



Article

Max Weber and the End of the ‘Metaphysics of State’

Christopher Adair-Toteff

Center for Social and Political Thought, University of South Florida, Tampa, FL 33620, USA; csa-t@web.de

Abstract: Max Weber ended the metaphysics of the state just as Nietzsche had ended the metaphysics of being. However, Weber was building on the theories of the historian Heinrich von Treitschke and the constitutional scholar Georg Jellinek. Weber replaced Jellinek’s legal formalism and Treitschke’s nationalism with a new type of politics. This was the politics of responsibility, which eliminated the metaphysical concept of the state and was replaced by a dynamic approach to legitimate political leadership.

Keywords: Weber; Jellinek; Treitschke; politics; metaphysics

‘Ich habe stets den alten Auspruch für weise gehalten, man müsse die menschlichen Dinge nicht beweinen, nicht belachen, man müsse sie zu verstehen trachten’.¹

Dalhmann, *Die Politik*.

1. Introduction

It was Plato who developed the concept of the ‘metaphysics of being’, which was attacked by a number of critics towards the end of the eighteenth century. However, it was not until the end of the nineteenth century that Friedrich Nietzsche was finally able to destroy it.² It was also Plato who introduced the notion of the ‘metaphysics of state’, which was also criticized, especially towards the end of the nineteenth century. However, it was not until the beginning of the twentieth century that Max Weber finally put an end to it. Just as Nietzsche returned to the Greeks in order to relearn philosophy, Weber returned to the Greeks in order to relearn political thinking. Weber contended that the ‘metaphysics of state’ had failed; accordingly, he believed that a different path needed to be found. The ‘scientific’ search for the ‘best state’ was fruitless and the continued emphasis on an eternal and lifeless institution was hopeless³. What Weber proposed instead was an ‘art’ of politics, one that specifically focused on the personal and charismatic traits of the authentic political leader.⁴ In essence, Weber rejected the old ‘metaphysics of the state’ and replaced it with a new ‘leadership in politics’. The new leader was not to be regarded as a part of the state; rather, he was considered to be a genuine leader of the people. It was no longer the essence of the state that conveyed legality to the statesman, but it was the people who gave power to the political leader. Rather than tradition or even bureaucracy, it was charisma that gave the leader his legitimacy.

Max Weber did not discover all of this on his own; several thinkers with whom he was familiar helped pave the way. As a result, this paper is divided into four sections. Section 1 is a brief discussion of Wilhelm Roscher’s political thinking and the responses to it by Otto Hintze and Georg Jellinek. Section 2 is an examination of Jellinek’s philosophy of the state and Weber’s response to it. Section 3 is a retelling of Heinrich von Treitschke’s political thinking and Weber’s use of it.⁵ Section 4 is an examination of Weber’s rejection of the ‘metaphysics of state’ and his rediscovery of the importance of genuine political leadership. The overall aim of this essay is to trace the path from Roscher’s emphasis on Greek history to understanding the nature of the state to Jellinek’s conception of the changes to constitutions to Treitschke’s emphasis on political power to safeguard German-Prussian culture, and, most importantly, to see how these three thinkers influenced Weber’s concept of the state and the power of political leadership.⁶



Citation: Adair-Toteff, Christopher. 2022. Max Weber and the End of the ‘Metaphysics of State’. *Histories* 2: 185–196. <https://doi.org/10.3390/histories2030015>

Academic Editor: Jon Mathieu

Received: 30 March 2022

Accepted: 20 June 2022

Published: 4 July 2022

Publisher’s Note: MDPI stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



Copyright: © 2022 by the author. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

2. Roscher, Hintze, and Jellinek

Weber scholars recognize the name Wilhelm Roscher by virtue of the first section of Weber's methodological essay 'Roscher und Knies und die logische Probleme der historischen Nationalökonomie' (Weber 1922b, pp. 3–42). Roscher was not just one of the founders of the German Historical School of economics; he was also an historian as well as a political thinker. By being both an historian and a political thinker, Roscher is like Heinrich von Treitschke. It is no accident that in his lengthy review of Wilhelm Roscher's *Politik*, Otto Hintze links Roscher to Treitschke, for these two scholars have many things in common. As Hintze pointed out, Roscher and Treitschke were the last representatives of the old way of thinking about politics—that is, from the purely political point of view as opposed to the new way, which was primarily economic. Both Roscher's book and Treitschke's are simply entitled *Politik*, and both are based upon their lectures: Roscher at Leipzig and Treitschke at Berlin. Both Roscher and Treitschke regarded their lectures on politics as their favorite (von Treitschke 1897, vol. III; Roscher 1892, vol. III). Both books are lengthy: Roscher's is 725 pages in length, while Treitschke's two volumes total almost 1000. Finally, both Roscher and Treitschke eschew speculative political theory, preferring to look at politics from a more practical lens—namely, that of history. Despite these similarities, there was one major difference. Roscher continued to focus on the legal ideal of the best state, while Treitschke considered the notion of political power in relation to the national state. As I will show later, this made a fundamental difference for Max Weber.

Roscher's *Politik* owes a considerable amount to Aristotle and especially to his *Politics*. Like Aristotle, Roscher aims to determine the best form of state and he also focuses on Aristotle's three types of state. Anticipating Weber's notion of ideal types, Roscher insists that his types are historical and are never found in their pure forms in reality (Roscher 1892, p. 8). Aristocracy bases its strength on the family; Roscher cites Aristotle's insistence that the nobility maintains the highest virtues and he mentions Pericles' claim that fathers make the best patriots. Furthermore, the sense of family imparts to aristocracy a mild form of ruling (Roscher 1892, pp. 65–66, 171–72). Roscher is more interested in monarchy than aristocracy; he insists that the monarchical form of the state is the oldest form and its strength lies in its unity (Roscher 1892, pp. 46, 62). He devotes over a hundred pages to absolute monarchy; he considers the older Russian and Danish forms, he examines the 'Confessional' monarchies of Spain and Portugal, and he considers the French and English court monarchies. However, his real interest is in the 'enlightened' monarchy of Prussia, specifically during the time of Friedrich the Great (Roscher 1892, pp. 252ff, 261ff, 289–94).

Roscher also devotes a considerable amount of effort to democracy, but here his feelings are more than ambivalent. While he acknowledges the positive aspect of the people sharing power, he also warns that in a true democracy there is both good and bad (Roscher 1892, pp. 310–11). What Roscher finds most objectionable about democracy is its insistence on total equality. While it does not exist in any pure form, in those democracies which do exist, power tends to accumulate in the hands of a few. That is why he insists that one of the biggest dangers of democracy is too much centralization. He notes that Athens was free and prosperous as long as the council was large and provided good advice. However, Athens began to decline when fewer people were involved and those who were tended to give tainted advice (Roscher 1892, pp. 349–58). However, in Roscher's opinion, the biggest danger resulting from democracy is the tyranny of the majority. He bases this judgment on four factors: (1) the majority has the greatest power and is subject to the fewest checks, (2) the people in a democracy have less respect for laws, (3) they are more eager to go to war than those in either an aristocracy or a monarchy, and (4) they are more likely to underappreciate and ultimately penalize great leaders. Roscher cites Miltiades, Themistocles, and of course, Pericles (Roscher 1892, pp. 378–96). If Roscher dislikes democracy and its claim of equality, he dislikes socialism even more. However, by discussing socialism, Roscher has moved from his main topic. However, Roscher

contributed to the final stages of the “metaphysics of the state” by replacing the emphasis on legality with a historical understanding.

Otto Hintze reviewed the second edition of Roscher’s *Politik*, which came out in 1893, and is an unrevised version of the first edition from the previous year. Hintze notes that Roscher, as a founding member of the historical school, rejects philosophical speculation and endorses a method based upon facts; thus, he will not offer a ‘complete doctrinal system of the state’ (‘vollständiges System der Staatslehre’). Instead, Roscher offers an historical exposition of the facts, but he does so from two vantage points: first, Roscher adopts a rather conservative viewpoint, which he mostly tries to conceal, and second, he freely acknowledges his debt to Aristotle (Hintze [1897] 1964, pp. 5–7, 15, 41, 44). Hintze praises Roscher for setting out the various forms of state, but he complains that he considers the state almost exclusively from the political point of view; thus, Roscher avoids dealing with the critical relation between state and society. Hintze notes that Roscher’s own title indicates that he regards the state as a ‘natural entity’ (‘Naturwesen’), which is rather outmoded and not so useful (Hintze [1897] 1964, pp. 11, 20, 35). Hintze complains that Roscher seems to ignore the modern tendency towards social reform, but he applauds Roscher for the richness of material and his scholarly accuracy. Having been rather negative, Hintze ends his extensive review by acknowledging how Roscher has overcome the traditional attempt at classification with an emphasis on historical development (Hintze [1897] 1964, pp. 4, 43, 45).

In his review of the first edition of Roscher’s *Politik*, Georg Jellinek also points to Roscher’s use of Aristotle and his emphasis on the inner form of the state. Unlike Hintze, Jellinek claims that there were two ways to approach the subject of the state: the juridical and the political. The first considers the abstract laws that are founded to regulate human interaction, while the second attempts to capture the essence of the human community (Jellinek 1911a, p. 320). Roscher chose the second approach and that meant offering an account of the “historical natural doctrine of the state’s forms” (‘geschichtliche Naturlehre der Staatsformen’). Instead of examining legal principles which are laid out in constitutions and laws, Roscher focuses on ‘historical reality’. Jellinek immediately asks whether there can even be a science of the life of states. Can there be a science that lacks an inner relation and is nothing more than an accumulation of facts? Further, can there be a real classification of diverse states? That is, how can one classify as democratic the different forms embodied in the Athenian and American states? Unfortunately, Roscher ignores these questions and simply insists that there are three fundamental forms of the state. Jellinek points out that Roscher makes an effort to clarify that the monarchical, the aristocratic, and the democratic forms are never found in their ‘pure’ form in reality, but are mixed. However, Roscher continues to think about the idea of the best state, meaning that he is firmly entrenched in the metaphysics of state as found in Plato and Aristotle (Jellinek 1911b, pp. 320–24). Like Aristotle, Roscher is concerned with setting out a wide range of empirical data. However, Jellinek insists that while Roscher’s book is a wealth of information, he is still of the old school. Roscher is unconcerned with the newer developments in the social sciences, and sociologists have had no effect on his thinking. Herbert Spencer, Gustav Schmoller, and Lujo Brentano help make up the modern scholarly movement, but Roscher is content to keep thinking like historians, meaning Thucydides and Taine. Jellinek concludes that this preoccupation with individual facts unfortunately prevents the development of a general science of truth (Jellinek 1911b, pp. 328–29). Jellinek demonstrates that the historical approach was not the only one for a discussion of the state: there was also a legal one and a political one. It was Jellinek’s preference to remain faithful to the legal approach; it would be Weber who would follow the political one.

3. Jellinek and Weber

When Hintze wrote his review of Roscher, he was thirty-one years old and had been commissioned by Gustav Schmoller to write the ‘Acta Borussica’ for the Prussian Academy of Sciences. In contrast, Jellinek was forty-two years old and had recently accepted the chair

in law at Heidelberg. Hintze's piece was one of his first publications; Jellinek had published dozens. Jellinek is best known for one of two works: *Zur Geschichte der Erklärung der Menschenrechte* (Jellinek 1893) and *Allgemeine Staatslehre* (Jellinek 1906). This is not the place to investigate how much Jellinek's writings influenced Weber's work on Protestantism, or how much it may have contributed to the development of his methodological notion of ideal types. However, there can be little doubt that Weber valued Jellinek, both personally and professionally, and he learned a great deal about political and legal thinking from him (see Weber 1911, pp. 15–17; Kelly 2003, pp. 94–95), but Weber did not explicitly praise Jellinek for either the pamphlet on human rights or for his massive book on the state. Instead, Weber singled out a short work that has not received the attention that it deserves, either for its intrinsic value or for the impact that it had on prompting a fundamental change in Weber's political thinking. This work is Jellinek's *Verfassungsänderung und Verfassungswandlung* (Jellinek 1906).⁷

In *Verfassungsänderung und Verfassungswandlung*, Jellinek intends to establish the boundary between state law and politics. However, he notes that this boundary tends to be the most blurred in our accounts of constitutions—we believe in the eternal wisdom of the founding fathers (Jellinek 1906, p. 1). We believe in the permanence of our constitutions and thus we reject the notion of changing them, preferring to believe that they change only by way of revolution. These are wholesale replacements of one constitution by another; they are neither minor nor gradual changes.⁸ This is not to imply that constitutions do not undergo regular re-interpretations; Jellinek points out that Americans believe that only the Bible, the Koran, and the Digests are more often interpreted than the Constitution, but these are judicial interpretations and are focused primarily on small parts of the Constitution; real gaps in it are uncovered only after a long time and only by unconventional means (Jellinek 1906, pp. 20–21, 43–45). This is in part because governments work slowly and they concentrate on legal issues. Furthermore, members of government wish to promote useful fictions, such as the “people's representation”. Representation is a judicial issue, but voting is really a political matter, and Jellinek insists that real politics moves according to its own laws and is independent of any legal forms. Instead, political movements drive governments to change, by referendum or by initiatives. He concludes by insisting that he is not offering any suggestions on what should happen, only indicating what is happening now. Taking the jurist's long view, Jellinek believes that the fruit of this ‘democratic’ movement will be first known only by the grandchildren (Jellinek 1906, pp. 72, 76–77, 80).

Jellinek sent a copy of *Verfassungsänderung und Verfassungswandlung* to Weber, and in his enthusiastic reply, Weber wrote that he was in real agreement with the tenor of Jellinek's piece. In this letter from 27 August 1906, Weber praised him both for treating the topic of ‘politics’ ‘scientifically’ and for distinguishing between the ‘legal’ and the ‘political’ points of view. Weber mentions six points of criticism, but he insists that these are so minor as to hardly detract from his overall joy in reading Jellinek's book. He suggests that Jellinek's next task is to set out the ways in which constitutions can be altered through political changes and how political stances can be altered by legal means (Weber 1990, pp. 149–52). However, Jellinek never seemed to move in this specifically political direction and, to Weber's apparent disappointment, his friend always remained a jurist. Writing in May 1907 to his brother Alfred, Max Weber commented on a short piece that Jellinek had just published on parliamentary measures. In that article, Jellinek insisted that the governmental advisory group is not only a legal part of the state, but is also a political body. Unfortunately, it does not offer much legal or political advice (Jellinek 1907a, p. 444). Weber allowed that Jellinek meant well with his newspaper article, but he insisted that the more enthusiastically Jellinek wrote, the more his formalism blinded him. In Weber's opinion, this is typical for the manner in which a jurist deals with political issues.⁹

Weber learned much about law and legitimacy from jurist Jellinek; thus, he learned much about the state. However, Weber realized that if he wanted to learn more about leadership and politics, he would have to look elsewhere—to someone far more political

than his friend Jellinek.¹⁰ Weber turned to someone who had exerted considerable influence on his early thinking and someone who became his professor: Treitschke.

4. Treitschke and Weber

Heinrich von Treitschke was once regarded as one of the best German historians but also one of the most contentious of Germany's political thinkers. He is no longer regarded either with such glowing admiration or such spirited contempt. While many people continue to regard his five-volume *Deutsche Geschichte im neunzehnten Jahrhundert* as a masterpiece, there are others who insist that he is not much better than a political reactionary. One of the major criticisms of Treitschke is that he was an anti-Semite. Whether Treitschke was really an anti-Semite is open to question; what is not is what motivated him to write. It was not racism but nationalism and German honor (von Treitschke 1927, pp. 610–12; Mommsen 1974, pp. 8–9; Nipperdey 1998, pp. 296, 302). Treitschke's overall concern was with the strength and importance of German culture.¹¹ Closely connected to this criticism is the complaint that Treitschke was anti-Catholic; many Catholics held him personally responsible for much of the anti-Catholic sentiment in Germany. In one contemporary account of the history of the 'Kulturkampf', Treitschke is singled out for blame (Majunke 1890, p. 43). However, this is to not only misunderstand Treitschke's basis for disliking Catholics; it is also to misunderstand the entire foundation of the 'Kulturkampf'. This is not the place to offer a general account of this fight, but it is the place to provide a very brief overview in order to understand Treitschke's anti-Catholicism. Briefly, the 'Kulturkampf' was the struggle between the Catholic Church and Bismarck's regime, and it began with the Pope's degree of Infallibility from 1870. This decree not only made the Pope's authority unquestionable, it also guaranteed that the Pope had no challengers to his authority. Thus, it made the fundamental tension between the Church and state even more untenable and ensured that the German Protestants had even more reason to be suspicious of the German Catholics' ability to abide by German law (Nipperdey 1998, pp. 447–56). (The question of the time was simply 'Rome or Germany?') While Treitschke did believe that Catholicism was the enemy of the 'Reich', he actually had little to do with fomenting the 'Kulturkampf' (Schmidt-Volkmar 1962, pp. 33, 55). Instead, that was primarily the battle between Bismarck and his government and the Church and many of its adherents.¹²

Like Roscher, Treitschke begins his *Politik* by invoking Aristotle's three-fold classification of government, and like Roscher he also appeals to history to make his case. However, Treitschke believes that this classification has been proven insufficient by history, so he proposes a more realistic one: theocracy, monarchy, and republic. It is obvious from Treitschke's negative view of Catholicism that he disapproves of theocracy—because it is a mixture of spiritual and worldly powers. Furthermore, since it is based upon revelation, it is incapable of change. To underscore his opposition to Catholicism, Treitschke insists that the two most significant theocracies are the Ottoman Empire and Catholicism. Treitschke finds it 'tragic' that the greatest thinker of the Middle Ages, Augustine, insisted on the dualism between the two worlds and put forth an unachievable ideal (von Treitschke 1898, pp. 4–14, 18, 22–23, 29, 37–38, 41).

If theocracies suffer from the elusive ideal, democracies suffer from a logical contradiction. If all are to govern, then who is left to be ruled (von Treitschke 1898, p. 15)? Treitschke acknowledges that democracy is the form best loved by the population and he admits that there have been good democracies. The problem has to do with competency—or rather with its lack: the majority lacks competency (von Treitschke 1898, pp. 250–53). He offers as an example the United States, where, with very few exceptions, the person with the greatest talent is not elected president.¹³ Whether it is in America or in Germany, it is often 'envy' ('Neid') that prevents people from choosing the best. A further problem is that while America knows no boundary regarding what one can achieve, it also has no natural boundary about behavior—Treitschke points to the excessive drinking and the absolute temperance (von Treitschke 1898, pp. 71–273, 1893). Treitschke acknowledges that democracy has

appeared in many different forms and he admits that Athens was a very good democracy. However, he insists that one can still talk reasonably about the principles of democracy and he maintains that a democracy such as Athens is an absolute rarity. However, he draws a real connection between the Greeks and the Germans; Bismarck was the ‘closest spiritual relation’ (‘nächster Geistesverwandte’) to Themistocles (von Treitschke 1898, pp. 282–87).

Treitschke’s clear favorite form of government is the ‘aristocratic republic’, but what he really has in mind is a specific one—Prussia. In his opinion, Prussia is a state unlike any other—not simply in terms of size, but in terms of type. Treitschke claims that the Prussian nobles have the ‘best aristocratic elements’ (von Treitschke 1898, pp. 175, 339). Its nobles possess both the character and the sense of purpose; they have the innate ethical qualities of ‘knightly honor’, ‘warrior-like proficiency’, and especially the capacity for political activity. Earlier in *Politik* Treitschke had insisted that ‘the German is a born hero’, one who believes that a ‘man must be a man’. Unlike the English, who are the happiest people, the Germans are unconcerned with such petty matters. Being miserly and inclined to calculation is not ‘the German way’ (von Treitschke 1897, pp. 219, 232–33). Unlike democracy, which seeks to level and to expand equality, the aristocratic government believes that its natural inclination to order and tradition makes for a stable and healthy state. The single problem is the tendency for Germans to live in a ‘dream world’,¹⁴ but that is mostly a German tendency, not a Prussian one. Prussians were realists: the post, the telegraph, the bank—each of these was an ‘old Prussian institution’ that the German Reich appropriated (von Treitschke 1898, pp. 210–11, 345). What Germany has is its powerful language, found in poetry as well as politics.¹⁵ When a German speaks about his state, everyone knows immediately what he means; there is no ‘principle of nationality’—not abstraction, but historical reality. There are two ‘original peoples’ (‘Urvölker’): the Greeks and the Germans (von Treitschke 1897, pp. 268–72). What the latter has learned from the former is that ‘All politics is art’ (‘Alle Politik ist Kunst’) (von Treitschke 1897, p. 1). That is also what Weber finally learned from his teacher. Before attempting to explain this, it is necessary to clarify Weber’s opinion about Treitschke.

In considering Weber’s relationship to Treitschke, it is important to remember that Treitschke was frequently a guest in the Webers’ house in Berlin. Not only was the young Weber fascinated by Treitschke’s volumes on German history, he was also entranced by his powerful personality and his friendship with Max Weber Senior. As a student at the university in Berlin, Weber heard Treitschke’s lectures in 1883 and 1884, shortly after the ending of the Berliner anti-Semitism conflict. In an 1884 letter to his uncle Hermann Baumgarten, Weber wrote how Treitschke would make some anti-Semitic remark and the students would respond with wild applause. He also wrote that the students were inclined to be anti-Semitic and that writings against the Jews could be found on walls and tables of restaurants and student hang-outs. However, Weber’s complaint was not so much that Treitschke was anti-Semitic as it was about how he used these comments to stir up the students.¹⁶ In an earlier letter to his uncle, he contrasted Treitschke’s lectures with Rudolf Gneist’s lectures on German law; while both professors introduced contemporary political questions into their lectures, Gneist’s were a ‘true masterwork’ while Treitschke’s were composed of propaganda and agitation. In a later letter, Weber insisted that one should keep the scholarly separate from the political (Weber 1934, pp. 145, 175). Weber may have exaggerated his criticism for his uncle’s benefit: Baumgarten had a falling out with Treitschke the previous year over political convictions (see Weber 1934, p. 73; Mommsen 1974, pp. 4–10). However, Weber continued to complain about blurring scholarship and partisanship; in ‘Die “Objektivität” sozialwissenschaftlicher und sozialpolitischer Erkenntnis’ from 1904, Weber insisted that ‘An empirical science cannot teach anyone what he *should do*, but rather what he can and—under certain circumstances—what he *wants to do*’ (Weber 1922b, p. 151). Weber’s membership in the Verein für Sozialpolitik was marked by his continuing attempts to keep value judgments and scholarly facts separate. In 1913, he complained again about those who wanted to blur the lines and he specifically objected to those who claimed that they wanted the ‘facts to speak for themselves’ (see Weber’s comments in Nau 1996, p. 157). Finally, towards the end

of his life, Weber made it abundantly clear that the qualities which make someone a teacher are not the same qualities which make someone a leader. In *Wissenschaft als Beruf*, Weber insisted that someone's personal politics do not belong in the lecture hall (Weber 1992, pp. 102–4). This is what Treitschke intentionally did, and as Wolfgang Mommsen wrote, Weber rejected 'all types of lecture hall demagoguery and prophecy' ('alle Arten Kathederdemagogie und Prophetie'), but Mommsen also warns us against underestimating Treitschke's effect on Max Weber's political development (Mommsen 1974, pp. 9–10).

Weber begins his speech *Politik als Beruf* by clarifying the one feature of the state—that is, its claim to have the single source of the 'right' to use violence. Or, as he emphasizes it: the state has the 'monopoly on the legitimate [use] of physical violence' ('Monopol legitimer physischer Gewaltsamkeit') (Weber 1992, p. 159). Weber clarifies that the state does not need to actually use this force; often the mere threat of its use is sufficient to compel the desired response. However, Weber's interest is not so much in violence or even the threat of it; rather, his concern is with power. For Weber, this means not just overcoming someone's resistance, but in getting someone to obey commands, and, for him, there is a close connection between 'power' ('Macht') and 'authority/domination' ('Herrschaft') (Weber 1922a, pp. 28–29). Hubert Treiber notes that 'power' ('Macht') occupies a position of great significance in various parts of Weber's thinking, but he concentrates primarily on the connection between power and politics (Treiber 2007, pp. 49–50). There should be no doubt that Weber believes in the direct connection between power and politics because, in *Politik als Beruf*, he immediately adds that 'who engages in politics, strives for power' ('Wer Politik treibt, erstrebt Macht') (Weber 1992, p. 159). However, there should also be little doubt that Weber's real focus in *Politik als Beruf* is not so much the issue of political power, but the issue of who is entitled to claim it, which means, specifically, the issue of legitimate political leadership. This includes his well-known tripartite conception of legitimate political authority: traditional, bureaucratic, and charismatic. This tripartite program is now sufficiently known that it can be discussed briefly here. In the first instance of legitimate authority, it is founded upon long-lasting tradition. Legitimacy rests upon tradition and not on any individual except in the sense that the individual upholds and continues the tradition. In the second instance, legitimacy again does not reside with any single person but is found with the fair, objective, and transparent application of rules to everyone regardless of rank or status. With the third instance, legitimacy is now found in a single person, but this is no ordinary human being. Rather, the charismatic leader has been given a certain special power—one which his followers recognize and acknowledge. Another difference between charisma and tradition and bureaucracy is that charismatic power is fleeting—his disciples acknowledge the authority of the leader as long as he continues to possess this charismatic power, but once they think he has failed and has lost his charisma, he has lost his claim to legitimacy.

With his emphasis on political leadership, Weber has moved far beyond the old 'metaphysics of the state'. Weber rejects not just Plato's tripartite classes in the ideal state and Aristotle's threefold classification of states; he also rejects the threefold classifications of states in the works of Roscher and even those of Treitschke. Instead of dwelling on the notion of the state itself, Weber focuses on the different types of leadership involved in ruling the state.¹⁷ Weber has little use for the traditional authority because it cannot function in modern political societies. He also has serious concerns about bureaucratic authority; it may be efficient, but it suffers from too much rigidity. The example of bureaucratic authority that he knew best was the Prussian one under Bismarck—it was mostly efficient but it was certainly inflexible. Furthermore, throughout his life, Weber bemoaned the fact that one of the most distressing and disruptive parts of Bismarck's legacy was that there was no mature political class to lead Germany (Weber 1993, pp. 568–69). Weber believed in Germany's place on the world stage early in his career and he continued to be convinced of it throughout his life. At the end of the war, Weber insisted that Germany had shown the world that it was made up of a 'leading cultural people' ('führende Kulturvolk')—even in times of inner collapse and of alien domination. Weber did not bemoan Germany's defeat,

and he did not predict its total economic ruin; instead, Weber often invoked Treitschke's opening lines to his *Deutsche Geschichte*. Treitschke had insisted that Germany had gone through not one but two youth stages, which Weber then amends to predict a third. He said that the 'Fatherland' is not the land of the father, but rather the land of the child.¹⁸

Neither the traditional type of authority nor the bureaucratic form was sufficient for a modern Germany; what was left was the charismatic type. By 1910, Weber had begun to recognize the particular draw of the charismatic leader, and later he regarded charisma and reason as the two great powers in human history. Charisma was an 'extraordinary' ('außeralltägliche') power possessed by prophets, political leaders, and demagogues (Weber 1992, p. 160; 2013, pp. 490–95). However, Weber had seen first-hand the damage that an irresponsible charismatic speaker could do—Treitschke was Weber's example. Weber insisted that Germany should not permit itself to be led by a politics of feeling and of hatred; the destiny of a country of 70 million people could not be driven by passion and vanity (Weber 1984, pp. 590, 694, 710, 714). Weber must have concurred with Treitschke's belief that a Prussian statesman should be Janus-headed, with one side looking back to Prussia's magnificent past while the other looked into the future. Moreover, he undoubtedly agreed that the politician needed to be dedicated to the silent, hard work of leadership (von Treitschke 1862, pp. 45, 47, 67). However, Weber insisted that 'vanity' ('Eitelkeit') was the 'deadly enemy' ('Todfeindin') of every dedication to the matter at hand. While it is an 'occupational disease' ('Berufskrankheit') in academic circles, it is even more dangerous for politicians. Vanity means the lack of distance from things that results in a lack of responsibility. In Weber's view, there are only two types of deadly sins in politics: the lack of seriousness and the lack of responsibility. In contrast, Weber listed the three qualities that the true politician needed to possess: passion ('Leidenschaft'; true passion and not "sterile excitement"), a sense of the proper distance from things ('Augenmaß'), and a sense of responsibility ('Verantwortungsgefühl') (Weber 1992, pp. 227–29).

Weber makes these and other related points in *Parlament und Regierung im neugeordneten Deutschland*. While this particular writing may seem to be too narrowly focused on contemporary German problems, it also contains a number of relevant points which Weber makes about governing. Because it contains a remarkable diagnosis of problems in political leadership, Wilhelm Hennis has always regarded it as an ideal model for political analysis (Hennis 1999, p. 401). Weber praises Bismarck for his political acumen, and he credits him for advancing Germany's interests so forcefully; however, he faults him for ensuring that there would be no serious successors (Weber 1984, p. 449). Furthermore, Weber condemns that large group of romantic idealists, the ones who promoted such nonsense as the notion of 'German spirit' ('Deutscher Geist') and the 'German ideas of 1914' ('Deutschen Ideen von 1914') (Weber 1984, pp. 441, 462, 480, 504). These are the same individuals who do not recognize the fundamental fact that 'politics is: *struggle*' ('Politik ist: *Kampf*') (Weber 1984, pp. 460, 471, 482, 487, 537, 596). Weber repeatedly berates the 'literate' ('Literaten') for not taking politics seriously and avoiding any sense of responsibility (Weber 1984, pp. 432, 435, 437, 441, 457–58, 469). Furthermore, he objects to the 'sterile grumblings' ('sterile Schimpfen') and he condemns their 'will to weakness' (Weber 1984, pp. 489, 498). Finally, Weber juxtaposes the modern German demagoguery with its lack of democracy and its 'influence by the rabble' ('Pöbeleinfluß') with the heroic and responsible demagogues like Pericles. However, he realizes that this is less than certain, and he ends a section by insisting 'enough of this music of the future' ('Doch genug dieser Zukunftsmusik') (Weber 1984, pp. 539–40, 542), but he could just as well have been saying, enough with 'the metaphysics of the state'!

5. Conclusions

It was evident to Weber that it was the end of the 'metaphysics of state': neither Plato's political ontology nor Aristotle's political first principles were sufficient to deal with modern political problems. Roscher had demonstrated that while there was much to learn about political thinking from the Greeks, he failed to break with the tradition of classifying

constitutions. As a constitutional scholar, Jellinek recognized the importance of constitutions for institutional governance; equally important, he also understood that constitutions are not fixed forever, but as human instruments must undergo changes. Furthermore, Jellinek understood that there was a fundamental distinction between the juridical and the political and that it was not the former but the latter that drove constitutional changes. Regardless of the importance of the sections on forms of government in his *Politik*, Treitschke cannot be regarded as a *legal* thinker. What he can, and must be considered is a *political* thinker. Weber understood this better than most of Treitschke's students, but he also recognized the serious deficiencies in Treitschke's politics. These were not, as so many people regarded them, simply issues of anti-Semitism and anti-Catholicism. Instead, Weber understood that Treitschke's sole emphasis on Prussian politics blinded him to the need to consider the crucial role that economics plays in political decisions. Furthermore, while Weber was clearly impressed by Treitschke's charismatic powers of speech, he just as clearly rejected what he took to be Treitschke's irresponsible use of these powers. Like Roscher and like Treitschke, Weber returned to the political discussions of the Greeks, but unlike them, he rejected the political metaphysics of Plato and Aristotle and turned to the nature of political leadership in Thucydides and Pericles.¹⁹ There, Weber found the history of the true political leader—one who combined political knowledge with responsibility. Weber rediscovered the true political leader, who not being bound by eternal philosophical doctrines is thus able to act and react according to the changing demands and varying needs of the time. Weber was the last in a line of thinkers who in varying degrees showed the untenability of a 'metaphysics of state', but he was one of the first to show that the real 'first principle' of government was intelligent and responsible political leadership.²⁰ The real question was who would be the leader that Germany needed after its loss in the war. Weber was uncertain how Germany would choose, but he knew that the correct choice was of paramount importance. Weber did not live to see how the Weimar government went through successive leaders, and one can only speculate what Weber would have thought of Hitler as a 'charismatic' leader, but one can surmise that as a scholar he would have found his power intriguing but his politics repulsive. Weber recognized and warned against such charismatic demagogues, but he realized that the charismatic leader was the political force of the future.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Conflicts of Interest: The author declares no conflict of interest.

Notes

- ¹ 'I have always wisely taken the old expression that one must not cry about or laugh at human things, but one must strive to understand them'.
- ² This metaphysical doctrine remained dominant until Kant and, as Nietzsche has shown, it continued to be persuasive until the rise of positivism. However, it was not until Nietzsche's final destruction of the 'metaphysics of being' that a totally new doctrine could arise—Nietzsche's own 'Zarathustra'. See Nietzsche's 'Wie die 'wahre Welt' endlich zur Fabel wurde. Geschichte eines Irrtums'. In (Nietzsche 1988, pp. 80–81).
- ³ F.G. Dahlmann wrote that the idealist was misguided in the attempt to determine the best state without regard to time and place; rather only through the use of history can one gain a healthy understanding of politics (Dahlmann [1835] 1847, pp. 7–8). In his 'Einleitung' to Weber's last lecture course Gangolf Hübinger noted that Dahlmann's lectures at Göttingen and Treitschke's at Berlin were the most influential of the lectures on politics in Germany (Weber 2009, p. 5).
- ⁴ As Kari Palonen has recently noted, most scholars believe that Weber shared a similar frame work regarding contemporary discussions about the state. Palonen is right to insist that this shared view is incorrect and that Weber intended to break with those contemporary views. Palonen's primary focus is on Weber's notion of 'Chance'; mine is on Weber's larger view of the state (Palonen 2011, p. 100).

- 5 Both Roscher and Treitschke were Jellinek's teachers. See (Anter 2004, p. 38).
- 6 One reviewer suggested that this account should include Hegel. The reviewer is certainly correct that Hegel's concept of state would belong in any complete account of the metaphysics of state. However, I began with the thinkers at the end of the nineteenth century in order to maintain the focus of this essay and to keep it within a manageable length.
- 7 While Jens Kersten noted that this work is still fascinating and he recognizes Weber's positive reaction to it, he stresses the methodological over the political and he minimizes Jellinek's emphasis on bringing about fundamental legal changes by political means (Kersten 2000, pp. 206–11). In contrast, Duncan Kelly suggests that this small work exerted considerable influence on Weber's political thinking (Kelly 2003, p. 95).
- 8 In his Pro-Rector's lecture at Heidelberg the following year Jellinek spoke about the struggle between old and new laws and he insisted that this was not some minor difference between legal interpretations, but was the momentous struggle between conflicting ideas and principles. And, he likened it to the struggle between new and old gods (Jellinek 1907b, 396–97).
- 9 (Weber 1990, p. 311) and see the editorial comments on Weber's letter. Gustav Schmoller had begun this exchange by maintaining that Germany was ill-suited to be a true parliamentary system; Alfred Weber countered that it was, and then Jellinek weighed in with his opinion that Germany needed to decide whether it should be a 'single' state or a 'union'. See Jellinek's 'Bundestaat und parlamentarische Regierung', (Jellinek 1907a, p. 446).
- 10 Kelly notes that Jellinek was still preoccupied with the search for 'the best type of state', 'in the manner of classical Greek political theory' (Kelly 2003, p. 95).
- 11 Towards the end of his life Treitschke made this point abundantly clear when he wrote that the true historian is always concerned foremost with culture, and he invoked Thucydides as one of the first and most important examples (von Treitschke 1895, pp. 789–90).
- 12 Numerous German Catholics disapproved of the Papal decree; these were referred to as 'Old Catholics' ('Altkatholiken'). However, they tended to be conservative Catholics in every other way and Bismarck did not believe that they would be a helpful political force. See (Schmidt-Volkmar 1962, pp. 68–69).
- 13 (von Treitschke 1898, p. 259). Compare with what Weber says in *Wissenschaft als Beruf*: with 'few exceptions' it is not number one or even number two who is nominated, but number three (Weber 1992, p. 76).
- 14 (von Treitschke 1898, p. 340). In the first volume Treitschke talked of German Idealism, but he noted that it was unlike the French with their 'crazy books about eternal peace'. (von Treitschke 1897, p. 76). Compare Weber's derisive comments about peace and happiness in his Inaugural Lecture (Weber 1993, pp. 558–60, 572).
- 15 (von Treitschke 1897, p. 269). Freedom was to Treitschke as it was to Weber. For both, it was personal freedom and the freedom to develop one's own talents. See Treitschke's 1861 essay 'Die Freiheit' (von Treitschke 1907, pp. 24, 30, 41). Honor was also crucial to both—and both honored the great German general von Molke. See the speech 'Zum Gedächtnis des großen Krieges' that Treitschke delivered in Berlin in 1895 (von Treitschke 1907, pp. 320–21).
- 16 (Weber 1934, pp. 174–75). In the Foreword to the second edition of his biography of Treitschke's early career Walter Bussman notes Treitschke's 'unheilvolle Wirkung' that he had on the political and social views of his students. ('Unheilvolle' can mean 'unholy' but it also can mean 'unwholesome' or even 'unhealthy'). Bussman quotes from the Introduction to the 1916 English translation of *Politik* that 'The disciples of a political thinker habitually carry his doctrines farther than the master himself; and that is the case with von Treitschke' (Bussman [1952] 1981, pp. XVIII–XIX).
- 17 In his article 'Politische Führung und Verantwortung in der Demokratie' Nevil Johnson suggests that the subject of political leadership belongs in the realm of the 'will' rather than 'reason' for three reasons, but the most important one is that it resists precision and empirical objectivity. While Johnson does not say so, this suggests that the subject of political leadership is not part of any 'political science' (Johnson 1988, p. 386).
- 18 (Weber 1988, pp. 366, 417–19, 424). Despite having lost the war and becoming the 'pariah land on earth' Weber believed that Germany could rise once again. Treitschke had written that despite its age, Germany had twice experienced its youth: its original period of youth and then again, the time after the Thirty Years War (von Treitschke 1927, Band 1: 3).
- 19 See (Hennis 2003, esp. 3–52). There Hennis insists that Thucydides was a political *scientist*, but was not a political *philosopher*. Further, all political philosophy is a footnote to Plato, but all political *science* is in the tradition of Thucydides. (Hennis 2003, p. 51). For Weber's estimation of and his indebtedness to Pericles, see (Adair-Totef 2007).
- 20 The 'antipodes' Hans Kelsen and Carl Schmitt developed Weber's political thinking in divergent ways: Kelsen built upon Weber's legal formalism and continued his separation between fact and value. In contrast, Schmitt adapted Weber's ideas about political legitimacy and blurred the lines between facts and judgments. While Kelsen defended law and liberalism, Schmitt was a critic of both.

References

- Adair-Totef, Christopher. 2007. Max Weber's Pericles: The Political Demagogue. *Max Weber Studies* 7: 147–62. [CrossRef]
- Anter, Andreas. 2004. Modernität und Ambivalenz in Georg Jellineks Staatsdenken. In *Die Normative Kraft des Faktischen. Das Staatsverständnis Georg Jellineks*. Baden-Baden: Nomos Verlagsgesellschaft, pp. 37–59.

- Bussman, Walter. 1981. *Treitschke. Sein Welt- und Geschichtsbild*. 2. unveränd. Auflage. Göttingen: Muster-Schmidt Verlag. First published 1952.
- Dahlmann, von Friedrich Christoph. 1847. *Die Politik, auf den Grund und das Maß der gegebenen Zustände zurückgeführt*. Zweite verbesserte Auflage. Leipzig: Weidmann'sche Buchhandlung, Erster Band. First published 1835.
- Hennis, Wilhelm. 1999. *Regieren im Modernen Staat. Politikwissenschaftliche Abhandlungen I*. Tübingen: J.C.B. Mohr (Paul Siebeck).
- Hennis, Wilhelm. 2003. *Max Weber und Thukydides. Nachträge zur Biographie des Werks*. Tübingen: J.C.B. Mohr (Paul Siebeck).
- Hintze, Otto. 1964. Roschers politische Entwicklungstheorie. In *Soziologie und Geschichte. Gesammelte Abhandlungen zur Soziologie, Politik und Theorie der Geschichte*. 2. erweiterte Auflage. Edited by Gerhard Oestreich. Göttingen: Vandenhoeck & Ruprecht, pp. 3–45. First published 1897.
- Jellinek, Georg. 1893. Eine Naturlehre des Staates. Besprechung von *Wilhelm Roscher: Politik, geschichtliche Naturlehre der Monarchie, Aristokratie und Demokratie*. In *Ausgewählte Schriften und Reden von Georg Jellinek*. Berlin: Verlag von O. Häring, Zweiter Band. pp. 320–29.
- Jellinek, Georg. 1906. *Verfassungsänderung und Verfassungswandlung. Eine staats-rechtlich-politische Abhandlung*. Berlin: Verlag von O. Häring.
- Jellinek, Georg. 1907a. Bundestaat und parlamentarische Regierung. In *Ausgewählte Schriften und Reden von Georg Jellinek*. Berlin: Verlag von O. Häring, Zweiter Band. pp. 439–47.
- Jellinek, Georg. 1907b. Der Kampf des alten mit dem neuen Recht. In *Ausgewählte Schriften und Reden von Georg Jellinek*. Berlin: Verlag von O. Häring, Erster Band. pp. 392–427.
- Jellinek, Georg. 1911a. *Ausgewählte Schriften und Reden von Georg Jellinek*. Berlin: Verlag von O. Häring, Erster Band. vol. 1.
- Jellinek, Georg. 1911b. *Ausgewählte Schriften und Reden von Georg Jellinek*. Berlin: Verlag von O. Häring, Zweiter Band. vol. 2.
- Johnson, Neville. 1988. Politische Führung und Verantwortung in der Demokratie. In *Politik, Philosophie, Praxis. Festschrift für Wilhelm Hennis zum 65. Geburtstag*. Stuttgart: Verlagsgemeinschaft Ernst Klett Verlag—J.G. Cotta'sche Buchhandlung, pp. 386–96.
- Kelly, Duncan. 2003. *The State of the Political. Conceptions of Politics and the State in the Thought of Max Weber, Carl Schmitt and Franz Neumann*. Oxford: Oxford University Press.
- Kersten, Jens. 2000. *Georg Jellinek und die klassische Staatslehre*. Tübingen: J.C.B. Mohr (Paul Siebeck).
- Majunke, Paul. 1890. *Geschichte des Kulturkampfes in Preußen-Deutschland*. Paderborn: Druck und Verlag von Ferdinand Schöningh.
- Mommsen, Wolfgang J. 1974. *Max Weber und die deutsche Politik. 1890–1920*. 2. überarbeitete und erweiterte Auflage. Tübingen: J.C.B. Mohr (Paul Siebeck).
- Nau, Heino Heinrich, ed. 1996. *Der Werturteilstreit. Die Äusserungen zur Werturteilsdiskussion im Ausschuss des Vereins für Sozialpolitik (1913)*. Marburg: Metropolis Verlag.
- Nietzsche, Friedrich. 1988. Götzen-Dämmerung. Wie man mit dem Hammer philosophiert. In *Kritische Studienausgabe (KSA)*. Berlin: Walter de Gruyter, vol. 6, pp. 56–161.
- Nipperdey, Thomas. 1998. *Deutsche Geschichte. 1866–1918. Band I. Arbeitswelt und Bürgergeist*. München: Verlag C.H. Beck.
- Palonen, Kari. 2011. The State as a "Chance" Concept: Max Weber's de-substantialisation and neutralisation of the concept. *Max Weber Studies* 11: 99–117. [\[CrossRef\]](#)
- Roscher, Wilhelm. 1892. *Politik: Geschichtliche Naturlehre der Monarchie, Aristokratie und Demokratie*. Stuttgart: Verlag der J.G. Cotta'schen Buchhandlung Nachfolger.
- Schmidt-Volkmar, Erich. 1962. *Der Kulturkampf in Deutschland 1871–1890*. Göttingen: Musterschmidt-Verlag.
- Treiber, Hubert. 2007. Macht-ein soziologischer Begriff. In *Macht und Herrschaft. Zur Revision zweier soziologischer Grundbegriffe*. Edited by Peter Gostmann and Peter-Ulrich Merz-Benz. Wiebaden: VS Verlag für Sozialwissenschaften, pp. 49–62.
- von Treitschke, Heinrich. 1862. Das deutsche Ordensland Preußen. In *Aufsätze, Reden und Briefe*. Edited by Karl Martin Schiller. Meersburg: F.W. Hendel Verlag, Band 2. pp. 43–105.
- von Treitschke, Heinrich. 1895. Die Aufgabe des Geschichtsschreibers. Vorbemerkung bei Übernahme der Redaktion der Historischen Zeitschrift. In *Aufsätze, Reden und Briefe*. Edited by Karl Martin Schiller. Meersburg: F.W. Hendel Verlag, Band 4. pp. 787–90.
- von Treitschke, Heinrich. 1897. *Politik. Vorlesungen gehalten an der Universität zu Berlin*. Edited by Max Cornelius. Leipzig: Verlag von G. Hirzel, Erster Band.
- von Treitschke, Heinrich. 1898. *Politik. Vorlesungen gehalten an der Universität zu Berlin*. Edited by von Max Cornelius. Leipzig: Verlag von G. Hirzel, Zweiter Band.
- von Treitschke, Heinrich. 1907. *Ausgewählte Schriften*. Vierte Auflage. Leipzig: Verlag von S. Hirze, Erster Band.
- von Treitschke, Heinrich. 1927. *Deutsche Geschichte im Neunzehnten Jahrhundert*. Leipzig: F. W. Hendel Verlag zu, Band 1–5.
- Weber, Max. 1911. Gedenkrede Max Webers auf Georg Jellinek. bei der Hochzeit von dessen Tochter Frau Dr. Dora Busch am 21.3.1911. In *Max Weber zum Gedächtnis*. Opladen: Westdeutscher Verlag, pp. 13–17.
- Weber, Max. 1922a. *Wirtschaft und Gesellschaft*. Tübingen: Verlag von J.C.B. Mohr (Paul Siebeck).
- Weber, Max. 1922b. *Gesammelte Schriften zur Wissenschaftslehre*. Tübingen: Verlag von J.C.B. Mohr (Paul Siebeck).
- Weber, Max. 1934. *Jugendbriefe*. Tübingen: Verlag von J.C.B. Mohr (Paul Siebeck).
- Weber, Max. 1984. *Zur Politik im Weltkrieg. Schriften und Reden 1914–1918*. Edited by Wolfgang J. Mommsen and Gangolf Hübinger. Max Weber Gesamtausgabe I/15. Tübingen: J.C.B. Mohr (Paul Siebeck).
- Weber, Max. 1988. *Zur Neuordnung Deutschlands. Schriften und Reden 1918–1920*. Edited by Wolfgang J. Mommsen and Wolfgang Schwentker. Max Weber Gesamtausgabe I/16. Tübingen: J.C.B. Mohr (Paul Siebeck).

-
- Weber, Max. 1990. *Briefe 1906–1908*. Edited by M. Rainer Lepsius, Wolfgang J. Mommsen, Birgit Rudhard and Manfred Schön. Max Weber Gesamtausgabe II/5. Tübingen: J.C.B. Mohr (Paul Siebeck).
- Weber, Max. 1992. *Wissenschaft als Beruf/Politik als Beruf*. Edited by Wolfgang J. Mommsen, Wolfgang Schluchter and Birgitt Morgenbrod. Max Weber Gesamtausgabe I/17. Tübingen: J.C.B. Mohr (Paul Siebeck).
- Weber, Max. 1993. *Landarbeiterfrage, Nationalstaat und Volkswirtschaftspolitik. Schriften und Reden 1892–1899*. Edited by Wolfgang J. Mommsen and Rita Aldenhoff. Max Weber Gesamtausgabe I/4. Tübingen: J.C.B. Mohr (Paul Siebeck).
- Weber, Max. 2009. *Allgemeine Staatslehre und Politik (Staatssoziologie)*. Edited by Gangolf Hübinger and Andreas Terwey. Max Weber Gesamtausgabe III/7. Unvollendet. Mit- und Nachschriften 1920. Tübingen: J.C.B. Mohr (Paul Siebeck).
- Weber, Max. 2013. *Wirtschaft und Gesellschaft. Soziologie. Unvollendet 1919–1920*. Edited by Knut Borchardt, Eidith Hanke and Wolfgang Schluchter. Max Weber Gesamtausgabe I/23. Tübingen: J.C.B. Mohr (Paul Siebeck).