

Re-reading Weber, re-conceptualizing state-building: From Neo-Weberian to Post-Weberian approaches to state, legitimacy, and state-building

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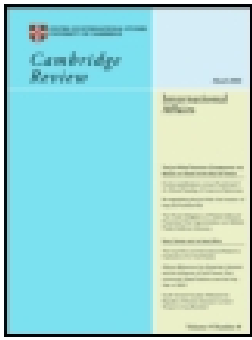
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Re-reading Weber, re-conceptualizing state-building: from neo-Weberian to post-Weberian approaches to state, legitimacy and state-building

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Abstract *This article analyzes how different interpretations of Max Weber's work on the state and legitimacy have materialized in contemporary research on—and practice of—international state-building. We argue that the currently prevailing neo-Weberian institutionalism in state-building theory and practice is based on a selective interpretation of the passionate and polemicist 'politician' Max Weber, whilst omitting almost entirely the wealth of thought on interpretivist method and the anti-foundationalist approach to social sciences that he has developed in his scholarly work. The neo-Weberian institutionalist approach thus focuses almost exclusively on state capacity and institutions. In contrast to this restricted approach, we will show how Weber's work on the historical and cultural dimensions of legitimacy is instructive in understanding the emergence and consolidation of social orders. Research agendas embracing such perspectives offer a viable way forward from the securitized approach to state-building and international intervention, in the process moving beyond the neo-Weberian orthodoxy.*

Introduction

Max Weber (1864–1920) has been one of the most influential thinkers in sociology and political science, shaping the academic discourse on state, authority and legitimacy. His definition of the state 'as a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory' (1948, 78) gained traction across various disciplines such as sociology, political science, international law, and international relations (IR). Decades later, Weber's

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definition of the state can still be considered the common starting point for most of the literature on contemporary state-building (Hameiri 2007; Lemay-Hébert 2013). While many state-building scholars rely—consciously or unconsciously—on Weberian approaches to state and legitimacy, they tend to do so through a selective and de-contextualized interpretation of Weber’s work. This limited understanding of Weber is still commonplace despite comprehensive efforts by different scholars to stress the limits of neo-Weberian approaches (Beetham 1985 and 1991; Hobson and Seabrooke 2001).

We will argue in this article that by revisiting the breadth and depth of Max Weber’s work, especially his *Methodology of social sciences* and *Sociology of Domination*,¹ it is possible to shed new light on the concepts of state and legitimacy and the way they inform the theory and practice of state-building. It is specifically apparent that the reception of Weber’s work in the IR and political science community has focused extensively on his political writings while omitting his works on the methodology and the value-neutrality of the social sciences. Due to this selective reading and interpretation of Weber, we contend, neo-Weberian ‘institutionalist’ approaches to state-building have failed to adequately take into account the complex and diverse nature of ‘the state’, which has led to the conceptualization of state-building interventions from a narrow, technocratic perspective. In doing so, this article builds on, and connects, three separate literatures: the literature inquiring into the reception and interpretation of Max Weber’s work (for instance McFalls 2007; Tribe 2007; Ghosh 1994; Kivisto and Swatos 1990), the critical literature on institutionalist state-building (Richmond and Mac Ginty 2014; Mac Ginty and Richmond 2013; Lemay-Hébert 2013), and the burgeoning debates on the sociology of contemporary state-building (see Bliesemann de Guevara 2010; Lemay-Hébert 2014, 2015).

The article begins by outlining two strands of Weber’s work which appear decisive to understand the selective reception of Weber’s work in the state-building community: on the one hand, his political writings which reveal his ‘passionate’ political stance, and, on the other hand, his methodological and epistemological work in his *Methodology of social sciences* (*Wissenschaftslehre*) (1922b, 1949, 2012). We will show how Weber’s reception in America was skewed towards the former and introduced his ideas in the latter strand in an at best distorted way. On this basis, we proceed to sketch out the specific interpretations of Weber’s concepts of the ‘state’ and ‘legitimacy’ that came to dominate the contemporary state-building literature. Finally, we suggest an alternative approach to state, legitimacy and state-building, which is more reflective of Weber’s complex and diverse body of work. This re-reading of Weber, with a particular attention to his *Sociology of Domination*,² further hints at the necessity to inquire into the emergence and reproduction of political authority along ‘post-Weberian’ lines. Such a ‘post-Weberian’ approach would not only accommodate in its analysis the historical and cultural dimensions of the emergence and consolidation of social order, but also query how such processes are overlapping with and interfered by global processes of expansion, integration and intervention.

¹ We are aware that these two strands of Weber’s oeuvre were not intended to be separate projects. The publication of the *Methodology* was realized by Marianne Weber, while the *Sociology of Domination* is only one part of Weber’s major work *Wirtschaft und Gesellschaft* (see also note 9).

² We further draw on Weber’s ‘Basic Sociological Terms’ (1978, pt 1, ch 1; or *Kategorienlehre*) and ‘Economy and Social Norms’ (1978, pt 2, ch 1), which, respectively, lay the conceptual foundations for the two parts of *Economy and Society* (see also 1978, 3; Roth 1978, lxvii ff).

Exploring the different 'Webers'

Weber's oeuvre, just like the work of other 'founding fathers' of the social sciences, has been subject to major efforts of interpretation and reinterpretation in various disciplines. To highlight the ramifications of this interpretative effort, it is helpful to contextualize the reception of Weber's work through the lens of the 'two Webers': the politician and the scholar (Jaspers 1988; see also Stammer 1972, 1–3). Of course, this slightly simplistic view of Weber has its limitations, not least because Weber's active commitment to participate in political affairs in itself blurred the lines between the scholar and the politician (Jaspers 1988; see Fitzi 2008, 157–158; Wolin 1981, 405–408). Still, this conceptual shorthand enables us to highlight the distinctive effort of certain scholars, especially Talcott Parsons, in promoting the image of Max Weber as a positivistic forefather of cumulative social science (McFalls 2007, 360)—which led to an almost entire neglect of Weber's relativist stance and his interpretative approach. It further helps us to contextualize Weber's oft-quoted definition of the state, which has acquired almost axiomatic status in the state-building literature, as will be shown in the following section.

To start with this last point, we would like to stress the need to contextualize Weber's definition of the state, as linked both to his political writings and to the historical context. His speeches and writings about the political situation in Germany, the principles guiding German politics and politics in general highlight the 'passionate politician' Weber, who was obsessed with power politics as a means to secure the survival of the German nation (Wagner and Zipprian 1994, 14). His conception of the world being one of *Machtstaaten*—that is, states being defined by the power they wield—certainly resonates with realist IR scholarship of the likes of Raymond Aron, Hans Morgenthau, EH Carr and others (Gismondi 2004; Hobson and Seabrooke 2001, 241–245; Pichler 1998; Smith 1986). This position is most apparent in the inaugural lecture for his professorship in political economy at the University of Freiburg in 1896. Weber portrays Germany as a nation-state which is faced by other nation-states in an 'economic struggle for life' in which 'there is no peace to be had' (Weber 1994, 14; see also Lassman and Speirs 1994). This seems to echo the serious concerns, if not existential anxiety, of German national-conservatives at the turn of the century. Furthermore, Weber held his *Politics as a vocation* lecture shortly after the assassination of Rosa Luxemburg and Karl Liebknecht, amid social unrest and widespread uncertainty all over Germany (see Owen and Strong 2004), all of which seem to be mirrored in his fixation with the rule of law, a strong state retaining the monopoly of violence, and strong, charismatic, political leadership (Weber 1994 [1919]). Hence, one could argue that Weber's definition of the state in terms of the monopoly of violence was in a way reflective of the historical crossroads at which the German nation found itself in the year 1919.

Weber's activities as a political theorist and commentator, like his active involvement in politics, highlight only one side of his work, however. Another important strand of his work is his *Methodology of social sciences* or *Wissenschaftslehre*, a number of essays that Weber had published between the years 1907 and 1917, which were published as an edited collection by his wife in 1922 (Weber 1922b). In these works, it is the scholar Weber introducing himself to the audience and laying out his anti-foundationalist position on objectivity in social sciences, and, on a philosophical note, his belief in the uniqueness and complexity of social

‘facts’.³ The foremost proof of Weber’s anti-foundationalist views is his concept of the ‘ideal type’, which Weber defines in the following way:⁴

An ideal type is formed by the one-sided *accentuation* [Steigerung] of one or several aspects [perspectives; *Gesichtspunkte*], and through the synthesis of a plethora [variety; *Fülle*] of ... individual phenomena, present [in a diffuse or discrete way,] sometimes more, sometimes less, sometimes not at all, which conform to the latter one-sidedly accentuated aspects [subsumed by such one-sided, empathetic viewpoints; *die sich jenen einseitig herausgehobenen Gesichtspunkten fügen*], so that they form a uniform mental image [construction in thought; *Gedankenbilde*]. In its conceptual purity this mental image cannot be found empirically anywhere in reality. It is a *utopia*. (Weber 2004, 387–388; Weber 1985, 191; emphases from the latter source)

In other words, concepts can only be a simplification of a much more complex reality that is not possible to grasp in its entirety (Drysdale 2007). He further rejects ideas of nomological-deductive logics and generalizability of facts in favour of a reflexive, analytical approach: the object of inquiry as such is ‘unknowable’ (Weber 2004, 380). It is this disbelief in the possibility of a social science embracing the *objective essence* of things that made Weber put the concept of objectivity in inverted commas in the title of his “‘objectivity’” essay’ (1904a, 2004), as he did with other ideal-typical terms such as the word ‘spirit’ in his original publication of his *Protestant ethic* (Weber 1904b; 1905).⁵

The two different ‘Webers’ which we tried to sketch out on the basis of Weber’s literature—the passionate political realist and the meticulous, anti-foundationalist scholar—re-surface in clear distinction in the reception of Weber’s ideas by American scholars. Besides Parsons’ translation of *The protestant ethic and the spirit of capitalism* (1930), the ‘Gerth and Mills reader’ *From Max Weber: essays in sociology* (Gerth and Mills 1946), containing a broad range of Weber’s work on the sociology of world religions, but also his 1919 *Politics as a vocation* lecture, had considerable impact on the newly emerging field of social sciences (Scaff 2011). The high visibility of *Politics as a vocation* (compared to other political writings and his work in general) was matched with the determinism in Weber’s argumentation in this speech—two factors accounting for this work’s significance and the influence that it had on the social sciences in the twentieth century. Lassman and Speirs concur, stating that ‘Weber’s discussion of the fate of politics in Germany ... always has implications for our fundamental understanding of the politics of the modern western state’ (1994, xi). The influence of this and other political writings was consolidated through thinkers such as Morgenthau, who was familiar with Weber’s work from his own education in Germany (Turner 2009). The *Kulturpessimismus*

³ For a broader discussion on the coherence and different interpretations of his *Wissenschaftslehre* see Wagner and Zipprian (1994) or Ringer (1997).

⁴ While we rely on the English translations of Sam Whimster (Weber 2004) as well as the English edition of *Economy and society* (Weber 1978) in order to make our analysis verifiable and accessible for the non-German speaking audience, we will occasionally insert our own interpretations of Weber’s original text but include the interpretations of the quoted sources, as well as the German formulation from the *Gesamtausgabe* and other more recent publications (Weber 2013; 1985), in square brackets. In this quote for instance: mental image [our interpretation]; in brackets: construction in thought [Weber 2004; his emphasis]; *Gedankenbild* [Weber 1985].

⁵ Drysdale offers a sensible interpretation of this use of inverted commas as a distancing and de-essentializing of the term ‘objectivity’ (Drysdale 2007, 51). It is somewhat symptomatic, then, that such details have been eliminated in Parsons’ first translation of the *Protestant ethic* (Weber 1930).

that Weber shared with Nietzsche can further be traced in the works of Carr and Kissinger, among others (Gismondi 2004).

The *Protestant ethic's* translation by Parsons had a major impact on Weber's status as one of the pioneers of the discipline of sociology, but also in shaping the selective understanding of the purpose and goal of Weber's inquiry. Weber's study of the role of Puritan asceticism in the rise of Western capitalism was read by American scholars as a thesis on the rise of capitalism on the basis of Protestant values, which gave the American brand of capitalism—if not the 'American dream' as such—a new legitimization vis-à-vis its Marxist critique.⁶ Parsons' translation re-configured, and effectively re-wrote, Weber's historically comparative work within a neo-evolutionary theory framework, thus concealing Weber's own opposition to this perspective as well as the relatively tentative status of the *Protestant ethic* as the first of five parts of his *Economic ethic of world religions*⁷ (see Schluchter 1981, ch I; Bendix and Roth 1971, ch XI, XIII). Thus, Parsons selectively utilized specific aspects of Weber's work that helped him in constructing a grand theory of voluntaristic action and his overarching Systems Theory. For instance, Parsons emulates Weber's 'ideal-type' in defining knowledge as a system that reflects, but never exactly accounts for, reality, but he abandons other core aspects of Weber's work in embracing an objectivist epistemology along the lines of Comte, Spencer and Durkheim (Rocher 2007, 170; see Parsons 1937). This re-appropriation, selective reception, interpretation and application amounts to a 'filtering' process (Horowitz 1999, 200), or what Kivisto and Swatos have called Parsons' 'exegetical bias' (1990, 153). It exemplifies how much potential a fuller appreciation of Weber's work bears, and our analysis of neo-Weberian approaches to theorizing the state and state-building will develop this point further.

From Weber to neo-Weberian approaches to state-building

In order to convey our main point, it is useful to distinguish the two main understandings of the phenomenon for which Weber unknowingly provided the most widely used definition: the state. On the one hand, according to an institutional understanding, the state is seen as an entity that can be understood through its apparatus (government, institutions). A relational approach, on the other hand, would see the state as a set of relations that enact arrangements of political authority. These understandings, which play a key role in mapping the different approaches in the contemporary state-building literature, are also reflected in the complex and nuanced definition of the state put forward by Weber in *Economy and society*. His definition can thus be used to buttress the restrictive as well as the expansive definitions of the state. For Weber:

A compulsory political association [organization] with continuous operations (*politischer Anstaltsbetrieb*) will be called a 'state' insofar as its administrative staff successfully upholds the claim to the *monopoly* of the *legitimate* use of physical force

⁶ Weber has thus been described as 'anti-Marx' (Horowitz 1999, 310). Parsons puts forward the interpretation of Weber's main finding as a moral one in his preface to the *Protestant ethic*, noting the distinctiveness and novelty of Weber's outlook as moral values and discipline do not stand in opposition to industriousness and striving for business success (see Parsons in Weber 2005, xii).

⁷ Although this might be partly blamed on the ambiguous language that Weber uses in defining the theoretical claims of his study (see for instance Weber 2005, xxxvi–xxxvii).

[*Zwanges*] in the enforcement of its order. Social action, especially the actions of an association [organized action; *Verbandshandeln*], will be spoken of as ‘politically oriented’ to the extent in which [if; *dann und insoweit*] it aims at exerting influence on the leadership [government; *Leitung*] of a political association [organization; *Verbandes*]; especially at the appropriation, expropriation, redistribution or allocation of the powers of government [*Regierungsgewalten*]. (1978: 54, emphases in original; 2013, 212)

In this section, we look at the institutional—and in our view narrow—definition of the state and the way in which it informs an institutionalist approach to state-building, before indicating alternative pathways for understanding the state and its emergence in the subsequent section. The authors using a more restrictive definition of the state see in Weber’s definition a focus on the state’s institutions and its capacity—especially through the references to the ‘administrative staff’ and government. Physical and material dimensions such as the provision of security and a range of other public goods, all on the basis of the state’s monopoly of violence, constitute the criteria according to which every state can be assessed. In this context, the state apparatus is understood as a separate entity clearly distinguishable from society, which is one of the distinctive features of what came to be known as the neo-Weberian approach.

This neo-Weberian approach has been deeply influential in political science, especially through the work of Charles Tilly, Theda Skocpol or Michael Mann, among others. For instance, embracing a particular focus on the monopoly of violence, Tilly described how the state in its original form can be understood as a criminal enterprise of war-making elites who use their power and status to penetrate society and, through the use of force, extract wealth out of society (1975). Later on, he identified this coercive nature of the state as a distinctive feature that gave rise to European states (1992). Other examples include Theda Skocpol, who takes an explicitly realist perspective on the state, defining it as ‘organization[s] controlling (or attempting to control) territories and people’ (1979, 31), and the early work of Joel Migdal, who contends that a state can ‘be measured by the degree of development of certain instrumentalities whose purpose is to make the action of the state effective: bureaucracy, courts, military’ (1988, 35). Scholars such as Alfred Stepan (1978) and Michael Mann (1986a) also contribute, in different ways,⁸ to this ‘autonomous state’ perspective. More than just trying to grasp the way in which states historically came into being, this first wave of neo-Weberian historical sociology laid claim to the global significance of this autonomous and violence-based explanation of state formation, declaring it a stage in a global, linear theory of state development (see Hobson 2000).

Since the state apparatus is separated from its societal moorings—and state capacity is emphasized at the expense of societal cohesion—the concept of state legitimacy becomes, as we argue, almost absent in this approach. Legitimacy is thus either conceptualized as a consequence of adequate performance of state institutions or is reduced to the factual equivalent of a state being in power; that is, a state is considered legitimate when its institutions can secure the monopoly of violence over a given territory. For Merelman, for instance, legitimacy is a quality

⁸ Although there are prominent examples of neo-Weberian historical sociologists who have rethought or at least refined their conceptions, including Michael Mann (1986b, 2005) or Joel Migdal (2001).

attributed by a population, which 'is the outcome of the government's capacity to engender legitimacy' (1966, 548). Tilly is even more minimalist in his understanding of legitimacy as 'the probability that other authorities will act to confirm the will of a given authority' (1985, 171). This conceptualization may be rooted in a reference to Weber's work on legitimacy, but it can be argued that neo-Weberians tend to confuse Weber's discussion of legitimacy with his definition of power and thus end up denying that the governed have any form of agency, at all. Indeed Weber's definition of power as 'the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance' (Weber 1978, 53) is in fact identical to Tilly's definition of legitimacy (1985, 17; see above). Some scholars have noted this conflation of terms, but have blamed Weber for it rather than the narrow interpretation of Weber's concepts by neo-Weberian scholars (Beetham 1991, 8; Blau 1970, 149; Grafstein 1981, 456).

This focus on the administrative capability of the state and the ability of the state apparatus to assert its authority over society, together with the underlying conceptualization of legitimacy, have had a profound impact on the contemporary state-building literature, leading to the constitution of what can be dubbed an institutionalist approach to state-building. For instance, Helman and Ratners's pioneering article on state failure theorizes that 'nation-states exist to provide a decentralized method of delivering political (public) goods to persons living within designated parameters' (1992–1993, 5). Accordingly, a failed state is defined as 'a situation where *governmental structures* are overwhelmed by circumstances' (Helman and Ratners 1992–1993, 5, emphasis added). Robert Rotberg goes even further, claiming that 'it is according to their performances—according to the levels of their effective delivery of the most crucial political goods—that strong states may be distinguished from weak ones, and weak states from failed or collapsed' ones (2004, 2). This theoretical approach is at the heart of a wider policy-oriented literature devoted to the idea that it is possible to measure fragility, forecast state failure, and prescribe measures to stabilize and institutionalize governmental rule in developing countries (see for instance King and Zeng 2001; for a critique, see Grimm et al 2014). Furthermore, the under-conceptualization of legitimacy as a by-product of power is equally adopted by state-building scholars, for instance in Rotberg's definition of legitimacy as consequence of 'stable and effective political power' and good delivery of public goods, which he assumes to be 'giv[ing] content to the social contract between ruler and ruled' (2004, 2–3). This approach is taken to the extreme by Francis Fukuyama, who includes in his definition of 'stateness': 'the ability of states to plan and execute policies and to enforce laws cleanly and transparently' (2004, 7). This explicitly mirrors the conflation of legitimacy with authority noted above: if a state enjoys authority over its people, the willingness of the ruled to obey the state becomes obsolete. Accordingly, Fukuyama's advice for successfully rebuilding post-conflict countries is "'stateness" first' (2005), which again confirms the fixation with constituting political domination in the form of certain institutions, mechanisms and standards.

The main angle of criticism of this institutionalist approach to state-building is that the fixation on state institutions and capabilities, more or less explicitly based on the European experience, naturally leads scholars to analytically marginalize, if not disregard, the political, cultural and historical contexts of countries in question (Lemay-Hébert 2009, 2014, 10–11; Nay 2013; Hameiri 2010). Furthermore, this conceptualization lies at the heart of the emergence of a technocratic approach to

state-building (Bliesemann de Guevara 2008; Chandler 2006), focusing on specific benchmarks without taking into consideration the broader picture of the specific country's political development, as if it becomes possible to 'organize states' while avoiding much-debated identity-building activities (Lemay-Hébert 2009). While neo-Weberian institutionalists present their theory and analysis in an objective, 'value-free' light in order to persuade the audience that they offer the best feasible solution, it has been argued that concepts such as 'fragile states' are inherently political, as are the processes of policy formulation on the basis of the Cartesian categorization of countries into 'stable', 'fragile' and 'failed' ones that such a concept entails (Grimm et al 2014).

Additionally, this state-building approach rests on a universalist logic underlying the way in which modern, Western, 'Weberian' state institutions have been adopted as a template for states throughout the world. We argue that, besides the narrow conceptualization of the state characteristic of institutionalist approaches to state-building in this section, the claim to universal validity of such concepts puts such scholars in diametrical opposition to Max Weber's historical comparative research on the state. In this sense, Fukuyama's idea that liberal democracy is a superior form of political organization (1992) and has ultimately proven the most viable template for governance and state-building throughout the world (2004) mirrors the appropriation of Weber's work for the universal functionalist model of the social system in Talcott Parsons' work. However, the conditions of the emergence of capitalism in other 'developing' states were of marginal importance for Weber. As Bendix and Roth observe, 'what was a specific historical question for Weber has since become a general issue of "development" and "modernization". ... This shift has involved a reinterpretation, sometimes subtle sometimes blatant, of Weber's purposes' (Bendix and Roth 1971, 112; see also Schluchter 1981). The core feature of the neo-Weberian approach to state-building is its use of Weberian, modern state institutions as an ideal-type against which the 'less developed' realities throughout the post-colonial world are compared (Roth 1978, lxxviii–lxxxix), and as a conceptual template to prescribe what institutions and governance in 'fragile' countries *should* look like in an ideal world.

Re-discovering Weber: a relational understanding of the state and the historical processes of its emergence

Having shown how neo-Weberians have focused on the state in terms of its institutions, capacity and ability to wield power, we will now sketch out a relational approach to the state as a critical alternative to the latter perspective. This approach focuses more on the second half of the lengthy definition of the state quoted from Weber, namely on interactions between state and society and the processes of constitution of social order that they foreground. Contrary to the neo-Weberian synthesis of Max Weber's work on the state, which ignores the critical and reflexive side of his work, we argue that it is imperative to understand how the state is a phenomenon constituted by the relations among human beings, first and foremost. The focus of inquiry should be on how and why people 'do', or enact, the state by practicing behaviour and making arrangements which lead scholars to talk about a 'state' (see Migdal and Schlichte 2005, 14–15). From this vantage point, the clear distinction between state and society proclaimed by neo-Weberian historical sociologists has spurred criticisms depicting it as misconception or

self-fulfilling prophecy (see for instance Lacroix 1985, 471). In effect, this type of analysis 'reify[ies] and absolutize[s] what is really an emergent, partial, unstable and variable social distinction' (Jessop 1990, 287), a fluidity that Weber's work in the Sociology of Domination captures in astounding detail, as we will show below.

Moreover, it is important to note that, contrary to the normality with which certain scholars have invoked the use of force as justifiable means to achieve the end of restoring order and peace, Weber himself warned against the exclusive focus on the monopoly of violence as the key to securing order:

It goes without saying that the use of physical force (*Gewaltsamkeit*) is neither the sole, nor even the most usual, method of administration of political associations [organizations, *Verbände*]. On the contrary, their heads have employed all conceivable means [*aller überhaupt möglichen Mittel*] to bring about their ends. (1978, 54; 2013, 212)

The monopoly of violence can thus not be the sole benchmark for state-building processes, as, in Weber's words: 'even the most drastic means of coercion and punishment are bound to fail when the subjects remain recalcitrant' (1978, 334). For Weber, 'a "state" ... ceases to exist in a sociologically relevant sense whenever there is no longer a probability that certain kinds of meaningfully oriented social action will take place' (1978, 27). This emphasis on meaningful interaction, regardless of questions about who possesses the monopoly of violence and how it is being maintained, seems to be disregarded in many post-Cold War state-building interventions. On the contrary, it has been shown how the fixation on the monopoly of violence can actually lead to the restoration of order in the form of 'peace-as-governance' (Richmond and Franks 2009) or 'empty shells' (Lemay-Hébert 2011)—that is, state institutions that are more accountable to international standards than to their own populations (Lemay-Hébert 2009, Richmond 2011). In the dire situation that state-building interventions are frequently caught up in, we argue that it is the 'scholar' Weber and his interpretive approach at understanding (*Verstehen*) the trajectories of emergence and consolidation of social order that help us shift attention to the question of how state legitimacy is constituted and sustained.

Given these considerations, we argue that it is essential to go back to the central question that informs Weber's anti-evolutionary and anti-positivist social inquiry: 'why do men and women obey those who seek to govern them?' (Seabrooke 2006, 10; Weber 1994, 354). For Weber, the decisive question was about how legitimate order emerged and was consolidated, and how it was that the modern state came to replace other, less sophisticated forms of political community (Anter 2001, 23; Roth 1978, lxxxii). As Morcillo-Laiz and Schlichte have pointed out in their contribution to this special issue (2016: 363), the main difference between the two is, in Roth's words, 'a belief in the right of the state to define the legal order and the use of legitimate force' (1978, lxxxiii) creating what Breuer effectively calls a 'normative order' (1998, 20). Rather than defining states by 'the ultimate ability to send someone with a uniform and a gun to force people to comply with a state's laws' (Fukuyama 2004, 8), they point out that the decisive question is about why people abide by the law when there are no state officials to enforce it. The added value of this alternative Weberian, or post-Weberian, approach to state-building, as opposed to the neo-Weberian one, would thus be an inquiry into the processes of

codification, rationalization and pacification, but also usurpation and non-physical coercion that appear to have created the essence of what we know today as the modern state (Roth 1978, lxxxiv, xcvi). In the following, we will try to indicate the potentialities of a move beyond the neo-Weberian shortsightedness and how Weber's work can guide this inquiry.

In his well-known essay on the 'pure types of legitimate domination' (*Die drei reinen Typen der legitimen Herrschaft*, published posthumously in 1922; see Weber 1922a and 1978, pt 1, ch III), Weber defined legal-rational legitimacy as 'resting on a belief in legality of statutory order [enacted rules; *gesetzter Ordnungen*] and [of] the right of those elevated to authority under such rules to issue commands [*und des Anweisungsrechts der durch sie zur Ausübung der Herrschaft Berufenen*]' (1978, 215; 2013, 453). However, most of the neo-Weberian institutionalist literature does not take into account the rich historical ramifications of the concept of rational-legal legitimacy, which Weber considered a distinct characteristic of Western, developed states. As Migdal and Schlichte (2005, 21) argue, this concept was designed to understand, first and foremost, Western state formation processes. Including Weber's other ideal-types of legitimacy—that is, traditional and charismatic legitimacy—provides a way to contextualize the discussion, and bring into consideration alternative sources of social order, rejecting the universal applicability of legal-rational domination. For Weber, traditional legitimacy rests 'on an everyday belief [established belief; *Alltagsglauben*] in the sanctity of immemorial traditions [*von jeher geltender Traditionen*]' whereas charismatic legitimacy is understood as 'resting on [the extraordinary; *außeralltäglichen*] devotion to the [exceptional] sanctity, heroism or exemplary character of an individual person' (Weber 1978, 215; our additions; Weber 2013, 453).

These two alternative conceptions of legitimacy bring the state-building debate outside of its comfort zone and encourage scholars and practitioners to take into account the plurality of social orders. We see here the culturally sensitive scholar Weber who, on the basis of his study of the world religions, suggests the idea of social sciences as value free in terms of being free from 'crypto-Hegelian faith in progress and ultimate, teleological meaning' (McFalls et al 2007, 5). It is thus not solely the intentional action of a rational political subject that leads to the successful consolidation of legal-rational institutions in the West. On the contrary, Weber argues, the reason for this consolidation may be seen in the fact that 'either ... the environment approves of the conduct and disapproves of the opposite or merely as a result of unreflective habituation to a regularity of life that has engraved itself as a custom' (Weber 1978, 312; see also Albrow 1990, 172).

This critical, if not nihilistic (Titunik 2005), view of the legitimation of social order incites a critical awareness vis-à-vis idealized Western concepts of legal-rational legitimacy in state-building, and more so regarding the possibility of transposing them from one specific cultural context to another. Contrary to simplified understandings of legal-rational legitimacy, Weber has shown how Western legal-rational state institutions are the result of century-long processes of codification, secularization and rationalization leading to the transformation of charismatic or traditional legitimation of authority. In his *Sociology of Domination*, which can be seen as the

core part of *Economy and Society* (1978, pt 2, ch X–XVI),⁹ Weber provides more details on this historical process, which he regards as a linkage between the three ‘pure types’ of legitimate domination: legal-rational standards grew out of the problem of the followership of charismatic leadership, which leads to more traditional forms of domination and, finally, the legal codification of certain characteristics that leadership should have (Weber 1978, pt 2, ch XIV; Gephart 2001; Roth 1978, xcvi). This perspective indicates the incremental and non-linear development of social order in the emergence of the modern state and thus gives an indication of the pressures and conflicts that must underlie the processes of transforming societies’ frameworks of legitimation of social order, especially when these are accelerated and interdependent as in the current global environment. Hence, besides merely appreciating the complexity and contingency of social transformation in non-Western states, we argue that this aspect of Weber’s work should lead scholars to critically query their own implicit or explicit ideas of transposing Western norms and ideals as a solution to so-called ‘collapsed’ or ‘failed’ states. Furthermore, this insight should inspire scholarship to question processes of formation and consolidation of social order through a Weberian historicist and cultural comparative perspective, if not a post-Weberian approach, whose characteristics we will sketch out in the conclusion.

A few scholars have already hinted at the inherent plurality of Weberian conceptions of social order and how this work can be useful in understanding state-building processes. Most influential is perhaps the research project led by Kevin Clements and Volker Boege on alternative sources of legitimacy in post-conflict contexts. Clements et al (2007) and Boege et al (2008) provide examples of what they call ‘hybrid political orders’, where state formation from the bottom up is driving the constitution of social order rather than ‘modern’ top-down state-building processes. In a more conceptual piece, Clements synthesizes the Weberian ideal types into a concept of ‘grounded legitimacy’ which in his view resonates with the ‘people’s understanding and experience of the fundamental underpinnings of social order and well-being and engage[s] with their collective sense of their own needs and their shared sources of meaning’ (2008, 31). This work explicitly rejects the evolutionary logic of an inevitable graduation to liberal social order that has tainted much of the literature on state-building and democratization after the end of the Cold War. Another application of Weber’s work on legitimacy is John Heathershaw’s *Post-conflict Tajikistan: the politics of peacebuilding and the emergence of legitimate order* (2009). He develops a notion of intersubjective legitimacy on the basis of Beetham’s work (1991) and argues that ‘it constitutes the form and content of peace in a given context’ (2009, 8; his emphasis). He thus develops a ‘thicker’ notion of legitimacy, radically different than the legal-rational one used by neo-Weberian institutionalists,¹⁰ which enables him to show how the

⁹ Roth (1978, lxxxviii, note 91) explains how Weber did not intend to use this title in the manuscript of *Wirtschaft and Gesellschaft*, but how he habitually referred to this disproportionately lengthy part of his opus as *Sociology of Domination*, in line with his *Sociologies of Law* (1978, pt 2, ch VIII) and *Religion* (pt 2, ch VI).

¹⁰ Although different contributors in the neo-Weberian literature have taken up the critique presented above and given more attention to the intersubjective nature of state legitimacy and the capacity linked to it. Peter Evans’ and Linda Weiss’ works on ‘embedded autonomy’ and ‘governed interdependence’ are cases in point. While these inquiries provide an important perspective on the limits and adjectives of the sovereignty and agency of East Asian states or Brazil, they are still mainly rooted in a political scientific methodology and partly reproduce the focus on legal-rational authority and the conceptual biases it incurs.

state in post-conflict Tajikistan, while compliant with legal-rational standards, often engenders forms of merely ‘virtual’ rather than substantial and intersubjectively experienced peace.

When it comes to the policy and practice of state-building, one of the few actors who have integrated a complex understanding of Weber’s three ideal types of legitimacy is the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD-DAC; Clements 2008; Lemay-Hébert and Mathieu 2014). In a few specific reports for instance, four components of legitimacy have been identified: (i) input (or process) legitimacy, (ii) output (or performance) legitimacy, (iii) traditional legitimacy (or legitimacy based on shared beliefs) and (iv) international legitimacy. The organization’s acknowledgement that state legitimacy can be ‘anchored in traditions, religion, ethnic identity, nationalism or even charismatic leaders’ and has in these instances ‘little to do with performance or process’ (OECD 2010, 48; 50) can be seen as a very useful contribution to debates on the role of legitimacy in state-building. Other reports from the same organization, however, are more ‘traditional’ in terms of their conceptions of legitimacy and the state, asserting that ‘the core institutions of the state’ include, ‘by definition’, the capability ‘to maintain a monopoly on the use of force, to deliver a stable social contract, to protect citizens and, in most cases, to secure a functioning market’ (OECD 2008, 28). Meeting expectations and needs is therefore presented as the core function of strong states—or, as one report puts it, of ‘better performing countries’ (OECD 2011, 19). This is reflective of the neo-Weberian institutionalist approach, where the state is both identified and legitimized based on the services it provides, while their absence or disappearance means the decline of the state.

Finally, Mac Ginty and Richmond (2013) provide a holistic assessment of the ‘local turn’—the increased attention towards and incorporation of recipient voices—in peace- and state-building approaches in the international donor community. They remain unconvinced, however, about the potential of this shift to ‘emancipate’ local communities—that is, to appreciate cultural difference in the way that states are being built. Apart from the fact that these alternative conceptions of social order can create their own moments of exclusion and (structural) violence (Mac Ginty and Richmond 2016), difficulties in integrating these alternative social orders in policymaking have also been noted (Lemay-Hébert and Mathieu 2014). It can thus be concluded that a relational understanding of the state and the alternative sources of legitimacy of social orders (traditional, charismatic) are a vital prerequisite for understanding state-building processes. This is not to say, of course, that the incorporation of localized concepts of legitimacy into state-building missions is an insurance against social exclusion and structural violence given the limitations and exclusionary effects characterizing any social arrangements.

Conclusion: towards a post-Weberian state-building agenda

Based on the tale of how ‘two Webers have been constructed’ (Albrow 1990, 210), this article has demonstrated such a process is also apparent in recent state-building scholarship. It became clear that the reception, interpretation and re-appropriation of scientific concepts that are normalized into ‘knowledge’ not only

are underlying the distortion and ‘Americanization’ (Erdelyi 1992, 109) of Max Weber’s opus by Talcott Parsons and others, but have also fostered the utilization of the polemic and extrapolated ideas of the political realist Max Weber in the formation of a neo-Weberian institutionalist approach to state-building. This approach is characterized by a fixation on state capacity; state institutions are seen as autonomous from their social grounding, while societal cohesion is neglected. The monopolization of violence is further taken out of its specific historical context and, in a social evolutionary logic, theorized as necessity in processes of post-conflict reconstruction. Neo-Weberian institutionalist state-building scholarship thus advocates the instantiation of peace through a monopolization of violence. In case of multiple, contesting sources of legitimacy, more stabilization policies are advocated, which leads to a securitization and militarization of state-building missions.

The impasse and failures faced by the stalemate version of orthodox state-building and post-conflict reconstruction interventions come as no surprise, and it is the over-reliance on the politician Max Weber and his perception of power and physical coercion as means for establishing social order which, as we argue, lies at the heart of this impasse. As we have shown, however, this use of force can only be the ultimate means in a chain of practices that serve to legitimate political authority. Weber’s *Sociology of Domination* indicates ways to revisit the complexity and intersubjective dimensions of legitimate social order. His work is also of exemplary character when it comes to appreciation of cultural difference and resistance against Western concepts of states, development, order and peace.

Beyond this re-orientation with the help of Weber’s work of scholarship in state-building and political science/IR more widely, we also think that it is necessary to stress the way in which the categories that Weber meticulously developed and employed are subject to evolving and partially accelerated dynamics, given the physical and ideational spread of modern capitalist regimes of social order and reproduction but also of the analytical grid and epistemology employed by this system. As Raymond Morrow states, ‘[t]o speak of a post-Weberian social theory is simply to acknowledge the epochal significance of Max Weber’s work ... and to recognize that certain fundamental issues of social theory ... can no longer be thought about in the same way’ (1994, 169). Hence, as a way to conclude, two main characteristics of a post-Weberian approach to studying the state and the practice of state-building can be distinguished. First, such an approach would move beyond the understanding of states by assessing it with benchmarks of Western, ‘Weberian’ states and transposing Western legal-rational standards into culturally different settings. As we have indicated, this approach has been adopted by some critical scholars, who have challenged the mainstream concepts of ‘state failure’ and ‘fragility’ and the underlying idea that states can be fixed by using universally applicable benchmarks. Second, and by extension, moving towards a post-Weberian perspective on state-building would entail a move beyond the reductionist division of states and their sources of legitimacy into modern legal-rational ones—‘Northern’ or ‘Western’ states—and the ‘developing states’ associated with more traditional, charismatic and patrimonial logics. Instead, the focus should be on how authority and legitimate claims to control are being negotiated and used by different actors. The fluid, constructed and negotiated substance of the categories often employed in the mainstream, but also approaches that try to be critical and more specific, should be a major focus of research, thus problematizing the hybridization processes occurring in the periphery of the capitalist global econ-

omy. In this sense, the research agenda on hybrid state- and peacebuilding that we have discussed above appears to be a first materialization of a post-Weberian approach which is critical of classically employed social scientific categories and the prevalence of state-focused approaches to studying society (Lottholz 2015). Different contributions in this cluster (for instance Hönke 2013; Renders 2012; Mac Ginty 2011) have indicated how the emergence and consolidation of social order inter-relate with processes of global governance, integration of markets and humanitarian intervention and state-building. These studies, among others, represent first steps towards a post-Weberian research agenda that synthesizes sociological and anthropological perspectives with political science and IR approaches to state-building.

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