

Editorial

by

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Culture, Law and Capitalism'

Max Weber can be considered an early proponent of the 'great divergence' thesis. As outlined by Pomeranz and other scholars, China should have been first through the gate to what we now choose to call capitalist modernity. In all comparative studies, which seek to explain causally different outcomes, the identification of the factors in play in the initial phases is a critical part of the analysis. In the position argued for by Kenneth Pomeranz (as outlined in this issue by Vittorio Cotesta) Europe and China had an economic equivalence up until the 18th century and thereafter diverged due to the availability of coal and key imports to Europe from the Americas. Likewise Weber's extensive writings on China admit that over long periods of its history China possessed a unified core state with an effective administrative officialdom able to control political relations with its major provinces and more or less successfully maintain its frontiers. Towns, trade and currency were prevalent, elites could read and paper was the medium of communication. Taxes were collected, and populations registered. Technology, prior to Europe's scientific revolution, was more advanced in China.

In Weber's definition of capitalism, as a universal phenomenon, both China and the Occident had parts of their economies run on the basis that merchants and entrepreneurs sought to make a profit from an initial outlay of wealth, and they did this by whatever means: trading, tax farming, manufacture, loaning money, shipping and transport, and political capitalism. What, then, propelled the capitalism at the Western end of Eurasia into the peculiar form that replicated and expanded itself through a continuous obsession with the conditions of its own profitability?

One part of Weber's answer is that Confucianism and Puritanism marked the point of critical difference. Confucianism was harmonious, adapted to the world, complacent in its own standards of excellence, honed to the maintenance of the longest enduring state system in human history, and not in the least interested in a metaphysics of a transcendental god. The rationalization of profit in the Occident, argued Weber, was imbued with the spirit of Puritan scrutiny where performance of self was driven by the fear of a hidden god. The two ethical systems could not be further apart.

At this point both Chinese and Western scholars have cried foul. Thomas Metzger in his 1977 book *Escape from the Predicament. Neo-Confucianism and China's Evolving Political Culture* raised a series of objections. There did exist a moral tension with the world in Confucianism and Weber's views were 'not reconcilable with the view of leading Chinese scholars who have argued that a morally assertive "spirit" was basic to Chinese history' (p. 4). Weber's position relied too heavily on insufficient sources and his views no longer fitted the modern scholarship on Confucianism. Eisenstadt deepened Weber's position when arguing that Confucian ideology was 'stagnative' and 'non-transformative'. Chinese intellectuals found it particularly objectionable that Weber, and Eisenstadt, argued that a complaisant Confucianism meant it was unable to challenge political authority, an image of dependency strengthened by widely held attitudes of filial obedience. The Chinese humanist T'ang Chün argued instead that filial piety was a 'vital expression of the individual's moral empathies, indispensable to the process of "completing oneself"' (quoted Metzger, p. 38). Confucianism conferred moral goodness and capability upon the individual person who alone (as opposed to powers invested in a Judaeo-Christian god) is empowered to challenge bad desires (*yü*). In his discussion of T'ang Chün Metzger brings out a fundamental difference between Weber's view of the individual person and the Confucian one. Weber opined that Confucianism did not allow 'inward aspiration toward a "unified personality", a striving which we associate with the idea of personality' (quoted by Metzger, p. 45). This is based on a misunderstanding of the nature of Confucian self-assertion which works through the approbation of others. Self assertion operated through interdependence. In the political domain – no place for naïves whether Eastern or Western – Machiavellianism was demanded, but of a sort in line with prevailing modes of behaviour. As Metzger puts it: 'Scheming to advance his own interests in terms of an ethical code

that emphasized the receiving of benefits from others rather than the direct pursuit of self-interest, a person was likely to use subtle cues and indirect methods to elicit behavior favorable to him while still appearing to conform to the ethics of interdependence' (p. 44). Mistaking this behaviour for the 'unlimited authority' of the powerful, is a misreading. In fact, as Adair-Totefff shows in his article in issue 14.1 of *Max Weber Studies* ('Max Weber on Confucianism versus Protestantism'), Weber's listing of the negatives of Confucianism –if we take Puritanism as positive – is even more extensive.

Metzger's critique of Weber (p. 238, note 4) – 'a caricature of Confucian thought' – is that of an intellectual historian and he is able to bring to bear further distinctions glossed over by Weber's incomplete knowledge: the distinction between Han Confucianism and later codifications of neo-Confucianism and their part in officialdom, and whether the latter incorporated buddhistic elements such as *tao* and possessed its own moral ontology. Weber was not an intellectual historian even though he was a very insightful reader of ethical texts. The question for both Weber's interpretations as well as intellectual historians is to what extent these written sources were grounded in the main classes and groups whose collective behaviour patterned the course of history. This was a topic that Weber addressed extensively in his 'Introduction' to the Economic Ethics of World Religions, which unfortunately has tended to be ignored by Weber's critics. For example the enduring features of familism and economism so lucidly described by Fei Xiaotong's *From the Soil* – to what extent was this everyday life informed by Confucian type doctrines and/or by popular religion and magic?

Metzger does make the insightful comment, especially so in 1977, that in the face of Chinese recent economic success we need to look to current economic and institutional factors rather than dwelling on an 'analytical framework developed to deal with her failures' (p. 197). While Weber was happy to concede in 1911 that Shanghai was leading the way to modern capitalism, his academic reference was to traditional China, not the China of the twentieth century. This points to a bifurcation in how China is analysed according to a Weberian perspective. The factors that held China back in the 20th century just as much as those that accelerated China forwards after Mao were beyond Weber's ken. Martin Jacques in *When China Rules the World* does not need Weber to account for the entry of half a billion labour force into the world economy, the rise in production and a gross domestic product that will outstrip the USA as the leading economy in the 2020s, the

largest holder of foreign reserves, and the challenge to the US dollar as the leading reserve currency. When Weber did analyse 20th century capitalism his views were split between his admiration for American dynamism and a *Kulturkritik* of Western routinization and disenchantment – but also the assumption that modern capitalism is dependent on a number of rationality criteria.

Many of the papers and contributions to the ‘Max Weber and China: Culture, Law and Capitalism’ conference, held at SOAS in September 2013, testify to this bifurcation. The range of comparisons then opens up to not just the antecedents of modernity but the specific modalities of law, religion, politics, bureaucracy and wider comparisons between ancient China and ancient Rome, which have been profitably pursued by Walter Scheidel and others in *Rome and China. Comparative Perspectives on Ancient World Empires* (2009).

Martin Albrow and Zhang Xiaoying’s article (‘Weber and the Concept of Adaptation: the Case of Confucian Ethics’ in 14.2) demonstrates the extent of Weber’s writings on China, indeed his continuing and deep fascination with all aspects of Chinese history and society. Confucianism was a form of adaptation to society as it was, which he compared to the inflexible religious rationality of Puritanism. In the light of Weber’s 1895 Freiburg inaugural lecture it may be thought that Weber was using adaptation in a social-Darwinian sense. But in the context of religious ethics adaptation has overlaps with religious probabilism – the ability of religions to pragmatically adjust their teachings to social and political context, with Weber noting the Jesuits as such an example, especially the Jesuit missions in China. As Weber noted in his comparison of religious ethics of the world religions, ‘Every religion which opposes the world with rational, ethical imperatives finds itself at some point in a state of tension with the irrationalities of the world.’ Different religions pose different ethical demands and, irrespective of the rational capitalistic ethic, Confucianism in its variants, stands as a civilizational choice. How we evaluate those choices, and estimate the adherence by populations to the chosen ethical standards, becomes something of a sociology of ethics in the later Weber. It also draws in an intra-East Eurasian comparison of religions, especially the Indian sub-continent.

Albrow and Zhang demonstrate that both Western and Eastern commentators have some way to go before the full depth and direction of Weber’s writings are properly grasped and taken up. Don Zang (‘The West in the East: Max Weber’s Nightmare in “Post-modern”

China' in issue 14.1) notes some of the twists and turns in the Chinese reception of Weber's writings. In the 1980s there was a 'Weber fever' as Chinese intellectuals discovered the writings of Max Weber as well as other prominent western names like Durkheim, Freud and Keynes. The study of comparative of law was to the fore, going so far as to ask the very Weberian question of how law is embedded in the totality of society. After 1992 and the repression of new democratic movements, with capitalistic growth prioritised over the reform of the political system, Weber was re-read as an orientalist in the Edward Said manner. At the SOAS conference Professor Su Guoxun's paper was read out - unfortunately he was unable to attend because of illness. Su heavily critiqued Weber's reductionist account of Confucianism and argued that it is impossible for Westerners to understand certain aspects of Chinese culture. This position was not favourably received by the audience, and of course it contradicts the Neo-Kantian 'transcendental presupposition', which adapting Simmel's phrase on Caesar, 'one does not have to be Qin Shi Huang to understand his actions'. Zang likens this re-reading of Weber in a new nationalistic direction as postmodern.

Wolfgang Schluchter has worked long and hard to enable a proper understanding and approach to Weber's writings by Westerners themselves - and of course all others. There is a considerable history of interpreting the Protestant ethic thesis as an idealistic account for the rise of capitalism. The *Protestant Ethic and the Spirit of Capitalism* it has to be remembered was an essay that, as Schluchter points out (in 14.1 "'How Ideas become Effective in History". Max Weber on Confucianism and Beyond'), offers a one-sided analysis of the spiritual component with Weber indicating in the text that he will return to the other side of the analysis, i.e., the specific institutional factors and class constellations. When in 1913-15 Weber comes to write the Introduction ('Einleitung') to his study on world religions, he speaks of both ideal and material interests. Again, the comparative range has broadened out to include Confucianism and Taoism, Western monasticism (planned but not written), Hinduism and Buddhism, and what might be grouped as the Semitic religions. Confucianism remains important for Weber for pointing up the distinctive role of Puritanism in the West, but it should not be taken as a fully-fledged account of Imperial China. Weber admitted his insecurity by having to rely on limited secondary sources. It is a mistake, therefore, to apply Weber's analysis to the current situation in China, what Schluchter terms the 'fallacy of misplaced application'.

Rationalization becomes a major and much-used concept at the point when Weber is writing and drafting the *Economic Ethics of World Religions* and 'Economy and Society'. There is much to be said on the subject. Schluchter offers a classification of cultural religions, each marked by the degree of rationalism in their religious creeds. Stephen Kalberg works at a civilizational level, pairing dynamic autonomy (*Eigengesetzlichkeit*) with rationalization ('Max Weber's *Sociology of Civilizations: The Five Major Themes*' in 14.2). This gives a precise definition of the nature of the impact of ideas in history. Ideas have their own logic of development and they are mediated by material and political interests. Kalberg summarizes his approach: 'On the basis of comparative procedures, a multicausal framework, and an orientation to subjective meanings, E&S and EEWR seek to investigate an even larger theme: how civilizations in general congeal, establish patterned and meaningful actions among groups of people, and then unfold in specific directions along tracks.' For example there is Confucian rationalism but how does this interact at historical points with the structures of the clan and the sib group? And when one drills down into historical contexts, as in Tsai's article ('The Legal Ethos of Late Imperial China: Two Neglected and Rival legal Specialists' in issue 14.1), we find a legal expert stratum, with their own practical rationalism, mediating between the Confucian oriented officials at the political centre and local structures.

Vittorio Cotesta ('Three Critics of Weber's Thesis of the Uniqueness of the West: Jack Goody, Kenneth Pomeranz, and S.N. Eisenstadt. Strengths and Weaknesses' in 14.2) offers a valuable assessment of differing approaches to the East-West Eurasia divides, presenting alternatives that compete with and critique Weber and offer a more substantive account than Edward Said's orientalism. Pomeranz's approach, already noted above, does not treat continents as separate. In the crucial respect of global flows, almost like ocean currents, South American silver flowed through Spain and the Mediterranean into China where it was received as a luxury item in return for Europe-bound silks, cotton, ceramics, tea and spices. It was a polycentric world without a dominant centre. Jack Goody offers another de-centring account of European advance, arguing that innovations and developments move from East to West; hence the title of his book *The East in the West* – and so, Don Zang's ironic reprise of the title in his article 'The West in the East'. For Goody distinctive European features are to be found in other civilizations. The factory, the market economy, family structure and romantic love all existed in China, Islam,

and India. Goody then goes on to argue that the correct approach is to look for similarities and convergences across Eurasian civilizations. That noted, Cotesta points out that a major divergence, established by Weber remains. But divergence is not to be dated to the Industrial Revolution but to the 16th century C.E. and the Protestant Reformation, which takes a pre-existent European capitalism (in the Italian city states) in a new direction. In this way Weber gives us the ideal type of modern society, which if we follow Goody, Pomeranz and Eisenstadt, allows us to re-formulate the family of modern societies.

Weber has produced the sharpest model of modernity to date, but *pace* the divergences (whenever dated) there is over the long *durée* a multi-directionality, both East to West, or West to East. Modern capitalism was certainly delayed in South East Asia, but it did not develop *ex nihilo*. The briefest glimpse of how European trading companies, as early as the 16th century CE, degraded the material and political life of the countries in which they traded shows that. Weber should be regarded as a critical theorist of modernity, and he was quite clear in his own lifetime that industrial capitalism had to be subject to reform. Weber spelt out the rationality criteria of capitalistic enterprise in his 1919/20 lecture course on general economic history: appropriation of the physical means of production by the entrepreneur, freedom of the market, rational technology, rational law, free labour and the commercialization of the economy. He also added to this list the irrational power of speculation based on freely negotiable paper, a tendency that left unchecked leads to great speculative crises, as both S.E. Asia experienced in 1997 and Western countries from 2007/8 onwards. Schluchter ends his article by recalling the civilizing power of Confucian learning, mutuality in social relations and the ideal of order and harmony. Though destroyed by Maoist ideology in the decade of 'cultural revolution' Confucianism could be reanimated, a lesson not only to emerging countries but to the 'Abendland' itself.

Dr Ernest Caldwell (SOAS)

Dr Xiangqun Chang (SOAS and Editor of *Journal of China in Comparative Perspective*)

Dr Athena Leoussi (University of Reading)

Dr Sam Whimster (Emeritus Professor, London Metropolitan University)

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This issue also carries an article by Christopher Adair-Toteff on why Weber so disliked the work of Rudolf Stammler, on whom he lavished closely detailed and vehement critiques. The answer is mostly methodological, about which Weber had strong views – a subject *Max Weber Studies* will be covering in later issues.

Guenther Roth's article needs to be read by every young researcher who has the ambition to place Weber in the context of his times. Roth indicates the intellectual serendipity of archive research – 'informed research and unexpected findings'. There is an abiding fascination with Max Weber the man, hence the genre of literature on 'Werk und Person'. The context is rich as it gets, a world of high bourgeois cosmopolitanism, where the Weber family were part of a network stretching over generations and several countries. Both public and private archives reveal a world of 'cosmopolitanism and nationalism, world economy and national economy, German-Jewish assimilation and antisemitism, peaceful and militarily enforced national unification', all interwoven in complex ways. Roth charts his own 'Laufbahn' in Weber research: an early interest in sociological theory and development, to historical sociology and typologies, to family milieu. It was Guenther Roth who first put Marianne Weber under the spotlight, the biographer made herself a biographical subject. The holdings of the Bavarian State Library of the letters of the extended Weber family are vast, and Roth mined them, organised them and told the extraordinary story of the Weber 'Ahnen' in his *Familiengeschichte 1800–1950*. One of these ancestors Cornelio Souchay married a freed Haitian slave and owned a coffee plantation, Angerona. This story, already celebrated by artists in Cuba, took Roth to the archives in Havana.

The final block of Roth's milieu research, following a telephone call to a grandson of Else and Edgar Jaffé, Christopher Jeffrey in Baltimore, led to the unearthing of 1500 letters stored in an attic. These stretched from the early life of Edgar Jaffé (before he bought in 1903 the *Archiv für Sozialwissenschaft und Sozialpolitik*), his engagement to Else von Richthofen, the charting of the 'catastrophe of German-Jewish integration' and the emigration to America of two of the Jaffé children. The letters are now available on line at the Leo Baeck Institute. Finally, it has to be mentioned that Roth's extensive archival travels took in the letters of Friedrich Kapp, a survivor of the 1848 revolutions, emigrant, and US railway pioneer and father of the notorious Wolfgang Kapp, a returning nationalist and putschist. And the bridal letters of Kurt Riezler from 1914, when he was a

confidant of the Chancellor Bethmann-Hollweg in the countdown to World War One. In an age of digitization, Roth invites us into the archive – ‘nothing can substitute for the pleasure of handling old letters and documents’.