

★ THE THREE TYPES OF LEGITIMATE RULE

Translated by Hans Gerth

Max Weber

Authority means the probability that a specific command will be obeyed. Such obedience may feed on diverse motives. It may be determined by sheer interest situation, hence by the compliant actor's calculation of expediency; by mere custom, that is, the actor's inarticulate habituation to routine behavior; or by mere affect, that is, purely personal devotion of the governed. A structure of power, however, if it were to rest on such foundations alone, would be relatively unstable. As a rule both rulers and rules uphold the internalized power structure as "legitimate" by right, and usually the shattering of this belief in legitimacy has far-reaching ramifications.

There are but three clear-cut grounds on which to base the belief in legitimate authority. Given pure types each is connected with a fundamentally different sociological structure of executive staff and means of administration.

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Legal authority rests on enactment; its pure type is best represented by bureaucracy. The basic idea is that laws can be enacted and changed at pleasure by formally correct procedure. The governing body is either elected or appointed and constitutes as a whole and in all its sections rational organizations. A heteronomous and heterocephalous sub-unit we shall call "public authorities" (*Behörde*). The administrative staff consists of officials appointed by the ruler; the law-abiding people are members of the body politic ("fellow citizens").

Obedience is not owed to anybody personally but to enacted rules and regulations which specify to whom and to what rule people owe obedience. The person in authority, too, obeys a rule when giving an order, namely, "the law," or "rules and regulations" which represent abstract norms. The person in command typically is the "superior" within a functionally defined "competency" or "jurisdiction," and his right to govern is legitimized by enactment. Specialization sets limits with regard to functional purpose and required skill of the office incumbent.

The typical official is a trained specialist whose terms of employment are contractual and provide a fixed salary scaled by rank of office, not by amount of work, and the right to a pension according to fixed rules of advancement. His administration represents vocational work by virtue of impersonal duties of office; ideally the administrator proceeds *sine ira et studio*, not allowing personal motive or temper to influence conduct, free of arbitrariness and unpredictability; especially he proceeds "without regard to person," following rational rules with strict formality. And where rules fail he adheres to "functional" considerations of expediency. Dutiful obedience is channeled through a hierarchy of offices which subordinates lower to higher offices and provides a regular procedure for lodging complaints. Technically, operation rests on organizational discipline.

1. Naturally this type of "legal" rule comprises not only the modern structure of state and city government but likewise the power relations in private capitalist enterprise, in public corporations and voluntary associations of all sorts, provided that an extensive and hierarchically organized staff of functionaries exists. Modern political bodies merely represent the type pre-eminently. Authority of private capitalist organization is partially heteronomous, its order is partly prescribed by the state, and it is completely heterocephalous as regards the machinery of coercion. Normally the courts and police take care of these functions. Private enterprise, however, is autonomous in its increasingly bureaucratic organization of management. The fact that, formally speaking, people enter into the power

relationship (*Herrschaftsverband*) voluntarily and are likewise "free" to give notice does not affect the nature of private enterprise as a power structure since conditions of the labor market normally subject the employees to the code of the organization. Its sociological affinity to modern state authority will be clarified further in the discussion of the economic bases of power and authority. The "contract" as constitutive for the relations of authority in capitalist enterprise makes this a pre-eminent type of "legal authority."

2. Technically, bureaucracy represents the purest type of legal authority. No structure of authority, however, is exclusively bureaucratic, to wit, is managed by contractually hired and appointed officials alone. That is quite impossible. The top positions of the body politic may be held by "monarchs" (hereditary charismatic rulers), or by popularly elected "presidents" (hence plebiscitarian charismatic rulers), or by parliamentary elected presidents. In the latter case the actual rulers are members of parliament or rather the leaders of the prevailing parliamentary parties. These leaders in turn may stand close to the type of charismatic leadership or to that of notabilities. More of this below.

Likewise the administrative staff is almost never exclusively bureaucratic but usually notables and agents of interest groups participate in administration in manifold ways. This holds most of all for the so-called self-government. It is decisive that regular administrative work is predominantly and increasingly performed by bureaucratic forces. The historical development of the modern state is identical indeed with that of modern officialdom and bureaucratic organization (cf. below), just as the development of modern capitalism is identical with the increasing bureaucratization of economic enterprise. The part played by bureaucracy becomes bigger in all structures of power.

3. Bureaucracy does not represent the only type of legal authority. Other types comprise rotating office holders or office holders chosen by lot or popularly elected officers. Parliamentary and committee administration and all sorts of collegiate and administrative bodies are included under the type if and when their competency rests on enacted rules and if the use they make of their prerogative follows the type of legal administration. During the rise of the modern state collegiate bodies have made essential contributions to the development of legal authority, especially the concept of "public authorities" (*Behörde*) originated with them. On the other hand, elected officialdom has played an important role in the pre-history of the modern civil service and still does so today in the democracies.

II

Traditional authority rests on the belief in the sacredness of the social order and its prerogatives as existing of yore. Patriarchal authority represents its pure type. The body politic is based on communal relationships, the man in command is the "lord" ruling over obedient "subjects." People obey the lord personally since his dignity is hallowed by tradition; obedience rests on piety. Commands are substantively bound by tradition, and the lord's inconsiderate violation of tradition would endanger the legitimacy of his personal rule, which rests merely upon the sacredness of tradition. The creation of new law opposite traditional norms is deemed impossible in principle. Actually this is done by way of "recognizing" a sentence as "valid of yore" (the *Weistum* of ancient Germanic law). Outside the norms of tradition, however, the lord's sway in a given case is restricted only by sentiments of equity, hence by quite elastic bonds. Consequently the rule of the lord divides into a strictly tradition-bound sphere and one of free favor and arbitrariness where he rules at pleasure as sympathy or antipathy move him, following purely personal considerations subject especially to the influence of "good turns."

So far as principles are followed in administration and settlement of disputes, they rest on substantive considerations of ethical equity, justice, or utilitarian expediency, not on formal considerations characteristic of the rule of law. The lord's administrative staff proceeds in the same way. It consists of personally dependent men (members of the household or domestic officials), of relatives, of personal friends (favorites), or associates bound by personal allegiance (vassals, tributary princes). The bureaucratic concept of "competency" as a functionally delimited jurisdictional sphere is absent. The scope of the "legitimate" prerogatives of the individual servant is defined from case to case at the pleasure of the lord on whom the individual servant is completely dependent as regards his employment in more important or high ranking roles. Actually this depends largely on what the servant may dare do opposite the more or less docile subjects. Personal loyalty of the faithful servant, not functional duty of office and office discipline, control the interrelationship of the administrative staff.

One may, however, observe two characteristically different forms of positional relationships, the patriarchal structure and that of estates.

1. In the purely patriarchal structure of administration the servants are completely and personally dependent on the lord; they are either purely patrimonially recruited as slaves, bondsmen-serfs, eunuchs, or extra patrimonially as favorites and plebeians from among strata lacking all rights.

Their administration is entirely heteronomous and heterocephalous, the administrators have no personal right to their office, there is neither merit selection nor status honor; the material means of administration are managed under, and on account of, the lord. Given the complete dependency of the administrative staff on the lord, there is no guarantee against the lord's arbitrariness, which in this set-up can therefore have its greatest possible sway. Sultanistic rule represents the pure type. All genuine "despotism" was of this nature. Prerogatives are considered . . . ordinary property rights of the lord.

2. In the estate system the servants are not personal servants of the lord but independent men whose social position makes them presumably socially prominent. The lord, actually or according to the legitimacy fiction, bestows office on them by privilege or concession; or they have contractually, by purchase, tenancy or lease, acquired a title to their office which cannot be arbitrarily taken away from them; hence within limits, their administration is autocephalous and autonomous. Not the lord but they dispose over the material means of administration. This represents estate rule.

The competition of the officeholders for larger bailiwicks (and income) then determines the mutual delimitation of their actual bailiwicks and takes the place of "competency." Privilege often breaks through the hierarchic structure (*de non evocando, non appellando*). The category of "discipline" is absent. Tradition, privilege, feudal or patrimonial bonds of allegiance, status honor and "good will" regulate the web of inter-relations. The power prerogatives of the lord hence are divided between the lord and the privileged administrative staff, and this division of powers among the estates brings about a high degree of stereotypy in the nature of administration.

Patriarchal rule (of the family father, sib chief, father of his people [*Landesvater*]) represents but the purest type of traditionalist rule. Any "authorities" who claim legitimacy successfully by virtue of mere habituation represent the most typical contrast, on the one hand, to the position of a contractually employed worker in business enterprise; on the other, to the way a faithful member of a religious community emotionally relates to a prophet. Actually the domestic group [*Hausverband*] is the nucleus of traditionalist power structures. The typical "officials" of the patrimonial and feudal state are domestic officers with originally purely domestic tasks (dapifer, chamberlain, marshal, cupbearer, seneschal, major domo).

The co-existence of the strictly tradition-bound and the free sphere of conduct is a common feature of all traditionalistic forms of authority. Within the free sphere, action of the lord or of his administrative staff must be bought or earned by personal relations. (This is one of the

origins of the institution of fees.) It is decisive that formal law is absent and that substantive principles of administration and arbitration take its place. This likewise is a common feature of all traditionalist power structures and has far-reaching ramifications, especially for economic life.

The patriarch, like the patrimonial ruler, governs and decides according to the principles of "cadi justice": on the one hand, decisions are strictly bound by tradition; however, where these fetters give leeway, decisions follow juristically informal and irrational considerations of equity and justice from case to case, also taking individual differences into account. All codifications and laws of patrimonial rulers embody the spirit of the so-called "welfare state." A combination of social ethical with social utilitarian principles prevails, breaking through all rigor of formal law.

The sociological distinction between the patriarchal power structure and that of the estates in traditionalist rule is fundamental for all states of the pre-bureaucratic epoch. (The contrast will become fully clear only in connection with its economic aspect, that is, with the separation of the administrative staff from the material means of administration or with their appropriation by the staff.) This has been historically decisive for the question whether and what status groups existed as champions of ideas and culture values.

Patrimonial dependents (slaves, bondsmen) as administrators are to be found throughout the Mideastern orient and in Egypt down to the time of the Mamelukes; they represent the most extreme and what would seem to be the most consistent type of the purely patriarchal rule devoid of estates. Plebeian freemen as administrators stand relatively close to rational officialdom. The administration by literati can vary greatly in accordance with their nature: typical is the contrast between Brahmins and Mandarins, and both in turn stand opposite Buddhist and Christian clerics—yet their administration always approximates the estate type of power structure.

The rule of estates is most clearly represented by aristocracy, in purest form by feudalism, which puts in the place of the functional and rational duty of office the personal allegiance and the appeal to status honor of the enfeoffed.

In comparison to patriarchalism, all estate rule, based upon more or less stable appropriation of administrative power, stands closer to legal authority as the guarantees surrounding the prerogatives of the privileged assume the form of special "rights" (a result of the "division of power" among the estates). This rationale is absent in patriarchal structures, with their administration completely dependent on the lord's arbitrary sway. On the other hand, the strict discipline and the lack of rights of the ad-

ministrative staff within patriarchy is more closely related to the discipline of legal authority than is the administration of estates, which is fragmented and stereotyped through the appropriation of the means of administration by the staff. Plebeians (used as jurists) in Europe's princely service have been pacesetters of the modern state.

III

Charismatic authority rests on the affectual and personal devotion of the follower to the lord and his gifts of grace (charisma). They comprise especially magical abilities, revelations of heroism, power of the mind and of speech. The eternally new, the non-routine, the unheard of and the emotional rapture from it are sources of personal devotion. The purest types are the rule of the prophet, the warrior hero, the great demagogue. The body politic consists in the communal relationship of a religious group or following. The person in command is typically the "leader"; he is obeyed by the "disciple." Obedience is given exclusively to the leader as a person, for the sake of his non-routine qualities, not because of enacted position or traditional dignity. Therefore obedience is forthcoming only so long as people ascribe these qualities to him, that is, so long as his charisma is proven by evidence. His rule falls if he is "forsaken" by his god¹ or deprived of his heroic strength, or if the masses lose faith in his leadership capacity. The administrative staff is selected according to charisma and personal devotion, hence selection does not consider special qualification (as in the case of the civil servant) nor rank and station (as in the case of administration by estates) nor domestic or other forms of personal dependency (as, in contrast to the above, holds for the patriarchal administrative staff). The rational concept of "competency" is lacking as is the status idea of "privilege." Decisive for the legitimation of the commissioned follower or disciple is alone the mission of the lord and his followers' personal charismatic qualification. The administration—so far as this word is adequate—lacks all orientation to rules and regulations whether enacted or traditional. Spontaneous revelation or creation, deed and example, decision from case to case, that is—at least measured against enacted orders—irrational decisions are characteristic of charismatic authority. It is not bound to tradition: "It is written but I say unto

¹ Translator's note: This allusion to Jesus' death and its interpretation as a downfall of his charismatic authority comes out more strongly in Weber's "Sociology of Charismatic Authority" ("Charismatismus," *Wirtschaft und Gesellschaft*, in *From Max Weber: Essays in Sociology*, H. H. Gerth and C. Wright Mills, trans. (New York: Oxford, 1946), p. 248. In his later work, *Ancient Judaism*, Hans H. Gerth and Don Martindale, trans. (New York: Free Press, 1952), p. 376, Weber reversed his position.

you" holds for the prophet. For the warrior hero the legitimate orders vanish opposite new creations by power of the sword, for the demagogue by virtue of his annunciation or suggestion of revolutionary "natural law." In the genuine form of charismatic justice and arbitration the lord or "sage" speaks the law and the (military or religious) following gives it recognition, which is obligatory, unless somebody raises a counter claim to charismatic validity. This case presents a struggle of leaders which in the last analysis can solely be decided by the confidence of the community; only one side can be right; the other side must be wrong and be obliged to make amends.

A. The type of charismatic authority has first been developed brilliantly by R. Sohm in his *Kirchenrecht* for the early Christian community without his recognizing that it represents a type of authority. The term has since been used repeatedly without recognition of its bearing.

Early history shows alongside a few beginnings of "enacted" authority, which are by no means entirely absent, the division of all power relationships under tradition and charisma. Besides the "economic chief" (sachem) of the Indians, an essentially traditional figure, stands the charismatic warrior prince (corresponding to the Germanic "duke") with his following. Hunting and war campaigns, both demanding a leader of extraordinary personal endowments, are the secular; magic is the "sacred" place of charismatic leadership. Throughout the ages charismatic authority exercised by prophets and warrior princes has held sway over men. The charismatic politician—the "demagogue"—is the product of the occidental city state. In the city state of Jerusalem he emerged only in religious costume as a prophet. The constitution of Athens, however, was completely cut out for his existence after the innovations of Pericles and Ephialtes, since without the demagogue the state machine would not function at all.

B. Charismatic authority rests on the "faith" in the prophet, on the "recognition" which the charismatic warrior hero, the hero of the street or the demagogue, finds personally, and this authority falls with him. Yet, charismatic authority does not derive from this recognition by the subjects. Rather the reverse obtains: the charismatically legitimized leader considers faith in the acknowledgement of his charisma obligatory and punishes their violation. Charismatic authority is even one of the great revolutionary forces in history, but in pure form it is thoroughly authoritarian and lordly in nature.

C. It should be understood that the term "charisma" is used here in a completely value-neutral sense. For the sociologist the manic seizure and rage of the Nordic berserk, the miracles and revelations of any pettifogging prophecy, the demagogic talents of Cleon are just as much "charisma" as

the qualities of a Napoleon, Jesus, Pericles. Decisive for us is only whether they were considered charismatics and whether they were effective, that is, gained recognition. Here, "proof" is the basic prerequisite. The charismatic lord has to prove his being sent "by the grace of god" by performing miracles and being successful in securing the good life for his following or subjects. Only as long as he can do so will he be recognized. If success fails him, his authority falters. Wherever this charismatic concept of rule by the grace of god has existed, it has had decisive ramifications. The Chinese monarch's position was threatened as soon as drought, floods, military failure or other misfortune made it appear questionable whether he stood in the grace of Heaven. Public self-impeachment and penance, in cases of stubborn misfortune, removal and possible sacrifice threatened him. Certification by miracles was demanded of every prophet (the Zwickau people demanded it still from Luther).

So far as the belief in legitimacy matters for the stability of basically legal structures of authority, this stability rests mostly on mixed foundations. Traditional habituation of "prestige" (charisma) fuse with the belief in formal legality which in the last analysis is also a matter of habit. The belief in the legitimacy of authority is shattered alike through extraordinary misfortunes whether this exacts unusual demands from the subjects in the light of tradition, or destroys the prestige or violates the usual formal legal correctness. But with all structures of authority the obedience of the governed as a stable condition depends above all on the availability of an administrative staff and especially its continuous operation to maintain order and (directly or indirectly) enforce submission to the rule. The term "organization" means to guarantee the pattern of conduct which realizes the structure of authority. The solidarity of its (ideal and material) interests with those of the lord is decisive for all important loyalty of the staff to the lord. For the relation of the lord to the executive staff it generally holds that the lord is the stronger opposite the resisting individual because of the isolation of the individual staff members and his solidarity with the lord. The lord is weak opposite the staff member as a whole when they band themselves together, as has happened occasionally in the past and present. Deliberate agreement of the staff is requisite in order to frustrate the lord's action and rule through obstruction or deliberate counter action. Likewise the opposition requires an administrative staff of its own.

D. Charismatic rule represents a specifically extraordinary and purely personal relationship. In the case of continued existence, however, at least when the personal representative of charisma is eliminated, the authority structure has the tendency to routinize. This is the case when the charisma is not extinguished at once but continues to exist in some form and the

authority of the lord, hence, is transferred to successors. This routinization of charisma proceeds through

1. Traditionalization of the orders. The authority of precedents takes the place of the charismatic leader's or his staff's charismatic creativity in law and administration. These precedents either protect the successors or are attributed to them.
2. The charismatic staff of disciples or followers changes into a legal or estate-like staff by taking over internal prerogatives or those appropriated by privilege (fiefs, prebends).
3. The meaning of charisma itself many undergo a change. Decisive in this is the way in which the problem of successorship is solved, which is a burning question for ideological and indeed often material reasons. This question can be solved in various ways: the merely passive tarrying for a new charismatically certified or qualified master usually gives way to an active search for a successor, especially if none readily appears and if any strong interests are vested in the continuity of the authority structure.