

Max Weber

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AN OUTLINE OF INTERPRETIVE SOCIOLOGY

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tion to *English Economic History and Theory*, II (London 1893), 229f. and 255f., who reprints part of the poem; also *Economic History*, 132. (Wi)

44. That is without rights of inheritance or alienation. See above chap. I, sec. 10.

45. This chapter is, however, a mere fragment which Weber intended to develop on a scale comparable with the others. Hence most of the material to which this note refers was probably never written down.

46. For a discussion of *Stör*, "wage work," and "price work," see Karl Bücher, *Industrial Evolution*, *op. cit.*, chap. 4. (Wi)

47. On *coloni*, see *Economic History*, 56, 73. (Wi)

48. It seems curious that in this classification Weber failed to mention the type of agricultural organization which has become predominant in the staple agricultural production of much of the United States and Canada. Of the European types this comes closest to large-scale peasant proprietorship, but is much more definitely oriented to the market for a single staple, such as wheat. Indeed, in many respects this type of farm is closely comparable to some kinds of small-scale industrial enterprise.

49. On this peculiar phenomenon, see *Economic History*, 35. (Wi)

49a. Memorandum on the question of a legal provision to protect the homesteads of smallholders against legal execution ("Empfiehl sich die Einführung eines Heimstättenrechtes, insbesondere zum Schutz des kleinen Grundbesitzes gegen Zwangsvollstreckung?") in *Deutscher Juristentag XXIV* (1897), *Verhandlungen*, II, 15-32. (W)

50. Weber uses the term *Alltag* in a technical sense, which is contrasted with *Charisma*. The antithesis will play a leading role in chap. III. In his use of the terms, however, an ambiguity appears of which he was probably not aware. In some contexts, *Alltag* means routine, as contrasted with things which are exceptional or extraordinary and hence temporary. Thus, the charismatic movement led by a prophet is, in the nature of the case, temporary, and if it is to survive at all must find a routine basis of organization. In other contexts, *Alltag* means the profane, as contrasted with the sacred. The theoretical significance of this ambiguity has been analysed in [Parsons.] *Structure of Social Action*, chap. xvii.

51. There are several different factors involved in the inability to predict future events with complete certainty. Perhaps the best known analysis of these factors is that of F. H. Knight in his *Risk, Uncertainty and Profit*.

52. On the Chinese and Hamburg *banco*-money (deposit certificates), see *Economic History*, 189f. (Wi)

53. In a well-known essay, "The Social Causes of the Decay of Ancient Civilization," (*J. of General Education*, V, 1950, 75-88), Weber attributed to this factor an important role in the economic decline and through this the cultural changes of the Roman Empire.

54. G. F. Knapp, *The State Theory of Money*, *op. cit.*, 11. (Wi)

55. For the exact definition of "currency money," see Knapp, *The State Theory of Money*, 100ff. (Wi)

56. Note money is discussed in sec. 34, below; metal money in this and the following section. (Wi)

57. Most of the special terminology employed here was coined by Knapp, but never came to be really widely used. "Lytric," from the Greek *lytron* = means of payment, designates specifically the agencies or institutions connected with payments or regulating payment instruments. "Hylodromy," literally the rate of exchange (*Kurs* = *dromos*) of currency metals (matter = *hyle*), Knapp defines

as a state characterized by "the deliberate fixing of the price of a hyllic metal" (Knapp, *The State Theory of Money*, 79). (Wi)

58. It should be borne in mind that this was written in 1919 or 1920. The situation has clearly been radically changed by the developments since that time.

59. This is an application of Weber's general theory of the relations of interests and ideas, which is much further developed in his writings on the Sociology of Religion. The most important point is that he refused to accept the common dilemma that a given act is motivated either by interests or by ideas. The influence of ideas is rather to be found in their function of defining the situations in which interests are pursued. Beside in Weber's own works, this point is developed in [Parsons'] article "The Role of Ideas in Social Action," *American Sociological Review*, October 1938.

60. Knapp, *The State Theory of Money*, 48. (Wi)

61. *Mäzenatisch*. This term is commonly used in German but not in the precise sense which Weber gives it here. There seems to be no equivalent single term in English, so the idea has been conveyed by a phrase.

62. For the complex history of this institution, the later *Preussische Staatsbank*, see W. O. Henderson, *The State and the Industrial Revolution in Prussia, 1740-1870* (Liverpool 1958), 119-147. Founded in 1772 by Frederick II as a primarily government-owned overseas trade agency, the *Seehandlung* eventually turned into a fully government-owned commercial bank used to float state loans and, to some extent, to finance desired industrial development. (Wi)

63. The methodological problems touched here have been further discussed in various of the essays collected in the volume *GAZW*. The most essential point is that Weber held that no scientific analysis in the natural or the social field ever exhausts the concrete individuality of the empirical world. Scientific conceptual schemes and the causal explanations attained through their use are always in important respects abstract.

64. Cf. Weber's essay on "Roscher und Knies und die logischen Probleme der historischen Nationalökonomie," *GAZW*, 2nd ed., 1951, 56, 64ff. (Wi)

65. See *Economic History*, 213 and 256f. (Wi)

66. On cattle loans, see *Economic History*, 56 and 201. (Wi)

67. The distinction here made between those types of economic interest having a dynamic and a static influence on economic activity respectively, is strikingly similar to that made by Pareto between "speculators" and "rentiers;" see *The Mind and Society*, especially secs. 22, 34ff.

68. See Robert Liefmann, *Ertrag und Einkommen auf Grundlage einer rein subjektiven Wertlehre* (Jena 1907); Liefmann, *Grundsätze der Volkswirtschaftslehre* (Stuttgart 1919), vol. II, parts VIII-IX, esp. 636-710. (Wi)

CHAPTER III

THE TYPES OF LEGITIMATE DOMINATION

i

The Basis of Legitimacy

1. *Domination and Legitimacy*

Domination was defined above (ch. I:16) as the probability that certain specific commands (or all commands) will be obeyed by a given group of persons. It thus does not include every mode of exercising "power" or "influence" over other persons. Domination ("authority")¹ in this sense may be based on the most diverse motives of compliance: all the way from simple habituation to the most purely rational calculation of advantage. Hence every genuine form of domination implies a minimum of voluntary compliance, that is, an *interest* (based on ulterior motives or genuine acceptance) in obedience.

Not every case of domination makes use of economic means; still less does it always have economic objectives. However, normally the rule over a considerable number of persons requires a staff (cf. ch. I:12), that is, a *special* group which can normally be trusted to execute the general policy as well as the specific commands. The members of the administrative staff may be bound to obedience to their superior (or superiors) by custom, by affectual ties, by a purely material complex of

i]

interests, or by ideal (*wertrationale*) motives. The quality of these motives largely determines the type of domination. *Purely* material interests and calculations of advantages as the basis of solidarity between the chief and his administrative staff result, in this as in other connexions, in a relatively unstable situation. Normally other elements, affectual and ideal, supplement such interests. In certain exceptional cases the former alone may be decisive. In everyday life these relationships, like others, are governed by custom and material calculation of advantage. But custom, personal advantage, purely affectual or ideal motives of solidarity, do not form a sufficiently reliable basis for a given domination. In addition there is normally a further element, the belief in *legitimacy*.

Experience shows that in no instance does domination voluntarily limit itself to the appeal to material or affectual or ideal motives as a basis for its continuance. In addition every such system attempts to establish and to cultivate the belief in its legitimacy. But according to the kind of legitimacy which is claimed, the type of obedience, the kind of administrative staff developed to guarantee it, and the mode of exercising authority, will all differ fundamentally. Equally fundamental is the variation in effect. Hence, it is useful to classify the types of domination according to the kind of claim to legitimacy typically made by each. In doing this, it is best to start from modern and therefore more familiar examples.

1. The choice of this rather than some other basis of classification can only be justified by its results. The fact that certain other typical criteria of variation are thereby neglected for the time being and can only be introduced at a later stage is not a decisive difficulty. The legitimacy of a system of control has far more than a merely "ideal" significance, if only because it has very definite relations to the legitimacy of property.

2. Not every claim which is protected by custom or law should be spoken of as involving a relation of authority. Otherwise the worker, in his claim for fulfilment of the wage contract, would be exercising authority over his employer because his claim can, on occasion, be enforced by order of a court. Actually his formal status is that of party to a contractual relationship with his employer, in which he has certain "rights" to receive payments. At the same time the concept of an authority relationship (*Herrschaftsverhältnis*) naturally does not exclude the possibility that it has originated in a formally free contract. This is true of the *authority* of the employer over the worker as manifested in the former's rules and instructions regarding the work process; and also of the *authority* of a feudal lord over a vassal who has freely entered into the relation of fealty. That subjection to military discipline is formally "involuntary" while that to the discipline of the factory is voluntary does not alter the fact that the latter is also a case of subjection to *authority*. The position of a bureaucratic official is also entered into by contract and can be

freely resigned, and even the status of "subject" can often be freely entered into and (in certain circumstances) freely repudiated. Only in the limiting case of the slave is formal subjection to authority absolutely involuntary.

On the other hand, we shall not speak of formal domination if a monopolistic position permits a person to exert economic power, that is, to dictate the terms of exchange to contractual partners. Taken by itself, this does not constitute authority any more than any other kind of influence which is derived from some kind of superiority, as by virtue of erotic attractiveness, skill in sport or in discussion. Even if a big bank is in a position to force other banks into a cartel arrangement, this will not alone be sufficient to justify calling it an authority. But if there is an immediate relation of command and obedience such that the management of the first bank can give orders to the others with the claim that they shall, and the probability that they will, be obeyed regardless of particular content, and if their carrying out is supervised, it is another matter. Naturally, here as everywhere the transitions are gradual; there are all sorts of intermediate steps between mere indebtedness and debt slavery. Even the position of a "salon" can come very close to the borderline of authoritarian domination and yet not necessarily constitute "authority." Sharp differentiation in concrete fact is often impossible, but this makes clarity in the analytical distinctions all the more important.

3. Naturally, the legitimacy of a system of domination may be treated sociologically only as the probability that to a relevant degree the appropriate attitudes will exist, and the corresponding practical conduct ensue. It is by no means true that every case of submissiveness to persons in positions of power is primarily (or even at all) oriented to this belief. Loyalty may be hypocritically simulated by individuals or by whole groups on purely opportunistic grounds, or carried out in practice for reasons of material self-interest. Or people may submit from individual weakness and helplessness because there is no acceptable alternative. But these considerations are not decisive for the classification of types of domination. What is important is the fact that in a given case the particular claim to legitimacy is to a significant degree and according to its type treated as "valid"; that this fact confirms the position of the persons claiming authority and that it helps to determine the choice of means of its exercise.

Furthermore, a system of domination may—as often occurs in practice—be so completely protected, on the one hand by the obvious community of interests between the chief and his administrative staff (bodyguards, Pretorians, "red" or "white" guards) as opposed to the subjects, on the other hand by the helplessness of the latter, that it can afford to drop even the pretense of a claim to legitimacy. But even then the mode of legitimation of the relation between chief and his staff may vary widely according to the type of basis of the relation of the authority between them, and, as will be shown, this variation is highly significant for the structure of domination.

4. "Obedience" will be taken to mean that the action of the person obeying follows in essentials such a course that the content of the command may be taken to have become the basis of action for its own sake. Furthermore, the fact that it is so taken is referable only to the formal obligation, without regard to the actor's own attitude to the value or lack of value of the content of the command as such.

5. Subjectively, the causal sequence may vary, especially as between "intuition" and "sympathetic agreement." This distinction is not, however, significant for the present classification of types of authority.

6. The scope of determination of social relationships and cultural phenomena by virtue of domination is considerably broader than appears at first sight. For instance, the authority exercised in the schools has much to do with the determination of the forms of speech and of written language which are regarded as orthodox. Dialects used as the "chancellery language" of autocephalous political units, hence of their rulers, have often become orthodox forms of speech and writing and have even led to the formation of separate "nations" (for instance, the separation of Holland from Germany). The rule by parents and the school, however, extends far beyond the determination of such cultural patterns, which are perhaps only apparently formal, to the formation of the young, and hence of human beings generally.

7. The fact that the chief and his administrative staff often appear formally as servants or agents of those they rule, naturally does nothing whatever to disprove the quality of dominance. There will be occasion later to speak of the substantive features of so-called "democracy." But a certain minimum of assured power to issue commands, thus of domination, must be provided for in nearly every conceivable case.

2. *The Three Pure Types of Authority*

There are three pure types of legitimate domination. The validity of the claims to legitimacy may be based on:

1. Rational grounds—resting on a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands (legal authority).

2. Traditional grounds—resting on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them (traditional authority); or finally,

3. Charismatic grounds—resting on devotion to the exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him (charismatic authority).

In the case of legal authority, obedience is owed to the legally established impersonal order. It extends to the persons exercising the authority

of office under it by virtue of the formal legality of their commands and only within the scope of authority of the office. In the case of traditional authority, obedience is owed to the *person* of the chief who occupies the traditionally sanctioned position of authority and who is (within its sphere) bound by tradition. But here the obligation of obedience is a matter of personal loyalty within the area of accustomed obligations. In the case of charismatic authority, it is the charismatically qualified leader as such who is obeyed by virtue of personal trust in his revelation, his heroism or his exemplary qualities so far as they fall within the scope of the individual's belief in his charisma.

1. The usefulness of the above classification can only be judged by its results in promoting systematic analysis. The concept of "charisma" ("the gift of grace") is taken from the vocabulary of early Christianity. For the Christian hierocracy Rudolf Sohm, in his *Kirchenrecht*, was the first to clarify the substance of the concept, even though he did not use the same terminology. Others (for instance, Holl in *Enthusiasmus und Bussgewalt*) have clarified certain important consequences of it. It is thus nothing new.

2. The fact that none of these three ideal types, the elucidation of which will occupy the following pages, is usually to be found in historical cases in "pure" form, is naturally not a valid objection to attempting their conceptual formulation in the sharpest possible form. In this respect the present case is no different from many others. Later on (sec. 11 ff.) the transformation of pure charisma by the process of routinization will be discussed and thereby the relevance of the concept to the understanding of empirical systems of authority considerably increased. But even so it may be said of every historical phenomenon of authority that it is not likely to be "as an open book." Analysis in terms of sociological types has, after all, as compared with purely empirical historical investigation, certain advantages which should not be minimized. That is, it can in the particular case of a concrete form of authority determine what conforms to or approximates such types as "charisma," "hereditary charisma," "the charisma of office," "patriarchy," "bureaucracy," the authority of status groups, and in doing so it can work with relatively unambiguous concepts. But the idea that the whole of concrete historical reality can be exhausted in the conceptual scheme about to be developed is as far from the author's thoughts as anything could be.

Legal Authority With a Bureaucratic Administrative Staff

Note: The specifically modern type of administration has intentionally been taken as a point of departure in order to make it possible later to contrast the others with it.

3. Legal Authority: The Pure Type

Legal authority rests on the acceptance of the validity of the following mutually inter-dependent ideas.

1. That any given legal norm may be established by agreement or by imposition, on grounds of expediency or value-rationality or both, with a claim to obedience at least on the part of the members of the organization. This is, however, usually extended to include all persons within the sphere of power in question—which in the case of territorial bodies is the territorial area—who stand in certain social relationships or carry out forms of social action which in the order governing the organization have been declared to be relevant.

2. That every body of law consists essentially in a consistent system of abstract rules which have normally been intentionally established. Furthermore, administration of law is held to consist in the application of these rules to particular cases; the administrative process in the rational pursuit of the interests which are specified in the order governing the organization within the limits laid down by legal precepts and following principles which are capable of generalized formulation and are approved in the order governing the group, or at least not disapproved in it.

3. That thus the typical person in authority, the "superior," is himself subject to an impersonal order by orienting his actions to it in his own dispositions and commands. (This is true not only for persons exercising legal authority who are in the usual sense "officials," but, for instance, for the elected president of a state.)

4. That the person who obeys authority does so, as it is usually stated, only in his capacity as a "member" of the organization and what he obeys is only "the law." (He may in this connection be the member

of an association, of a community, of a church, or a citizen of a state.)

5. In conformity with point 3, it is held that the members of the organization, insofar as they obey a person in authority, do not owe this obedience to him as an individual, but to the impersonal order. Hence, it follows that there is an obligation to obedience only within the sphere of the rationally delimited jurisdiction which, in terms of the order, has been given to him.

The following may thus be said to be the fundamental categories of rational legal authority:

(1) A continuous rule-bound conduct of official business.

(2) A specified sphere of competence (jurisdiction). This involves:

(a) A sphere of obligations to perform functions which has been marked off as part of a systematic division of labor. (b) The provision of the incumbent with the necessary powers. (c) That the necessary means of compulsion are clearly defined and their use is subject to definite conditions. A unit exercising authority which is organized in this way will be called an "administrative organ" or "agency" (*Behörde*).

There are administrative organs in this sense in large-scale private enterprises, in parties and armies, as well as in the state and the church. An elected president, a cabinet of ministers, or a body of elected "People's Representatives" also in this sense constitute administrative organs. This is not, however, the place to discuss these concepts. Not every administrative organ is provided with compulsory powers. But this distinction is not important for present purposes.

(3) The organization of offices follows the principle of hierarchy; that is, each lower office is under the control and supervision of a higher one. There is a right of appeal and of statement of grievances from the lower to the higher. Hierarchies differ in respect to whether and in what cases complaints can lead to a "correct" ruling from a higher authority itself, or whether the responsibility for such changes is left to the lower office, the conduct of which was the subject of the complaint.

(4) The rules which regulate the conduct of an office may be technical rules or norms.² In both cases, if their application is to be fully rational, specialized training is necessary. It is thus normally true that only a person who has demonstrated an adequate technical training is qualified to be a member of the administrative staff of such an organized group, and hence only such persons are eligible for appointment to official positions. The administrative staff of a rational organization thus typically consists of "officials," whether the organization be devoted to political, hierocratic, economic—in particular, capitalistic—or other ends.

(5) In the rational type it is a matter of principle that the members of the administrative staff should be completely separated from owner-

ship of the means of production or administration. Officials, employees, and workers attached to the administrative staff do not themselves own the non-human means of production and administration. These are rather provided for their use, in kind or in money, and the official is obligated to render an accounting of their use. There exists, furthermore, in principle complete separation of the organization's property (respectively, capital), and the personal property (household) of the official. There is a corresponding separation of the place in which official functions are carried out—the "office" in the sense of premises—from the living quarters.

(6) In the rational type case, there is also a complete absence of appropriation of his official position by the incumbent. Where "rights" to an office exist, as in the case of judges, and recently of an increasing proportion of officials and even of workers, they do not normally serve the purpose of appropriation by the official, but of securing the purely objective and independent character of the conduct of the office so that it is oriented only to the relevant norms.

(7) Administrative acts, decisions, and rules are formulated and recorded in writing, even in cases where oral discussion is the rule or is even mandatory. This applies at least to preliminary discussions and proposals, to final decisions, and to all sorts of orders and rules. The combination of written documents and a continuous operation by officials constitutes the "office" (*Bureau*)³ which is the central focus of all types of modern organized action.

(8) Legal authority can be exercised in a wide variety of different forms which will be distinguished and discussed later. The following ideal-typical analysis will be deliberately confined for the time being to the administrative staff that is most unambiguously a structure of domination: "officialdom" or "bureaucracy."

In the above outline no mention has been made of the kind of head appropriate to a system of legal authority. This is a consequence of certain considerations which can only be made entirely understandable at a later stage in the analysis. There are very important types of rational domination which, with respect to the ultimate source of authority, belong to other categories. This is true of the hereditary charismatic type, as illustrated by hereditary monarchy, and of the pure charismatic type of a president chosen by a plebiscite. Other cases involve rational elements at important points, but are made up of a combination of bureaucratic and charismatic components, as is true of the cabinet form of government. Still others are subject to the authority of the chiefs of other organizations, whether their character be charismatic or bureaucratic; thus the formal head of a government department under a parliamentary

regime may be a minister who occupies his position because of his authority in a party. The type of rational, legal administrative staff is capable of application in all kinds of situations and contexts. It is the most important mechanism for the administration of everyday affairs. For in that sphere, the exercise of authority consists precisely in administration.

4. Legal Authority: The Pure Type (Continued)

The purest type of exercise of legal authority is that which employs a bureaucratic administrative staff. Only the supreme chief of the organization occupies his position of dominance (*Herrenstellung*) by virtue of appropriation, of election, or of having been designated for the succession. But even *his* authority consists in a sphere of legal "competence." The whole administrative staff under the supreme authority then consists, in the purest type, of individual officials (constituting a "monocracy" as opposed to the "collegial" type, which will be discussed below) who are appointed and function according to the following criteria:

(1) They are personally free and subject to authority only with respect to their impersonal official obligations.

(2) They are organized in a clearly defined hierarchy of offices.

(3) Each office has a clearly defined sphere of competence in the legal sense.

(4) The office is filled by a free contractual relationship. Thus, in principle, there is free selection.

(5) Candidates are selected on the basis of technical qualifications. In the most rational case, this is tested by examination or guaranteed by diplomas certifying technical training, or both. They are *appointed*, not elected.

(6) They are remunerated by fixed salaries in money, for the most part with a right to pensions. Only under certain circumstances does the employing authority, especially in private organizations, have a right to terminate the appointment, but the official is always free to resign. The salary scale is graded according to rank in the hierarchy; but in addition to this criterion, the responsibility of the position and the requirements of the incumbent's social status may be taken into account (cf. ch. IV).

(7) The office is treated as the sole, or at least the primary, occupation of the incumbent.

(8) It constitutes a career. There is a system of "promotion" according to seniority or to achievement, or both. Promotion is dependent on the judgment of superiors.

(9) The official works entirely separated from ownership of the means of administration and without appropriation of his position.

(10) He is subject to strict and systematic discipline and control in the conduct of the office.

This type of organization is in principle applicable with equal facility to a wide variety of different fields. It may be applied in profit-making business or in charitable organizations, or in any number of other types of private enterprises serving ideal or material ends. It is equally applicable to political and to hierocratic organizations. With the varying degrees of approximation to a pure type, its historical existence can be demonstrated in all these fields.

1. For example, bureaucracy is found in private clinics, as well as in endowed hospitals or the hospitals maintained by religious orders. Bureaucratic organization is well illustrated by the administrative role of the priesthood (*Kaplanokratie*) in the modern [Catholic] church, which has expropriated almost all of the old church benefices, which were in former days to a large extent subject to private appropriation. It is also illustrated by the notion of a [Papal] universal episcopate, which is thought of as formally constituting a universal legal competence in religious matters. Similarly, the doctrine of Papal infallibility is thought of as in fact involving a universal competence, but only one which functions "ex cathedra" in the sphere of the office, thus implying the typical distinction between the sphere of office and that of the private affairs of the incumbent. The same phenomena are found in the large-scale capitalistic enterprise; and the larger it is, the greater their role. And this is not less true of political parties, which will be discussed separately. Finally, the modern army is essentially a bureaucratic organization administered by that peculiar type of military functionary, the "officer."

2. Bureaucratic authority is carried out in its purest form where it is most clearly dominated by the principle of appointment. There is no such thing as a hierarchical organization of elected officials. In the first place, it is impossible to attain a stringency of discipline even approaching that in the appointed type, since the subordinate official can stand on his own election and since his prospects are not dependent on the superior's judgment. (On elected officials, see below, sec. 14.)

3. Appointment by free contract, which makes free selection possible, is essential to modern bureaucracy. Where there is a hierarchical organization with impersonal spheres of competence, but occupied by unfree officials—like slaves or *ministeriales*, who, however, function in a formally bureaucratic manner—the term "patrimonial bureaucracy" will be used.

4. The role of technical qualifications in bureaucratic organizations is continually increasing. Even an official in a party or a trade-union organization is in need of specialized knowledge, though it is usually developed by experience rather than by formal training. In the modern

state, the only "offices" for which no technical qualifications are required are those of ministers and presidents. This only goes to prove that they are "officials" only in a formal sense, and not substantively, just like the managing director or president of a large business corporation. There is no question but that the "position" of the capitalistic entrepreneur is as definitely appropriated as is that of a monarch. Thus at the top of a bureaucratic organization, there is necessarily an element which is at least not purely bureaucratic. The category of bureaucracy is one applying only to the exercise of control by means of a particular kind of administrative staff.

5. The bureaucratic official normally receives a fixed salary. (By contrast, sources of income which are privately appropriated will be called "benefices" (*Pfründen*)—on this concept, see below, sec. 8.) Bureaucratic salaries are also normally paid in money. Though this is not essential to the concept of bureaucracy, it is the arrangement which best fits the pure type. (Payments in kind are apt to have the character of benefices, and the receipt of a benefice normally implies the appropriation of opportunities for earnings and of positions.) There are, however, gradual transitions in this field with many intermediate types. Appropriation by virtue of leasing or sale of offices or the pledge of income from office are phenomena foreign to the pure type of bureaucracy (cf. *infra*, sec. 7a: III:3).

6. "Offices" which do not constitute the incumbent's principal occupation, in particular "honorary" offices, belong in other categories, which will be discussed later (sec. 19f.). The typical "bureaucratic" official occupies the office as his principal occupation.

7. With respect to the separation of the official from ownership of the means of administration, the situation is exactly the same in the field of public administration and in private bureaucratic organizations, such as the large-scale capitalistic enterprise.

8. Collegial bodies will be discussed separately below (section 15). At the present time they are rapidly decreasing in importance in favor of types of organization which are in fact, and for the most part formally as well, subject to the authority of a single head. For instance, the collegial "governments" in Prussia have long since given way to the monocratic "district president" (*Regierungspräsident*). The decisive factor in this development has been the need for rapid, clear decisions, free of the necessity of compromise between different opinions and also free of shifting majorities.

9. The modern army officer is a type of appointed official who is clearly marked off by certain status distinctions. This will be discussed elsewhere (ch. IV). In this respect such officers differ radically from elected military leaders, from charismatic *condottieri* (sec. 10), from the type of officers who recruit and lead mercenary armies as a capitalistic enterprise, and, finally, from the incumbents of commissions which have been purchased (sec. 7a). There may be gradual transitions between these types. The patrimonial "retainer," who is separated from the means

of carrying out his function, and the proprietor of a mercenary army for capitalistic purposes have, along with the private capitalistic entrepreneur, been pioneers in the organization of the modern type of bureaucracy. This will be discussed in detail below.

5. Monocratic Bureaucracy

Experience tends universally to show that the purely bureaucratic type of administrative organization—that is, the monocratic variety of bureaucracy—is, from a purely technical point of view, capable of attaining the highest degree of efficiency and is in this sense formally the most rational known means of exercising authority over human beings. It is superior to any other form in precision, in stability, in the stringency of its discipline, and in its reliability. It thus makes possible a particularly high degree of calculability of results for the heads of the organization and for those acting in relation to it. It is finally superior both in intensive efficiency and in the scope of its operations, and is formally capable of application to all kinds of administrative tasks.

The development of modern forms of organization in all fields is nothing less than identical with the development and continual spread of bureaucratic administration. This is true of church and state, of armies, political parties, economic enterprises, interest groups, endowments, clubs, and many others. Its development is, to take the most striking case, at the root of the modern Western state. However many forms there may be which do not appear to fit this pattern, such as collegial representative bodies, parliamentary committees, soviets, honorary officers, lay judges, and what not, and however many people may complain about the "red tape," it would be sheer illusion to think for a moment that continuous administrative work can be carried out in any field except by means of officials working in offices. The whole pattern of everyday life is cut to fit this framework. If bureaucratic administration is, other things being equal, always the most rational type from a technical point of view, the needs of mass administration make it today completely indispensable. The choice is only that between bureaucracy and dilettantism in the field of administration.

The primary source of the superiority of bureaucratic administration lies in the role of technical knowledge which, through the development of modern technology and business methods in the production of goods, has become completely indispensable. In this respect, it makes no difference whether the economic system is organized on a capitalistic or a socialistic basis. Indeed, if in the latter case a comparable level of technical

efficiency were to be achieved, it would mean a tremendous increase in the importance of professional bureaucrats.

When those subject to bureaucratic control seek to escape the influence of the existing bureaucratic apparatus, this is normally possible only by creating an organization of their own which is equally subject to bureaucratization. Similarly the existing bureaucratic apparatus is driven to continue functioning by the most powerful interests which are material and objective, but also ideal in character. Without it, a society like our own—with its separation of officials, employees, and workers from ownership of the means of administration, and its dependence on discipline and on technical training—could no longer function. The only exception would be those groups, such as the peasantry, who are still in possession of their own means of subsistence. Even in the case of revolution by force or of occupation by an enemy, the bureaucratic machinery will normally continue to function just as it has for the previous legal government.

The question is always who controls the existing bureaucratic machinery. And such control is possible only in a very limited degree to persons who are not technical specialists. Generally speaking, the highest-ranking career official is more likely to get his way in the long run than his nominal superior, the cabinet minister, who is not a specialist.

Though by no means alone, the capitalistic system has undeniably played a major role in the development of bureaucracy. Indeed, without it capitalistic production could not continue and any rational type of socialism would have simply to take it over and increase its importance. Its development, largely under capitalistic auspices, has created an urgent need for stable, strict, intensive, and calculable administration. It is this need which is so fateful to any kind of large-scale administration. Only by reversion in every field—political, religious, economic, etc.—to small-scale organization would it be possible to any considerable extent to escape its influence. On the one hand, capitalism in its modern stages of development requires the bureaucracy, though both have arisen from different historical sources. Conversely, capitalism is the most rational economic basis for bureaucratic administration and enables it to develop in the most rational form, especially because, from a fiscal point of view, it supplies the necessary money resources.

Along with these fiscal conditions of efficient bureaucratic administration, there are certain extremely important conditions in the fields of communication and transportation. The precision of its functioning requires the services of the railway, the telegraph, and the telephone, and becomes increasingly dependent on them. A socialistic form of organization would not alter this fact. It would be a question (cf. ch. II, sec. 12)

whether in a socialistic system it would be possible to provide conditions for carrying out as stringent a bureaucratic organization as has been possible in a capitalistic order. For socialism would, in fact, require a still higher degree of formal bureaucratization than capitalism. If this should prove not to be possible, it would demonstrate the existence of another of those fundamental elements of irrationality—a conflict between formal and substantive rationality of the sort which sociology so often encounters.

Bureaucratic administration means fundamentally domination through knowledge. This is the feature of it which makes it specifically rational. This consists on the one hand in technical knowledge which, by itself, is sufficient to ensure it a position of extraordinary power. But in addition to this, bureaucratic organizations, or the holders of power who make use of them, have the tendency to increase their power still further by the knowledge growing out of experience in the service. For they acquire through the conduct of office a special knowledge of facts and have available a store of documentary material peculiar to themselves. While not peculiar to bureaucratic organizations, the concept of "official secrets" is certainly typical of them. It stands in relation to technical knowledge in somewhat the same position as commercial secrets do to technological training. It is a product of the striving for power.

Superior to bureaucracy in the knowledge of techniques and facts is only the capitalist entrepreneur, within his own sphere of interest. He is the only type who has been able to maintain at least relative immunity from subjection to the control of rational bureaucratic knowledge. In large-scale organizations, all others are inevitably subject to bureaucratic control, just as they have fallen under the dominance of precision machinery in the mass production of goods.

In general, bureaucratic domination has the following social consequences:

(1) The tendency to "levelling" in the interest of the broadest possible basis of recruitment in terms of technical competence.

(2) The tendency to plutocracy growing out of the interest in the greatest possible length of technical training. Today this often lasts up to the age of thirty.

(3) The dominance of a spirit of formalistic impersonality: "*Sine ira et studio*," without hatred or passion, and hence without affection or enthusiasm. The dominant norms are concepts of straightforward duty without regard to personal considerations. Everyone is subject to formal equality of treatment; that is, everyone in the same empirical situation. This is the spirit in which the ideal official conducts his office.

The development of bureaucracy greatly favors the levelling of status, and this can be shown historically to be the normal tendency. Conversely, every process of social levelling creates a favorable situation for the development of bureaucracy by eliminating the office-holder who rules by virtue of status privileges and the appropriation of the means and powers of administration; in the interests of "equality," it also eliminates those who can hold office on an honorary basis or as an avocation by virtue of their wealth. Everywhere bureaucratization foreshadows mass democracy, which will be discussed in another connection.

The "spirit" of rational bureaucracy has normally the following general characteristics:

(1) Formalism, which is promoted by all the interests which are concerned with the security of their own personal situation, whatever this may consist in. Otherwise the door would be open to arbitrariness and hence formalism is the line of least resistance.

(2) There is another tendency, which is apparently, and in part genuinely, in contradiction to the above. It is the tendency of officials to treat their official function from what is substantively a utilitarian point of view in the interest of the welfare of those under their authority. But this utilitarian tendency is generally expressed in the enactment of corresponding regulatory measures which themselves have a formal character and tend to be treated in a formalistic spirit. (This will be further discussed in the *Sociology of Law*). This tendency to substantive rationality is supported by all those subject to authority who are not included in the group mentioned above as interested in the protection of advantages already secured. The problems which open up at this point belong in the theory of "democracy."

iii

Traditional Authority

6. The Pure Type

Authority will be called traditional if legitimacy is claimed for it and believed in by virtue of the sanctity of age-old rules and powers. The masters are designated according to traditional rules and are obeyed because of their traditional status (*Eigenwürde*). This type of organized

rule is, in the simplest case, primarily based on personal loyalty which results from common upbringing. The person exercising authority is not a "superior," but a personal master, his administrative staff does not consist mainly of officials but of personal retainers, and the ruled are not "members" of an association but are either his traditional "comrades" (sec. 7a) or his "subjects." Personal loyalty, not the official's impersonal duty, determines the relations of the administrative staff to the master.

Obedience is owed not to enacted rules but to the person who occupies a position of authority by tradition or who has been chosen for it by the traditional master. The commands of such a person are legitimized in one of two ways:

a) partly in terms of traditions which themselves directly determine the content of the command and are believed to be valid within certain limits that cannot be overstepped without endangering the master's traditional status;

b) partly in terms of the master's discretion in that sphere which tradition leaves open to him; this traditional prerogative rests primarily on the fact that the obligations of personal obedience tend to be essentially unlimited.

Thus there is a double sphere:

a) that of action which is bound to specific traditions;

b) that of action which is free of specific rules.

In the latter sphere, the master is free to do good turns on the basis of his personal pleasure and likes, particularly in return for gifts—the historical sources of dues (*Gebühren*). So far as his action follows principles at all, these are governed by considerations of ethical common sense, of equity or of utilitarian expediency. They are not formal principles, as in the case of legal authority. The exercise of power is oriented toward the consideration of how far master and staff can go in view of the subjects' traditional compliance without arousing their resistance. When resistance occurs, it is directed against the master or his servant personally, the accusation being that he failed to observe the traditional limits of his power. Opposition is not directed against the system as such—it is a case of "traditionalist revolution."

In the pure type of traditional authority it is impossible for law or administrative rule to be deliberately created by legislation. Rules which in fact are innovations can be legitimized only by the claim that they have been "valid of yore," but have only now been recognized by means of "Wisdom" [the *Weistum* of ancient Germanic law]. Legal decisions as "finding of the law" (*Rechtsfindung*) can refer only to documents of tradition, namely to precedents and earlier decisions.

7. The Pure Type (Continued)

The master rules with or without an administrative staff. On the latter case, see sec. 7a:1.

The typical administrative staff is recruited from one or more of the following sources:

(I) From persons who are already related to the chief by traditional ties of loyalty. This will be called patrimonial recruitment. Such persons may be

- a) kinsmen,
- b) slaves,
- c) dependents who are officers of the household, especially *ministeriales*,
- d) clients,
- e) *coloni*,
- f) freedmen;

(II) Recruitment may be extra-patrimonial, including

- a) persons in a relation of purely personal loyalty such as all sorts of "favorites,"
- b) persons standing in a relation of fealty to their lord (vassals), and, finally,
- c) free men who voluntarily enter into a relation of personal loyalty as officials.

On I.a) Under traditionalist domination it is very common for the most important posts to be filled with members of the ruling family or clan.

b) In patrimonial administrations it is common for slaves and freedmen to rise even to the highest positions. It has not been rare for Grand Viziers to have been at one time slaves.

c) The typical household officials have been the following: the seneschal, the marshal, the chamberlain, the carver (*Truchsess*), the majordomo, who was the head of the service personnel and possibly of the vassals. These are to be found everywhere in Europe. In the Orient, in addition, the head eunuch, who was in charge of the harem, was particularly important, and in African kingdoms, the executioner. Furthermore, the ruler's personal physician, the astrologer and similar persons have been common.

d) In China and in Egypt, the principal source of recruitment for patrimonial officials lay in the clientele of the king.

e) Armies of *coloni* have been known throughout the Orient and were typical of the Roman nobility. (Even in modern times, in the Mohammedan world, armies of slaves have existed.)

On II.a) The regime of favorites is characteristic of every patrimonial rule and has often been the occasion for traditionalist revolutions.

b) The vassals will be treated separately.

c) Bureaucracy has first developed in patrimonial states with a body of officials recruited from extra-patrimonial sources; but, as will be shown soon, these officials were at first personal followers of their master.

In the pure type of traditional rule, the following features of a bureaucratic administrative staff are absent:

- a) a clearly defined sphere of competence subject to impersonal rules,
- b) a rationally established hierarchy,
- c) a regular system of appointment on the basis of free contract, and orderly promotion,
- d) technical training as a regular requirement,
- e) (frequently) fixed salaries, in the type case paid in money.

On a): In place of a well-defined functional jurisdiction, there is a conflicting series of tasks and powers which at first are assigned at the master's discretion. However, they tend to become permanent and are often traditionally stereotyped. These competing functions originate particularly in the competition for sources of income which are at the disposal of the master himself and of his representatives. It is often in the first instance through these interests that definite functional spheres are first marked off and genuine administrative organs come into being.

At first, persons with permanent functions are household officials. Their (extra-patrimonial) functions outside the administration of the household are often in fields of activity which bear a relatively superficial analogy to their household function, or which originated in a discretionary act of the master and later became traditionally stereotyped. In addition to household officials, there have existed primarily only persons with *ad hoc* commissions.

The absence of distinct spheres of competence is evident from a perusal of the list of the titles of officials in any of the ancient Oriental states. With rare exceptions, it is impossible to associate with these titles a set of rationally delimited functions which have remained stable over a considerable period.

The process of delimiting permanent functions as a result of competition among and compromise between interests seeking favors, income, and other forms of advantage is clearly evident in the Middle Ages. This phenomenon has had very important consequences. The financial interests of the powerful royal courts and of the powerful legal profession in England were largely responsible for vitiating or curbing the influence of Roman and Canon law. In all periods the irrational division of official functions has been stereotyped by the existence of an established set of rights to fees and perquisites.

On b): The question of who shall decide a matter or deal with appeals—whether an agent shall be in charge of this, and which one, or

whether the master reserves decision for himself—is treated either traditionally, at times by considering the provenience of certain legal norms and precedents taken over from the outside (*Oberhof-System*);^{3a} or entirely on the basis of the master's discretion in such manner that all agents have to yield to his personal intervention.

Next to the traditionalist system of the [precedent-setting outside] "superior" court (*Oberhof*) we find the principle of Germanic law, deriving from the ruler's political prerogative, that in his presence the jurisdiction of any court is suspended. The *ius evocandi* and its modern derivative, chamber justice (*Kabinettsjustiz*), stem from the same source and the ruler's discretion. Particularly in the Middle Ages the *Oberhof* was very often the agency whose writ declared and interpreted the law, and accordingly the source from which the law of a given locality was imported.

On c): The household officials and favorites are often recruited in a purely patrimonial fashion: they are slaves or dependents (*ministeriales*) of the master. If recruitment has been extra-patrimonial, they have tended to be benefice-holders whom he can freely remove. A fundamental change in this situation is first brought about by the rise of free vassals and the filling of offices by a contract of fealty. However, since fiefs are by no means determined by functional considerations, this does not alter the situation with respect to a) and b) [the lack of definite spheres of competence and clearly determined hierarchical relationships]. Except under certain circumstances when the administrative staff is organized on a prebendal basis, "promotion" is completely up to the master's discretion (see sec. 8).

On d): Rational technical training as a basic qualification for office is scarcely to be found among household officials and favorites. However, a fundamental change in administrative practice occurs wherever there is even a beginning of technical training for appointees, regardless of its content.

For some offices a certain amount of empirical training has been necessary from very early times. This is particularly true of the art of reading and writing which was originally truly a rare "art." This has often, most strikingly in China, had a decisive influence on the whole development of culture through the mode of life of the literati. It eliminated the recruiting of officials from intra-patrimonial sources and thus limited the ruler's power by confronting him with a status group (cf. sec. 7a: III).

On e): Household officials and favorites are usually supported and equipped in the master's household. Generally, their dissociation from the lord's own table means the creation of benefices, at first usually benefices in kind. It is easy for these to become traditionally stereotyped in amount and kind. In addition, or instead of them, the officials who

live outside the lord's household and the lord himself count on various fees, which are often collected without any regular rate or scale, being agreed upon from case to case with those seeking favors. (On the concept of benefices see sec. 8.)

7a. Gerontocracy, Patriarchalism and Patrimonialism

I. *Gerontocracy* and *primary patriarchalism* are the most elementary types of traditional domination where the master has no personal administrative staff.

The term gerontocracy is applied to a situation where so far as rule over the group is organized at all it is in the hands of elders—which originally was understood literally as the eldest in actual years, who are the most familiar with the sacred traditions. This is common in groups which are not primarily of an economic or kinship character. "Patriarchalism" is the situation where, within a group (household) which is usually organized on both an economic and a kinship basis, a particular individual governs who is designated by a definite rule of inheritance. Gerontocracy and patriarchalism are frequently found side by side. The decisive characteristic of both is the belief of the members that domination, even though it is an inherent traditional right of the master, must definitely be exercised as a joint right in the interest of all members and is thus not freely appropriated by the incumbent. In order that this shall be maintained, it is crucial that in both cases there is a complete absence of a personal (patrimonial) staff. Hence the master is still largely dependent upon the willingness of the members to comply with his orders since he has no machinery to enforce them. Therefore, the members (*Genossen*) are not yet really subjects (*Untertanen*).

Their membership exists by tradition and not by enactment. Obedience is owed to the master, not to any enacted regulation. However, it is owed to the master only by virtue of his traditional status. He is thus on his part strictly bound by tradition.

The different types of gerontocracy will be discussed later. Elementary patriarchalism is related to it in that the patriarch's authority carries strict obligations to obedience only within his own household. Apart from this, as in the case of the Arabian Sheik, it has only an exemplary effect, in the manner of charismatic authority, or must resort to advice and similar means of exerting influence.

II. *Patrimonialism* and, in the extreme case, *sultanism* tend to arise whenever traditional domination develops an administration and a military force which are purely personal instruments of the master. Only then are the group members treated as subjects. Previously the master's

authority appeared as a pre-eminent group right, now it turns into his personal right, which he appropriates in the same way as he would any ordinary object of possession. In principle, he can exploit his right like any economic asset—sell it, pledge it as security, or divide it by inheritance. The primary external support of patrimonial power is provided by slaves (who are often branded), *coloni* and conscripted subjects, but also by mercenary bodyguards and armies (patrimonial troops); the latter practice is designed to maximize the solidarity of interest between master and staff. By controlling these instruments the ruler can broaden the range of his arbitrary power and put himself in a position to grant grace and favors at the expense of the traditional limitations of patriarchal and gerontocratic structures. Where domination is primarily traditional, even though it is exercised by virtue of the ruler's personal autonomy, it will be called *patrimonial authority*; where it indeed operates primarily on the basis of discretion, it will be called *sultanism*. The transition is definitely continuous. Both forms of domination are distinguished from elementary patriarchalism by the presence of a personal staff.

Sometimes it appears that sultanism is completely unrestrained by tradition, but this is never in fact the case. The non-traditional element is not, however, rationalized in impersonal terms, but consists only in an extreme development of the ruler's discretion. It is this which distinguishes it from every form of rational authority.

III. *Estate-type domination (ständische Herrschaft)*⁴ is that form of patrimonial authority under which the administrative staff appropriates particular powers and the corresponding economic assets. As in all similar cases (cf. ch. II, sec. 19), appropriation may take the following forms:

- a) Appropriation may be carried out by an organized group or by a category of persons distinguished by particular characteristics, or
- b) it may be carried out by individuals, for life, on a hereditary basis, or as free property.

Domination of the estate-type thus involves:

- a) always a limitation of the lord's discretion in selecting his administrative staff because positions or seigneurial powers have been appropriated by
 - a) an organized group,
 - β) a status group (see ch. IV), or
- b) often—and this will be considered as typical—appropriation by the individual staff members of
 - a) the positions, including in general the economic advantages associated with them,
 - β) the material means of administration,
 - γ) the governing powers.

Those holding appropriated positions may have originated historically 1) from members of an administrative staff which was not previously an independent status group, or 2) before the appropriation, they may not have belonged to the staff.

Where governing powers are appropriated, the costs of administration are met indiscriminately from the incumbent's own and his appropriated means. Holders of military powers and seigneurial members of the "feudal" army (*ständisches Heer*) equip themselves and possibly their own patrimonial or feudal contingents. It is also possible that the provision of administrative means and of the administrative staff itself is appropriated as the object of a profit-making enterprise, on the basis of fixed contributions from the ruler's magazines or treasury. This was true in particular of the mercenary armies in the sixteenth and seventeenth century in Europe—examples of "capitalist armies."

Where appropriation is complete, all the powers of government are divided between the ruler and the administrative staff members, each on the basis of his personal rights (*Eigenrecht*); or autonomous powers are created and regulated by special decrees of the ruler or special compromises with the holders of appropriated rights.

On 1): An example are the holders of court offices which have become appropriated as fiefs. An example for 2) are seigneurs who appropriated powers by virtue of their privileged position or by usurpation, using the former as a legalization of the latter.

Appropriation by an *individual* may rest on

1. leasing,
2. pledging as security,
3. sale,
4. privileges, which may be personal, hereditary or freely appropriated, unconditional or subject to the performance of certain functions; such a privilege may be
 - a) granted in return for services or for the sake of "buying" compliance, or
 - b) it may constitute merely the formal recognition of actual usurpation of powers;
5. appropriation by an organized group or a status group, usually a consequence of a compromise between the ruler and his administrative staff or between him and an unorganized status group; this may
 - a) leave the ruler completely or relatively free in his selection of individuals, or
 - β) it may lay down rigid rules for the selection of incumbents;
6. fiefs, a case which we must deal with separately.

1. In the cases of gerontocracy and pure patriarchalism, so far as there are clear ideas on the subject at all, the means of administration are generally appropriated by the group as a whole or by the participating households. The administrative functions are performed on behalf of the group as a whole. Appropriation by the master personally is a phenomenon of patrimonialism. It may vary enormously in degree to the extreme cases of a claim to full proprietorship of the land (*Bodenregal*) and to the status of master over subjects treated as negotiable slaves. Estate-type appropriation generally means the appropriation of at least part of the means of administration by the members of the administrative staff. In the case of pure patrimonialism, there is complete separation of the functionary from the means of carrying out his function. But exactly the opposite is true of the estate-type of patrimonialism. The person exercising governing powers has personal control of the means of administration—if not all, at least of an important part of them. In full possession of these means were the feudal knight, who provided his own equipment, the count, who by virtue of holding his fief took the court fees and other perquisites for himself and met his feudal obligations from his own means (including the appropriated ones), and the Indian *jagirdar*, who provided and equipped a military unit from the proceeds of his tax benefice. On the other hand, a colonel who recruited a mercenary regiment on his own account, but received certain payments from the royal exchequer and covered his deficit either by curtailing the service or from booty or requisitions, was only partly in possession of the means of administration and was subject to certain regulations. By contrast, the Pharaoh, who organized armies of slaves or *coloni*; put his clients in command of them, and clothed, fed and equipped them from his own storehouses, was acting as a patrimonial lord in full personal control of the means of administration. It is not always the formal mode of organization which is decisive. The Mamelukes were formally purchased slaves. In fact, however, they monopolized the powers of government as completely as any group of *ministeriales* has ever monopolized the service fiefs.

There are examples of service land appropriated by a closed group without any individual appropriation. Where this occurs, land may be freely granted to individuals by the lord as long as they are members of the group (case III:a:α) or the grant may be subject to regulations specifying qualifications (case III:a:β). Thus, military or possibly ritual qualifications have been required of the candidates, but once they are given, close blood relations have had priority. The situation is similar in the case of manorial or guild artisans or of peasants whose services have been attached for military or administrative purposes.

2. Appropriation by lease, especially tax farming, by pledging as security, or by sale, have been found in the Occident, but also in the Orient and in India. In Antiquity, it was not uncommon for priest-hoods to be sold at auction. In the case of leasing, the aim has been partly a practical financial one to meet stringencies caused especially by the costs of war. It has partly also been a matter of the technique of

financing, to insure a stable money income available for budgetary uses. Pledging as security and sale have generally arisen from the first aim. In the Papal States the purpose was also the creation of rents for nephews (*Nepotentrenten*). Appropriation by pledging played a significant role in France as late as the eighteenth century in filling judicial posts in the *parlements*. The appropriation of officers' commissions by regulated purchase continued in the British army well into the nineteenth century. Privileges, as a sanction of usurpation, as a reward, or as an incentive for political services, were common in the Middle Ages in Europe as well as elsewhere.

8. Patrimonial Maintenance: Benefices and Fiefs

The patrimonial retainer may receive his support in any of the following ways:

- a) by living from the lord's table,
- b) by allowances (usually in kind) from the lord's magazines or treasury,
- c) by rights of land use in return for services ("service-land"),
- d) by the appropriation of property income, fees or taxes,
- e) by fiefs.

We shall speak of *benefices* insofar as the forms of maintenance b) through d) are always newly granted in a traditional fashion which determines amount or locality, and insofar as they can be appropriated by the individual, although not hereditarily. When an administrative staff is, in principle, supported in this form, we shall speak of *prebendalism*. In such a situation there may be a system of promotion on a basis of seniority or of particular objectively determined achievements, and it may also happen that a certain social status and hence a sense of status honor (*Standesehre*) are required as a criterion of eligibility. (On the concept of the status group: *Stand*, see ch. IV.)

Appropriated seigneurial powers will be called a *fief* if they are granted primarily to particular qualified individuals by a contract and if the reciprocal rights and duties involved are primarily oriented to conventional standards of status honor, particularly in a military sense. If an administrative staff is primarily supported by fiefs, we will speak of [Western] *feudalism* (*Lehensfeudalismus*).

The transition between fiefs and military benefices is so gradual that at times they are almost indistinguishable. (This will be further discussed below in ch. IV.)

In cases d) and e), sometimes also in c), the individual who has appropriated governing powers pays the cost of his administration, possibly

of military equipment, in the manner indicated above, from the proceeds of his benefice or fief. His own authority may then become patrimonial (hence, hereditary, alienable, and capable of division by inheritance.)

1. The earliest form of support for royal retainers, household officials, priests and other types of patrimonial (for example, manorial) retainers has been their presence at the lord's table or their support by discretionary allowances from his stores. The "men's house," which is the oldest form of professional military organizations—to be dealt with later—, very often adheres to the consumptive household communism of a ruling stratum. Separation from the table of the lord (or of the temple or cathedral) and the substitution of allowances or service-land has by no means always been regarded with approval. It has, however, usually resulted from the establishment of independent families. Allowances in kind granted to such temple priests and officials constituted the original form of support of officials throughout the Near East and also existed in China, India, and often in the Occident. The use of land in return for military service is found throughout the Orient since early Antiquity, and also in medieval Germany, as a means of providing for *ministeriales*, manorial officials and other functionaries. The income sources of the Turkish *spahis*, the Japanese *samurai*, and various similar types of Oriental retainers and knights are, in the present terminology, "benefices" and not "fiefs," as will be pointed out later. In some cases they have been derived from the rents of certain lands; in others, from the tax income of certain districts. In the latter case, they have generally been combined with appropriation of governmental powers in the same district. The concept of the fief can be further developed only in relation to that of the state. Its object may be a manor—a form of patrimonial domination—or it may be any of various kinds of claims to property income and fees.

2. The appropriation of property income and rights to fees and the proceeds of taxes in the form of benefices and fiefs of all sorts is widespread. In India, particularly, it became an independent and highly developed practice. The usual arrangement was the granting of rights to these sources of income in return for the provision of military contingents and the payment of administrative costs.

9. Estate-Type Domination and Its Division of Powers

In the pure type, patrimonial domination, especially of the estate-type, regards all governing powers and the corresponding economic rights as privately appropriated economic advantages. This does not mean that these powers are qualitatively undifferentiated. Some important ones are appropriated in a form subject to special regulations. In particular, the appropriation of judicial and military powers tends to be treated as a legal basis for a privileged status position of those appropriating them, as

compared to the appropriation of purely economic advantages having to do with the income from domains, from taxes, or perquisites. Within the latter category, again, there tends to be a differentiation of those which are primarily patrimonial from those which are primarily extra-patrimonial or fiscal in the mode of appropriation. For our terminology the decisive fact is that, regardless of content, governing powers and the related emoluments are treated as private rights.

In his *Der deutsche Staat des Mittelalters*, von Below is quite right in emphasizing that the appropriation of judicial authority was singled out and became a source of privileged status, and that it is impossible to prove that the medieval political organization had either a purely patrimonial or a purely feudal character. Nevertheless, so far as judicial authority and other rights of a purely political origin are treated as private rights, it is for present purposes terminologically correct to speak of patrimonial domination. The concept itself, as is well known, has been most consistently developed by Haller in his *Restauration der Staatswissenschaften*. Historically there has never been a purely patrimonial state.⁵

IV. We shall speak of the *estate-type division of powers* (*ständische Gewaltenteilung*) when organized groups of persons privileged by appropriated seigneurial powers conclude *compromises* with their ruler. As the occasion warrants, the subject of such compromises may be political or administrative regulations, concrete administrative decisions or supervisory measures. At times the members of such groups may participate directly on their own authority and with their own staffs.

1. Under certain circumstances, groups, such as peasants, which do not enjoy a privileged social position, may be included. This does not, however, alter the concept. For the decisive point is the fact that the members of the privileged group have independent rights. If socially privileged groups were absent, the case would obviously belong under another type.

2. The type case has been fully developed only in the Occident. We must deal separately and in detail with its characteristics and with the reasons for its development.

3. As a rule, such a status group did not have an administrative staff of its own, especially not one with independent governing powers.

9a. Traditional Domination and the Economy

The primary effect of traditional domination on economic activities is usually in a very general way to strengthen traditional attitudes. This is most conspicuous under gerontocratic and purely patriarchal domination, which cannot use an administrative machinery against the members

of the group and hence is strongly dependent for its own legitimacy upon the safeguarding of tradition in every respect.

I. Beyond this, the typical mode of financing a traditional structure of domination affects the economy (cf. ch. II, sec. 38). In this respect, patrimonialism may use a wide variety of approaches. The following, however, are particularly important:

A. An *oikos* maintained by the ruler where needs are met on a liturgical basis wholly or primarily in kind (in the form of contributions and compulsory services). In this case, economic relationships tend to be strictly tradition-bound. The development of markets is obstructed, the use of money is primarily consumptive, and the development of capitalism is impossible.

B. Provisioning the services of socially privileged groups has very similar effects. Though not necessarily to the same extent, the development of markets is also limited in this case by the fact that the property and the productive capacity of the individual economic units are largely pre-empted for the ruler's needs.

C. Furthermore, patrimonialism can resort to monopolistic want satisfaction, which in part may rely on profit-making enterprises, fee-taking or taxation. In this case, the development of markets is, according to the type of monopolies involved, more or less seriously limited by irrational factors. The important openings for profit are in the hands of the ruler and of his administrative staff. Capitalism is thereby either directly obstructed, if the ruler maintains his own administration, or is diverted into political capitalism, if there is tax farming, leasing or sale of offices, and capitalist provision for armies and administration (see ch. II, sec. 31).

Even where it is carried out in money terms, the financing of patrimonialism and even more of sultanism tends to have irrational consequences for the following reasons:

1) The obligations placed on sources of direct taxation tend both in amount and in kind to remain bound to tradition. At the same time there is complete freedom—and hence arbitrariness—in the determination of a) fees and b) of newly imposed obligations, and c) in the organization of monopolies. This element of arbitrariness is at least claimed as a right. It is historically most effective in case a), because the lord and his staff must be asked for the "favor" of action, far less effective in case b), and of varying effectiveness in case c).

2) Two bases of the rationalization of economic activity are entirely lacking; namely, a basis for the calculability of obligations and of the extent of freedom which will be allowed to private enterprise.

D. In individual cases, however, patrimonial fiscal policy may have a

rationalizing effect by systematically cultivating its sources of taxation and by organizing monopolies rationally. This, however, is "accidental" and dependent on specific historical circumstances, some of which existed in the Occident.

If there is estate-type division of powers, fiscal policy tends to be a result of compromise. This makes the burdens relatively predictable and eliminates or at least sharply limits the ruler's powers to impose new burdens and, above all, to create monopolies. Whether the resulting fiscal policy tends to promote or to limit rational economic activity depends largely on the type of ruling group; primarily, it depends on whether it is a *feudal* or a *patrician* stratum. The dominance of the feudal stratum tends, because the structure of feudalized powers of government is normally patrimonial, to set rigid limits to the freedom of acquisitive activity and the development of markets. It may even involve deliberate attempts to suppress them to protect the power of the feudal stratum. The predominance of a patrician [urban] stratum may have the opposite effect.

1. What has been said above must suffice for the present. It will be necessary to return to these questions repeatedly in different connections.

2. Examples for IA): the *oikos* of ancient Egypt and in India; IB): large parts of the Hellenistic world, the late Roman Empire, China, India, to some extent Russia and the Islamic states; IC): Ptolemaic Egypt, to some extent the Byzantine Empire, and in a different way the regime of the Stuarts in England; ID): the Occidental patrimonial states in the period of "enlightened despotism," especially Colbert's policies.

II. It is not only the financial policy of most patrimonial regimes which tends to restrict the development of rational economic activity, but above all the general character of their administrative practices. This is true in the following respects:

a) Traditionalism places serious obstacles in the way of formally rational regulations, which can be depended upon to remain stable and hence are calculable in their economic implications and exploitability.

b) A staff of officials with formal technical training is typically absent.

(The fact that it developed in the patrimonial states of the Occident is, as will be shown, accounted for by unique conditions. This stratum developed for the most part out of sources wholly different from the general structure of patrimonialism.)

c) There is a wide scope for actual arbitrariness and the expression of purely personal whims on the part of the ruler and the members of his administrative staff. The opening for bribery and corruption, which is

simply a matter of the disorganization of an unregulated system of fees, would be the least serious effect of this if it remained a constant quantity, because then it would become calculable in practice. But it tends to be a matter which is settled from case to case with every individual official and thus highly variable. If offices are leased, the incumbent is put in a position where it is to his immediate interest to get back the capital he has invested by any available means of extortion, however irrational.

d) Patriarchalism and patrimonialism have an inherent tendency to regulate economic activity in terms of utilitarian, welfare or absolute values. This tendency stems from the character of the claim to legitimacy and the interest in the contentment of the subjects. It breaks down the type of *formal* rationality which is oriented to a technical legal order. This type of influence is decisive in the case of hierocratic patrimonialism. In the case of pure sultanism, on the other hand, it is fiscal arbitrariness which is likely to be most important.

For all these reasons, under the dominance of a patrimonial regime only certain types of capitalism are able to develop:

- a) capitalist trading,
- b) capitalist tax farming, lease and sale of offices,
- c) capitalist provision of supplies for the state and the financing of wars,
- d) under certain circumstances, capitalist plantations and other colonial enterprises.

All these forms are indigenous to patrimonial regimes and often reach a very high level of development. This is not, however, true of the type of profit-making enterprise with heavy investments in fixed capital and a rational organization of free labor which is oriented to the market purchases of private consumers. This type of capitalism is altogether too sensitive to all sorts of irrationalities in the administration of law, administration and taxation, for these upset the basis of *calculability*.

The situation is fundamentally different only in cases where a patrimonial ruler, in the interest of his own power and financial provision, develops a rational system of administration with technically specialized officials. For this to happen, it is necessary 1) that technical training should be available; 2) there must be a sufficiently powerful incentive to embark on such a policy—usually the sharp competition between a plurality of patrimonial powers within the same cultural area; 3) a very special factor is necessary, namely, the participation of urban communes as a financial support in the competition of the patrimonial units.

1. The major forerunners of the modern, specifically Western form of capitalism are to be found in the organized urban communes of Eu-

rope with their particular type of relatively rational administration. Its primary development took place from the sixteenth to the eighteenth centuries within the framework of the class structure and political organization (*ständischen politischen Verbände*) of Holland and England, which were distinguished by the unusual power of the bourgeois strata and the preponderance of their economic interests. The fiscal and utilitarian imitations, which were introduced into the purely patrimonial or largely feudal (*feudal-ständisch*) states of the Continent, have in common with the Stuart system of monopolistic industry the fact that they do not stand in the main line of continuity with the later autonomous capitalistic development. This is true in spite of the fact that particular measures of agricultural and industrial policy—so far and because they were oriented to English, Dutch, and later to French, models—played a very important part in creating some of the essential conditions for this later development. All this will be discussed further on.

2. In certain fields the patrimonial states of the Middle Ages developed a type of formally rational administrative staff which consisted especially of persons with legal training both in the civil and the canon law, and which differed fundamentally from the corresponding administrative staffs in political bodies of any other time or place. It will be necessary later to inquire more fully into the sources of this development and into its significance. For the present it is not possible to go beyond the very general observations introduced above.

iv

Charismatic Authority

10. Charismatic Authority and Charismatic Community

The term "charisma" will be applied to a certain quality of an individual personality by virtue of which he is considered extraordinary and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities. These are such as are not accessible to the ordinary person, but are regarded as of divine origin or as exemplary, and on the basis of them the individual concerned is treated as a "leader." In primitive circumstances this peculiar kind of quality is thought of as resting on magical powers, whether of prophets, persons with a reputation for therapeutic or legal wisdom, leaders in the hunt, or heroes in war. How the quality in question would be ultimately

judged from any ethical, aesthetic, or other such point of view is naturally entirely indifferent for purposes of definition. What is alone important is how the individual is actually regarded by those subject to charismatic authority, by his "followers" or "disciples."

For present purposes it will be necessary to treat a variety of different types as being endowed with charisma in this sense. It includes the state of a "berserk" whose spells of maniac passion have, apparently wrongly, sometimes been attributed to the use of drugs. In medieval Byzantium a group of these men endowed with the charisma of fighting frenzy was maintained as a kind of weapon. It includes the "shaman," the magician who in the pure type has to be subject to epileptoid seizures as a means of falling into trances. Another type is represented by Joseph Smith, the founder of Mormonism, who may have been a very sophisticated swindler (although this cannot be definitely established). Finally it includes the type of *littérateur*, such as Kurt Eisner,⁶ who is overwhelmed by his own demagogic success. Value-free sociological analysis will treat all these on the same level as it does the charisma of men who are the "greatest" heroes, prophets, and saviors according to conventional judgements.

I. It is recognition on the part of those subject to authority which is decisive for the validity of charisma. This recognition is freely given and guaranteed by what is held to be a proof, originally always a miracle, and consists in devotion to the corresponding revelation, hero worship, or absolute trust in the leader. But where charisma is genuine, it is not this which is the basis of the claim to legitimacy. This basis lies rather in the conception that it is the duty of those subject to charismatic authority to recognize its genuineness and to act accordingly. Psychologically this recognition is a matter of complete personal devotion to the possessor of the quality, arising out of enthusiasm, or of despair and hope.

No prophet has ever regarded his quality as dependent on the attitudes of the masses toward him. No elective king or military leader has ever treated those who have resisted him or tried to ignore him otherwise than as delinquent in duty. Failure to take part in a military expedition under such leader, even though the recruitment is formally voluntary, has universally met with disdain.

II. If proof and success elude the leader for long, if he appears deserted by his god or his magical or heroic powers, above all, if his leadership fails to benefit his followers, it is likely that his charismatic authority will disappear. This is the genuine meaning of the divine right of kings (*Gottesgnadentum*).

Even the old Germanic kings were sometimes rejected with scorn. Similar phenomena are very common among so-called primitive peoples.

In China the charismatic quality of the monarch, which was transmitted unchanged by heredity, was upheld so rigidly that any misfortune whatever, not only defeats in war, but drought, floods, or astronomical phenomena which were considered unlucky, forced him to do public penance and might even force his abdication. If such things occurred, it was a sign that he did not possess the requisite charismatic virtue and was thus not a legitimate "Son of Heaven."

III. An organized group subject to charismatic authority will be called a charismatic community (*Gemeinde*). It is based on an emotional form of communal relationship (*Vergemeinschaftung*). The administrative staff of a charismatic leader does not consist of "officials"; least of all are its members technically trained. It is not chosen on the basis of social privilege nor from the point of view of domestic or personal dependency. It is rather chosen in terms of the charismatic qualities of its members. The prophet has his disciples; the warlord his bodyguard; the leader, generally, his agents (*Vertrauensmänner*). There is no such thing as appointment or dismissal, no career, no promotion. There is only a call at the instance of the leader on the basis of the charismatic qualification of those he summons. There is no hierarchy; the leader merely intervenes in general or in individual cases when he considers the members of his staff lacking in charismatic qualification for a given task. There is no such thing as a bailiwick or definite sphere of competence, and no appropriation of official powers on the basis of social privileges. There may, however, be territorial or functional limits to charismatic powers and to the individual's mission. There is no such thing as a salary or a benefice.

Disciples or followers tend to live primarily in a communistic relationship with their leader on means which have been provided by voluntary gift. There are no established administrative organs. In their place are agents who have been provided with charismatic authority by their chief or who possess charisma of their own. There is no system of formal rules, of abstract legal principles, and hence no process of rational judicial decision oriented to them. But equally there is no legal wisdom oriented to judicial precedent. Formally concrete judgments are newly created from case to case and are originally regarded as divine judgments and revelations. From a substantive point of view, every charismatic authority would have to subscribe to the proposition, "It is written . . . but I say unto you . . ." The genuine prophet, like the genuine military leader and every true leader in this sense, preaches, creates, or demands *new* obligations—most typically, by virtue of revelation, oracle, inspiration, or of his own will, which are recognized by