

Editorial

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In Chapter One of *Economy and Society* Weber gave a belated apology to Rudolf Stammler, who had mishandled the concept of 'order' in his 'brilliant book'. Such was Weber's annoyance with Stammler's confusion that 'unfortunately' he was 'somewhat too acrimonious in tone' in his long review of the book. Nevertheless: 'Stammler fails to distinguish the normative meaning of "validity" from the empirical'. That law is assumed by its citizens to have normative validity in most advanced societies is a reasonable common starting point, except that Weber's own starting point is a basic theory of social action, where all actions are resolvable in terms of meaning broken down again into basic categories. Only gradually does Weber build up from action, through usage and custom, to legitimate order. The reader is then referred onwards to the Sociology of Law and the Sociology of Domination respectively. Action types may be found common to both, but the legitimacy of law and that of domination and rulership are different though overlapping. And Weber's new science of sociology makes the establishment of empirical validity the priority.

When it comes to the modern era, and the modern state and modern contract law, the predominant social action type is purposive/instrumental action. And when it comes to juridical validity it conforms to the type of purposive rational action. What makes modern law valid is the formality with which it is made and given. Substantive goods like natural law, sacred law, or the dignity of labour strand the citizen or commercial user in a past era rendering solutions too complex. The legal philosopher Lon Fuller notes of natural law writers that they were content 'to lay down rules about what is right' without explaining 'how you got there'. The edifice of positive rationally-made law avoids this problem. But argues David Schneiderman in his article comparing Lon Fuller and Max Weber, the legitimacy of law involves, in part, a belief in the legitimacy of law. For Fuller the very system of law has to put forward in its formality characteristics of generality and predictability which, as criteria of excellence, amount to an 'infusion of internal morality'.

Weber comes in for considerable criticism for his 'normless legality' and insistence on impersonal formality. There has to be something in it for the ruled, 'a principle of justification that permits a normative orientation and corresponding motivation on the part of the ruled', as Schluchter among many argues. Schneiderman argues that Fuller's insistence on law's inner morality can be acceded to Weber, allowing to him 'some normativity lingering under the surface' of his account of law. Overall, Weber is preferred to Fuller who remains insensitive to the dimension of power and how 'it can render law partial', serving certain interests over others.

Andrew Cerfeda in an article on Weber's legitimate order theory points out that the concept of validity is both empirically defined in terms of effectiveness but also adherence to values to some extent. This is a semantic dualism with the value element able to offer a new conceptual solution and so a new basis of legitimacy capable of prestige by reflecting a belief in an exemplary or binding order. When moved into the orders of power and rulership, it throws up the enigma of legitimacy, he notes. Is legitimacy a justification of power manifested in the subject's compliance, or is prestige the element that explains the enigma. Cerfeda emphasizes that the legitimacy of rulership capable of claiming empirical validity demands something more atmospheric, so to speak, than the legitimacy of order. Just reading our newspapers suggests that new legitimacies of rule are indeed conceptually hatched and released into the world, *and* that the expedience of compliance is an insufficient basis for effectiveness. As David Schneiderman concludes, the means by which obedience is nourished in the modern era remains 'mostly undiscovered'.

Jiangnan Liu takes up the world of music where contents are to the fore in Weber's cultural sociology, one of the topics of the German Sociological Conference of 1912. In his unfinished study of music, Max Weber outlined the development of western harmony, notation and melody – the latter's long lines made possible by the harmonic chordal rationalization of Rameau – and what Brandon Konoval in his extensive study has called Weber's 'comparative intrigue'. For Liu, 'Weber's sociology of music illustrates how even seemingly intrinsic human realms, like music, are influenced by rationalism'. Ideal types, historical contexts and causal narratives are all on parade. In the Renaissance expressive needs are made possible through a recognizably modern tonality and harmony. This compares with China where Confucian ethics and the literati class upheld a stable order and social harmony, which is reflected in its music. This keeps to the pentatonic scale, lacking the half-steps in its scales that were developed in the modern Western tonality.

What is to be done with capitalism now that 'material goods have gained an increasing and finally an inexorable hold over the lives of men'? Walter Benjamin read these lines and set out to demonstrate that if modern capitalism is 'a formation conditioned by religion' then he will understand capitalism 'as a religion'. The starting point of Dr Lucía Pinto's discussion was the publication in 1985 of the previously unknown Benjamin text *Kapitalismus als Religion*, in which Benjamin explicitly quotes Weber. She writes, 'there is a common ground between Weber and Benjamin on politics since both contribute to the idea that the analysis of modern politics must consider the transformations in capitalism. For Weber, political action can provide meaning to the world, in a context of dispute and in a tragic plot of irreversible forces. For Benjamin, politics refers to the possibility of interrupting the course of history, characterised by the persistence of myth that must be overcome'. Christianity becomes the capitalism religion, not just its adjunct, and capitalism should be seen for what it is, a non-transcendent religion. Politics was the sphere of messianic intensity, capable of interrupting history with a claim to justice beyond law and normal politics, and in this Benjamin embraced the general strike.

Turning to the book reviews, Gangolf Hübinger reviews *American Matrix* by the onetime East German historian Karl Schlögel whose first trip to the USA in 1968 took him to the centres of the Black Panther Party. American history is read as a transformation of continental space as in the layouts of cities and the maps of landscape. Taking an aerial view there is a connection between measurement of the world and the violence of land theft, ethnic cleansing and internal colonization. A Roman history revisited, so to speak. Just as Weber did when comparing Russia and America, Schlögel writes: 'Only those who have observed with their own eyes and over a long period of time the impotence of the Tsarist Empire and the Soviet Union to penetrate and dominate the "Russian space" can appreciate what the penetration and mastery of such a large space as the United States signifies'.

The selected essays of Guenther Roth, edited by Steffen Sigmund with an introduction by Hubert Treiber, offered a different American experience for Roth as a 22 year old German student. The intellectual lineages and trajectories that are emitted by German scholarship present Roth with something of a lifetime's intellectual reproach of his native land, and an abiding concern in how to place Max Weber's sociology in the New World.

Alexandre de Ávila Gomide, an educator at Brazil's National School of Public Administration raises the issue as to whether Max Weber is to be taken as a man of ideas and methodologies or whether his influence

is more practical. In the United States practical analysis, especially in public administration wins out, in South America it is perhaps his ideas. Rainer Kattel, Wolfgang Drechsler, and Erkki Karo in their *How to Make an Entrepreneurial State: Why Innovation Needs Bureaucracy* adopt a Schumpeterian view of innovation and underscore the delicate balance between stability and agility now demanded of bureaucracies in their support for private sector innovators, in addressing societal challenges, and as transformers of national development. Two ideal-typical categories emerge: agile and dynamic 'charismatic networks' that provide agility and dynamism, and 'expert organizations' that confer stability and predictability. 'Agile stability' is unattainable through New Public Management which is critiqued for placing agility at the expense of stability and the disregard of long-term goals. The NPM's emphasis on privatization and contracting out is criticized for eroding core public sector capacities. Gomide cites a dissenting opinion in H. Byrkjeflot: 'it would be more in the spirit of Weber [if one were] focusing on organizing as an activity, bureaucracy as an ethos, and studying organizations within their particular political and cultural contexts'. Does this mean, recalling Benjamin, that all interventions are political?