

## Editorial

Sam Whimster

Hans Henrik Bruun's forensic research on who decided the four dedications to the 1920-21 publications of *Wirtschaft und Gesellschaft* and the three volumes of the *Gesammelte Aufsätze zur Religionssoziologie* underline the point that late Weber writings, and in their final revisions, came months before his death in June 1920. The flow of writings in full spate suddenly ceased, leaving readers and editors to figure out on their own the confluences and divergences swirling in such a huge body of work.

Four books, then, each of them dedicated to one of the four women who were indisputably closest to Weber during his lifetime: his mother, Helene Weber; his wife, Marianne Weber; his first lover, Mina Tobler; and his second lover, Else Jaffé-Richthofen'. Bruun overturns the scholarly dissensus on how the dedicatees were chosen. One of Weber's last acts of revision, his voice husky with the congestion that was to kill him, was to tell Else Jaffé-Richthofen to instruct the publisher (Mohr/Siebeck) to change the dedication of *WuG* – 'the Sociology' – from Paul Siebeck to Helene Weber. At the same time Else was given instructions on the dedications to the three volumes of *GARS*. As we know, the first volume is dedicated to Marianne Weber and dated 7 June 1920, the date Else received the instruction. The last remaining pages of the corrected proofs were two versions on the ethics of marriage – the famous passage on the 'pianissimo of extreme old age' in the Intermediate Reflections. On 11 June, four days before his death, Weber tells Else to find the second version in his desk drawer and send it off to Paul Siebeck. Bruun explains the difference between them: 'Although they basically cover the same lines of thought, Version 1 deals directly and analytically with the place and status of erotic love, whereas, in Version 2, the focus is transferred from the erotic sphere to that of marital ethics, the analytical approach being progressively supplanted by what is in essence – and most unusually for a text like the "Intermediate Reflections" – a moral exhortation'.

High intensity lived experience triumphs over social science, as Bruun makes clear. In Weber's methodology ethics does not get a free pass into social science, yet ethics is an object of study by social science.

Jeff Jackson explores the ethics of self-driving cars: who is responsible for an accident caused by a vehicle pre-programmed by machine learning? Is it the programmer, the vehicle manufacturer, the driver, or, unable to decide, is the ethical issue to be simply reduced to a natural disaster like a storm? Jackson reminds us that replacing religion with science 'displays a fundamental misunderstanding of science to believe that science could serve as a source of value and as an ethical guide for individuals'. Quoting Weber: 'It can never be the task of an empirical science to provide binding norms and ideals from which directives for immediate practical activity can be derived'. Furthermore, wrote Weber, 'science gives us an answer to the question of what we must do if we wish to master life technically. It leaves quite aside, or assumes for its purposes, whether we should and do wish to master life technically and whether it ultimately makes sense to do so'. Jackson concludes: 'The assumption that such ethical dilemmas could be resolved algorithmically reflects the notion that scientists have unique expertise in moral matters and that science is an intrinsically moral force for producing a better world. Our engagement with Weber would certainly lead us to dispute any such thinking regarding the moral capacities of science'.

Yannis Ktenas sets out to establish how social theory treats something as polysemic in range as meaning (*Sinn*). The conceptual opposite of nature as meaningless, to paraphrase Weber, is not social life but what is meaningful – 'in other words', Weber continues, 'the "meaning" that can be ascribed to an event or an object [or] "found in it"'. Meaning can cover the whole span 'between the metaphysical "meaning" of the universe [as defined] by some [system of] religious dogmatics and the "meaning" that the barking of Robinson's dog "has" when a wolf approaches'. Ktenas divides up the possible approaches into, firstly, the actor-centre interpretation where the individual is vested with intention, motivation, and causal agency. Secondly an intersubjective path, established by Alfred Schutz where meaning is 'constituted as an intersubjective phenomenon' where 'the external world has meaning not only for you and me [...] but for everyone living in it'. Prompted by the sociology of religion where the meaning of life corresponds to certain metaphysical needs, the third route is the ideal types of social ideals, world-systems and world images. Ktenas's article has relevance to ethics, since each approach carries with it a corresponding set of ethical ideas.

Sandro Segre provides a *résumé* of the American historian Fritz Ringer's interpretations of Max Weber. Ringer's academic affiliation was the humanist discipline of history and not social science, and from this stance he triggered a methodological dispute on the issue of causation. Segre brings out the interesting fact that Ringer had a number of illuminating

conversations with that arch sociologist Pierre Bourdieu, in Paris in 1976–77. There is a parallelism between Bourdieu’s conceptualization of a differentiated social world into fields and habitus and Weber’s conceptualization of society into life orders and value spheres. Positionality in the world for Weber is defined by conflicts of interests and meanings. Bourdieu’s imperative as a sociologist was to seek out the objective grounds for individuals and groups’ position within a space of relations, thus showing ‘the real principles’ of behaviour. Bourdieu in a 1987 essay wrote that successful charismatic leaders have an inborn predisposition, or habitus, to give symbolic expression to ‘specifically religious interests of lay people occupying a determinate position in the social structure’. This today sounds like an open invitation to research President Trump’s hold over American evangelicals.

This line of thinking extends to political legitimacy, which Weber treats sociologically as an acceptance by subjects of the leader’s claim on power. For Bourdieu legitimacy is a prereflexive agreement rooted in objective and embodied structures. Bourdieu represents the innate sociological tendency to seek out the objectifying features of the social world and parlay them upwards to the world of law and rulership. The same tendency exists in the sociology of law. In a review essay Laura Ford illustrates this inclination in the work of the (Weberian) Michel Coutu and the (Durkheimian) Roger Cotterrell. ‘Both Coutu and Cotterrell’, she writes, ‘embrace a jurisprudence of legal pluralism, i.e., the empirical (and normative) proposition that the state is not the exclusive source of legal ordering and normativity; and both stress the valuable contributions from a sociologically-informed perspective on law in grappling with the ethical challenges of legal pluralism’.

‘For Coutu, a primary culprit preventing a proper recognition of legal pluralism is legal positivism’, writes Laura Ford in her review Michel Coutu’s *Max Weber’s Interpretive Sociology of Law*. In what is clearly a wide-ranging account of Max Weber’s work, Coutu seeks to penetrate legal positivism, which is so to speak protected by the citadel of the state. His ‘exposition of Weber’s interpretive and pluralistic alternative to legal positivism, explored through dialogue with selected juristic, sociological, and economic perspectives, provides a throughline for Coutu’s book and invites a renewed discussion about Weber’s relationship to legal positivism and sociological jurisprudence’. Coutu as professor of labour law at Montreal sees this body of law as comprising a labour constitution with its rightful place in state law. The field of labour law and its conflicts, as just one example, can claim the empirical validity of social facts. So sociological jurisprudence parlays its way into positive state law. In 1987 the Canadian Supreme Court chose not to treat labour law as a formalist

matter of contracts but to accept the empirical validity of trade union struggles in favour of collective bargaining.

We may also refer back to self-driving cars and Jeff Jackson's reporting of a fatal accident involving a self-driving car in California in 2020. The driver was charged with negligent homicide and pleaded guilty, which had the effect of removing other potential actors – human, corporate, and algorithmic – from responsibility, which would have been ascertained in a court of law. Self-driving cars are undoubtedly a social fact (in California) and would have to be interpreted as such by jurists.

Ford argues that Weber's own brand of positivism sits close to his ideal type of the formal rationality of law, and that sociological jurisprudence belongs to the substantive rationality of law. Critical judgement concerning Coutu's argumentation then turns on where Weber placed the emphasis within this typology. Lay readers are not helped in these matters in that positive (state) law comes in many versions; also, as Ford points out, Weber did not write on jurisprudence, though Coutu has astutely brought out this aspect in Weber's scattered references and his contemporary authors. Coutu asserts the 'persistency of value-rationality as a basis for law's legitimacy', and here ethical rationalization as developed in Weber's sociology of religion plays a significant part.

In a wider sense Weber fandom is split between those who root for substantive causes and those who admire the formal intellectualist side of Weber. The legal-rational legitimacy of the modern state is an elegant model but it enfolds within it some very substantive processes like free political representation and democratic institutions. Bureaucracy is formal but the Weber brothers hated its suppression of human freedom.

The absence of an ideal type of democratic legitimacy has always seemed a painful omission for the substantivists. The Italian scholar Antonio Scaglia establishes in his new book (*Max Weber. Der revolutionäre Wandel zur Moderne. Nichtlegitime Herrschaft und Demokratisches Charisma*) the linkage between the revolutionary act of the popolo in Italian medieval cities – termed non-legitimate rule by Weber in his manuscript, 'The City' – and a fourth type whose legitimacy is derived from the ruled and not from the ruler. This signals the start of modern democratic ideas whose sociological form is founded in the occidental city. Weber outlined this fourth type in a lecture – 'Probleme der Staatssoziologie' – given in Vienna in 1917. Its only textual reference is a fairly detailed press report. In her review, Edith Hanke as editor of the relevant volume of the MWG that carries this significant addition to Weber's political writings, welcomes Scaglia's contribution. But she also notes that the final version of *WuG* drops the terminology of democratic legitimacy for the 'anti-authoritarian reinterpretation of charismatic legitimacy'.

Did Weber, by 1919, resile from his type of democratic legitimacy and move to something derivative of charismatic rule? It is plain from the Vienna lecture (given to the Austrian Sociological Society) that he was addressing both the juristic side of the state as well as its sociological form considered historically. The debate remains open: does history and society provide empirical validity for new political forms of legitimacy and the attenuation of legal positivism?