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R. STAMMLER'S "SURMOUNTING" OF THE MATERIALIST CONCEPTION OF HISTORY¹

Translator's Introduction

It is twenty-six years since the methodological work of Max Weber was first introduced to the English speaking world in Shils' and Finch's translation.² Since then his essays on objectivity in 1904 and on value-freedom in 1918 have become among the most influential in the philosophy of sociology being at the centre of the controversy about the place of values in sociology and serving as a resource for those with quite opposing views. These essays together with his 1906 critique of the historian Eduard Meyer's views about historical causation which Shils and Finch also translated are in addition the main source for Weber's theory of ideal types which can be claimed as his most important contribution to the general debate about the problems of concept formation in the social sciences. Together with Emile Durkheim's *Rules of Sociological Method* we have here the classical foundations of the methodology of sociology.

Approximately as much of Weber's philosophy of social science as has been translated remains untranslated and of that undoubtedly his critique of Rudolf Stammler is of the greatest importance. Stammler (1856-1938) became the leading philosopher of law in the Germany of his time and his work is of especial importance as the major neo-Kantian re-interpretation of the tradition of natural law philosophy.³ His first major work which went through five editions between 1896 and 1924 was *Wirtschaft und Recht nach der materialistischen Geschichtsauffassung. Eine sozialphilosophische Untersuchung* (Economy and Law according to the Materialist Conception of History. A Social Philosophical Investigation). What is translated here is Max Weber's review of the second edition of that book.⁴

It will quickly become apparent that this is no ordinary review. What journal would now allow Weber the space he had then and what author would permit himself to elaborate such a truly original and penetrating account of the nature of rules and submerge it beneath savage polemics? In retrospect it is possible to understand why so much heat was generated. T. B. Bottomore and M. Rubel in their account of the influence of Marx's sociological thought point out that Stammler gave the first impulse to

1 Originally published as "R. Stammers 'Ueberwindung' der materialistischen Geschichtsauffassung" (1907) in the *Archiv für Sozialwissenschaft und Sozialpolitik* 24. This translation is made from the fourth edition of M. Weber, *Gesammelte Aufsätze zur Wissenschaftslehre* (1973 J.C.B. Mohr (Paul Siebeck), Tübingen) edited by Johannes Winckelmann, 291-359. Copyright of this translation rests with J.C.B. Mohr (Paul Siebeck), Tübingen.

2 M. Weber, *The Methodology of the Social Sciences*, translated and edited by E.A. Shils and H.A. Finch (1949 The Free Press, Glencoe, Illinois).

3 This judgement on the importance of Stammler is shared by both François Gény and John C. H. Wu who have written valuable critical appreciations of his work at the end of his *The Theory of Justice*, translated by I. Husik (1925 Augustus M. Kelley, New York). A concise account of his work is contained in W. Friedmann, *Legal Theory* (5th ed. 1967 Stevens, London) 179-186.

4 (1906 Veit, Leipzig).

the discussion of Marx in university centres in Germany.⁵ He saw correctly that the materialist conception of history was a challenge *both* to social order and to its intellectual analysis and it was on both fronts that Stammer felt it was necessary to combat Marx with Kantianism. With a Kantian analysis of law he hoped to refute the materialist conception of history and to provide the fundamentals for the just society.

Marx often derided those who argued that communists were out to destroy the old values. How could they? The bourgeoisie had themselves destroyed all that was sacred in the old society. With that in mind it is easy to see Weber as the spokesman for the new bourgeoisie, which was indeed a self-assigned task, and Stammer as the representative of the old society. Marx, Stammer and Weber are in a triadic conflict. Stammer appreciated the linking of theory and practice in Marxism but did not subscribe to the particular way they were linked. Weber appreciated most the hard-headed consideration of economic factors in Marxism but had no sympathy with its political programme. From a Marxist standpoint Stammer is a sentimental exponent of dying feudal values while Weber is the bourgeois exponent of technocracy. Weber considered Stammer to be a muddle-headed idealist, unable to distinguish values from techniques and at worst offering a fraudulent prospectus for social reconstruction. Stammer's response to Weber can be allowed its own voice a little later. In this essay of Weber's we look into a microcosm of the social and intellectual conflicts of the early twentieth century. It is of no small importance to keep this in mind and to recognize the intense ideological battle which was the context of Weber's account of rules. It is furthermore a measure of at least the temporary success in those struggles of Weber's positivism that subsequently the logical positivists and Wittgenstein could treat the issues he takes here as if their social importance were negligible or irrelevant.

W.G. Runciman gives appropriate weight to the most important feature of Weber's essay on Stammer when he says: "Weber expounded . . . the significance of the notion of 'following a rule' long before Wittgenstein" and he remarks that it is a pity that Weber never reverted to a detailed discussion of the topic in his later work.⁶ It certainly has been for it has meant that English readers have not had at their disposal an account which could have done much in recent years to clarify issues which have rightly been a matter of central concern for adherents of phenomenological approaches in sociology. The importance of Weber's discussion is enhanced by the fact that he takes it to the point where it becomes clear that the concept of a law and the problem of juristic and sociological approaches to it have to be seen as special cases of the general problem of understanding the nature and function of any rule whatsoever.

Students of Weber will find that all the most important aspects of his philosophy of social science are represented here: the distinction between empirical and "dogmatic" approaches to the study of culture; the doctrine of *Wertbeziehung*, the construction of

5 K. Marx, *Selected Writings in Sociology and Social Philosophy* (eds. T.B. Bottomore and Maximilien Rubel, 1963 Penguin, Harmondsworth) 47-49.

6 W.G. Runciman, *A Critique of Max Weber's Philosophy of Social Science* (1972 Cambridge U.P., Cambridge) 100,44.

objects on the basis of relevance to values; the concept of the ideal type; and the distinction between fact and value, stated here in the most uncompromising manner.

This essay is the most explicit account Weber gives of his position on the philosophy of science and the section on Stammler's cognitive theory could be considered the only occasion he ever ventures to write directly about philosophy. In so doing he makes clear his deep commitment to positivism in social science. For it is one of the paradoxes of Weber's work that he was both incomparably sensitive to the nuances of the analysis of values (as for instance in his distinction between evaluation and interpretative accounts of legal rules) and at the same time concerned to fix the boundary of social science at the point beyond which the social scientist can take the meaning of rules and values for granted and concern himself with hard-headed causal analysis. In spite, therefore, of the numerous leads he has given followers of interpretative sociology, he must be ranked among the defenders of social scientific positivism. Scientific procedure begins after the point when the object of enquiry has been constructed through relevance to values.

So it is that the most sensitive analyst of the problems of value imposes a self-denying ordinance when it comes to their inclusion in the activity he most deeply respected, empirical social science. Alan Dawe has regretted that "Most of what has been written and said about his (Weber's) value theory has been regarded as peripheral to the real work of contemporary sociology".⁷ But this really has been at Weber's instigation and he must bear the responsibility. When Runciman argued for the removal of the last element of neo-Kantian idealism in Weber's work, the doctrine of value-relevance, he was following a line of argument Weber opened up himself.⁸

Stammler imposed no such self-denial on himself. On the contrary, as the reader will discover from Weber's scandalized expostulations, Stammler made every use he could of the everyday ambiguity of terminology about the social world and it is regularly unclear whether he is talking evaluatively or empirically. It is unclear because Stammler himself would not accept that this distinction helps very much in a science of social life. For a start his concern is not with empirical causal analysis, but with an interpretative analysis couched in such general terms that it both describes the essence of society and provides answers to fundamental social problems. His theory of just law is intended to serve both functions.⁹ Description and evaluation are inextricably intertwined. For Weber such a mix could never be "scientific" and he despised attempts to provide harmonistic intellectual resolutions of real social conflicts. He bracketed his own sensitivity to problems of value and placed it in the "irrational" preliminaries to social science.

The best illustration of this comes if we compare Stammler's and Weber's treatment of the concept of law. In the last issue of the *British Journal of Law and Society* I argued that Weber has no criteria for what to include in the concept of law save that

7 A. Dawe, "The Relevance of Values" in A. Sahay, (ed.) *Max Weber and Modern Sociology* (1971 Routledge and Kegan Paul, London) 37-66, 37.

8 Runciman, *op. cit.*, esp. 37ff.

9 Stammler, *The Theory of Justice*, *op. cit.*

which is commanded.¹⁰ His definition of law is avowedly arbitrary for discussion of the concept would take him beyond the bounds of empirical social science into an area dangerously interpretative and evaluative. His positivistic position on empirical social science left him aligned with legal positivism. Stammler is unequivocally opposed to this. The use of the concept of law cannot be arbitrary nor determined by empirical investigation for “The particular experience of law is determined by the clear grasping of it through the universally valid concept of law, not the other way round”.¹¹ That concept is, in turn, based upon a universal concept of social life. Any empirical social science depends upon a concept of human interaction before it can even begin. “Social life exists as an independent object for our scrutiny through rules established by human beings which aim to generate a certain living together.”¹²

Stammler describes a dialectic between the analysis of rules and the human use of rules. His is, therefore, an essay in the construction of social reality, in this case through law, which makes the fact/value distinction Weber insists on beside the point. Weber identifies breaches of the is/ought taboo with the zeal of the reformer of sexual morality: he sees values everywhere and the dissection of the small part of Stammler’s work with which he deals is done with loving attention to detail. It is to this meticulousness we owe the achievement of his analysis of rules. Stammler’s work was not without its critics. Croce argues against his attempt to assimilate the study of economics to a general science of society.¹³ Ginsberg complained that Stammler’s formal approach to law resulted in a neglect of the positive content.¹⁴ But both are criticisms of the substance of Stammler’s contribution. In comparison Weber is a little like a literary reviewer for a “quality” newspaper faced with the first issue of the *Communist Manifesto* deciding, because it falls neither in the category of “literature” nor of “history”, it has *therefore* nothing worthwhile to say.

In the third edition of his book Stammler replied to Weber in a lengthy footnote.¹⁵ One can imagine Weber’s anger that he still had not made substantial changes in the text. Lest it be thought that Weber’s blistering attack carries all before it, Stammler’s reply should be given some consideration. He makes four points:

1. From Weber’s account one gains the impression that science amounts to the accumulation of general propositions grouped into spheres or “points of view” which exist simply for reasons of scientific “economy”. But the collection of facts presupposes a unitary method.
2. Weber shows great concern for the concept of “conformity to law”. The fact that he can find a variety of meanings in this does not alter in any way the possibility of

10 Albrow, “Legal Positivism and Bourgeois Materialism: Max Weber’s View of the Sociology of Law” (1975) 2 *British J. of Law and Society* 29.

11 Stammler, *Wirtschaft und Recht*, op. cit., p. 9.

12 *Ibid.* p. 464.

13 B. Croce, *Historical Materialism and the Economics of Karl Marx* (1915 Allen and Unwin. London) 27-47.

14 Ginsberg, “Stammler’s Philosophy of Law” in W.I. Jennings. (ed.) *Modern Theories of Law* (1933 Oxford U.P., London) 38-51.

15 Stammler, *Wirtschaft und Recht*, (3rd. ed. 1914 Veit, Leipzig) 670-673.

reflecting critically on the general conditions for the exercise of this unification of the contents of our consciousness.

3. The proper understanding of Stammler's work depends on an understanding of the idea of pure forms. The examples Weber gives are not pure forms of judgment and Stammler does not hold the view attributed to him that specific natural laws are generalized by the "law of causality". The relationship is formal.

4. Stammler's investigation is into the logical conditions of a consistent use of the concept of "social life". Social regulation links the *purposes* of human beings not in an external technical sense but in a formal way. In this way the rules of a game cannot be sensed as causal "moments" in action but must be understood as meaningful ordering of purposes. In Stammler's words:

If I understand Weber rightly, he wishes to make a fundamental distinction between two types of investigation, the empirical and the normative, of which the first works with causality alone. Only the first would belong to "science" while the latter would proceed exclusively with subjectively valid value-judgements and "ethical principles". But this conception of fundamentals must be untenable. Empirically determined experience is not to be understood exclusively in "causal" terms, nor, on the other hand, does the idea as a regulative principle belong simply to the will.¹⁶

In the translation Weber's extensive use of quotation marks, stress and textual page references to Stammler's book has been retained. The footnotes are Weber's except where otherwise indicated. "*Ueberwindung*" has been translated "surmounting". It must be an allusion to dialectical jargon where it has a meaning similar to "*Aufheben*", "doing away with" and "preserving" simultaneously, which is what Stammler attempts to do with historical materialism.¹⁷

Contents: 1. Preliminary remarks 2. Stammler's presentation of historical materialism 3. Stammler's "cognitive theory" 4. Analysis of the concept of a "rule"; "Rule as "regularity" and as "norm"; The concept of a "maxim"; The rules of a game; The rules of law; Juristic and empirical concepts.

1. Preliminary remarks

It is a disagreeable task to contest the very scientific justification for existence of the "second improved edition" of a book which has exercised a great and undoubtedly highly stimulating influence on the discussion of fundamental questions in social science, even if that influence has been predominantly confusing. However, since that is what is going to happen here and, moreover, with ruthless candour, one or two reservations are necessary and also a quite general short justification.

It has to be acknowledged unconditionally that Stammler's work shows the development of not only a high degree of erudition, acuteness and idealistic striving for knowledge but also of "spirituality". The monstrousness about the book is simply the disproportion which the intended useful results bear to the vast display of resources he

¹⁶ *Ibid.* p. 673.

¹⁷ K. Marx, *Economic and Philosophic Manuscripts of 1844* (1970 Lawrence and Wishart, London) 178-179, adopts the term from Hegel.

employs. It is almost as if a manufacturer set in motion all the achievements of technology, massive capital resources and innumerable labour units in a mighty factory of ultra-modern design in order to produce air (atmospheric, not liquid!). "Almost as if" implies the second reservation: that the book undoubtedly contains particular elements of lasting value in which one can find pleasure. But however high one might set their value, in relation to the quite boundless claims the work makes they are unfortunately of very limited significance. They might have found a place in a monograph on the relations between juristic and economic concept formation. Alternatively they might have secured space in one on the formal pre-suppositions of social ideals. Both would plainly have been of lasting use and stimulus but would scarcely have created such a sensation as the mighty strides of the stacked heels of this book. In this they disappear in a veritable thicket of apparent truths, half truths and falsely formulated truths. Behind the unclear formulations are hidden untruths, scholastic fallacies and sophisms with the result that any discussion of the book, which is already unrewarding because of its essentially negative outcome, becomes a very wide-ranging and interminably burdensome business. Nonetheless analysis of a fair number of individual formulations is absolutely essential if one is to gain an impression of the utter nullity of the very arguments Stammler advances with the most astonishing assuredness.

Now it is certainly quite true: *peccatur intra muros et extra*. It is invariably possible to find points in any author where the problem in question is not thought through, where formulation is careless, either unclear or just plain false. This is doubly true where, in the interests of our special field, we are forced to enter into discussion of logic even though we are not professional logicians. It is consequently unavoidable, especially at points which are inessential or less essential to the concrete problem in question, that our assuredness in the handling of the conceptual apparatus of specialist logic easily fails us. We are not, after all, in the kind of daily contact with it which alone can create that assuredness.

But in the first place Stammler *wants* to present himself as a "cognitive theorist". Secondly, just those components of his argument on which he lays most emphasis come into question. Finally, we must not forget that we are dealing with a *second edition* and we can make more demands of it than of a "first shot". What calls for the severest criticism is that Stammler permits himself to offer it in such a state as this. Not the existence of the book, but the existence of such a second edition merits the severity of the rejection. With a "first shot" like the first edition we are glad to think of the saying that it is easier to criticize something than to do it oneself. But when a second "improved" edition appears almost a decade later we demand self-criticism from the author. It is especially unforgivable if the work of professional logicians should pass him by without trace when he is engaged, as Stammler is, in the discussion of logic.

Just a final point: Stammler presents himself as a representative of "critical idealism". He wishes to be recognized as a faithful disciple of Kant in both the fields of ethics and cognitive theory. It is not going to be possible in the following discussion to specify the crude misunderstanding of Kantian doctrine on which this claim is based. But in any event it is the followers of "critical idealism" who have every reason to shake this

work from their coat-tails. For it is all too suited to nourish the old naturalistic belief that the cognitive theorists' critique of naturalistic dogmatism only chooses between two kinds of proof: "either a hamfisted fallacy or a hair-splitting fudge".

2. *Stammler's presentation of historical materialism*

As it repeatedly emphasizes, Stammler's work attempts to "surmount" the "materialist conception of history" scientifically.¹⁸ We must first ask, therefore, what sort of rendering he gives of this conception of history and then at what point does he enter his own dissent. In order to bring both to the greatest clarity it is worth making a small detour.

Let us assume, in this time of strongly increasing concern for the significance of religious factors in cultural history, that an author came along and asserted:

History is nothing but the passage of the *religious* attitudes and struggles of mankind. In the last resort it is religious interests and attitudes to the religious which determine the phenomena of cultural life, including especially political and economic phenomena. All processes in these areas are ultimately reflections of specific attitudes of human beings to religious problems. They are therefore in the last resort mere expressions of religious forces and ideas and can thus only be scientifically explained if one goes back to these ideas in any causal analysis. Hence such a causal analysis is the only possible way in which the *whole* of "social" development can be grasped as a scientific *unity* in accord with fixed laws (p. 66 bottom, p. 67 top) and in the same way as the natural sciences grasp "natural" development.

Were an "empiricist" to object that many concrete phenomena of political and economic life exhibit not the slightest evidence of the influence of religious motives we can assume our "idealist" would respond this way:

Undoubtedly there is not a single cause for every single event and included in the causal chain there are without question processes and motives which lack any religious quality. But one can pursue the causal chain into an infinite regress and ultimately at some point (p. 67, line 11) *always* come up against the "decisive" influence of religious motives on the type of life human beings lead. Therefore in the last resort any other change in the substance of living can be traced back (p. 31, line 26) to changes in attitudes to religion and, since they reflect this, possess no real independent existence (p. 30, line 11 from bottom). For every alteration in religious conditions has a corresponding parallel alteration (p. 24, line 5) in the way of life in every other area as a consequence. These are in truth the only driving forces in social life and with *complete* knowledge of the causal chain in its "complex unity" one always comes back to them (p. 67, line 20). How could it be otherwise? The external forms of political and economic life do not consist of self-contained worlds with distinct causalities (p. 26, line 6 from bottom). They are not separate realities (p. 29, line 6 from bottom) but can only rate as dependent and "single perspectives" isolated through abstraction from the total unity of life (p. 68, line 11).

The "healthy common sense" of our "empiricist" would be inclined to counter this and say that we cannot assert anything *a priori* about the manner and degree to which

18 The following critique, for reasons of internal coherence, proceeds as if its sometimes very elementary expositions are being made for the first time. In respect of many points that is certainly not the case as will be noted, although experts will know. Occasionally references will be made to earlier critics of Stammler.

“social phenomena” determine each other. Both the fact and the kind and degree of reciprocal determination can only be established in the individual case. It is then perhaps possible through the comparison of genuinely (or apparently) similar cases to reach some general “rules” and thus go beyond the bare enquiry into the degree of religious determination of a single social phenomenon. But, to be sure, we still do not reach the point of establishing the causal significance of “the religious” for “social life” *as a whole*. That would amount to a quite misconceived and vague problem-setting. We would establish the causal relationship of precisely defined *types* of religious cultural elements to equally precisely defined other types of cultural elements in equally precisely defined constellations.

He would perhaps add to this:

The particular “points of view” which we use as rubrics for cultural phenomena, “political”, “religious”, “economic”, etc. are consciously one-sided ways of looking which are adopted where they appear desirable for reasons of economy in scientific work. The “totality” of cultural development in the scientific meaning of that term, i.e. that part of it which is “worthy of knowledge”, can only be grasped therefore through integration, through progress from a “one-sided” to an “every-sided” point of view. There is no future in the attempt to represent historical structures as only determined and denoted by a single one of these artificially selected components. In this respect the causal regress plainly leads to nothing. One can go back to the earliest “pre-history” but the singling out of the “religious” components from the totality of the phenomena and breaking the regress amounts to the same “one-sidedness” as in the historical stage from which the regress is begun. Restricting oneself to the establishment of the causal significance of “religious” factors could be of the greatest heuristic worth in particular cases. Only the “result” in the form of new causal knowledge would decide on that. But to hold that the *totality* of cultural phenomena is “in the last resort” determined only by religious motives is an untenable hypothesis and in addition inconsistent with established “facts”.

But the “healthy common sense” of these arguments gets a hammering from our “historical idealist”. Let’s hear how he would respond:

To doubt whether the causally decisive religious factor is in evidence everywhere, if taken seriously, would call into question the quest for a fundamental method from a *single* point of view for obtaining knowledge of general laws (p. 66, line 11). Any scientific project is governed by the law of causality and must consequently accept as a fundamental condition that *all* individual phenomena are continuously linked according to a *single* universal law. Otherwise the advocacy of knowledge arrived at in accord with laws makes no sense (p. 67, line 5 from bottom, p. 68 top).

To take as a postulate that all social phenomena may be attributed to religious driving forces is far from asserting that the regress to these forces always, mainly, or indeed ever really completely succeeds (p. 69, line 8). It aims, after all, not at the simple assertion of facts but to be a *method* (p. 68, line 6 from bottom) and so the objection that it signifies an over-generalization from particular social historical events is *conceptually* quite misplaced. For that postulate is not reached by generalization but *a priori* on the basis of the question: “By what right does one generalize at all?” (p. 69, line 3). Generalization as a method of reaching causal knowledge presupposes an ultimate *unified* point of view which must undertake to depict the ultimate basic unity of life if all causal knowledge is not to be dissipated in infinite space. That postulate is therefore a systematic *method* which enables the concrete processes of social life to be *conceptualized* *scien-*

tifically in a universally valid way (p. 69, lines 12 ff). It is thus a fundamental *formal principle* of social research (Ibid., line 24).

It is not possible to attack or “refute” a *method* with historical *facts*. The success of its *use* in a particular case has plainly no bearing at all on the question of its proper form *in principle*. The application of the undoubted most universally valid axioms for arriving at causal knowledge often leaves men unsatisfied (p. 69, line 10 from bottom). That basic principle is consequently quite independent of *any special content* of social events. It would still hold even if not a single datum were really explained in accordance with it. For this depends on that particular difficulty, which needs no special exposition (p. 70 top), which investigation in accordance with the axiom of causality generates when it is directed to the social life of human beings as opposed to “nature”. But if one may apply the *formal* principle of all causal knowledge to social life it must be satisfied and that is only possible through the reduction of all conformity to law in social life to a *single* “fundamental conformity to law”, that is, dependence on the religious factor. Consequently we may assert that in the last resort religious driving forces determine social life and that only by tracing *all* phenomena back to these determinants can it be depicted as a scientifically understood unity “according to mechanical laws”. This assertion is *not* to be refuted by reference to “facts”, just as it equally does not arise from any simple generalization from facts (p. 68 bottom, p. 69 top). The proposition stems rather from the nature of our thought in so far as this starts with the quest for knowledge in accord with *laws*, as any science operating with the law of causality must do. If anyone wishes to contradict this assertion he is attacking this very *object of knowledge*. He must thus tread the field of *cognitive theory* and ask: “What is and what does ‘knowledge of social life in accord with laws’ mean?” (p. 69, line 22). Only if we consider the *concept* of “conformity to law” *itself* as a problem can we attack the method of tracing back every social phenomenon on the basis of a unified viewpoint and only in this way could we doubt that the assertion is justified that “in the last resort” religious motives are decisive. Up to now, however, (our historical idealist plainly knows nothing yet of Stammler’s emergence) no one has tried it. There has simply been a constant skirmishing about particular facts without saying anything about the principle.

What would the healthy common sense of our “empiricist” say to these arguments? I think, if he is not someone to be discountenanced, he would treat them as *scholastic mystification*, whether naive or bold, and be of the view that with the same “logic” one could propose the “methodological principle” that “social life” is “in the last resort” to be deduced from skull measurements (or from the effects of sun-spots or perhaps from disturbances of the digestion). He would see this principle as incontestable only in so far as the “meaning” of “social regularities in accord with law” were established in some other way than through investigations in cognitive theory. Personally I would believe “healthy common sense” to be right in that.

But Stammler would clearly have to think *otherwise*. In the above exposition of our “historical idealist” which was deliberately as long-winded as possible and quite in Stammler’s style, we only have to substitute the word “material” (in the sense of “economic”) for the word “religious” and we then have, as anyone can find out for himself through the page references to Stammler’s book, a largely verbatim, at least always faithful account of his depiction of the “materialist conception of history”. This Stammler accepts (and this is all that concerns us here) as *straightforwardly valid*,¹⁹ with the

19 Compare page 63 ff, where undoubtedly it is Stammler himself and not the “socialist” whom he parodies on page 51 who is speaking.

single reservation that in himself has arrived the man who, since he has trodden the fields of cognitive theory has “surmounted” this hitherto undefeated Goliath by showing it to be not so much factually “incorrect” as “incomplete”,—“incomplete, that is, not in the sense of “one-sided” but “unfinished”. This “finishing” and “surmounting” are demonstrated through a series of conceptual manipulations which show that “social conformity to law” is only meaningfully conceivable in the “world of purposes”. This “conformity to law” has the sense of “fundamental unity” both of social life and the knowledge thereof (both, as we shall see, being confused) and is a “formal principle” which both defines “the form of social existence of human beings” and is “a unitary formal idea which has to serve as the guiding star for all our empirical social *endeavours*”.

We are not in the first place interested in whether Stammler has depicted the materialist conception of history *correctly*. This theory has gone through many a version from the “Communist Manifesto” up to the modern acolytes. We can thus be as confident as possible in accepting that a version at least similar to the one Stammler has chosen may be encountered.²⁰ And if not, the attempt on the part of a critic to construct logically “how it ought to have been” can always be justified. Here our concern is not with it, but with Stammler. So we are only asking here how he grounds and in what direction he develops that “cognitive theory” which he rightly or wrongly imputes to it and which he regards as incontestable or at least only to be corrected on the basis of his own conception. Perhaps we do him injustice and he does not identify in truth so fully with it as we at first glance assumed? So let us turn at this point to the introductory “cognitive theoretical” sections of his book.

3. *Stammler’s “cognitive theory”*

In order to gain insight into the peculiarity of Stammler’s method of argument we cannot avoid giving examples at length of at least some of the chains of reasoning from this introductory section. Let us take first the beginning and arrange it in a series of aphorisms which we can compare with each other. We have set out on pp. 3-6 of the text: Every “exact research project” would remain worthless and “fortuitous”.

1. without “dependence in a *context*” of “universal conformity to laws”,
2. without direction *through* a “universally valid *cognitive guideline*”,
3. without “relation to” a “fundamental conformity to laws”,
4. without relation to a “unified *undetermined point of view*” (p.3),
5. (p.4) without insight “into a *universally valid context of conformity to laws*”, since certainly
6. the acceptance of that conformity to laws is a “presupposition” if one ever wishes “*to go beyond the verified single observation as such*”. The question however is then
7. (p.5), whether “a universal *conformity to laws* in the *social life* of human beings

20 On the meaning of “materialist” in Marx see Max Adler, “Kausalität und Teleologie im Streite um die Wissenschaft” (from *Marx-Studien* I) 108, note 1, and 111 (correctly opposed to Stammler), 116, note 1 and repeatedly.

can be construed” in the same way “as the conformity to laws of nature is the foundation of the natural sciences”. To this question, however,

8. “which concerns the *conformity to laws* of all our *knowledge* of things social” we have not yet advanced. But the question
9. of the “supreme conformity to laws in which social life in its dependency (!) is to be *known*”, opens up in practice directly into the *axiomatic conception* of the relation of the individual to the totality” (!), and in fact “the dispute about the *structuring* of social life in *conformity to laws* is there ... it is called: the social question”.
10. “Through *scientific* insight into the *conformity to laws* which holds for the human community we have *thus* the conditions which make it possible to *structure* human living together in *conformity to laws*”.

This is enough to start with. In the light of this tangle of assertions which all operate with the concept of “conformity to laws” one must regret that Stammler has failed utterly to take his own comment to heart, namely that he who talks of “processes in *conformity to laws*” must above all know “what he really intends to say by that”. For while it is obvious that in almost every one of the above ten aphorisms something is being discussed which is different from anything in the others, reading the book reveals undoubtedly the amazing fact that Stammler deceives himself into thinking that he is talking constantly about one and the same problem, only with changing formulations. This is made possible by a woolliness and ambiguity in his formulations unparalleled in a work presented with such aplomb.

If we look again at the aphorisms where the decisive passages have been reproduced from the text Nr. 1 is altogether obscure in meaning. What “a dependence *in* a context of conformity to laws” can mean is not apparent. It could mean that meaningful research projects can only be pursued if the objective is to abstract from them universal (general) conformities to laws (nomothetic knowledge). Or, on the other hand, it could mean that one could not give a causal interpretation of individual situations without the use of general knowledge (of laws) (historical knowledge). One could be inclined on the basis of Nr. 7 to one of these or indeed both, for here the “main question” is supposed to be whether laws of “social life” can be derived in the same way as “natural laws” for “dead” nature — at least this is how one is inclined to interpret the very woolly formulation.

From Nrs. 3 and 6 (necessity of a relation to a “fundamental conformity to laws” which is both “presupposition” of any valid knowledge of particular “facts” as well as “necessary”) one could go on to conclude that these propositions really should not be at all adequately inspired by reference to the universal validity of the category of causality (in the sense of “conformity to laws”). But, on the other hand, Nrs. 2 and 8 talk suddenly no longer of the “conformity to laws” of knowable *events*, but of the “conformity to laws” of our “knowing”. Thus they speak no more of “laws” which expressly govern the “known” or the to-be-known, that is the world of “objects” (“nature” or “social life”) and which it would be the task of induction to convey (the “going beyond the single observation”, Nr. 6, in order “to attribute the character of necessity to particular facts”,

p. 4 bottom) but speak instead of *norms* which are valid for our *knowing*. For one cannot understand anything very different by “universally *valid cognitive* guidelines” (Nr. 2) and by “conformity to laws of all our *knowledge* of things social (Nr. 8). Here “norms of thought” and “natural laws” merge into each other.

This is not all. The indispensable *insight* (according to Nr. 5) into the factual *context* (concrete) is not only completely confused with that into “*conformity to laws*” (abstract) — although if the latter is to be understood as conformity to laws of nature they are opposed to each other and if as a norm of knowledge they are quite disparate logical relations — but this “context of conformity to laws” (Nr. 5) is furnished with the predicate “universally *valid*”. That this is not a question of the validity of an empirical scientific *judgement* on a pure complex of “facts” is clear from the formulation in Nr. 3, in itself unintelligible, where the discussion is of the necessity of a “relation” to a *unified* “point of view”, and indeed to an “undetermined point of view”.²¹

Both the *arrangement* of facts in a concrete context as well as the abstraction of conformity to laws from facts appear to be effected from special “points of view”. The division of labour between most of the scientific specialisms certainly depends on this. But for this reason one cannot talk of a *single* “undetermined” point of view for the totality of empirical disciplines. The principle of quantification and mathematical expression is by no means common throughout the “natural sciences”, as they are termed by specialists, and the commonly called “cultural sciences” are characterized by the number and variety of “points of view” from which they consider reality. Least of all can a “unified *point of view*” be identified in this sense with a fundamental “*conformity to laws*” and be ascribed to all the sciences. Even if one were inclined to call the category of causality, which is constitutive of them all, a “point of view” — about which more later — and one considered the historical disciplines which explain individual objects through causal regression to other individual objects, one would be able to designate the “lawfulness” of events, in a very special sense, as possibly one of the universal “pre-suppositions” but certainly not as that upon which the “single project” is *based*. Stammerer allows “unity”, “conformity to laws”, “complex” and “point of view” to twist and turn around each other without the slightest inhibition. But he is patently dealing with quite different things and the full extent of the ensuing confusion is quite apparent when one discerns in aphorism Nr. 9 what is really meant by this “point of view”. The “supreme *conformity to laws*” of social life “opens out” (as he puts it there once more with extreme woolliness) into “the axiomatic *conception* of the relation of the individual to the totality”. If we take this proposition as it stands in its utterly slovenly formulation we have to ask: “Is this ‘conception’ a matter of the scientific *explanation* of the ‘actual’ relation of the ‘individual’ to the ‘totality’, or are we making a mortal leap into the ‘world of values’, of the *ought-to-be*?”

Aphorism Nr. 10, according to which the “possibility of structuring community life in conformity to laws” is determined by “the insight into the conformity to laws which hold for the human community” could be interpreted simply as if it were a matter

21 Weber obviously refers to aphorism Nr. 3 in error. He is quoting from Nr. 4. (Translator’s note).

of “insight” into the laws of “events”. In fact if it were possible to find “laws” of social events like “natural laws” — and political economy for its part has repeatedly searched for them — then this knowledge would undoubtedly be just as valuable for the “purposeful” mastery of social events and the influencing of their course according to our intentions as the knowledge of the laws of “dead” nature is for our technical mastery of it. But the reference to the “social question” in aphorism Nr. 9 shows we are not dealing simply with the “structuring of social life in conformity to laws” in the sense of a socio-political procedure where it pays to observe the actual, recognized and valid “laws” of events as one would laws of nature. We are dealing plainly with a “structuring” which satisfies the laws of what *ought-to-be*, namely *practical norms*. And although Stammler on occasion uses one and the same word in the same sentence with two different meanings with the greatest of equanimity, we have nonetheless to accept that the “validity” of “conformity to laws” is to be understood here *imperatively* and “insight” into it consequently shall be the knowledge of a “commandment” and, moreover, of the “supreme”, “fundamental” commandment of all social life. The mortal leap we suspected has indeed been made and we stand for the moment on the summit of this confusion: natural laws, categories of thought and imperatives for action, “universality”, “unity”, “complex” and “point of view”, validity as empirical necessity, as methodological principle, as logical and practical norm — all this and more too at the beginning of the book is jumbled together in such a way that there can certainly be no good prognosis for a discussion where the opponent is to be beaten in the field of “cognitive theory”.

But perhaps Stammler is only *pretending* to be so confused! His book is by no means free from intentional “gimmicks”, namely to create excitement. It could be that it suited him and he intended to have a predominant vagueness of expression in the early pages. Then gradually by creating logical clarity and conceptual order he would release the gasping reader from the chaotic gloom until he was ready to hearken unto the decisive, ordering word of salvation. However in reading further at least in the “introduction” (pp. 3-20), the confusion increases rather than declines. Once again (p. 12 bottom, p. 13 top) we find he uses ambiguous expressions like “social teachings” and “unified fundamental conception” of social life in order to (p. 13, penultimate paragraph) furnish “insight” into “conformity to laws” as a “guiding thread” and by which all the *single perceptions* (N.B.!) of *social history* (N.B.!) “can be comprehended, *judged* and *ordered* in a consistent manner”. In this last italicized work value judgement is plainly made into an objective of “social science” whereas the reader from the two words before has had the impression that he was concerned with theoretical knowledge.²² But the following sentence elaborates the foundation of the “social *philosophy*” (p. 13 bottom):

“Whoever talks of the conformity to laws of social life” (ambiguous, see above), “of social development” (theoretical), “of social wrongs” (normative), and the possibility or impossibility (theoretical)²³ of their being cured, “whoever brings up” (!) “the laws

²² The italicizing of the quotations from Stammler are throughout by me, unless otherwise stated.

²³ “Theoretical” that is *after* it has been established what should *count* as “cure” and “progress”. After that the question of whether the creation of this state of affairs is “possible” or an approximation to it, that is a “progress” is naturally a purely factual question, to which empirical science (in principle) can give an answer.

of social economic phenomena (couched in theoretical terms), “discusses social conflicts” (likewise) “and believes in or denies” (theoretical) “progress” (normative) “in the social existence of human beings must avoid irrelevant (?) subjective” (applies only to value judgements) “speech and above all clarify for himself the special nature of social *scientific* knowledge” (thus not social *philosophical* about which up to now the talk has been). In this sentence as one can see the discussion switches back and forth within one and the same clause between factual knowledge and the evaluation of facts. When later he goes on to say (p. 15 bottom):

“The universally *valid* (N.B.!) *conformity to laws* of the historical course of social life” (thus “*conformity to laws*” of the object of knowledge) “signifies (!) the unitary (?) and (?) universally *valid* (N.B.!) form of *its* (N.B.!) *knowledge*”, it is plain that he conflates the conformity of events to laws with the norms of cognition and the discussion of the “cognitive basis” with the “real basis”. In the same way on p. 16 (above) Stammler achieves a confusion of natural law, practical and logical norms in the sentence where “supreme unity for all social knowledge” on the one hand “shall hold as the basic law for all social knowledge”, on the other hand (a few lines later) shall be the “universally valid foundation on which emerges the possibility of *observation* in conformity to laws of human life in society”.

On a careful reading one inevitably has the fatal feeling that Stammler is by no means unconscious of the ambiguity of such expressions as “conformity to laws”, “universally valid” and the like in his vocabulary. Indeed the deletions from and additions to the first edition often serve to strengthen the impression that Stammler knows full well in many cases that his form of expression is woolly and ambiguous. It is *absolutely* not my intention, and this may be explicitly noted, to level any kind of “moral” reproach at Stammler in however indirect a way for the ambiguity of his mode of expression which, as I have said, can scarcely always be unconscious and which dogs our steps at every turn. No, this is the characteristic instinctive “diplomacy” of the dogmatist clinging obstinately to a “world formula” which he has, or is supposed to have discovered. It is *a priori* certain for him that his “dogma” and “science” cannot possibly be in conflict and with the assuredness of the sleepwalker, on the basis of this certainty of belief he avoids being “nailed” at dubious places in his argument by means of ambiguity. He confidently leaves in the hands of God the confusion which his vague and ambiguous form of expression conveys, convinced that somehow it can be organised to fit the “formula” once it has been grasped.

It must appear very unlikely to the unconverted that one could achieve any understanding at all of what an “empirical” discipline, as “social *science*” in *our* sense is, can and should desire as its goal of knowledge when one begins the journey with such light baggage, with this schoolboyish mixture of the most elementary categories such as we found in Stammler’s early pages. We can now easily understand how Stammler can, as he does, render a parody (whether pretended or real) of the argument of historical materialism and consider it irrefutable, except from *his own* “cognitive theoretical” standpoint. The person for whom “natural laws” and “logical norms” merge with each other is a Scholastic in the strict sense of the word and is powerless therefore against scholas-

tic argument. That this in truth is the reason is evident on p. 19 where for the first time the universal scientific essence of historical materialism is identified. Having apparently explicitly recognized the *empirical* nature of the problem on p. 18, paragraph 2, in paragraph 3 Stammler makes the assertion that historical materialism seeks to convey a fixed “rank ordering” of factors in social life. That is, at least apparently, it would like to establish the general *causal* significance of those factors in their mutual relationships. But just before in the same paragraph, there is already an allusion to historical materialism’s conception on this point being a “methodological principle” of “*formal* significance”. There is the further assertion in Stammler’s usual woolly manner that according to the “basic attitude” (p. 18, last line) of the materialist conception of history (p. 19) — it isn’t stated whether this is the explicit view of its proponents or a “necessary consequence” of their view imputed by Stammler — one has to *distinguish* between the “established particular laws” and the “universal formal conformity to law”, that is the fundamental way of correctly synthesizing laws from facts.

Now it is well known that there is nothing more subject to multiple interpretations than the word “formal” and the meaning of the contrast: form-content. In *every* single case it is necessary to give a precise definition of what is to be understood by it. Since, according to Stammler himself, the “fundamental attitude” of historical materialism amounts to saying that “economic phenomena” in their nature and development are always decisive for the shaping of all remaining historical processes, that is are unequivocally causal determinants, however one objects to the imprecision of the concept of “economic phenomena”, we are still certain of one thing, that this assertion is substantive and relates to the nature of the causal nexus of empirical events. This is thus a proposition which is distinguished *only* in its greater *generality* from the assertion that in one or more concrete *single instances* or in specific narrowly or broadly conceived *types* of cases “economic” causes are decisive. One could attempt to back this hypothesis up “deductively” from the universal empirical conditions of human life and then verify it afresh from new “facts” arrived at “inductively” but it would still remain a *substantive* hypothesis.

It naturally makes not the slightest difference if, for example, someone explains that the theory of historical materialism is not to be seen as a doctrine but as a “heuristic principle” and thereby seeks to establish a specific “method” for researching historical material from “economic points of view”. Experience tells us that this procedure can be highly fruitful if conducted soberly and to the point. But it still only amounts to treating that general assertion about the significance of economic conditions as a factual *hypothesis* and testing the extent and limits of its correctness against the facts. It is quite unintelligible how this hypothesis can thereby or in any way at all change its meaning as a general factual assertion and gain a “formal” character which decks it out with a specifically *logical* dignity as opposed to “particular laws”, that is assertions or propositions which contain less all-embracing generalizations, and which makes these “special laws” “depend” on it for their “validity” and their “scientific justification for existence”.

Of course it is legitimate terminology and often happens that the ultimate

(“supreme”) generalizations of a discipline, such as the proposition about the “conservation of energy”, are designated “formal” because they combine a maximum “extent” of validity with a minimum of factual “content”, but, note well, not *no* factual content. Any “higher” generalization at all is therefore “formal” in relation to any “lower”, that is less extensive. Every “axiom” of physics, for example, is a “supreme” generalization of this nature, that is a hypothesis with mathematical “certainty” and empirically “tested” to an exceptionally high degree. Until now every application has gone to confirm them as “heuristic principles”, but, nonetheless, as the debate on radio-activity has shown, utterly dependent on continually repeated “proof” by the “facts”. But any student of logic in his first term is obliged to know that they do not thus acquire the logical character of principles of knowledge in the sense of *a priori* “categories” of the theory of knowledge and are not in a position ever to acquire this status.

If, as Stammler does, one intends to present oneself as a theorist of knowledge and in so doing explicitly bases oneself on Kant then it is an elementary error if one raises “axioms”, that is propositions which “simplify” experience, to the level of categories and as equally unforgivable as if one took the “categories”, whose formative power makes it possible for “experience” to make sense, and labelled them general empirical propositions. It is, for example, like taking particular “natural laws” as “special cases” of a causal “law” “operating” under specific conditions and because we often talk imprecisely of the “law of causation”, considering it as the most all-embracing factual generalization. This last error is to retreat beyond Kant to Hume (at the least), the first is to go back still further to Scholasticism.

Stammler’s whole argument depends upon this sliding back into the most colossal Scholasticism. One should read once more the parody above and assure oneself again that it really does correspond with the passages cited there and pages 18 and 19 of Stammler’s book. He hasn’t, it is true, “explicitly” committed the contrasted mistake and converted the categories into empirical propositions for he certainly takes trouble to stand on the ground of Kantian doctrine. But we shall soon see that he commits it implicitly and moreover, if we later acquaint ourselves more fully with the weakness and illogicality of his treatment of the “question” of causality, we will convince ourselves that in practice it does not make much difference whether one jacks the “axioms” up into “categories” or the “categories” up into “axioms”. The elevation of purely *methodological* “principles” to the rank of “formal principles” anchored in cognitive theory, as Stammler gives us for a treat at the beginning of his parodied version of the “materialist conception of history” is naturally quite the same, though conversely, as the transformation of the proposition on fundamentals into a “heuristic principle”, but which means into a hypothesis to be tested against experience. And this is the kind of botch that a self-styled “disciple” of Kant serves us up with!

Finally it is a tangle of these and similar elementary errors when Stammler ends up by labelling the “categories” as “points of view” from which generalizations result as he does on the bottom of page 12. There he declares that it is indispensable to ask constantly, “from which unitary point of view” have “generalizations from specific *observa-*

tions" (N.B.!) been produced: "Does it take place in the sense of causality or of the idea of purpose; why the one rather than the other and in what sense either?" Now if this is an alternative it is by no means exclusive. The general concept "white objects" for example is constructed from neither a "causal" nor a "purposive" point of view. It is nothing other than a logically fashioned universal-idea, a simple classificatory concept. Leaving the imprecision of the expression to one side, it remains completely open what is meant by either alternative. For what does it mean, "generalization of *observations* in the sense of the idea of purpose"? Let us briefly imagine the possibilities since this can benefit later discussion. Does it mean deductive inference of metaphysical "purposes of nature" from empirical "natural laws", perhaps in the sense in which E. von Hartmann occasionally attempts to demonstrate the purpose of the finite world process from the second law of thermodynamics? Or does it mean the employment of "teleological" concepts, as in biology, as heuristic principles to gain general insight into the complex arrangements of living phenomena? In the first case metaphysical belief is to be supported by empirical propositions, in the second an "anthropomorphic" metaphysic is employed to generate empirical propositions. Or does it mean empirical propositions about the generally "suitable means" for certain generally defined "purposes"? In this case it would naturally be a matter of simple general causal knowledge, which takes the guise of practical reasoning. The statement, for example, "The measure X in political economy is serviceable for purpose Y" is simply another way of expressing an empirical proposition about a general causal relationship: "If X takes place, Y is the general (either the invariable or the 'adequate') consequence".

Stammler could scarcely mean the first of the three cases for he does not aim to develop metaphysics, least of all of the naturalistic kind. The other two, however, he would have to recognize as "generalizations in the sense of causality". Perhaps it is intended to convey the logical fashioning of general *value-judgements* and ethical or political postulates. The statement: "The state has a duty to protect the weak", is, if we ignore the woolliness of the concepts "protect" and "weak", a "general" *practical* maxim the *truth* content of which, in the sense obviously of its claim to obligatoriness, is capable of being discussed, only evidently in an absolutely different sense from being established as empirical fact or "natural law". Does it contain "generalization from observations" or is the discussion of its truth content capable of being resolved through "generalization from observations"? That must be decided. Either the maxim will be debated in respect of its character as a valid "imperative". Then the discussion is in the sphere of ethical "norms". Or its actual "practicability" will be debated. Then it is our third case: an X is sought, the introduction of which would have as a general consequence Y (in this case, "the protection of the weak") and it will be discussed whether such a measure of state as this X exists. This is a purely causal analysis using "rules of experience".

Finally, the most frequent case, without directly contesting the validity of the maxim in question, the attempt will be made to show that it is not for that reason an imperative because to follow it would entail consequences which would endanger the

implementation of *other* maxims recognized as imperatives. The opponents of the statement in question will undoubtedly set themselves to discover general empirical propositions about the *consequences* of the implementation of this socio-political maxim. When they have discovered, or believe they have discovered such propositions, either through direct induction or through setting up hypotheses which they seek to confirm by reference to widely accepted theoretical propositions, they will contest the validity of the maxim because if it were implemented it would be likely to endanger another maxim, say, that it is the duty of the state to “protect” the physical health of the nation and bearers of aesthetic and intellectual “culture” from “degeneration” (ignoring naturally again the way this is expressed). The empirical propositions which are advanced here come once again under the above named “third” case. They are exclusively general judgements about causal relationships in accord with the schema, the result of X is always, or “regularly”, Y. Where then are undertaken the accompanying generalizations of “observations” “from the point of view of the idea of purpose” in opposition to general causal propositions?

The competing maxims are themselves ultimately *values* which have to be weighed up against each other and between which ultimately a *choice* has to be made. But this choice can certainly not be founded by way of “generalizing” from “observations” but only by way of the “dialectical” exposition of their “inner logic”, that is of the “supreme” *practical* “axioms” which lie behind these maxims. This is just how Stammler proceeds as we shall see later in the deductions in the last chapter of his book. On this occasion not only does he pin-point perfectly the absolute logical disparity between causal “explanation” and “value-judgement”, between predicted developments and obligation, but in the course of depicting historical materialism he clarifies the contrast (pp. 51-55) in a “dialogue” between a “bourgeois” and a “socialist” with a gratifying vividness. The contestants “wrestle in separate elements” since one of them talks of what *will be* inevitable, according to established (actual or supposed) rules of experience while the other talks of what definitely *should* not happen, with reference to definite (actual or presumed) cultural values. “It is”, says Stammler, “the battle of the bear with the shark”. Good! But in view of that could one scarcely credit it as possible for Stammler, in the way which we have so often encountered, a few pages later, to treat both question settings, which he well knows to be utterly distinct, as being *identical* with each other? Or is this not what happens when on page 72 he asks what “is then the universally valid procedure by which one generalizes (N.B.!) single perceptions (N.B.!) from history and identifies and defines them as phenomena ‘conforming to laws’”? In the same breath without blinking an eyelid he continues, “If anyone is ignorant of what it means to *justify* (N.B.!) a phenomenon of social life, then it has no meaning to enter into particular disputes with him as to whether a specific social opinion or aspiration is justified or not”. Whoever does not see that Stammler is “wrestling in separate elements” and actually brings it about that “the battle of the bear with the shark” is dissolved into a mild, peaceful and confused fraternity, it appears to me, does not want to see it.

Any reading of the book shows, however, that this repeated, step by step mystification of the reader through continual juggling with two heterogeneous problem settings

is not by far the worst of the continual changes of front with which the “theory of knowledge” base of Stammler’s “critique” of historical materialism operates. We want by now to ask just what does Stammler mean by “social materialism”, the concept he uses interchangeably with “materialist conception of history”. The conception criticized (presumably) by Stammler is, or, more properly was called “materialist”, and in spite of everything we can formulate the collective opinion of its followers in this way, because it asserted the clear determination of “historical” processes by the prevailing method of the production and use of “material”, that is economic goods, and in particular also the clear determination of the “historical” activity of human beings by “material”, that is economic interests.

Once again we have to make the most willing concession to Stammler and agree that *every* single concept employed here in this purely provisional definition contains problems and is of very indefinite content. Perhaps they cannot be delimited with absolute precision but are fluid and we have to make an explicit statement (which anyway goes without saying for anyone who knows the conditions of scientific work) that the distinction of “economic” from non-economic determinants of events is always a matter of *conceptual* isolation. But this makes not the slightest difference to the fact that “economic” interests, “economic” phenomena, “material” relations, etc. are considered as a *part* of “life in society” or of “social life” in the sense of Stammler’s terminology. Stammler himself had recognized (p. 18) that historical materialism wished to assert something general about the “rank ordering” of one element of social life in relation to others. At another point (pp. 64-7) he gives examples quite in accord with this view, conforming to the normal form of expression, and gives a critical interpretation of them in respect of the reciprocal causal relationship of “economic” (“material”) and *non-“economic”* motives. But three pages later (p. 70, penultimate paragraph), it suddenly reads:

Once one identifies the concept of the conformity to laws of social life with that of the casually explained process of social changes, how can one avoid the conclusion that *ultimately* all identified occurrences of societal life can be traced back in their *dependence* to the foundation of social economy?²⁴

One asks in vain how Stammler hopes to make this argument plausible which in effect gives, as one sees, historical materialism all it requires and more too. For it is truly not intelligible how, from the validity of the postulate of sufficient causation for all historical events and every phenomenon of social life, it is supposed to follow that all historical events and every phenomenon of social life in the last resort must be able to be explained from *one* of their elements *alone* and any contradiction would amount to an infringement of the category of causality. But hold on! If we turn back two pages, we

24 Example, on p. 71, top: The “decisive” influence “in the ultimate basis” of economic conditions on the development of architecture (incidentally in itself a scarcely convincing case which, moreover, since he attempts to support it with *factual* evidence stands in contradiction to the supposedly “formal” character of this principle). This characteristic diplomacy of unclarity, of which we spoke earlier, makes itself obvious here. “Traced back in dependency”, “decisive influence” are expressions which in their literal meaning always allow Stammler the let-out that he has not (as the “strict” materialist does) talked of *exclusive* economic determination. But that “in the ultimate basis” still smacks too authentically of historical materialism in its formulation to permit him to make use of it.

find (p. 68) the assertion that it is impossible to assume a multiplicity of “basic units” “in which quite separate causal chains run parallel”. In the historical field no expert assumes anything of the kind and everyone knows that the causal regress of any “individual phenomenon” branches out into infinity. The causal analysis of “economic” phenomena, that is those whose “economic” side in a particular case arouses our *interest* and need for explanation leads to political, religious, ethical and geographical conditions just as in reverse political phenomena lead to “economic” and all the others. So with this proposition comes naturally all the less support for Stammler’s thesis since immediately afterwards he reflects that every consideration of a single side, and therefore also the economic, for the purpose of separate analysis only amounts to an undertaking of conceptual abstraction from the “total complex”. So we are no further forward in understanding the justification for the sentiment on p. 70.

Let us turn back another page (p. 67, bottom) and we find it asserted:

Every individual piece of research which is carried out on the basis of the law of causality must assume as a fundamental condition the comprehensive linking of every particular phenomenon according to a (!) universal law, which is then demonstrated (?) in the particular case.

Here we have plainly, at least in Stammler’s opinion, a central cognitive theoretical doctrine in historical materialism with which he aligns himself unconditionally as is evidenced by the thesis on p. 70 which concerns us here and is now intelligible as a deduction from that doctrine. If one asks how Stammler arrives at this position there are probably (for certainty cannot be achieved in this jumble of a book) fallacies from a variety of sources involved. A number of things he says suggests that he has in mind that the “exact” natural sciences operate with the idea of “reduction” of qualities into quantities, e.g. phenomena of light, heat and sound into the movements of non-qualitative “ultimate” material units. Thus the idea can be fostered that only those quantitative transformations of matter are the true “realities” and the “qualities” are their “subjective reflections” in the mind and thus without a “true reality”. Thus he believes that according to the doctrine of historical materialism the “matter” of historical life (economic relations and interests) and its “transformations” are the sole reality and everything else is mere ideological “superstructure” and “reflection”. It is well enough known that this basically distorted and scientifically worthless analogy even now dominates the heads of many “historical materialists” and with them obviously also that of our author.

In addition perhaps, a further, similarly not unusual fallacy which we have already met occurs with Stammler. We talk in an imprecise and doubtlessly directly misleading way of causal “law”. It thus appears that the “fundamental postulate”, at least in its generalizing use, is simply the supreme generalization which is possible for empirical events, the most abstract “theoretical proposition” of empirical science the “applications” of which, valid always for “specific conditions”, are the “natural laws”. But the “law of causality” interpreted this way tells us nothing at all about the “reality” of any sphere of the world. It is however easy to think if one “applies” it to the world that there must always be an *original*, absolutely valid, universal proposition, a “universal law”,

the content of which can be nothing other than the “causal law” holding for and applied to the most *universal* and *simple* elements of the world. That would be the causal “world formula” of which many adherents of naturalism dream. The individual processes of the world would be “in the last resort” the causal law “operating” under specific conditions, just as the orbit of the earth is a “case” of the “operation” of the law of gravitation.

As we have already said Stammler never in so many words expresses this confusion of natural laws and “categories”. Certainly it would scarcely do credit to a disciple of Kant and indeed if one were to confront him with it as his view he would probably protest against it. But then I will ask how else is one to explain the “chemically pure” nonsense which he has written at both places we have discussed (p. 67 bottom and p. 70, penultimate paragraph) in conjunction with the idea we have already met that the most general theoretical proposition of a science is its “formal” principle and then finally with the constant confusion of “points of view” and “methodological principles” with transcendental and therefore *a priori* “forms” (in the Kantian sense), i.e. *logical presuppositions* for experience?

However that may be, the proposition about the necessity of a universal law, which as a *unitary* point of view is constitutive of the totality of all causally explicable phenomena of social reality, in conjunction with the idea that this “supreme” universality is both the “form” of existence and simultaneously the form of the cognition of social reality, its corresponding matter, immediately bears its fruits of confusion. The adjective “materialist” corresponds to the word “matter” and this permits a concept of a “materialist” view of history to be constructed, the essential nature of which culminates in the assertion that the “form” of historical, or of “social” (which Stammler uses as a synonym without further clarification) life is determined by its “matter”. Certainly this “conception” has absolutely nothing, apart from the name, in common with what one usually, and also Stammler as we have seen repeatedly, has named “historical materialism”. For it is clear that in the meaning of *this* terminology *every* single “element” (to talk Stammler’s language) of “social life”, of religion, politics, art and science, as well as equally the “economy”, belongs to *matter*. But the normal historical materialism, as it has been styled by Stammler also up to now, asserts something about the dependence of all other elements on the “economy” and therefore is saying something about the dependence of a *single* part of “matter” on another. In no way is it asserting something about the dependence of the “form” of “social life”, in the newly established sense of the word, on its “matter”

For it the conventionally styled “materialist” conception of history occasionally puts it that specific contradictions of political or religious thought are “simply the form” in which material conflicts of interest *express* themselves, or if one calls the phenomena of light, heat, electricity, magnetism, etc. various “forms” of “energy”, it is nonetheless obvious that the word “form” is being used *in quite the opposite sense* to that in which Stammler uses the word “form” in his argument. For whereas with Stammler “formal” designates the unitary, general, “fundamentally universal” in contrast to the diversity of “content”, “form” is just that changeability and variety of the “phenomenon” behind which the unity of the only truly real is hidden. The changing “forms”,

as interpreted by the materialist view of history, are just that which Stammler calls “matter”. One just sees how dubious it is to hawk around such categories as “form-content” without giving a completely unambiguous interpretation each time. But is it ambiguity which is Stammler’s natural element and it is just and only that which enables his Scholasticism to fish in troubled waters.

The initial juggling with two basically different concepts of “materialist” simply offers Stammler the possibility on page 37 of advancing the dependence of religion and morality, art, science and social ideas on *economic* life as examples to strengthen the correctness of the historical materialist construction. Similarly he takes as examples on the one hand the *economic* determination of the crusades and the reception of Roman law and on the other hand the *political* determination of the enclosure of peasant land. But then on page 132 “human co-operation is directed to the satisfaction of need” (according to p. 136 that is “production of pleasure and avoidance of displeasure”) and is designated “matter” absorbing the empirical course of human existence without *remainder* (p. 136, penultimate paragraph). This is accompanied by a very definite rejection of any kind of distinction within “matter” according to the “kind” of needs which are satisfied (p. 138) and (only this far does “co-operation” take place) according to the means which are employed (p. 140). After that he imagines it is possible to operate with *this* concept of the “material” (in opposition to “*formal*”) of social life to “refute” a historical materialism which operates with a completely *different* concept of material (as the opposite primarily of “ideological”). But here we have anticipated something.

In the comments on page 132ff, which we have used as examples, Stammler had introduced again a narrower meaning for the pair of opposites, form/content, which in his view has a special validity for “social life”, is peculiar to him and constitutive for his concept. We will have to attend to it and, after so much criticism of Stammler’s introductory discussions, to the positive kernel of his doctrine all the more if he (or one of his followers) could say in opposition to all that has been asserted, “You have allowed yourselves to be mystified by me into taking me seriously. I have of necessity had to speak the conceptual language of historical materialism. But my purpose is simply to reduce this conceptual language to absurdity in that I let it expire in the swamp of its own confusion. Read further and you will experience the inner self-destruction of this conception and its replacement with a pure new doctrine. As your prophet I have just so to say howled incognito with the wolves.”

Certainly the imitation, if it should be such, would be of doubtful value, but anyway we have to reckon with this possibility of having been mystified by Stammler. He always avoids making it unambiguously clear where historical materialism ends and he begins to speak. And he concludes the first book of his opus, which up to now is the only one we have analysed as far as is necessary, with the solemn reference to the “*carmina non prius audita*” which further await us. Forward! Let us observe the feast he prepares for us. But it will be a good thing if we do not quite forget the scepticism his previous attempts aroused in us and the memory of how fundamentally distinct categories of

knowledge were thrown together in matters where undoubtedly Stammler was speaking for himself and *not* as representative of historical materialism.

Stammler's stated aim is to prove that the "science of social life" is simply different from one of the "natural sciences" by showing that "social life" is a completely different object of consideration from "nature" and thus demonstrating that a principle of social science different from "natural scientific method" is logically unavoidable. Since the opposition is clearly thought of as an *exclusive* alternative it is plainly all the more important to establish what is to be understood by "nature", "natural sciences", "natural scientific method" and what should be the criteria for distinguishing them.

In everyday usage it is usual to mean several things by "nature", either 1. "dead" nature or 2. this and "living phenomena" which are not specifically human or 3. both of these and in addition living phenomena of a vegetable and animal kind which human beings have in common with animals, with the exclusion of the so-called "higher", "spiritual" life activities of specifically human kind. Then the boundary of the concept of "nature" would lie respectively about there (for we cannot even begin without severe imprecision) where 1. physiology (plant and animal physiology), or where 2. psychology (animal and human psychology) or, finally, where 3. the empirical disciplines of "cultural" phenomena (ethnology, "cultural history" in the broadest sense) begin to separate their own object from the totality of the empirical world. But in each case here "nature" is distinguished as a complex of definite *objects* from other heterogeneous objects.

A second concept of nature arises *logically* distinct from this conventional one if one considers natural science to be research into empirical reality in respect of the "general", the timeless, valid rules of experience ("laws of nature") and contrasts this with the examination of the same empirical reality in respect of the causal determination of the "individual". Here the distinguishing criterion is the type of *examination*. The opposite of "nature" is then "history". Sciences like "psychology", "social psychology", "sociology", theoretical social economics, "comparative religion" and "comparative law" belong to the "natural sciences" while the dogmatic disciplines are right outside this contrast.

Finally²⁵ a third concept of "natural science" emerges and also indirectly of "nature" if one contrasts the totality of disciplines which aim for empirical-causal "explanation" with those which pursue normative or dogmatic analytical purposes: logic, theoretical ethics and aesthetics, mathematics, legal dogmatics, metaphysical dogmatics (for instance, theology). Here the distinguishing criteria are the categories of judgement ("is" and "ought") and consequently the totality of objects of the "historical sciences" including, for example, the history of art, morals, economy and law fall under the concept of "natural science" which now has a scope extending to all research which uses the category of causality.

We shall become acquainted later with two more concepts of "nature" and for the

25 "Finally" does not mean that even an approximately exhaustive enumeration of possible and actually used concepts of "nature" has been given. See further below.

moment break off: the variety of meanings of the expression are fully manifest. Later on we will have to be on constant watch to see what Stammer means by the latter when he contrasts "social life" with "nature". But now let us ask what are the distinguishing features of the antithesis he has discovered to "nature", namely what is supposed to be constitutive of "social life", for his whole argument is built upon this concept.

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