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## On the Critique of Ivan Szelenyi's Reception of Max Weber's Sociology of Rule – with an Excuse on Weber's Stay in Vienna

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**Abstract.** The article critically examines Ivan Szelenyi's reception of Max Weber's sociology of rule, which he did in his essay under the title «Weber's theory of domination and post-communist capitalism» in *Theory & Society* 2016, 45 (1): 1-24. The criticism exclusively concerns Ivan Szelenyi's rendering of Weber's sociology of rule, for example his comments on Weber's concepts of power and domination. I refer directly to passages in Szelenyi where he deviates incorrectly from Weber's sociology of rule (such as in his depiction of power and domination according to Weber). Even someone who is not familiar with Szelenyi's text will benefit from my criticism insofar as it presents a correct, comprehensive account of Weber's sociology of rule with its central concepts.

**Keywords.** Max Weber, Ivan Szelenyi Sociology of Rule.

### INTRODUCTION

There are countless examples of Weber's sociology of rule or Herrschaft, together with its corresponding terminology, being applied to phenomena of modernity. Of these, only a few need be mentioned here: Bach (1990), Breuer (1994), Breuer (2010), and Lepsius (1986), for example, but also Derlien (1994), who uses Weber to show that the bureaucracy described by Kafka satisfies the traditional characteristics of patrimonial bureaucracy, not least because a form of bureaucracy in which formal rationality becomes absolute is a return to the pre-rational paradigm (Breuer 1990: 20).

As such, it comes as little surprise that Iván Szelenyi also invokes the sociology of rule in his essay on “Weber's theory of rule and post-communist capitalism”, which was published in *Theory & Society* in 2016. But, however, appealing this kind of approach might seem, it is also confronted by a particular difficulty. On the one hand, Weber's terminology (precise, but also conceived, to a degree, as universal) suggests striking elective affinities and demonstrates how persuasively it can be applied to contemporary phenomena; on the other hand, notable present-day features, for which the term “benefice” (*Pfründe*), for example, suggests itself – or rather seems to suggest itself – are not at all co-terminous with the particular phenomena that interested Weber. The concept of “Pfründe” certainly provides a striking analytical insight into the *supply line* of loyal and orthodox functionaries in the

post-communist capitalist period in Russia, but Weber clearly furnished his concepts with very particular characteristics that tend to be overlooked in their contemporary usage. (For Weber, *Pfründen* (benefices) are not hereditary, in contrast to *Lehen* (*fiefs*), and can “only” be bestowed for life). In this context, my intention here is to draw attention these and other “inaccuracies” in the application of Weber’s sociology of rule. Szelenyi is also open to criticism in that he only uses Weber’s traditional rule and does not take into account the charismatic aspects of Putin’s rule such as are expounded by Lepsius (1986) when he deals with the model of charismatic leadership and its applicability to the rule of Hitler.

In this essay<sup>1</sup> I do not deal with Ivan Szelenyi’s analysis of various ways that communist regimes tried to legitimate themselves and how they entered eventually a legitimacy crisis, leading to the collapse of communism” (p. 1). Nor do I go into the various possibilities, such as “post-communist-capitalisms seek legitimacy (with various combinations of legal rational authority and patrimonialism” (p. 1). It should be remembered that Szelenyi’s essay was written before 2016. The analyses mentioned above relate to the regimes of the time in Hungary and Russia (since 2010). My criticism is directed exclusively at Szelenyi’s use of Weber’s sociology of rule. The “Introductory notes on Weber’s theory of power, domination and legitimacy” (p. 1) already give cause for this. His initial question is “whether post-communist capitalism, at least some version of it, can be regarded as legitimate authority” (p. 1). This is a legitimate question, which speaks for the fact that it was often asked and discussed (p. 2, fn. 1), even if, like Weber, it must be conceded that a rule that is not based exclusively on violence is to be regarded as legitimate if it is accepted by the ruled, i.e. they do not rebel against this rule. Szelenyi tries to answer the above question by trying to find out with Weber whether “communist and are post-communist regimes of Putin, Xi, or Orbán legitimate in terms of Weber’s theory (of legitimacy), and if they are, what are the bases of their claim of legitimacy? (p. 2). Szelenyi’s assertion that “whether rule means authority or domination is of some importance to understanding Weber’s work and especially the theory of legitimation” (p. 2) justifies a closer look at Weber’s sociology of rule.

What stands out here is Szelenyi’s inadequate rendering of this theory, as can be seen from the following formulation: “Hence power + legitimacy = domination”

(p. 3). Note too that “prebendalism” has been made into a form of rule (p. 4) and, with a view to the Occidental city, “non-legitimate rule” is briefly addressed in an idiosyncratic way (p. 5f.), as Stefan Breuer’s detailed analysis in his book on “Max Weber’s Tragic Sociology” shows. Szelenyi then deals in more detail with the 3 or 4 ideal types of legitimate rule (besides traditional, charismatic, legal rule, he makes further distinctions in traditional rule in order to address the form of rule that derives its own legitimacy from the will of the ruled (p. 11f.). These explanations take up about two-thirds of the text. Only then does Szelenyi turn to the question, “were communist and are post-communist social orders legitimate and, if so, what is he foundation of their legitimacy?” (p. 15). So only he final third of the text deals with the modern application of Weber’s theory and its terminology. This quantitative distribution alone justifies concentration on Szelenyi’s discussion of Weberian Herrschaft (rule). First, we go into Weber’s concepts of legitimacy and validity (*Geltung*), and then take up his distinction between power and rule. We then deal with Weber’s traditional rule, which we add to the account of charismatic rule using the application undertaken by Lepsius to Hitler’s regime.

#### WHAT DOES WEBER UNDERSTAND BY LEGITIMACY?

First of all, the presentation of Weber’s concept of legitimacy is complex because it has to include the concept of validity and its origin. This is because Weber, on the one hand, in § 5/No. 2 of the Basic Sociological Concepts “commercially binding and exemplary validity” relates directly to the concept of legitimacy. On the other hand, because the value-based component of the concept of validity in § 6 under 6a) and in § 7 under 7c) is used to determine the legitimacy of an order (§ 6) on the one hand and the attribution of a legitimate validity (!) to an order on the other (§ 7). We shall begin with the problem of legitimacy. As is well-known, Weber recognises three types of legitimacy: charismatic, traditional, and legal. Here, I shall consider exclusively one important aspect which is revealed in § 5 of the Basic Sociological Concepts about the notion of validity and No. 2 within it, citing the example of administrative officials given in No. 1 (ES: 31; WuG: 16).

The notion of validity and the example of the administrative official demonstrate that, compared to familiar customs or instrumentally rational considerations, the stability of a (ruling) order is considerably increased by “obligative values”, that is, a *value-rational* dimension or as it is put in No. 2: “an internal bearing

<sup>1</sup> I should like to express my thanks to Stefan Breuer (University of Hamburg), who read this manuscript and provided important critical suggestions. I would like to thank Matthew Philpotts for the successful translation of the difficult text. I am grateful to Peter Ghosh (University of Cambridge) for translating additions I made into good English.

with the prestige of being exemplary or obligatory, we might say, one deriving from 'legitimacy'<sup>2</sup>. If we are clear about this, then we can understand why Weber ascribes legitimacy to a valid "legal" order<sup>3</sup>. Seen in this light the debate as to whether holders of power who have secured rule through violence or a putsch are able to acquire legitimacy over those subject to rule appears a futile one; and vice versa, an instance of rule recognised as legitimate which can lose the legitimacy once bestowed upon it. This is not a question for Weber and not only because there are sufficient historical examples to readily answer it. It is to Iván Szelenyi's credit that he does not align himself with this debate, but rather counters it with objective factual argumentation. Furthermore, he noticed that Weber introduced a fourth source of legitimacy in a lecture in Vienna in 1917, which appeals to the "will of the ruled"<sup>4</sup>. This will be discussed in detail below.

Paragraphs 6 and 7 of the Basic Sociological Concepts also demonstrate that Weber and his interpreters have raised a problem<sup>5</sup>. More specifically, comparison of these paragraphs shows that Weber relates both the ori-

entation to an order (§§ 5, 6, esp. 7; ES: 31f., 33) and the acceptance of rule to legitimacy, but with the difference that four attributions are made with the use of the *concept of validity* in the former case (§ 7), but the notion of rule – through the distinction between charismatic, traditional, and rational-legal rule – exhibits three expressions of the "idea of legitimacy" (ES: 215f.; WuG: 124). The repeated use of the notion of validity in § 7 raises no difficulties in terms of Weber's intended meaning, even if the aspect of value present in c) seems to be particularly emphasised at first glance, although the distinctions drawn in a) and b) through the use of the notion of validity share this element with c). However, on closer inspection the apparent emphasis on value-rational thought, the further definition of which employs the notion of validity and its claim for obligation, refers to validity of this kind being achieved through positive statutes (*Satzung*), this quality being possessed "of absolute validity having been achieved" (ES: 36; WuG: 18, § 7, c). If this is the case, this implies belief in the legality of this "positive *Satzung*"<sup>6</sup>. This legality is felt as legitimate through the renewed use of the notion of validity; that is to say, it arises with a claim of obligation, if, according to Weber, its legality can claim to have come into existence through either agreement or imposition by a legitimately valid rule<sup>7</sup> (ES: 36f.; WuG: 19; § 7, α and β; no. 4 and 5).<sup>8</sup> Even if Weber (ES: 37; WuG: 19, § 7, no 4) describes the idea of legality, in the sense of the "conformity in relation to formally correct statutes realised in the customary form", as "the most common form of legitimacy nowadays", we cannot overlook the fact that Weber yet again invokes the notion of validity in § 7 d) and in no. 4, which is accompanied, by definition, by a claim of obligation. In this respect, it is questionable whether, in the case of the legitimacy of legality, it is necessary to focus on a form of rule recognised as legitimate.

The common element in both the attributions of legitimacy mentioned above lies, first of all, in the fact that legitimacy constitutes an added value [a "superadditum" in Weber's words: (ES: 327; WuG: 192)]: rule that possesses this superadditum is far more stable than rule that has to manage without it. If we acknowledge this, then the answer to the question whether a regime that

<sup>2</sup> See Treiber 2020: 11ff. Also Hofmann (2020: 589f.), who similarly emphasises the "value rationality of legality", and Lübke 1991 and 1993. In her 1991 book, Lübke engages critically with Habermas's (1982) *Theorie des kommunikativen Handelns* (vol. 1: 332ff.).

<sup>3</sup> In full accordance with the notion of validity, "the empirical 'validity' of an order" is founded in the categories essay on the presence of an idea of obligation. Here, Weber indicates that "participants do not simply orient their own action to expectations of others' action, but rather the more they hold the subjective view, to a relevant degree, that the (subjectively meaningfully established) 'legality' of an order is 'obligatory' for them" (MWG I/12: 411; Weber 2012: 285; WL: 446).

<sup>4</sup> Schluchter (1991, vol. 2: 473) points to the Vienna lecture of 1917 and explains that Weber "introduced the principle of democratic legitimation as the fourth principle in his sociology of rule (and) did this explicitly in the context of the western development of the city. However, in the new edition of *Wirtschaft und Gesellschaft* this is included under the heading, 'Die herrschaftsfremde Umdeutung des Charisma' ('Setting out the transformation of charisma away from rule'). Hofmann (2021: 592f.), meanwhile, applies the following heading to a section in which he deals with the fourth type of legitimacy: "Die nichtlegitime Stadtherrschaft: Wurzeln eines vierten Legitimationsgrundes?" ("Illegitimate rule in the city: Origins of a fourth foundation of legitimation?").

<sup>5</sup> See Breuer (1991: 19ff., esp. 20f.), who identifies a particular problematic set of issues in Weber. These arise because Weber connects his three fundamental grounds for the legitimacy of rule with specific ("ideal") "conceptions of the world" "existing in consciousness": i.e. the belief in the charisma of a person presupposes a "magical or religious conception of the world"; "the belief in the sanctity of tradition (...) the validity of a 'system of inviolable, absolutely sacredly valid norms, the violation of which has, as its consequence, magic or religious malady (GARS I: 270)"; this also applies to the belief in legality which presupposes a "radical consciousness of contingency" which, in turn, presupposes the "ascetic Protestantism" that led to the "radicalisation of the concept of sovereignty" and to "that absolute reification", which made possible the "consciousness of contingency". See also Hermes (2003: 92ff., 102ff.), who highlights this shift. Further, Hofman (2020: 591f).

<sup>6</sup> Cf the categories essay: MWG I/12: 441; Weber 2012: 285; WL: 446.

<sup>7</sup> On "Oktroyierung" ("imposition"), see MWG I/12: 434ff. Since Weber sees majority decisions as an "imposition on the minority", the "opposition between pact-based and imposed orders (*Satzungen*)" is for him "only relative" (ES: 37; WuG: 19, § 7, no. 4).

<sup>8</sup> Cf also MWG I/12: 436f: "The chance that an agreement will be empirically valid is estimated to be higher, under identical circumstances, the more it can be reckoned, on average, that those obeying are obeying for the reason that they view the relationship of rule as subjectively *obligatory* in itself."

has made its way into government through the violence of a putsch can acquire legitimacy (can be “legitimate”) is “self-evident”. To the extent that those subject to rule ascribe legitimacy to this regime, it will gain stability and be capable of establishing itself in the long term. On this point, we agree with Szélenyi (2016: 2, 5f.).

The different ascriptions of legitimacy above can also be characterised such that one of them increases the orientation and thereby the conformity of the obedience, the other the stability of rule. Hofmann observes the different function of the belief in legitimacy: “in terms of the sociology of rule it secures the chance that the commands of the rulers will find obedience; in terms of the sociological dimension of the order, it guarantees its reliability for the social expectations of the participating actors connected to their social actions”. In this way, Hofmann not only emphasises that Weber’s reflections on this topic stand in a theoretical context of action, but also sees that the two perspectives come together when the “order (appears) as the means of social orientation and as an instrument of rule” (Hofmann 2020: 591). Weber made this all too clear in his categories essay when he relates the term “Anstalt” (“institution”) to “Anstalthandeln” (“institutional action”) and “Oktroyierung” (“imposition”) or “Oktroyierungsmacht” (“imposed power”) to rule (MWG I/12: 432; Weber 2012: 296, 298, 299; WL: 466f.; and WL: 468, 470). The “Anstalt state with its apparatus of coercion” (MWG I/12: 432f.; WL: 466) creates and changes social orders, which due to their power of imposition are imposed on those subjects to rule. These individuals who are “in agreement” with these kinds of social order orient themselves “reliably” towards the associated expectations in such a way that “on average (irrespective of the reason) they view a (subjectively) ‘agreeable’ action as ‘obligatory’ for them (consent of legality/Legitimitätseinständnis)” MWG I/12: 423; Weber 2012: 291, 298; WL: 457, 468). To this, Weber later adds: “The chance of the empirical validity of consent will also be reckoned to be higher here, under otherwise identical circumstances, the more it can be counted on, on average, that those obeying obey for the reason that they subjectively view the relationship of rule as ‘obligatory’”, i.e. rule is stabilised by the “consent of legitimacy” (MWG I/12: 437; Weber 2012: 299; WL: 470). What Hofmann (2020: 591) and, with him, Hermes (2003: 76ff.) have overlooked is the fact that Weber’s *notion of validity* is already loaded in *value-rational* terms, something that will be explored in more detail in the following excursus. This is particularly the case for Hofmann (2020: 591) who lists four motivations in the case of the social order and, but contrast, only three motivations for rule.

Readers of Weber faced a challenge when it was reported in the *Wiener Freien Presse* (Vienna Free Press) that Weber had spoken in a lecture in Vienna in 1917 of a “fourth idea of legitimation” and connected this to the “will of the ruled”, while at the same time expressly indicating that this “legitimacy from the will of the ruled” was “far removed from all modern democratic ideas” (MWG I/22-4: 752-756, 755). However, it was left to Stefan Breuer (2006) to engage in detail with this fourth type of legitimation<sup>9</sup>. It is no coincidence that Breuer’s contribution first appeared in the collected volume edited by Bruhns und Nippel on *Max Weber und die Stadt (Max Weber and the City)*, since Weber’s aforementioned lecture referred directly to the “the sociological structure of the western city”<sup>10</sup> and thus he “spoke most frequently about non-legitimate rule in his study on *The City*” (Breuer 2006: 158).

Weber reduces the specific characteristics of the Western city to a common denominator by emphasising “that a defence association of citizens comes together as a sworn brotherhood and administers itself through officials” (MWG I/22-4: 756; further MWG I/22-5: 84, and Bruhns 2020). This particularity of the Western city with its prominent insularity in the feudal environment leads to this peculiar status already being recognised as a form of non-legitimate rule (Szélenyi 2016: 5). Szélenyi clearly finds himself in good company with Hofmann (2020: 592), where we can read the following: “And Weber saw the older forms of legitimate personal authority abrogated by the foundation of the city as a sworn brotherhood. The bourgeois *conjuratio* broke through the feudal system and estates-based patrimonialism, just as the awarding of rights as citizens (“the town-air makes you free”) did to baronial rights (ES: 1239; WuG: 744; ES: 1250f.; 749ff.)”<sup>11</sup> Certainly by mentioning the *populo*, Hofmann (2020: 592) names the key term for non-legitimate rule, albeit first in a different context. He continues: “As a special municipal corporation by virtue of its fraternisation of professional bodies – to some extent a concentration of the new political tendencies – the *populo* is described by Weber expressly as an ‘entirely consciously illegitimate and revolutionary political association’ (WuG: 776)” (Hofmann 2020: 592)<sup>12</sup>.

Breuer’s careful argumentation in his 2006 book demonstrates that Weber repeats in the final ver-

<sup>9</sup> First in Bruhns/Nippel 2000: 63ff., reprinted again in Breuer 2006.

<sup>10</sup> He summarises its characteristics as follow: “that a defensive association of citizens forms itself as a sworn brotherhood and administers itself through officials” (MWG I/22-4: 756).

<sup>11</sup> Cf. Breuer 2006: 162. Further, Nippel 1999: 24ff. See also “Verbrüderung” and “Commune und coniuratio” in Nippel 2000: 26-32.

<sup>12</sup> On the Italian *populo*, see MWG I/22-5: 200ff.

sion of the sociology of rule the same examples that he drew on to illustrate non-legitimate forms of rule in the city,<sup>13</sup> but now subject to “a new interpretation” (on this and more broadly: Breuer 2006: 166). The new interpretation seems to have a direct connection to Weber's observation that “around 1917” he believed he had identified a “Caesarian element” (Breuer 2006: 166; Hofmann 1986) in mass democracy (WuG: 862f.). Breuer's concluding verdict is that “non-legitimate rule” is not “identical to city rule”; rather, non-legitimate rule encompasses “a substantially larger range than city rule” (Breuer 2006: 153). This new interpretation recurs in a manuscript published in the *Preußische Jahrbücher* after Weber's death by his widow Marianne, “Die drei reinen Typen der legitimen Herrschaft” (“The Three Pure Types of Legitimate Authority”, WL: 475-488, 487; Weber 2004), now as the “anti-authoritarian transformation of charisma”: “The real validity of charismatic authority is founded on recognition of the specific *person* as charismatically qualified and is maintained by those ruled. According to the genuine conception of charisma, this recognition owes itself to the legitimate, that is, qualified, claimant. This relationship can be easily transformed: free recognition on their part by the ruled is the precondition and foundation of legitimacy (democratic legitimacy). Then, recognition becomes an ‘election’, and the ruler legitimated by virtue of his own charisma becomes a holder of favour over the ruled and by mandate” (WL: 487; Weber 2004: 144). By claiming that Weber rejected the idea of a fourth type of legitimacy again “because he could not properly embed himself into the strict conceptual logic of his sociology of rule”, Hanke (2022: 28) drew a provisional line under this debate.

#### EXCURSUS ON THE CONCEPT OF VALIDITY

The frequency alone with which Weber uses the term validity in § 7 of the Basic Sociological Concepts gives good reason to explain in a dedicated excursus the meaning Weber attaches to the term (see also the excursus in Treiber 2017: 13ff.). As Loos has indicated, Weber's approach in which he makes perceptions of obliga-

tion or normativity “actual determinants of real human action”<sup>14</sup> refers to similar thinking in Windelband's 1882 essay on “Normen und Naturgesetze” (“Norms and Laws of Nature”), which he incorporated into the second volume of his *Präludien (Prelude)* (relevant here is Windelband 1921a, vol. 2: 59ff.; esp. p. 64f., esp. 84-86). In this essay, Windelband explains that “logical and ethical norms [may] become determinants in associative thinking (*Vorstellungsverknüpfung*) and in volition for individuals whose thinking is purposive and deliberate and consciously intentional” (Windelband 1921a: 85f.). However, decisive here is that for Windelband the “idea of a norm” is connected with the “feeling” that thought and intention “should” be directed by it (ibid: 85). In his *Habilitationschrift* of 1873, “Ueber die Gewissheit der Erkenntniss” (1873) (“On the Certainty of Knowledge”), Windelband writes of the “consciousness of an obligation” and of the “idea of an obligation”, whereas in his 1882 essay he argues that “the idea of any norm (...) as such (brings) with it the feeling that the real process, whether of thought or volition, should develop according to it. With immediate self-evidence, becoming aware of a norm is tied to a form of psychological need to follow it (Windelband 1921a: 85). The assumptions we should make about the psychological need involved in the consciousness of a norm is a matter both for logic (the “logical rule”) and ethics (the “rule of convention”) – with differences in terms of the degree of intensity. As far as ethical norms are concerned, Windelband (1921a: 85) writes of a “feeling of obligation”.

Loos sees in Windelband's reflections the “Weberian line of thinking exemplified down to the finest details – certainly in the distinction between practical and normative validity, but also in the influence on real events of the meaningful and normative, because of the human capacity to be oriented towards norms” (Loos 1970: 99). Windelband must also have been Weber's model for the value-based orientation of the concept of validity (“sense of duty” (*Pflichtgefühl*)) in § 5 (no. 1) and § 7 of the Basic Sociological Concepts (ES: 31, No.1), something which is confirmed by Windelband's theory of judgement in the *Festschrift* for E. Zeller (1884). There, Windelband explains, “as well as thought, a kind of value determination comes into play as an essential moment in a judgement (Windelband 1884: 174). This applies not only to negative judgements, but also for affirmative ones – with the proviso that “all negations are answers”, which is not the case, however, for many affirmations (Windelband 1884: 177). In other words, anyone who views a rule or order subjectively as “obligatory or exem-

<sup>13</sup> These examples are as follows: “The dictators of the ancient and modern revolutions; the Greek *aisymnetes*, tyrants, and demagogues; in Rome Grachus and his followers; in the Italian city-states, the *capitani* of the *popolo* and the mayors (in the German context: The democratic dictatorship of Zurich); in modern states, Cromwell's dictatorship, the revolutionary rulers and the plebiscitary imperialism in France”, with the telling addendum, “Wherever the legitimacy of this form of rule was striven for, it was sought by the sovereign people in plebiscitary recognition” (ES: 268; WuG: 156).

<sup>14</sup> MWG I/22-3: 193; MWG I/12: 405; Weber 2012: 281; WL: 440.

plary” not only brings an affirmative judgement, but also expresses a value-laden opinion in the process.

The full meaning of the concept of validity emerges if we also draw on Weber’s academic mentor Hermann Lotze. Through his unusual interpretation of platonic ideas, Lotze shaped the particular idea of validity on which the exponents of southwest German neo-Kantianism drew, namely Windelband and Rickert. Weber’s starting assumption was the idea that the perceived obligatoriness of an “order” elicits the validity of that “order” ought to be valid; as a result there is the probability of it being empirically validated, and this in turn suggests an empirical notion of validity. On this point, we can compare the following excerpt from Lotze (1928 [1874]: 512): “Reality owes itself as an event to our ideas, insofar as we have them and grasp them, they happen within us [...]; however their content, insofar as we can separate it from the act of perception that we direct towards it, no longer happens, it is not like all other things, rather it simply remains valid”. In Weber, this finds its expression to the effect that only “the fact of an action’s ‘orientation’ to the order” determines the latter’s validity, “not its ‘observance’” (MWG I/22-3: 195).

Windelband’s treatment of the theory of judgement in his 1882 publication “Was ist Philosophie” (“What is Philosophy?”) suggests a distinction between two types of judgement, *Urteil* (the final outcome of a judgement) and *Beurteilung* (the process of making a judgement). In the process, philosophy succeeds in determining its own object of analysis, thereby delimiting it from other academic disciplines. specifically, it is “making judgements (*Beurteilungen*) [that constitutes] the object of philosophy” (Windelband 1921b, vol.1: 32f.). His purpose here is to turn philosophy into a value-based science (*Wertwissenschaft*). In this sense, the aforementioned distinction is justified, since *Urteile* are focused on specific objects, while *Beurteilungen* imply evaluative positions which do not exclusively involve cognitive factors (Schnädelbach 1983: 220). According to Windelband, judgements are ideational in nature, since they disassemble and combine ideas. The combination of ideas in a judgement proceeds according to a “rule” (*Regel*), a term that Windelband arrives at through an unconventional reading of Kant (Windelband 1921, vol. 1: 134ff.). Out of the “infinite mass of [possible] combinations”, only those combinations of ideas are accepted as true which proceed according to a “rule” “that should be valid for everyone” (Windelband 1921, vol. 1: 135f.). Following Windelband (1921c, vol. 2: 122), this kind of validity – in the fields of logic, ethics, and aesthetics – is not a matter of the rule “actually being accepted” but rather that it “should be

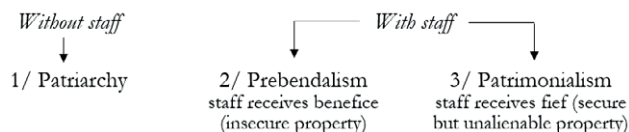
accepted”<sup>15</sup>. As Sommerhäuser (1965: 34) memorably puts it: “That which is valid is that which should be accepted; it is not always a reality, but it is always a demanding expectation. Validity reveals itself as an ought (*ein Sollen*).” As such, it is no surprise that Weber (2012: 208; WL: 330f.) also places particular emphasis on the element of “ought” in his notion of validity, even if his concept of a “rule” is not the same as that of Windelband (MWG I/7: 530ff.; Weber 2012: 203ff.; WL: 322ff.).

#### POWER AND RULE IN WEBER

With his interpretation of power and rule, Szelenyi overlooks what will be explained in detail below: that for Weber domination is institutionalized power. In this respect, the interpretation offered by Szelenyi: “Hence power + legitimacy = domination” (or rule) is not correct. Although legitimacy gives rule a certain stability compared to a rule that has no legitimacy, it does not capture the concept of institutionalization, as will be explained below. The addition added by Weber to the definition of power: “even against reluctance” only means that in the case of reluctance, the assumed chance of taking effect by the exercise of power is easier to attribute. Again, this is discussed in more detail below.

In figure 2 (figure 1 in this text), which shows the types of traditional rule according to Szelenyi, it should be noted that there are 3 types mentioned: Patriarchy, Prebendalism and Patrimonialism. Prebendalisms do not represent a separate type of rule, as Szelenyi explains on page 4: “Indeed in the most elementary form of social organization (still existent in the family), namely under patriarchal authority the ‘ruler’ has no ‘staff’. In more complex forms, let’s call [them] prebendalism – though Weber’s terminology is not carved into stone – the staff has only rather limited claims to appropriate the means of administration (and property).” Prebendalism belongs to the type of patrimonial rule (Patrimonialismus) and refers to the form used there to maintain staff members when they receive benefits for their services. The more complex form Weber calls patrimonialism. The award of benefices leads to the prebendal organization of offices (ES II, 966f.). This is also discussed in detail below. Furthermore, Sultanism in Weber is the extreme form of pure patrimonialism, as shown in my graph, and not as Szelenyi writes on page 14 “a pure form of prebendalism”. While these are significant conceptual inaccuracies, what matters more is that Szelenyi’s arguments about power and domination do not agree with Weber’s arguments.

<sup>15</sup> My emphasis.



**Figure 1.** Types of traditional authority (or rule) (Figure 2, p. 8).

Using the ideal types of Weber's sociology of rule, Szelenyi analyzes post-communist rule, especially that of Russia (China and Hungary are also included in the analysis). In doing so, he refers above all to Weber's type of traditional rule, but he makes a number of conceptual errors. These are still present when he points out that he wishes to posit a "novel, critical distinction between patrimonial and prebendal types of traditional authority". Again, when he deals with Weber's distinction between power and domination, he misjudges Weber's thinking.

Before considering in more detail Weber's sociology of rule, it is necessary to deal in more detail with the concepts of power (*Macht*) and rule (*Herrschaft*), the two core sociological concepts of Weber discussed by Szelenyi (2016: 2ff.). For Weber, power and rule are directly connected with one another in such a way that rule is institutionalised power. Szelenyi (2016: 2ff.) does not make reference to this inter-relationship, which thus requires brief elaboration<sup>16</sup>.

Let us consider first the definition of power in § 16 of the "Basic Sociological Concepts":

Power means the chance to enforce one's own will within a social relationship, even against resistance and irrespective of the basis of that chance (ES: 53; WuG: 28).

This definition connects "power" to a "social relationship", so that "power" is given a place within the systematic framework of Weber's basic sociological concepts and also in the structure of possible mechanisms by which action is co-ordinated.<sup>17</sup> This can be traced back to the need for a constructive act of attribution – as in Weber's understanding of sociology as a whole – which both helps to constitute interrelated networks of meaning and is itself dependent on those meanings. Thus, power can only be understood if we take into account its *intentional* character, as Weber does explicitly in his definition of power, invoking the ability to "enforce one's own will":

[...] Power can only be understood in intentional circumstances in which it is itself involved as an operative factor. We experience power as if an intention is operating in it, irrespective whether we applied it successfully or are wretchedly subject to it [...].

Of course, the as-if construction only becomes consciously perceived through distanced reflection on the conditions in which we experience power. [...] Whenever power is at play, we encounter will. However, since we can only talk meaningfully of will when it corresponds to a chance of being realised, when it involves the capacity to bring about possible effects, and when power can really only be experienced as if a will operates in it, will and power bring one another into play. Just as power is unimaginable without a will operating through it, so will disintegrates when it is without power; it becomes an "unconscious" will and, as such, a mere wish (Gerhardt 1996: 18)<sup>18</sup>.

The addendum included by Weber in his definition of power – "even against resistance" – has often given rise to misinterpretations, but it only means that, in these cases, the probable effect imputed to power (Wagner 2022) can be more easily experienced or ascribed to it than in the other situation permitted by the definition of power, namely "the exercise of power without meeting resistance and encountering entirely unproblematic conformity" (Tyrrell 1980: 61).

Although the definition of power is connected to a "social relationship", it is astonishing that those subject to power play such a curiously marginal role. The notion of will applies also to those subordinated to power (especially if they exhibit resistance), a will that has to be overcome – particularly since the effects provoked by the will of power can be easily detected in resistance that has been overcome (Gerhardt 1981/82: 206). As Weber himself writes, the concept of power is sociologically "amorphous" because it leaves open the basis on which the chance of power being enforced rests for any individual and also allows a relationship of power to be reversed just like that. We also need to consider that power is a relational property: in the sense of a mutual attribution of imputed power (Gerhardt 1996: 146f.).

The "sociologically amorphous" concept of power requires a "more precise" counterpoint – in the form of a concept of rule, the "precision of which" comes "at the expense of the concept of power" (Tyrrell 1980: 66). However, power occupies a status as a superordinate term, recognisable from the fact that rule is conventionally defined as "institutionalised power". Yet, the concept

<sup>16</sup> See my essay in Gostmann, Merz-Benz 2021.

<sup>17</sup> The following would come into consideration in this context: action/social action; social relationship; (legitimate) order; association (*Verband*). Cf Schluchter 1998: 354f., Schaubild 2 and 3; Schluchter 2000: esp. 129ff.

<sup>18</sup> Cf also Gerhardt (1981/82: 217): "[...] (it) would be difficult not to take into account the wider context of meaning, since all power is organised such that will operate within it. The concept of power demands inherently that it be embedded in a relationship of this kind with will" (discussion in Gerhardt).

of power scarcely ever emerges as an analytically useful category. Weber defines rule as follows:

That a manifest will (“command”) on the part of the “ruler or rulers” seeks to influence the action of others (the “ruled”) and actually does influence them (ES: 946; WuG: 544)<sup>19</sup>.

This formulation points to the specific conceptual characteristic from the definition of power, namely the “enforcing of will”, but it also shows Weber’s obligation to tradition. For example, Weber borrows from Georg Jellinek who understood rule as “the ability to enforce [one’s will] against the will of others” (Anter 2000: 84).<sup>20</sup> Weber’s understanding of rule followed the prevailing orthodoxy of jurisprudence. In this respect, there is also a debt to Kant who ascribed practical meaning or effectiveness to the concept of a command (*Befehl*) (Gerhardt 1996: 222f.). Gerhardt highlights that “this practically intuitively understood construct behind commands which a person issues to themselves or to others [is] exactly what Kant referred to as ‘will’”<sup>21</sup>.

In the case of rule, the response to the “manifest will (command)” is a real obedience, in a specific form which needs to be elaborated (ES: 946; WuG: 544). In this way, the potentiality of will is embedded in a cause-and-effect relationship so that the attribution problem, or the “causality problem of heteronomy” (Luhmann 1969: 150f.), can, in principle, be seen as “resolvable”. The concept of power is also “sociologically amorphous” because the response attributable to the potentiality of will remains relatively indeterminate. The consciously manifest command allows for the propagation of possible action only in the sense of a probable effect, that is, the “possibility that others will act differently thus remains an irresolvable fact” (Tyrell 1980: 62). At the same time, the consciously chosen formulation of “probable effect” makes clear that the command-obedience effect is not a matter of simple “mechanistic causation”, but rather a “meaningful relatedness of action by one

(‘command’) on the other (‘obedience’) and viceversa, such that, on average, it can be counted on that the expectations to which the action is oriented on both sides will be realised” (MWG I/12: 421f.; Weber 2012: 290; WL: 456). As such, to obey represents a “behaviour ‘dependent on pre-conditions’” since it depends on recognition or internal acceptance. Moreover, simply naming the probable effects raises the problem of freedom that is closely connected to the problem of will, in the sense of a theoretically given freedom of choice. Initially, this means only the following: to the extent that someone obeying renders the content of a command into the precepts of their own action, so it can be expected of them that they will actually obey. That is to say, their obedience is more likely with this pre-condition – both for them and for a neutral third party (observer). Only in the case of “restrictive violence” put into practice (Tyrell 1980: 63f.), when this is aimed towards injury or, in the extreme case, towards killing, is it no longer a question of autonomy of action for those subject to power or violence – assuming we ignore the “counter-violence of allowing oneself to be killed” embodied by the two exceptional figures of the assassin and the martyr (Popitz 1992: 58ff.). And if Weber places a particular emphasis on the if-then effect of command and obedience in his definition of rule, then it does not appear to depend on a respective *situation-dependent* effect of obedience. For him it is much more about a *generalised* validity of rule that entirely disregards the specific content of a command: “a command is a command” is the well-known topos here (Tyrell 1980: 78f.).

Weber’s specification of the concept of power (WuG: 29) consists of making the relationship of power a permanent one by virtue of its institutionalisation through processes of depersonalisation, formalisation, and integration (Popitz 1992: 233ff.)<sup>22</sup>. This typically leads to an asymmetry between those issuing commands and those obeying them. The response of those obeying is made (more) secure or (more) expected by “conditional programming” (Luhmann) in the horizon of expectation of a probabilistic notion of causality<sup>23</sup>. The vague conception of power evidently poses difficulties, and these can be traced back above all to the fact that only a general common denominator underlies the “multiplicity of forms of power” (ES: 945; WuG: 544): that power

<sup>19</sup> The definition of rule from the earlier sociology of rule is preferred here to that in § 16 of the sociology of rule (ES: 53; WuG: 28), where Weber explicitly equates the “manifest will” with “command”. In this definition of rule, Weber focuses expressly his consideration of “obedience” on the “inner attitude” of those subject to power: “as if the ruled had made the content of the command a maxim for their action out of their own will.” Cf the following footnote.

<sup>20</sup> Cf Jellinek (1922: 180): “To rule means having the ability to impose your will unconditionally on other wills to be fulfilled, to enforce your will unconditionally against other wills.”

<sup>21</sup> Cf Kant: *Grundlegung zur Metaphysik der Sitten* (1785) AA4: 427: “the will is thought of as a capacity to determine one’s own actions according to the idea of particular laws. And such a capacity can only be encountered in rational beings.”

<sup>22</sup> “Depersonalisation” as a characteristic – “power no longer stands and falls with this single individual who momentarily has the say” (Popitz 1992: 233) – can be a cause of misunderstandings, in particular in forms of traditional authority (Weber). In this respect, Breuer (1998: 17) indicates that power “emerges initially in personal form, even in the institutionalised state, but tends to (experience) a detachment from interactions and from relationships between those physically present”.

<sup>23</sup> Cf Treiber (1998): 249ff., and also Heidelberg 2015, Wagner 2019.



exists when effects are brought about or when they are expected (Gerhardt 1981/82: 207). In Weber's words: "All conceivable human qualities and all conceivable constellations may put someone in the position to enforce their will in a given situation" (ES: 53, No. 1; WuG: 28f.).

This section draws on an already published essay in which I attempt to make Weber's amorphous definition of power more precise by "reflecting" it in Popitz's discussion (Treiber 2021). This presents itself as an appropriate approach because in Popitz's work the theory of violence and the theory of power enter into a close relationship with one another. That is to say, violence is integrated into a comprehensive theory of power which aims to build a structured "relationship between violence, processes of power, and rule" (Trotha 2000: 35; slightly amended). Insofar as violence proves to be "an experience that institutes order" for Popitz, in both the past and the present (Popitz 1992: 61ff.), violence becomes a determining entity for the phenomena of power and rule in a theory of power. As von Trotha (2000: 35) has established, it is for this reason that Popitz begins "his sociology of rule with violence as a 'form of enforcement' of power" and concludes his reflections on the sociology of rule with "institutionalised power", that is, with the legitimate and legally delimited state monopoly on violence<sup>24</sup>. However, the state claim on the exercise of a monopoly of violence represents nothing other than the will, made manifest and valid, to increasingly suppress "private violence" (ES: 908; WuG: 518f.) in the form of a simple "power of action" (Popitz). The proximity to Weber exists because he uses a Trotskyian quotation to remind us in his lecture "Politik als Beruf" ("Politics as Profession") that "every state (is) founded on violence" (MWG I/17: 158) and thereby emphasises that anyone "who conducts politics (...) strives for power: power either as a means in service of other goals – idealistic or egotistical – or power 'for its own sake' in order to enjoy the feeling of prestige that it affords" (MWG I/17: 159). Weber emphasises that whenever it is a question of state power, physical violence is always at play for those trapped "between states" (MWG I/17: 158f., 229). In order to make this clear to his listeners at the time and to present-day readers and in order to underline the seriousness of his comments, Weber also engages with the "real relationship between ethics and politics" (MWG I/17: 233), in particular with the "absolute ethics of the Sermon on the Mount", which require that one

"not (resist) evil with violence" (MWG I/17: 235ff.). There is no need necessarily to consider in any more detail Weber's distinction between "ethics of conviction and ethics of responsibility"; it is sufficient to follow Weber (and Nietzsche) and point out that anyone who undertakes politics can in no way claim "that good can only come from good, and bad only from bad; rather the opposite is often the case" (MWG I/17: 241f., 238).

First of all: Weber's types of rule are ideal-typical constructs, which help to investigate to what extent a concrete instance – let's say a current instance – of rule exhibits traditional or charismatic elements alongside (possibly predominantly) legal ones, and this by establishing the proximity or distance of the concrete form of rule under examination to these ideal-typical standard measures. The series of forms of rule that Weber presents in his types of rule (ES: 212ff.; WuG: 122ff.) also does not represent a trajectory of development; Weber counters such a reading by preceding the two other forms of rule (traditional, charismatic) with legal rule.

Weber's sociology of rule becomes (more) accessible if we ask ourselves which cognitive interest guided him and assume that he was seeking to answer Hume's enduring question: how does it come to pass that the few (are able to) rule over the many? Weber's answer is as simple as his discussion of it is complex and somewhat unclear, particularly as his sociology of rule has a number of different drafts<sup>25</sup>. Weber's two-part answer gives his sociology of rule its structure and clarity. Weber answers Hume's question about the rule of the few over the many to the effect that, first, the few *organise* their rule through the formation of administrative staff and, second, they justify their rule, invoking its legitimacy and making use of myths of legitimacy (this addendum alone explains why Weber lends himself to the analysis of Eastern European or Russian apparatuses of rule).

#### TRADITIONAL RULE IN WEBER

Before I consider traditional rule in Szelenyi, I would like to raise the question whether Putin's regime also exhibits essential characteristics of charismatic rule, in the manner shown by Lepsius (1986/1993) in his memorable essay in which he applied Weber's concept of charisma to Hitler's regime<sup>26</sup>. The "synopsis" of characteristics from legal, traditional, and charismatic rule also corresponds

<sup>24</sup> Slightly revised quotation. See also Trotha (2000: 35): "Popitz's analysis of the institutionalisation of power into rule, which begins with a consideration of violence, belongs together with the examination of the normative construction of society." On this, see Popitz 1980 and Treiber 2012.

<sup>25</sup> A collection can be found in: MWG I/22-4: 88 and 89.

<sup>26</sup> The essay has also been published in English. See Lepsius 1986. See also Breuer 2010: 66-7; he shows that patronage and client networks are also compatible with charismatic rule and not just with traditional rule. Cf. on Weber Treiber 2005.

to Weber's intentions and with the function of the ideal-type to investigate the respective proportions of legal, traditional, and charismatic characteristics or, in Lepsius's words (1993: 98) to enquire "after the extent and direction" of the "charismatisation" of a social relationship.

This is also the case because Lepsius (1993: 95) directs particular attention to the "social relationship" founded by charisma "between the bearer of charisma and the believer in charisma" or, more precisely, on "the structure of the charismatic social relationship" (Lepsius 1993: 96), which he characterises in greater detail through a series of particular features (a.a.O.: 96ff.). These include: (1) the recognition by the ruled that realises the charismatic claim (Lepsius 1993: 96); (2) the "dissolution of (...) prevailing normative standards, modes of behaviour, and forms of organisation" ensuing from the charismatisation of the social relationship; (3) the "'emotional communitisation/Vergemeinschaftung' held together by the personal bond to the Führer" (Lepsius 1993: 96); here, the respective extent or peculiarity of the social systems needs to be taken into consideration, such as the small group at the apex of the party or its narrower leadership circle, the larger organisation "with various individual and group interests" that breaks this framework, and finally the political association with its "institutional differentiation" and "different cultural and political orientations" (Lepsius 1993: 107). This final dimension leads to a "peculiar coexistence of strict relationships of command and obedience". At the top, a simple decisionism is practised and a "fluid, loose organisation of the administrative body", whereby some sub-units (such as the military) remain relatively untouched, while others "execute routine tasks according to fixed rules and function bureaucratically" (Lepsius 1993: 97, 113). And this occurs even though a charismatic political association is "personalised" and, as such, is "indifferent to any form of institutionalised rationalisation" (Lepsius 1993: 97); (4) and finally, the "necessity to preserve" charisma (Lepsius 1993: 97).

Lepsius (1993: 100) views the likelihood of "establishing charismatic authority" as dependent on the presence of a "latent charismatic situation" which exhibits a "cultural and social dimension". If the cultural dimension is defined by the preparedness of those subject to rule to believe in "charismatic forces" supported by "transcendental powers"<sup>27</sup>, then the social dimension relates to the receptiveness to perceive a "crisis" (Lep-

sius 1993: 101). This can be a crisis that is political or economic in nature, the latter being more likely to be perceived through personal experience. The latent charismatic situation then becomes manifest when a willing bearer of charisma takes up or dramatises the perception of crisis and, at the same time, demonstrates how he, and only he, has the capacity to overcome the crisis. Applied to the case of Putin, "crisis" represents the collapse of the Soviet empire<sup>28</sup> and overcoming that collapse is a matter of "reattaining its original size and power". A significant role is played here by raising consciousness of specific values that distinguish Russia and that have always distinguished Russia (one thinks here of the propagation of these values by Slavophiles)<sup>29</sup>, values that are supposedly threatened by the corrupt West. This allows a simple juxtaposition of good and evil, which is also shared by the Russian Orthodox church (represented by the patriarch Kirill). This juxtaposition is accompanied by a friend-foe distinction. The claim for charismatic leadership is connected to a particular mission: in this case, recapturing the original size and power of Russia. This mission must be able to demonstrate success, something that was first achieved through the occupation of Crimea. Thus, analysing Putin's regime through Weber reveals considerable features of traditional rule, as well as charismatic authority, both of which rest on personalised relationships, but which must be kept separate from one another.

In the following I now turn to the presentation of traditional rule in Weber, taking into account, as far as necessary, charismatic authority, especially its tendency towards routinisation (as office charisma or inherited charisma)<sup>30</sup>. In other words, my observations will be restricted to Iván Szelényi's discussion of Weber's *tra-*

<sup>27</sup> The rediscovery of Russian religious philosophy betrays somewhat this tendency; one need only read the contributions of Müller on "Fragen zur Rezeption" (15-32) or Scherrer on "Die utopische Rückkehr in eine heile Welt der Vergangenheit" (91-101) in: E. Müller and J. Kehr 1992. In this respect, we can view this rediscovery as a cultural component of a latent charismatic situation in the manner of Lepsius. The introduction, "Russische Wegzeichen" by Schlögel (1990: 5-44) is also helpful.

<sup>28</sup> Citing Putin's dictum, Schlögel's contribution, "Russischer Raum. Raumbewältigung und Raumproduktion als Problem einer Geschichtsschreibung Russlands", in Schlögel 2022, gives an idea of the scale of this crisis: the dissolution of the Soviet Union in 1992 was the "greatest geo-political catastrophe of the 20<sup>th</sup> century". The catastrophe is described as follows: "The end of the Soviet Union – that was: the end of a state structure and rule, the dissolution of a single state territory, the transformation of millions of Soviet citizens into minority groups and second-class people beyond our border; that was the collapse of a centralised, integrated economic space, the drawing of new borders, an ideological and moral collapse; or, more concisely, the dissolution of a life-nexus, a life horizon in which millions of people had lived together, often across generations. The dissolution of the empire drew new borders and demarcation lines, created new neighbours and new enemies, shifted the relationship between centre and periphery, and went right through the middle of landscapes, families, and the minds of people. Maps were drawn afresh: first, the actual borders, and then, the mental maps" (Schlögel 2022: 2003f.)

<sup>29</sup> Among many, D. Tschizewskij 1961.

<sup>30</sup> Drawing on Hermes (2003: 131), although he is not followed in full. See my diagrammatic representation of traditional authority (appendix II: graph).

*ditional authority* in his 2016 contribution published in *Theory & Society*, including his figure 2 presented in that piece. My comments relate to what is generally acknowledged in Weber scholarship at this time (as the “state of the art”). In this way, misunderstandings can be clarified, some of which Weber himself has contributed towards, because different versions of his sociology of rule exist and its conceptual framework is not always consistent (on this, see the overview in MWG I/22-4: 88 and 89).

Bearing in mind Weber's answer to Hume's question, I shall consider both the justification of traditional authority (legitimacy) and its organisational aspect. Its legitimacy, or the belief in its legitimacy, is based on piety (apparent in those forms of rule that lack any administrative staff: primary patriarchy, gerontocracy) and on the “sanctity” of tradition (of what has always been so); however, this also leaves latitude for unrestrained despotism on the part of the ruler (traditional ‘despotism’) (ES: 227; WuG: 130, § 6). If the ruler has at their disposal a personal administration and military that is loyal to them, then this latitude and, with it, the power of the ruler may be extended considerably and lead to an extreme form of sultanism (ES: 231f.; WuG: 133f.). The additional diagram (graph) shows that the “architecture” of traditional authority is clearly conceived and (to some extent) systematic. Fundamental is the presence, or otherwise, of an administrative staff. In its absence, the form of rule constitutes *primary patriarchy* or *gerontocracy*. In its presence, Weber writes of *patrimonialism* or *patrimonial rule* (ES: 231f.; WuG: 133f.). He further distinguishes between two forms of patrimonialism: *pure patrimonialism* and *estates-based patrimonialism* or *estates-based rule* (ES: 232f.; WuG: 134). Initially, the distinguishing criterion here is clear: *pure patrimonialism* has *complete separation of the means of administration*, whereas *estates-based patrimonialism* has *no such separation*. A more differentiated consideration shows that provision for those who belong to the administration rests on the award of *benefices* (*Pfründen*), under which Weber subsumes payment in kind, rights of taxation, and particular forms of land allocation. Benefices are granted individually and for life, but are not hereditary. They provide a living or maintenance and so have a purely economic function (ES: 235, § 8; WuG: 136, § 8; ES: 1031ff.). If this form of maintenance is predominant, then Weber speaks of *prebendalism* (ES: 235, 1120; WuG: 136, 660). However, *prebendalism* is not a form of rule, but rather a form of maintenance to ensure the loyalty of the administrative staff. In traditional authority, *prebendalism* is explicitly connected to *pure patrimonialism*, for which it is a typical form of maintenance (in the sense of material provision) that operates in the

administrative organisation, so that Weber also refers to “prebendary administration” (MWG I/22-4: 174)<sup>31</sup>. At the same time, we have to consider that Weber does not apply the term exclusively to patrimonialism in the earlier part of the sociology of rule, but also to other phenomena, such as the “economic endowment of the priesthood” (ES: 966f.; WuG: 558). By contrast, estates-based patrimonialism distinguishes itself by virtue of the fact that those belonging to the administration “are not only granted economic rights but *also rights of rule* (Herrenrechte) to exercise themselves and reserved as reward for personal services for the ruler” (MWG I/22-4: 175). According to Weber, the rights of rule granted by the ruler can “be more landowning or more administrative in nature” (MWG I/22-4: 175). “However, both possibilities show that we (find) ourselves in the realm of ‘feudal’ organisation” (MWG I/22-4: 175), where Weber speaks of *Lehen* (fiefs) rather than benefices (ES: 1073f.; WuG: 628). Before we turn to estates-based rule, we must consider in more detail one particular distinctive characteristic of pure patrimonialism.

Traditional authority exhibits a unique double structure: first, the ruler is subject to the “sanctity of tradition” and their rule relies on piety afforded to them; second, the ruler has at their disposal a latitude for free ‘despotism’ (Willkür) determined by tradition (ES: 227; WuG: 130) that is based “primarily on the fundamental boundlessness of obedience that is owed to piety” (ES: 227; WuG: 130). To the extent that the ruler has available to them a loyal military force or a loyal administrative staff, there is a probability for them to extend their power in a manner bound by tradition, that is, to expand their “latitude for free ‘despotism’”. This is the basis for *sultanist* rule, which for Weber represents the “highest possible measure of baronial power” (ES: 231; WuG: 133), and one which he ascribes unequivocally to patrimonial rule (WuG: 134; ES: 231f.). As such, “sultanism” in Weber is an extreme form of pure patrimonialism and not a “pure case of prebendalism” (Szelenyi 2016: 14). Nevertheless, if the ruler overstretches this “latitude for free despotism”, this may lead to a “traditionalist revolution” (ES: 227; WuG: 131)<sup>32</sup>.

*Estates-based patrimonialism* or estates-based rule involves the form of feudalism with “appropriated baronial power and rights of rule/Herrenrechte” [*Lehen*]

<sup>31</sup> In this respect, Szelenyi's (2016: 8) figure 2, “Types of traditional authority” needs to be corrected. Even if we concede that Weber's concepts are not set in stone (Szelenyi 2016: 4), it makes a difference whether the term “prebendalism” designates a form of livelihood or a form of rule, especially since the original meaning of Weber's term was ideally suited to the analysis of particular phenomena that can be observed in Russia under Yeltsin or Putin, and also under Orbán.

<sup>32</sup> The Peasants' War of 1525 is the most widely known example of this.

(ES: 255; WuG: 148; MWG I/22-4: 175), which is subdivided further into (fiscally conditioned) feudalism based on benefices (Pfründenfeudalismus), indigenous to the Middle East and the occidental feoff feudalism<sup>33</sup>. As the diagram of traditional authority (graph) reveals, the *routinisation* tendencies of charisma also need to be taken into consideration, in this case exclusively those which run in the direction of traditionalisation. If this path takes that of office charisma (ES: 248; WuG: 144), then this can lead to legalisation (or bureaucratisation) or to the patrimonialism that is of interest here (ES: 249; WuG: 145f.). If this involves hereditary charisma (ES: 248; WuG: 144) and if full attention is given to this principle, then Weber speaks of the hereditary state (*Gentilcharisma* – kinship charisma) (ES: 248, 1136f.; WuG: 145, 671f.). The following brief discussion covers this whole complex of issues.

Charismatic authority faces the problem of succession posed by the death of the holder of charisma. Here, I shall not go into all the possible solutions in detail. Rather, here I shall present only the two forms of the “routinisation of charisma” intertwined with the “motif of procuring the successor” (ES: 246ff.; WuG: 144ff.). The two relevant forms of routinisation are, first, *hereditary charisma* and, second, *office charisma*. If it is thought that “charisma is a quality of blood” (ES: 248; WuG: 144), then hereditary charisma exists, i.e. the “quality of blood” points towards the family group, in particular to the next related individuals of the original bearer of charisma. By contrast, if it is thought that “the charisma is of such a quality (originally, magical) that it can be transferred to, or generated in, others by its bearer through hierurgical means, then office charisma exists, as is the case with priestly charisma (ES: 248f.; WuG: 144). Alongside the problem of procuring a successor, the routinisation of charisma is encouraged *to a considerable degree* by the “*routinisation interests of the administration*”. This typically takes place in “the form of an appropriation of governing powers and opportunities for employment” (ES: 250; WuG: 145).

In addition to a number of necessary corrections, as suggested specifically in figure 2 but also by Széleányi’s presentation of Weber’s conceptual pair of power and rule, there is a further suggestion that would avoid misunderstandings. Weber associates the term “*Pfründe*” with a very specific meaning. The terms “benefices” and “prebendalism” could be readily applied to present-day phenomena if we adopted a more differentiated form

of expression. Applied to the Putin regime, this would mean that the time-limited (life-long) bestowal of administrative duties (“offices”) fulfilled a comparable function to that which Weber expressed through his use of the term *benefice*. The same would apply to the use of the term *prebendalism* insofar as we would say that the maintenance of administrative personnel fulfils a comparable function to that which Weber expresses through the term *prebendalism*: the loyalty of the administrative personnel is guaranteed, albeit with the risk emphasised by Weber that the personnel might appropriate the “privileges” entrusted to them temporarily or for life (which then, according to Bálin Magyar, leads to the “mafia-state”)<sup>34</sup>. If this had been taken into consideration, together with the terminological formulation of the pair of related concepts, power and rule, and the meaning of *prebendalism*, then Iván Széleányi would warrant unreserved credit for showing in his essay in *Theory & Society* how Weber’s sociology of rule can readily be applied to present-day phenomena and at the same time provide genuine analytical insight.

#### APPENDIX I – EXCURSUS: MAX WEBER IN VIENNA

In his dissertation written under Wilhelm Hennis in 1991, F.-J. Ehrle was the first to write about the lecture “*Probleme der Staatssoziologie*” (“Problems of State Sociology”) that Weber gave to the Vienna Sociological Society on 25 October 1917<sup>35</sup>. Ehrle used as his source the report on the lecture published in the *Neue Freie Presse* on 26 October 1917. In the meantime, this text has become accessible in the complete edition of Weber’s works (MWG I/22-4: 752-755). In addition to the three pure types of legitimacy (rule by rational laws, agreed or imposed; rule by virtue of traditional authority; and charismatic rule), Weber names a fourth notion of legitimacy, which is reported in the *Freie Presse* as follows: “Finally, he (Weber) moved on to explain how the modern development of the western state was characterised by the gradual emergence of a fourth idea of legitimacy, the type of rule that, at least officially, derives its own

<sup>33</sup> Cf. ES: 255; WuG: 148ff., 151; also Breuer 1988 and 2011: 169ff. We will not go into more detail on the further conceptual distinctions made in the earlier version of the sociology of rule. See Hermes (2003: 126f.) or Breuer (2011: 162f.).

<sup>34</sup> See Breuer (2010: 66-77). He showed that charismatic rule also developed patronage and client networks.

<sup>35</sup> See Ehrle 1991: 89-96. Ehrle also discusses Weber’s Socialism lecture in more detail (op cit.: 97-107) and provides a summary of lectures attended (op cit., 108-116), including one about China by von Rossthorn, who had already spoken as an expert on China at the Heidelberg Eranos on 29 July 1906 on “*Die Anfänge der chinesischen Religion*” (“The Beginnings of Chinese Religion”) (Treiber 2021a: 111-118) and was then later represented in the commemorative publication for Weber with a contribution on “*Religion und Wirtschaft in China*” (“Religion and Economy in China”). See Palyi 1923, vol. 2: 219-233.

legitimacy from the will of the ruled.” The press report continued: “In its early stages it is still far removed from all modern democratic thinking. However, its specific bearer is the sociological formation of the western city, which differs from all city-like formations of other times and other peoples, already in the manner of its development and its sociological meaning in antiquity as well as in the Middle Ages” (MWG I/22-4: 755). Ehrle also mentions a diary entry made by Josef Redlich, who was among the audience: “Thursday evening, a brilliant lecture by Max Weber (Heidelberg) at the Sociological Society” (Ehrle 1991: 89f.). There exists a short biography of Redlich, taken from an excursus on “The Representatives of the (Bourgeois) Austrian Peace Movement” (“Die Vertreter der (bürgerlichen) österreichischen Friedensbewegung”, Ehrle 1991: 130-156): “Josef Redlich (1869-1936), jurist and politician, 1907-1918 MÖAH (=Deutsche Fortschrittspartei/German Progressive Party), Oct.-Nov. 1918 last Imperial and Royal Finance Minister.”<sup>36</sup> Ehrle (1991: 132-137) also indicates that Redlich met Max Weber in Vienna in 1909 at the General Congress of the Society for Social Politics (Verein für Sozialpolitik), but that Redlich's acquaintance with Alfred Weber went back further (as shown in Redlich's diary entry of 2 September 1909: “Saw Alfred Weber again”). Furthermore, a longer meeting with Max Weber is mentioned in Redlich's diary in 1916 (on 6 June)<sup>37</sup>. When Weber was staying in Vienna in 1917-1918, he also met privately with Redlich, and A. von Rosthorn attended one of these meetings with his wife (entry of 9 May 1918). Finally, Redlich wrote about his acquaintance with Max Weber in a letter to Hugo von Hofmannsthal on 3 December 1926. Ehrle (1991: 155f.) summarises Weber's meetings in Vienna as being “limited primarily to his contacts from academia, economics (Hammerschlag), and politics (and, here, above all the economic field (Mataja, Riedl, Schüler))”, often encouraged by the fact that “academics held ministerial posts and ministers held academic posts. (...) Weber moved in political circles, not in the literary salons. The only exception that can be established is the time he spent with von Nostiz, where art and politics overlapped with one another in the pres-

ence of Hugo von Hofmannsthal”<sup>38</sup>. As the person most familiar with the Vienna locality, Girtler adds some local colour to Weber's stay in Vienna in 1918: Weber's lodgings in the Pension Baltic were located at 15 Skodagasse (in Vienna's 8<sup>th</sup> district), diagonally opposite the Golderner Hirsch guest house (Girtler 2013: 4ff. u.14ff.). Girtler (2013: 62) also points to an extremely sympathetic article on Weber in the *Neue Wiener Tagblatt* of 16 July 1918, as well as to the disagreement between Weber and Joseph Schumpeter in Café Landmann (Girtler 2013: 62ff. and 67ff.). For the latter, he draws on the text “Max Weber und Schumpeter in Wien” (“Max Weber and Schumpeter in Vienna”) written by Felix Somary, a witness to the dispute. While Schumpeter welcomed the advent of communism made possible by the Russian Revolution, Weber objected that this was a crime in Russia because it was tied up with untold human suffering. Schumpeter agreed, but believed that the communist experiment would interest him. Weber retorted that “the experiment with communism would be a laboratory piled up with human corpses” (Girtler 2013, 69).

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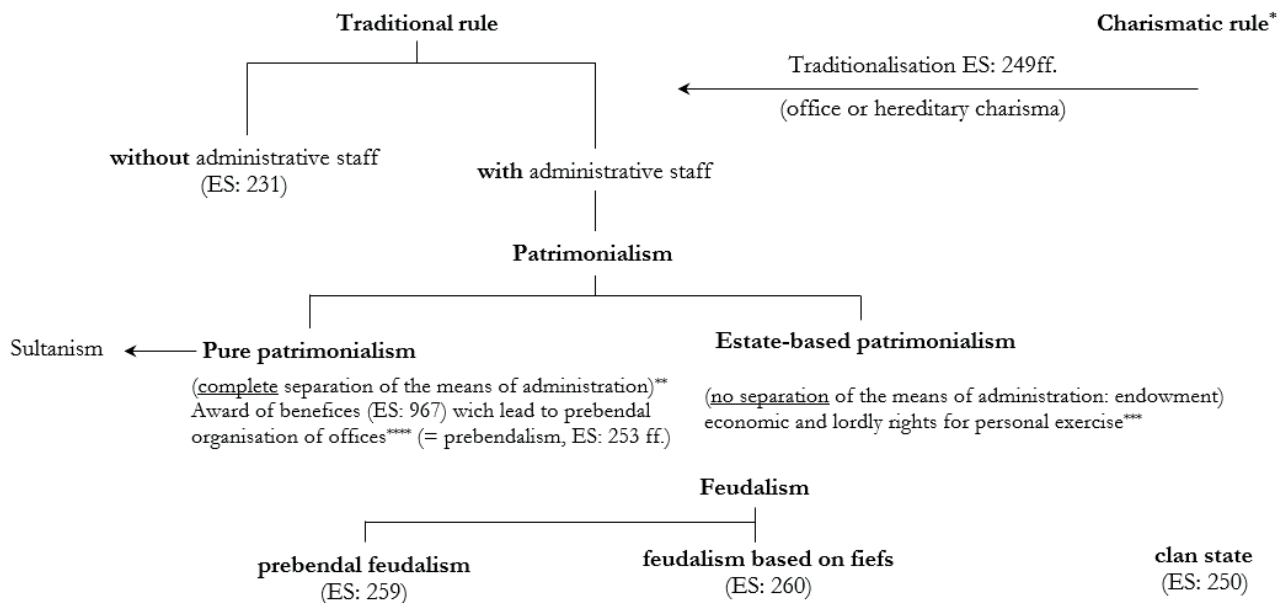
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<sup>36</sup> A fuller portrait of Redlich can be found under the heading “Josef Redlich – Leben und Werk” in: Fellner, Corradini 2011, vol III: 9-27, including an overview of his life and dates (“Übersicht über die Lebens- und Berufsdaten Josef Redlichs” (op cit.: 19-31), followed by a summary of his teaching position in Vienna (op. cit.: 32-36) and his bibliography (op. cit.: 37-46); the Redlich and Fanto family trees are presented on pp. 50-52.

<sup>37</sup> On Redlich's meetings with Weber and for notes on the latter's lectures, see Fellner, Corradini 2011, vol. I: 251; vol. II: 173f., 257, 350, 399, 417, 578. Entries on Alfred Weber can be found in vol. I: 249 and vol. II: 103.

<sup>38</sup> See von Nostiz (1979).

## APPENDIX II – TRADITIONAL RULE SCHEME



\* See Hermes 2003: 131.

\*\* Means of administration = *Verwaltungsmittel*

\*\*\* ES II: 967 «When not only economic but also lordly [political] rights (= *Herrschaftsrechte*, HAT) are bestowed [upon the official] the exercise on his own, and when this is associated with the stipulation of personal services to the lord to be rendered in return, a further step away from salaried bureaucracy has been taken. (...) – [In this case] we enter into the realm of feudal organization of domination». In this case we speak of fiefs (Lehen). See also ES I: 235f.

\*\*\*\* ES II: 966f. «We shall speak of *prebends* and of a *prebendal* organization of offices in all cases of life-long assignment to officials of rent payments of rent deriving from material goods, or of essentially *economic* usufruct of land or other sources of rent, in compensation for the fulfilment of real or fictitious duties of office, for the economic support of which the goods in question have been *permanently* allocated by the lord». See also ES I: 235f.

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