of 'charisma', since it formally derives its legitimacy from the *consensus of the followers*, and not from the magical quality of the leader. In this sense 'revolutionary charisma' is the opposite of the original 'charisma', which has nothing to do with a consensus of the followers, since a proper charismatic leader does not regard 'his quality as dependent on the attitudes of the masses toward him.'[7] Yet in Weber's view it is possible to extend the meaning of the concept to this anti-authoritarian form of legitimation, since the validity of all charismatic authority rests entirely on recognition by the ruled, on '"proof" before their eyes.' Recognition by the group in this case becomes an 'election'.[8]

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[5] ES p. 214, WG p. 123, see Ch. 1,5.

[6] ES p. 266 ff., WG p. 155 ff., 'The *anti-authoritarian transformation of charisma', see also ES p. 1123 ff., WG p. 663 ff. where Weber explains that the problem of succession 'inescapably channels charisma into the direction of legal regulation and tradition.'

[7] ES p. 242, WG p. 140.

[8] 'To be sure, this recognition of a charismatically qualified, and hence legitimate, person is treated as a duty. But when the charismatic organization undergoes progressive rationalization, it is readily possible that, instead of recognition being treated as a consequence of legitimacy, it is treated as the basis of legitimacy: democratic legitimacy. Then designation of a successor by an administrative staff becomes "preselection", whereas recognition by the group becomes an "election". The personally legitimated charismatic leader becomes leader by the grace of those who follow him since the latter are formally free to elect and even to depose him - just as the loss of charisma and its efficacy had involved the loss of genuine legitimacy. Now he is the freely elected leader.' ES p. 266/7, WG p. 156.

The character of law changes in the same way. From being founded on charisma it becomes rationally instituted, retaining only the charismatic trait that in case of dispute there can only be *one* correct decision.[9]

The anti-authoritarian transformation of charisma is therefore an important link in the process of rationalization. According to Weber the medieval 'plebeian city' played an important role in this process, although in his analysis it also was dependent on a rationalization process which already existed.

Weber calls the anti-authoritarian form of charismatic legitimacy *'plebiscitary democracy'*; it is 'a variant of charismatic authority, which hides behind a legitimacy that is *formally* derived from the will of the governed.'[10] The foundation for the rational administration of a plebiscitary democracy is still charismatic: the personal administrative staff 'is recruited in a charismatic way usually from able people of humble origin' and can be dismissed at will.

Thus Weber, by showing in his conceptual exposition that city domination is 'anti-authoritarian charismatic domination', restores the consistency of his analysis, which seemed to be lost in the title of his essay on the city. According to his conceptual exposition domination cannot do without legitimacy for a long period, if only because the relationship between the leader and his staff is always based on the leader claiming legitimacy of his domination. The 'illegitimacy' of the city domination indeed only refers to one aspect of it: its position towards the traditional, patrimonial rulers.

The ambiguity in Weber's essay on the city manifests itself when he discusses the concepts of 'democracy' and 'dictatorship' without differentiating between them. His later treatment of these concepts would have clarified the essay; a more correct title for it would have been 'the city as a breach with traditional domination and the establishment of plebiscitary democracy'.

In the essay on the city Weber's analysis focuses on one aspect of the Western city only: on its 'revolutionary' origins, which he views as the decisive difference between the occidental city and all other cities. Everyday, private aspects of the social relations and economic activities in the city remain outside of his treatment, except for the *market*, since this form of economic action is of a public, rational character.

I will therefore first of all summarize Weber's conceptualization of the 'market consociation' ('Vergesellschaftung'), which he sees as common to all cities, also the non-autonomous ones.

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[9] 'Correspondingly, the recognition of charismatic decrees and judicial decisions on the part of the community shifts to the belief that the group has a right to enact, recognize, or appeal laws, according to its own free will, both in general and for an individual case. Under genuinely charismatic authority, on the other hand, conflicts over the correct law amy actually be decided by a group vote, but this takes place under the pressure of feeling that there can be only *one* correct decision, an it is a matter of duty to arrive at this. However, in the new interpretation the treatment of law approaches the case of legal authority.' ES p. 267, WG p. 156.

[10] As examples of city dictators Weber gives 'the Hellenic aisymnetai, tyrants and demagogues; in Rome Gracchus and his successors; in the Italian city states the capitani del popolo and mayors; and certain types of political leaders in the German cities such as emerged in the democratic dictatorship of Zürich.' 'Wherever attempts have been made to legitimize this kind of exercise of power, legitimacy has been sought in recognition by the sovereign people through a plebiscite.' ES p. 268, WG p. 156. See further below, Ch. 10,1.

3. The market as an impersonal association

Weber begins his essay with a treatment of concepts and categories of cities in general. The first general characteristic of the city is that it is a *market center.*[11] According to Weber this means that the city population generally buys what it needs on the market - he never makes any mention of the goods and services produced in the private sector, the households - and that market goods are being produced mostly by the city population or by that of the immediate hinterland.[12]

The market is a phenomenon easier conceptualized in terms of economy than in those of interpretive sociology. Since market relations are impersonal and (in Weber's words) 'unbrotherly', they break up existing social relations. The unfinished fragment on the market[13] is one of the earlier essays in ES; Weber there uses the concept 'Einverständnishandeln' ('consensual action') to bring the market within the terms of interpretive sociology.

He presents the market consociation (Vergesellschaftung) as on the one hand 'the archetype of all rational social action (rationales Gesellschaftshandeln)', yet on the other hand he states that 'the market community (Gemeinschaft) as such [is] the most impersonal relationship of practical life into which human beings can enter with one another.'

According to Weber market actions are not oriented to the actions of other persons, but to *commodities*[14]; there are 'no obligations of brotherliness or reverence, and none of those spontaneous human relations that are sustained by personal unions.' The market is 'an abomination to every system of fraternal ethics. In sharp contrast to all other groups which always presuppose some measure of personal fraternization or even blood kinship, the market is fundamentally alien to any type of fraternal relationship.'

Individual market dealings can be conceptualized as 'a coexistence and sequence of rational consociations'; these are however only 'ephemeral insofar as (...) they cease to exist with the act of exchanging the goods (...)'.

Because of the orientation of the market partners to things and not to persons, the market relations as a whole remain marginal to sociological analysis. Weber solves this problem by conceptualizing the abstract, formal-rational *results* of them:

'Money creates a group by virtue of material interest relations between actual and potential participants in the market and its payments. At the fully developed stage, the so called money economy, the resulting situation looks as if it had been created by a set of norms established for the very purpose of bringing it into being.'

The unbrotherly, unsocial, un-sociological character of the market causes an erosion of the legitimacy of the patriarchal domination of both the old rulers and of the city burghers themselves; in the analysis Weber presents in his essay on the city, however, it is not the decisive cause of the difference between the autonomous 'occidental' cities and all the other ones.

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[11] ES p. 1213, WG p. 728.

[12] ES p. 1213, WG p. 728.

[13] ES p. 635 ff., WG p. 382 ff.

[14] 'The reason for the impersonality of the market is its matter-of-factness, its orientation to the commodity and only to that. Where the market is allowed to follow its own autonomous tendencies, its participants do not look toward persons of each other but only toward the commodity'.

4. Market centers in general versus the occidental autonomous 'communes' and 'burgher-estates'

A city can have various origins: it can be built by concession of a prince, or autonomously, by settlers[15]. It can find its central interest in production, in consumption or in trade,[16] and it can have various relations with the agriculture of the hinterland[17]; yet in a city in the Weberian sense of the word, the relations of barter and production between town and country have to be *regulated*[18]. This implies the existence of urban *economic policy*.[19] The city can therefore be conceptualized not only in economic, but also in political terms.

Even when it is administrated by a prince, the city forms a separate politically-administrative unity, with its own legal, administrative and political institutions. It is therefore a partially autonomous organization, a 'commune'.[20] As a rule the nature of land ownership in the city is also different from that in the countryside, 'due to the specific basis of the earning capacity of urban real estate: *house ownership*, to which land ownership is merely accessory.' (it. mine).[21]

The city also often has a garrison and a fortress, from which the surrounding countryside can be dominated. Inside its walls it therefore has both a military and an economic population. These two groups have to find a mode of co-existence; in Weber's view the way in which they arrange their relations is of crucial importance for the constitutional history of a city.[22]

Thus Weber narrows down his concept of the city to that of the fully developed 'commune', which existed in considerable numbers only in the occident, and to its main prototype: a settlement of the commercial type, with

'1. a fortification, 2. a market, 3. its own court of law and, at least in part, autonomous law; 4. an associational structure (Verbandscharacter) and, connected therewith, 5. at least partial autonomy and autocephaly, which includes administration by authorities in whose appointment the burghers could in some way participate. In the past, such rights almost always took the form of p r i v i l e g e s   o f   a n   e s t a t e ('Stand'); hence the characteristic of the city in the political definition was the appearance of a distinct *'"burgher"estate.'[23]

Weber is now able to examine the specific history of the 'occidental city': how did this 'burgher-estate' develop and why did it develop only in the occident ?

Weber treats the occidental cities of Antiquity and Middle Ages together, not because he supposes a direct causal relation between their respective developments, but because he sees structural parallels between them. He concludes that in both types of cities the different estates - the old ones of war and the new ones of money - will have to compromise. He also concludes that the number of ways to effect such a compromise is restricted.

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[15] ES p. 1214, WG p. 728.

[16] ES p. 1215 ff., WG 729 ff.

[17] ES p. 1217 ff., WG p. 730 ff.

[18] This in contrast with the oikos in which the several activities are coordinated without barter. ES p. 1220, WG p. 732.

[19] ES p. 1219, WG p. 731: 'wirtschaftspolitische Maßregeln'.

[20] ES p. 1220, WG p. 732.

[21] I will discuss the importance of house ownership when dealing with the city patriarchy, see below no 9.

[22] ES p. 1224 ff., WG p. 735.

[23] ES p. 1226, WG p. 736. I mostly translate 'Bürger' with 'burghers', and not with 'bourgeois', as the American translation sometimes does.

Weber's treatment of the different cities is comparative, not historical; he treats 'the occidental city' as a type, emphasizing the common characteristics of ancient and medieval cities, in order to make a sharp contrast with the Eastern cities. He therefore relativizes the influence of the politics, law and culture of antiquity on the medieval institutions, mentioning it only in other chapters, in particular in those in which he describes the influence of the formal character of Roman religion and Roman law on the rationalization process[24].

Since I am mainly interested in the development of the occidental 'Ständestaat' and the modern bureaucracy in Europe, I will chiefly analyze Weber's views on the social relations in the medieval cities, mentioning the cities of mediterranean antiquity only if there is any causal relation between their development and later events.
I will furthermore discuss only those aspects of 'the medieval city' which will clarify the central questions of this book: how did the western consociations of formally free and equal men come into being and what is the link between these confraternizations and 'formal rationality' ?

5. The medieval western city as a breach with kinship tradition and a creation of new associations of real men

In my treatment of the history of occidental 'free' feudalism I have already dealt with Weber's answer to the question of why a separate 'burgher-estate' only developed in occidental cities: wandering confraternizations of military conquerors, traders, pirates and other adventurers, around the Mediterranean and in Europe, broke with tradition and created ties between men who had been strangers to each other.[25]
These new confraternizations were confraternizations in the strict Weberian sense of the word: they were charismatic groups of armed men. The military aspect of occidental cities - which is unique - caused two kinds of developments: the breaking of the traditions of kinship and of patrimonial domination, and the building of new, armed confraternizations, which could fight for their autonomy.
Since 'the Chinese city dweller belonged to his clan and the Indian to his caste', no new fraternities could develop in China or in India; the city population in non-occidental cities therefore remained subjected to the patrimonial authorities, as well to their clan or caste organizations.
The medieval Western European cities, in particular those North of the Alps - especially those in which feudal landlords played no role in the city foundation and where traders formed the city patriciate[26] - stand in a sharp contrast to all other cities, although their origins were no less military than that of those founded by castes of conquerors - the 'polis-feudalism of antiquity - or by feudal knights.
The confraternizations of traders who founded the cities according to Weber were 'coniurationes', 'sworn fraternities', 'conspiracies'[27], thus magical-charismatic, armed fraternities, which had been established by status contract.

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[24] See below Ch. 8,5 and 9,2.

[25] ES p. 1241 ff., WG p. 744 ff.

[26] ES p. 1255, 1276, 1293, WG p. 753, 762, 773.

[27] In Dutch 'coniuratio' and 'conspiracy' can be translated by the same word: 'samenzwering'. See on the magical character of the oath ES p. 672/3, WG p. 402: 'The o a t h, which originally appears as a person's conditional

These fraternities constituted their own rules of connubium and commensality, mostly under the protection of new gods, to celebrate and fortify their new brotherhood. In classical Antiquity they were mostly organized in the form of artificial tribes and clans so that their gods were clan and city gods; in the Middle Ages however a more universal brotherhood developed: Christianity. Christianity not only 'destroyed whatever religious significance' the clan ties retained, but it also laid the foundations for new forms of organization; the magical aspects of these forms found their expression in the cultic associations of the Lord's Supper and the administrative ones in the parish community.[28]

The fraternities could develop further - into routinized charismatic 'estates' - by using the wealth the market provided; they were able to *monopolize* the profit chances of the market and of the crafts drawn by it, since they formed their own organizations which were closed to outsiders: 'only the members of the sworn association were to be permitted to share in the commerce of the city.'[29]

When we combine Weber's analysis of the creation of new military trading fraternities with Weber-Schnitger's report on the prohibition of women to bear weapons[30], we may conclude that the link between money and manhood was solidified: since women were not allowed to bear weapons, they were not allowed to trade.[31] And when 'the purely personal and temporary *coniurationes* developed into permanent political associations whose members were collectively, as urban citizens, subject to a special and autonomous law'[32], women were also excluded from this new law. The Germanic law system which centered around the 'Dinggenossenschaften', in which the armed men created their own law[33], in particular did not allow participation of women. From its beginning, therefore, the occidental city supported the patriarchal power of estates of proven men.

According to Weber, however, the wealth citizens acquired in trade was the foundation for a second dissolution process of 'traditional domination', in this case that of the patriarchal-patrimonial lord, in whose legal domain the city was founded.

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self-surrender to evil magical forces, subsequently assumes the character of a conditional self-curse, calling for the divine wrath to strike. Thus the oath remains even in later times one of the most universal forms of all fraternization pacts.'

[28] This also means that Jews were from the beginning automatically excluded from the burgher association. ES p. 1244, 1246/7, WG p. 746, 747.

[29] ES p. 1252, WG p. 751

[30] EuM p. 210, see above Ch. 2,8.

[31] though they had created many of the new crafts; see for instance Sullerot (1968) and Power (1975).

[32] ES p. 1254, WG p. 752.

[33] ES p. 1249, WG p. 749.

6. The occidental city as a breach with patrimonial domination; *the establishment of administration by honoratiores*

In order to achieve autonomy the citizens had to struggle hard against the patrimonial lords, whose power and prestige also depended on the market. The lords could monopolize trade or the profit from it by exacting taxes, tolls, escort moneys and other 'protection' fees.[34] They could also use the city market as a source of income for themselves by sending their slaves and serfs to it in order to earn money in return for a fixed body rent.[35] In most parts of the world the patrimonial rulers were able to defend their interests because they also owned the army - not only managing it, but also feeding it from their own stores. In their towns the citizens 'were the non-soldiers'. Only their financial power could force the rulers to negotiate with them in case of financial need; but they had no possibility 'to unite and to offer a *military* check to the lord.'[36]

In the occident the rich swore to revolt against the rulers; they founded and maintained the city as a more or less autonomous political community. The 'coniurationes' forced the mass of the burghers - those qualified by landownership - to join them; in the long run the 'coniurationes' elected their own officers, and established their own courts and their own law.[37]

The rich not only monopolized the market; they also curbed the financial claims of the patrimonial ruler and expanded the military and economic power of the city. The revolutionary usurpation of power resulted in most cases in the domination of rich, in Italy also noble, families: thus in 'Geschlechterherrschaft', 'lineage charisma'[38], the rule of the 'patriciate'.

The 'patriciate' ruled in a personal, informal way, through *drinking clubs* - remember the importance of the orgy in magic -, through monopolizing access to the colleges of honoratiores and to the offices of the city, and through personal unions between men who held important offices and positions.[39] Only in exceptional cases did the guilds - generally only the trading guilds, not those of the crafts - share in the power of the city. The guilds were an effect of the city, not a cause.[40]

The city patriciates consisted of rentiers. Access to their estate was at first determined by *lifestyle*, which had to be *knightly*[41]; it was not primarily determined by descent. In this way a certain fusion of nobles and commoners was possible, since merchants could purchase a noble holding, and knights could participate in mercantile enterprises[42]. But a *third* revolution had to be fought before the entrepreneurs were admitted into the city colleges.

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[34] ES p. 1214, WG p. 728; inverted comma's mine.

[35] ES p. 1238, WG p. 742.

[36] ES p. 1262, WG p. 757.

[37] ES p. 1253, 1258, WG p. 751, 754.

[38] See also ES p. 1135, WG p. 671 ff. and above Ch. 4,7.

[39] ES p. 1256, WG p. 753.

[40] ES p. 1257, WG p. 753/4.

[41] ES p. 1292, WG p. 772 (it. Weber).

[42] 2ES p. 1293/4, WG p. 772/3.

7. The breach with the patriciate: democracy and dictatorship; the establishment of formal-rational law and administration

This third revolution was the establishment of 'democracy'. Ever since Greek Antiquity city 'democracy' means the domination of an armed burgher *estate*, which has defeated the nobility and the 'Geschlechter' who have broken the power of the patrimonial lords. In most cases 'democracy' was established through the revolutionary dictatorship of a 'tyrant', a 'people's tribune' or 'capitano del popolo'; according to Weber these revolutionary dictatorships stimulated a process of rationalization.

In the burgher communes of law rational forms of law and of administration had already been created. Commerce needed a trial procedure 'which excluded irrational, magic means of evidence and in particular the test by duel'[43]; it also needed new contractual forms; rationalization of the courts furthered rationalization of the city administration.

Democratic revolutions reinforced this process. The medieval Italian city dictators in particular governed by means of 'a rational administration with (increasingly) *appointed* officials'.[44] They were supported intellectually and administrative-technically by university-educated men: jurists - judges, notaries and advocates -, doctors and apothecaries.[45]

According to Weber opposition against the patriciate originated in conflicts of interest which developed between patriciate and the strata excluded from the city government once the self-esteem of the latter, 'based on growing wealth and education, and their economic dispensability for administrative work, had risen to a point where they could no longer tolerate the idea of being excluded from power'[46].

The revolutionaries who usurped the power of the city were 'burghers' in the strict, economic sense of the word: members of the *guilds* of entrepreneurs and handicraft workers. Again their form of organization was the 'coniuratio', the 'sworn confraternity'.[47] In Italy they were designated by the term 'popolo'. This term, however, only indicated that they were neither nobles nor members of the patriciate; it did not indicate that they were poor.

The handicraft guilds had been only marginally influential politically;[48] political power was monopolized by the richest guilds, those of merchants, bankers, great entrepreneurs and university-educated men.[49] The handicraft guilds only played a political role in the North; in the South their aid was only enlisted when there was a need to fight the lords. They organized the military struggle and instituted military service. The proletariat - designated by Weber as 'handicraft boys'[50] - was wholly excluded from city democracy.

In Italy the 'popolo' created a 'state within the state', with its own officials, finances and military administration. Weber calls this state 'the first *deliberately nonlegitimate and revolutionary* political association'.[51] The Italian 'burghers' had revolted because in the Italian cities the domination of the nobility was far stronger than in the other parts of Western

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[43] ES. p. 1254, WG p. 752.

[44] ES p. 1318, WG p. 785.

[45] ES p. 1306, WG p. 779.

[46] ES p. 1281, WG p. 765.

[47] ES p. 1301, WG p. 766.

[48] ES p. 1301, WG p. 766.

[49] ES p. 1305, WG p. 778.

[50] See Sullerot I Ch. 2,5 on the enormous amounts of women working in medieval trade and industry.

[51] ES p. 1302, WG p. 776.

Europe. The burghers were often denied all legal rights; not only did the nobility refuse to pay its bills, but it also insulted and threatened them. The courts gave no protection at all, since they were dominated by the nobility. In cities where the citizens won their struggle, the positions of citizens and nobles were reversed, the citizens formally excluding the knights from participation in the city colleges and discriminating against them in the administration of justice; knightly lifestyle and attire were forbidden.

Comparable revolutions had taken place in Mediterranean Antiquity, where the 'demos' in Greece and the 'plebs' in Rome revolted. (The terms 'demos' and 'plebs' again only designate the non-noble status of the revolting men, not their income.) The difference between Antiquity and the Western European Middle Ages lies in the organization of the revolutionary strata: in Antiquity they were organized according to the district ('demos') where they lived; because of the existence of slavery guilds could not develop.[52]

In both kinds of revolutions however a completely new community of law was created, from which the nobility was excluded as much as possible. In this process the law, which originally had been 'found' in a charismatic way, was increasingly rationalized into the law of a compulsory organization ('Anstalt'). This is the beginning of the idea of lawgiving, that is to say: of the idea that law is not something that has always existed, but that it has been artificially created and thus can be consciously changed, and also that it 'should be based on the consensus[53] of those to whom it is to apply.'[54] Thus in Athens the demos was asked every year whether the laws should be changed. In medieval cities the democratic revolutions led to the writing of urban law books, codification of civil and trial law, and 'a veritable flood of statutes of all kinds'.[55]

The second important change caused by the city revolution took place in government and administration. Under the patriciate officials had been 'honoratiores' who ruled by 'honor', thus by virtue of family or office charisma[56]; after the revolutions they were elected or chosen by lot, in for this period vast numbers.[57]

These officials should not be seen as modern, bureaucratic officials; their term of office was short, its revenues constituting only a side-income; officialdom moreover did not constitute a profession since no career and no official 'estate-honor' existed. The administrators therefore were not detached from their own associations and did not form an association to serve their own common interests. They kept representing the interests of the associations they belonged to, in the Middle Ages those of the guilds and of other corporations which governed the city. This gave city politics its 'democratic' character: the interests of the associated corporations were represented, though there was no representation of the individual citizens.

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[52] ES p. 1343, WG p. 798/9.
[53] 'Zustimmung'.
[54] ES p. 1313, WG p. 782.
[55] ES p. 1315, WG p. 783.
[56] See Ch 9,3 below.
[57] ES p. 1315, WG p. 783.

8. Demilitarization of medieval citizens: the citizen as 'homo economicus'

Yet, according to Weber, the *nobility* survived politically throughout the democratic revolutions. Although it was formally excluded from the city government, its military power remained an important factor, the more so because the cities waged wars against each other in an attempt to expand their economical and political power; as the power of the guilds over the nobility remained military in character, the man chosen to lead the handicraft guilds in the armed struggle was usually a knight[58]. Besides, knights wishing to participate in city life could become members of a craft guild; in the long run therefore, nobility and rich bourgeoisie again merged into a city patriciate[59].

The unity of this city patriciate was reinforced - especially in Northern Europe at the end of the Middle Ages - when the country nobility broke with the urban nobility, because the latter participated in economic activities and sat together with the craft guilds in the municipal governments.[60]

At the same time a development to the contrary occurred: the medieval city administration was *demilitarized*, and with it the citizenry. While in Athens the demagogue, the political leader, was often still the highest military leader[61], the medieval 'capitano del popolo', the people's captain, more and more became a chosen juridical and political functionary, until finally he was a official of the commune. The citizens became increasingly preoccupied with economic concerns and were no longer used to fulfil military service[62]; we shall see that in the end they were deliberately disarmed by the patrimonial rulers within and outside of the city.

Weber sees this development as constituting a decisive difference between the city of Antiquity and that of the Middle Ages; while the former remained an association of military men, the latter ultimately became a sheer economic Verband. In his view the citizen of Antiquity was a *homo politicus* - 'politics' being the fight for power - whereas the medieval citizen was a *homo economicus*.[63]

The medieval demilitarization of the citizenry gave *other military powers* their chance. In Italy they ruled within the city walls themselves: they were the 'signorie', the city tyrannies.[64]

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[58] ES p. 1301, WG p. 775/6. See also ES p. 1130, WG p. 668: 'However, it was very rare, even under the popolani, for a commoner to hold leading offices, even though here as always the bourgeois strata had to finance the parties.' The leading knight 'was often called in from another town,in which case he had to bring his own staff along', ES p. 1302, WG p. 776.

[59] ES p. 1304/5, WG p. 777/8.

[60] ES p. 1239, WG p. 743.

[61] ES p. 1314, WG p. 783.

[62] ES p. 1320, WG p. 787.

[63] ES p. 1354, WG p. 805.

[64] ES p. 1316, WG p. 784. These tyrannies had also developed in Antiquity as a result of the struggle of sections of the middle classes and the peasantry, who were both victims of usury, against the patriciate. The difference between Antiquity and Middle Ages, though, is that the Italian city dictatorships in most cases 'developed directly out of the legal offices of the popolo', while 'the city tyrannis in Hellenic Antiquity normally represented only one of the intermediate phenomena between the patrician rule and timocracy or democracy'. ES p. 1318, WG p. 785. (The Concise Oxford Dictionary: 'Timocracy: Form of government in which there is a property qualification for office; form of government in which rulers are motivated by lover of honour', from Greek 'timokratia', in which 'timè' is honour, worth, value).

These dictators were leading communal officials[65], who 'came to be elected for increasingly longer periods or even for life'[66]. They were 'the first political power in Western Europe which based its regime on a rational administration with (increasingly) *appointed* officials', though they 'also in most cases retained certain forms of the traditional communal constitution.' Their offices became inheritable in practice and later legally, while they also expanded their juridical power until it had developed into a patrimonial rulership.[67] Thus in the Italian cities a rationalized patrimonialism developed from within, as *illegitimate dictators became legitimate patrimonial lords.*

Elsewhere however the city democracy was eliminated from outside by the patrimonial lords, who were connected with the great dynasties, 'against whose power any uprising of the burghers would have had no chance of success.'[68] There too 'the historical interlude of urban autonomy'[69]

came to an end.

9. Transformation of patriarchy: from household to enterprise; individualization of family members

The 'historical interlude' of urban military autonomy, the break with patrimonialism, was supported by the market economy, which created the possibility of 'the ascent from bondage to freedom by means of monetary acquisition'[70]. Because the urban citizenry 'usurped the right to dissolve the bonds of seigneurial domination', in general 'the status differences disappeared - at least insofar as they signified a differentiation between "free" and "unfree" men.'[71]

'Stadtluft macht frei': the city knows only formally free citizens - who are all of them adult males. The burgher is a *patriarch, the possessor of a house and a household.*[72] Consequently, like the free patrimonial subject and the feudal vassal, he needs patriarchal legitimation; this need counteracts the dissolving effects the market had on the general patriarchal-patrimonial structure. The 'homo economicus' of economic science, who orients his actions to his expectations of market processes, remains an sociological abstraction, because in Weber's description of him the private aspects of his personality - his relationship to the persons in his household who produce non-market goods and services - have been split off and subsequently denied. This is why Weber has to conceptualize the social processes which surround market transactions in a functionalist way - as a virtual 'market

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[65] Capitano del popolo, podestà della mercadanza, podestà of the commune.

[66] ES p. 1318, WG p. 785.

[67] 'into a general commission (arbitrium generale) to issue all kinds of orders in competition with the council and the commune, and finally into a rulership (dominium) with the right to govern the city libero arbitrio, to fill the offices, and to issue decrees which had the power of laws.'

[68] ES p. 1320, WG p. 787.

[69] ES p. 1352, WG p. 804.

[70] 'The Occidental city thus was already in Antiquity, just like in Russia, a place where t h e a s c e n t f r o m b o n d a g e t o f r e e d o m by means of monetary acquisition was possible', ES p. 1238, WG p. 742.

[71] ES p. 1239, WG p. 742/3.

[72] See also ES p. 1243, WG p. 745: 'The city became a confederation of the individual burghers heads of households)'; the German text literally translated says 'housefathers'.

association', the 'members' of which are said to act *as if* it really exists, while actually they orient themselves to goods and their prices, instead of to other human beings. The rationality by which the market is defined has been cut off from the 'irrationalities' of the households in which most of these market goods are produced.

Sociologically speaking the freedom of the market and the appearance of the 'homo economicus' characterize only one, negative, moment of a contradictory process: that of the burgher trying to liberate himself from patrimonial domination, claiming freedom and equality for himself. The opposite, positive, moment of this process, which consists of the struggles of the burgher to maintain his patriarchal domination and thus to deny freedom and equality to the dependents in his household, remains hidden.

Weber analyzed the appearance of the 'homo economicus' in the chapter on the household I discussed earlier, where he presented this household as the oldest social formation and as based on a natural superiority of its male head. He pays no attention to its institution and maintenance, describing only the process of 'Auflösung'[73] - 'dissolution' - which he locates in the period of the medieval occidental cities, and especially in the Italian ones.

He presents the dissolution of the 'household' as a general cultural process, correlated to the growth of economic means:

'In the course of cultural development, the internal and external determinants of the weakening of household gain ascendancy. Operating from within, and correlated with the quantitative growth of economic means and resources, is the development and differentiation of abilities and wants. With the multiplication of life chances and opportunities, the individual becomes less and less content with being bound to rigid and undifferentiated forms of life prescribed by the group. Increasingly he desires to shape his life as an individual and to enjoy the fruits of his own abilities and labor as he himself wishes.'[74]

After listing some of the external causes of the individualization process within the household[75], Weber comes to describe the crucial factor in it, namely the *money economy*. It is the money economy which 'makes possible an objective calculation both of the productive performances and of the consumption' of the individual members of the household and so 'for the first time makes it possible for them to satisfy their wants freely through the indirect exchange medium of money.'[76]

Weber's view of the influence of a money economy on household members implies that the wish for individual want satisfaction is self-evident; it manifests itself as soon as the money economy makes its fulfillment possible. According to Weber the human beings who feel this wish for individualization are *male*; not only does he designate every child of the household as 'he', but he also omits to mention the emancipation of married women in trading communities, a development which plays such an important role in Weber-Schnitger's book. The need for individualization and emancipation is thus presented by Weber as an innate male characteristic.

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[73] WG p. 226; ES p. 375 translates 'disintegration'.

[74] ES p. 375, WG p. 226.

[75] E.g., fiscal interest in a more intensive exploitation of the individual taxpayer, the development of individualized agricultural production, the ecological separation of household and occupation, the development of education outside the household.

[76] ES p. 377, WG p. 227.

According to Weber the large capitalistic household of medieval cities is dissolved by increasing *calculation*, 'Rechenhaftigkeit', its members having interest-bearing 'capital shares "in" the house and wealth', accounts and pocket money.
'Thus, a rational association takes the place of the "natural" participation in the household's social action with its advantages and obligations. The individual is born into the household, but even as a child he is already a potential business partner of the rationally managed enterprise.'
The individualization process takes place even when the unity of the household remains outwardly intact, which is often the case, paradoxically, in those large and rich households which try to keep the sources of position and prestige in the family. The liberty of the individual in a household where profit is attributed to common property is smaller than where profit is attributed to common work[77]. Especially the possession of land, when this is becoming scarce, contributes to the stability of family and lineage[78].
Thus the largest enterprises in the rich cities of Northern Italy were also the largest households, because of the growing importance of capital, which allowed no division into small parts.[79]
This type of household however did not remain unchanged, since in the course of time separate capitalist *enterprises* developed from it. According to Weber the result of this development was a *uniquely Occidental* transformation of domestic authority and household: 'the old identity of household, workshop and office fell apart'; 'the household ceased to exist as a necessary basis of rational business association.'[80]
Weber sees 'a precise parallel' between the development of the household and that of bureaucracy: in his view *'vocation' is separated from private life and office from household.*
He goes on to formulate his *general rationalization theory*:
'The capitalist enterprise, created by the household which eventually retreats from it, thus is related from the very beginning to the "bureau" and the now obvious bureaucratization of the private economy.'
Once the separation between household and enterprise has been completed[81] - in the Middle Ages capital interests still held the large entrepreneurial household together - the

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[77] ES p. 378, WG p. 228.

[78] 'The man without any landed property or with only little of it is also without lineage group.'

[79] In describing this paradox Weber dealt a small blow to stage-development theories: 'In this case, the capitalist economy, a "later" stage in terms of a theory of development starting with undifferentiated social action, determines a theoretically "earlier" structure in which the household members are more tightly bound to the household and subjected to household authority.'

[80] 'The entire economic arrangements of such large household were periodically regulated by
c o n t r a c t. Whereas, originally, the personal funds and the business organization were regulated by the same set of rules, the situation gradually changed. Continuous capitalist acquisition became a special vocation performed in a increasingly separate enterprise.' 'Henceforth, the partner was not necessarily - or typically - a house member. Consequently, business assets had to be separated from the private property of the partners. Similarly, a distinction began to be made between the business employees and the domestic servants. Above all, the commercial debts had to be distinguished from the private debts of the partners, and joint responsibility had to be limited to the former, which were identified as such by being contracted under the "firm", the business name', ES p. 378/9, WG p. 229.

[81] It is not the spatial separation of the household from the workshop which is decisive, but the establishment of a special, 'commercial', law; this law was created in the occidental Middle Ages, not yet in Antiquity. Ibid. See also ES p. 977, WG p. 564: 'In fact, all legal institutions specific to modern capitalism are alien to Roman law and are

bourgeois will no longer be an entrepreneur *as a* patriarch, but an entrepreneur *and* a patriarch.

As I stated in my first chapter, the separation of public and private life is reified in Weber's universalist method; 'value-free' sociology suggests that this separation is universal, eternal, natural and total, instead of historical and partial, restricted in place and time; therefore the private sphere of the relations between women and men and the substantive economic rationality they are based on are seen as irrational and therefore excluded from rational understanding.

10. Excursus on the situation of city women: the contradictory development of emancipation and domestication

As I stated before, Weber only deals with the emancipation of sons from the patriarchal entrepreneurial household. He does not describe the emancipation of women - wives and daughters - from it.[82] Nor can a description of their emancipation be found in EuM, to which Weber contributed the text about the dissolution of the household[83]. However, Weber-Schnitger asserted that where trade exists, patriarchy is always checked. *In her view the woman who is active in commerce and crafts is always and everywhere an exception to the rules which defined the exclusion of women from personality rights and juridical competence in marriage.* Not only sons and slaves, but also wives can receive a quasi-property from the patriarch to trade with; they can also derive a partial juridical competence from city regulations which serve to protect the interests of creditors.[84] The money economy thus can bring about a partial liberation of wives from the patriarchal appropriation by which 'husband and wife are one and the husband is the one'[85].

The money economy dissolves social relations; the position of married women in market relations is uncertain and ambiguous. Although city regulations can allow them to trade in certain - mostly local - products, they will never become 'socii', 'Rechtsgenossen', comrades in law. As I said earlier, according to Weber-Schnitger this exclusion was caused by the military character of the Germanic law.

Even when bourgeois institutions developed further, a woman - even an adult unmarried one - could not go to law without a man representing her in the juridical process. Juridical personality and juridical competence of married women remained exceptional; as a rule women could not acquire membership of any fraternity, coniuratio, union or guild, these groups being also military in origin. Well-known exceptions - not treated by the Webers - were the crafts where women guilds existed and those where widows could inherit their husband's position as guild-master[86]. The craft guilds, though, did not belong to the burgher

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medieval in origin.' From Roman law only the rational form was taken; see further Ch. 8,5.

[82] When in his treatment of patrimonialism he recapitulates his analysis of the disintegration of the household, he mentions that 'women, children and slaves acquired personal and financial rights of their own', see ES p. 1010, WG p. 583; but then it is too late to include the emancipation of women into the analysis.

[83] EuM p. 66 ff.

[84] See for Dutch legal history in general J.C. Overvoorde (1891).

[85] EuM p. 250.

[86] See Power (1975) p. 56.

estate which was the military opponent of the nobility and also its partner in political negotiations.

It is a well-known fact, however, that in the Medieval cities married women, in spite of their importance in craft and market activities and the juridical effects of this importance, were increasingly *domesticated* [87]: more and more they were educated to be specialized housewives instead of business women, 'ménagières' instead of 'managers'. This means that they were trained to provide beside goods and services, also 'love', that particular modern combination of general availability, vicarious identification and individualized attention, for the masculine members of their household. Women and female children now come to be the most important working household dependents, the male children often being away to be educated elsewhere. Some of the production tasks of the household are taken over by the market, but new products, especially services, are being created in it all the time. Neither Weber nor Weber-Schnitger mention this contradictory development of emancipation and domestication of women, nor can it be deduced from Weber's analysis of the dissolution of the household and its partial transformation into an enterprise. It is the opposite of the individualization process of male dependents in a large entrepreneurial household as Weber describes it. In the male dependents, contractual accounting develops individual needs and wants further; in the female dependents, individual needs and wants are dissolved. A housewife has to be permanently available for the satisfaction of those needs and wants of masculine family members which cannot be gratified by money;[88] in the long run she will become 'individualized' - in the sense of: isolated from other women - by denying her own needs and interests, since she comes to live the life of her husband, father or brother vicariously as an extension of his personality.[89]

Bourgeois men to an increasing degree lead the contradictory lives of individualized patriarchs. The burgher patriarch rules as the possessor (proprietor or tenant) of house and yard; like the feudal vassal or patrimonial free subject he needs legitimation of his dominance. Therefore he cannot uproot all patrimonial domination and legitimacy; on the contrary, he has to support it actively. The process of individualization created by the market thus could not develop further without a further development of market production *and* a further development of patriarchy.

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[87] See for similar developments in the modern non-Western world Rogers (1980).

[88] Pateman (1988) p. 128 considers the housewife a servant, whose 'subjection' a s a w o m a n is an essential element of the 'sexual contract'; see also p. 134/5. According to her the concept of 'property' is not appropriate to characterize this relation: 'A master requires a service, but he also requires that the service is delivered by a person, a self, not merely a piece of (disembodied) property.' Weber's concept of marriage as a 'status contract' however, could be used to understand how the wife can be a piece of property as well as, by her marriage-defined share in the quality of the husband, a special kind of person; then the inner contradictions in the position of 'the housewife', which were an important base especially for the feminist movement of the sixties and seventies, could be explained more satisfactorily than by speaking of 'the patriarchal construction of "men" and "women". See also Ch 1,2, n. 32.

[89] The English literature of the 19th century has documented this phenomenon extensively; in particular Trollope's series of Phineas Finn novels gives a marvelous analysis of the ambivalence in the position of upper class women, who, being excluded from the masculine status groups, have to satisfy their 'needs and wants' through a vicarious identification with one of its members.

11. The continuity of patriarchal domination and its contradiction with bourgeois freedom and equality

Weber's analysis of the development of the burgher from 'homo politicus' into 'homo economicus' is thus one-sided, since it denies the continuity of patriarchy. Yet the defeat of urban democracy by patrimonialism within and outside the city is far easier to explain if this continuity is recognized. Free men were not only adverse to fight traditional rulers because they were to busy doing business, but also because they feared the growing erosion of their own authority. Affiliation with a 'country father' ('Landesvater') could provide them with a delegated authority over their dependents.

Weber's analysis therefore has to be reformulated in the following way: patrimonialism is not only the foundation of feudalism and of the estates of patrimonial officials, it also comes to support the burgher estates. At the same time bourgeois domination, as domination of an autonomous patriarchal status group, is opposed to patriarchal patrimonialism, just as the estate groups of feudal vassals are opposed to every threat to their patriarchal-patrimonial autonomy.

The bourgeois personality is therefore divided by the split between public and private life, between the market and the household. In his public life the bourgeois man fights for his freedom and equality as a fraternity member, while in private life he tries to be a patriarch and to appropriate women and children, whom he denies the membership rights which are the basis for his own position as a 'free man'. Since his domination is undermined by the universalist laws of the market, however, he has to affiliate himself with more powerful patriarchs, who in their turn threaten to appropriate him, compelling him to obedience and thereby endangering his manhood. The more pronounced the contradictions in the situation of the bourgeois become, the more they are repressed from public consciousness.[90]

Patrimonialism in Western Europe was transformed once it revived: it no longer dominated only unfree men, but it also encapsulated many affiliated groups of formally free fraternity members as well. It did not develop in a linear way from the ancient 'oikos' states to modern bureaucracy: its development was affected by other, specifically occidental masculine institutions. Robber bands, traders and armies destroyed kinship traditions; Christianity created new, inclusive fraternizations in which strangers could become brothers; feudalism played an important role in creating free and loyal estates of patrimonial officials; and finally city revolutions created new estates of free patriarchs, who eventually affiliated themselves with patrimonial rulers, losing their political freedom in the process but receiving quasi-patriarchal authority instead. From these affiliated patriarchs a new kind of officials could be recruited.

In Weber's view, however, a status group of bourgeois officials could also be formed in another way: by being incorporated into a rural gentry of notable local administrators. This happened in England, where the institution of the office of 'justice of the peace' resulted in the formation of a status group of 'gentlemen'.[91] This is the more interesting, because the English cities were demilitarized much earlier than the continental European ones and the burgher status groups accordingly were characterized by economic activities much sooner;

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[90] See below Ch. 10,3.
[91] See above Ch. 6,6.

nevertheless the English urban rentier and business circles fused with the squirearchy very easily, with only a little help from the patrimonial ruler. I will therefore first discuss the position of the English cities, the burghers of which were the first ones to form a national burgher estate.

12. England: unmilitary cities and the development of a national burgher estate.

Weber's analysis of the developments in England after the Norman conquest[92] seems to contradict his argument on 'the occidental city', since the English cities gained their autonomous position not through the force of their weapons, but by means of their money. The English city was no autonomous 'commune', no territorial corporation; legislature and administration of justice remained in the hands of the prince. Neither did the English citizens fight the nobility for the domination of the city and its surrounding country: their relationship with it was peaceful.

Yet Weber, in his conceptualization of the cities, makes no exception for England. In his view the demilitarization of the burgher estate in England simply started much earlier than on the continent. The military ascendancy of the English Crown, which shaped urban development, also grew gradually, and was even not yet total after the Norman conquest. The early demilitarization of the cities was caused by specific circumstances: by 'the unification of the kingdom, the decline of threats from the outside, and the rise of the great feudal barons.'

The English cities, when they lost their dominance over the countryside, oriented themselves to economic activities instead. In most of them the 'coniurationes' developed into monopolistic guilds. These guilds could maintain their freedoms by bargaining with the king, who was dependent on their wealth. The king therefore had to support the mercantile patriciate, which did not need any armed craft guilds and had nothing to fear from them.

Thus no city democracy arose in England. The cities remained oriented to a central feudal administration, trying to acquire as many rights and privileges as possible, and to support and expand their monopolies. The kings in their turn tried to rule through a central parliament, supporting the monopoly position of the oligarchies of notables vis-a-vis the non-privileged strata.[93]

Because the creation of law remained in the hands of the king and of the royal courts, the English cities indeed were little more than *economic corporations*.[94] The English cities thus returned into the patrimonial folds earlier than the continental cities, where at this time revolutionary democracies arose.

The result of these developments is that the English cities did not form separate, armed burgher estates, who fought nobility and princes in order to advance their own military and economic interests, but that all cities together, in the status union of the commoners in parliament, looked after their common interests, which transcended those of exploiting the profits of the local monopolies: they thus formed the first 'interlocal, national bourgeoisie.'[95]

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[92] ES p. 1276 ff., WG p. 762 ff.

[93] ES p. 1280, WG p. 764

[94] 'The transition was fluid from the privileged "company" to a city guild and from there to the incorporated city. The special legal status of the English burghers thus was composed of a bundle of privileges obtained within the partly feudal, partly patrimonial overall association of the kingdom; it did not derive from membership in an autonomous association which had organized its own system of political domination'. ES p. 1279, WG p. 763.

[95] ES p. 1280, WG p. 765.

After the thirteenth century, however, the landed gentry took over the city leadership from the mercantile oligarchy. Weber here does not explain why this was; he only states that the offices, 'which originally had been based on annual elections, came increasingly to be occupied for life and frequently came to be filled either by cooptation or as patronage of neighboring manorial lords', and that the royal administration supported this development.[96] In his chapter on patrimonialism Weber states that the city bourgeoisie in the long run fused with the gentry which performed the local administration.

Weber could not explain this process adequately, since he did not analyze the continuity of the patriarchal interests of the burgher estates. In this way he obscured the common characteristics of gentry and bourgeois and the need of support for patriarchal domination and legitimation, which the burgher felt just as much as the free patrimonial subject or the feudal vassal. If Weber would have conceptualized these needs - which are even stronger because the money economy threatens to dissolve patriarchal domination - he could have included the tendencies of the bourgeoisie to affiliate with patrimonial authorities in his analysis. Thus he would have avoided obscurities which are the result of an emphasis on the public aspects of bourgeois activities and a denial of their private aspects.

The fusion of English bourgeois circles with the landed gentry is no miracle, since both strata were positive status groups; they were both associations of patriarchs; the differences in their positions and mentalities could be bridged because they had so much in common. The burgher estate also had its origin in routinized charismatic confraternizations; its plutocratization could - according to Weber's own theory of the routinization of charismatic manhood - only emphasize this characteristic.

13. Charismatic legitimacy of burgher status groups: financial success

The first English burgher-officials were *rentiers*: 'older persons who had retired from business'; in particular they were 'the growing group of guild members who turned from entrepreneurs into rentiers after having amassed sufficient wealth', active businessmen being *economically* indispensable[97]. Yet elsewhere Weber claimed that businessmen were barred from entry into the circles of honoratiores, and indeed into all positive status groups, because of *social* reasons: routine economic activity, being antithetic to charisma, was held to be dishonorable, unmanly.

Nevertheless the urban rentiers appear to have become included in the circles of the local gentry as soon as they shared in the social honor of the office of the justice of the peace; in Weber's analysis of the formation of the English gentleman, *the active business strata* were included in them. Their mentality - 'esprit', as Weber calls it - played an important role in forming the manhood ideal of the gentleman. Indeed, it influenced this ideal to such a degree, that it remained ambiguous, and even contradictory, for centuries.

Weber does not give a similarly detailed description of continental developments; he reports however several instances in which rich business circles fused with the urban nobility, only to be attacked by new status groups of traders and even of craftsmen.

Burgher estates consist of routinized charismatic groups of 'real' men. If membership of such groups can be bought with money and manhood is proved by lifestyle, the meaning of

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[96] ES p. 1280/81, WG p. 765.
[97] ES p. 1060, WG p. 617.

charisma is, in Weber's view, reversed by 'plutocratization'.[98] The concept of 'plutocratization', however, can also be analyzed in a less paradoxical way than by a chain of reversals of 'charisma'. It may also be analyzed in terms of acquisition of booty.

Acquisition of booty - of which Weber said that it is end as well as means of all forms of robber charisma - may be considered an independent source of charisma, since financial success can give the person who achieves it a nimbus of extraordinariness, even of magic power.

Financial success acquired by systematic economic activities - of the kind which, according to Weber, the city traders performed - therefore has a contradictory status effect: 'booty' in itself grants its possessor charismatic powers, but the routine 'work' necessary to acquire it robs him of it.

Weber emphasizes the importance of the rentier stratum in the constitution of the urban nobility, especially in the North of Europe, where 'the "patriciate" and the mercantile stratum were really identical, at least during the early period of those cities[99]'. This kind of mercantile patrician was no entrepreneur: he did not perform regular business activities in an office.[100] The patrician could participate in the risks and the profits of mercantile enterprises as a financier; he would always hire others to perform the actual work, 'although at times he might have taken a share also in the intellectual management of the enterprise'.[101]

On the one hand Weber wants to emphasize the sharp boundaries between patricians and merchants:

'"Capitalist" m o n e y l e n d e r s were both the early Roman patricians vis-à-vis the peasants, and the later Roman senatorial families vis-à-vis their political subjects - and that (-) in no mean dimensions. It was only the role of the e n t r e p r e n e u r that the status etiquette, occasionally and with varying flexibility backed up by the law, forbade to the truly patrician families of both Antiquity and the Middle Ages. The objects in which the typical patriciate of the different ages invested its wealth of course varied considerably. Nevertheless, the distinction remained the same: Whoever too noticeably crossed the line between the two forms of economic activity represented by the investment of wealth on the one hand, and by profits from capital on the other[102], was considered a 'banausos' in Antiquity and a man "not of the knightly kind" in the Middle Ages. In the later Middle Ages the old knightly families of the cities were denied equal rank by the rural nobility because they sat on the council *benches together with the men of the craft guilds - and thus: with entrepreneurs. It was not "greed for gain" as a p s y c h o l o g i c a l motive that was tabooed; in practical life the Roman office nobility and the medieval patriciate of the large coastal cities was just as possessed by the "auri sacra fames" as any other class

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[98] See Ch. 4,5.

[99] ES p. 1293, WG p. 773.

[100] ES p. 1293, WG p. 773.

[101] 'To be sure, he often participated in mercantile enterprise, but then in the capacity of a ship owner, or as a limited partner, provider of commenda capital or of a "sea loan". The actual work: the voyage and the conduct of the trading operations, was left to others; the patrician himself participated only in the risks and the profits, although at times he might have taken a share also in the intellectual management of the enterprise. All important forms of business of early Antiquity and the early Middle Ages, especially the commenda and the "sea loan', were tailored to the existence of such financiers who invested their wealth in concrete individual undertakings, with a separate settling of accounts for each one, and usually in a great number of these to distribute the risk.' ES p. 1294, WG p. 773.

[102] Footnote 60 of the translation gives the German terms: 'Vermögensanlage' and 'Kapitalgewinn', and refers to the distinction between 'Haushalt' und 'Erwerb', treated on p. 10-11 and p. 98 ff.

in history. Rather, it was any r a t i o n a l, continuously organized, and in this sense specifically "bourgeois" form of acquisitive operation, any systematic economic activity, that was looked upon with disdain.'[103]

On the other hand he states that the transition between the risk-sharing patrician and the entrepreneur is fluid and that this fluid transition is a 'very important and characteristic aspect of urban development'.[104]
He further discerns a 'fluid transition' between 'occasional' and 'real' entrepreneur and between all 'types' in sociology:
'In reality, as we saw, the "types" always become fluid vis-à-vis each other. But this is true of all sociological phenomena and should not prevent the statement of the typical aspects. The typical patrician, at any rate, was not a professional entrepreneur in either Antiquity of the Middle Ages, but rather a rentier[105] and "occasional" entrepreneur.'

Weber here remains faithful to his comparative method: in order to conceptualize a transformation of social relations, he constructs two opposite types, a rational and an irrational one: businessman and aristocrat; he then proceeds to show that 'in reality' these types do not exist in pure form, since so many transitional types can be discerned. Nevertheless he retains his opposition of the obligatory leisure of positive status groups and the demeaning systematic economic activity of businessmen, subsequently merging the contradictory elements of noble and burgher status and mentality in the type of the English gentleman. At the end of this operation he claims that the English gentleman is unique and that on the European continent the aristocratic influences have disappeared entirely.

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[103] ES p. 1295/96, WG p. 774/5.

[104] According to him, however, this fluid transition was caused by other developments: the craft guilds, in particular in London and in other major British cities, forced nobles and patricians to join them; they were able to do this because of their increasing power. He adds: 'This is not to deny, of course, that all imaginable transitions can be found between a patrician way of life and the personal conduct of business. The travelling trader who obtained money on commenda for individual ventures could transform himself into the owner of a great house operating with permanently invested limited-liability capital and employing foreign representatives to do the actual trading work. Money changing and banking operations, but also a shipping or wholesale firm, could easily be conducted for the account of a patrician who himself lived like a knight, and the transition from a capital owner who utilized momentarily unused portions of his wealth by letting them out on commenda to one who was continuously active as an entrepreneur was by nature quite fluid.
This fluidity is certainly a very important and characteristic aspect of urban development. But it itself only the product of other developments. This blurring of the lines frequently came about only in the period of the craft guilds' rule, when even the nobility was forced to enroll in the guilds if it wanted to participate in the city government and when, on the other hand, the burgher remained a guild member even if he was no longer an active entrepreneur. The name scioperati ["idlers"] for the great merchant guilds in Italy proves this point. This development was especially typical for the large English cities, in particular for London.' ES p. 1294, WG p. 773.
Here Weber emphasizes the power of the English craft guilds, though elsewhere, as we have seen, he speaks of the power of the mercantile guilds and the lack of any city democracy in England which could have given power to the craftsmen. Moreover, the craft guilds according to him were increasingly dominated by rentiers; they in part 'became gentlemen associations for the sole purpose of electing the communal officials'. The membership of these associations - which 'was theoretically obtainable only through apprenticeship and admission' - 'came in practice to be acquired through inheritance and purchase.'
In my view Weber's excursion on craft guilds - which according to the translators is not historically exact, see ES p. 1300, nt 59 - is not very relevant to his argument on entrepreneurship.

[105] The translators even italicize the word 'rentier', which Weber himself does not.

I will conceptualize the development from entrepreneur into aristocrat in a direct way, as a transformation of military masculine values which took place in such a way that masculine values came to include entrepreneurial success - not only in England, but also on the continent.

In Weber's view the citizen of occidental Antiquity remained a 'homo politicus'; the medieval citizen however was transformed into a 'homo economicus', 'homo' indeed meaning 'masculine human being', 'social human male', 'member of confraternization'. The difference between the commercial activities of Antiquity and those of the Middle Ages lies in the increasing importance of capital and with it in the increasing degree of accounting work and therefore of rationalization. The real work in commerce, that of the keeping of the accounts, was - as in administration - done by specialized clerks, who were recruited from the propertyless classes and who remained outside of all status organizations of real men. The activities of the 'entrepreneurs', however, did not consist of routine work; they are a succession of market transactions, all of which contain both elements of gambling[106] and of war[107]. The successful gambler is a magic person indeed, who seems to possess supernatural powers; and the man who succeeds in defeating his financial adversaries is a hero. In the Homeric epics a hero proves his manhood by being stronger, smarter or more astute than his adversary. With the advent of commerce, power and shrewdness are measured in terms of money gains and money losses; manhood can therefore only be permanently established by membership of the fraternities of the rich, which admit also the 'nouveaux riches' or 'new men'.

The militaristic elements of the fraternities therefore lost their importance; they were only retained in the symbolized forms of the knightly lifestyle - in the keeping of stables, playing of games, bearing of decorative weapons, killing of pheasants. The ways in which the several confraternities celebrated their manhood remained the same; the orgy, the drinking-bout even furnished a term for the 'guild': 'gelag', 'convivium'[108].

In Weber's view the nobility was unable to maintain its claims to superiority vis-à-vis the new money status groups[109]; parts of both status groups however were transformed into a new one, in which contradictory claims to superiority were reconciled.

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[106] See ES p. 91 (WG p. 48) on the connection between 'rationalization', 'capital' and gambling: "Capital" is the money value of the means of profit-making available to the enterprise at the balancing of the books; "profit" and corresponding "loss", the difference between the initial balance and that drawn at the conclusion of the period. "Capital risk" is the estimated probability of a loss in this balance. An economic "enterprise" (Unternehmen) is autonomous action capable of orientation to capital accounting. This orientation takes place by means of "calculation": ex-ante calculation of the probable risks and chances of profit, ex-post calculation for the verification of the actual profit or loss resulting.'

[107] See ES p. 93: 'Capital accounting in its formally most rational shape thus presupposes the b a t t l e o f m a n with man', WG p. 49: ...'der K a m p f d e s M e n s c h e n m i t d e m M e n s c h e n'. This, of course, apart from the physical war and robbery which always have been a characteristic aspect of trade activities.

[108] See ES p. 1264, nt. 36: 'The Danish term for guild was "gelag": drinking bout, feast. In the Latin documents this was rendered as "convivium".' The 'Richerzeche' in Cologne , which played an important role in the city administration and the granting of citizen rights (ES p. 1256 and 1258), is the 'Gilde der Reichen' (WG p. 750); 'Zeche' also means 'drinking bout'.

[109] According to Weber, ES p. 1333, WG p. 795, the princes later sometimes limited the buying of noble estates by non-nobles, since they wanted to use the nobles as officers and civil servants. See also ES p. 1101 (WG p. 647): 'In general, the feudal stratum tends to restrict the accumulation of wealth in bourgeois hands or at least to

The apparent contradictions between 'charisma' and 'rationality' were also bridged; this was possible because the status claims of the 'business-gentleman' were not founded on his routine activities - if this had been the case, every clerk could have claimed nobleman status - but on his financial success and on the lifestyle which was the result of it.

We will see later that financial success could also give another entry into routinized charismatic groups: the entry by means of a university education. I will discuss the fragmented treatment Weber gives to the 'rationalization of charismatic education' in when I discuss the connections of formal rationality and charisma.[110]

14. The influence of the city on the rationalization of patrimonialism; the end of city autonomy on the Western European continent

The autonomous cities of medieval Western Europe cannot be merely a 'historical interlude' within patrimonialism, as Weber asserted in his essay on The City; they have been an important link in the rationalization process, since they decisively influenced the forms patriarchal patrimonialism took in its revival. Military charisma was routinized into a plutocracy from which patrimonial officials could be recruited; the sons of the members of the resulting financial and administrative aristocracy could claim entry into it by pursuing a rationalized charismatic education.

Since the burgher status groups in the medieval Western European cities gradually changed from armed 'coniurationes' to business confraternizations, the cities lost their military strength, giving patrimonial rulers from within and without a chance to subject them.[111]

Weber states emphatically that patrimonial rulers only subjected autonomous cities if and when they had built up a bureaucratic apparatus that enabled them to exploit the wealth of the cities; as long as the patrimonial officials, who originally were courtiers, lacked 'the specialized knowledge, continuity, and training in rational objectiveness which would have given them the ability to order and direct the affairs of urban craft and commercial interests', the rulers were only interested in the financial revenues of the cities.[112]

According to Winckelmann Weber often expressed the 'Lehrmeinung' that the patrimonial rulers copied the rational administrative principles of the cities. Yet in ES he nowhere formulated such a direct link between city administration and patrimonial bureaucracy. When in his essay on the city he describes the changes in city administration after the patrimonial victory of the Italian signorie, he only conceptualizes a tenuous connection between the victory of patrimonialism in Italy on the one hand and the rationalization of the city administration on the other. In his view the administrative innovations of the signorie consisted in the establishing of princely officials and of collegiate bodies for financial and

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"declass" the "nouveaux riches". This happened particularly in feudal Japan where eventually the whole foreign trade was greatly restricted, primarily in the interest of stabilizing the social order.' One could add that in Western Europe the feudal stratum did not at all succeed in its intentions to restrict the accumulation of wealth. On the influence of their aims on the development of capitalism see Ch. 8,3.

[110] See below Ch. 9.

[111] ES p. 1319/20, WG p. 786. In Italy personal and political connections of the city dictators with the great dynasties finally made uprisings of the burghers illusory, because of the growing use of professional, mercenary armies by the dynastic powers.

[112] ES p. 1351/2, WG p. 804.

military functions, who worked alongside the communal officials; they were technically aided by the statistical material amassed by the communes and the account- and record-keeping techniques developed by the banking houses. According to Weber the influence of the examples of Venice - an autonomous city - as well as that of the Sicilian - patrimonial - kingdom were more important, but this influence 'probably worked more through stimulation than by way of direct adoption.'[113]

Analyzing, in his conceptual exposition, the restraining influence of patrimonialism on rational economic activity Weber presents the influence the cities exerted on the expansion of patrimonialism as based on the *financial* support for the several competing patrimonial powers and as one of the conditions for the creation of a rational bureaucratic apparatus; another condition was the availability of specialized legal training.[114] In this way he again presents the rationalization of patrimonial administration as an autonomous process, which received only financial support from the cities. The rationalization of education in the cities, however, could be seen as one of the indirect influences of the cities on the rationalization process; for according to Weber the university-trained guilds especially those of the jurists, played an important role in the rationalization of administration and law after the city revolutions.

Weber states further that a coalition between patrimonial rulers and burghers did not serve only the financial interests of the rulers, but also served their own social and economic interests.[115] An important 'social' interest of the burghers, in my analysis, would be the maintenance of their status position as patriarchs towards vis-à-vis their own dependents. The working male population of the cities had an even stronger interest in patrimonial affiliation and pacification, since they had no influence in city politics, and therefore no interest in city autonomy. In France the kings managed to subject the cities with the help of petit-bourgeoisie interests; the Italian city dictatorships were also based on the support of the craft workers. Weber, who did not recognize the patriarchal interests of the small bourgeois, explains this development by combining economical arguments with mass-psychological ones: according to him the petit bourgeoisie supported patrimonialism partly in the hope that the presence of a court would be economically advantageous to them, and partly 'because the masses everywhere are emotionally responsive to the display of personal power'.[116]

In my view the influence of the cities on patrimonial revival and rationalization is stronger and more direct than is conceptualized in ES - indeed more like Weber described it in his lectures. In the next two chapters I will discuss Weber's fragmented analysis of the rationalization process of patriarchal patrimonialism, in order to be able to judge the

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[113] ES p. 1322, WG p. 788.

[114] ES p. 240, WG p. 139. 'The situation is fundamentally different only in cases where a patrimonial ruler, in the interest of his own power and financial provision, develops a rational system of administration with technically specialized officials.' (On the next page Weber adds that this especially were 'persons with legal training both in the civil and the canon law'). 'For this to happen, it is necessary 1) that technical training should be available; 2) there must be a sufficiently powerful incentive to embark on such a policy - usually the sharp competition between a plurality of patrimonial powers within the same cultural area; 3) a very special factor is necessary, namely, the participation of urban communes as a financial support in the competition of the patrimonial units.'

[115] 'Here as everywhere, the very existence of a princely court created its own support in the form of growing strata in the nobility and the bourgeoisie with social and economic vested interests.' ES p. 1319, WG p. 786.

[116] ES p. 1319, WG p. 786.

importance of the specific Western-European influences of 'free feudalism' and 'autonomous cities' on this widespread form of domination, and so to reconstruct the history of modern 'impersonal' domination.

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Chapter 8. Connections between formal rationality and patriarchal-patrimonial domination over and through unfree men

1. The connections between Weber's universalist method and his conceptualization of bureaucratization as a linear development from patriarchal-patrimonial administration

Weber, in constructing the bureaucratization process as a linear development out of a patrimonial type of domination, omits many factors which he conceptualized in the ideal types of 'free feudalism' and of 'the autonomous western city'. To retrieve these lost connections, I will first return to the universalist foundations of his methodology.
As I stated in the first chapter, Weber's method to understand a world he considered irrational is based on the construction of unrelated, 'logically consistent' ideal types. Therefore he could not conceptualize connections between rational and irrational phenomena in any other way than either by using the empty concept of 'fluid transitions between opposites' or by formulating an 'unintended consequence', a 'paradox'.
In my treatment of 'the medieval occidental city' I have shown that Weber's separation of the public and the private sphere, which I see as the reason for his opposition between rationality and irrationality, is more than an a priori aspect of his universalist conceptualization of modern bureaucracy. In his own analysis, it is a historical phenomenon: the separation of 'office' and 'household' is a result of the growth of the money economy in the autonomous cities and of the ensuing 'disintegration of the household'. In my interpretation the sex-defined relations of patriarchal private production and private life were increasingly repressed from official bourgeois consciousness, because of their growing contradiction with the fraternal market freedom and equality patriarchal power became based on.
I interpret Weber's concepts of 'fluid transition' and of 'paradoxical consequences' as means by which he could represent those developments in the private sphere which had been

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repressed from public awareness into his universalist masculinist sociology. Since Weber, because of his use of a universalist method, cannot analyze the developments of the private sphere and their connections with the public sphere, he moves them to the universalist public sphere. Private, sex-defined relations - between women and men and between men as such - are therefore represented as universalist relations between men.

I have shown that Weber conceptualized non-modern relations between men as 'irrational' - charismatic or traditional - and sex-defined: as fraternal or patriarchal. Only modern relations between men are conceptualized as 'impersonal'. Although for private reasons he wants to present formal rationalization only as a development of 'traditional' - patriarchal - relations between men, his analysis of 'charismatic' - fraternal - relations shows that the latter contain formal-rational elements.

Impersonality is the central characteristic of 'legal rational domination' or 'formal rational bureaucracy': officials and subjects are supposed to obey rules, not persons; formal freedom and equality of both officials and subjects are elements of bureaucracy which are as indispensable as hierarchy and discipline.

Since in his view the irrational kinds of legitimate domination also contribute elements to the bureaucratization process, Weber can not conceptualize the development of 'impersonal rule' or 'authority of the rule' in any consistent way. He can only conceptualize *separate* developments of patriarchal and fraternal relations; therefore he is unable to conceptualize them as merging into one social formation in which relations between men are impersonal because their sex-defined patriarchal and fraternal characteristics have been repressed from public consciousness.

To finish my analysis of bureaucratization I will discuss the rationalization processes both of patriarchal and of fraternal relations. In this chapter I will deal with the rationalization of patriarchal relations between men; in the next one with that of fraternal relations; in the final chapter I will discuss their fusion.

In Weber's analysis of the 'revival' of patriarchal patrimonialism several separate developments are presented together: he analyzes both the contributions of feudal and city 'Estates' to this revival and the subsequent formal rationalization of patriarchal patrimonialism. On the other hand he analyzes the barriers to this formal rationalization as well. Political barriers can be found in the tendency of the patriarchal-patrimonial rulers to attract the support of the population by a materially rational 'welfare state' legitimation, economical ones in their political arbitrariness which hindered the development of formal-rational capitalist mass production. I will first, however, continue my discussion of the 'Ständestaat', in which the specific Western influences came together and led to the revival of patriarchal patrimonialism.

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2. The Ständestaat as a compromise between patrimonial, feudal and city power

The European 'Ständestaat' as a permanent compromise between patrimonial rulers and
feudal and burgher Estates[1] was in itself a symptom of the weakness of the patrimonial
rulers. Feudalism and city autonomy both had originated in a lack of central military and
administrative power, and feudalism had weakened it even further.
Weber writes that he puts the term 'Ständestaat' between inverted comma's,[2] since
according to him it is no 'state' in the modern sense; it is only a form of
'Gemeinschaftshandeln', 'consensual action'[3]. Only in the long run will this
'Gemeinschaftshandeln' be transformed into a 'Vergesellschaftung'[4]:

'*It is this very *"Vergesellschaftung" which associates itself with the prince or turns privileged persons into
'Estates', and thus develops a permanent political structure from the mere "*Einverständnishandeln"[5] of the
various power-holders and the *treating from case to case.'

The reason for this process can be found, according to Weber, in the need to adapt the
inflexible system of fiefs and privileges to 'extraordinary or new administrative requirements'.
Weber develops a rather complex argument when he wants to decide whether this need was
economically or politically determined; he tries to separate economic factors - the money
economy as it developed in the cities - from political, especially military, ones. In his view the
most important of the politico-military factors is the growing competition between patrimonial
nation-states, which 'involved especially the raising of considerable amounts of money all at
once.'[6] Therefore he is able to represent the revival and subsequent transformation of
patrimonialism as an relatively autonomous political process.
Weber does pose the important question 'why the fully developed Ständestaat as well as the
fully developed bureaucracy grew only on European soil', but only to promise to return to it
later on.[7] He introduces the problem by discussing some of the paradoxes which he has
discovered in the reactions of the Estates to the development of the princely bureaucracy,
'which was destined, in turn, to dissolve the Ständestaat'; in his view this bureaucracy did not
develop only to promote the power interests of the ruler, but also in answer to demands -

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[1] 'Feudalism is oriented not only to characteristic patrimonial features such as tradition, privilege, customal
('Weistum') and precedent, but also to *t r e a t i n g from case to case ('p a k t i e r e n von Fall zu Fall'; ES
translates 'temporary alliances', which does not express the element of compromise, concession, of the German
word 'paktieren'; 'Pakt' means 'treaty'), between the diverse power-holders, as was typical of and, in fact, the
essence of the p o l i t y o f E s t a t e s
("S t ä n d e s t a a t") in the Occident.' ES p. 1086, WG p. 636.

[2] in contrast to the translators, see Introduction p. CVII.

[3] for some reason here translated with the non-technical term 'interaction'.

[4] WG p. 637, translated 'association', ES p. 1087

[5] translated by 'agreed-upon action'.

[6] 'These needs were to a large extent economically determined, even though externally this was not rue in the
majority of cases. Most of the time the economic influence was indirect: The extraordinary needs centered on the
political, especially the military administration. The changing economic structure, in particular the advancing
money economy, exerted its influence by making it possible, and hence mandatory in view of the struggle and
competition with other polities, to satisfy these needs in a manner superior to the normal means of stereotyped
feudal-patrimonial administration; this involved especially the raising of considerable amounts of money all at
once.' ES p. 1086, WG p. 637.

[7] See Ch. 1,10.

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resulting from 'the general economic and cultural development' - for new administrative services and agencies from the Estates themselves.[8]

Yet he does not solve the problem which he created when he separated economic and political developments, since he does not construct a concept to connect them again; we are therefore left which a paradoxical influence of 'economic and cultural development' which would have induced the Estates to fortify the powers which would eventually destroy them. When it comes to answering the central question of why patrimonialism developed into modern bureaucracy, Weber only refers to 'the nature of the new administrative tasks', which 'exerted a pressure toward creating permanent agencies, fixed jurisdictions and procedural as well as professional qualification'.[9] He does not analyze this 'nature' any further.

Before I will discuss the new agencies, I will first deal with the economic aspects of the revival of patriarchal patrimonialism: the economic relations of the patrimonial rulers to respectively the city bourgeoisie and the new industrial entrepreneurs.

3. The development of capitalism: mercantilism and industrialization

In their zeal to exploit the economic potential of the cities the patrimonial rulers carried on the urban administrative and economic policies. Only gradually were the city communes transformed into the administrative districts they had been in Carolingian times.[10] Trade and crafts in the city still received preferential treatment; quality production was still protected in the guild manner. Mercantilist economic policy, with its stimulation of foreign trade, was partly copied from urban long-distance trade policies.[11]

The economic policy of the patrimonial rulers consisted of granting *monopolies*, not only in trade but also in craft and industry, to 'members and favorites of the royal family, courtiers, military men and officials grown rich, great speculators and adventurous inventors of "systems" of political economy (-), outside of England often also Jews'[12]. With the help of a well-functioning patrimonial apparatus of officials, 'all kinds of fiscal enterprises and monopolies' could be organized.[13] The establishment of royal manufactures 'was an attempt to transfer to modern industries patrimonial capitalism, which had existed everywhere in Antiquity and the Middle Ages of East and West, with only a few interruptions.'[14] These

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[8] 'This process must not be understood too mechanically as if the ruler endeavored everywhere, for the sake of expanding his own sphere of power, to destroy the competing power of the Estates by developing the bureaucracy. Unquestionably and quite naturally, this was very often one major determinant, but not always the really crucial one. Quite frequently the Estates demanded from the ruler that he satisfy the requests of interested persons for new administrative services and that he render these through the establishment of a suitable agency; these continuously emerging demands were the result of the general economic and cultural development and thus due to objective developmental factors.' ES p. 1087, WG p. 637.

[9] 'The ruler's compliance was tantamount to a spread of officialdom and hence normally to an increase of his power; at first this led to a renaissance of patrimonialism, which remained dominant in Continental Europe up to the French Revolution, but the longer patrimonialism lasted, the more it approached pure bureaucratism.'

[10] ES p. 1322, WG p. 788.

[11] ES p. 1329, WG p. 792.

[12] ES p. 1098, WG p. 645.

[13] ES p. 1097, WG p. 644; large state monopolies and enterprises existed also in Egypt, the late Roman empire and in the Near and Far East; the occidental cities also participated in risky industrial and trading enterprises, often suffering great losses.

[14] ES p. 1098, WG p. 645.

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attempts at industrialization, however, did not succeed, since 'the arbitrariness of patrimonial rulership' - a political reason - made the continuation of the monopolies risky.[15]

In distinguishing between economic and political factors, Weber emphasizes the interest of capitalist entrepreneurs in the 'calculability' of the actions of the state; although according to him - as will be seen in the next chapter - the patrimonial bureaucracy was rationalized to a considerable degree, its rationalization seems not to have been sufficient to check patriarchal arbitrariness.[16] For this reason the patrimonial imitations of urban economic policy did not result in modern industrial capitalism.[17] The economic activities of the patriarchal-patrimonial rulers therefore did not lead to rationalization of the economy - this was eventually effected through the efforts of a new class of entrepreneurs[18] - but only to a rationalization of the administrative apparatus and of the financial techniques of the European states; this rationalization had its origin in the attempts of the rulers to acquire sources of income that were independent of the approval of the Estates.[19]

The rising industrial bourgeoisie, which needed to be able to calculate the actions of the state, nevertheless fought the patrimonial rulers in the Estate parliaments. Weber explains its contradictory behavior only by emphasizing the arbitrariness of patriarchal patrimonialism, which seemed to be stronger than its efforts at formal rationalization.

Weber's analysis of the expansion of patrimonialism corresponds with his personal opinions: in his view it is the bureaucracy that checked German imperialist expansion. He is convinced that the growth of capitalism in Germany was checked by the patrimonial bureaucracy, whereas in England it could develop freely.[20]

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[15] 'The economic roots of this failure were the disregard of the economics of location, in England and elsewhere frequently the qualitative inferiority of protected products and the hindrance of the capital flow in directions indicated by the market conditions; the legal insecurity owing to the always doubtful duration of monopolies in view of possible new privileges was the p o l i t i c a l reason for this failure - hence the retarding factor was again the arbitrariness of patrimonial rulership.' ES p. 1099, WG p. 645/6.

[16] See also ES p. 1099, WG p. 646: 'The patrimonial state offers the whole realm of the ruler's discretion as a hunting ground for accumulating wealth.'

[17] 'The major forerunners of the modern, specifically Western form of capitalism are to be found in the organized urban communes of Europe with their particular type of relatively rational administration. Its primary development took place from the sixteenth to the eighteenth centuries within the framework of the class structure and political organization (ständischen politischen Verbände) of Holland and England, which were distinguished by the unusual power of the bourgeois strata and the preponderance of their economic interests. The fiscal and utilitarian *secondary imitations, which were introduced into the purely patrimonial or largely feudal (feudal-ständisch) states of the Continent, have in common with the Stuart system of monopolistic industry the fact that they do no stand in the main line of continuity with the later autonomous capitalistic development.' ES p. 240/1, WG p. 139 (the word 'secondary' is omitted in the translation, though it could play a role in the discussion on the directness of city influence). Industrial capitalism developed through the establishment of large home industries in the country by new entrepreneurs: 'The new capitalist undertakings settled in the new locations suitable for them, and for help in the defense of his interests - insofar as he required any at all - the entrepreneur now appealed to powers other than a local burgher association.' ES p. 1330, WG p. 793.

[18] whose 'entrepreneurial spirit' was 'furthered or awakened, at least for the moment' by the patrimonial industrial activities, ES p. 1098, WG p. 645.

[19] ES p. 1098, WG p. 645.

[20] Weber nevertheless presents some other factors that might have prevented the development of industrial capitalism. He pays the most attention to the influence of the feudal landlords, whose status aversion to the earning of money did not prevent them from using their patrimonial powers to create commercial and craft enterprises and even factories with serf labor ('Fronfabriken'). But because of their orientation to consumption

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4. Patriarchal patrimonialism: the destruction of the freedom and equality of the patrimonial landlords in Russia

To demonstrate the importance of the influence of the Estates on the development and the character of the revived patrimonialism on the Western European continent, I will now discuss the case of patriarchal-patrimonial administration in Russia, which Weber compares to the marginally patrimonial case of the English justices of the peace[21].

In Weber's argument the most important difference between patrimonial administration and administration by feudally influenced 'honoratiores' is that a patrimonial bureaucracy can be rationalized and administration by honoratiores cannot. If patrimonialism is too dependent on honoratiores - as it was in England - it will not become rationalized. This view of Weber corresponds to his opinion that feudalism is not only no 'indispensable intermediate link in the development from patrimonialism to bureaucracy', but that it has an inverted relation with patrimonialism: the stronger the influence of feudalism, the weaker patrimonialism and its apparatus.

If this were true, one would expect rationalized patrimonialism to develop in empires in which feudalism did not exist, or in which it was at most very weakly developed. Yet Weber presents the opposite conclusion. According to him, the absence of feudal estates means the absence of status groups of officials characterized by their own status honor and by loyalty to the patrimonial ruler; he strongly suggests that the effect of this lack of a solidarity of interest among noble officers with regard to the further development of the patrimonial bureaucracy and eventually on its rationalization is negative.

The outstanding example of patriarchal patrimonialism without a status group of officials is Tsarist Russia; Weber also cites comparable developments in the late Roman and Byzantine empires, and among their Babylonian, Persian and Hellenistic predecessors and their Islamic successors, where 'manorial patrimonialism (-) resulted neither in a definite nexus between landowners and state offices nor in the rise of a homogeneous manorial

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and their use of personal servants they did not invest. Since they used compulsory, unpaid labor they wasted manpower; they 'withhold labor from the free market and use it in a way that largely fails to create capital, and sometimes simply consumes it', without creating the mass purchasing power needed for industrialization (ES p. 1101, WG p. 647). Furthermore the feudal lords tried to impede capitalist development through political repression and social exclusiveness. If, however, the nobility succeeded in frustrating the bourgeoisie in its attempts to enter the noble stratum by buying land, a trend which was strongest in the Middle Ages and in particular in Germany, it indirectly furthered capitalism, because the bourgeoisie then had to invest its profits in trade and industry, ES p. 1101, WG p. 648. The rigidity of the feudal system paradoxically 'can benefit the formation of a rational capitalist system through a more gradual and continuous development and can further its advance within the interstices of the feudal system', because of the chances for individual acquisition being limited: 'But exactly because these chances were lacking, capital flowed into the channels of purely bourgeois acquisition through the putting-out system and the manufactures. And the more successfully the feudal stratum prevented the intrusion of nouveaux riches, excluded them from offices and political power, socially "declassed" them and blocked their acquisition of aristocratic landed estates, the more it directed this wealth to purely bourgeois-capitalist uses.' (ES p. 1102, WG p. 648) This paradoxical process, though, cannot be presented as an explanation of the causes of British industrial capitalism, since Weber emphasized that the English landed gentry and commercial classes merged into the stratum of 'gentlemen'.

[21] which I, because of its important feudal characteristics, treated in Ch. 6,6.

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aristocracy.'[22] According to him a 'disconnected juxtaposition of landed nobility and patrimonial officialdom' existed both in the late Roman empire and in the early Oriental and Hellenic ones.

In Russia the tsars, in particular Peter the Great, had succeeded in subjecting the nobility by binding all the higher social rank (chin) to the patrimonial-bureaucratic offices, taking away the rights of those noble families which for two generations had failed to supply an official functionary. Therefore the Russian nobles, 'like the Chinese benefice-holders', 'viewed one another as competitors for the chin and all the opportunities available through the ruler's favor.'[23]

The complete lack of status solidarity among the aristocracy was not only a result of the specific measures of Peter the Great, but also of the strategies of earlier tsars, who had transformed the nobility almost completely into a 'court nobility'. According to Weber this transformation was made possible by the fact that the institute of the 'Gefolgschaft' was connected with 'sib solidarity, which endeavored to appropriate for the whole sib the service rank, once it was acquired, and the opportunities connected with it.' Up to the time of Peter the Great this sib solidarity had made the free selection of officials by the Tsar difficult; Peter succeeded in breaking it, without at the same time creating a status solidarity directed against him.[24]

Here Weber again emphasizes the importance of the *breaking of the clan ties*. In his view a free feudal system could not develop as long as clan ties existed, since these prevented the creation of new, contractual confraternizations between 'strangers'; the confraternizations apparently could not develop either when the clan ties were broken only by the strategies of the patrimonial rulers. These strategies could turn landlords into dependents, with the result that 'one fundamental feature of medieval Western aristocracy could not develop at all: it only means that a central guide to social conduct in the form of a distinctive traditional ethic re-enforced by education.'[25]

This does not mean that groups of honoratiores did not develop in Russia and the other empires Weber discussed; it only means that their conventions 'could not serve as a uniform ethical guide for "honorable" conduct', based on 'a personal "honorable" relationship to the lord and a corresponding ethos'. Either there was no connection between 'the individual's social honor and his relation to the lord', or this 'honor' did not amount to more than mere ambition or, at best, 'a sense of office and status dignity in the manner of the noblesse de robe'.[26]

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[22] 'no matter how many incipient phenomena existed.' ES p. 1067, WG p. 622/3.

[23] 'The Tsar's power was rooted in the firm solidarity of interest with him on the part of the individual chin-holders who ran the administration and the army, which was based on compulsory recruitment. Equally important was the complete lack of a status-based solidarity of interest among the nobility. ES p. 1065/6, WG p. 621.

[24] ES p. 1067, WG p. 622.

[25] 'this ethic made personal relations central to the style of life and impressed every individual with the obligations of a status honor that was jointly held and thus a unifying bond for the status group as a whole.'

[26] The honoratiores' conventions 'merely provided a framework for the defense of economic interests or the undisguised striving for social prestige and failed to offer to the notables an elementary internalized standard of self-assertion and of proving one's own honor. The individual's social honor and his relation to the lord were either without any inner connection, as in the case of the autonomous honoratiores, or simply amounted to career opportunities which merely appealed to the desire to count for something, as in the cases of the court aristocracy, the chin, the mandarins and all kinds of positions depending exclusively upon the ruler's favor. On the other hand, appropriated benefices of all types were indeed a suitable basis for a sense of office and status dignity in

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The relationship between feudalism and the development of rational patrimonialism is thus very complex and even contradictory. Feudalism checks the development of rational patrimonialism; yet, although no feudal system developed in Tsarist Russia, or in the late Roman, the Byzantine, Babylonian, Persian, Hellenistic or Islamic empires, none of these empires saw the development of a formal-rational bureaucracy.

This contradiction can only be understood by looking for a connection between feudal status honor, which according to Weber is indispensable to the building of cohesive and loyal status groups of officials, on the one hand, and formal rationality, on the other. I will discuss this connection in my next chapter.

Here I will first follow Weber's analysis of the growth of formal rationality, as he presents it in his description of the construction of the patrimonial bureaucracy and the several ways in which it was rationalized.

5. Formal-rational legitimation of patrimonialism: the reception of the formal structures of Roman law

Weber conceptualized the contradiction between arbitrariness and formal rationalization in his chapter on sociology of law, where he stated that the patrimonial rulers on the Western European continent used formal-rational arguments when fighting the privileges of the Estates, and material-rational ones to enlist the support of the masses. In his conceptual exposition he emphasizes the unique historical importance of the contribution of the *jurists*, trained in civil and canon law, to the rationalization of patrimonial administration. At the same time he states that the strength of patrimonialism once it had revived did not lie in its formal, but in its *material* rationality: it legitimized patriarchal domination by taking care of the *welfare* of the subjects. Yet in order to succeed in creating a really material-rational law the patrimonial rulers first had to break the influence of the reception of the formal structures of Roman law, which earlier they had used to support their own sovereignty.

Reviving patrimonialism developed along the lines of the Ständestaat: its justice was first of the "estate" type, in which the legal order is 'rigorously formal but thoroughly concrete and in this sense irrational',

and in which '"administration" is negotiation, bargaining, and contracting about "privileges", the content of which must then be fixed.'[27] Administration and justice of this type follow the same procedure and are not clearly differentiated.

Formal rational law could be used by the monarchical administration to eliminate the supremacy of estate privileges, since it stresses formal legal *equality,* substituting '*reglementation*' for 'privilege'.[28] The estates, however, demanded fixed rules and guaranteed 'rights' which would *limit the arbitrary patriarchal discretion* of the ruler. Of those the bourgeoisie made the most pressing demands, since they

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the manner of the noblesse de robe, but not for a personal "honorable" relationship to the lord and a corresponding ethos.' ES p. 1068, WG p. 623.

[27] ES p. 844, WG p. 485.

[28] ES p. 846, WG p. 487.

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'had to demand an unambiguous and clear legal system, that would be free of irrational administrative arbitrariness as well as of irrational disturbance by concrete privileges, that would also offer firm guaranties of the legally binding of contracts, and that, in consequence of all these features, would function in a calculable way.'[29]

After the burghers had created a rational procedural city law, the alliance of their interests with the fiscal interests of the ruler furthered the formal rationalization of patrimonial law. However, this alliance was only partial, as long as modern capitalism had not yet developed. *The alliance between ruler and bourgeois* in the area of formal rationalization was possible since, according to Weber, every bureaucratic administration, even a patrimonial one, is characterized by 'utilitarian rationalism', which tends 'already by itself in the direction of the private economic rationalism of the bourgeois strata'[30]. It was also in the interest of the ruler as well in that of his officials - who had to keep their career chances in mind - to have one law for the whole realm; both therefore advocated codification:

'While thus the bourgeois classes seek after "certainty" in the administration of justice, officialdom is generally interested in "clarity" and "orderliness" of the law.'[31]

Codifications, however, did not bring any important innovations; according to Weber they could not 'match the significance of the revolution in legal thought and in the actual material law which was brought about by the reception of Roman law.'

When the patrimonial rulers on the continent[32] had stimulated the *reception of Roman law* they had done so because in this type of law they found support for their domination 'in the sovereign position of the monarch as it appears in Justinian's codification.'[33] According to Weber the other causes of their support of the reception of Roman law and of the pre-eminence of the university-trained jurists are not fully known; in his view it is especially difficult to find out how far economic interests were behind it. Yet he states in his essay on the city that in the medieval cities, because of the interests of trade, the formal structures of Roman law were already used for the rationalization of procedure; the continental universities taught it. The patrimonial rulers therefore were able to appoint jurists with this kind of training as their officials. Since law was increasingly practiced as a profession, the interests of jurists on the continent furthered the reception process even more. Thus 'in the West the administration of justice acquired that juristically formal character which is peculiar to it in contrast to most other systems of patrimonial administration of justice. The respect for Roman law and Romanist law training also dominated all the monarchical

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[29] ES p. 847, WG p. 487. ibid.

[30] ES p. 1108, WG p. 653.

[31] ES p. 848, WG p. 488.

[32] In England the powerful lawyer's guilds succeeded in retaining their monopoly on legal training by apprenticeship; 'they successfully fought all moves toward rational law emanating especially from the ecclesiastical courts and, for a time, also from the universities (...).' Their power position 'was conditioned by political centralization'; in Germany, 'mainly for political reasons', such a group of honoratiores, 'which could have raised national law to the level of an *art ('Kunst', ES: 'technology') based on apprenticeship', did not exist. ES p. 976/7, WG p. 565. See also ES p. 854, WG p. 493: 'Roman law triumphed wherever there did not exist a legal profession with a nation-wide organization. With the exception of England, northern France, and Scandinavia, it conquered all of Europe from Spain to Scotland and Russia.' Even England shows traces of its influence 'in the systematic structure of English law, in many of its institutions, and in the very definitions of the sources of the Common Law: judicial precedent and "legal principle", no matter what the difference of its inner structure.'

[33] ES p. 852, WG p. 491.

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codifications of the early modern age, which were all the product of the rationalism of university-trained lawyers.'[34]
According to Weber the particular rational quality of Roman law, which already existed under the Roman Empire[35], is to be found in the philosophical aspects of its legal training, however superficial. In his view therefore, 'the significance of purely logical elements in legal thinking began to increase'; this was also because of the absence of a binding sacred law and because 'the mind was unencumbered by any theological or material ethical concerns which might have pushed it in the direction of a purely speculative casuistry.'[36]
During the period of the Roman Empire, abstract legal logic did not really affect the empirical character of legal thought, but in the medieval reception process it 'had to be cleansed of all remnants of national contextual association and to be elevated into the sphere of the logically abstract'.[37] 'A logically consistent and gapless complex of "norms" waiting to be "applied" became the decisive conception for legal thought.'[38]

Weber, implicitly criticizing marxist ideas, emphasizes that this abstraction process has nothing to do with the needs of the bourgeoisie, which 'could be gratified quite as well, and often better, by a formal, empirical case law'[39] - the kind of law the English lawyers developed.
Weber proceeds to suggest that legal logic is an expression of 'an 'intrinsic intellectual need'; he connects this thought, however, with the sociological concept 'aristocracy':
'This logical systematization of the law has been the consequence of the intrinsic intellectual needs of the legal theorists and their disciples, the doctors, i.e. of a typical aristocracy of legal literati.'
In this explanation of the development of formal rational law an important characteristic of Weber's rationalization theory becomes manifest: according to him, 'logic' emerges automatically as soon as the mind is unencumbered with other matters; apparently it already existed somewhere in the mind, waiting for its chance to come out. When he connects 'formal rationality' with 'intellectual aristocracy', however, he takes the opposite approach:

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[34] ES p. 853, WG p. 491/2.

[35] See on its history Weber's treatment of 'the origins of religion', ES p. 399 ff., WG p. 245 ff., which I will discuss in my chapter on the connections between charisma and formal rationality (Ch. 9,3).

[36] ES p. 854, WG p. 492.

[37] 'and Roman law itself had to be absolutized as the very embodiment of right reason.' ES p. 854, WG p. 492.

[38] Purely systematic legal categories were created and, since Roman law 'was transposed into entirely strange fact situations, the task of "construing" the situation in a logically impeccable way became almost the exclusive task.' ES p. 855, WG p. 492/3.

[39] 'The consequences of the purely logical construction often bear very irrational or even unforeseen relations to the expectations of the commercial interests.' On ES p. 883 ff., WG p. 504 ff. Weber deals with the trends of substantive rationalization which became manifest in his time; repeating the interest of capitalist enterprises in 'calculable' law: 'To those who had interests in the commodity market, the rationalization and systematization of the law in general and, with certain reservations to be stated later, the increasing calculability of the functioning of the legal process in particular, constituted one of the most important conditions for the existence of economic enterprise intended to function with stability and, especially, of capitalistic enterprise, which cannot do without legal security.' In 'The Change in the Function of Law in Modern Society ' (1964) Neumann has explained that this is only true for early capitalism, which was based on competition between entrepreneurs of equal force; monopoly capital according to him has an interest in a low degree of predictability of the law. See on the historical role of 'formalism' below Ch. 9,2.

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logical thinking is connected historically to the formation of a routinized charismatic confraternization of intellectuals.

Yet although Weber does analyze the status ('ständische') aspects of university education [40], he does not connect them to any of the status aspects of 'logical thought'; he does not distinguish clearly between 'formal-rational' and 'rational', with the result that 'formal rationality' as a historical form of thinking is identified with 'rationality' as an innate human characteristic.

In his analysis of the rationalization process of patriarchal patrimonialism Weber represents the historical character of formal rationality only by analyzing its opposite: the growth of material rationality in patriarchal-patrimonial administration.

6. Material-rational legitimation of patrimonialism: the welfare state

In Weber's view patriarchal-patrimonial justice proper is material-rational justice, based on free, arbitrary intervention by the ruler, and oriented to the welfare of the subjects. Revived patrimonialism expanded in reaction to the conflicting activities of the Estates, who demanded new administrative activities, while fighting patrimonial dominance. In his struggle against them the prince enlisted the support of the masses:

'The "good" king, not the hero, was the ideal glorified by mass legend. Therefore, patriarchal patrimonialism must legitimate itself as guardian of the subject's welfare an its own and in their eyes. The "welfare state" is the legend of patrimonialism, deriving not from the free camaraderie of solemnly promised fealty, but from the authoritarian relationship of father and children. The "father of the people ("Landesvater") is the ideal of the patrimonial states. Patriarchalism can therefore be the carrier of a specific welfare policy, and indeed develops it whenever it has sufficient reason to assure itself of the good will of the masses.'[41]

The administration of justice therefore has to follow 'material principles of social justice of political, welfare-utilitarian, or ethical content'.[42] The prince practices 'kadi-justice', freely intervening in the administration of justice.[43] In other words: in the materially rational princely administration public and private sphere - the universalism of fixed principles and the arbitrariness of patriarchy - are not sharply separated, because the administration is the property of the ruler.

According to Weber formal and material rationality developed in a permanent interaction with the powers and needs of the Estates. At first the trend to material rationality was checked by the growth of rationalistic-formalistic elements - a growth which had its origins in the 'immanent needs of patrimonial monarchic administration, especially with respect to the

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[40] See below Ch. 9,2.

[41] ES p. 1107, WG p. 652.

[42] 'Although the patriarchal system of justice can well be rational in the sense of adherence to fixed principles', ES p. 844, WG p. 486. See on the material character of patrimonial justice also ES p. 810, WG p. 468.

[43] 'The prince's administrative officials are at the same time judges, and the prince himself, intervening at will into the administration of justice in the form of "cabinet justice", decides according to his free discretion in the light of considerations of equity, expediency, or politics. He treats the grant of legal remedies to a large extent as a free gift of grace or a privilege to be accorded from case to case, determines its conditions and forms, and eliminates the irrational forms and means of proof in favor of a free official search for the truth. The ideal example of this type of rational administration of justice is the "kadi-justice" of the "Solomonian" judgment as it was practiced by the hero of that legend - and by Sancho Panza *as a governor.' ES p. 845, WG p. 486.

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elimination of the supremacy of estate privileges and the "estate" character of the legal and administrative system in general' - but later it again became predominant, initially in order to obtain the support of the masses against the Estates. Later, in the era of 'enlightened despotism,' it was caused by 'the general rationalism developed by bureaucracy in line with its growing self-confidence and its naive belief in "knowing better".'[44] The ideal was to create a direct relation between administration and subjects, in which both would be informed about their rights and duties, without intervention of lawyers.

In brief: to fight the Estates, the princes have to use formal-rational law as well as material-rational law: the former serves to eradicate privileges, the latter to obtain the support of the masses; material rationality however serves as the final legitimation of the paternalistic ruler and his equally paternalistic officials.

Weber describes this contradictory development only for Prussia, which was the only country where material-rational law seems to have been developed fully. Prussia was the only country with a codification in which law consisted of 'a universe of duties', a 'universality of one's "darndest debt and duty" ("verdammte Pflicht und Schuldigkeit")'.[45] Weber suggests that the patrimonial ruler succeeded in defeating the Estates only in Prussia, transforming the Estate-type ('ständisch') patrimonialism into patriarchal patrimonialism; for he reports that under French absolutism the estate groups of officials retained their influence over the ruler by regularly threatening to go on strike and by claiming restitution of the purchase-money for their office.

As I said earlier, by contrasting 'patriarchal patrimonialism' to 'estate-type patrimonialism' Weber is able to contrast Prussia with England in a way that corresponds to his political views; in this contrast, however, countries like France are lost from view. He does not explain, moreover, why Germany actually was the only country in which patriarchal patrimonialism defeated the Estate powers. And neither does he prove his statement that patriarchal patrimonialism is the direct precursor of modern formal-rational bureaucracy, although it legitimated itself with material, arbitrary welfare policies.

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[44] 'It was not until the era of fully developed "enlightened despotism" that, beginning with the eighteenth century, conscious efforts were made to transcend the specifically formed legal logic of the Civil Law and its academic legal honoratiores, which indeed constituted a unique phenomenon in the world. The decisive role was played, first of all, by the general rationalism developed by bureaucracy in line with its growing self-confidence and its naive belief in "knowing better". Political authority with its patriarchal core assumed the form of the welfare state and proceeded without regard for the concrete desires of the groups interested in the law and the formalism of the trained legal mind.' ES p. 856, WG p. 493.

[45] ES p. 856, WG p. 494.

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7. Rationalization of bureaucracy: central official, clerks and collegiate bodies

Weber's description of the rationalization process of the patrimonial bureaucratic apparatus
is more fragmentary than his analysis of formal and material rationalization of patrimonial
law. In his chapter on 'feudalism, Ständestaat and patrimonialism' he deals only with the
special central offices, in particular with the institution of the central official, adding some
remarks on the working officials, the clerks, on collegiate bodies and on patrimonial
education.

The office of *central official* is an ancient one; it supplements the discontinuous activities of
the table companions and confidants of the lord.[46] Most often the central official is a favorite,
a court official 'whose function involves the closest, purely personal position of confidence':
he is keeper of the harem, executioner, or major domus. This central official can threaten the
power of the lord, as happened under the Merovingians; however, when the lord, fearing a
take-over, tries to do without one - as the Carolingian lords did - the realm is threatened by
disintegration.

There is still another type of officials which has a decisive influence on the rationalization
process: the **writing and accounting officials*. Even in a feudal system the patrimonial ruler
who possessed a developed clerical and accounting system could hold an considerable
amount of centralized power; in Normandy and later in England this power was based on the
accounting office, the Exchequer. Most of the time the chancellor, the head of the
secretariat, was the central figure of the political administration.[47] Rationalization originates
in these offices, since the power in them shifts *from courtiers to working officials*[48].

The next factor in the rationalization process are the great *collegiate central agencies* which
Weber deals with in his chapter on bureaucracy[49], and which, because of the sequence
formal rationality-tradition-charisma, have been placed before the chapter on patriarchal and
patrimonial domination. Weber here treats the great collegiate bodies as an instance of the
'qualitative extension of administrative tasks'; in his view they resulted in an increase of the
interest of *specialized knowledge* as a foundation of the power of the office holder.[50] Since
the absolute ruler, due to lack of public criticism, depends on the bureaucracy itself for his
information, the bureaucrats can often ignore him, putting him in his place as a 'dilettante'.[51]

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[46] ES p. 1088, WG p. 638.

[47] ES p. 1089, WG p. 639.

[48] 'At the same time, such offices are regularly the beginning of bureaucratization, because the working officials,
who were mostly clerics in medieval times, gain actual control from the high-ranking courtiers who officially
occupy them.' Weber continues: 'In ancient Egypt the scribes controlled the administration.' He thus suggests
that this power shift occurred very early. I think this suggestion of a power shift is one of the elements in Weber's
construction of a direct development from patrimonial to rational bureaucracy.

[49] ES p. 994 ff., WG p. 574 ff.

[50] 'Since the specialized knowledge of the expert became more and more the foundation for the power of the
officeholder, an early concern of the ruler was how to exploit the special knowledge of experts without having to
abdicate in their favor.'

[51] ES p. 993, WG p. 573.

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He can only retain his power by a system of 'divide and rule', that is, by instituting collegiate bodies of experts.[52]

Because the ruler tries to make the collegiate bodies a synthesis of specialized experts and therefore has to educate them in 'Sachlichkeit', 'matter-of-factness', his use of such agencies advances formal rationalization; moreover, the collegiate bodies, in which he could also place socially influential persons, came to function as 'enduring structures independent of the person' and thus as the first 'public authorities'.[53]

The collegiate principle was extended to lower authorities, of which those of the city were already used to a collegiate administration by notables[54]. It disappeared again when the rulers preferred 'a strictly unified administrative leadership' to 'thoroughness in the preparation of administrative decisions.'

It is problematical that Weber, when describing the influence which the creation of the collegiate bodies had on the rationalization process, does not explain what 'expert knowledge', 'specialisiertes Fachwissen' is; nor does he explain why the need for it increased. For an answer to these questions one has to analyze his typification of 'formal rational domination'; however, since this type is conceptualized as a 'rational marginal case' of *modern* domination and legitimation, only the *results* of the rationalization process are presented, not the process itself. Weber explains only the 'specialized knowledge' of modern bureaucracies, in which the public sphere is definitively separated from the private sphere; he defines it as knowledge of the rules - technical rules or norms - by which all domination is now legitimated, and as knowledge of their application.[55] This knowledge cannot be separated from knowledge 'growing out of experience in the service', since the facts and documentary material are accessible to the bureaucrats only, who treat them as 'official secrets'. It is a product of the officials' 'striving for power'[56].

Weber elsewhere explains that formal rationality cannot be separated from the 'instinct' for power of the officials and of the bureaucratic institution as a whole, since it is 'inseparably fused with this canonization of the abstract and "objective idea of "reasons of state."' Behind bureaucratic decisions to maintain official power stands 'a system of rationally debatable "reasons"', 'namely, either subsumption under norms, or a weighing of ends and means.'[57]

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[52] 'He keeps one expert in check by others, and by such cumbersome procedures seeks personally to gain a comprehensive picture as well as the certainty that nobody prompts him into arbitrary decisions.' ES p. 995, WG p. 574.

[53] ES p. 996, WG p. 575; Weber further points out that these collegiate bodies must not be confused with advisory 'councils' or 'boards', see also ES p. 1089, WG p. 639.

[54] ES p. 997, WG p. 575.

[55] ES p. 218, WG p. 126.

[56] ES p. 225, WG p. 129.

[57] 'The rule and the rational pursuit of "objective" purposes, as well as devotion to these, would always constitute the norm of conduct. Precisely those views which most strongly glorify the "creative discretion of the official, as the ultimate and highest lodestar for his behavior in public administration, the specifically modern and strictly "objective" idea of "raison d'état". Of course, the sure instincts of the bureaucracy for the conditions of maintaining its own power in the home state (and through it, in opposition to other states) are inseparably fused with this canonization of the abstract and "objective idea of "reasons of state."'(_)'The only decisive point for us is that in principle a system of rationally debatable "reasons" stand behind every act of bureaucratic administration, namely, either subsumption under norms, or a weighing of ends and means.' ES p. 979, WG p. 565.

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The 'qualitative extension' of administrative tasks, which according to Weber characterizes this phase of patriarchal patrimonialism, therefore can be understood as the creation of a new kind of administration, which functions through the creation and application of rules. However, it is not clear how the new tasks relate to the materially rational elements of patriarchal patrimonialism, which according to Weber are far more characteristic.[58]
To understand the development of modern bureaucracy out of patrimonial bureaucracy one has to solve the apparent contradiction between the 'material rationality' of the domination and legitimation of the ruler and the 'formal rationality' of the bureaucratic apparatus.[59] In the concept of 'Staatsräson' Weber has conceptualized the unity of these opposites - of the creation and application of rules at the one hand and value orientation to power on the other - in modern bureaucracy. At the end of this chapter I will clarify this merging of opposite forms of rationality into 'reasons of state' by pointing to the ambiguous characteristics of the relation between the lord and his staff, on which legitimacy is based: to the contradiction between patriarchal domination and the striving for emancipation of the patrimonial officials which Weber described earlier as the foundation of 'estate patrimonialism'. First I will treat Weber's typical case of rationalized patriarchal patrimonialism, that of Germany.

8. The victory of patrimonialism in Germany and its effects on German mentality

Weber's construction of the difference between English and continental developments is especially manifest when at the end of his chapter on 'feudalism, Ständestaat and patrimonialism', he discusses the 'mentality', the political and social ideologies of feudalism on the one hand and patriarchal patrimonialism on the other. According to him the two different ideologies shaped very different styles of life; the structures of domination influenced the general habits of the people by way of the 'ethos', 'die Art der Gesinnung', which they established.[60] *Patriarchal patrimonialism as 'mass domination by one individual*[61] *was victorious only in Germany; it succeeded in forming the mentality of the subjects in a totalitarian way, destroying all their honor, freedom and autonomy* [62] *with the help of an excess of bureaucratic administration*[63]:

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[58] Also the example Weber gives of successful sabotage by bureaucrats of the power of an autocratic ruler, the Russian Tsar, does not appear to be a token of their 'expertness' or 'rationality', but rather of their ability to conspire and to create wordy confusion: 'His ministries, which were subordinated directly to him as the autocrat, represented (-) a conglomerate of satrapies which fought among each other with all the means of personal intriguer and bombarded each other with voluminous "memoranda", in the face of which the monarch as a dilettante was quite helpless.' ES p. 993, WG p. 573.

[59] Which exists in modern democratic 'welfare states' as well.

[60] ES p. 1104, WG p. 650.

[61] ES p. 1106, WG p. 651.

[62] 'In the interest of his domination, the patrimonial ruler must oppose the status autonomy of the feudal aristocracy and the economic independence of the bourgeoisie. Ultimately, every autonomous dignity and simply any sense of honor on the part of the "subjects" must be suspected of hostility to authority; the inner devotion to the authority of the sovereign indeed fared everywhere according to the outcome of the resultant historical struggles.' ES p. 1107, WG p. 652.

[63] 'Administrative functions are maximized, for every new administrative function which the patrimonial ruler appropriates means an elevation of his power and ideological significance and creates new benefices for his officials.' 'Typical of patrimonialism is the determined rise from rags, from slavery and lowly service for the ruler, to the precarious all-powerful position of the favorite. '

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'Ultimately, every autonomous dignity and simply any sense of honor on the part of the "subjects" must be suspected of hostility to authority'.

Patriarchal patrimonialism succeeded in creating an 'inner' or 'internalized' 'devotion to the authority of the sovereign', which makes the German 'the typical "Untertan" (subject) in the most poignant sense of the word'.[64]

My criticism of Weber's description of the mentality of the German 'Untertan' does not concern its truth; in my view it is an important contribution to the understanding of the fast and total victory of National Socialism in Germany. My point is that Weber's concept of 'patriarchal patrimonialism' provides no sufficient explanation for it.[65]

This again becomes evident where Weber summarizes the different developments of the last few centuries in other European countries, where patriarchal-patrimonial rulers did *not* succeed in annihilating the honor, freedom and autonomy of their subjects:

'The minimization of effective administration by honoratiores and the ruler's dependence upon their voluntary participation in England, the success of revolutions in France and the other Latin countries, the independence of the social revolutionary ethos in Russia have impeded or destroyed that internalized devotion to authority which has remained an almost ineradicable legacy to the outside observer.'[66]

Here Weber suddenly takes leave of the contrast he had created between England and 'the Western European continent' and instead constructs a contrast between Germany and the rest of Europe. All kinds of processes and phenomena on the continent are jumbled together in an attempt to make this contrast credible: the 'impediments to' of totalitarian patriarchal patrimonialism and the 'destruction' of it; the 'administration by honoratiores' of the English middle ages, the revolutions in France 'and other Latin countries'[67] of the 18th and 19th century and the 19th and 20th century Russian 'social revolutionary ethos'. Neither here nor elsewhere in ES does Weber explain *why* the French and other Latin revolutions took place and why the Russian social revolutionaries acquired so much support; in other words, the reasons why patriarchal patrimonialism in these countries did not succeed in binding the hearts and minds of men[68] so strongly.

Weber's analysis of the contrast between Germany and the rest of Europe therefore has to be read as a literary text; as an expression of a personal, private concern with the power of Germany and the quality of its manhood ideals; we will see that his characterization of the patriarchal-patrimonial mentality is influenced by the same bias.

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[64] ES p. 1107/8, WG p. 652.

[65] In his chapter on religious groups Weber provides for a better understanding by constructing the concept of 'official charisma' (see below Ch. 9,3), which appears not to be mentioned here since it falls outside his conceptualization of 'patriarchal patrimonialism'.

[66] ES p. 1107/8, WG p. 652.

[67] most of which, however, in the Thirties succumbed to fascism as well.

[68] See for the description of the contribution of the several feminist movements made to in particular the French revolutions Albistur et Armogathe (1977); for an analysis of women's support of and resistance to totalitarian rule Koontz (1987) and Macciocchi (1975).

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9. The mentality of 'the patriarchal-patrimonial official'

Weber pictures the mentality of 'the patriarchal-patrimonial official' as that of a subordinate, a working small-bourgeois non-person. He does not include his own earlier analyses of the knightly lifestyle of the 'ministeriales' in his picture: he does not mention the strong position of the French patrimonial officials, who could control the king by threatening to go on strike and demand the purchase price of their offices back; of the Russian bureaucrats, who controlled their king by intrigue and obstruction, and of the Prussian Junker-estates of notable officials[69]. He emphasizes the contrast between the 'Gesinnung', the mentality, of the patrimonial official and that of the feudal knight, by mentioning the differences in their manner of education - which for the patrimonial official consisted of administrative training - and to their different codes of honor:

'Patrimonial education always lacks the features of playfulness and elective affinity to art, of heroic asceticism and hero worship, of heroic honor and heroic hostility to the utilitarianism of business and office - features which feudalism inculcates and preserves. Indeed the administrative "organization" (ambtliche Betrieb) is an impersonal "business' (sachliches Geschäft): The patrimonial official bases his honor not upon his "being", but on his "functions", he expects advantages and promotion from his "services"; the idleness, the games and the commercial nonchalance of the knight must appear to him as slothfulness and lack of efficiency. The status ethos adequate to the patrimonial official enters here into the avenues of the bourgeois business ethos. Already the philosophy of the ancient Egyptian officials, as we know it from exhortations by scribes and officials to their sons, has a distinctly utilitarian bourgeois character. In principle, n o t h i n g h a s c h a n g e d s i n c e, apart from the increasing rationalization and professional specialization in the development from patrimonial officialdom to modern bureaucracy.'[70] (It. mine)

Since Weber wants to deny, however, any suggestion of an affinity between patriarchal patrimonialism and capitalism, he constructs a difference between the utilitarian bourgeois official and the capitalist entrepreneur, and also between him and all patrimonial officials who considered the whole realm of their discretion a hunting ground for accumulating wealth:

'The main difference between the utilitarianism of the officials and the specifically bourgeois ethos has always been the former's abhorrence of the acquisitive drive, which is natural for a person who draws a fixed salary or takes fixed fees, who is ideally incorruptible, and whose performance finds its dignity precisely in the fact that it is not a source of commercial enrichment. To that extent the spirit of patrimonial administration, interested as it is in public peace, the preservation of traditional means of livelihood and the satisfaction of the subjects, is alien to and distrustful of capitalist development, which revolutionizes the given social conditions (-).'[71]

Weber here presents a type of official who is totally different from the ones he described earlier in his historical analysis; this official appears to embody his opinion on the German officials of his time, an opinion which he also expressed in his political writings. These officials who 'abhor the acquisitive drive' do not appear to belong to any *positive* status group: they pride themselves on their regular, *routinized labor*.

Weber's construction of this type of patrimonial official can be said to include elements of 'negative status honor'; perhaps, like the bourgeois entrepreneur, such an official could be a member of a group of 'new men' who still have to turn negative status elements into positive ones. Weber, however, has found the first example of his kind in ancient Egypt, as a 'scribe or official', writing edifying letters to his son; therefore he cannot be a product of specific

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[69] ES p. 1084/5, WG p. 615/6, see above Ch. 6,6.
[70] ES p. 1108, WG p. 653.
[71] ES p. 1108, WG p. 653.

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European developments. (Weber elsewhere characterizes the Egyptian officials as slaves of the Pharaoh, 'if not legally, then in fact.'[72]) He appears to be a descendant of the 'working officials', of the propertyless men who were hired by the official officials, by the members of status groups with the knightly lifestyle, who were the descendants - often literally - of those free men who had entered patrimonial service and had liberated it from its demeaning character. In Weber's view those working officials begin taking over the control of official activities only under revived patriarchal patrimonialism; in this general portrait of 'the patrimonial official', however, the subordinates appear to have usurped the official position. This mentality portrait therefore does not explain the particular character of patrimonial or modern officials; their 'nobility' is as typical a characteristic as their 'Untertänigkeit'. If Weber, however, would have included the nobility of officials in his ideal type of the 'patriarchal patrimonial official' it would not have been 'internally consistent'.

10. 'Staatsraison': the fusion of formal and patriarchal-material rationality into rationalized patriarchal patrimonialism

The ambiguity I see in the mentality of the patrimonial officials has in my view been caused by the ambiguity in their relation with the ruler which I sketched earlier: by their wish - a wish based on the share they have in the power of the ruler, to emancipate themselves from the patrimonial property relation which depends on their subjection.
In his conceptualization of the beginning of this process Weber represents the contradictory character of the relation between ruler and officials in the same way; in his typification of the further development of the patrimonial administration, however, he only makes use of the separate, opposite concepts of formal and material rationality.[73] The end result, the victory of formal-rational bureaucracy and with it the eradication of material rationality and the separation of public and private sphere, is not connected to this development.
Yet the contradictory elements in the relation between patrimonial lord and officials are retained in the rationalization process. The striving for emancipation of the officials still expresses itself in the forming of status groups elevated above the population, but their foundation has changed: they now base their superiority on 'specialized knowledge', on 'expertise', on 'Geheimwissen'. The officials try to emancipate themselves by establishing a *public* sphere of bureaus for the creation and application of rules. These bureaus are separated from the patriarchal household; the officials strive to put them outside of the control of the patriarch. In them they create an increasingly complicated mass of rules in which only they themselves know the way. Their knowledge legitimizes their striving for power, not only in respect to the subjects of their administration, but also in respect to the ruler himself; lack of such knowledge makes the ruler a 'dilettante', preventing him from controlling his administration. Nevertheless they also obey, namely to those rules which define their competence; in this way they form a part of a hierarchy which identifies itself with the power of the patriarch by subjection.

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[72] ES p. 967, WG p. 558.

[73] See the discussion cited in Ch. 1,1, n. 7, on the question of whether Weber's formal-rational legitimation presupposes the existence of some degree of value-rationality.

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Therefore Weber's concept 'formal rational legitimation', which, like all kinds of legitimation, is defined in the first place by the relation between the lord and his staff, is also contradictory in character. Viewed from the position of the lord, it is a private, sex-defined relation: the lord is the patriarch, the real man, the officials are not. Seen from the position of the officials, however, it is an ambiguous one. The officials want to have their cake and eat it: they want to share in the patriarchal power, while at the same time they want to be free themselves. They want to *be* patriarchs, not to obey one.

Weber does not describe this ambiguity of the position of the patriarchal-patrimonial officials; he only describes the paradoxical effects of the rationalization process. Rationalization of the administrative apparatus, though supported by interests of the staff itself, was mostly furthered by the patrimonial rulers themselves. They made use of every possibility which made them more powerful than their enemies, the Estates: they employed clerics of the church for secretarial and accounting work; furthered the reception of Roman law since it supported princely sovereignty; were inspired by the urban techniques of law, administration and accounting or even copied them; educated official specialists in princely councils in a matter-of-fact way of cooperation with each other and with notables and businessmen; and finally they indeed succeeded in depriving the Estates of their political power. The paradoxical result of these developments was, according to Weber, that bureaucracy itself became the only force which could threaten patriarchal-patrimonial power.

In my view the establishment of 'formal rationality' as a legitimation of domination cannot be explained by developments within the patrimonial bureaucracy itself, since this bureaucracy is the private property of the patriarchal-patrimonial ruler. The formal separation of private and public sphere is a new element and one which is essential for modern bureaucracy; it has to be interpreted as a result of a desire for emancipation, for formal liberation of male officials and subjects: as a result of formal 'democracy'. In the process in which formal freedom of and equality between men becomes the rule instead of the exception, elements other than 'patriarchy' and 'rationality' come into play: 'charisma', which Weber relegated to feudal Western Europe and gentlemanly England, can be shown to have influenced the development of formal rational bureaucracy as well.

Beside the autonomous cities, free feudalism had an important influence on modern bureaucracy. In the first place and on the most abstract level, feudalism advances rationalism, since it weakens patrimonial obedience and spreads the ethos of freedom, equality and contract; because of this it clears the way for the development of bureaucracy, which is after all only a way to compel free men to obedience. Secondly and more concretely, the feudal stratum, from the early Middle Ages on, supplied the patrimonial lords with officials, thereby transforming administrative activities from servant work into representation and domination by nobles. In the third place, the Ständestaat, as analyzed by Weber, is a framework for the revival of patriarchal patrimonialism, the Estates being adversaries as well as clients of and contributors to patrimonial bureaucratic activities; these Estates do no only consist of burghers, but also of nobles.

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All these elements form a part of Weber's analysis of charismatic developments which I discussed earlier. However, several other interesting connections between charisma and rationality can be found. I will discuss these in the next chapter.

Chapter 9. Connections between formal rationality and charismatic domination over and through free men: the continuing role of magic in the construction of impersonal patriarchal fraternities; from Ständestaat to revolution

1. The continuing role of magic in the construction of impersonal patriarchal fraternities

In this chapter I will discuss some of the connections Weber established between 'charisma' and 'formal rationality'. Since the ideal types of charisma and formal rationality have no common elements, Weber presents the connections between them as paradoxical. Charisma, in Weber's view, is the force that breaks both tradition and formal rationality; therefore war and religion are the most important causes of change, and therefore, in the end, of rationalization. Yet, as we have seen, Weber in his concept of legal patriarchy connects 'charisma' to 'tradition', since he presents the domination of the individual 'patriarch' as founded on his membership of a charismatic military group of conquerors, who appropriated the land and its inhabitants. If the concept of patriarchy is transformed into one of *modern hierarchical status groups of formally free and equal patriarchs*, several of Weber's connections between charisma and formal rationality can be given their place. These connections can be found in Weber's conceptual exposition and in the references in it to his chapters on religion and law in ES.

'Formal-rational domination' means that *members of an organization* orient their actions to domination which has been legitimized by a cosmos of *rules*, instead of by some kind of *personal* authority; one of the 'mutually independent ideas' on which legal domination rests, is

'That the person who obeys authority does so, as it is usually stated, only in his capacity as a "member" of the organization and what he obeys is only "the law"'; the members of the organization, insofar as they obey a person in authority, do not owe this obedience to him as an individual, but to the impersonal order.'[1]

The question is why free men are willing to do obey rules. In the previous chapter I gave a beginning of an answer: in my view an obligation to obey rules serves as a solution of the struggle between the patrimonial ruler, who wants to treat his officials as his private property, on the one hand, and the officials, who want to emancipate themselves from patriarchal-patrimonial power, without losing their share in it, on the other. This view is confirmed by Weber's statement that the 'estate' structure developed only where the patrimonial ruler was confronted by charismatic groups of a military origin, thus by knights and citizens who did not want to lose their proven manhood to a patriarchal ruler.

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[1] ES p. 217/218, WG p. 125.

The connection between charisma and formal rationalization can be reinforced by linking it to Weber's concept of 'illegitimate' forms of domination, which had been developed - as he wrote in his conceptual exposition of 'anti-authoritarian charisma' or 'plebiscitary democracy' - by the members of the bourgeois estates on the basis of the formal freedom and equality of their members: in his view charismatic rulers, in a coalition with business interests, created a formal-rational administration. This 'illegitimate' domination was established first in the autonomous cities; later, during the French and other revolutions, formal-rational domination was extended to all - now formally free and equal - male citizens.

In my view, therefore, the Estates of nobles and citizens did not only influence the quantitative expansion of the patrimonial administration; they also changed the character of the relation between the ruler and his staff which determined the domination structure: *they laid the foundation for the claim to freedom, equality and fraternization of all men.* Because forms of domination which deny formal freedom and equality could not be legitimated anymore, formal rational domination developed in Europe - it was the only possible form of domination of formally free officials and subjects.

Paradoxical connections between charisma and formal rationalization can also be found in some of Weber's other texts. He formulates the paradoxes which constitute his argument on the influence of the transformations of charisma on formal rationalization only when he wants to give examples of 'the irrationality of the world', that is to say: in those cases in which events at one 'level' of social action have 'unintended consequences' in social action at another 'level'. The most important of them concern mutual influences of religion and economy, for instance the connection between magic and economic practice in the beginning of his chapter of religion, or the influence of Calvinist religion on the capitalist ethos, which was the subject of his first major work.

Weber's sociology of religion also contains other instances of paradoxical connections between religion and formal rationality; they occur particularly in those places where, in his Hegelian struggle against the commonplace, he could not resist the temptation to demystify religion. My choice is arbitrary; I have selected only those connections which clarify Weber's argument as a whole.

First I want to discuss the connection Weber constructs between magic and *formalism*, since this will give some insight in one of the terms of 'formal rationality'; formal rationality then will appear to be an contradiction in terminis, since it has been constructed from mutually exclusive parts. These parts are only unified by the empirical-rational base of the magic which was retained in the formal character of Roman law; Roman law in its turn survived in conceptual juridical thinking and provided important elements of the continental rationalization process.

Secondly I want to discuss the rationalization of charismatic education in the university and other forms of training for 'expertise'. The "patent of education" acquired through such specialized examinations increasingly formed a base for entrance into the kind of routinized charismatic fraternities which now rule society.

The third important connection between 'charisma' and 'rationalization' I will discuss is that between the routinization of charisma and the building of religious and rational institutions: the transformation of charisma transformation into *'office charisma'*, which, like other depersonalizing routinizations of charisma, is in fact a reversal of the basis of charismatic superiority.

The fourth connection is the religious reaction to the establishment of office charisma: the *Protestant ethic*. The Reformation can be interpreted as one of the revolts against the reversal of the meaning of religion by the Church. According to Weber 'Protestants' claimed a 'real' charisma, which was routinized by sects into an 'inner-worldly asceticism'; in my view this kind of asceticism became the foundation for the 'proofs of manhood' of the new bourgeois. Finally I will summarize Weber's analysis of *discipline* as a form of charisma which has been routinized so utterly that the disciplined subjects never think twice about their obedience: they act automatically and therefore can come to function like 'cogs in a machine'. Discipline makes bureaucracy the most effective form of domination ever established.

2. Formalism: from magic to Roman conceptual juridical thought

An important connection between charisma and formal rationality Weber formulates in his chapter on religious groups is the concept of *formalism*. In his view formalism is an important element of *magic* procedures.

'Magically motivated *conduct' in its turn is connected to 'rational conduct' in the sense of 'following rules of experience'[2]: when one wants to influence circumstances by means of a magic procedure which has proved effective 'in a naturalistic sense' - through the use of the powers Weber has termed 'charismatic' - this procedure has to be repeated in exactly the same way[3], since nobody knows exactly *why* it works.

According to Weber the connection between magic and formalism is reinforced by a paradoxical phenomenon: magic phenomena - like all other irrational phenomena - are subject to a general process of *abstraction* and rationalization. From magic phenomena gradually 'spirits'[4] or 'souls' are derived, who then are imagined as 'supersensual forces', 'that may intervene in the destiny of people in the same way that *human beings may influence the course of the world about them.'[5]

In this process 'magic is transformed from a direct manipulation of forces into a *symbolic activity*':

'Before, only the things or events that actually exist or take place played a role in life; now certain experiences, of a different order in that they only signify something, also play a role.'[6]

Weber emphasizes one particular element of the 'pattern of thought that is the basis of the fully developed realm of symbolic concepts', namely *analogy*, because of its influence on juristic thinking.[7]

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[2] ES p. 399, WG p. 245, see above Ch. 4,2.

[3] ES p. 405, WG p. 248.

[4] ES p. 401, WG p. 246: 'Already crystallized is the notion that certain beings are concealed "behind" and responsible for the activity of the charismatically endowed natural objects, artifacts, animals, or persons.'

[5] ES p. 402, WG p. 247.

[6] ES p. 403, WG p. 248. 'This is done through actions that address themselves to a spirit or soul, hence by instrumentalities that "mean" something, i.e., symbols.' ES p. 404, WG p. 248.

[7] 'Analogy has exerted a lasting influence upon, indeed has dominated not only forms of religious expression but also juristic thinking, even the treatment of precedents in purely empirical forms of law. The syllogistic constructions of concepts through rational subsumption only gradually replaced analogical thinking, which originated in symbolistically rationalized magic, whose structure is wholly analogical.' ES p. 406/7, WG p. 249/250.

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Here Weber again gives a description of a rationalization process, without explaining its
causes. He only suggests that *specialized* magicians have j
something to do with the abstraction process.[8] The further rationalization of religion according
to him depends on a further rationalization of life:

'But as a rule there is a tendency for a pantheon to evolve once systematic thinking concerning religious practice
and the rationalization of life generally, with its increasing demands on the gods, have reached a certain level (-).[9]

As Weber describes this process, such a pantheon of specialized deities could exert a
considerable influence. This has been the case in Rome especially. Roman religion was highly
formal, since it had remained a religion appropriate to a peasantry and a landed gentry; it also
contained 'a conception of the *impersonal* as having an inner relationship to the *objectively
rational'*. (It. mine).

The endless differentiation of the Roman 'numina', the spirits of all types of the Roman religion,
led to a mind-absorbing *casuistry* of sacred law.[10] This religious development, which was
relatively autonomous but for its influence on 'the rationalization of life', fostered 'a purely
conceptual analysis', causing 'the development of a sort of cautelary sacred jurisprudence and
the tendency to treat these matters to a certain extent as lawyers' problems. *In this way,
sacred law became the mother of rational juristic thinking.'* (it. mine)
The lawyers adapted this formalistic law with its clear concepts to daily economic life and
developed it into an analytical whole, which, although it was still empirical, was fit to be
systematized and made more abstract, first by the emperors and later, still more so, by the
medieval jurists on the Western European continent.[11] According to Weber the resulting form
of law is *rational* in character because general norms are applied to the concrete case; it is
also *formal* because 'only unambiguous general characteristics of the facts of the case are
taken into account.'[12] The combination of both characteristics makes the kind of law in which
'the legally relevant characteristics of the facts are disclosed through the logical analysis of
meaning and where, accordingly, definitely fixed legal concepts in the form of highly abstract
rules are formulated and applied'.[13]

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[8] 'But belief in spirits, like all abstraction *in this realm (auf diesem Gebiet), is most advanced in those societies
within which certain persons possess charismatic magical powers that inhere only in those with special
qualifications', ES p. 401, WG p. 246. Weber sees no connection with any particular economic conditions.
[9] ES p. 407, WG p. 250.
[10] 'Every act and indeed every specific element of an act stood under the influence of special numina.' 'The
Roman interest (Sorge) in keeping the numina satisfied had the effect of producing a conceptual analysis of all
individual actions into their components, each being assigned to the jurisdiction of a particular numen whose
special protection it enjoyed.' ES p. 408/9, WG p. 251.
[11] The use of documentation (Urkunden) as a sort of fetish was reinforced by the formal elements of the
'Germanic' law, which still had a predominantly magic character, ES p. 683, WG p. 408; see also ES p. 811, WG
p. 469. In Ch 8,5 I reported that Weber explained that, because of the strong position of the English lawyer's
guilds, the universities did not succeed in breaking the guilds' monopoly on the training of apprentices and that
therefore Roman law was not received there, see ES 976/7, WG p. 565; he does not explain, however, why the
English law - which was also influenced by Roman law - nevertheless had a formal character as well, albeit an
empirical one, ES p. 855, WG p. 493.
[12] ES p. 656/7, WG p.396
[13] ES p. 657/8, WG p. 397. According to Weber the most rational form of modern legal science results from the
following five postulates: 'first, that every concrete legal decision be the "application" of an abstract legal
proposition to a concrete "fact situation"; second, that it must be possible in every concrete case to derive the

Formalism and legal conceptual thinking were developed by the fraternities of the university-educated jurists, the 'aristocracy of legal literati'[14] who effected the transformation of religious into juridical formalism. These fraternities prove their extraordinariness by their monopolization of 'specialized knowledge' of formal-rational rules and procedures. In my view they form an important historical connection between routinized charismatic manhood clubs and formal rational domination.

3. Charisma of church and state offices

A related form of routinized charisma which creates and consolidates formal rational institutions is 'office charisma'. Weber defines it as 'the belief in the specific state of grace of a social institution'[15] and conceptualizes it as based on the 'originally magical' 'concept that charisma may be transmitted by ritual means from one bearer to another or may be created in a new person.'[16]

If 'charisma' is transformed into 'office charisma', 'the belief in legitimacy is no longer directed to the individual, but to the acquired qualities and to the effectiveness of the ritual acts.' An example is the transmission by symbolic acts of priestly charisma and royal authority; this kind of magic may sanctify both church and state.[17]

Like juridical charisma, office charisma depends on formalism: on the correct performance of the rituals by which it is transferred.[18] The Catholic church shows 'the most radical form of the depersonalization of charisma and of its transformation into a qualification that is inherent in everybody who has become a member of the office hierarchy through a magic act, and that sanctifies official acts.' According to Weber the church has deliberately used the magic differentiation between person and function of 'pre-bourgeois man' for 'the service of a great organizational idea: that of bureaucratization.' The distinction 'of the unworthy incumbent from the holy office' is a 'typically bureaucratic policy', and it led to 'an office hierarchy with delimited jurisdictions, regular channels, reglementation, fees, benefices, a disciplinary order, rationalization of doctrine and of office-holding as a "vocation".[19]

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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 either an "application" or "execution" of legal propositions, or as an "infringement" thereof, since the "gaplessness" of the legal system must result in a gapless "legal ordering" of all social conduct.'

[14] ES p. 855, WG p. 493, see above Ch. 8,5 and below n. 4.

[15] ES p. 1140, WG p. 675.

[16] 'It involves a dissociation of charisma from a particular individual, making it an objective, transferable entity.' ES p. 248, WG p. 144, see above Ch. 4,4.

[17] ES p. 1140, WG p. 675.

[18] 'Most of the time the symbol has become something merely formal, and in practice is less important than the conception often related to it - the linkage of charisma with the holding of an office, which is acquired by the laying on of hands, anointment, etc. Here we find that peculiar transformation of charisma into an institution: as permanent structures and traditions replace the belief in the revelation and heroism of charismatic personalities, charisma becomes part of an established social structure.' ES p. 1139, WG p. 674.

[19] ES p. 1166, WG p. 694: '- in fact, these features were first developed, at least in the Occident, by the church as the heir to ancient traditions, which in some respects probably originated in Egypt'. This it not at all surprising, since the typically bureaucratic policy of distinguishing the unworthy incumbent from the holy office had to be

The attitude 'of the average German toward the 'Amt', toward the "supra-personal" authorities and their "nimbus"', which has been partly conditioned by Lutheranism, is based on the same belief: 'the endowment of powerholders with the office charisma of "God-given authority". The purely emotive state metaphysics, flourishing on this ground, has had far-reaching political consequences.'[20]

In his analysis of the belief of Germans in the bureaucracy and of their 'Untertan'-character Weber emphasizes the charismatic element, which in his chapter on patriarchal patrimonialism etc. remains hidden behind his construction of the development of traditional domination.[21]

4. Rationalization of charismatic education into examinations of 'expertise'

The production of 'office charisma' led to a transformation of charismatic education. In Greek Antiquity charismatic education had combined intellectual training with the 'agon', the contest in the gymnasium, which was developed 'to the point where it dominated all interests, the practice of the arts and of conversation up to the Platonic "dialectal" contests.'[22] Under feudalism it merely consisted of a training in the martial arts and in the specific ethos of 'honor'.[23] Only the patrimonial church and state organized a systematic university education for their future officials[24].

Weber gave no systematic treatment of the universities and their history of wondrous amalgamation of rationalistic teaching and charismatic manhood celebrations;[25] his views on them are scattered through his chapters on bureaucracy, on charismatic education, on patriarchy and patrimonialism, on 'feudalism, Ständestaat and patrimonialism',[26] on political and hierocratic domination, and, with regard to the education of jurists, also in his chapter on sociology of law.

According to Weber the 'examination for expertise' is not a strictly bureaucratic phenomenon; it existed already in prebureaucratic or semibureaucratic epochs, especially under 'prebendal patrimonialism of the arbitrary type', especially where theocracy has taken over education.[27] Patrimonial education tried to establish 'office charisma' by requiring a distinctive way of life and a corresponding training of future officials, in order to control lay education.[28] Patrimonial

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carried through consistently as soon as the development toward the charisma of office had gotten under way.'

[20] ES p. 1141, WG p. 675.

[21] See above Ch. 8,9.

[22] ES p. 1368, WG p. 814.

[23] Cf. EuM p. 264: reading and writing were considered 'weiblich und pfäffisch'.

[24] See ES p. 258/9, WG p. 150/1.

[25] See for the Netherlands Frijhoff (1981) and De Vrankrijker; for a dramatic representation of masculine student initiation rituals of thirty years ago, Van der Pijl (1989).

[26] ES p. 1090, WG p. 639/40; his interest here lies in the fact that education is the most important influence on the general c u l t u r a l development.

[27] 'Where domination is prebendally organized, education tends to be intellectualist - transmitting special knowledge. In a particularly typical form this is true of China and in cases - to be discussed later - in which theocracy takes over education. The last development tends to reach its culmination in the secular state of the arbitrary patrimonial type, which does not develop an educational system of its own.' ES p. 1090, WG p. 640.

[28] 'In particular, the church establishes a distinctive way of life for its officials. This requires a specific course of training and hence a regular hierocratic education. Once it has created the latter, it also gains control over lay education and, through it, provides the political authorities with officials and subjects who have been properly brought up in the hierocratic spirit.' ES p. 1165, WG p. 693.

education also could be rationalized into a specialized 'Fachschulung', first of jurists. The training for clerical administration and accounting and 'the secular professional training in law, as it developed in the medieval universities' remained literary, although it could be rationalized into 'the mentality of specialization and to the ideal of a "vocation" that is typical of modern bureaucracy.'[29]

In his discussion of charismatic education in general Weber only sketches the contours of a process of rationalization of charismatic education by diagnosing a fluid transition between the antithetical elements 'rationality' and 'charisma'. When education itself is rationalized, 'only the familiar juvenile phenomena of barrack and student life remain as residues of the ancient ascetic means for awakening and testing charisma'.[30]

In the pages of his chapter on bureaucracy which the translators summarized under the heads 'educational specialization, degree hunting and status seeking'[31] and 'excursus on the cultivated man'[32], Weber elaborates on this fluid transition between charismatic and rational education.[33] The growth of expert examinations 'is greatly furthered by the social prestige of the "patent of education" acquired through such specialized examinations, the more so since this prestige can again be turned to economic advantage.'[34] In his time, the 'examination' was the universal instrument for monopolization of the socially and economically advantageous positions[35]. Weber sees an almost literal parallel with feudalism in the requirement for participation of duelling fraternities and other student clubs:

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[29] ES p. 1108, WG p. 652/3: 'The only specific educational system of patriarchal patrimonialism is administrative training, which alone provides the basis for a stratum that in its most consistent form is an educated status group of the well-known Chinese type. However, education may also remain in the hands of the clergy as possessors of the skills useful for patrimonial administration, which needs accounting and clerical work unknown to feudalism. This happened in the Near East and in the Occidental Middle Ages. In this case education has a specifically literary character. Education may also be secular professional training in law, as it developed in the medieval universities, but even then it remains a literary education, and its increasing rationalization leads to the mentality of specialization and to the ideal of a "vocation" that is typical of modern bureaucracy.'

[30] 'Within certain limits the transition between charismatic and rational specialized training is of course fluid. Every charismatic education includes some specialized training, depending on whether the novices are trained to be warriors, medicine men, rainmakers, exorcisers, priests or legal sages. This empirical and professional component, which is often treated as secret know-how for the sake of prestige and monopolization, increases quantitatively and in rational quality with professional differentiation and the accumulation of specialized knowledge; finally, in a world of predominantly specialized training and drill only the familiar juvenile phenomena of barrack and student life remain as residues of the ancient ascetic means for awakening and testing charisma. However, genuine charismatic education is the radical opposite of specialized professional training as it is espoused by bureaucracy.' ES p. 1143/4, WG p. 677.

[31] ES p. 998 ff., WG p. 576 ff.

[32] ES p. 1001 ff., WG p. 587 ff.

[33] ES p. 999, WG p. 577.

[34] ES p. 1000, WG p. 577.

[35] ES p. 1000, WG p. 577: 'The bureaucratization of capitalism, with its demands for expertly trained technicians, clerks, etc., carries such examinations all over the world. This development is, above all, greatly furthered by the social prestige of the "patent of education" acquired through such specialized examinations, the more so since this prestige can again be turned to economic advantage. The role played in former days by the "proof of ancestry", as prerequisite for equality of birth, access to noble prebends and endowments and, wherever the nobility retained social power, for the qualification to state offices, is nowadays taken by the patent of education. The elaboration of the diplomas from universities, business and engineering colleges, and the universal clamor for the creation of further educational certificates in all fields serve the formation of a privileged stratum in

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'The old requirement of a knightly style of life, the prerequisite for capacity to hold a fief, is nowadays in Germany replaced by the necessity of participating in its surviving remnants, the duelling fraternities of the universities which grant the patents of education; in the Anglo-Saxon countries, the athletic and social clubs fulfill the same function.'

Although Weber characterizes rational education as the 'radical opposite' of charismatic education, the certificate of expertise can be said to have come to serve as a manifestation of charismatic selection and initiation.[36] Thus, although Weber claimed that the charismatic elements of bureaucratized university education are the 'radical opposite' of the formal-rational ones, they cannot be separated. Moreover, his emphasis on the status effects of 'education patents' and on the monopolization processes which went with it do not refer to rational, but to charismatic elements, as does the term 'examination'. University education thus can be said to have supplied the sons of the bourgeoisie with a monopoly of access to positions of command, by giving them - through the passing of examinations or the payment of money - diploma's and degrees which establish their charisma. This (routinized) charisma can be reinforced through membership of student fraternities which organize old-fashioned manhood tests.

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bureaus and in offices. Such certificates support their holder's claims for connubium with the notables (-), claims to be admitted into the circles that adhere to "codes of honor", claims for a "status-appropriate" salary instead of a wage according to performance, claims for assured advancement and old-age insurance, and above all, claims to the monopolization of socially and economically advantageous positions. 'If we hear from all sides demands for the introduction of regulated curricula culminating in specialized examinations, the reason behind this is, of course, not a suddenly awakened "thirst for knowledge", but rather the desire to limit the supply of candidates for these positions and the monopolize them for the holders of educational patents.'

[36] See for the Netherlands Frijhoff (1981): the university degree, especially that in law, became a symbol of an accomplished initiation into the leading elite (p. 206, 287/8); the diploma mostly could be bought (p. 34); ritual and dinner were the most important requirements for the promotion to 'doctor' (p. 47).

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5. Inner-worldly asceticism and its routinization: the protestant ethic and the new bourgeois

According to Weber 'a naturalistic and rational attitude toward the state' develops only when a
religion like Puritanism rejects office charisma.

In his first major sociological work, The Protestant Ethic and the Spirit of Capitalism, he
presents the Puritan *mentality* as an important factor in the development of capitalism. He
views the Protestant mentality of an 'ethics of work' as paradoxically caused by the
psychological influence of the *content* of the Calvinist religion. According to Weber Calvin had
formulated the predestination doctrine with so much force, that it caused those who believed in
it unbearable loneliness and anxiety, since they could not know whether they were doomed or
whether their god had elected them[37]. The Protestants escaped this loneliness and anxiety by
interpreting economic success as a sign of election and in this way transformed the doctrine
into an everyday belief.

In The Protestant Ethic Weber gave his first instance of what he later called the 'Paradoxie der
Folgen'[38], or 'law of unintended consequences', when he stated that ideas only survive if they
can be made to serve - perhaps after having been transformed - important economic interests.
I have shown 'routinization of charisma' to be a special case of this law: charisma is
transformed into a permanent institution to serve the economic interests of the followers of the
charismatic leader.

According to Weber the transformation of the content of the Calvinist belief did lead this faith in
a rational direction. Since the anxious believers could only be sure of reaching Heaven if they
had economic profits to show for, Protestantism extended the 'methodische Lebensführung' -
the methodical acquiring of salvation, in which the Catholic Church had schooled its religious
specialists[39] - also to the lay believers. If the only way to acquire profits and salvation is to
invest time and money, then consumption is sin, time is money, and work - routinized
economic activity - is holy.

In ES Weber analyzes the Protestant sects, which emerged after the end of city autonomy, in
his chapter on religion, in the section on 'The different roads to salvation and their influence on
conduct.'[40] Here he defines as *ascetic* the attitude characterized by 'the methodical procedure
for achieving *salvation'*, giving this term the special meaning of 'the distinctive gift of active
ethical *conduct performed in the awareness that god directs this *conduct, i.e., that the actor
is an instrument of god.'[41]

In Weber's view this 'asceticism' is an element of religious virtuosity; it always leads to a
radical ethico-religious critique of the relationship between the believer and society, since 'the
"world" in the religious sense - i.e., the domain of social relationships' - produces 'illusions as
to that which alone is indispensable' and therefore is considered as 'a realm of temptations'.[42]

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[37] TPE p. 104, 107, 109/10, DpE p. 122, 125, 127; according to Weber Calvin himself did not suffer from this
anxiety, because he believed himself an instrument of his god.

[38] ES p. 577, 586, WG p. 349, 353/4. See also Ch. 1,8.

[39] TPE p. 118/9, DpE p. 134/5; in it, as will be shown in the next section, 'discipline' plays an important role.

[40] ES p. 529 ff., WG Kap. V, § 10, p. 321 ff.

[41] 'We shall designate this type of attitude toward salvation, which is characterized by the methodical procedure
for achieving religious salvation, as "ascetic".' ES p. 541, WG p. 328.

[42] 'not only because it is the site of sensual pleasures which are ethically irrational and completely diverting from
things divine, but even more because it fosters in the religiously average person complacent self-sufficiency and
self-righteousness in the fulfillment of common obligations, at the expense of the uniquely necessary

The religious virtuoso can choose to withdraw from this world; Weber calls this choice 'weltablehnende Askese', 'world-rejecting asceticism'. Yet he also defines a different way of dealing with the world and its temptations: the 'innerweltliche Askese', 'inner-worldly asceticism', which strives for salvation by 'participation within the world (or more precisely: within the institutions of the world but in opposition to them)'. The 'religious virtuoso' in this case can become a 'rational reformer or revolutionary on the basis of a theory of natural rights.'[43]

According to Weber this kind of virtuoso, however, sooner or later experiences the consequences of 'differences in religious endowment'[44]. In this case he can still prove his charisma within the world by means of *rational ethical and economic conduct*. To change the order of the world 'becomes for him a "vocation"'.[45] Forbidden as 'worldly' is all enjoyment of wealth, every surfeit of emotional feeling for human beings, all eroticism, all violence of the individual against human beings based on personal motives, all 'personal worldly lust for power'. Sacred, on the other hand, are '*rationally* ethically ordered, in strict legality conducted economic activity', the production of children within marriage, rational repression by the purposely ordered state and 'the domination of the rational order of the law'.[46]

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concentration on active achievements leading to salvation.' ES p. 542, WG p. 328/9.

[43] 'In this case the world is presented to the religious virtuoso as his responsibility. He may have the obligation to transform the world in accordance with his ascetic ideals, in which case the ascetic will become a rational reformer or revolutionary on the basis of a theory of natural rights.' ES p. 542, WG p. 329.

[44] ES p. 543, WG p. 529; see also ES p. 539, WG p. 327: 'That people differ widely in their religious capacities was found to be true in every religion based on a systematic procedure of sanctification (-)'; Weber thus presents this kind of 'charisma' as a kind of separate personality characteristic.

[45] 'Hence, as the field provided for this active certification, the order of the world in which the ascetic is situated becomes for him a "vocation" which he must "fulfill" rationally.' ES p. 543, WG p. 329.

[46] '*Forbidden thus is the enjoyment of wealth - "vocation" though [is] the r a t i o n a l l y ethically ordered, in strict legality conducted economic activity, the results of which, thus: gain, manifests god's blessing upon the labor of the pious man and of god's pleasure with his economic pattern of life."*Forbidden is every surfeit of emotional feeling for human beings, as being an expression of a deification of the creaturely, which denies the unique value of the divine gift of grace - "vocation" though [is] the rational sober participation in the labor at the objective (sachliche) goals of the
rational purposive orderings (Zweckverbände) of the world, which are set by god's creation. Forbidden is eroticism which deifies the creaturely, - vocation divinely enjoined to "soberly produce children" (as the Puritans expressed it) within marriage. Forbidden is violence of the individual against human beings, for reasons of passions or revenge, from any personal motives - divinely enjoined the rational suppression and chastising in the purposely ordered state. Forbidden is personal worldly lust for power al deification of the creaturely - divinely enjoined the domination of the rational order of the law. The "inner-worldly ascetic" is a rationalist as well in the sense of rational systematization of his only personal way of life, as well in the sense of the rejection of everything that is ethically irrational, be it of the artistic, be it of the personally emotional, within the world and its orderings. Always though the specific purpose remains above all: the "alert" methodical domination of the own way of life. In the first place, but varying in its consequences in its different branches, ascetic Protestantism, which knew the proving of religious merit within the orderings of the world as the only proof of the religious qualification, belonged to this type of "inner-worldly asceticism." ES p. 543/544, WG p. 329/330. The translators, who in the Introduction conceded that their team lacked a 'third man', 'a stylist in the language of translation'(ES p. CIX), here have seriously impaired the prophetic rhythm of Weber's sentences, which all begin with the word 'verpönt', 'forbidden under penalty of punishment'. I have therefore translated these difficult sentences in a more literal way.

In this way Weber connects 'asceticism' with 'rationality' and 'legality', making the 'inner-worldly ascetic' a force of modernization; he does fail to explain, however, the origin of this rationality and legality, other than by emphasizing that irrational motives are proscribed. Weber's theory of rationalization therefore is presented in all its nakedness: *'rationality' is what remains when irrationality is eradicated; it is a natural characteristic of human beings (or perhaps of men only, who even in prehistory were intellectually superior), which is hidden behind the irrational forms of tradition and charisma.*

Weber's theory of 'the puritan ethic' is connected with his sociology of domination and legitimation only by his concept of 'charisma', since he does not establish any direct connection between puritan bourgeoisie and 'patriarchy in a technical sense'. I constructed such a connection when I postulated that the medieval 'homo economicus', the member of a plutocratic fraternity, had to affiliate himself with patrimonial power in order to support the legitimation of his own patriarchal power over his household dependents against the emancipating effects of the money economy.

Between 'puritan ethic' and 'patriarchy in a technical sense' a further connection can be constructed. The protestant bourgeois does not prove his manhood by living a knightly lifestyle and by conspicuous consumption, or by the pomp and circumstance of the medieval burgher fraternities, but by asceticism. His obsession with the 'Jenseits' is a characteristic of Weber's *negative* status groups.[47] Insofar as the Puritans in England were industrial entrepreneurs all this can be explained: they were 'new men' who still had to prove themselves. Their financial success was invisible in their style of life, since it had to be invested in the mass production of goods; they had neither time nor money for a knightly lifestyle; but by bringing his 'methodical way of life' to ascetic extremes they created capitalist industries and proved their manhood as well. The sects in which rigid selection criteria, standards and conscience examinations have been established are the new patriarchal-capitalist confraternizations.[48]

The anxiety theory of The Protestant Ethic does not play an important role in the argument in ES. In ES Weber, after having analyzed different kinds of predestination doctrines, only dedicates one paragraph to a rather weakened version of his old theory; he states that when the dour bleakness of predestination had become intolerable, 'the idea of the methodical demonstration of vocation in one's economic *conduct' became a lasting contribution to 'the rational capitalistic temperament'.[49] Here, as so often in ES, Weber's interest lies more in the

[47] See Ch. 4,6. Van Vucht Tijssen (1985) wants to explain the rise of protestantism by using the concept of 'resentment', reproaching Weber with his lack of account of emotions (p. 177 nt 148); in her treatment on p. 157 ff. of Weber's criticism of Nietzsche's concept, however, she does not discuss Weber's concept 'negative status honor' in which these 'emotions' are accounted for in a different way.

[48] In Die protestantischen Sekten und der Geist des Kapitalismus, in GAzR, I. Teil, p. 210, Weber deals with the role of these sects, especially in the USA, in the development of capitalism: because of their rigid selection procedures, members are eminently credit-worthy for all outsiders. Weber apparently sees this as an 'unintended consequence' of their beliefs.

[49] 'Predestination too is a belief of virtuosi, who alone can accept the thought of the everlasting "double decree". But as this doctrine continued to flow into the routine of everyday living and into the religion of the masses, its dour bleakness became more and more intolerable. Finally, all that remained of in occidental ascetic Protestantism was a vestige, a caput mortuum: the contribution which this doctrine of grace made to the rational capitalistic temperament, the idea of the methodical demonstration of vocation in one's economic behavior.' ES p. 575, WG p. 348. Cf. the famous passages at the end of TPE, which have a more emotional, even a prophetic character: 'The Puritan wanted to work in a calling; we are forced to do so. For when asceticism was carried out

conceptualization of the paradoxical *results* of the transformation of the original charisma, in the reversal of its meaning, than in the 'Verstehen' of the individual motivations which constituted it.

6. Rational discipline as inverted charisma

'Discipline' is Weber's most radical reversion of 'charisma'. He presents it as the most mindless of all action orientations: it involves an almost total repression, from outside or of from within the individual, of all subjective meaning. Only the conduct which is required by the disciplinarians, on the base of objective calculations, remains . The result is an empty shell of formal rationality that withstands empathic understanding.
Weber views the rationalization process as a transformation of living human material into a dead, inhuman machine.[50] 'Discipline' is the instrument that perfects this transformation. If and when discipline is total, the dominated seem to have disappeared as human beings; the only individuals left for sociology to study are operators working a machine. Discipline is therefore an important element of bureaucratic domination: it turns bureaucracy into a machine and the officials into the cogs in that machine.[51]

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of monastic cells into everyday life, and began to dominate worldly morality, it did its part in building the tremendous cosmos of the modern economic order. This order is now bound to the technical and economic conditions of machine production which to-day determine the lives of all the individuals who are born into this mechanism, not only those directly concerned with economic acquisition, with irresistible force. Perhaps it will so determine them until the last ton of fossilized coal is burnt. In Baxter's view the care for external goods should only lie on the shoulders of the "saint like a light cloak, which can be thrown aside at any moment". But fate decreed that the cloak should become an iron cage.' And: 'No one knows who will live in this cage in the future, or whether at the end of this tremendous development entirely new prophets will arise, or there will be a great rebirth of old ideas and ideals, or, if neither, mechanized petrification, embellished with a sort of convulsive self-importance. For of the last stage of this cultural development, it might well be truly said: "Specialists without spirit, sensualists without heart; this nullity imagines that it has attained a level of civilization never before achieved."' TPE p. 181/2, DPE p. 188/9.

[50] This formulation resembles Marx' conceptualization of the transformation of human labor power into capital; Marx, however, emphasized the limits to this process, which are caused by the need of capital to exploit human labor.

[51] ES p. 223, WG p. 128: 'It is superior to any other form in precision, in stability, in the stringency of its discipline, and in its reliability.' (The translation grants the bureaucracy also the predicate of 'efficiency' which is not to be found in Weber's text; see Albrow (1970), p. 62 ff.). See also ES p. 224, WG p. 128: 'The question is always who controls the existing bureaucratic machinery', ES p. 973, WG p. 561/2: 'The fully developed bureaucratic apparatus compares with other organizations exactly as does the machine with the non-mechanical modes of production', ES p. 988, WG p. 570: 'In contrast to the "notable" performing administrative tasks as a honorific duty or as a subsidiary occupation (avocation), the professional bureaucrat is chained to his activity in his entire economic and ideological existence. In the great majority of cases he is only a small cog in a ceaselessly moving mechanism which prescribes to him an essentially fixed route of march.' 'Increasingly, all order in public and private organizations is dependent on the system of files and the discipline of officialdom, that means, its habit of painstaking obedience within its wonted sphere of action' and ES p. 968, WG p. 558: 'Taut discipline and control which at the same time have consideration for the official's sense of honor, and the developments of prestige sentiments of the status group' contribute to 'the success and maintenance of a rigorous mechanism'. See further Ch. 10,2.

'Rational discipline' appears to be an even more anti-charismatic phenomenon than 'juristic formalism' or the 'rational economic vocation'; Weber emphasizes this when he introduces the concept in his chapter on charisma and its transformations:

'It is the fate of charisma to recede before the powers of tradition or of rational association after it has entered the permanent structures of social action. This waning of charisma generally indicates the diminishing importance of individual action. In this respect, the most irresistible force is r a t i o n a l d i s c i p l i n e, which eradicates not only personal charisma but also stratification by status groups, or at least transforms them in a rationalizing direction.'[52]

Weber's conceptualization of discipline is clear:

'The content of discipline is nothing but the consistently rationalized, methodically prepared and exact execution of the received order, in which all personal criticism is unconditionally suspended and the actor is unswervingly and exclusively set for carrying out the command. In addition, this conduct under orders is uniform. The effects of this uniformity derive from its quality as social action within a mass structure. Those who obey are not necessarily a simultaneously obedient or an especially large mass, not are they necessarily united in a specific locality. What is decisive for discipline is that the obedience of a plurality of *human beings is rationally uniform.'

How 'discipline' developed, however, remains obscure. Weber finds its origins in military formations [53]; discipline has been created for the first time in the *warrior communism* (emph. Weber) of the men's house[54], which is probably 'everywhere a remnant ('caput mortuum') of the following of charismatic warlords'. 'Under favorable conditions, the warrior chief may well gain complete control over the disciplined warrior formations.'[55] This description only accounts for 'discipline' once it has developed; Weber explains it by using the paradox of the final routinization of charisma which is actually its *reversal*. In fact, the question arises whether interpretive sociology is able to explain this kind of action at all.

It is a question which is of the utmost importance, because in Weber's argument discipline is one of the central characteristics both of modern warfare as well as of all other *impersonal* institutions:

'Discipline in general, like its most rational offspring, bureaucracy, is impersonal. Unfailingly neutral, it places itself at the disposal of every power that claims its service and knows how to promote it.'[56]

To establish discipline all kinds of motives which may enforce uniform obedience are used; these motives may be ethical ones like 'a sense of duty and conscience', or emotional ones like 'enthusiasm and unreserved devotion'[57]; but whatever they are, they serve 'the rationally calculated optimum of the physical and psychic preparedness of the uniformly conditioned (abgerichtete) masses'. This means that 'everything is rationally "*calculated*", especially those seemingly imponderable and irrational emotional factors - in principle, at least, calculable in the same manner as the yields of coal and iron deposits.'

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[52] ES p. 1148/9, WG p. 681. See also the definition on ES p. 53, WG p. 28.

[53] ES p. 1152 ff., WG p. 684 ff.

[54] ES p. 1153 ff., WG p. 684 ff.

[55] 'The communist warrior is the perfect counterpart to the monk, whose garrisoned and communistic life in the monastery serves the purpose of disciplining him in the service of his other-worldly master (and, resulting therefrom, perhaps also his this-worldly master).' ES p. 1154, WG p. 685/4.

[56] ES p. 1149, WG p. 682.

[57] ES p. 1150, WG p. 682. Weber continues: 'every modern conduct of war weighs, frequently above everything else, precisely the morale factor in troop effectiveness. Military leadership uses emotional means of all sorts - just as the most sophisticated techniques of religious discipline, the exercitia spiritualia of Ignatius of Loyola, do in their way. It seeks to influence combat by "inspiring" the solders and, even more, by developing empathy for the leader's will.'

Discipline is not used only for war and religion, but also for *work*. According to Weber, however, ethical and emotional means to extract obedience are not used on slave plantations and in other forms of forced labor of unfree persons; there 'the only effective element is indeed the mechanized drill and the individual's integration into an inescapable, inexorable mechanism, which forces the team member to go along'. This drill, however, is also part of the disciplining of formally free persons in the *large-scale economic organization.*[58]

Weber provides a detailed analysis of the way in which the calculated discipline of 'scientific management' transforms men into machines:

'With the help of suitable methods of measurement, the optimum profitability of the individual worker is calculated like that of any material means of production. On this basis, the American system of "scientific management" triumphantly proceeds with its rational conditioning and training of work performances, thus drawing the ultimate conclusions from the mechanization and discipline of the plant. The psycho-physical apparatus of man is completely adjusted to the demands of the outer world, the tools, the machines - in short, it is functionalized, and the individual is shorn of his natural rhythm as determined by his organism; in line with the demands of the work procedure, he is attuned to a new rhythm through the functional specialization of muscles and through the creation of an optimal economy of physical effort. This whole process of rationalization, in the factory as elsewhere, and especially in the bureaucratic state machine, parallels the centralization of the material implements of organization in the hand of the master. Thus, discipline inexorably takes over ever larger areas as the satisfaction of political and economic needs is increasingly rationalized. This universal phenomenon more and more restricts the importance of charisma and of individually differentiated conduct.'[59]

The formal 'freedoms' guaranteed by law may lose their meaning: the coercive situations the market produces, 'in the impersonal form of the inevitability of adaptation to the purely economic "laws" of the market', rob formal freedom and equality of their content. The final sanction of coercion by the market is 'the very loss of one's economic existence.' Even the 'personal and authoritarian-hierarchical relations which actually exist in the capitalistic enterprise' are transformed into impersonal 'labor market transactions' and are thus 'drained of all normal *emotional (gefühlsmäßig) content'. Coercion, though, does not stop here; when capitalism expands, it can even increase quantitatively and qualitatively.[60]

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[58] 'The l a r g e - s c a l e   e c o n o m i c   o r g a n i z a t i o n is the second great agency which trains men for discipline.' ES p. 1156, WG p. 686.

[59] In 1908 Weber made a study of scientific management, criticizing its pretensions with regard to the establishment of rational selection criteria on the basis of innate characteristics, see also Ch. 1,4.

[60] 'Formally, the market community does not recognize direct coercion on the basis of personal authority. It produces in its stead a special kind of coercive situation which, as a general principle, applies without any discrimination to workers, enterprisers, producers and consumers, viz., in the impersonal form of the inevitability of adaptation to the purely economic "laws" of the market. The sanctions consist in the loss or decrease of economic power and, under certain conditions, in the very loss of one's economic existence.' 'The private enterprise system transforms into objects of even those personal and authoritarian-hierarchical relations which actually exist in the capitalistic enterprise. While the authoritarian relationships are thus drained of all normal *emotional (gefühlsmäßig) content, authoritarian constraint not only continues but, at least under certain circumstances, even increases. The more comprehensive the realm of structures whose existence depends in a specific way on "discipline" - that of capitalist commercial establishments - the more relentlessly can authoritarian constraint be exercised within them, and the smaller will be the circle of those in whose hands the power to use this type of constraint is concentrated and who also hold the power to have such authority guaranteed to them by the legal order. A legal order which contains ever so few mandatory and prohibitory norms and ever so many "freedoms" and "empowerments" can nonetheless in its practical effects facilitate a quantitative and qualitative increase not only of coercion in general but quite specifically of authoritarian coercion.' ES p. 731, WG p. 440.

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Weber's concept of 'discipline' is the element that transforms men into a machine, the most
effective domination apparatus ever developed. Discipline threatens to eradicate all vestiges
of private, subjective meaning; it strives to make human conduct utterly 'public' and 'objective':
to the masters wholly predictable. Weber is able to conceptualize this phenomenon only by
using his most central paradox, the inversion of the meaning of charisma. With regard to
formal rationality in general he uses the same ploy: he characterizes formal rationality as a
belief, which has the same character as that in magic powers, except that it lacks some of the
practical aspects of magical beliefs.

7. Formal rationality as a belief

If formal rationality were wholly rational, it would be as empty a concept for interpretive
sociology as that of discipline, when this is separated from its charismatic history. Weber
therefore connects irrationality and rationality, having presented its historical connections with
charisma, by formulating a general connection between belief and legitimacy:

'In general, it should be kept clearly in mind that the basis of e v e r y *domination and correspondingly of e v e r y
kind of willingness to obey, is a b e l i e f, a belief by virtue of which persons exercising authority are lent prestige.'[61]

In 'Science as a Vocation' Weber gives a description of the belief which prevails in modern
society: the belief that there is somebody who knows what makes the streetcar move:

'Let us first clarify what this intellectualist rationalization, created by science and by scientifically oriented technology,
means practically.

Does it means that we, today, for instance, everyone sitting in this hall, have a greater knowledge of the conditions
of life under which we exist than has an American Indian or a Hottentot ? Hardly. Unless he is a physicist, one who
rides on the streetcar has no idea how the car happened to get into motion. And he does not need to know. He is
satisfied that he may 'count' on the *conduct of the streetcar, and he orients his conduct according to this
expectation; but he knows nothing about what it takes to produce such a car so that it can move. The savage knows
incomparably more about his tools. When we spend money today I bet that even if there are colleagues of political
economy here in the hall, almost every one of them will hold a different answer in readiness to the question: How
does it happen that one can buy something for money - sometimes more and sometimes less ?'[62]

In this formulation the belief in formal rationality is the belief in the existence and validity of a
consistent system of technical and normative rules and of people who know how to apply
them; in ES Weber elaborates only on the belief in 'legal' domination:

'The composition of this belief is seldom altogether simple. In the case of "legal authority", it is never purely legal.
The belief in legality comes to be established and habitual, and this means it is partly traditional. Violation of the
tradition may be fatal to it. Furthermore, it has a charismatic element, at least in the negative sense that persistent
and striking lack of success may be sufficient to ruin any government, to undermine its prestige, and to prepare the
way for charismatic revolution.'[63]

Here Weber uses the concepts 'tradition' and 'charisma' in their most formal, sex-neutral
sense, separated from all connections he made earlier between 'tradition' and 'patriarchy',
'charisma' and proven 'manhood'. *In this way the common feature of all forms of domination -
their charismatic-patriarchal character - only appears in the empty formulation that every
legitimation is based on a belief composed out of charismatic and traditional elements.*

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[61] ES p. 263, WG p. 153: '"Prestige"-Glauben, zugunsten des oder der Herrschenden.'
[62] FMW p. 139, GAzW p. 593/4.
[63] ES p. 263, WG p. 154.

Thus Weber denies the results of his own investigation: the chains of causes and effects he constructed in his search for an answer to his question why modern bureaucracy only grew on European soil. If Weber's typology of bureaucracy is separated from its context, modern bureaucracy remains a mystery. Only his historical analysis presents the - paradoxical - connections he made with individual, subjective meanings. In my last chapter I will bring these connections together in an analysis of the character and the recent history of bureaucracy, in which I will try to solve the mysteries of bureaucracy and its members: modern middle-class men.

Chapter 10. Hidden masculinity: impersonal bureaucracy as a result of the unsolvable conflict between fraternity and patriarchy

1. The revolutionary origins of bureaucracy: liberty, equality, fraternity and plebiscitary dictatorship

The connections between charisma and formal rationality I discussed in Ch. 9 form important elements of Weber's conceptualization of the history of the European bureaucracy. I will now continue with the treatment of the important role city and state dictators in particular have played in the creation of modern formal-rational mass democracy by transforming their charismatic followers into disciplined party machines.

The administration In France, for instance, was rationalized by a plebiscitary dictator, after revolution had eliminated Estate power as well as the patriarchal-patrimonial ruler. Before the revolution the victory of the patrimonial rulers over the estates had not been total: the Estates had lost their power politically, but had retained it socially.

Estate patrimonialism threatens the unity of the ruler's patrimonium, since his dependents make their offices their own property. Feudal lords and knightly prebendaries are themselves patrimonial lords, who often depend on the patrimonial ruler only for the legitimation of their own patrimonium. They obey the ruler only if and insofar this is in their own interest; their office is a source of honor and income; they can hire others to perform the work. Therefore, although Weber views the transition between patriarchal patrimonialism and estate patrimonialism as a fluent one, the contrast between these forms of patrimonialism is fundamental - as fundamental as the difference between formally free and formally unfree men, no matter how many transitions between freedom and unfreedom there can be in practice.

The 'estate' form, in which domination through and over free men is negotiated, is the basis for modern domination; the patriarchal form, which existed everywhere in the world, never succeeded in binding its officials permanently to the rulership by means of that special combination of loyalty and status honor that was a common characteristic of both the Occidental ministeriales and the English gentlemen of the squirearchy.

Weber does not give much information on the situation in France before the revolution. He mentions only that the sale of offices was an indispensable source of income for the

absolutist kings who were therefore dependent on the goodwill of the prebendaries, to whom the purchase price of their office had to be restituted in case of dismissal, and that these prebendaries formed an important part of the 'noblesse de robe', which led the 'tiers état' against the king and the landowning or court aristocracy.[1] Weber does not explain, however, how the burgher Estate - or a new class of entrepreneurs outside of the cities - formed its revolutionary coalition with the propertyless women and men who fought in the revolution; he conceptualized only the final result, the 'plebiscitary democracy', which according to him was created in the Occidental autonomous cities.
In the bourgeois revolutions of the 17th and 18th centuries the principle of the sovereignty of the people was established: *all* men were proclaimed to be free and equal. Thence domination could only be formal-legal, legitimated by the laws by which the representatives of the people have established both the competencies of those who have to execute those laws and the limits of these competencies. In this way the revolutionary dictator finds a legitimation for his wish to establish an administrative machine in order to destroy 'traditional, feudal, patrimonial, and other authoritarian powers and privileges'.[2]

In his conceptual exposition - which was written later than the chapter on Feudalism, Ständestaat and patrimonialism and the essay on the city - Weber presents the plebiscitary democracy as another transformation of charisma: a transformation in an anti-authoritarian direction. Although Weber does not formulate it very clearly, formal legality appears to be a direct result of the anti-authoritarian charismatic domination[3], and to have no connection to patriarchal patrimonialism.
Weber elaborates on this when investigating the relationship between anti-authoritarian charisma and the economy:

'The anti-authoritarian direction of the transformation of charisma normally leads into the path of rationality. If a ruler is dependent on recognition by plebiscite he will usually attempt to support his regime by an organization of officials which functions promptly and efficiently. He will attempt to consolidate the loyalty of those he governs either by winning glory and honor in war or by promoting their material welfare, or under certain circumstances, by attempting to combine both. Success in these will be regarded as proof of the charisma. His first aim will be the destruction of traditional, feudal, patrimonial, and other types of authoritarian powers and privileges. His second aim will have to be to create economic interests which are bound up with his regime as the source of their legitimacy. So far as, in pursuing these policies, he makes use of the formalization and legalization of law he may contribute greatly to the formal rationalization of economic activity.'[4]

Weber, however, leaves room for the alternative possibility that plebiscitary regimes weaken the formal rationality of economy and law; this happens when they take the form of 'social

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[1] ES p. 1034, 1039, WG p. 600, 603.

[2] ES p. 269, WG p. 157.

[3] See for the medieval autonomous towns Ch. 7,2 above and for the revolutions of the modern period ES p. 269, WG p. 157: 'The process of routinization of revolutionary charisma then brings with it changes similar to those brought about by the corresponding process in other respects. Thus the development of a professional army in England goes back to the voluntary army of the faithful in the days of Cromwell. Similarly, the French system of administration by prefects is derived from the charismatic administration of the revolutionary democratic dictatorship.' The economic rationalization process is reinforced when the charismatic ruler, in his efforts to create 'economic interests which are bound up with his regime as the source of their legitimacy', 'makes use of the formalization and legalization of law'.

[4] ES p. 269, WG p. 157.

dictatorships'. Weber names Pericles as an example of the latter type of dictator and Napoleon as one of the former, rational, ones. The connection he establishes between anti-authoritarian charisma and formal rationality, therefore, remains as tenuous as that between patriarchal patrimonialism and formal rationality.

As we have seen, Weber wants to treat 'formal rationality' as an internally consistent ideal type; therefore the internal contradictions between charisma and rationality which are the cause of its irrational character can only be presented as 'paradoxical consequences' of irrational actions. Therefore he can only characterize the ambiguous character of modern democracy - the establishment of fraternities of free and equal men who subject themselves to patriarchy in order to be able to claim patriarchal domination over women, children and other dependents, who have a formal right to freedom and equality as well - only by presenting an expanding universe of contradictory connections.

2. 'Impersonality' as a result of the insolvable contradiction of the personal patriarchal and fraternal relations between men

If Weber's sex-defined terms are translated in his sex-defined ones, however, it is possible to conceptualize the contradictory connections that constitute modern bureaucratic relations as based on objectively rationally motivated group actions.

In Europe 'patriarchy' and 'fraternity' have been merged into one social formation, an 'impersonal patriarchal fraternity' of real men dominating women and other non-men, by the belief in and the discipline exerted by 'the rule' . This 'impersonal patriarchal fraternity' is based primarily on the separation between public life - the sphere of the office and the bureau - and the private life of the household. As a consequence of this separation the relations between women and men are separated from public masculine relations and repressed from the consciousness of the men who take part in these relations. Public consciousness subsequently becomes universalist: men come to represent humanity; personal - patriarchal or fraternal - relations between men come to represent private, sex-defined life as a whole.

The contradictions between the several kinds of personal relations between men, however, have not been solved definitively by bureaucratic impersonality. The different sources of charisma and the different forms of its routinization have different effects on different levels of the formal-rational whole. While the men in positions of command form new fraternities, subalterns, people who work, and subjects in general are affected by formalism and discipline; therefore subalterns and subjects alike strive to form status groups to free themselves and to create their own honor and equality. Formal rational domination therefore is no consistent whole; the supposedly gapless rule system provides only a precarious unity between patriarchal and fraternal interests.

In patriarchal relations only the patriarch is a real, adult man; in fraternal relations all men are free and equal; their only interest in obedience lies in their personal honor and loyalty. Patriarchal relations deny the manhood of the dependents; fraternal relations create and maintain it. According to Weber, however, the contradiction between the hierarchical obedience and the personal honor of officials can be resolved in an orientation to impersonal discipline, because of the separation of private life from the office.[5]

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[55] 'A strong status sentiment among officials not only is compatible with the official's readiness to subordinate

Impersonality implies the separation of the relations between men in the public sphere from those in their private, sex-defined life; in the long run this separation leads to the repression from consciousness of the private relations between men themselves. Love between men hides itself in the covert culture of homosexual and other masculine emotions.

3. The limits of interpretive sociology. Repression from consciousness: Weber's 'unconscious rationality' as a paradoxical connection between formal and material rationality

Since my analysis of bureaucracy and its history in sex-defined terms is based on the connection of causal relations constructed by Weber, the question arises in how far such an analysis is compatible with Weber's method and intentions. The answer to this question has to be tentative; Weber does not state clearly to which degree he is able to analyze motives and interests which have not been brought into consciousness; he only states that in that case the interpretation of their meaning is brought to its limit. As I wrote earlier[6], in his introduction to ES he explains that motives are not always brought to consciousness[7]; according to him '"conscious motives" may well, even to the actor himself, conceal the various "motives" and "repressions" which constitute the real driving force of his action.'
'Then it is the task of the sociologist to be aware of this motivational situation and to describe and analyze it, e v e n t h o u g h it has not, *or mostly: not fully, been brought, as concretely 'meant', into the c o n s c i o u s n e s s of the actor; this is a borderline case of the interpretation of meaning'.[8]
Another limit to interpretive understanding Weber mentions is the situation in which the actors are 'subject to opposing and conflicting impulses, all of which we are able to understand.'[9] In these cases *only the actual outcome of the conflict gives a solid basis of judgment.'[10]
In 'Ueber einige Kategorien der verstehenden Soziologie'[11] he analyzed the limits of interpretive sociology in a more fundamental way, drawing a parallel between interpretive activities and the methods of Marx, Freud and Nietzsche. Weber, like these theorists, wants to discover the cases in which actors were driven by their desire to pursue their own interests, while subjectively they were oriented to quite other motives - he is interested in cases of 'falsches Bewußtsein', or of 'Verdrängung' of desires or feelings of resentment. In these cases an 'unconscious rationality' of the actor can be deduced from the effects of his action. Such a concept of 'unconscious rationality' refers to rational motivations - to motivations oriented to fulfillment of wishes, to individual or collective care for psychological

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himself to his superior without any will of his own, but (...) status sentiments are the compensatory consequence of such subordination, serving to maintain the official's self-respect. The purely impersonal character of the office, with its separation of the private sphere from that of the official activities, facilitates the official's integration into the given functional conditions of the disciplined mechanism.' ES p. 968, WG p. 558.

[6] Ch. 1,10.

[7] ES p. 21, WG p. 10: 'In the great majority of cases actual action goes on in a state of inarticulate half-consciousness or actual unconsciousness of its subjective meaning.'

[8] ES p. 9/10, WG p. 4.

[9] 'In a large number of cases we know from experience it is not possible to arrive at even an approximate estimate of the relative strength of conflicting motives and very often we cannot be certain of our interpretation.'

[10] ES p. 10, WG p. 4. (It. mine).

[11] 1913, Gazw p. 427 ff.

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Chapter 10 Hidden Masculinity: impersonal bureaucracy as a result of the unsolvable conflict between
fraternity and patriarchy

or material interests - which to the conscious mind appear as irrational or which do not even appear in it at all.[12]

Theorists like Marx, Freud and Nietzsche treat the acting individual not only as an acting subject, but also as an object of processes or 'forces' it cannot or will not understand. Weber does say that individual actions are often better understood by analyzing their effects than by analyzing the motivations for them, but he does not draw any further conclusions from this insight: he does not want to discuss the difficult connections between subjectively intended, 'purposive' rationality and the unintended rational effects of irrational actions.[13]

In my opinion the concept 'unconscious rationality' transcends the contradiction between 'formal rational' and 'irrational' on which Weber bases his conceptualization of domination; it also transcends the sharp boundaries between the three ideal types. Weber, though, uses it only in a negative way, in order to draw the boundary of interpretive sociology.

The methods of Marx, of Nietzsche and of Freud - whose term 'repression' Weber uses in the passage from ES which I cited above - enable the investigator to conceptualize relations lacking rational representation in the mind of acting individuals; they share the standpoint that the motivations of individuals, although they may give the investigator much insight into the situation these individuals find themselves in, do not give a clear view of the interests they pursue. Methodical individualism, although it can use such theories as 'heuristic models' and although it might reconstruct the social relations which cause such repression, cannot establish a connection between the analysis of subjective motivations and objective interest situations. Since Weber placed private life at the boundaries of science, he has to take recourse to irony to represent the opposing and conflicting impulses all actors in modern society are subjected to.

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[12] 'Very essential parts of interpretive psychological work consist now actually of discovering connections which are not fully noticed or not noticed at all and which are therefore not subjectively rationally oriented in this sense, although in fact they run in the direction of a connection which for the greatest part can be "rationally" understood. Apart from certain parts of the so-called psychoanalysis which have this character, for instance also a construction like Nietzsches theory of resentment contains an interpretation which deduces an objective rationality of inner or outward conduct from the practical aspects of an interest situation, which is insufficiently noticed or not noticed at all, since it is "unadmitted" on intelligible grounds. For the rest exactly in the (methodically) similar sense, in which the theory of economic materialism, which preceded it for some decennia, did this as well.' GAzW, p. 434.

[13] 'In such cases the purposive rationality which - though not noticed - is meant subjectively, can easily fall into a connection to the objectively real rationality (das objektiv Richtigrationale), which not always can be clarified fully; this connection does not concern us here further. The point was to indicate the always problematic and limited character of those aspects of "understanding" which are "only psychological" in a sketchy (and necessarily inexact) way. On the one hand there is an unnoticed ("unadmitted") - relatively far-reaching - rationality of the apparently wholly purposively-irrational conduct: it is "intelligible" because of its rationality. On the other hand the fact that can be documented a hundred times (in particular in cultural history): that in truth seemingly direct purposive-rationally defined phenomena were brought to life historically by wholly irrational motives and later survived as "adapted" and even spread themselves universally, since changed conditions of life made accrete a large degree of technical "reality rationality' to them.'

This is the reason why Weber cannot conceptualize a way for modern men to further their interests in a rational way; why he presents irrational individual 'charisma' as the only way to pry loose the bars of the iron cage of public life. His consciousness of the continuing oppressive existence of patriarchy is expressed only in his denunciations of the German submissive mentality; the absurdities of patriarchal private life which tries to isolate itself from the general desire for emancipation caused by the principles of freedom and equality of the fraternities on which patriarchy itself is based, appear only in his paradoxical connections between charisma and rationality.

The way I have used Weber's concept 'unconscious rationality' in order to connect Weber's ideal types of domination can only provide a beginning of a rational understanding of modern 'impersonality': its result is only a sex-defined analysis of the contradictory relations between masculine rulers and their masculine staff and of the contradictory claims of both to dominance over their dependents.
Weber, as a full member of the impersonal fraternities which rule the world, denies all production which has not been organized in a bureaucratic form; household and voluntary production remain invisible. Only the rational *organization* of production can be conceptualized in his terms; production itself remains in the dark realm of private values, and therefore the dynamic process of exploitation and the reactions of the exploited to this process are only recognized by a conceptualization of the ambiguous character of their result, the 'status order'.
In order to analyze history in a more dynamic way the insights Marx and Freud provided into the 'unconscious rationality' of respectively the public production of 'exchange values' and the private production of attachment and identification in the private one, should be connected to the analysis of the status order; to make this connection possible the same operation of translating the sex-neutral terms of these theories in sex-defined ones should be performed.[14]

4. The return of the repressed consciousness of the sex-defined character of modern relations in the public sphere: the entrance of women and non-white men in bureaucratic position as a threat to the identity of bureaucratic authority and proof of manhood

When the rational insights Weber has provided are combined with his 'irrational', paradoxical, ironic ones, the relation of men in bureaucracies to women and other non-persons who want to hold positions of office, can be conceptualized in a clear way.
When 'non-men' are appointed as 'tokens' of the observance of the rules of universalist democracy, 'impersonality' is broken; the repressed consciousness of sex-defined relations returns; the hidden masculine interests become visible. Membership of a bureaucratic status group alone is not enough to provide the desired proof of manhood anymore; 'manhood' is

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[14] An attempt to integrate insights of Marx, Freud and Weber was made by the Frankfurter Schule, a group of marxists who tried to understand the successes of national socialism in Germany; this attempt, however, only resulted in a 'critical theory' without praxis. The analysis of the Frankfurter Schule could be brought further, however, if the universalist concepts they kept using were translated in sex-defined ones, as the leftist radical feminist movement tried to do. See for an outline of such an undertaking Van Baalen (1991).

threatened - 'if she can do what he can do, he is not a real man'[15]. 'All what was solid, dissolves into thin air'.

The consciousness of the sex-defined character of bureaucratic relations, however, is repressed again as fast as is possible, often by ignoring or harassing the intruders - in the hope that they will disappear, and with them the 'transparency' they caused; to prevent the forming of sororities the tokens are pressured to turn against each other.

In Weberian terms: when 'non-men' enter positions in a bureaucratic hierarchy of command, the impersonality resulting from the contradictory unity between fraternity and patriarchy is broken; fraternal and patriarchal relations become visible at both sides of the dividing line between public and private life. If a greater number of non-men is appointed in leadership positions, this is mostly because the bureaucratic activities already have been transformed into real work; the legitimation of the institution is supported by providing some degree of material rationality, while the members of the bureaucratic fraternity have created honorable and prestigious activities which they keep for themselves.

The intruders are left no choice but to perform work; women have to choose between the available roles of family dependents as described by Kanter; beside providing the lionesses' part of the 'material rationality' which legitimatize the institution, they have to perform the 'women's work' of care and attention to the patriarchs. Since few women have realistic expectations of entering the clubs of the exploiters, most of them still content themselves with the satisfactions of private life: with the belief in material rationality - useful work - and/or a connection to a member of one of those clubs, a 'real man', whom they try to appropriate by being appropriated by him and by living his public life vicariously.

This vicious circle can only be broken by women in groups which transcend the separation of private and public sphere, breaking the monopolies on positions of command, honor and prestige. Only by refusing patriarchal domination and proving 'real charisma' - be it individually or by membership of charismatic sororities - can women who have acquired entry in positions of command defend these positions and the honor and prestige they should give a claim to.

If such groups are connected to each other into a public, open network which admits also women who have yet to acquire positions of expertise, we call that network a 'feminist movement'. Up till now, far to many women have preferred vicarious living to feminist activities; universalist patriarchy still succeeds in turning the hostility of women to other non-persons. However, every feminist movement has laid foundations for a next 'wave' in which more women have enjoyed sisterhood and solidarity, honor and prestige. Therefore I think that once it will be possible to claim the abolition of all social 'masculinity' and to imagine a humanist society, in which administration gradually will lose its magic character and find its legitimation in a corresponding material rationality.

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[15] Marijke Ekelschot, Opzij, Jrg. 17 (jan. 1989) p. 103 ff.

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SUMMARY

To answer the question why women in modern democracies are still not represented equally in positions of authority, I have criticized the separation between public and private life which is the foundation of modern universalist rule as well of modern universalist social science. Feminist organization sociology has made an inventory of the problems a woman encounters when she has been admitted to a position of authority as a token of the democratic intentions of men. However, it has not yet succeeded in connecting insights in the structure of masculine groups and of the means their members employ to dominate women, with the concepts of organization theory. In order to make this connection, the sex-neutral character of the concepts of organization sociology itself has to be criticized; only then will it be possible to translate the sex-neutral terms of universalist sociology into the sex-defined terms in which the experiences of women are conceptualized: to connect the sociology of 'the organization' or 'the bureaucracy' to a historical world of women and men. The way the separation of public and private sphere is formulated in modern social science was established by the famous German sociologist Max Weber. Although Weber believed in 'the irrationality of history' and in the opposition of 'facts' to 'values', of 'reason' to 'emotions', he believed also that a method could be invented by means of which an 'objective' scientific procedure could be achieved. In this method the rational calculation of 'chances' that specific individual actions will occur should be combined with an empathic understanding of irrational individual action orientations; both rational and irrational action orientations are discovered by comparing them to 'ideal-types', logically consistent concepts constructed by the scientist himself.

Since one of the central objects of Weber's historical sociology in his unfinished 'Economy and Society' (1921) is the modern 'formal-rational bureaucracy' and since he defines this form of bureaucracy as an institution which separates public and private life, his method follows the rules of his object. According to him 'bureaucracy' or 'formal-rational domination' is specific for Western culture and leads to an irreversible process of 'disenchantment of the world'. This means that in modern society 'values', 'emotions' and 'material rationality' can be discerned only in extra-ordinary circumstances; ordinary life is defined by formal rationality, which eradicates their validity. Correspondingly, 'values', 'emotions' and 'material rationality' are termed 'irrational' in Weber's method; they can be investigated only in a negative way, by comparing them to ideal types of 'formal rational' forms of conduct. He therefore conceptualized all sex-defined relations - relations between historical women and men - in an irrational way: by applying his 'law of unintended consequences', or, by formulating a 'paradox', an 'inversion of meaning', or a 'fluent transition between opposites', or, eventually, by the use of irony. By projecting the modern separation of public and private sphere back into history he could maintain his norm of 'objectivity' in science: historical relations between women and men are rationally conceptualized as ruled by 'irrational' forms of domination. The aim of his analysis appears to be 'political', not only in the everyday sense of the word, but also in the radical-feminist sense of 'based on private masculine values'. The view Weber presented in his political writings as well as in his scientific ones was that the German bureaucracy checked the expansion of German capitalism, causing Germany to lose its imperialist struggle with England and therefore threatening German manhood.

'Bureaucracy', or 'formal-rational domination' is a sexless concept; nowhere in Weber's typology is it stated that one has to be a 'man' in a biological or social sense to be an official or a manager. In Weber's view, though, modern bureaucracy has been developed in Western Europe from an older form, which he calls 'patrimonial bureaucracy'; the 'patrimonial bureaucracy' was the administrative staff of 'patrimonialism', which ruled all great empires from the beginning of history. Weber he defined 'patrimonialism' as a form of patriarchy; 'patriarchy', according to him, is a sex-defined and irrational form of domination. The question how this form of masculine domination developed into a formally sex-neutral one, which is based on universalist human rights and equality before the law, as well as the question why this development only took place on the continent of Western Europe, Weber could not answer, since his concept of 'bureaucracy' is not connected to that of 'patrimonialism'.

Patriarchy implies not only legal differences between women and men, but also important differences between 'real', social, free men, and other human beings who, together with cattle and implements, are the property of the patriarch - the 'familia', as the Romans called the whole of his possessions. Weber, though he does analyze 'patriarchy', neutralizes the concept by identifying it with the power of 'tradition', in this way obscuring all forms of social relations in which 'kinship tradition' - the historical importance of which he recognizes, since he views the breach with it as the most important cause for the difference between the developments in 'the Occident' and in the rest of the world - granted women freedom and authority.

Weber conceptualizes the sex-defined character of 'patriarchy', in its turn, in an ambiguous way: on the one hand he constructs a 'patriarchal domination of the household', which is supposed to be based on 'masculine superiority', while on the other he postulates a 'patriarchy in a technical sense' which is supposedly based on the appropriation of land and people by a 'caste of conquerors'. The latter concept refers to Weber's other concept of irrational domination, that of 'charisma', the power of extra-ordinariness or, historically, the possession of magic powers. For he characterizes these castes of conquerors are 'ritually closed status groups'; and 'status groups' are defined to have developed from military fraternities who have appropriated 'charisma' and, routinizing it, turned into its opposite, into a proof of 'real manhood' by training, examination and/or wealth. 'Charisma' according to Weber is inimical to all kind of routine activities, especially economic ones, so the appropriated people, the not-men, have to do the work.

When patriarchs want to expand their domination they can make (unfree) men from their 'familia' heads of households too; these 'quasi-patriarchs', as they might be called, are in an ambiguous position: they are 'men' in relation to their dependents, whose work they supervise, but 'children' in relation to the patrimonial lord.

The extension of this form of patriarchal domination to formally free men is what Weber calls 'political patrimonialism'; the free men affiliate themselves with such a patrimonial lord if their own military groups are not powerful enough to support and legitimate their own patriarchal domination.

In this way patriarchal hierarchies developed all over the world. The most wealthy and successful empires were administrated by patrimonial bureaucracies in which officials were formally unfree men, dependents of the patrimonial prince.

The divergent developments in Europe were caused by the establishment of two kinds of social formations of free men: that of feudal knighthood on the one hand and of the armed groups of traders who founded the medieval European cities on the other. Both developed from wandering charismatic groups which broke with their homesteads, their kin and their traditions and formed new confraternizations with strange men.

The feudal knights were bound to the patrimonial ruler by a contract which pledged them to the performance of military and administrative services, in return for a 'fief', patrimonial land of their own; this confraternization contract implied a code which combined military honor with personal fealty. Free men had also joined the patrimonial administration, though when they did so they had to give up their formal freedom; by this influx of free men the services of officials were restricted to honorable ones and was the position of 'ministeriales' changed into one of honor, the real work being done by salaried workers. So officials and knights formed one status group of patriarchs, loyal to the king, but fighting for their own masculine honor.

The most important activities of the armed confraternizations who founded the medieval cities were of an economic rather than a military kind; but their arms enabled them to found an 'illegitimate', revolutionary kind of domination, which threatened all patrimonial princes for centuries. Market relations, however, caused an individualization process within the large trading households, in which sons acquired individual rights and the office was separated from the household. Although Weber does not mention it, this emancipation process also concerned the wives of the traders; this meant that the patriarchal rights of the citizens were threatened, causing them to seek support by affiliating themselves with patrimonial lords. So, eventually, they returned to the patrimonial fold, creating a base for the riches of the rulers, who in their turn copied the rational law and administration which had been developed in the cities.

According to me the position of the wealthy citizen was an ambiguous one: he could live like a free man - a knight - only when he was a rentier; work - 'trade' - threatens his status. Weber's famous 'puritan ethic' can thus be interpreted as an attempt to add charismatic - in this case ascetic - elements to the entrepreneurial lifestyle and to make, by routinization of Calvin's predestination doctrine, economic success a proof of election.

In this way typically western European status groups of men were created. These men were the ones who began to repress all sex-defined relations, including their own struggle to enter patriarchy (to become a member of a positive status group and acquire a woman of their own) from their consciousness, orienting themselves to public life: to fraternities which promised freedom and equality for all men.

One would expect Weber to connect the transformation from patrimonial to modern bureaucracy with the entrance of these specifically western European status groups of feudal knights and autonomous citizens into the administrative apparatus; since he wants to construct 'logically consistent ideal types, however, he is not able to do this. He presents the elements of the contradictary relation between 'patriarchy' and 'fraternity', as well as those of the resulting 'impersonality', the obedience to rules instead of to persons, as separate phenomena only. A connection between knight and citizen he finds only in England, where according to him no central bureaucracy developed: therefore he presents the aristocratic-entrepreneurial-administrative 'gentleman' as the only possible ideal of modern manhood. He contrast this 'manhood' ideal with the ideal type of 'the German', who is presented as a

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typical 'Untertan', an honorless, unfree, unmanly victim of patrimonial domination for whom 'rationality' only means rigidity and who lives in 'an iron cage of bondage'. In this way he constructs a direct line of descent from the patrimonial bureaucracies of early history to the early modern patrimonial bureaucracies of the absolutist rulers of the 18th century and from there to modern German bureaucracy, a development in which not only the position of women, but also the establishment of the 'masculinity' of the members of high status groups gets lost from view.

If, however, one translates Weber's sex-neutral conceptualization of the legitimation of domination by 'expertise' and 'competence' into his own sex-defined ones of 'patriarchy' and 'routinized charismatic fraternity', the identity of ancient and modern officials is broken. Then it becomes clear that the bureaucratic 'experts' can be compared with the knights of yore only in certain aspects. Although they are educated and tested to take their place in confraternizations of 'real men' who use their official position to further their own interests, they lack the knightly autonomy: they have no means to maintain a patriarchal domination over non-persons on their own; though their manhood is formally proven by their membership of the brotherhood, materially it is not supported by anything. Therefore they have to identify theirselves with more powerful patriarchs, who compel them to obedience and so threaten their manhood. Modern men therefore are subjected to unsolvable contradictions. The historical consequence of these contradictions is the growth of 'impersonality', the disappearance of all sex-specific elements from the consciousness of their social relations in general and from the legitimation of dominance in particular. This 'impersonality' saves the honor of the bureaucrats: they obey rules, not persons. The same formal-rational impersonality, however, erodes the foundations of patriarchal domination, since the freedom and equality the official brotherhoods are based on has also to be granted to women, children and other non-persons.

In other words: the modern separation of the public from the private sphere is the consequence of legal-rational dominance. Equality and inequality can exist next to each other because the development of relations from which all sex-specific aspects have been repressed. As soon as women and other non-persons, however, claim access to positions of dominance, the separation between public and private is threatened: the repressed sex-specific aspects reenter consciousness; the manhood of the experts is threatened. Only when they succeed in denying women and other non-men their citizen rights and to reserve the positions of command in bureaucracies for men, they can maintain that the fact that one holds such a position serves as a 'proof of manhood'.

Thus Weber's 'value-free social science', his 'heroic pessimism', his passionate pleas for political 'leaders' and against the 'castrating' effects of bureaucratic party systems, can be interpreted as a fight for manhood which he proposes to perform by combining aristocratic superiority with a puritan 'asceticism in the world'. From such a standpoint the striving of women for honor, wealth and prestige can only be understood in a negative way; to transcend Weber's separation of the public from the private sphere his ironical use of the paradox, which serves as a counterpoint to his rational constructions of 'adequate causality', has to be translated into rational social theory. Then Weber's 'iron cage' can be shown to be a fortress built by middle class fraternities to defend their patriarchal interests. If the universalist identity between 'man' and 'human being' is broken, it can be deduced from

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Weber's own analysis that also 'non-men' can prove their individual 'charisma' or, when they are threatened by patriarchal appropriation because of the instability of individual 'extraordinariness', form their own charismatic groups to keep their positions and the corresponding privileges.
Since, like this book shows, the abolition of the contradictions between public and private, between masculine and feminine, can in existing terms only be performed in a marginal way, social relations which are not based on these contradictions can only be imagined again in a feminist movement - an open, public network of groups fighting the monopolies of masculinity.

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SAMENVATTING

Om de vraag te kunnen beantwoorden waarom vrouwen in moderne demokratieën nog steeds niet evenredig in gezagsposities vertegenwoordigd zijn, kritiseer ik in dit boek de scheiding tussen de openbare en de privé-sfeer, die de basis is van zowel de moderne universalistiese heerschappij als van de moderne universalistiese wetenschap.
Hoewel de feministiese organisatiesociologie de problemen, die vrouwen ontmoeten wanneer ze als symbool van de demokratiese intenties van mannen tot een gezagspositie toegelaten worden, wel geïnventariseerd heeft, is het is nog niet gelukt om de inzichten in de struktuur van mannengroepen en van de middelen die hun leden gebruiken om vrouwen te overheersen, te kombineren met de begrippen die de organisatiesociologie hanteert. Om die verbinding te kunnen leggen moet eerst het sekseneutrale karakter van de organisatiesociologiese begrippen worden gekritiseerd; alleen dan is het mogelijk om de sekseneutrale termen van de universalistiese sociologie te vertalen in de seksebepaalde termen waarin de ervaringen van vrouwen tot begrip worden gebracht. Met andere woorden: het is nodig om de sociologie van 'de organisatie' of 'de burokratie' te verbinden met een historiese wereld van vrouwen en mannen.
De manier waarop de scheiding van de openbare en de privé-sfeer is vormgegeven in de moderne sociale wetenschappen is bepaald door de beroemde Duitse socioloog Max Weber. Hoewel Weber geloofde in 'de irrationaliteit van de geschiedenis' en in een tegenstelling tussen 'feiten' en 'waarden', tussen 'rede' en 'emoties', was hij er tevens van overtuigd dat er een metode kon worden ontworpen waardoor een 'objektieve' wetenschappelijke procedure tot stand gebracht kon worden. In deze metode moet de rationele berekening van de 'kansen' dat specifieke individuele handelingen plaats zullen vinden gekombineerd worden met een empaties begrip van irrationele individuele handelingsorientaties; rationele en irrationele handelingsorientaties worden beide waargenomen door ze te vergelijken met 'ideaal-typen', in logies opzicht konsistente concepten die door de wetenschapper zelf gekonstrueerd worden. Omdat een van de centrale objekten van Weber's historiese sociologie in zijn onvoltooide 'Wirtschaft und Gesellschaft' (1921) de moderne 'formeel-rationele burokratie' is en hij deze vorm van burokratie definieert als een institutie die het openbare van het private leven scheidt, volgt zijn metode de regels van zijn objekt. Volgens hem is 'burokratie' of 'formeel-rationele overheersing' specifiek voor de Westerse kultuur en leidt hij tot een onomkeerbaar proces van 'onttovering van de wereld'. Dat laatste betekent dat in de moderne samenleving 'waarden', 'emoties' en 'materiële rationaliteit' alleen waargenomen kunnen worden in uitzonderlijke omstandigheden; het gewone leven wordt bepaald door formele rationaliteit, die de geldigheid van 'waarden' en 'emoties' ontkracht.
In overeenstemming hiermee worden 'waarden', 'emoties' en 'materiële rationaliteit' in Weber's metode als 'irrationeel' bestempeld; ze kunnen alleen op een negatieve manier onderzocht worden, namelijk door ze te vergelijken met ideaaltypen van 'formeel rationele' vormen van handelen. Weber konseptualiseerde daarom alle seksebepaalde verhoudingen - verhoudingen tussen historiese vrouwen en mannen - op een irrationele manier: door zijn 'wet van de onbedoelde gevolgen' toe te passen, of door een 'paradox' of een 'vloeiende overgang tussen tegengestelden' te formuleren, of desnoods door het gebruik van ironie. Door de in de moderne tijd tot stand gekomen scheiding tussen publiek en privé terug te

projekteren in de geschiedenis kon hij zijn norm van 'objektiviteit' in de wetenschap handhaven: de historiese verhoudingen tussen vrouwen en mannen worden door hem gekonseptualiseerd als beheerst door 'irrationele' vormen van overheersing.
Het doel van deze analyse blijkt niet alleen 'politiek' in de alledaagse betekenis te zijn, maar ook in de radikaal-feministiese betekenis van 'gebaseerd op private, mannelijke waarden'. In de visie die Weber zowel in zijn politieke als in zijn wetenschappelijke geschriften presenteerde, belemmerde de Duitse burokratie de expansie van het Duitse kapitalisme zodat Duitsland zijn imperialistiese strijd met Engeland dreigde te verliezen, waardoor de Duitse mannelijkheid bedreigd werd.

'Burokratie' of 'formeel-rationele overheersing' is een sekseloos begrip; in Weber's typologie is nergens gesteld dat iemand een 'man' in enige biologiese of sociale zin moet zijn om ambtenaar of manager te kunnen worden. In Weber's visie is de burokratie in West-Europa echter ontwikkeld uit een oudere vorm, die hij 'patrimoniale burokratie' noemt; deze 'patrimoniale burokratie' werd gevormd door de administratieve staf van het 'patrimonialisme', dat alle grote rijken vanaf het begin van de geschiedenis heeft beheerst. Weber definieerde 'patrimonialisme' als een vorm van 'patriarchaat'; 'patriarchaat' is volgens hem een sexebepaalde en irrationele vorm van overheersing. De vraag hoe deze vorm van mannelijke overheersing zich ontwikkelde tot een formeel sekseneutrale burokratie, gebaseerd op universalistiese mensenrechten en gelijkheid voor de wet, alsmede de vraag waarom deze ontwikkeling alleen op het kontinent van West-Europa plaatsvond, kon Weber niet beantwoorden, omdat zijn begrip 'burokratie' niet verbonden is met dat van 'patrimonialisme'.
In een patriarchaat bestaan niet alleen juridiese verschillen tussen vrouwen en mannen, maar ook tussen 'echte', sociale, vrije mannen en andere menselijke wezens die, samen met vee en werktuigen, eigendom van de patriarch zijn - de 'familia', zoals de Romeinen het geheel van deze bezittingen noemden. Hoewel Weber het patriarchaat analyseert, neutraliseert hij het begrip door het te identificeren met de macht van 'de traditie', waardoor hij alle vormen van sociale relaties verdonkeremaant waarin de 'verwantschapstraditie' - waarvan hij het historisch belang wel degelijk inziet, aangezien hij de breuk met deze traditie als de belangrijkste oorzaak ziet van het verschil tussen de ontwikkelingen in 'het Westen' en de rest van de wereld - vrouwen vrijheid en gezag toekent.
Weber konseptualiseert het seksebepaalde karakter van 'het patriarchaat' bovendien op een dubbelzinnige manier: aan de ene kant konstrueert hij een 'patriarchale overheersing van de huishouding', die volgens hem gebaseerd is op 'mannelijke superioriteit', terwijl hij aan de andere kant een 'patriarchaat in techniese zin' postuleert dat volgens hem gebaseerd is op de toeëigening van land en mensen door een 'kaste van veroveraars'. Het laatste begrip verwijst naar Weber's andere begrip van irrationele overheersing, dat van 'charisma', de macht van de uitzonderlijkheid, of, histories gezien, van het bezit van magiese vermogens. Want hij karakteriseert deze veroveraarskasten als 'ritueel gesloten standen'; en 'standen' zijn gedefinieerd als ontwikkeld uit militaire broederschappen die zich het 'charisma' hebben toegeëigend en het, door het te roetiniseren', in het omgekeerde hebben veranderd: in een bewijs van 'echte mannelijkheid' door opleiding, examens en/of rijkdom. Het 'charisma' staat volgens Weber vijandig tegenover alle roetinematige aktiviteit, speciaal op ekonomies gebied, dus de toegeëigende mensen, de niet-mannen, moeten het werk doen.

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Wanneer patriarchen hun overheersing willen uitbreiden kunnen zij de (onvrije) mannen uit hun 'familia' ook tot hoofd van een huishouding maken; deze 'kwasi-patriarchen', zoals ze genoemd zouden kunnen worden, bevinden zich in een dubbelzinnige positie: ze zijn 'mannen' ten opzichte van hun onderhorigen, op wier werk ze toezicht houden, maar 'kinderen' ten opzichte van de patrimoniale heer. De uitbreiding van deze vorm van patriarchale overheersing tot formeel vrije mannen is wat Weber 'politiek patrimonialisme' noemt; de vrije mannen 'affiliëren' zich met zo'n patrimoniale heer als hun eigen militaire groepen niet machtig genoeg zijn om hun eigen patriarchale overheersing te ondersteunen en te legitimeren.

Op deze manier ontstonden over de hele wereld patriarchale hiërarchieën. De rijkste en succesvolste rijken werden bestuurd door patrimoniale burokratieën waarin de ambtenaren formeel onvrije mannen waren, onderhorigen van de patrimoniale vorst.

De afwijkende ontwikkelingen in Europa werden veroorzaakt door het ontstaan van twee soorten sociale formaties van vrije mannen: die van de feodale ridders en die van de gewapende groepen handelaren die de middeleeuwse Europese steden stichtten. Beide ontwikkelden zich uit zwervende charismatiese groepen die met hun geboorteplaats, hun verwanten en hun tradities braken en nieuwe broederschappen vormden met vreemde mannen.

De feodale ridders waren aan de patrimoniale heerser gebonden door een kontrakt, dat hen verplichtte tot het uitvoeren van militaire en administratieve diensten, in ruil voor een 'leen', patrimoniaal land voor henzelf; dit verbroederingskontrakt impliceerde een kode die militaire eer kombineerde met persoonlijke trouw. Vrije mannen waren ook toegetreden tot de patrimoniale administratie, hoewel ze hun formele vrijheid moesten opgeven als ze dat deden; hierdoor werden de diensten van de ambtenaren beperkt tot eervolle diensten en werd de positie van de 'ministerialen' eervol, terwijl het echte werk gedaan werd door betaalde krachten. Ambtenaren en ridders vormden daarom één stand van patriarchen, die loyaal waren aan de vorst en tegelijk voor hun eigen eer vochten.

De belangrijkste aktiviteiten van de gewapende broederschappen die de middeleeuwse steden stichtten waren meer ekonomies dan militair van aard; maar hun wapens stelden hen in staat om een 'illegitieme', revolutionaire heerschappij te vestigen, die eeuwenlang een bedreiging vormde voor alle patrimoniale vorsten. Marktverhoudingen veroorzaakten echter een individualiseringsproces binnen de grote handelshuishoudingen, waarin zonen individuele rechten verwierven en het kantoor van de huishouding gescheiden werd. Hoewel Weber dit niet vermeldt, betrof dit individualiseringsproces echter ook de vrouwen van de handelaars; dit betekende dat de patriarchale rechten van de burgers werden bedreigd, zodat zij ondersteuning zochten door zich te affiliëren met patrimoniale heren. Zo keerden zij op den duur terug tot de patrimoniale kudde en schiepen een basis voor de rijkdom van de vorsten, die op hun beurt het rationele recht en de rationele administratie, die in de steden waren ontwikkeld, kopiëerden.

Volgens mij was de positie van de rijke burger dubbelzinnig: hij kon alleen als een vrij man - een ridder - leven wanneer hij rentenier was; werk zou zijn status bedreigen. Weber's beroemde 'puriteinse etiek' kan daarom worden begrepen als een poging om charismatiese - in dit geval ascetiese - elementen toe te voegen aan de levensstijl van de ondernemers en om door een roetinisering van Calvijns predestinatieleer ekonomies sukses een bewijs van uitverkorenheid te maken.

Op deze manier werden typies Westerse statusgroepen gekreëerd. De leden daarvan begonnen alle seksebepaalde verhoudingen, inklusief hun eigen strijd om toegang tot het patriarchaat te verwerven (dus om lid te worden van een positieve stand en een vrouw voor zichzelf te krijgen) uit hun bewustzijn te verdringen en zich uitsluitend te oriënteren op het openbare leven: op de broederschappen die vrijheid en gelijkheid voor alle mannen beloofden.

Men zou verwachten dat Weber de transformatie van de patrimoniale burokratie in de moderne in verband zou brengen met de intrede van de specifiek West-Europese ridder- en burgerstanden in het administratieve apparaat. Hij is daartoe echter niet in staat, omdat hij 'logies konsistente' ideaaltypen wil konstrueren. Derhalve presenteert hij de elementen van de tegenstrijdige verhouding tussen 'patriarchaat' en 'broederschap', en van de daaruit voortvloeiende onpersoonlijkheid, de gehoorzaamheid aan regels inplaats van aan personen, slechts als afzonderlijke verschijnselen. Een verband tussen de ideaaltypen van ridder en burger vindt hij alleen in Engeland, waar volgens hem geen centrale burokratie ontstond: om die reden presenteert hij de aristokratiese-ondernemende-ambtelijke 'gentleman' als het enig mogelijke moderne mannelijkheidsideaal. Hij kontrasteert dit ideaal met het ideaal-type van 'de Duitser', die hij voorstelt als een typiese 'onderdaan', als een eerloos, onvrij, onmannelijk slachtoffer van patrimoniale overheersing, als iemand voor wie 'rationaliteit' alleen rigiditeit betekent en die in een 'ijzeren kooi van horigheid' leeft. Op deze manier konstrueert hij een direkte ontwikkeling van de patrimoniale burokratieën van de oude geschiedenis tot de vroeg-moderne patrimoniale burokratieëen van de absolute vorsten van de 18e eeuw, een ontwikkeling waarin niet alleen de positie van vrouwen, maar ook de vestiging van de 'mannelijkheid' van de leden van de betere standen uit het gezicht raakt.

Als men echter Webers sekseneutrale konseptualisering van legitimering van overheersing door 'deskundigheid' en 'kompetentie' vertaalt in zijn eigen seksebepaalde termen van 'patriarchaat' en 'geroetiniseerde charismatiese broederschap', wordt de identiteit tussen de oude en de moderne ambtenaren verbroken. Dan wordt het duidelijk dat de burokratiese 'deskundigen' slechts in beperkte mate met de ridders van vroeger te vergelijken zijn. Hoewel zij zijn opgeleid en geëexamineerd om hun plaats in te nemen in de broederschappen van 'echte mannen' die hun officiële positie gebruiken om hun eigen belangen te behartigen, missen zij de ridderlijke zelfstandigheid: de moderne deskundigheidsridders hebben geen eigen middelen om een patriarchale overheersing over non-persons in hun eentje te handhaven; hun mannelijkheid wordt wel formeel bewezen door het lidmaatschap van de broederschap, maar materieel door niets ondersteund. Zij moeten zich dus identificeren met machtiger patriarchen, die hen tot gehoorzaamheid dwingen en zo hun mannelijkheid bedreigen. Moderne mannen komen dus in een onoplosbare tegenstrijdigheid terecht. Het gevolg van die tegenstrijdigheid is de 'onpersoonlijkheid', het verdwijnen van alle seksespecifieke elementen uit het bewustzijn van de onderlinge verhoudingen in het algemeen en uit de legitimitering van de overheersing in het bijzonder. Daardoor kunnen de moderne burokraten hun eigen eer redden: ze gehoorzamen niet aan hun superieuren, maar aan regels. Dezelfde formeel-rationele onpersoonlijkheid tast echter ook de gronden van de patriarchale heerschappij aan, omdat de vrijheid en gelijkheid waarop de ambtelijke broederschappen gebaseerd zijn ook aan vrouwen, kinderen en andere non-persons toekomt.

Anneke van Baalen, HIDDEN MASCULINITY, Max Weber's historical sociology of bureaucracy. Amsterdam 1994. SAMENVATTING

Met andere woorden: de moderne scheiding tussen publiek en privé is het gevolg van de legaal-rationele overheersing. Gelijkheid en ongelijkheid kunnen naast elkaar bestaan doordat er verhoudingen gegroeid zijn waaruit alle sekse-gedefinieerde aspekten verdrongen zijn.

Zodra echter vrouwen en andere non-persons op grond van hun burgerrechten toegang tot gezagsposities claimen, dreigt de scheiding tussen publiek en privé doorbroken te worden: de verdrongen seksespecifieke elementen komen tot bewustijn; de mannelijkheid van de 'deskundigen' wordt bedreigd. Alleen als zij er in slagen vrouwen en andere niet-mannen hun burgerrechten te ontzeggen en alle gezagsposities in burokratieën voor mannen te reserveren, kunnen ze blijven volhouden dat het feit dat iemand zo'n positie bekleedt zijn mannelijkheid bewijst.

Webers 'waardevrije sociale wetenschap', zijn 'heroies pessimisme', zijn hartstochtelijke pleidooien voor het charisma in de politiek en tegen de 'kastrerende' effekten van burokratiese partijsystemen, kunnen geïnterpreteerd worden als strijd voor het behoud van de mannelijkheid, die hij wilde voeren door aristokratiese superioriteit met een puriteinse 'ascese in de wereld' te kombineren. Vanuit zo'n standpunt kan het streven van vrouwen naar eer, rijkdom en prestige alleen op een negatieve manier begrepen worden; om Webers scheiding tussen publieke en private sfeer te overstijgen moet zijn ironies gebruik van de paradox, die dient als een kontrapunt van zijn rationele konstruktie van de 'adekwate veroorzaking', vertaald worden in rationele sociale teorie. Dan blijkt Webers 'ijzeren kooi' een fort te zijn dat door middenklasse-broederschappen gebouwd is om de patriarchale belangen van hun leden te verdedigen. Als de universalistiese identiteit tussen 'man' en 'mens' verbroken is, kan uit Webers eigen analyse worden afgeleid dat ook 'niet-mannen' hun individueel charisma kunnen bewijzen. Vrouwen en andere non-persons kunnen, wanneer ze door de instabiliteit van 'uitzonderlijkheid' met patriarchale toeëigening bedreigd worden, hun eigen charismatiese groepen vormen om hun positie en de bijbehorende eer en prestige te verdedigen.

Omdat, zoals dit boek laat zien, het doorbreken van de scheiding tussen openbaar en privé, tussen mannelijk en vrouwelijk, binnen de bestaande termen slechts marginaal mogelijk is, zal het alleen in een volgende feministiese beweging - een openbaar en toegankelijk netwerk van groepen die de mannelijkheidsmonopolies bestrijden - weer mogelijk zijn een voorstelling te maken van sociale verhoudingen die niet op deze tegenstellingen gebaseerd zijn.

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