Max Weber and the Rights of Citizens

Duncan Kelly

Abstract
The importance of ‘rights talk’ to contemporary political and social theory is clear. What is less often recognized, however, is the importance that the idea of rights plays in Max Weber’s political thought. For although there are few explicit references to the concept in his writings, once it is realized that his account of rights is dependent upon an understanding of the rights-bearer as a citizen, then this can be used to illuminate the importance of citizenship and rights for Weber. This paper discusses Weber’s conception of citizenship in terms of his distinction between the homo politicus of the ancient world, and the homo economicus of the medieval commune. The latter type was the citizen who, according to Weber, laid the foundations for the possible future development of a rational capitalism. Reflecting on the transformation from communal to individual rights in his writings on Protestantism and Russian politics, I then discuss the type of citizenship Weber promoted under the modern nation-state, concluding with some remarks on the comparative relationship between Weber’s thoughts on citizenship rights with contemporary political theory.

Keywords: rights, individual and communal rights, citizenship, ancient world and political community, medieval commune.

I
The importance of ‘rights talk’ to contemporary political and social theory is quite clear, but the question of Max Weber’s relevance in terms of these debates is not. Indeed, for all of his obvious resonance in accounts of the historical development of liberalism and theories of modernity, the idea of Weber as anything approaching a contemporary rights theorist seems quite remote. Moreover, when Weber does discuss the

1. A version of this paper was presented at the ‘Weber, Capitalism and Citizenship’ Symposium organized by Polis and the Max Weber Studies Group of the British Sociological Association at London Metropolitan University in December 2002. I am grateful to Sam Whimster for inviting me to present the paper, and for commenting on it. I would also like to thank all those involved in discussing this and other papers on that day, and subsequently to the fruitful comments of three anonymous referees.
2. David Beetham, ‘Max Weber and the Liberal Political Tradition’, Archives

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issue of rights most explicitly, it is usually in a marginal way, alluding to the historically unique conditions in which the idea of the rights of man developed in Western civilization. By so doing, however, he clearly related the origins of human rights to his much wider field of inquiry into the sources of modern rational capitalism. Most famously, Weber sought out one such source in the development of a methodical form of life conduct wrought by the impact of a Protestant ‘ethic’ out of the Reformation. Weber’s historically-minded discussion of rights is therefore closely related to the development of what he perceived as a new type of citizen, *homo economicus*, whose appearance in the communes of the Middle Ages laid the foundations for future capitalist development. This moment was pivotal to the subsequent individualization of ‘economic adventurism’ into a new and rational *Lebensführung*.3 My concern in this paper is to trace the interrelationship between Weber’s conception of citizenship and the stress he placed on the rights of citizens in the development of the modern capitalist state. I hope to explain why the idea of rights is important for understanding Weber’s political thought. Further, I would like to suggest some ways in which his writings might be brought to bear on more recent discussions of the issue of human rights, group rights, and the relationship between the individual and the state.

II

The principal distinction made by Weber concerning citizenship in his scattered writings on the city was between the *homo politicus* of the ancient city-states, particularly of Greece and Rome, and the *homo economicus* of the medieval communes in Italy and in the Germanic *Gemeinde*. This initially pleasing contrast, which will be explored in more detail in the passages that follow, nevertheless appears to sit uneasily with Weber’s celebrated insistence that ‘we can learn little or nothing for our contemporary social problems from ancient history’.4 Yet his own writings show that the contrast with the ancient world remained an important control-

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ling factor in his later thinking, and given the importance of his comparison with medieval communal citizenship when discussing the development of capitalism, it is clear that Weber thought the distinction crucial.5 Like many contemporary intellectual historians, Weber’s interest in the ancient world was more than simply antiquarian. By tracing his distinction between ancient and modern through the medium of a comparative focus on contrasting forms of citizenship, the importance of the idea of rights, which were for Weber of paramount importance for the growth of rational capitalism in the Western world, becomes easily appreciable.

Max Weber’s writings on the city were most broadly conceived of after he had drafted the major results of his studies published as the *Religionssoziologie* in 1913.6 Most famously, Friedrich Tenbruck has seen this as a pivotal moment when Weber crystallized the theme of religious rationalization and made it absolutely central to his writing.7 Indeed, Weber’s overall plan was an ambitious comparative survey of the history of associational life, within which the city would play a formative role. Here, the ancient city could be helpfully understood in terms of the broad types of ‘religious rejections’ [Weltlehnung] of the world and their particular directions.8 But in terms of the contrast between the political


citizen of the ancient world and the economic citizen of the medieval commune, it is interesting to recall once more his widely regarded essay from several years earlier on the social causes of the decline of ancient culture. The cities of the ancient world, Weber suggested, were based primarily on warfare and active citizen participation on the one hand, and prodigious slave labour on the other. In what remains a powerful analysis, slavery was presented as fundamental to all internal political and cultural development, whilst permitting territorial expansion through war as the defining external characteristic of city life. Thus, when territorial expansion ceased and slaves were no longer in plentiful supply new social arrangements were necessarily brought about. But even when slaves were permitted to marry and to raise families—vital if such a labour force were to be maintained—the reintroduction of this basic type of social organization amongst the great mass of the community was to shake the Roman Empire to its foundations. As Weber wrote:

Under the economic conditions of the ancient world, production for the market could not be based on statute-labor of free or unfree tenants. Well-disciplined slave barracks were the precondition of any market production...when the center of political gravity had shifted from the coast to the inland regions and when the supply of human cattle had dwindled away, this new system of ‘natural economy’ as it had become established on the big estates had forced its own semi-feudal structure upon the exchange economy.

Weber here restated the classical political assumption, derived most obviously from Aristotle, that human beings only flourish in associations and that the moral relationship between individuals in the community illustrates the true character of the city. Given the strong theme of associationism that pervades many of his more directly ‘political’ writings—namely those on political economy and university politics—this is perhaps unsurprising. He also added to this a general account of the transition away from coastal trading centres and towards the mainland in the development of cities. Weber argued that the movement towards urban inland account of citizenship; see also ‘Max Weber und die protestantische Theologie seiner Zeit’, Zeitschrift für Religions- und Geistesgeschichte, (1987), pp. 122-47, esp. p. 129. Cf. Peter Ghosh, ‘Max Weber’s Idea of “Puritanism”: A Case Study in the Empirical Construction of the Protestant Ethic’, History of European Ideas 29 (2003), pp. 183-221.


11. Both these areas are examined in Duncan Kelly, The State of the Political: Conceptions of Politics and the State in the Thought of Max Weber, Carl Schmitt and Franz Neumann (Oxford: Oxford University Press/The British Academy, 2003), ch. 3.
living required the development of a particular type of political authority that was dependent upon a salaried bureaucracy and a standing army. This was an arrangement unknown to the early city-states, and he suggested that the raising of money to pay for this army became critical. Furthermore, if slaves were to be made part of this army then their regular supply for other purposes was bound to come to an end. Such a transformation not only explained the decline of the Roman Empire, it also pointed to the unique foundations of demagogic political leadership in the West, which would much later on be transformed into the charismatic parliamentary leader or head of a modern political party.

One important aspect of this discussion for Weber’s account of rights is that he clearly understood there was a distinct form of citizenship in the ancient world that was challenged by capitalist development. Although this sounds strange to modern ears, Weber thought that with a particular definition of capitalism—as the utilization of property for profit through trade—it was clear enough that a form of capitalism existed in the ancient world. However, this was not a ‘rational’ and ‘modern’ type of capitalism, and the reason that this could not be so was because of the different conception of citizenship—and the correlate account of rights that citizens bore—which underlay it. It is with this form of citizenship, where rights as such are only valid in the broadly public sphere and which later liberal writers like Benjamin Constant would consider in terms of the liberty of the ancients compared with that of the moderns, that Weber found his ‘ideal-type’ citizen. Here, for Constant as for Weber, the unity of the ancient cities was the prime cause of their economic backwardness, in effect, because there was no separation between the military and economic functions of political action. Constant and Weber also seem to hold similar assumptions to the most famous conjectural theories of broad ‘stages’ of historical progress associated with eighteenth-century writers like Smith and Millar, in which commercial development was the motor force behind the ever increasing sphere of natural liberty in human history. This also, somewhat anachronisti-

cally, held Greco-Roman antiquity responsible for a faltering start along the path to modernity.

The broad thesis of Weber’s argument can be schematically stated. When trade was based on warfare, as in the ancient world, then citizens were warriors; thus, economic rationality was not a prime concern of *homo politicus*. Equally, of course, those who were not counted as full members of the community—women and slaves in particular—by their very exclusion enabled the virtuous function of citizenship to be carried out by leisured citizens. Such a vision was transformed by the communal practices of citizenship that Weber compared to the ancient cities. For with little free time to advance other than militarily, ancient society was limited when compared with modern commercial society and therefore had a very different type of ‘civil liberty’.16 His arguments also had a distinctly contemporary resonance. Clearly, by tracing the rise and fall of the city in the ancient world Weber offered a particular explanation for the decline of the Roman Empire. Based on slave labour and requiring constant military expansion, trade and commerce through international production and consumption, the like of which modern societies take for granted, was never going to develop. However, Weber then drew a parallel between his own situation and the ancient Roman Empire. Contemporary Germany had difficulties in keeping peasants on the land in the manorial estates of the East, whereas in the ancient world, slaves—once territorial expansion ceased and the problems of tax revenue became more pressing—were eager to leave the cities and live in the country. It is unsurprising that Weber should have elaborated this point, because whilst he was producing his writings on ancient history, he was active in co-ordinating the mammoth survey for the *Verein für Sozialpolitik* into labouring conditions east of the Elbe and which secured his scholarly reputation as a political economist. It was absolutely central to the argument of his much better known inaugural address at Freiburg.17

As Wilfried Nippel points out, an intriguing result of Weber’s attempt to establish a ‘universal history’ of capitalist development is that because of his distinction between the *homo politicus* of the ancient world and the

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homo economicus of medieval Europe, he more or less neglects the millennium in between. Of potentially enormous importance in this regard, therefore, was the impact of classic contest between ‘primitivists’ and ‘modernists’ in the ‘historians controversy’ between Karl Bücher and Eduard Meyer, concerning the ancient oikos and the ‘origins’ of Volkswirtschaft. Much of this turned on the validity of applying modern and political criteria to ancient societies typically viewed as in some sense ‘primordial’ when compared with the ‘political’ character of the Greek city-state. There were other important contexts too. Contemporary debates about the nature of the ancient German Sozialverfassung illustrated for Weber the dangers of mistaking historical tendencies for developmental laws. In his essay on the topic, he argued that ‘cultural paths’ were best understood as heuristic tools, not as expressions of historical laws. This was essentially the pivot around which debates about the relationship between law and a sense of Volksgeist continued to turn and from which the discussions of neither ancient nor legal historians appeared immune. Discussions of the ancient German constitution were critical to his account of the political structures of the medieval city, the birthplace of homo economicus, and these debates were enlivened by the rise of anthropological discourses concerning the German Markgenossenschaft by von Mauerer, and evolution by Lewis Henry Morgan. His thinking was also informed by the debate between ‘Germanists’ like Gierke, and Romanists like Gerber and Laband, concerning the implementation of the civil code in Germany, and the question of whether individual rights were ‘concessions’ from the state, or products of a


distinctively Germanic form of fellowship or *Genossenschaft.* Georg Jellinek, Weber’s great friend and colleague at Heidelberg had famously attempted to synthesize these two positions, in an analysis that had been important for Weber’s thoughts about the development of both individual rights and the modern state. Before discussing this, however, it is first necessary to outline Weber’s contrast with the *homo politicus* of the ancient world, between the founding of communities based on *coniuratio* in the Middle Ages, the *Gemeinde,* and *homo economicus* as its most important character type.

III

Conceptually, *Gemeinde* is the German term for commune. In its twelfth and thirteenth-century variations, the *Gemeinde* nevertheless expressed the classically Roman idea of the *universitas* or *civitas.* The city or commune was here understood as a specific political structure which in theory presented no real challenge to the sovereignty of the *Reich,* but which nevertheless implied a distinct territorial unit. Citizens of the *Gemeinde* were legally subject to the rules made by elected members of the city council, administrative units with their own courts, trade contracts and so on, and unlike their grander Italian equivalents such as Florence and Venice, were not run by *signori.* The city as *civitas* was, however, like the Italian communes of the *Regnum Italicum,* a corporate collection of individuals who made up this ‘society’, and who were the source of political power. Of course, this was not a distinctly modern conception of popular sovereignty, but the idea that the source of political power (the *popolo*) could be separated from the constitutional structure of political rule was a fundamental element here.

Classic juristic arguments relating to the relationship between the prince and the people in the development of medieval political thought had been set out by *Glossators* such as Portius Azo, who had asserted in relation to the Italian communes that the prince was above men—a *maior singulis.* He was not, though, above the totality of men—the Prince was not a God—and remained therefore a *minor universis.* Such a theory had been challenged by the practicalities of political disputes from the early

24. For the transition from the rule of the *popolo* to the *signori,* see the magisterial account of Peter Jones, *The Italian City-State: From Commune to Signori* (Oxford: Clarendon Press, 2000).

eleventh century onwards in the struggles of various communal govern-
ments throughout the RegnumItalicum, against Frederick Barbarossa and
then later Frederick II, as well as in the theoretical writings of jurists.
Nevertheless, the most famous exponent of a new theory of sovereignty
that developed out of these struggles was another jurist, Bartolus of
Sassoferrato. He suggested in the fourteenth century that city govern-
ment could effectively challenge Imperial or papal authority if a de facto
exercise of power had existed over time, and had therefore become cus-
tomary.25 Suggesting that once de facto power had been achieved by cities
externally, then it would be but a small step to say that they had de jure
internal sovereignty. Free cities could, in effect, become sibi princeps,
emperors unto themselves. Although the theory remains incomplete,
given the requirement of beginning from de facto premises (that is, simply
what happens to be in place at the time), it retains much rhetorical
power.26

Located in the more general context of debates about the transforma-
tion of Roman law under the communes, ‘recognition as universitas
meant that a group could vindicate its corporate possession of prop-
erty, which it had traditionally treated as common to its members’. This
was critical for Weber’s discussion of the Gemeinde, for it meant ‘that it
could claim other judicial and administrative functions traditionally
carried out at the village or communal level’.27 This development of
Roman law — after all, universitas referred to (a group) with legal prop-
erty rights28 — was crucial for Weber in understanding the development
of a new type of citizenship. It had been equally important for Otto von
Gierke, in the development of his theory of the importance of the Genos-
senschaftsrecht for the development of a theory of political liberty. Gierke,
Weber’s one time colleague at Berlin, argued that with the Gemeinde as
an illustration of the Genossenschaft, there had occurred a transformation
in the conception of citizenship to a new form of legal unity between

25. See Quentin Skinner, ‘From the State of Princes to the Personality of the State’,
in his Visions of Politics. II. Renaissance Virtues (Cambridge: Cambridge University
(Cambridge: Cambridge University Press, 1978), esp. ch. 1; Magnus Ryan, ‘Bartolus of
Sassoferrato and Free Cities’, Transactions of the Royal Historical Society, 6th Series, 10
27. See Antony Black, Guilds and Civil Society in European Political Thought: From the
28. Though see Ryan, ‘Bartolus of Sassoferrato’, p. 84, on the ‘obstinately unre-
responsive’ nature of Roman law in relation to the idea of ‘treating groups of people as
corporate individuals’.

the rights of the city and its citizens.\textsuperscript{29} Civic freedom was here understood as a distinctive example of how a plurality of types of citizens, with attendant rights and obligations, could exist together within the unity of a Germanic \textit{Genossenschaft}, whether in the city itself or in related guilds and associations.\textsuperscript{30} However, although he disagreed with his Germanism, Weber agreed with Gierke that the \textit{Gemeinde} was not helpfully understood as a juristic personality. This would be to import Roman ideas into a Germanic fellowship, and thus confuse an economic consequence—the \textit{Gemeinde}—with its cause—a struggle for civic freedom under conditions of political instability. Equally, in his doctoral dissertation on medieval commercial partnerships, Weber was keen to show the development in the Middle Ages of the general partnership based on joint liability—the movement towards a bilateral, rather than unilateral partnership between the \textit{commendator} and \textit{tractator}—which typically concerned overseas investment for profit. Weber suggested that this type of joint liability stood at some distance from the theory of obligations presented in the Roman idea of \textit{societas}. Furthermore, this development of the idea of partnership highlighted the importance of the \textit{societas maris} as the basis for the idea of the medieval household as a ‘community of production’ as well as consumption.\textsuperscript{31}

The fact that phenomenal developments in the language of rights and citizenship occurred at a time of growing political instability in terms of the relationship between imperial and papal authority should not surprise us. Yet, the idea that this development of ideas associated with

\textsuperscript{29} Otto von Gierke, \textit{Community in Historical Perspective} (ed. Antony Black; Cambridge: Cambridge University Press), 2002, pp. 35f. Gierke’s accuracy in this regard has been much questioned, and the importance of communes in the development of the German ‘state’ in the early modern period has done much to amend his earlier formulations. For one recent assessment, see Paul Warde, ‘Law, the “Commune”, and the Distribution of Resources in Early Modern German State Formation’, \textit{Continuity and Change} 17.2 (2002), pp. 183-211, esp. pp. 198, 204. On the broader correlate development of German \textit{Landfrieden}, designed to ‘preserve the status imperii by protecting the individuals and corporations within it in their legal status’, see Alan Harding, \textit{Medieval Law and the Foundations of the State} (Oxford: Oxford University Press, 2002), pp. 89, 88-98 in general.

\textsuperscript{30} Gierke, \textit{Community}, p. 32.

\textsuperscript{31} Max Weber, \textit{The History of Commercial Partnerships in the Middle Ages} (introduced and trans. Lutz Kaelber; Oxford: Rowman and Littlefield, 2003), esp. pp. 22f, 54ff, 68, 85, 88, 93. Weber specifically references Bartolus’ pupil, Baldus de Ubaldis, on p. 171, stating that ‘…Baldus makes reference to a \textit{corpus societatis}, and in reference to him and others, the decisions of the \textit{Rota} of Genoa term the \textit{societas} a “corpus mysticum”, or a juristic person. The fund of the partnership thus emerged as a separate fund.’
Roman law should have such importance for the promotion of a new type of citizen, whose existence made possible the later transformation of modern capitalism, does not initially sit easily with Weber’s account of rational capitalism. For in this context Weber had stated in fact that ‘all the characteristics of modern capitalism have other origins than Roman law’. Yet, ‘the rational law of the modern occidental state, on the basis of which the trained official renders his decisions, arose on its formal side, though not as to its content, out of Roman law’.32 This interrelationship between form and content is the key, because it was the combination of Roman law, Germanic fellowship and the transformation of Christian ethics that became crucial to his argument about the development of citizenship.33 It is also one of the probable meanings behind the suggestion that Weber’s conception of citizenship is ‘cultural’, in the sense that he understood ‘empirical culture’ as something inherently valuable to the researches that he was currently undertaking into the origins of rational capitalism in Europe.34 It equally informs the way in which a particular type of ‘citizen’ comes to the fore in his writings on the personality of the politician and the scientist.35

The legacy of Roman law was critical, with the terminology of the civitas and universitas providing some basis for the de facto understanding of free cities in the Regnum Italicum, and being equally applicable to the numerous practical communal arrangements in other Low Countries.36 The Germanic account of fellowship was similarly important, where justice was something understood by all ‘worthy’ men in a voluntary association, who recognized the reciprocal obligations attendant with the status of full citizenship [Vollbürger]. Equally, of course, the economic implications of trade based on a ‘general’ partnership were critical to the origins of Western citizenship and Western capitalism in Weber’s account. Fellowship clearly also implied a certain civic vision, worthy of those who would call themselves citizens. Nevertheless, the binding idea of


33. Black, Guilds and Civil Society, p. 53.


confraternity or brotherhood was not only Germanic, but also Christian. The ‘mutual oath’ enshrining mutual aid as a political principle, alongside the celebration of ‘oath day’ in Germany, presented association in terms of ‘friendship’ understood in a Christian (and also Aristotelian) sense. It was in this combination of factors that Weber perceived the origins of modern (communal) ‘rights’, and he understood it as a distinctly ‘Western’ conception of citizenship. To be sure, the germ of a modern theory of popular sovereignty was present here, the like of which would be developed by the canonists, but the thrust of the considerations were intensely practical and focused on the actual operations of communal democracy. To quote from the classic (humanist) sources like Giovanni da Viterbo—‘a city is called the liberty of citizens’, and the idea of justice (of both the ruler, and the duty to give each his due) was paramount. But as Quentin Skinner has suggested, this type of discussion is to be found also in the legalistic sources laid down by the Roman law Glossators like Azo and Accursius in pre-humanist accounts of political liberty, mentioned earlier in this essay. It was the ideological development and legitimation of this distinctive—and republican—type of liberty that placed the rights of citizens in a newly esteemed light, according to Weber, and as such laid the foundations for modern capitalist development. The idea of achieving liberty through self-government in a free-city is distinctively republican, whilst the focus on justice as the classical illustration of giving each his due illustrates the importance of citizenship rights for the development of communities based on mutual aid, justice and civic freedom. Citizens were to be at liberty in the full Roman sense. In this arena, rather than simply from the discussion of Caesarism and its essentially contested conception in nineteenth-century German intellectual life exemplified in the work of Wilhelm Roscher, for


example, one might try and locate Weber’s political thought in a broadly republican political tradition.\(^{40}\)

Clearly many developments in communal democracy between the twelfth and fourteenth centuries in particular ran parallel with often cataclysmic political upheavals and disruptions to government in the general context of Europe wide arguments about the proper relationship between imperial and papal authority. The rationalization of these religious notions of confraternity into mutual and commodious communal living based on property rights and solidary liability is something that would naturally have appealed to Weber’s sensibilities, given his search for the origins of capitalist distinctiveness through transformations in the ‘economic ethics’ of the world religions. Confraternity in the communes meant ‘that the community depended on the equal rights (in principle at least) of its members, solidarity against non-members, connubium, and a common cult symbolically expressed in communal cult meals’. Both the Indian (caste) and Chinese ancestor cult—which were Weber’s main counterfactual discussions of other world religions different to Christianity—differed significantly, and obstructed the development of Verbrüderung or confraternity, which was one reason behind Weber’s distinction between both West and East, and indeed between ancient and modern.\(^{41}\) Conversely, the formally free labour contracts enshrined in the Gemeinde and their role in the development of craft guilds, for example, seemed to present a much more individualistic and legalistic set of rights and obligations.\(^{42}\) Important too was the fact that these characteristics were not ‘universal’ phenomena, for this provided Weber with a specific definition with which to trace the development of the city.\(^{43}\)


\(^{41}\) Cf. Jones, Italian City State, p. 403: ‘For the commune as for the polis freedom was not primarily personal but collective, not individual emancipation but corporate subordination to the “honor et utilitas civitatis”, not negative or civil but positive and political libertas, partnership and participation in “commune and people”. The omni-competent state and its machinery of government were based upon assumptions and increasingly embodied in institutions of popular sovereignty and republican vivere civile.’

\(^{42}\) Cf. Nippel, ‘Webers “Stadt”: Entstehung—Struktur der Argumentation—
With no obvious military competition comes economic rationality, Weber argued, the type of economic rationality that was impossible in the warring city-states of antiquity. And it was with the development of the Gemeinde that such economic rationality was institutionalized in the Western world.

Even with this brief and schematic presentation, it is clear that the relationships between the rights of the individual and the rights of the community and of particular partnerships were crucial for Weber’s disentangling of the specific characteristics of Western capitalist development. Therefore, the notion of rights — although a concept difficult to trace directly in his œuvre — actually goes right to the heart of his argument. Different ‘rights’ are attendant upon different types of capitalism. Here, Weber was drawn instinctively — contra work by Werner Sombart on the development of capitalism and the capitalist city — to criticize merely ‘economic’ definitions of the city in particular, and he focused on administrative typologies, the like of which remained central to the development of his ideal-types. As Wilfried Nippel has suggested, Weber’s arguments here were a mixture of ancient history and universal history — a focus on synoikismus and Verbrüderung. Yet if this transformation of the city towards an economically rational unit underpinned by coniuratio offered a vision of republican communal citizenship as providing the conditions necessary for the development of rational capitalism, it could only be advanced through a further individualization of the concept of rights.

IV

Developing his focus on the rights of communities, Weber moved on to examine the importance of individual rights in more detail. For this, of course, he used the example of a Protestant ‘ethic’ inspired by Calvinism, which transformed the concept of ‘economic adventurism’ into a meaningful and rational form of life conduct. Rather than just being of historical interest, Weber’s own use of the Protestant sources was equally


44. Weber, History of Commercial Partnerships, p. 56: ‘From the perspective of commerce, the firm takes on a kind of personality by this very fact [as a bearer of “rights” based on property]. That is, the attribution of a legal personality to a partnership is a means to illustrate certain principles and to make them applicable.’

a political intervention in the debate about the future of the recently unified (and Protestant dominated) German nation-state contra Lutheran theologians such as Albrecht Ritschl. Instead of focusing overly on this aspect of his thought, however, I would like to draw attention to the other major place where Weber discussed the rights of the individual. This was in his essays on the revolutionary political situation in Russia. In these essays, Weber outlined the individualistic origins of human rights that lay—as with the discussion of Puritanism and Calvinism—in the ‘religious convictions which rejected human authorities unconditionally as a blasphemous idolisation of God’s creatures’.

But Weber also used the ending of his most famous account of Russia’s transition to a ‘pseudo-constitutionalism’ to offer a rhetorical paean to the virtues and uniqueness of modern liberalism, which had transformed the political situation in the West thanks to the enshrining of individual rights in constitutional democratic nation-states. The conditions in which this had been achieved were unique, and could not be simplistically imposed upon other countries, least of all politically backward countries like Russia, or so he thought. What was required, therefore, was a ‘swimming against the tide’ of history, both to support the aims of modern liberalism, and to promote a crucial set of individualistic values at the heart of any modern Russian political settlement. The details of the proposal were drawn up as a fierce counterblast to the constitutional plans outlined by Peter Struve. Struve’s proposals suggested—or at least, this was how Weber presented it—that the peasants in Russia should be given subjective ‘rights’ which for him [Struve] mean[t] the “human rights” of English individualism. The origins of these rights—which were also the results of unique historical circumstances, never to be repeated—meant that the prospects for a deepening of individual liberty in a backward country like Russia were not good. Moreover, as Weber asked, it is difficult to see how, given the fact of a rational and bureau-


ocratic capitalism, it is possible to maintain conditions of individual freedom at all.\textsuperscript{49} Given the importance of the transformation of individual rights for his account of the growth of the modern state, it is useful to recap those points of origin that were of such importance to Weber.\textsuperscript{50}

First, overseas expansion for war and trade; second, the particular and unique character of early Western capitalist development; and third, ‘the conquest of life by science’, where, noticeably, Weber alludes to Hegel’s claims concerning the realization of Spirit in the world. Finally, Weber mentions the ‘specific “ethical” character and “cultural values” of modern man [which] have been moulded by certain ideal notions of value which grew out of a particular set of religious ideas rooted in a concrete historical epoch’. The conclusion he drew from this, of course, was that capitalism itself could no longer (if indeed it ever could) recreate and maintain these conditions, and this would therefore result in an ever increasing trend towards the domination of life under late-capitalism.\textsuperscript{51} But there was no developmental logic to the prospects for democracy in Russia, so there was a chance to fight certain trends in order to gain those ‘rights’ which are ‘as boring as black bread’ to those in the developed West. Such trends, however, rendered political life a constant struggle to fight against Jacobin centralism and to promote the idea of the inalienable rights of man, for the advancement of material interests alone would never be a safe house for democracy or liberty.\textsuperscript{52} For Weber, then, individual rights originated through religious rationalization and the struggle for freedom of conscience, and were therefore tied to the interrelationship between the rise of the modern state and the development of capitalism.

As is well known, Georg Jellinek had earlier offered his own provocative appraisal of the Teutonic and religiously inspired origins of constitutional human rights, which fed directly into Weber’s account of the origins of modern individualism out of the Reformation. The novelty of a distinctively Calvinist theory of revolution has been challenged in

\begin{itemize}
\item \textsuperscript{50} See also Roland Axtmann, ‘The Formation of the Modern State: A Reconstruction of Max Weber’s Arguments’, \textit{History of Political Thought} 11.2 (1990), pp. 295-311.
\item \textsuperscript{51} Weber, ‘On the Situation’, \textit{Political Writings}, pp. 69f; the schema is repeated in Weber, ‘Vocation of Politics’, \textit{Political Writings}, esp. pp. 315f.
\item \textsuperscript{52} Weber, ‘Bourgeois Democracy’, \textit{Russian Revolutions}, p. 108. Similar claims were later reformulated in his writings on ‘Parliament and Government in Germany under a New Political Order’ [1918], \textit{Political Writings}, esp. pp. 175f.
\end{itemize}
recent years, as has much of the discussion of the Anglo-Saxon impact on the arguments of the American Revolution.\(^{53}\) Weber’s seminal discussion of the Protestant ethic was simply one aspect of this, noting the importance of religious rationalization for the development of a particular world-view. But Weber equally well drew on Jellinek in his account of rights in his essays on the Russian Revolutions of 1905.\(^{54}\) Jellinek had traced the formal constitutional ‘origins’ of the idea of the rights of man to the American Bills of Rights. Arguing directly against those who sought the birth of modern notions of rights and liberties in the French Revolution of 1789—a fact which provoked the most famous reply to his argument by Émile Boutmy—Jellinek pointed to the prior American influence.\(^{55}\) However, the rather more intellectual and even spiritual sources of the American discussions were, according to Jellinek, to be found earlier. Individual rights originated in a combination of Teutonic and Anglo-Saxon conceptions of liberties as ‘concessions’ from the state, which were developed by Puritan radicals in seventeenth-century England—where the Levellers first proposed a rights-based constitution—and whose individualism was radicalized in Calvinist doctrine. In essence, he argued, the origins of individual rights were to be found in the necessity of religious toleration born in England, traceable to the struggles for freedom of conscience in the Reformation, and which ‘to a greater or less extent acquired constitutional recognition in America’.\(^{56}\)

Simple comparison with Weber’s own account makes clear the extent of Jellinek’s ‘influence’. Indeed, the importance of Jellinek to Weber’s account of the state is one of the most important, if typically overlooked, aspects of what is perhaps his best known conceptual argument. Jellinek’s account of the foundations of a theory of the modern state as a synthesis of both sociological and juridical arguments about political legitimacy was crucial in the formulation of Weber’s celebrated definition of the

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54. Apart from the similarity of analysis in Weber’s essays both on Protestantism and Russia, is the use he appears to make in the latter case of Russia as a counter-comparison to help elucidate the uniqueness of Western development. In fact, as Hubert Treiber in particular has suggested, perhaps the birth of Weber’s ‘rationalization thesis’ may well lie in the acquaintance he made at Heidelberg with Russian politics and Russian philosophies of history. See Hubert Treiber, ‘Die Geburt der Weberschen Rationalismus-These: Webers Bekanntschaften mit der russischen Geschichtspolitik in Heidelberg’, Leviathan (1991), pp. 435-51.
state as the body possessing a monopoly on the legitimate use of violence. Famously though, Weber thought Jellinek’s approach to be ‘blinded by formalism’, and he chose to focus on the ‘sociological’ aspects of the state in historical and comparative perspective. What we can conclude from the historical account of rights in Weber’s historical and contemporary political essays, is that rights are dependent upon citizenship, and that citizenship is in turn shaped by political, legal, economic, cultural and religious relationships.

This way of examining rights still bears heavily on contemporary discussions of what might constitute a ‘human right’, as well as underscoring the different levels and types of justification required when talking about the rights of groups in the nation-state. The first, and perhaps the ultimate point of the predominantly historical discussion I have presented, then, is to show that Weber’s view of ‘rights’ is both historically conditioned and dependent upon a prior understanding of citizenship. I have suggested too, that perhaps his formulation of the roots of ‘rights’ in the citizen known as homo economicus meant that Weber also viewed the republicanism of the Middle Ages as an important birthplace of modern theories of democratic politics. Republicanism remained important to him, and this fact can perhaps rectify the more or less one-sided accounts that we have of Weber’s relationship to the republican political tradition. A second conclusion is that Weber’s focus on the vibrancy or otherwise of associational life, and its impact on the role that citizens play in the political community, is something that carries over into his more explicitly ‘political’ writings. Popular control of charismatic leaders, the result of a developed sense of political education forged by an active citizen body, offers a classical underpinning to Weber’s thinking and informs his better known political writings, the implications of which can now be considered.

V

In his Inaugural Address, where Weber not only reconciled himself with the discipline of political economy as a ‘science of man’, as Wilhelm Hennis has outlined, he referred his audience to the ‘old human ideals’ of political science. Contemporary political science forgot these old-fashioned values at its peril, he suggested.57 A focus on the requirements

57. Weber, ‘National State’, Political Writings, pp. 15, 19, on the need for political economy to foster conditions whereby citizens whose ‘greatness and nobility of character’ would be assured; these were those ‘old-fashioned ideals of the human type’. See also Birger P. Priddat, ‘Die politische Wissenschaft vom Reichtum und Menschen — Aristotelische Reminiszenzen in der Politischen Ökonomie des 19. Jahrhunderts’,
Kelly  Max Weber and the Rights of Citizens  41

do a rational, methodical life-conduct underpins his most famous
twin ethics of disposition and responsibility. It also laid the groundwork for
his focus on the type of society that was needed to promote the develop-
ment of individuals either (a) capable of leading (the mixture of the
scientific and the political personality), or (b), as useful and worthwhile
citizens of a particular state.

Weber tended to suggest that virtues of citizenship for a coherent
policy of Nationalökonomie were to be realized by a process of political
education, such education as was necessary to support a political leader-
ship capable of fulfilling the objective cultural tasks of the nation. Taking
the measure of Bismark’s authoritarian legacy in terms of Germany’s
general development over the past century, he argued that German citi-
zens had effectively missed out on a century of political education the
like of which the English proletariat had not.58 He seems to have com-
bined an Aristotelian conception of citizenship for education, with a dis-
tinctively Weberian conception of citizenship against bureaucratization
and for the development of self-mastery. This combination, however,
usually means that Weber is branded as either an (aristocratic) liberal or
a nationalist. However, recent assessments have pointed towards a more
sensitive reconciliation in his writings, hinting at the idea of a liberal-
nationalism, and have even compared Weber’s account of nationality
and nationhood with Ernest Renan’s celebrated (and hyperbolic) concep-
tion of the nation as a daily plebiscite. In this scenario, nationalism or
patriotism gains ‘legitimacy by resorting to the individual decision based
on a free and autonomous will’.59 By focusing more on the importance of
the type of citizen promoted under a particular form of political commu-
nity his proposals take on a subtler hue. Correlatively, the clarity with
which Weber outlined the need for political education of the masses in
the wake of Bismarck’s legacy — crucial to his discussion of Protestantism
and Russia — allows for comparison with those writers whom he rejected
(like Mill), and those whose ‘influence’ has never been clear (like Toc-
queville).60 Indeed, the renewed impetus of Tocqueville’s ideas to con-

Archiv für Rechts- und Sozialphilosophie 75 (1989), pp. 171-95. Wilhelm Hennis, Max

58. Weber, ‘National State’, Political Writings, pp. 25, 27; for an assessment, see
Lawrence A. Scaff, ‘Max Weber’s Politics and Political Education’, American Political


60. Peter Lassman, ‘Democracy and Disenchantment: Weber and Tocqueville on
the “Road to Servitude”’, in H. Martinis (ed.), Knowledge and Passion: Essays in Honour

temporary theories of associationalism concerned with the question of how pluralistic notions of civil society can be embedded in political life might well be a fruitful way of examining Weber’s ideas as well. For his own ‘politics of civil society’—focusing on a combination of both the statecraft required to promote virtuous citizens as well as the internal requirements of particular life-orders—seems to be closely linked to these attempts to rethink modern citizenship. Of course, this depends for further articulation upon a concept of political freedom, and Weber’s somewhat agonistic conception of citizen freedom combines well with current concerns in political theory.

Indeed, if one is were to seek a particular ‘reconfiguration’ of the concept of political freedom in Weber’s writings, it would flow from the distinction between *homo politicus* and *homo economicus* that I have been discussing. For freedom—understood in terms of the relationship between personality and the particular orders or structures of life—depends upon both self-mastery, and an awareness of the resources available to achieve such mastery. The tension between the ‘ideal-type’ personality, and the material *Typusmensch* promoted under contemporary conditions provides for Weber the driving force of his account. This clearly relates to the appropriate ‘rules of conduct’ within the different spheres of life that Weber recognized, from the political to the sexual. Hence, if the medieval cities were based on trade and commerce, then they had an appropriately modern conception of citizenship. Subsequent future transformations in citizenship attendant with the decline of princely and popular government and the rise of the abstract personality of the modern state, leads neatly into Weber’s focus on the potential sources of resistance to these centralizing and bureaucratising tendencies of the age. Moreover, when this is mapped on to his pronounced critique of apoliticism and the lack of political maturity under modern conditions, as the state takes over, a clearly Tocquevillian analysis comes to the forefront. Equality leads to despotism. Thus, we find the promotion of a vigorous associationalism in Weber—one purpose of his interest in sects for example—and a discussion of rights,


though not in terms of natural rights, or of universal human rights as limitations on sovereign power. Instead, he discussed rights as sources of power that express ‘the chances of individual life conduct’. The law is a bulwark against despotism, because it enshrines a degree of freedom within which the individual is granted a maximal degree of freedom, and once again this is a classically republican trope.\textsuperscript{64} Tying this back to the focus on individual rights in his essays on Russia, we can see again that rights, for Weber, are eminently political. The bureaucratization of the economy, for instance, and the apparent developmental trends within capitalism towards an easy harmonization of interests appalled Weber, for it neglected the perennially ‘tragic’ character of all meaningful (and hence political) action. Economic life is part of the ‘struggle for existence’, as he said in his Inaugural Address, and the unique constellation that combined capitalism and individual rights could be strengthened today only by meaningful party competition.\textsuperscript{65} However, the realities of German party politics did not bode well in Weber’s view for the achievement of greater freedom.

Equally, however, Weber’s account of active citizenship closely, though not self-consciously, resembles Hegel’s promotion of a civic-republican conception of patriotism appropriate to the current political climate.\textsuperscript{66} For Hegel, of course, the core idea of patriotism was that it is a disposition that is (when properly understood) capable of reconciling the private and selfish citizens of civil society to the development of the rational state. Hegel’s conception of state contained a particularly subjective element, ‘constituted by what he calls the political disposition or attitude [Gesinnung], which he identifies with patriotism, properly understood.’\textsuperscript{67} The state here does not simply ‘stand above’ society, as its initial separation from civil society implies. Rather, for the political state to achieve its ends there must be a necessary ‘political attitude’, and this is grounded in his understanding of what it means to be a citoyen of a political community; that is, to have an interest in the common good. It is the strictly political state’s primary function to establish these dual conditions of freedom—at the level of both civil society and the citizenry. Two prominent recent com-


\textsuperscript{65} See Weber, ‘National State’, Political Writings, p. 19.

\textsuperscript{66} On this, see Andrew Buchwalter, ‘Hegel’s Concept of Virtue’, Political Theory 20.4 (1992), pp. 548-83.


mentators have also adjudged Weber’s ‘nationalism’ to be of a patriotic type, one in terms of Weber’s critique of imperial politics, another has suggested an explicit comparison with Hegelian patriotism.\textsuperscript{68} The link would seem to turn on the discussion of how Hegel reconciles private freedom and citizenship, which Weber widens to try and link individual freedom with the goals of the nation through the means of political education.\textsuperscript{69} The Machiavellian strain of Weber’s thought is also present here, though, illuminated in the sympathetic note to Machiavelli’s \textit{Florentine Histories} in his lecture on politics as a vocation.\textsuperscript{70}

Furthermore, Hegel understood that patriotism is not necessarily linked to heroic or extraordinary deeds. And while this recalls Weber’s charge to the modern personality to meet the demands of an everyday existence, the key to a properly patriotic disposition is simply the recognition that the community is the substantial basis and ultimate end of political life.\textsuperscript{71} Here we have a call for an associational model of citizenship. Given concrete form in his calls for German parliamentarization, the volitional or customary nature of Hegelian patriotism seems to be that which Weber was attempting to revive and rework in the wake of the bureaucratic \textit{Obrigkeitsstaat}.\textsuperscript{72} The fact that Weber’s great friend Robert Michels had written so much on patriotism, both for the \textit{Archiv für Sozialwissenschaft und Sozialpolitik} and the \textit{German Sociological Society} should alert us to the fact that such a debate on the nature of patriotism was not outside Weber’s terms of engagement.\textsuperscript{73} Equally, the rise of patriotic societies and associations in recent German history means that Weber would not have had to look to the writings of either Tocqueville or Mill to find some theoretical purchase on these debates.\textsuperscript{74} Finally,


\textsuperscript{74} Irtramt Sahmland, \textit{Christoph Martin Wieland und die deutsche Nation: Zwischen
although he rejected the idealist or ‘Panlogism’ of Hegel’s philosophy of history, their concrete attempts to formulate a meaningful conception of citizenship under the modern state remain remarkably similar. We can see from his own writings on associations that his favoured position was the promotion of a critical public sphere where leaders would be held accountable to the people. This informs his understanding that ethnic or national identity is itself a form of associational life, and that the specific character of the political community is the medium through which a distinctive vision of national or ethnic identity is promoted.\footnote{Max Weber, ‘The Nation’, in A. Smith (ed.), \textit{Nationalism} (Oxford: Oxford University Press, 1997), pp. 21-25; for a detailed recent discussion, see Karl-Ludwig Ay, ‘Max Webers Nationen Begriff’, in Uta Gerhardt (ed.), \textit{Zeitperspektiven: Studien zu Kultur und Gesellschaft} (Stuttgart: Franz Steiner Verlag, 2003), pp. 80-103.} Therefore, nationalism is inherently ‘political’, but the achievement of national tasks properly understood requires the reconciliation of leaders and led in a vibrant and necessarily plural civil-society.

With this, we have a distinct correspondence with more recent theories of citizenship. Writers like Michael Walzer, for example, have maintained that ‘closed’ ideologies like (classical) republicanism and socialism will not be able to maintain the pluralism of viewpoints and allegiances of members of a particular community.\footnote{Michael Walzer, ‘The Civil Society Argument’, in R. Beiner (ed.), \textit{Theorizing Citizenship} (New York: SUNY Press, 1995), pp. 153-74.} Only the ‘civil society argument’, according to Walzer, can reconcile diversity within unity. This type of reconciliation was that which Hegel talked of, and it seems to be similar in focus to the type of reconciliation that Weber was also trying to achieve, between the various structures of particular life-orders and the question of how meaningful political leadership might best occur. This was in no way an attempt to revive a classical republicanism onto modern conditions, an inappropriate sleight of hand that neither Hegel nor Weber promoted.\footnote{The importance of classical models to German political thought during the eighteenth and nineteenth centuries was, however, an important and much noted element of the intellectual life of the period. See the recent essay by Brian Vick, ‘Greek Origins and Organic Metaphors: Ideals of Cultural Autonomy in Neohumanist Germany from Winckelmann to Curtius’, \textit{Journal of the History of Ideas} 63.3 (2002), pp. 483-500.} But they did at least tie the question of citizenship to rights within the state in a manner that is actually reasonably consonant with many contemporary political theorists who write on the question of group rights. And just as Weber charted the tendencies of the

\textit{Patriotismus, Kosmopolitismus und Griechentum} (Niemeyer Verlag: Tübingen, 1990), discusses this in some detail.
modern age in terms of the retreat of old and sublime values, so too did Hegel disavow ethical rationalism as the basis for citizenship. For it was his very recognition of the fragmented character of modernity, which enabled him to reconceptualize civic virtue as a form of modern republicanism. Objective standards—for Weber the ‘tasks’ of the nation-state, for Hegel its ‘realization’ as Spirit—need to be tied to a properly political attitude, which recognizes the subjectivity of modern citizens. But where Hegel attempted to reconcile these elements through a theory of corporate political representation underpinned by the development of a patriotic sentiment that is attached to already extant political institutions, Weber formulated a theory of the requirements of particular life-orders outside of such corporate spheres. Indeed, elsewhere he was critical of the promotion of corporatist ‘solutions’ to the problems of wartime capitalism.78 Outlining the relationship between the objective requirements of a particular life order and the nature of the individuals currently promoted to that order was one of the underlying themes of his most famous lectures on the personalities of the scientist and the politician. It also provided the associational basis for his writings on a wide range of subjects, particularly the nature of contemporary academic politics. However, this account can be widened to encompass the character of those individual rights possessed by modern citizens as citizens of a particular nation-state, and by so doing, the relationship between Weber’s questions and contemporary theories of group rights can be more easily seen.

VI

In a recent paper, David Miller has suggested that human rights as the rights of individuals can only be very broad and general, grounded in a shared concept of personhood and specified in function according to their position in protecting basic interests. Rights, therefore, are conditional, and inter-subjective because they can only relate to people as members of a community. They refer in the first instance to the conditions needed to live relatively decent lives. However, we can justify rights also in terms of citizenship. Here, rights would be understood not as legal rights but are ‘regarded as having priority over other political values’, and are constitutive of people’s living out their life to the best of their ability as citizens.79 This second level of justification, however, makes it

difficult to see how group rights can be justified in terms of the demands made by groups for particular forms of cultural recognition. For Miller, just because one belongs to a group that might be constitutive of one’s identity in meaningful ways, this does not give one the corresponding ‘right’ to do or have something. For example, a right to not suffer genocide is not a characteristic right of ethnic groups, but a corollary of the universal right to life. Group rights might be able to be justified at the level of citizenship (for equal representation, for example), but only if the claim can be shown to hold for all citizens.

Miller’s account builds on the recent writings of James Griffin, whose suggestion that rights can only be linked to the characteristics of personhood he takes over. For Griffin, in fact, rights are to be expressly linked to the question of agency and he therefore offers a ‘substantive’, as opposed to a structural, account of this relationship. This ties in very well with the classical political arguments—arguments echoed by Weber—about the need to locate conceptions of agency within the practical communal arrangements of human existence as well as the more general claims about what it actually means to be a human being. Here, the liberty to have freedom of choice and to act accordingly is a distinctive attribute of personhood, so that rights are to be justified in terms at least of the principle of equal respect. If we further assume that this type of discussion can be linked to the particular ‘self-esteem identity’ of persons, then the question of beliefs becomes inextricably linked to rights claims, and therefore linked to the type of identifications with which we justify our own claims of esteem and personhood. This clearly links to Weber’s question of how to bind citizens to the state with the aim of achieving great national goals, as well as touching on the importance of formulating a life plan within the structural constraints imposed upon individuals. Because if the unity of personal identity comes through particular types of identification, then identification with a particular state or groups within the state, for example, is capable of being understood as ‘constitutive of various moral goods’ we value as persons. Although not noted as such, the very ‘fact’ of pluralism and the different values placed on particular moral goods by individuals is a classically Weberian trope, just as the capacity to order one’s life around such


value choices is the distinctive characteristic of someone worthy of being called a ‘personality’.\textsuperscript{84} Similarly, focusing on the type of social identification between citizens, when allied to the question of the level of justification at which rights claims can be enforced present in contemporary language, clearly relates to the more important aspects of Weber’s own account of the relationship between rights and citizenship. Only when we understand the impact of Weber’s account of citizenship and its requirements can we see the importance of the concept of rights to his attempt to write a universal history of capitalist development. And only through the wider concept of citizenship underpinned by a vision of the rights of persons, do contemporary discussions of individual rights within communities make sense. By conjoining the two spheres, there is the potential to arrive at both a historically informed and conceptually sophisticated account of the origins and the limits of human rights. Such an aim would not have been tangential to Weber’s concerns, and it should not be to ours.

VII

For Weber, as for Jellinek, the origins of the idea of the rights of man could be sought prior to the French Déclaration of 1789. However, both recognized the caesura presented by the French Revolution in terms of thinking about individual rights, for rights in this modern sense can only apply to the citizens of a society constituted into a nation; that is to say, rights have meaning only in terms of a civil society.\textsuperscript{85} I have suggested in this paper that a similar understanding of individual rights can be seen to apply to Weber’s political thought. Yet, Weber arrived at such an understanding through his primarily historical and conceptual distinctions made in his writings between the homo politicus of the ancient world, and the homo economicus of the Middle Ages. The latter was, he

\textsuperscript{84} Weber, ‘Objectivity’, \textit{Methodology}, p. 55; ‘Objektivität’, \textit{Wissenschaftslehre}, p. 152: ‘Certainly, the dignity of the “personality” lies in the fact that for it there exist values about which it organises its life;—even if these values are in certain cases concentrated exclusively within the sphere of the person’s “individuality”, the “self-realisation” in those interests for which it claims validity as values, is the idea with respect to which its whole existence is oriented. Only on the assumption of belief in the validity of values is the attempt to espouse value-judgements meaningful. However, to judge the validity of such values is a matter of faith.’

\textsuperscript{85} For a recent restatement of the impact of the French Revolution upon conceptions of individual rights see Anthony Pagden, ‘Human Rights, Natural Rights and Europe’s Imperial Legacy’, \textit{Political Theory} 31.2 (2003), esp. pp. 189ff.
suggested, a character type that actually paved the way for the growth of a modern rational capitalism. Indeed, tracing the rise of an economically rational and methodical form of life conduct in the Protestant ‘ethic’, Weber also noted the cultural specificity of such Western notions of rights by comparing the struggle for individual rights in Russia with the course of European history. And by focusing on the relationship between an active, politically engaged citizen body alongside an impersonal, rational political authority Weber recognized the tension between the historical development of the rights of citizens, and the possibility of their protection in an increasingly ‘disenchanted’ world. In order to maintain the rights of citizens, Weber’s writings are clearly underpinned not only by an account of the key role of the political leader in fulfilling the objective cultural tasks of the nation, but also by the promotion of a vigorous form of associationalism amongst its citizens. It is this, I have suggested, that might permit us to locate Weber more broadly in a republican political tradition, a tradition that has been often overlooked in terms of the analysis of his writings, but one which should not surprise us given his own intellectual development. Finally, I have tried to show that Weber’s historical account of rights, when understood alongside these wider themes of associationalism and the irreconcilable character of particular values in his work actually provides us with a meaningful way of relating his writings to contemporary discussions of the rights of citizens.