

CHAPTER XI

BUREAUCRACY

1. Characteristics of Modern Bureaucracy

Modern officialdom functions in the following manner:

I. There is the principle of official *jurisdictional areas*, which are generally ordered by rules, that is, by laws or administrative regulations. This means:

(1) The regular activities required for the purposes of the bureaucratically governed structure are assigned as official duties.

(2) The authority to give the commands required for the discharge of these duties is distributed in a stable way and is strictly delimited by rules concerning the coercive means, physical, sacerdotal, or otherwise, which may be placed at the disposal of officials.

(3) Methodical provision is made for the regular and continuous fulfillment of these duties and for the exercise of the corresponding rights; only persons who qualify under general rules are employed.

In the sphere of the state these three elements constitute a bureaucratic *agency*, in the sphere of the private economy they constitute a bureaucratic *enterprise*. Bureaucracy, thus understood, is fully developed in political and ecclesiastical communities only in the modern state, and in the private economy only in the most advanced institutions of capitalism. Permanent agencies, with fixed jurisdiction, are not the historical rule but rather the exception. This is even true of large political structures such as those of the ancient Orient, the Germanic and Mongolian empires of conquest, and of many feudal states. In all these cases, the ruler executes the most important measures through personal trustees, table-companions, or court-servants. Their commissions and powers are not precisely delimited and are temporarily called into being for each case.

II. The principles of *office hierarchy* and of channels of appeal (*Instanzenzug*) stipulate a clearly established system of super- and subordination in which there is a supervision of the lower offices by the higher ones. Such a system offers the governed the possibility of appealing, in a precisely regulated manner, the decision of a lower office to the corresponding superior authority. With the full development of the bureaucratic type, the office hierarchy is *monocratically* organized. The principle of hierarchical office authority is found in all bureaucratic structures: in state and ecclesiastical structures as well as in large party organizations and private enterprises. It does not matter for the character of bureaucracy whether its authority is called "private" or "public."

When the principle of jurisdictional "competency" is fully carried through, hierarchical subordination—at least in public office—does not mean that the "higher" authority is authorized simply to take over the business of the "lower." Indeed, the opposite is the rule; once an office has been set up, a new incumbent will always be appointed if a vacancy occurs.

III. The management of the modern office is based upon written documents (the "files"), which are preserved in their original or draft form, and upon a staff of subaltern officials and scribes of all sorts. The body of officials working in an agency along with the respective apparatus of material implements and the files makes up a *bureau* (in private enterprises often called the "counting house," *Kontor*).

In principle, the modern organization of the civil service separates the bureau from the private domicile of the official and, in general, segregates official activity from the sphere of private life. Public monies and equipment are divorced from the private property of the official. This condition is everywhere the product of a long development. Nowadays, it is found in public as well as in private enterprises; in the latter, the principle extends even to the entrepreneur at the top. In principle, the *Kontor* (office) is separated from the household, business from private correspondence, and business assets from private wealth. The more consistently the modern type of business management has been carried through, the more are these separations the case. The beginnings of this process are to be found as early as the Middle Ages.

It is the peculiarity of the modern entrepreneur that he conducts himself as the "first official" of his enterprise, in the very same way in which the ruler of a specifically modern bureaucratic state [Frederick II of Prussia] spoke of himself as "the first servant" of the state. The idea that the bureau activities of the state are intrinsically different in character from the management of private offices is a continental Euro-

pean notion and, by way of contrast, is totally foreign to the American way.

IV. Office management, at least all specialized office management—and such management is distinctly modern—usually presupposes thorough training in a field of specialization. This, too, holds increasingly for the modern executive and employee of a private enterprise, just as it does for the state officials.

V. When the office is fully developed, official activity demands the *full working capacity* of the official, irrespective of the fact that the length of his obligatory working hours in the bureau may be limited. In the normal case, this too is only the product of a long development, in the public as well as in the private office. Formerly the normal state of affairs was the reverse: Official business was discharged as a secondary activity.

VI. The management of the office follows *general rules*, which are more or less *stable*, more or less *exhaustive*, and which *can* be learned. Knowledge of these rules represents a special technical expertise which the officials possess. It involves jurisprudence, administrative or business management.

The reduction of modern office management to *rules* is deeply embedded in its very nature. The theory of modern public administration, for instance, assumes that the authority to order certain matters by decree—which has been legally granted to an agency—does not entitle the agency to regulate the matter by individual commands given for each case, but only to regulate the matter abstractly. This stands in extreme contrast to the regulation of all relationships through individual privileges and bestowals of favor, which, as we shall see, is absolutely dominant in patrimonialism, at least in so far as such relationships are not fixed by sacred tradition.

2. The Position of the Official Within and Outside of Bureaucracy

All this results in the following for the internal and external position of the official:

I. OFFICE HOLDING AS A VOCATION

That the office is a "vocation" (*Beruf*) finds expression, first, in the requirement of a prescribed course of training, which demands the entire working capacity for a long period of time, and in generally

prescribed special examinations as prerequisites of employment. Furthermore, it finds expression in that the position of the official is in the nature of a "duty" (*Pflicht*). This determines the character of his relations in the following manner: Legally and actually, office holding is not considered ownership of a source of income, to be exploited for rents or emoluments in exchange for the rendering of certain services, as was normally the case during the Middle Ages and frequently up to the threshold of recent times, nor is office holding considered a common exchange of services, as in the case of free employment contracts. Rather, entrance into an office, including one in the private economy, is considered an acceptance of a specific duty of fealty to the purpose of the office (*Amtsstreue*) in return for the grant of a secure existence. It is decisive for the modern loyalty to an office that, in the pure type, it does not establish a relationship to a *person*, like the vassal's or disciple's faith under feudal or patrimonial authority, but rather is devoted to *impersonal* and *functional* purposes. These purposes, of course, frequently gain an ideological halo from cultural values, such as state, church, community, party or enterprise, which appear as surrogates for a this-worldly or other-worldly personal master and which are embodied by a given group.

The political official—at least in the fully developed modern state—is not considered the personal servant of a ruler. Likewise, the bishop, the priest and the preacher are in fact no longer, as in early Christian times, carriers of a purely personal charisma, which offers other-worldly sacred values under the personal mandate of a master, and in principle responsible only to him, to everybody who appears worthy of them and asks for them. In spite of the partial survival of the old theory, they have become officials in the service of a functional purpose, a purpose which in the present-day "church" appears at once impersonalized and ideologically sanctified.

II. THE SOCIAL POSITION OF THE OFFICIAL

A. SOCIAL ESTEEM AND STATUS CONVENTION. Whether he is in a private office or a public bureau, the modern official, too, always strives for and usually attains a distinctly elevated *social esteem* vis-à-vis the governed. His social position is protected by prescription about rank order and, for the political official, by special prohibitions of the criminal code against "insults to the office" and "contempt" of state and church authorities.

The social position of the official is normally highest where, as in old civilized countries, the following conditions prevail: a strong de-

mand for administration by trained experts; a strong and stable social differentiation, where the official predominantly comes from socially and economically privileged strata because of the social distribution of power or the costliness of the required training and of status conventions. The possession of educational certificates or patents—discussed below (sec. 13 A)—is usually linked with qualification for office; naturally, this enhances the “status element” in the social position of the official. Sometimes the status factor is explicitly acknowledged; for example, in the prescription that the acceptance of an aspirant to an office career depends upon the consent (“election”) by the members of the official body. This is the case in the officer corps of the German army. Similar phenomena, which promote a guild-like closure of officialdom, are typically found in the patrimonial and, particularly, in prebendal officialdom of the past. The desire to resurrect such policies in changed forms is by no means infrequent among modern bureaucrats; it played a role, for instance, in the demands of the largely proletarianized [*zemstvo*] officials (the *tretii element*) during the Russian revolution [of 1905].

Usually the social esteem of the officials is especially low where the demand for expert administration and the hold of status conventions are weak. This is often the case in new settlements by virtue of the great economic opportunities and the great instability of their social stratification: witness the United States.

B. APPOINTMENT VERSUS ELECTION: CONSEQUENCES FOR EXPERTISE. Typically, the bureaucratic official is appointed by a superior authority. An official elected by the governed is no longer a purely bureaucratic figure. Of course, a formal election may hide an appointment—in politics especially by party bosses. This does not depend upon legal statutes, but upon the way in which the party mechanism functions. Once firmly organized, the parties can turn a formally free election into the mere acclamation of a candidate designated by the party chief, or at least into a contest, conducted according to certain rules, for the election of one of two designated candidates.

In all circumstances, the designation of officials by means of an election modifies the rigidity of hierarchical subordination. In principle, an official who is elected has an autonomous position vis-à-vis his superiors, for he does not derive his position “from above” but “from below,” or at least not from a superior authority of the official hierarchy but from powerful party men (“bosses”), who also determine his further career. The career of the elected official is not primarily dependent upon his chief in the administration. The official who is not elected, but appointed by a master, normally functions, from a technical point of view, more accurately because it is more likely that

purely functional points of consideration and qualities will determine his selection and career. As laymen, the governed can evaluate the expert qualifications of a candidate for office only in terms of experience, and hence only after his service. Moreover, if political parties are involved in any sort of selection of officials by election, they quite naturally tend to give decisive weight not to technical competence but to the services a follower renders to the party boss. This holds for the designation of otherwise freely elected officials by party bosses when they determine the slate of candidates as well as for the free appointment of officials by a chief who has himself been elected. The contrast, however, is relative: substantially similar conditions hold where legitimate monarchs and their subordinates appoint officials, except that partisan influences are then less controllable.

Where the demand for administration by trained experts is considerable, and the party faithful have to take into account an intellectually developed, educated, and free “public opinion,” the use of unqualified officials redounds upon the party in power at the next election. Naturally, this is more likely to happen when the officials are appointed by the chief. The demand for a trained administration now exists in the United States, but wherever, as in the large cities, immigrant votes are “corralled,” there is, of course, no effective public opinion. Therefore, popular election not only of the administrative chief but also of his subordinate officials usually endangers, at least in very large administrative bodies which are difficult to supervise, the expert qualification of the officials as well as the precise functioning of the bureaucratic mechanism, besides weakening the dependence of the officials upon the hierarchy. The superior qualification and integrity of Federal judges appointed by the president, as over and against elected judges, in the United States is well known, although both types of officials are selected primarily in terms of party considerations. The great changes in American metropolitan administrations demanded by reformers have been effected essentially by elected mayors working with an apparatus of officials who were appointed by them. These reforms have thus come about in a “caesarist” fashion. Viewed technically, as an organized form of domination, the efficiency of “caesarism,” which often grows out of democracy, rests in general upon the position of the “caesar” as a free trustee of the masses (of the army or of the citizenry), who is unfettered by tradition. The “caesar” is thus the unrestrained master of a body of highly qualified military officers and officials whom he selects freely and, personally without regard to tradition or to any other impediments. Such “rule of the per-

sonal genius," however, stands in conflict with the formally "democratic" principle of a generally elected officialdom.

C. TENURE AND THE INVERSE RELATIONSHIP BETWEEN JUDICIAL INDEPENDENCE AND SOCIAL PRESTIGE. Normally, the position of the official is held for life, at least in public bureaucracies, and this is increasingly the case for all similar structures. As a factual rule, *tenure for life* is presupposed even where notice can be given or periodic reappointment occurs. In a private enterprise, the fact of such tenure normally differentiates the official from the worker. Such legal or actual life-tenure, however, is not viewed as a proprietary right of the official to the possession of office as was the case in many structures of authority of the past. Wherever legal guarantees against discretionary dismissal or transfer are developed, as in Germany for all judicial and increasingly also for administrative officials, they merely serve the purpose of guaranteeing a strictly impersonal discharge of specific office duties.

Within the bureaucracy, therefore, the measure of "independence" legally guaranteed in this manner by tenure is not always a source of increased status for the official whose position is thus secured. Indeed, often the reverse holds, especially in communities with an old culture and a high degree of differentiation. For the subordination under the arbitrary rule of the master also guarantees the maintenance of the conventional seigniorial style of living for the official, and it does this the better, the stricter it is. Therefore the conventional esteem for the official may rise precisely because of the absence of such legal guarantees, in the same way as, during the Middle Ages, the esteem of the *ministeriales* rose at the expense of the freeman and that of the king's judge at the expense of the folk judge. In Germany, the military officer or the administrative official can be removed from office at any time, or at least far more readily than the "independent" judge, who never pays with loss of his office for even the grossest offense against the "code of honor" or against the conventions of the *salon*. For this very reason the judge is, if other things are equal, considered less socially acceptable by "high society" than are officers and administrative officials whose greater dependence on the master is a better guarantee for the conformity of their life style with status conventions. Of course, the average official strives for a civil-service law which in addition to materially securing his old age would also provide increased guarantees against his arbitrary removal from office. This striving, however, has its limits. A very strong development of the "right to the office" naturally makes it more difficult to staff offices with an eye to technical efficiency and decreases the career opportunities of ambitious candidates. This, as well as the preference of officials to be dependent upon their equals

rather than upon the socially inferior governed strata, makes for the fact that officialdom on the whole does not "suffer" much under its dependency from the "higher-up." The present conservative movement among the Baden clergy, occasioned by the anxiety of a threatening separation of church and state, was admittedly determined by the desire not to be turned "from a master into a servant of the parish."¹

D. RANK AS THE BASIS OF REGULAR SALARY. The official as a rule receives a *monetary* compensation in the form of a *salary*, normally fixed, and the old age security provided by a pension. The salary is not measured like a wage in terms of work done, but according to "status," that is, according to the kind of function (the "rank") and, possibly, according to the length of service. The relatively great security of the official's income, as well as the rewards of social esteem, make the office a sought-after position, especially in countries which no longer provide opportunities for colonial profits. In such countries, this situation permits relatively low salaries for officials.

E. FIXED CAREER LINES AND STATUS RIGIDITY. The official is set for a "career" within the hierarchical order of the public service. He expects to move from the lower, less important and less well paid, to the higher positions. The average official naturally desires a *mechanical* fixing of the conditions of promotion: if not of the offices, at least of the salary levels. He wants these conditions fixed in terms of "seniority," or possibly according to grades achieved in a system of examinations. Here and there, such grades actually form a *character indelebilis* of the official and have lifelong effects on his career. To this is joined the desire to reinforce the right to office and to increase status group closure and economic security. All of this makes for a tendency to consider the offices as "prebends" of those qualified by educational certificates. The necessity of weighing general personal and intellectual qualifications without concern for the often subaltern character of such patents of specialized education, has brought it about that the highest political offices, especially the "ministerial" positions, are as a rule filled without reference to such certificates.

3. Monetary and Financial Presuppositions of Bureaucracy

The development of the *money economy* is a presupposition of a modern bureaucracy insofar as the compensation of officials today takes the form of *money salaries*. The money economy is of very great impor-

tance for the whole bearing of bureaucracy, yet by itself it is by no means decisive for the existence of bureaucracy.

Historical examples of relatively clearly developed and quantitatively large bureaucracies are: (a) Egypt, during the period of the New Kingdom, although with strong patrimonial elements; (b) the later Roman Principate, and especially the Diocletian monarchy and the Byzantine polity which developed out of it; these, too, contained strong feudal and patrimonial admixtures; (c) the Roman Catholic Church, increasingly so since the end of the thirteenth century; (d) China, from the time of Shi Hwangti until the present, but with strong patrimonial and prebendal elements; (e) in ever purer forms, the modern European states and, increasingly, all public bodies since the time of princely absolutism; (f) the large modern capitalist enterprise, proportional to its size and complexity.

To a very great extent or predominantly, cases (a) to (d) rested upon compensation of the officials in kind. They nevertheless displayed many of the traits and effects characteristic of bureaucracy. The historical model of all later bureaucracies—the New Kingdom in Egypt—is at the same time one of the most grandiose examples of an organized natural economy. This coincidence of bureaucracy and natural economy is understandable only in view of the quite unique conditions that existed in Egypt, for the reservations—they are quite considerable—which one must make in classifying these structures as bureaucracies are based precisely on the prevalence of a natural economy. A certain measure of a developed money economy is the normal precondition at least for the unchanged survival, if not for the establishment, of pure bureaucratic administrations.

According to historical experience, without a money economy the bureaucratic structure can hardly avoid undergoing substantial internal changes, or indeed transformation into another structure. The allocation of fixed income in kind from the magazines of the lord or from his current intake—which has been the rule in Egypt and China for millennia and played an important part in the later Roman monarchy as well as elsewhere—easily means a first step toward appropriation of the sources of taxation by the official and their exploitation as private property. Income in kind has protected the official against the often sharp fluctuations in the purchasing power of money. But whenever the lord's power subsidies, payments in kind, which are based on taxes in kind, tend to become irregular. In this case, the official will have direct recourse to the tributaries of his bailiwick, whether or not he is authorized. The idea of protecting the official against such oscillations by mortgaging or transferring the levies and therewith the power to tax,

or by transferring the use of profitable lands of the lord to the official, is close at hand, and every central authority which is not tightly organized is tempted to take this course, either voluntarily or because the officials compel it to do so. The official may satisfy himself with the use of these resources up to the level of his salary claim and then hand over the surplus. But this solution contains strong temptations and therefore usually yields results unsatisfactory to the lord. Hence the alternative process involves fixing the official's monetary obligations. This often occurred in the early history of German officialdom, and it happened on the largest scale in all Eastern satrap administrations: the official hands over a stipulated amount and retains the surplus.

A. EXCURSUS ON TAX-FARMING

In such cases the official is economically in a position rather similar to that of the entrepreneurial tax-farmer. Indeed, office-farming, including even the leasing of office to the highest bidder, is regularly found. In the private economy, the transformation of the [Carolingian] manorial or *villicatio* structure into a system of tenancy relations is one of the most important among numerous examples. By tenancy arrangements the lord can transfer the trouble of transforming his income-in-kind into money-income to the office-farmer or to the official who must render a fixed sum. This seems to have been the case with some Oriental governors in Antiquity. And above all, the farming out of public tax collection in lieu of the lord's own management of tax-gathering served this purpose. One consequence is the possibility of the advance, so very important in the history of public finances, towards regular budgeting: A firm estimate of revenues, and correspondingly of expenditures, can take the place of the hand-to-mouth living from the immediate but unpredictable inflows which is so typical of all early stages of public finances. On the other hand, however, the control and full exploitation of the fiscal resources for the lord's own use is surrendered and perhaps, depending upon the measure of freedom left to the official or the office- or tax-farmer, the long-run yield capacity even endangered by ruthless exploitation, since a capitalist will not have the same long-run interest in preservation of the subjects' ability to pay as the political lord.

The lord seeks to safeguard himself against this loss of control by regulations. The mode of tax-farming or the transfer of taxes can thus vary widely; depending upon the distribution of power between the lord and the farmer, the latter's interest in the full exploitation of the

paying capacity of the subjects or the lord's interest in the conservation of this capacity may predominate. The nature of the tax-farming system in the Ptolemaic empire, for instance, was clearly determined by the balance of the joint or the opposing influence of these motives: the elimination of oscillations in the yields, the possibility of budgeting, the safeguarding of the subjects' capacity to pay by protecting them against uneconomical exploitation, and state control of the tax-farmer's yields for the sake of appropriating the maximum possible. As in Hellas and in Rome, the tax-farmer was still a private capitalist. The collection of the taxes, however, was bureaucratically executed and controlled by the Ptolemaic state. The farmer's profit consisted only in a share of the potential surplus over and above his fee which, in fact, constituted a minimum guarantee [to the state]; his risk consisted in the possibility of yields that were lower than this sum.

B. OFFICE PURCHASE, PREBENDAL AND FEUDAL ADMINISTRATION

The purely economic conception of the office as a private source of income for the official can also lead to the direct purchase of offices. This occurs when the lord finds himself in a position in which he requires not only a current income but money capital—for instance, for warfare or for debt payments. The purchase of office as a regular institution has existed especially in modern states—in the Papal State as well as in France and England, in the cases of sinecures as well as of more important offices (for example, officers' commissions) well into the nineteenth century. In individual cases, the economic meaning of such a purchase of office can be altered so that the purchasing sum is partly or wholly in the nature of bail deposited to assure faithful service, but this has not been the rule.

Every sort of assignment of usufructs, tributes and services claimed by the lord to the official for personal exploitation always means an abandonment of typical bureaucratic organization. The official in such positions has a property right to his office. This is the case to a still higher degree when official duty and compensation are interrelated in such a way that the official does not transfer to the lord any of the yields gained from the objects left to him, but handles these objects for his private ends and in turn renders to the lord services of a personal or a military, political, or ecclesiastical character.

We shall speak of *prebends* and of a *prebendal* organization of offices in all cases of life-long assignment to officials of rent payments deriving from material goods, or of the essentially *economic* usufruct of

land or other sources of rent, in compensation for the fulfillment of real or fictitious duties of office, for the economic support of which the goods in question have been *permanently* allocated by the lord.

The transition [from such prebendal organization of office] to salaried officialdom is quite fluid. Very often the economic endowment of priesthoods has been "prebendal," as in Antiquity and the Middle Ages, and even up to the modern period. But in almost all periods the same form has been found also in other areas. In Chinese sacerdotal law, the prebendal character of all offices forced the mourning official to resign his office, for during the ritual mourning period for the father or other household authorities abstention from the enjoyment of possessions was prescribed—and the office was considered purely a source for rent. (Originally this prescription was aimed at avoiding the ill-will of the deceased master of the house, to whom the possessions had belonged.)

When not only economic but also lordly [political] rights are bestowed [upon the official] to exercise on his own, and when this is associated with the stipulation of *personal* services to the lord to be rendered in return, a further step away from salaried bureaucracy has been taken. The nature of the prerogatives conferred can vary; for instance, in the case of a political official they may tend more toward seigniorial or more toward office authority. In both instances, but most definitely in the latter case, the specific nature of bureaucratic organization is completely destroyed and we enter into the realm of feudal organization of domination.

All assignments of services and usufructs in kind as endowments for officials tend to loosen the bureaucratic mechanism, and especially to weaken hierarchic subordination, which is most strictly developed in the discipline of modern officialdom. A precision similar to that of the contractually employed official of the modern Occident can only be attained—under very energetic leadership—where the subjection of the officials to the lord is also personally absolute, i.e., where slaves or employees treated like slaves are used for administration.

C. EXCURSUS ON THE SUPERIORITY OF STATUS INCENTIVES OVER PHYSICAL COERCION

In the natural economies of the ancient world, the Egyptian officials were slaves of the Pharaoh, if not legally, then in fact. The Roman latifundia owners preferred to commission slaves with the direct management of money matters, because of the possibility of subjecting them

to torture. In China, similar results have been sought by the prodigious use of the bamboo as a disciplinary instrument. The chances, however, for such direct means of coercion to function with *steadiness* are extremely unfavorable. According to experience, the *relative optimum* for the success and maintenance of a rigorous mechanization of the bureaucratic apparatus is offered by an assured salary connected with the opportunity of a career that is not dependent upon mere accident and arbitrariness. Taut discipline and control which at the same time have consideration for the official's sense of honor, and the development of prestige sentiments of the status group as well as the possibility of public criticism, also work in the same direction. With all this, the bureaucratic apparatus functions more assuredly than does legal enslavement of the functionaries. A strong status sentiment among officials not only is compatible with the official's readiness to subordinate himself to his superior without any will of his own, but—as in the case with the officer—status sentiments are the compensatory consequence of such subordination, serving to maintain the official's self-respect. The purely impersonal character of the office, with its separation of the private sphere from that of the official activities, facilitates the official's integration into the given functional conditions of the disciplined mechanism.

D. SUMMARY

Even though the full development of a money economy is thus not an indispensable precondition for bureaucratization, bureaucracy as a permanent structure is knit to the one presupposition of the availability of continuous revenues to maintain it. Where such income cannot be derived from private profits, as it is in the bureaucratic organization of modern enterprises, or from land rents, as in the manor, a stable system of *taxation* is the precondition for the permanent existence of bureaucratic administration. For well-known general reasons only a fully developed money economy offers a secure basis for such a taxation system. Hence the degree of administrative bureaucratization has in urban communities with fully developed money economies not infrequently been relatively greater than in the contemporaneous and much larger territorial states. As soon, however, as these states have been able to develop orderly systems of taxation, bureaucracy has there developed far more comprehensively than in the city states where, whenever their size remained confined to moderate limits, the tendency for a plutocratic and collegial administration by notables has corresponded most adequately to the requirements. For the basis of bureaucratization has always been

a certain development of administrative tasks, both quantitative and qualitative.

4. *The Quantitative Development of Administrative Tasks*

The first such basis of bureaucratization has been the quantitative extension of administrative tasks. In politics, the big state and the mass party are the classic field of bureaucratization.

EXCURSUS ON THE DEGREE OF BUREAUCRATIZATION IN HISTORICAL EMPIRE FORMATIONS

Our statement is not meant to imply that every historically known and genuine formation of big states has brought about a bureaucratic administration. For one, the secular survival of an existing great state or the homogeneity of a culture borne by it has not always been tied to a bureaucratic structure. Both of these linkages, however, occur to a great extent in the Chinese empire, to give an example. The numerous large African kingdoms, and similar formations, have had an ephemeral existence primarily because they have lacked an apparatus of officials. The Carolingian empire disintegrated when its administrative organization fell apart, which, however, was predominantly patrimonial rather than bureaucratic. On the other hand, the empire of the Caliphs and its predecessors on Asiatic soil have lasted for considerable periods of time, and their administrative organization was essentially patrimonial and prebendal. The same is true of the [German medieval] Holy Roman Empire, in spite of the almost complete absence of bureaucracy. All these realms have represented a cultural unity of at least approximately the same strength as is usually created by bureaucratic politics. By contrast, the ancient Roman Empire disintegrated internally in spite of increasing bureaucratization, or rather precisely during its introduction, because the mode of allocation of public burdens, which was associated with it, favored a natural economy. But it should be noted that from the point of view of their purely *political* unity and its degree of intensity, the cohesiveness of the first-named formations was essentially unstable and nominal, of the nature of a conglomerate, with a steadily diminishing capacity for political action. Their relatively great *cultural* unity flowed in part from ecclesiastic structures that were strongly unified and, in the Occidental Middle

Ages, increasingly bureaucratic in character; the cultural unity also resulted from the far-going homogeneity of their social structures, which in turn was the after-effect and transformation of their former political unity. Both are phenomena of the traditional stereotyping of culture which favors survival of unstable equilibria. Both factors proved so strong a foundation that even grandiose expansionary attempts, such as the Crusades, could be undertaken in spite of the lack of political unity; they were, one might say, performed as "private undertakings." The failure of the Crusades and their often irrational political course, however, is associated with the absence of a unified state power to back them up. And there is no doubt that the nuclei of intensive, "modern" state formation in the Middle Ages developed concomitantly with bureaucratic structures, and that in the end the bureaucratically most advanced states shattered the conglomerates which rested essentially upon unstable equilibria.

The disintegration of the ancient Roman Empire was partly conditioned by the very bureaucratization of its army and official apparatus. This bureaucratization could be realized only by putting into effect at the same time a method of distribution of public burdens which was bound to lead to an increase in the relative importance of the natural economy. Individual factors of this sort always enter the picture. Furthermore, we cannot assume a direct relationship between bureaucratization and the intensity of the state's external (expansionary) and internal (cultural) influence. Certainly a direct proportionality between the degree of bureaucratization and the state's expansionary force can only be stated as the "normal," but not as the inevitable rule. For two of the most expansive political formations, the Roman empire and the British world empire, rested upon bureaucratic foundations only to the smallest extent during their most expansive periods. The Norman state in England introduced a taut organization on the basis of the feudal hierarchy. It is true that to a large extent it received its unity and its push through the bureaucratization of the royal exchequer which, in comparison to other political structures of the feudal period, was extremely advanced. The fact that later on the English state did not participate in the Continental development towards bureaucratization, but remained an administration of notables, can be attributed—just like parallels in the republican administration of Rome—to the relative absence of a continental geography, as well as to some unique preconditions which at the present time are disappearing. The dispensability of the large standing armies, which a continental state with equally expansive tendencies requires for its land frontiers, is among these special preconditions. In Rome, bureaucratization advanced with the transition from a coastal to

a continental empire. For the rest, the strictly military character of the magistrates' powers—a characteristic of the Roman polity unknown to any other people—made up for the lack of a bureaucratic apparatus with its technical efficiency, its precision and unity of administrative functions, especially outside the city limits. The continuity of administration was safeguarded by the unique position of the Senate. In Rome, as in England, one presupposition for this dispensability of bureaucracy, which should not be forgotten, was that the state authorities increasingly "minimized" the scope of their functions at home, restricting them to what was absolutely demanded for direct "reasons of state."

In the continental states, however, power at the beginning of the modern period as a rule accumulated in the hands of those princes who most relentlessly took the course of administrative bureaucratization. It is obvious that technically the large modern state is absolutely dependent upon a bureaucratic basis. The larger the state, and the more it is a great power, the more unconditionally is this the case.

The United States still bears the character of a polity which, at least in the technical sense, is not fully bureaucratized. But the greater the zones of friction with the outside and the more urgent the needs for administrative unity at home become, the more this character is inevitably and gradually giving way formally to the bureaucratic structure. Moreover, the partly unbureaucratic form of the state structure of the United States is materially balanced by the more strictly bureaucratic structures of those formations which, in truth, dominate politically, namely, the parties under the leadership of "professionals" or experts in organization and election tactics. The increasingly bureaucratic organization of all genuine mass parties offers the most striking example of the role of sheer quantity as a leverage for the bureaucratization of a social structure; in Germany, above all the Social Democratic party, and abroad both of the American parties are prime examples.

5. *Qualitative Changes of Administrative Tasks: The Impact of Cultural, Economic and Technological Developments*

Bureaucratization is stimulated more strongly, however, by intensive and qualitative expansion of the administrative tasks than by their extensive and quantitative increase. But the direction bureaucratization takes, and the reasons that occasion it, can vary widely. In Egypt, the oldest country of bureaucratic state administration, it was the technical necessity of a

public regulation of the water economy for the whole country and from the top which created the apparatus of scribes and officials; very early it found its second realm of operation in the extraordinary, militarily organized construction activities. In most cases, as mentioned before, the bureaucratic tendency has been promoted by needs arising from the creation of standing armies, determined by power politics, and from the related development of public finances. But in the modern state, the increasing demands for administration also rest on the increasing complexity of civilization.

Great power expansions, especially overseas, have, of course, been managed by states ruled by notables (Rome, England, Venice). Yet the "intensity" of the administration, that is, the assumption of as many tasks as possible by the state apparatus for continuous management and discharge in its own establishment was only slightly developed in the great states ruled by notables, especially in Rome and England, by comparison with the bureaucratic polities; this will become evident in the appropriate context. To be sure, the *structure* of state power has influenced culture very strongly both in England and in Rome. But it has done so to a very small extent in the form of management and control by the state. This holds from justice to education. The growing demands on culture, in turn, are determined, though to a varying extent, by the growing wealth of the most influential strata in the state. To this extent increasing bureaucratization is a function of the increasing possession of consumption goods, and of an increasingly sophisticated technique of fashioning external life—a technique which corresponds to the opportunities provided by such wealth. This reacts upon the standard of living and makes for an increasing subjective indispensability of public, inter-local, and thus bureaucratic, provision for the most varied wants which previously were either unknown or were satisfied locally or by the private economy.

Among purely political factors, the increasing demand of a society accustomed to absolute pacification for order and protection ("police") in all fields exerts an especially persevering influence in the direction of bureaucratization. A direct road leads from mere modifications of the blood feud, sacerdotally or by means of arbitration, to the present position of the policeman as the "representative of God on earth." The former means still placed the guarantees for the individual's rights and security squarely upon the members of his sib who were obligated to assist him with oath and vengeance. Other factors operating in the direction of bureaucratization are the manifold tasks of social welfare policies which are either saddled upon the modern state by interest groups or which the state usurps for reasons of power or for ideological

motives. Of course, these tasks are to a large extent economically determined.

Among essentially technical factors, the specifically modern means of communication enter the picture as pacemakers of bureaucratization. In part, public roads and water-ways, railroads, the telegraph, etc., can only be administered publicly; in part, such administration is technically expedient. In this respect, the contemporary means of communication frequently play a role similar to that of the canals of Mesopotamia and the regulation of the Nile in the ancient Orient. A certain degree of development of the means of communication in turn is one of the most important prerequisites for the possibility of bureaucratic administration, though it alone is not decisive. Certainly in Egypt bureaucratic centralization could, against the backdrop of an almost purely "natural" economy, never have reached the degree of perfection which it did without the natural route of the Nile. In order to promote bureaucratic centralization in modern Persia, the telegraph officials were officially commissioned with reporting to the Shah, over the heads of the local authorities, all occurrences in the provinces; in addition, everyone received the right to remonstrate directly by telegraph. The modern Occidental state can be administered the way it actually is only because the state controls the telegraph network and has the mails and railroads at its disposal. (These means of communication, in turn, are intimately connected with the development of an inter-local traffic of mass goods, which therefore is one of the causal factors in the formation of the modern state. As we have already seen, this does not hold unconditionally for the past.)

6. The Technical Superiority of Bureaucratic Organization over Administration by Notables

The decisive reason for the advance of bureaucratic organization has always been its purely *technical* superiority over any other form of organization. The fully developed bureaucratic apparatus compares with other organizations exactly as does the machine with the non-mechanical modes of production. Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs—these are raised to the optimum point in the strictly bureaucratic administration, and especially in its monocratic form. As compared with all collegiate, honorific, and avocational forms of administration, trained bureaucracy is superior on all

these points. And as far as complicated tasks are concerned, paid bureaucratic work is not only more precise but, in the last analysis, it is often cheaper than even formally unremunerated honorific service.

Honorific arrangements make administrative work a subsidiary activity: an avocation and, for this reason alone, honorific service normally functions more slowly. Being less bound to schemata and more formless, it is less precise and less unified than bureaucratic administration, also because it is less dependent upon superiors. Because the establishment and exploitation of the apparatus of subordinate officials and clerical services are almost unavoidably less economical, honorific service is less continuous than bureaucratic and frequently quite expensive. This is especially the case if one thinks not only of the money costs to the public treasury—costs which bureaucratic administration, in comparison with administration by notables, usually increases—but also of the frequent economic losses of the governed caused by delays and lack of precision. Permanent administration by notables is normally feasible only where official business can be satisfactorily transacted as an avocation. With the qualitative increase of tasks the administration has to face, administration by notables reaches its limits—today even in England. Work organized by collegiate bodies, on the other hand, causes friction and delay and requires compromises between colliding interests and views. The administration, therefore, runs less precisely and is more independent of superiors; hence, it is less unified and slower. All advances of the Prussian administrative organization, for example, have been and will in the future be advances of the bureaucratic, and especially of the monocratic, principle.

Today, it is primarily the capitalist market economy which demands that the official business of public administration be discharged precisely, unambiguously, continuously, and with as much speed as possible. Normally, the very large modern capitalist enterprises are themselves unequalled models of strict bureaucratic organization. Business management throughout rests on increasing precision, steadiness, and, above all, speed of operations. This, in turn, is determined by the peculiar nature of the modern means of communication, including, among other things, the news service of the press. The extraordinary increase in the speed by which public announcements, as well as economic and political facts, are transmitted exerts a steady and sharp pressure in the direction of speeding up the tempo of administrative reaction towards various situations. The optimum of such reaction time is normally attained only by a strictly bureaucratic organization. (The fact that the bureaucratic apparatus also can, and indeed does, create

certain definite impediments for the discharge of business in a manner best adapted to the individuality of each case does not belong into the present context.)

Bureaucratization offers above all the optimum possibility for carrying through the principle of specializing administrative functions according to purely objective considerations. Individual performances are allocated to functionaries who have specialized training and who by constant practice increase their expertise. "Objective" discharge of business primarily means a discharge of business according to *calculable* rules and "without regard for persons."

"Without regard for persons," however, is also the watchword of the market and, in general, of all pursuits of naked economic interests. Consistent bureaucratic domination means the leveling of "status honor." Hence, if the principle of the free market is not at the same time restricted, it means the universal domination of the "class situation." That this consequence of bureaucratic domination has not set in everywhere proportional to the extent of bureaucratization is due to the differences between possible principles by which polities may supply their requirements. However, the second element mentioned, *calculable* rules, is the most important one for modern bureaucracy. The peculiarity of modern culture, and specifically of its technical and economic basis, demands this very "calculability" of results. When fully developed, bureaucracy also stands, in a specific sense, under the principle of *sine ira ac studio*. Bureaucracy develops the more perfectly, the more it is "dehumanized," the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation. This is appraised as its special virtue by capitalism.

The more complicated and specialized modern culture becomes, the more its external supporting apparatus demands the personally detached and strictly objective expert, in lieu of the lord of older social structures who was moved by personal sympathy and favor, by grace and gratitude. Bureaucracy offers the attitudes demanded by the external apparatus of modern culture in the most favorable combination. In particular, only bureaucracy has established the foundation for the administration of a rational law conceptually systematized on the basis of "statutes," such as the later Roman Empire first created with a high degree of technical perfection. During the Middle Ages, the reception of this [Roman] law coincided with the bureaucratization of legal administration: The advance of the rationally trained expert displaced the old trial procedure which was bound to tradition or to irrational presuppositions.

A. EXCURSUS ON KADI JUSTICE, COMMON LAW AND ROMAN LAW

The "rational" interpretation of law on the basis of strictly formal concepts can be juxtaposed to a kind of adjudication that is primarily bound to hallowed traditions. Individual cases which cannot be unambiguously decided by tradition it either settles by concrete revelation (oracle, prophetic dicta, or ordeal—that is, by charismatic justice) or—and only the following two cases interest us here—by a) informal judgments rendered in terms of concrete ethical or other practical valuations ("Kadi-justice," as R. Schmidt² has fittingly called it); or, b) formal judgments rendered, not by subsumption under rational concepts, but by drawing on "analogies" and by depending upon and interpreting concrete "precedents." This is "empirical justice."

Kadi-justice knows no rational "rules of decision" (*Urteilsgründe*) whatever, nor does empirical justice of the pure type give any reasons which in our sense could be called rational. The concrete valuational character of Kadi-justice can advance to a prophetic break with all tradition. Empirical justice, on the other hand, can be sublimated and rationalized into a "technique." Since non-bureaucratic forms of domination display a peculiar co-existence of strict traditionalism and of arbitrariness and lordly discretion, combinations and transitional forms between these two principles are very frequent. Even today in England, as Mendelssohn has demonstrated,³ a broad substratum of justice is actually Kadi-justice to an extent that is hardly conceivable on the Continent. The justice of German juries, which excludes a statement of the reasons for their verdict, often functions in practice in the same way. In general, one has to beware of believing that "democratic" principles of justice are identical with "rational" adjudication (in the sense of formal rationality). Indeed, the contrary holds. The English and American adjudication of the highest courts is still to a great extent empirical, and specifically: an adjudication by precedents. In England, the reason for the failure of all efforts at a rational codification of law, as well as the failure to "receive" the Roman law [at the end of the Middle Ages, when this occurred elsewhere in Europe], was due to the successful resistance against such rationalization offered by the great and centrally organized lawyers' guilds, a monopolistic stratum of notables from whose midst the judges of the high courts of the realm were recruited. They retained in their hands juristic training as an apprenticeship transmitting an empirical and highly developed technology, and they successfully fought all moves toward rational law emanating especially from the ecclesiastical courts and, for a time, also from the universities, which threatened their social and material position.

The fight of the common law advocates against the Roman and

ecclesiastical law, and against the power of the church in general, was to a considerable degree economically conditioned, namely by the lawyer's interest in fees; this is distinctly evidenced by the way in which the kings intervened in this struggle. But the power position of the lawyers, who emerged victoriously from this struggle, was conditioned by political centralization. In Germany, primarily for political reasons, a socially powerful status group of notables was lacking. There was no status group which, like the English lawyers, could have been the carrier of the administration of a national law, which could have raised national law to the level of a technology based on apprenticeship, and which could have offered resistance to the intrusion of the technically superior training of the Roman-law jurists. It is not that Roman law was in its substantive provisions better adjusted to the needs of emerging capitalism; this did not decide its victory on the Continent. In fact, all legal institutions specific to modern capitalism are alien to Roman law and are medieval in origin. What was decisive was the rational form of Roman law and, above all, the technical necessity to place the trial procedure in the hands of rationally trained experts, which meant men trained in the universities in Roman law. This necessity arose from the increasing complexity of legal cases and the demands of an increasingly rationalized economy for a rational procedure of evidence rather than the ascertainment of the truth by concrete revelation or sacerdotal guarantee which everywhere was the primeval means of proof. Of course, this situation was strongly influenced by structural changes in the economy. But this factor was efficacious everywhere, including England where the royal power introduced the rational procedure of evidence primarily for the sake of the merchants. The predominant reasons for the differences in the development of substantive law in England and Germany do not rest upon this *economic* factor. As is already obvious, these differences have sprung from the autonomous development of the respective structures of *domination*: In England, centralized justice and rule by notables; in Germany, absence of political centralization in spite of bureaucratization. England, which in modern times was the first and most highly developed capitalist country, thereby retained a less rational and less bureaucratic judicature. Capitalism in England, however, could quite easily come to terms with this because the nature of the court constitution and of the trial procedure up to the modern period amounted in effect to a far-going denial of justice to the economically weak groups. This fact, in association with the high time and money expenses of the system of real estate transfers—itself a function of the economic interests of the lawyer class—exerted a profound influence upon the agrarian structure of England in favor of the accumulation and immobilization of landed wealth.

During the time of the republic, Roman law itself presented a unique mixture of rational and empirical elements, and even of elements of *Kadi*-justice. The appointment of the jury courts as such and the praetorian *actiones in factum* [*conceptae*],⁴ which at first undoubtedly were formulated "from case to case," contained elements of *Kadi*-justice. The [early republican] so-called "*cautelae*-jurisprudence" and all that developed from it, including even a part of the practice of *responsae* of the classical jurists [in the imperial period],⁵ bore an "empirical" character. The decisive turn of legal thought toward a rational approach was first prepared by the technical nature of the trial instructions based on the *formulae* of the praetorian edict, which were geared to legal concepts. (Today, under the dominance of the principle of fact pleading, the presentation of the facts is decisive, no matter from what legal point of view they may make the complaint seem justified. The compulsion unambiguously and formally to work out the scope of concepts is now lacking; but such a compulsion was produced by the technical culture of Roman law at its very height.) Technical factors of trial procedure thus played their part in the development of rational law, factors which resulted only indirectly from the structure of the state. But the rationalization of Roman law into a closed system of concepts to be scientifically handled was brought to perfection only during the period when the polity itself underwent bureaucratization. This rational and systematic quality sets off Roman law sharply from all law produced by the Orient and by Hellenic culture.

The rabbinic responses of the *Talmud* are a typical example of empirical justice that is not rational but "rationalist," and at the same time strictly fettered by tradition. Pure *Kadi*-justice is represented in every prophetic dictum that follows the pattern: "It is written . . . but I say unto you." The more strongly the religious nature of the *Kadi*'s (or some similar judge's) position is emphasized, the more arbitrary—that is, the less rule-bound—will the judgment of the individual case be within that sphere where it is not fettered by sacred tradition. For a generation after the occupation of Tunisia by the French, for instance, a very tangible handicap for capitalism remained in that the ecclesiastic court (the *Chara*) decided over land holdings "at discretion," as the Europeans put it. We shall deal in another context with the sociological foundation of these older types of justice in the structure of domination.

B. BUREAUCRATIC OBJECTIVITY, RAISON D'ÉTAT AND POPULAR WILL

It is perfectly true that "matter-of-factness" and "expertness" are not necessarily identical with the rule of general and abstract norms. Indeed,

this does not even hold in the case of the modern administration of justice. The idea of a "law without gaps" is, of course, under vigorous attack. The conception of the modern judge as an automaton into which legal documents and fees are stuffed at the top in order that it may spill forth the verdict at the bottom along with the reasons, read mechanically from codified paragraphs—this conception is angrily rejected, perhaps because a certain approximation to this type would precisely be implied by a consistent bureaucratization of justice. Thus even in the field of law-finding there are areas in which the bureaucratic judge is directly held to "individualizing" procedures by the legislator.

For the field of administrative activity proper, that is, for all state activities that fall outside the field of law creation and court procedure, one has become accustomed to claims for the freedom and the paramountcy of individual circumstances. General norms are held to play primarily a negative role, as barriers to the official's positive and "creative" activity which should never be regulated. The bearing of this thesis may be disregarded here. Decisive is that this "freely" creative administration (and possibly judicature) would not constitute a realm of *free*, arbitrary action and discretion, of *personally* motivated favor and valuation, such as we shall find to be the case among pre-bureaucratic forms. The rule and the rational pursuit of "objective" purposes, as well as devotion to these, would always constitute the norm of conduct. Precisely those views which most strongly glorify the "creative" discretion of the official accept, as the ultimate and highest lodestar for his behavior in public administration, the specifically modern and strictly "objective" idea of *raison d'état*. Of course, the sure instincts of the bureaucracy for the conditions of maintaining its *own* power in the home state (and through it, in opposition to other states) are inseparably fused with this canonization of the abstract and "objective" idea of "reasons of state." Most of the time, only the power interests of the bureaucracy give a concretely exploitable content to this by no means unambiguous ideal; in dubious cases, it is always these interests which tip the balance. We cannot discuss this further here. The only decisive point for us is that in principle a system of rationally debatable "reasons" stands behind every act of bureaucratic administration, namely, either subsumption under norms, or a weighing of ends and means.

In this context, too, the attitude of all "democratic" currents, in the sense of currents that would minimize "domination," is necessarily ambiguous. "Equality before the law" and the demand for legal guarantees against arbitrariness demand a formal and rational "objectivity" of administration, as opposed to the personal discretion flowing from the

"grace" of the old patrimonial domination. If, however, an "ethos"—not to speak of other impulses—takes hold of the masses on some individual question, its postulates of *substantive* justice, oriented toward some concrete instance and person, will unavoidably collide with the formalism and the rule-bound and cool "matter-of-factness" of bureaucratic administration. Emotions must in that case reject what reason demands.

The propertyless masses especially are not served by the formal "equality before the law" and the "calculable" adjudication and administration demanded by bourgeois interests. Naturally, in their eyes justice and administration should serve to equalize their economic and social life-opportunities in the face of the propertied classes. Justice and administration can fulfill this function only if they assume a character that is informal because "ethical" with respect to substantive content (*Kadi-justice*). Not only any sort of "popular justice"—which usually does not ask for reasons and norms—but also any intensive influence on the administration by so-called "public opinion"—that is, concerted action born of irrational "sentiments" and usually staged or directed by party bosses or the press—thwarts the rational course of justice just as strongly, and under certain circumstances far more so, as the "star chamber" proceedings (*Kabinettsjustiz*) of absolute rulers used to be able to do.

7. The Concentration of the Means of Administration

The bureaucratic structure goes hand in hand with the concentration of the material means of management in the hands of the master. This concentration occurs, for instance, in a well-known and typical fashion in the development of big capitalist enterprises, which find their essential characteristics in this process. A corresponding process occurs in public organizations.

A. THE BUREAUCRATIZATION OF THE ARMY BY THE STATE AND BY PRIVATE CAPITALISM

The bureaucratically led army of the Pharaohs, the army of the later period of the Roman republic and of the Principate, and, above all, the army of the modern military state are characterized by the fact that their equipment and provisions are supplied from the magazines of the lord. This is in contrast to the levies of agricultural tribes, the armed

citizenry of ancient cities, the militias of early medieval cities, and all feudal armies; for these, the self-equipment and the self-provisioning of those obliged to fight was normal. War in our time is a war of machines, and this makes centralized provisioning technically necessary, just as the dominance of the machine in industry promotes the concentration of the means of production and management. In the main, however, the bureaucratic armies of the past, equipped and provisioned by the lord, came into being when social and economic development had diminished, absolutely or relatively, the stratum of citizens who were economically able to equip themselves, so that their number was no longer sufficient for putting the required armies in the field. A relative decline of these strata sufficed: relative, that is, with respect to the scope of the power claim of the polity. Only the bureaucratic army structure allows for the development of the professional standing armies which are necessary for the constant pacification of large territories as well as for warfare against distant enemies, especially enemies overseas. Further, military discipline and technical military training can normally be fully developed, at least to its modern high level, only in the bureaucratic army.

Historically, the bureaucratization of the army has everywhere occurred along with the shifting of army service from the shoulders of the propertied to those of the propertyless. Until this transfer occurs, military service is an honorific privilege of propertied men. Such a transfer was made to the native-born unpropertied, for instance, in the armies of the Roman generals of the late Republic and of the Empire, as well as in modern armies up to the nineteenth century. The burden of service has also been transferred to impecunious strangers, as in the mercenary armies of all ages. This process typically goes hand in hand with the general increase in material and intellectual culture. In addition, with increasing population density, and hence growing intensity and strain of economic work, the acquisitive strata become increasingly unavailable for purposes of war. Leaving aside periods of strong ideological fervor, the propertied strata with sophisticated and especially with urban culture as a rule are little fitted and also little inclined to do the coarse war work of the common soldier. Other circumstances being equal, the propertied strata of the countryside tend to be better qualified and more strongly inclined to become professional officers. This difference between the urban and the rural propertied is equalized only where the increasing possibility of mechanized warfare requires the leaders to qualify as "technicians."

The bureaucratization of organized warfare may be carried through in the form of private capitalist enterprises, just like any other business. Indeed, the procurement of armies and their administration by private

capitalists has been the rule in mercenary armies, especially those of the Occident up to the turn of the eighteenth century. In Brandenburg during the Thirty Years' War, the soldier was still the predominant owner of the material implements of his business. He owned his weapons, horses, and clothing, although the state, in the role, as it were, of the merchant of the putting-out system, did already purvey them. Later on, in the Prussian standing army, the chief of the company owned the material means of warfare, and only since the peace of Tilsit [in 1807] has the concentration of the means of warfare in the hands of the state definitely come about. Only with this concentration was the introduction of uniforms generally carried through. Previously, the introduction of uniforms had been left largely to the discretion of the regimental chief, with the exception of certain units upon whom the king had "bestowed" uniforms (first, in 1620, on the royal *Garde du Corps*, then repeatedly under Frederick II).

Such terms as "regiment" and "battalion" usually had quite different meanings in the eighteenth century as against today. Only the "battalion" was a tactical battle unit (as today both are), while the "regiment" was an economic management unit created by the entrepreneurial position of the colonel. Semiofficial sea-war ventures (like the Genoese *maone*) and army procurement belong to private capitalism's first giant enterprises with a largely bureaucratic character. Their "nationalization" in this respect has its modern parallel in the nationalization of the railroads, which have been controlled by the state from their beginnings.

B. THE CONCENTRATION OF RESOURCES IN OTHER SPHERES, INCLUDING THE UNIVERSITY

In this same way as with army organizations, the bureaucratization of administration in other spheres goes hand in hand with the concentration of resources. The ancient administrations through satraps and viceroys, just like those through office farmers, office buyers and, most of all, through feudal vassals, all decentralize the means of operation: Local requirements, including the cost of the army and of the lower officialdom, are as a rule paid first from the local revenues, and only the surplus reaches the central treasury. The enfeoffed official meets expenses entirely out of his own pocket. The bureaucratic state, by contrast, puts its entire administrative expense on the budget and provides the lower authorities with the current means of expenditure, the use of which the state regulates and controls. This has the same meaning for

the economy of public administration as for the large centralized capitalist enterprise.

In the field of scientific research and instruction, the bureaucratization of the inevitable research institutes of the universities is also a function of the increasing demand for material means of operation. Liebig's laboratory at Giessen University was the first example of big enterprise in this field. Through the concentration of such means in the hands of the privileged head of the institute the mass of researchers and instructors are separated from their "means of production," in the same way as the workers are separated from theirs by the capitalist enterprises.

8. The Leveling of Social Differences

In spite of its indubitable technical superiority, bureaucracy has everywhere been a relatively late development. A number of obstacles have contributed to this, and only under certain social and political conditions have they definitely receded into the background.

A. ADMINISTRATIVE DEMOCRATIZATION

Bureaucratic organization has usually come into power on the basis of a leveling of economic and social differences. This leveling has been at least relative, and has concerned the significance of social and economic differences for the assumption of administrative functions.

Bureaucracy inevitably accompanies modern mass democracy, in contrast to the democratic self-government of small homogeneous units. This results from its characteristic principle: the abstract regularity of the exercise of authority, which is a result of the demand for "equality before the law" in the personal and functional sense—hence, of the horror of "privilege," and the principled rejection of doing business "from case to case." Such regularity also follows from the social preconditions of its origin. Any non-bureaucratic administration of a large social structure rests in some way upon the fact that existing social, material, or honorific preferences and ranks are connected with administrative functions and duties. This usually means that an economic or a social exploitation of position, which every sort of administrative activity provides to its bearers, is the compensation for the assumption of administrative functions.

Bureaucratization and democratization within the administration of

the state therefore signify an increase of the cash expenditures of the public treasury, in spite of the fact that bureaucratic administration is usually more "economical" in character than other forms. Until recent times—at least from the point of view of the treasury—the cheapest way of satisfying the need for administration was to leave almost the entire local administration and lower judicature to the landlords of Eastern Prussia. The same is true of the administration by justices of the peace in England. Mass democracy which makes a clean sweep of the feudal, patrimonial, and—at least in intent—the plutocratic privileges in administration unavoidably has to put paid professional labor in place of the historically inherited "avocational" administration by notables.

B. MASS PARTIES AND THE BUREAUCRATIC CONSEQUENCES OF DEMOCRATIZATION

This applies not only to the state. For it is no accident that in their own organizations the democratic mass parties have completely broken with traditional rule by notables based upon personal relationships and personal esteem. Such personal structures still persist among many old conservative as well as old liberal parties, but democratic mass parties are bureaucratically organized under the leadership of party officials, professional party and trade union secretaries, etc. In Germany, for instance, this has happened in the Social Democratic party and in the agrarian mass-movement; in England earliest in the caucus democracy of Gladstone and Chamberlain which spread from Birmingham in the 1870's. In the United States, both parties since Jackson's administration have developed bureaucratically. In France, however, attempts to organize disciplined political parties on the basis of an election system that would compel bureaucratic organization have repeatedly failed. The resistance of local circles of notables against the otherwise unavoidable bureaucratization of the parties, which would encompass the entire country and break their influence, could not be overcome. Every advance of simple election techniques based on numbers alone as, for instance, the system of proportional representation, means a strict and inter-local bureaucratic organization of the parties and therewith an increasing domination of party bureaucracy and discipline, as well as the elimination of the local circles of notables—at least this holds for large states.

The progress of bureaucratization within the state administration itself is a phenomenon paralleling the development of democracy, as is quite obvious in France, North America, and now in England. Of course, one must always remember that the term "democratization" can

be misleading. The *demos* itself, in the sense of a shapeless mass, never "governs" larger associations, but rather is governed. What changes is only the way in which the executive leaders are selected and the measure of influence which the *demos*, or better, which social circles from its midst are able to exert upon the content and the direction of administrative activities by means of "public opinion." "Democratization," in the sense here intended, does not necessarily mean an increasingly active share of the subjects in government. This may be a result of democratization, but it is not necessarily the case.

We must expressly recall at this point that the political concept of democracy, deduced from the "equal rights" of the governed, includes these further postulates: (1) prevention of the development of a closed status group of officials in the interest of a universal accessibility of office, and (2) minimization of the authority of officialdom in the interest of expanding the sphere of influence of "public opinion" as far as practicable. Hence, wherever possible, political democracy strives to shorten the term of office through election and recall, and to be relieved from a limitation to candidates with special expert qualifications. Thereby democracy inevitably comes into conflict with the bureaucratic tendencies which have been produced by its very fight against the notables. The loose term "democratization" cannot be used here, in so far as it is understood to mean the minimization of the civil servants' power in favor of the greatest possible "direct" rule of the *demos*, which in practice means the respective party leaders of the *demos*. The decisive aspect here—indeed it is rather exclusively so—is the *levelling of the governed* in face of the governing and bureaucratically articulated group, which in its turn may occupy a quite autocratic position, both in fact and in form.

C. EXCURSUS: HISTORICAL EXAMPLES OF "PASSIVE DEMOCRATIZATION"

In Russia, the destruction of the position of the old seigniorial nobility through the regulation of the *mestnichestvo* (rank order) system and the consequent permeation of the old nobility by an office nobility [under Peter the Great] were characteristic transitional phenomena in the development of bureaucracy. In China, the estimation of rank and the qualification for office according to the number of examinations passed have similar significance, although with an—at least in theory—even more pronounced rigour. In France the Revolution and, more decisively, Bonapartism have made the bureaucracy all-powerful. In the Catholic church, first the feudal and then all independent local intermediary powers were eliminated. This was begun by Gregory VII and

continued through the Council of Trent and the Vatican Council, and it was completed by the edicts of Pius X. The transformation of these local powers into pure functionaries of the central authority was connected with the constant increase in the factual significance of the formally quite dependent *Kapläne* [auxiliary clergymen supervising lay organizations], a process which above all was based on the political party organization of Catholicism. Hence this process meant an advance of bureaucracy and at the same time of "passive" democratization, as it were, that is, the leveling of the governed. In the same way, the substitution of the bureaucratic army for the self-equipped army of notables is everywhere a process of "passive" democratization, in the sense in which this applies to every establishment of an absolute military monarchy in the place of a feudal state or of a republic of notables. The same holds, in principle, even for the development of the state in Egypt in spite of all the peculiarities involved. Under the Roman Principate the bureaucratization of the provincial administration in the field of tax collection, for instance, went hand in hand with the elimination of the plutocracy of a capitalist class, which, under the Republic, had been all-powerful; thus, ancient capitalism itself came to an end.

D. ECONOMIC AND POLITICAL MOTIVES BEHIND PASSIVE DEMOCRATIZATION

It is obvious that almost always economic conditions of some sort play their part in such "democratizing" developments. Very frequently we find at the base of the development an economically determined origin of new classes, whether plutocratic, petty-bourgeois, or proletarian in character. Such classes may call on the aid of, or they may call to life or recall to life, a political power of legitimate or of caesarist stamp in order to attain economic or social advantages through its political assistance. On the other hand, there are equally possible—and historically documented—cases in which the initiative came "from on high" and was of a purely political nature, drawing advantages from political constellations, especially in foreign affairs. Here such leadership exploited economic and social antagonisms as well as class interests merely as a means for its own purposes, throwing the antagonistic classes out of their almost always unstable equilibrium and calling their latent interest conflicts into battle. It seems hardly possible to give a general statement of this.

The extent and direction of the course along which economic influences have moved, as well as the manner in which political power relations exert influence, vary widely. In Hellenic Antiquity, the transition

to disciplined hoplite combat formations, and later in Athens the increasing importance of the navy, laid the foundation for the conquest of political power by the strata on whose shoulders the military burden rested at each given time. In Rome, however, the same development shook the rule of the office nobility only seemingly and temporarily. The modern army, finally, although it has everywhere been a means of breaking the power of the notables, has in itself in no way served as a lever of active, but rather remained an instrument of merely passive democratization. It should be noted, however, that a contributing factor in these contrasts has been the fact that the modern army rests upon bureaucratic procurement, whereas the ancient citizen army rested economically upon self-equipment.

The advance of the bureaucratic structure rests upon "technical" superiority. In consequence—as always in the area of "techniques"—we find that the advance proceeded most slowly wherever older structural forms were in their own way technically highly developed and functionally particularly well adapted to the requirements at hand. This was the case, for instance, in the administration of notables in England, and hence England was the slowest of all countries to succumb to bureaucratization or, indeed, is still only partly in the process of doing so. This is the same general phenomenon as when areas which have highly developed gas illumination works or steam railroads, with large fixed capital, offer stronger obstacles to electrification than completely new areas which are opened up for electrification.

9. The Objective and Subjective Bases of Bureaucratic Perpetuity

Once fully established, bureaucracy is among those social structures which are the hardest to destroy. Bureaucracy is the means of transforming social action into rationally organized action. Therefore, as an instrument of rationally organizing authority relations, bureaucracy was and is a power instrument of the first order for one who controls the bureaucratic apparatus. Under otherwise equal conditions, rationally organized and directed action (*Gesellschaftshandeln*) is superior to every kind of collective behavior (*Massenhandeln*) and also social action (*Gemeinschaftshandeln*) opposing it. Where administration has been completely bureaucratized, the resulting system of domination is practically indestructible.

The individual bureaucrat cannot squirm out of the apparatus into

which he has been harnessed. In contrast to the "notable" performing administrative tasks as a honorific duty or as a subsidiary occupation (avocation), the professional bureaucrat is chained to his activity in his entire economic and ideological existence. In the great majority of cases he is only a small cog in a ceaselessly moving mechanism which prescribes to him an essentially fixed route of march. The official is entrusted with specialized tasks, and normally the mechanism cannot be put into motion or arrested by him, but only from the very top. The individual bureaucrat is, above all, forged to the common interest of all the functionaries in the perpetuation of the apparatus and the persistence of its rationally organized domination.

The ruled, for their part, cannot dispense with or replace the bureaucratic apparatus once it exists, for it rests upon expert training, a functional specialization of work, and an attitude set on habitual virtuosity in the mastery of single yet methodically integrated functions. If the apparatus stops working, or if its work is interrupted by force, chaos results, which it is difficult to master by improvised replacements from among the governed. This holds for public administration as well as for private economic management. Increasingly the material fate of the masses depends upon the continuous and correct functioning of the ever more bureaucratic organizations of private capitalism, and the idea of eliminating them becomes more and more utopian.

Increasingly, all order in public and private organizations is dependent on the system of files and the discipline of officialdom, that means, its habit of painstaking obedience within its wonted sphere of action. The latter is the more decisive element, however important in practice the files are. The naive idea of Bakuninism of destroying the basis of "acquired rights" together with "domination" by destroying the public documents overlooks that the settled orientation of man for observing the accustomed rules and regulations will survive independently of the documents. Every reorganization of defeated or scattered army units, as well as every restoration of an administrative order destroyed by revolts, panics, or other catastrophes, is effected by an appeal to this conditioned orientation, bred both in the officials and in the subjects, of obedient adjustment to such [social and political] orders. If the appeal is successful it brings, as it were, the disturbed mechanism to "snap into gear" again.

The objective indispensability of the once-existing apparatus, in connection with its peculiarly "impersonal" character, means that the mechanism—in contrast to the feudal order based upon personal loyalty—is easily made to work for anybody who knows how to gain control over it. A rationally ordered officialdom continues to function smoothly

after the enemy has occupied the territory; he merely needs to change the top officials. It continues to operate because it is to the vital interest of everyone concerned, including above all the enemy. After Bismarck had, during the long course of his years in power, brought his ministerial colleagues into unconditional bureaucratic dependence by eliminating all independent statesmen, he saw to his surprise that upon his resignation they continued to administer their offices unconcernedly and undismayedly, as if it had not been the ingenious lord and very creator of these tools who had left, but merely some individual figure in the bureaucratic machine which had been exchanged for some other figure. In spite of all the changes of masters in France since the time of the First Empire, the power apparatus remained essentially the same.

Such an apparatus makes "revolution," in the sense of the forceful creation of entirely new formations of authority, more and more impossible—technically, because of its control over the modern means of communication (telegraph etc.), and also because of its increasingly rationalized inner structure. The place of "revolutions" is under this process taken by *coups d'état*, as again France demonstrates in the classical manner since all successful transformations there have been of this nature.

10. The Indeterminate Economic Consequences of Bureaucratization

It is clear that the bureaucratic organization of a social structure, and especially of a political one, can and regularly does have far-reaching economic consequences. But what sort of consequences? Of course, in any individual case it depends upon the distribution of economic and social power, and especially upon the sphere that is occupied by the emerging bureaucratic mechanism. The consequences of bureaucracy depend therefore upon the direction which the powers using the apparatus give to it. Very frequently a crypto-plutocratic distribution of power has been the result.

In England, but especially in the United States, party donors regularly stand behind the bureaucratic party organizations. They have financed these parties and have been able to influence them to a large extent. The breweries in England, and in Germany the so-called "heavy industry" and the Hansa League with their election funds are well enough known in this respect. In political and especially in state formations, too, bureaucratization and social leveling with the associated

breaking up of the opposing local and feudal privileges have in modern times frequently benefitted the interests of capitalism or have been carried out in direct alliance with capitalist interests; witness the great historical alliance of the absolute princes with capitalist interests. In general, a legal leveling and destruction of firmly established local structures ruled by notables has usually benefitted the scope of capitalist activity. But, on the other hand, there is also an effect of bureaucratization that meets the petty-bourgeois interest in a safe traditional "living," or even a state-socialist effect that strangulates opportunities for private profit. This has undoubtedly been active in several cases of historically far-reaching importance, particularly during Antiquity; it is perhaps also to be expected in future developments in our world.

The very different effects of political organizations which were, at least in principle, quite similar in Egypt under the Pharaohs, in Hellenistic, and in Roman times, show the very different economic consequences of bureaucratization which are possible, depending upon the direction of other factors present. The mere fact of bureaucratic organization does not unambiguously tell us about the concrete direction of its *economic* effects, which are always in some manner present. At least it does not tell us as much as can be told about its relatively leveling *social* effect. Even in this respect one has to remember that bureaucracy as such is a precision instrument which can put itself at the disposal of quite varied interests, purely political as well as purely economic ones, or any other sort. Therefore, the measure of its parallelism with democratization must not be exaggerated, however typical it may be. Under certain conditions, strata of feudal lords have also put this instrument into their service. There is also the possibility—and often it has become a fact, as for instance in the Roman Principate and in some forms of absolutist state structures—that bureaucratization of the administration is deliberately connected with the formation of status groups, or is entangled with it by the force of the existing groupings of social power. The explicit reservation of offices for certain status groups is very frequent, and empirical reservations are even more frequent.

11. The Power Position of the Bureaucracy

A. THE POLITICAL IRRELEVANCE OF FUNCTIONAL INDISPENSABILITY

The democratization of society in its totality, and in the *modern* sense of the term, whether actual or perhaps merely formal, is an especially favorable basis of bureaucratization, but by no means the only

possible one. After all, bureaucracy has merely the [limited] striving to level those powers that stand in its way in those concrete areas that, in the individual case, it seeks to occupy. We must remember the fact which we have encountered several times and which we shall have to discuss repeatedly: that "democracy" as such is opposed to the "rule" of bureaucracy, in spite and perhaps because of its unavoidable yet unintended promotion of bureaucratization. Under certain conditions, democracy creates palpable breaks in the bureaucratic pattern and impediments to bureaucratic organization. Hence, one must in every individual historical case analyze in which of the special directions bureaucratization has there developed.

For this reason, it must also remain an open question whether the power of bureaucracy is increasing in the modern states in which it is spreading. The fact that bureaucratic organization is technically the most highly developed power instrument in the hands of its controller does not determine the weight that bureaucracy as such is capable of procuring for its own opinions in a particular social structure. The ever-increasing "indispensability" of the officialdom, swollen to the millions, is no more decisive on this point than is the economic indispensability of the proletarians for the strength of the social and political power position of that class (a view which some representatives of the proletarian movement hold).⁸ If "indispensability" were decisive, the equally "indispensable" slaves ought to have held this position of power in any economy where slave labor prevailed and consequently freemen, as is the rule, shunned work as degrading. Whether the power of bureaucracy as such increases cannot be decided *a priori* from such reasons. The drawing in of economic interest groups or other non-official experts, or the drawing in of lay representatives, the establishment of local, inter-local, or central parliamentary or other representative bodies, or of occupational associations—these seem to run directly against the bureaucratic tendency. How far this appearance is the truth must be discussed in another chapter, rather than in the framework of this purely formal and typological (*kasuistisch*) discussion. In general, only the following can be said here:

The power position of a fully developed bureaucracy is always great, under normal conditions overpowering. The political "master" always finds himself, vis-à-vis the trained official, in the position of a dilettante facing the expert. This holds whether the "master," whom the bureaucracy serves, is the "people" equipped with the weapons of legislative initiative, referendum, and the right to remove officials; or a parliament elected on a more aristocratic or more democratic basis and equipped with the right or the *de facto* power to vote a lack of confidence; or an

aristocratic collegiate body, legally or actually based on self-recruitment; or a popularly elected president or an "absolute" or "constitutional" hereditary monarch.

B. ADMINISTRATIVE SECRECY

This superiority of the professional insider every bureaucracy seeks further to increase through the means of *keeping secret* its knowledge and intentions. Bureaucratic administration always tends to exclude the public, to hide its knowledge and action from criticism as well as it can. Prussian church authorities now threaten to use disciplinary measures against pastors who make reprimands or other admonitory measures in any way accessible to third parties, charging that in doing so they become "guilty" of facilitating a possible criticism of the church authorities. The treasury officials of the Persian Shah have made a secret science of their budgetary art and even use a secret script. The official statistics of Prussia, in general, make public only what cannot do any harm to the intentions of the power-wielding bureaucracy. This tendency toward secrecy is in certain administrative fields a consequence of their objective nature: namely, wherever power interests of the given structure of domination toward the outside are at stake, whether this be the case of economic competitors of a private enterprise or that of potentially hostile foreign politics in the public field. If it is to be successful, the management of diplomacy can be publicly supervised only to a very limited extent. The military administration must insist on the concealment of its most important measures with the increasing significance of purely technical aspects. Political parties do not proceed differently, in spite of all the ostensible publicity of the party conventions and "Catholic Congresses" (*Katholikentage*).⁹ With the increasing bureaucratization of party organizations, this secrecy will prevail even more. Foreign trade policy, in Germany for instance, brings about a concealment of production statistics. Every fighting posture of a social structure toward the outside tends in itself to have the effect of buttressing the position of the group in power.

However, the pure power interests of bureaucracy exert their effects far beyond these areas of functionally motivated secrecy. The concept of the "office secret" is the specific invention of bureaucracy, and few things it defends so fanatically as this attitude which, outside of the specific areas mentioned, cannot be justified with purely functional arguments. In facing a parliament, the bureaucracy fights, out of a sure power instinct, every one of that institution's attempts to gain through its own means (as, e.g., through the so-called "right of parlia-

mentary investigation")¹⁰ expert knowledge from the interested parties. Bureaucracy naturally prefers a poorly informed, and hence powerless, parliament—at least insofar as this ignorance is compatible with the bureaucracy's own interests.

C. THE RULER'S DEPENDENCE ON THE BUREAUCRACY

The absolute monarch, too, is powerless in face of the superior knowledge of the bureaucratic expert—in a certain sense more so than any other political head. All the irate decrees of Frederick the Great concerning the "abolition of serfdom" were derailed in the course of their realization because the official mechanism simply ignored them as the occasional ideas of a dilettante. A constitutional king, whenever he is in agreement with a socially important part of the governed, very frequently exerts a greater influence upon the course of administration than does the absolute monarch since he can control the experts better because of the at least relatively public character of criticism, whereas the absolute monarch is dependent for information solely upon the bureaucracy. The Russian Tsar of the *ancien régime* [before the appointment of a Prime Minister in 1905] was rarely able to put across permanently anything that displeased his bureaucracy and violated its power interests. His ministries, which were subordinated directly to him as the autocrat, represented, as Leroy-Beaulieu very correctly observed, a conglomerate of satrapies which fought among each other with all the means of personal intrigue and bombarded each other with voluminous "Memoranda," in the face of which the monarch as a dilettante was quite helpless.¹¹

The concentration of the power of the central bureaucracy in a single pair of hands is inevitable with every transition to constitutional government. Officialdom is placed under a monocratic head, the prime minister, through whose hands everything has to go before it gets to the monarch. This puts the latter to a large extent under the tutelage of the chief of the bureaucracy. Wilhelm II, in his well-known conflict with Bismarck, fought against this principle, but had to withdraw his attack very soon.¹² Under the rule of expert knowledge, the influence of the monarch can attain steadiness only through continuous communication with the bureaucratic chiefs which is methodically planned and directed by the central head of the bureaucracy. At the same time, constitutionalism binds the bureaucracy and the ruler into a community of interests against the power-seeking of the party chiefs in the parliamentary bodies. But against the bureaucracy the ruler remains powerless for this very reason, unless he finds support in parliament. The

desertion of the "Great of the Reich," here the Prussian ministers and top Reich officials, brought a monarch into approximately the same situation in November 1918 as did the parallel event under the conditions of the feudal state in 1076.¹³ This, however, is an exception, for the power position of a monarch is on the whole far stronger vis-à-vis bureaucratic officials than it was in any feudal or in a "stereotyped" patrimonial state. This is because of the constant presence of aspirants for promotion with whom the monarch can easily replace inconvenient and independent officials. Other circumstances being equal, only economically independent officials, that is, officials who belong to the propertied strata, can permit themselves to risk the loss of their offices. Today as always, the recruitment of officials from among propertyless strata increases the power of the rulers. Only officials who belong to a socially influential stratum which the monarch believes to have to take into account as support of his person, like the so-called *Kanalrebell* in Prussia, can permanently and completely paralyze the substance of his will.¹⁴

Only the expert knowledge of private economic interest groups in the field of "business" is superior to the expert knowledge of the bureaucracy. This is so because the exact knowledge of facts in their field is of direct significance for economic survival. Errors in official statistics do not have direct economic consequences for the responsible official, but miscalculations in a capitalist enterprise are paid for by losses, perhaps by its existence. Moreover, the "secret," as a means of power, is more safely hidden in the books of an enterprise than it is in the files of public authorities. For this reason alone authorities are held within narrow boundaries when they seek to influence economic life in the capitalist epoch, and very frequently their measures take an unforeseen and unintended course or are made illusory by the superior expert knowledge of the interested groups.

12. Excursus on Collegiate Bodies and Interest Groups

Since the specialized knowledge of the expert became more and more the foundation for the power of the officeholder, an early concern of the ruler was how to exploit the special knowledge of experts without having to abdicate in their favor. With the qualitative extension of administrative tasks and therewith the indispensability of expert knowledge, it typically happens that the lord no longer is satisfied by occasional consultation with proven confidants or even with an assembly of such men called together intermittently and in difficult situations.

He begins to surround himself with *collegiate* bodies which deliberate and resolve in continuous session (*Conseil d'État*, Privy Council, *Generaldirektorium*, Cabinet, *Divan*, *Tsungli Yamen*, *Wai-wu pu*, etc.). The *Räte von Haus aus* are a characteristic transitional phenomenon in this development.

The position of such collegiate bodies naturally varies according to whether they themselves become the highest administrative authority, or whether a central and monocratic authority, or several such authorities, stand at their side. In addition, a great deal depends upon their procedure. When the type is fully developed, such bodies meet—either actually or as a fiction—with the lord in the chair, and all important matters are resolved, after elucidation by the formal position papers of the responsible experts and the reasoned *vota* of other members, by a decision which the lord will sanction or reject by an edict. This kind of collegiate body thus is the typical form in which the ruler, who increasingly turns into a "dilettante," at the same time exploits expert knowledge and—what frequently remains unnoticed—seeks to fend off the threatening dominance of the experts. He keeps one expert in check by others, and by such cumbersome procedures seeks personally to gain a comprehensive picture as well as the certainty that nobody prompts him into arbitrary decisions. Often the ruler expects to assure himself a maximum of personal influence less from personally presiding over the collegiate bodies than from having written memoranda submitted to him. Frederick William I of Prussia, whose actual influence on the administration was very significant, almost never attended the collegiately organized sessions of the cabinet ministers. He rendered his decisions on written presentations by means of marginal comments or edicts which were sent to the ministers from the "cabinet," via the *Feldjäger*, after consultation with the "cabinet"-servants personally attached to the king. The Cabinet, in Russia as well as in Prussia and in other states, thus developed into a personal fortress in which the ruler sought refuge, so to speak, from expert knowledge and the impersonal and functional routinization of administration. The hatred of the bureaucratic departments turned against the Cabinet, just as did the distrust of the subjects in case of failure.

By the collegiate principle the ruler furthermore tries to fashion a sort of synthesis of *specialized experts* into a collective unit. His success in doing this cannot be ascertained in general. The phenomenon itself, however, is common to very different forms of state, from the patrimonial and feudal to the early bureaucratic, and it is especially typical for early princely absolutism. The collegiate principle has proved itself to be one of the strongest educative means for "matter-of-factness"

in administration. It also made it possible to counsel with socially influential private persons and thus to combine in some measure the authority of notables and the practical knowledge of private enterprisers with the specialized expertness of professional bureaucrats. The collegiate bodies were one of the first institutions to allow the development of the modern concept of "public authorities," in the sense of enduring structures independent of the person.

As long as an expert knowledge of administrative affairs was the exclusive product of a long *empirical* practice, and administrative norms were not regulations but elements of tradition, the council of *elders*—often with priests, "elder statesmen," and notables participating—was the adequate form for collegiate authorities, which in the beginning merely gave counsel to the ruler. But since such bodies, in contrast to the changing rulers, were perennial formations, they often usurped actual power. The Roman Senate and the Venetian Council, as well as the Athenian Areopagus until its downfall and replacement by the rule of the *demagogos*, acted in this manner. We must, of course, sharply distinguish such authorities from the corporate bodies under discussion here.

In spite of manifold transitions, collegiate bodies, as a type, emerge on the basis of the rational specialization of functions and the rule of expert knowledge. On the other hand, they must be distinguished from advisory bodies selected from among private and *interested* circles, which are frequently found in the modern state and whose nucleus is not formed of officials or of former officials. These collegiate bodies must also be distinguished sociologically from the collegiate supervisory "board of directors" (*Aufsichtsrat*) found in the bureaucratic structures of the modern private economy (joint stock corporation). This distinction must be made in spite of the fact that such corporate bodies not infrequently complete themselves by drawing in notables from among disinterested circles for the sake of their expert knowledge or in order to exploit them for representation and advertising. Normally [in Germany] such bodies do not consociate experts for their special knowledge, but rather the representatives of the paramount economic interests, especially of the banks financing the enterprise—and such men by no means hold merely advisory positions. They have at least a controlling voice, and very often they occupy an actually dominant position. Such bodies are to be compared (not without some distortion) to the assemblies of the great independent holders of feudal fiefs and offices and other socially powerful interest groups of patrimonial or feudal polities. Occasionally, however, these have been the precursors of the "councils" which emerged in consequence of an increased intensity of adminis-

tration, and even more frequently they have been precursors of corporations of such privileged status groups.

With great regularity the bureaucratic collegiate principle was transferred from the central authority to the most varied lower authorities. Within locally closed, and especially within urban units, collegiate administration is the original form of the rule of notables, as we indicated before [XI:3:n]. Originally it worked through elected, later on, usually, or at least in part, through co-opted councilors, colleges of magistrates, *decuriones* and *scabini*. Such bodies are a normal element of organized "self-government," that is, the management of administrative affairs by local interest groups under the control of the bureaucratic authorities of the state. The above-mentioned examples of the Venetian Council and even more so of the Roman Senate represent transfers of the rule of notables, normally rooted in local political associations, to great overseas empires. In the bureaucratic state, collegiate administration disappears again once progress in the means of communication and the increasing technical demands upon the administration necessitate quick and unambiguous decisions and the other motives for full bureaucratization and monocracy, which we discussed above, push themselves dominantly to the fore. Collegiate administration disappears when, from the point of view of the ruler's interests, a strictly unified administrative leadership appears to be more important than thoroughness in the preparation of administrative decisions. This is the case as soon as parliamentary institutions develop and—usually at the same time—as criticism from the outside and publicity increase.

Under these modern conditions the thoroughly rationalized system of specialized ministers and [territorial] prefects, as in France, offers significant opportunities for pushing the old forms everywhere into the background, probably supplemented by the interest groups, normally in the form of advisory bodies recruited from among the economically and socially most influential strata. This practice, which we have mentioned above, is becoming increasingly frequent and gradually may well be ordered more formally.

This latter development, which seeks to put the concrete experience of the interest groups into the service of a rational administration by trained specialized officials, will certainly be important in the future and further increase the power of bureaucracy. It is well known how Bismarck sought to make use of the plan for a "National Economic Council" as a weapon against the Reichstag, accusing the opposing majority—to whom he would have never granted the right to parliamentary investigation as practiced in England—of trying to prevent officialdom, in the interests of parliamentary power, from becoming

"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, gymnasias, 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 only thing which can perhaps be achieved in the foreseeable future, and that would be no mean achievement. . . . I cannot prevent you from believing in more, but 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 assigned 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. 69-86. Weber seems to have used the German translation by L. Pezold (3 vols., 1884-1890).

12. Weber refers here to *monarchic* constitutionalism, the form of government that Bismarck gave to Imperial Germany: the prime minister remained responsible to the king, not to parliament, and the army also 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 monarch 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 came 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 an addition 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 them in the *Frankfurter Zeitung* in 1917 (see Appendix II). Hence, whereas Weber draws in "Parliament and Government in a Reconstructed Germany" on 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 the bill. The disobedient officials were dubbed *Kanalrebell* and temporarily suspended from office. Cf. Chancellor Bülow's *Denkwürdigkeiten* (Berlin 1930), vol. I, pp. 293ff.; H. Horn, "Der Kampf um die Mittelland-Kanal Vorlage aus dem Jahre 1899," in K. E. Born (ed.), *Moderne deutsche Wirtschaftsgeschichte* (Cologne 1966). (G/M)