

Editorial

Sam Whimster

Weber, as is commonly agreed and further confirmed in this issue of *Max Weber Studies*, had a truly enormous ability to analyse the directionality of societies, nations, empires, and peoples. In addition he possessed a manifold capacity to analyse the social bases of economies, the structure of rulership, the system of rules and laws, and the determination of religion, belief and ritual. Yet when we come to pinpoint a core theory of society, a sociology, or a defining theory of societal change, the centre of his intellectual enterprise is curiously devoid of substance. This paradox is amply demonstrated in this issue.

Andreas Anter in his *Die Macht der Ordnung* offers the persuasive argument that order and structure in society is achieved by the force of power. This is obviously the case when the structures of state, rulership and law are considered. Anter calls the state the site of 'the order of orders'. From the outline of *Economy and Society* Weber provided the title 'The economy and the orders and powers of society', but it takes a decisive interpretation, such as Anter's, to articulate this relation. Gianfranco Poggi, himself a highly astute social theorist, asks a number of questions in his review. Is the economy an order? In the Hayekian intellectual universe the economy is not an order but a self-organising entity. Anter is critical of this, noting how the state has recently abrogated legal and regulatory powers to the order of the market. But when Weber uses 'Ordnung' in the context of economic activity, its sense is not the imposition of order but rather the sense of a set of rules. Rainer Lepsius has argued in a very suggestive way that if we replace order with institution the issue of the polysemic nature of 'order' is resolved, for Weber gave 'institution' a too restricted technical usage and gave too much latitude to 'order'.

Hiroshi Orihara provides a close examination of one of the key texts in this respect, 'Some Categories of Interpretive Sociology'.

More broadly, surely sociology must lie at the core of the Weberian enterprise? Orihara's close textual analysis suggests that Weber's central concepts were always on a semantic march—were they a vanguard always trying to position the terrain before Weber's intellectual army arrived to do battle with some great civilisational problem, or were they an attempt to distil and codify the lessons of doing Weberian historical and social science? Orihara shows how Weber traces the move from non-order to order in social groups. Yet the textual nuancing Orihara reveals in Weber's central concepts suggest 'hard' definitions of sociology are not forthcoming.

Two publishing events must be noted. Max Weber Gesamtausgabe have published the first volume to appear of Section III, which deals with Weber's lectures. Rita Hübinger-Aldenhoff has triumphantly accomplished the Herculean scholarly task of re-assembling Weber's lecture notes on agrarian law, history and politics, a set of subjects to which he devoted much of his energy in the 1890s. The other event is the English translation of his Habilitationsschrift, *Roman Agrarian History*. At this period of his life we could pretend that Weber is a historian with policy pretensions. As Weber boldly announces in his introduction to his Roman book, he will proceed to interpret the known primary sources using the methodological insights gained from survey methods—something he had learned in Meitzen's Berlin seminars. This method is carried into and overlaps with the lectures on agrarian studies. The logic of his science is to address the significant questions while equipping oneself with a penetrating methodological expertise. Here the search for Weber's sociology reappears. It might have been easier to call his agrarian lectures agrarian sociology—why not have a term that encompasses law, history and policy of the subject? The sociological word that Weber deploys throughout these studies, however, is 'Verfassung'. This, like 'Ordnung', is another translator's headache. 'Verfassung', expansively translated, means the constitution and organisation of an (agrarian) order (for the provision of food) by means of law, custom, status, class and power. 'Verfassung' is conveniently translated by either of two sociological words which Weber himself avoided: 'organisation' or 'system'. An agrarian 'Verfassung' has very real consequences—the rise and fall of whole civilizations. These two publications show that Weber had his ear to the ground, so to speak, in an extraordinarily acute way.

Also concerning Weber's early period is Gerhard Dilcher's article on Weber's engagement with the historical law school, in particular

his doctoral dissertation on commercial law in medieval trading 'companies'. This has now just appeared in MWG (I/1) under the editorship of Dilcher and Susanne Lepsius (predated by its English translation by Lutz Kaelber). Weber's university training at this point of his life was law, and this gives us the topic of 'Weber the lawyer'. Dilcher shows that Weber was not captured by either the Romanist or Germanist school of law and how he created an independent field for himself separate from his supervisor (Levin Goldschmidt). In his book-length study *The City* he analysed the rise of the medieval city through the legal methodology acquired for his doctoral dissertation. The legal instruments with which commercial enterprises developed – and these were hybrid in respect to pure legal models – provides the historical access into the actual process of change. As Dilcher writes, 'In his dissertation he treats the development of commercial partnerships as a type of association in which capital and labour could be combined for the purpose of a making a profit in trade. For him, the carrier of this process is the medieval urban *Bürgertum*...'.

In Hubert Treiber's article on Weber's legal conceptualisation, the mindset of the lawyer goes very deep into the substantive 'sociology' of his mature period. The schematic elaborations of ideal types in law are the most complex to be found in Weber's writings. This complexity in part derived from his use of 'conceptual jurisprudence' which entered into his construction of ideal types. Treiber argues that Weber's deployment of formal ideal types against the substantively oriented School of Free Law was inappropriate. The various concepts of his legal ideal types could have situated the School of Free Law in a value-free way but instead treated leading figures like Ehrlich and Kantorowicz in a very critical manner.

Jeff Green reminds us that Weber's concepts are there to be used and adapted to analyse an ever-changing social reality. Commentators have been critical of Weber's concept of 'leader-democracy'. It is in fact a separate concept to that of charisma, but, with the malign experience of twentieth century dictators, leadership-democracy has become tainted with lawless authoritarianism and the organised adulation of the masses of the charismatic leader. It is limiting, argues Green, to treat popular power solely in terms of representation and political conducted conforming to legal rules. Other transmission and messages can flow each way when the plebiscitary leader is thought of as an object of the people's gaze. In an age of pervasive media of visuality, the leaders always have to conduct themselves, and subject

themselves, to the visual as well as aural scrutiny of the electorate. Leaders cannot succeed who do not pass the continuous test of the public gaze, which forces leaders to give more of themselves in terms of immediate responses (to new challenges and threats), their leadership abilities in the face of public struggle, and their candour. Prime Minister Blair affected candour, but because the public gaze is unrelenting the manipulation of public opinion by his office was in the end ineffective. His authority crashed, and this example would indicate the force of 'norms of popular empowerment'.