

"too knowing." What position the organized interest groups may in this manner obtain within the administration in the future cannot be discussed in the present context.

Only with the bureaucratization of the state and of law in general can one see a definite possibility of a sharp conceptual separation of an "objective" legal order from the "subjective" rights of the individual which it guarantees, as well as that of the further distinction between "public" law, which regulates the relationships of the public agencies among each other and with the subjects, and "private" law which regulates the relationships of the governed individuals among themselves. These distinctions presuppose the conceptual separation of the "state," as an abstract bearer of sovereign prerogatives and the creator of legal norms, from all personal authority of individuals. These conceptual distinctions are necessarily remote from the nature of pre-bureaucratic, especially from patrimonial and feudal, structures of authority. They were first conceived and realized in urban communities; for as soon as their officeholders were appointed by periodic *elections*, the individual power-holder, even if he was in the highest position, was obviously no longer identical with the man who possessed authority "in his own right." Yet it was left to the complete depersonalization of administrative management by bureaucracy and the rational systematization of law to realize the separation of the public and the private sphere fully and in principle.

13. Bureaucracy and Education

A. EDUCATIONAL SPECIALIZATION, DEGREE HUNTING AND STATUS SEEKING

We cannot here analyze the far-reaching and general cultural effects that the advance of the rational bureaucratic structure of domination develops quite independently of the areas in which it takes hold. Naturally, bureaucracy promotes a "rationalist" way of life, but the concept of rationalism allows for widely differing contents. Quite generally, one can only say that the bureaucratization of all domination very strongly furthers the development of "rational matter-of-factness" and the personality type of the professional expert. This has far-reaching ramifications, but only one important element of the process can be briefly indicated here: its effect upon the nature of education and personal culture (*Erziehung und Bildung*).

Educational institutions on the European continent, especially the institutions of higher learning—the universities, as well as technical academies, business colleges, gymnasia, and other secondary schools—, are dominated and influenced by the need for the kind of "education" which is bred by the system of specialized examinations or tests of expertise (*Fachprüfungswesen*) increasingly indispensable for modern bureaucracies.

The "examination for expertise" in the modern sense was and is found also outside the strictly bureaucratic structures: today, for instance, in the so-called "free" professions of medicine and law, and in the guild-organized trades. Nor is it an indispensable accompaniment of bureaucratization: the French, English and American bureaucracies have for a long time done without such examinations either entirely or to a large extent, using in-service training and performance in the party organizations as a substitute.

"Democracy" takes an ambivalent attitude also towards the system of examinations for expertise, as it does towards all the phenomena of the bureaucratization which, nevertheless, it promotes. On the one hand, the system of examinations means, or at least appears to mean, selection of the qualified from all social strata in place of the rule by notables. But on the other, democracy fears that examinations and patents of education will create a privileged "caste," and for that reason opposes such a system.

Finally, the examination for expertise is found already in pre-bureaucratic or semibureaucratic epochs. Indeed, its earliest regular historical locus is in *prebendally* organized structures of domination. The expectation of prebends, first of church prebends—as in the Islamic Orient and in the Occidental Middle Ages—and then, as was especially the case in China, also of secular prebends, is the typical prize for which people study and are examined. These examinations, however, have only in part the character of tests for specialized "expertise."

Only the modern development of full bureaucratization brings the system of rational examinations for expertise irresistibly to the fore. The American Civil-Service Reform movement gradually imports expert training and specialized examinations into the United States; the examination system also advances into all other countries from its main (European) breeding ground, Germany. The increasing bureaucratization of administration enhances the importance of the specialized examination in England. In China, the attempt to replace the old semi-patrimonial bureaucracy by a modern bureaucracy brought the expert examination; it took the place of the former and quite differently structured system of examinations. The bureaucratization of capitalism, with

its demand for expertly trained technicians, clerks, etc., carries such examinations all over the world.

This development is, above all, greatly furthered by the social prestige of the "patent of education" acquired through such specialized examinations, the more so since this prestige can again be turned to economic advantage. The role played in former days by the "proof of ancestry," as prerequisite for equality of birth, access to noble prebends and endowments and, wherever the nobility retained social power, for the qualification to state offices, is nowadays taken by the patent of education. The elaboration of the diplomas from universities, business and engineering colleges, and the universal clamor for the creation of further educational certificates in all fields serve the formation of a privileged stratum in bureaus and in offices. Such certificates support their holders' claims for connubium with the notables (in business offices, too, they raise hope for preferment with the boss's daughter), claims to be admitted into the circles that adhere to "codes of honor," claims for a "status-appropriate" salary instead of a wage according to performance, claims for assured advancement and old-age insurance, and, above all, claims to the monopolization of socially and economically advantageous positions. If we hear from all sides demands for the introduction of regulated curricula culminating in specialized examinations, the reason behind this is, of course, not a suddenly awakened "thirst for education," but rather the desire to limit the supply of candidates for these positions and to monopolize them for the holders of educational patents. For such monopolization, the "examination" is today the universal instrument—hence its irresistible advance. As the curriculum required for the acquisition of the patent of education requires considerable expenses and a long period of gestation, this striving implies a repression of talent (of the "charisma") in favor of property, for the intellectual costs of the educational patent are always low and decrease, rather than increase, with increasing volume. The old requirement of a knightly style of life, the prerequisite for capacity to hold a fief, is nowadays in Germany replaced by the necessity of participating in its surviving remnants, the duelling fraternities of the universities which grant the patents of education; in the Anglo-Saxon countries, the athletic and social clubs fulfill the same function.

On the other hand, bureaucracy strives everywhere for the creation of a "right to the office" by the establishment of regular disciplinary procedures and by the elimination of the completely arbitrary disposition of the superior over the subordinate official. The bureaucracy seeks to secure the official's position, his orderly advancement, and his provision for old age. In this, it is supported by the "democratic" sentiment

of the governed which demands that domination be minimized; those who hold this attitude believe themselves able to discern a weakening of authority itself in every weakening of the lord's arbitrary disposition over the officials. To this extent bureaucracy, both in business offices and in public service, promotes the rise of a specific status group, just as did the quite different officeholders of the past. We have already pointed out that these status characteristics are usually also exploited for, and by their nature contribute to, the technical usefulness of bureaucracy in fulfilling its specific tasks.

It is precisely against this unavoidable status character of bureaucracy that "democracy" reacts in its striving to put the election of officials for short terms in place of the appointment of officials and to substitute the recall of officials by referendum for a regulated disciplinary procedure, thus seeking to replace the arbitrary disposition of the hierarchically superordinate "master" by the equally arbitrary disposition of the governed or rather, of the party bosses dominating them.

B. EXCURSUS ON THE "CULTIVATED MAN"

Social prestige based upon the advantage of schooling and education as such is by no means specific to bureaucracy. On the contrary. But educational prestige in other structures of domination rests upon substantially different foundations with respect to content. Expressed in slogans, the "cultivated man," rather than the "specialist," was the end sought by education and the basis of social esteem in the feudal, theocratic, and patrimonial structures of domination, in the English administration by notables, in the old Chinese patrimonial bureaucracy, as well as under the rule of demagogues in the Greek states during the so-called Democracy. The term "cultivated man" is used here in a completely value-neutral sense; it is understood to mean solely that a quality of life conduct which *was held to be* "cultivated" was the goal of education, rather than a specialized training in some expertise. Such education may have been aimed at a knightly or at an ascetic type, at a literary type (as in China) or at a gymnastic-humanist type (as in Hellas), or at a conventional "gentleman" type of the Anglo-Saxon variety. A personality "cultivated" in this sense formed the educational ideal stamped by the structure of domination and the conditions of membership in the ruling stratum of the society in question. The qualification of this ruling stratum rested upon the possession of a "plus" of such *cultural quality* (in the quite variable and value-neutral sense of the term as used here), rather than upon a "plus" of expert knowledge. Military, theological and legal expertise was, of course,

intensely cultivated at the same time. But the point of gravity in the Hellenic, in the medieval, as well as in the Chinese educational curriculum was formed by elements entirely different from those which were "useful" in a technical sense.

Behind all the present discussions about the basic questions of the educational system there lurks decisively the struggle of the "specialist" type of man against the older type of the "cultivated man," a struggle conditioned by the irresistibly expanding bureaucratization of all public and private relations of authority and by the ever-increasing importance of experts and specialised knowledge. This struggle affects the most intimate aspects of personal culture.

14. Conclusion

During its advance, bureaucratic organization has had to overcome not only those essentially negative obstacles, several times previously mentioned, that stood in the way of the required leveling process. In addition, administrative structures based on different principles did and still do cross paths with bureaucratic organization. Some of these have already been mentioned in passing. Not all of the types existing in the real world can be discussed here—this would lead us much too far afield; we can analyze only some of the most important *structural principles* in much simplified schematic exposition. We shall proceed in the main, although not exclusively, by asking the following questions:

1. How far are these administrative structures in their developmental chances subject to economic, political or any other external determinants, or to an "autonomous" logic inherent in their technical structure? 2. What, if any, are the economic effects which these administrative structures exert? In doing this, one must keep one's eye on the fluidity and the overlapping of all these organizational principles. Their "pure" types, after all, are to be considered merely border cases which are of special and indispensable analytical value, and bracket historical reality which almost always appears in mixed forms.

The bureaucratic structure is everywhere a late product of historical development. The further back we trace our steps, the more typical is the absence of bureaucracy and of officialdom in general. Since bureaucracy has a "rational" character, with rules, means-ends calculus, and matter-of-factness predominating, its rise and expansion has everywhere had "revolutionary" results, in a special sense still to be discussed, as had the advance of *rationalism* in general. The march of bureaucracy accordingly destroyed structures of domination which were not rational

in this sense of the term. Hence we may ask: What were these structures?

NOTES

Unless otherwise indicated, all notes and emendations are by Roth and Wittich.

1. The Grand Duchy of Baden was one of the mainstays of liberalism in Imperial Germany. After 1900 liberals and Social Democrats began to cooperate. The "Great Coalition" of National Liberals, Progressives and Social Democrats was directed against the powerful Catholic Center party and conservative Protestant groups, which tried to gain control over the legislature. Since both Catholic priests and Protestant ministers were civil servants, they were opposed to anything which might alter their status.

2. Richard Schmidt, a contemporary (born 1862) and one-time colleague of Weber at Freiburg University, who extensively investigated the development of trial procedures and was interested in the problem of the "calculability" of judicial decisions. The term is used in his "Die deutsche Zivilprozessreform und ihr Verhältnis zu den ausländischen Gesetzgebungen," *Zeitschrift für Politik*, I (1908), 266; see also his *Allgemeine Staatslehre* (3 vols.; Leipzig 1901-1903).

3. Albrecht Mendelssohn-Bartholdy, *Das Imperium des Richters*, Strassburg 1908. (W)

4. Trial instruction issued by the praetor to the (lay) judge permitting a suit based not on a provision of the civil law (*ius*), but on the facts of the case as stated in the *actio*. Such cases obtained justiciable standing only by virtue of the praetor's acceptance of the *formula*; he thus played an innovatory role somewhat similar to that of the English equity courts. The stereotyped *formulae* were published in the magistrate's edict. Cf. Gerhard Dulckeit, *Römische Rechtsgeschichte* (2d. ed., Munich 1957), 144.

5. *Kautelar-Jurisprudenz*. This term is in German generally used to designate the early stage of Roman secular jurisprudence, which was exercised primarily in the drafting of contracts (*cautiones*) and in the formulation of contractual provisions (*cautelae*). Cf. ch. VIII:iv:3 and elsewhere in the "Sociology of Law"; Dulckeit, *op. cit.*, 146ff.

6. I.e., the law interpretations of the great juriconsults, which were binding on the judges and in fact created a large part of the classical Roman law.

7. After the breakup of Chancellor Bülow's Liberal-Conservative coalition in 1909 (cf. Part Two, ch. II, n. 7), the *Hansabund* was established in the following year as a rallying center for all forces of industrial society—from big business to labor—against the East Elbian aristocracy, whose conservative Reichstag representatives had refused the introduction of inheritance taxes for armament purposes. Indicative of the rigidity of Imperial Germany's political alignments was the fact that labor organizations refused to join the association and the greater part of big business deserted it within a year, preferring its old alliance with the big agrarian interests. A leading figure of the association was Gustav Stresemann, later for six years foreign minister of the Weimar Republic. Cf. J. Riesser, *Der Hansabund* (Jena: Diederichs, 1912).

8. This is directed, among others, at Robert Michels, to whom Weber wrote in November 1906:

"Indispensability in the economic process means nothing, absolutely nothing for the power position and power chances of a class. At a time when no "cit-

izen" worked, the slaves were ten times, nay a thousand times as necessary as is the proletariat today. What does that matter? The medieval peasant, the Negro of the American South, they were all absolutely "indispensable." . . . The phrase contains a dangerous illusion. . . . Political democratization is the something which can perhaps be achieved in the foreseeable future, and that will be no mean achievement. . . . I cannot prevent you from believing in more. . . . I cannot force myself to do so."

Quoted in Wolfgang Mommsen, *Max Weber und die deutsche Politik*. 1890-1920 (Tübingen: Mohr, 1959), 97 and 121.

9. *Katholikentag*: An annual conference established in 1858, under the direction of a central committee, to discuss ecclesiastical, political and social welfare issues and to represent German Catholicism before the public which was then largely Protestant. Discontinued during the Nazi period, the Congress has been meeting biannually since 1950.

10. *Enquêterecht*. Weber attached great significance to this right of parliamentary investigation, which the Reichstag was substantially lacking. Cf. below, Appendix II:iii.

11. See Anatole Leroy-Beaulieu, *The Empire of the Tsars and the Russians* (New York: Putnam, 1894), vol. II, pp. . . . Weber seems to have used the German translation by L. Pezold (3 vols., 1895-1900).

12. Weber refers here to *monarchic constitutionalism*, the form of government that Bismarck gave to Imperial Germany: the emperor remained responsible to the king, not to parliament, and the army remained under the king's control. In practice, this arrangement gave extraordinary power first to Bismarck, then to the Prussian and Imperial bureaucracy, both vis-à-vis the emperor and the parliament. Weber attacked this system in a sensational series of articles in the midst of the First World War; see Appendix II, "Parliament and Government in a Reconstructed Germany." A brilliant comparative analysis of monarchic constitutionalism was written by the historian who is closest to Weber's sociological (but not his political) approach: Otto Hintze, "Das monarchische Prinzip und die konstitutionelle Verfassung," *Preussische Jahrbücher*, vol. 144, 1911, 381-412; reprinted in Hintze's collected writings, ed. by Gerhard Oestreich: *Staat und Verfassung* (Göttingen: Vandenhoeck and Ruprecht, 1962), 359-89.

13. This passage is added to the older manuscript; however, it is not clear how many changes Weber actually made. Weber wrote the passage not only after the downfall of William II and the monarchic bureaucracy, but after he had attacked the emperor in the *Frankfurter Zeitung* in 1917 (see Appendix II). Hence, where Weber draws in "Parliament and Government in a Reconstructed Germany" in the earlier part of the chapter, he also seems to draw on that essay in the present section.

In referring to 1076, Weber compares the downfall of William II with the desertion of Henry IV by most of his great nobles in the face of the emperor's spectacular excommunication by Gregory VII; Henry's dramatic submission at Canossa helped him to recoup his political fortunes and began Gregory's decline. The incident was one of the high points in the conflict between papacy and empire, which determined much of the course of European history with all its eventual consequences for rationalism, capitalism and democracy. (See Weber's analysis of caesaropapism and hierocracy in ch. XV). Weber's comparison can also be seen in the context of Bismarck's famous dictum at the height of his conflict with the Catholic church that "we will not go to Canossa" (1872). A few years later, Bismarck did go, and in 1919 Weber went with the German peace delegation to another Canossa: Versailles.

14. When in 1899 the German Reichstag discussed a bill for the construction of the Mittelland Kanal the conservative Junker party fought the project. Among the conservative members of the parliamentary party were a number of Junker officials who stood up to the Kaiser when he ordered them to vote for it. The disobedient officials were dubbed *Kanalrebell* and temporarily removed from office. Cf. Chancellor Bülow's *Denkwürdigkeiten* (Berlin 1900) vol. I, pp. 293ff.; H. Horn, "Der Kampf um die Mittelland-Kanal Vorlage im Jahre 1899," in K. E. Born (ed.), *Moderne deutsche Wirtschaftsgeschichte* (Cologne 1966). (G/M)