PATRIARCHALISM IN IMPERIAL CHINA AND WESTERN EUROPE

A Revision of Weber's Sociology of Domination

GARY G. HAMILTON

By contrasting patriarchalism in Imperial China with that in Western Europe, this article seeks to revitalize Weber's sociology of domination and show it to be a useful, discerning approach to the study of historical societies. My effort to renew a Weberian perspective is based upon a critical evaluation of Weber's work, following the lead of Roth, Schluchter, and Turner.[1] The point of criticism is Weber's interpretation of Imperial China. In particular, I criticize (1) his insistence that patriarchalism in China was the same as patriarchalism in the Mediterranean societies of Antiquity, and (2) his conclusion that Imperial China was a static civilization because it was unable to break the "fetters of the sib."[2] These criticisms are not petty ones because Weber's analysis of China is central to his understanding of world history and of the West's unique place in that history.[3] Weber made China the archetype of patriarchal, patrimonial societies, and hence the standard against which all changes in the West can be assessed. Weber misread the character of patriarchal domination in China and this misreading throws into question the adequacy of Weber's typology of domination for the analysis of non-Western societies. But, on the positive side, understanding Weber's misinterpretation of China provides a new way to view and to appreciate Weber's penetrating analysis of the developmental trends of Western civilization. A conceptualization of domination in the manner of Weber's is essential to the comparative analysis of history and of civilizations.

First, I outline Weber's concept of domination as he relates it to the organization of the state. Second, I argue that Weber's interpretation of China can be best understood in the context of his larger work on developmental trends in Western Europe. Third, I contrast the principle of patriarchy found in China

Department of Sociology, University of California, Davis.

with that found in the West, and show that as patterns of domination they differ both in logical form and in institutionalized practice. Fourth, I conclude with a brief assessment of Weber's typology of domination for the sociology of history of Western and non-Western societies.

Weber on Domination and State Organization

Weber contributed to the sociology of the state with his thesis that the principles by which people understand the *dominium* of one over another provide power holders with a legitimate means to organize power relations within the state. In interpreting this contribution, however, writers often emphasize specific aspects of this thesis and ignore others. For example, such theorists of the social order as Parsons, Habermas, and Luhmann find particular merit in Weber's notion of legitimacy and seemingly little in his ideas about principles and organization.[4] Mommsen, Schluchter, and Bendix, however, stress Weber's typology of domination,[5] particularly the ideal-typical and historical relationships among the three types, and, by comparison, downplay Weber's ideas on legitimacy and organization. Mommsen goes so far as to discount Weber's use of legitimacy altogether: "Legitimacy, in Weber's terms, amounts to little more than an equivalent of the stability of the respective political system."[6] State theorist Skocpol, most organizational theorists (e.g., Etzioni, Perrow, and Scott), and such Weber specialists as Beetham and Dronberger place Weber's ideas about organization before those about legitimacy or principles.[7] Skocpol, who says she "owes a good deal to Max Weber," carefully acknowledges that she does not use the Weber who "tended to theorize about major forms of political structures in terms of the dominant kinds of ideas" or the Weber who wrote of legitimacy.[8] Hers is the Weber who developed the organizational perspective of the state and recognized the importance of *Realpolitik*.

These writers use Weber's thesis to different ends, and so, quite appropriately, lay claim to different aspects of it. Nonetheless, the core of Weber's sociology of domination is found in the relationship between his three central concepts: principle, legitimacy, and organization. The key concept is principle.

In explaining the creation of state structures, Weber always acknowledged the importance of economic and societal forces, and he particularly stressed the role of military conquest. But he also looked beyond these forces to argue, in addition, that all political orders, insofar as their rulers attempt to extend and to stabilize their regimes, need to convert a rule of force into a rule of right. Attempting to justify their regimes, leaders work to establish a

routine basis of obedience that binds their subjects, as well as their officials, to the political center. To establish routines, leaders always draw upon *shared understandings* of power and obedience in organizing their subjects and staffs. These shared understandings are what Weber called the principles of domination.

These principles, what Weber in "Politics as a Vocation" termed "inner justifications,"[9] are independent of specific rulers and regimes. Rulers do not decide upon which shared understandings to pick, but rather they decide on how to use these prior understandings for their own ends. Weber's principles of domination, then, amount to normative codes that form the foundations of rules and procedures that individuals routinely use to control each other's conduct. According to Weber, these codes are consistent and reproducible; they do not add up to ad hoc justifications for existing actions; and they are only minimally open for negotiation and for change on the part of either rulers or subjects. Instead, what is fully negotiable and changeable is the manner in which specific rules and procedures are going to be used to justify particular sets of people, practices, and interests.

Weber thought there were only three such inner justifications: tradition, law, and charisma. "The continued exercise of every domination," said Weber, "always has the strongest need of self-justification through appealing to the principles of legitimation. Of such ultimate principles, there are only three."[10] How Weber decided there were only these three ultimate principles is unclear. This decision is perhaps based on Weber's judgment of the historical record. But setting aside for the moment any quibble about the number, one finds Weber, as I indicate below, placing extraordinary emphasis on one of the three principles – on tradition, a category that includes patriarchalism, patrimonialism, and piety and that Weber thought was epitomized by Imperial China.

Weber did not dwell on these principles and explored their philosophical qualities hardly at all. In this regard, Mommsen is right; "we hit a vacuum" when we press Weber about the general nature of these principles and the general reasons they are regarded as legitimate. "We are told," says Mommsen, "that there are three different types of such beliefs, but that is about all."[11] But Mommsen is wrong in that Weber's interest was not in the principles in the abstract, but rather in the principles as worked out in routines of action. On this subject Weber wrote plenty, and here his genius shows in the argument that the "kind of justification . . . is much more than a matter of theoretical or philosophical speculation" but "rather constitutes the basis of very real differences in the empirical structure of domination."[12]

Indeed, a perspective similar to Weber's view on the interrelationship between principles and actual practices of domination is also found in the recent work of Geertz and Foucault.[13] Both Geertz and Foucault show, in quite different ways, that the idea and the practice of power are indistinguishable; the "dramaturgy of power," says Geertz, is intrinsic to its nature; the "real is as imagined as the imaginary."[14] Weber, too, had the same relation in mind when he wrote about legitimation, when he argued that actual organizational practices validate the principles of domination, just as these principles imply and justify sets of organizational practices. In this context, legitimate principles are to Weber's analysis of state structure what "thick description" is to Geertz's analysis of culture: only by knowing something about the first can we account for variations in the second.

Weber ignored making many formal distinctions between the principles of domination and their practice and declined to develop a general theory of legitimation. Both would have been meaningless exercises. But he wrote at great length on the differences among empirical structures of domination. This is the organizational part of Weber's work. Like legitimation, this aspect is not separate from his ideas about principles, but instead centers wholly on working through the implications of how principles shape practices. As Weber stated, "According to the kind of legitimacy which is claimed, the type of obedience, the kind of administrative staff developed to guarantee it, and the mode of exercising authority, will all differ fundamentally."[15]

Weber worked out the empirical differences in two related spheres, first as principles of domination underlying the organization of state structures and second as principles subject to change and hence as an important source of societal rationalization. In theory, each principle of domination, if acted upon earnestly and systematically by rulers, staffs, and subjects, suggests its own organizational forms and its own dynamics of change.[16] Weber, however, did not attempt to argue that states actually reproduce these principles of domination in any complete way. Instead Weber developed these principles as "pure" types. To Weber, historical reality was complex and incapable of being retrieved without distortion; concepts of analysis could not hope to capture reality – the sheer essence of things – in the abstract. Instead, concepts should be artificial and one-sided, and should be used to decipher a limited aspect of an historical configuration and to untangle some of the more important causes for an historical trend.[17] Accordingly, none of the ideal systems of domination exists in history. But what political systems do occur in "historical reality," said Weber, "constitute combinations, mixtures, adaptations, or modifications of these 'pure' types."[18] Weber analyzed state structures and traced developmental sequences by contrasting the artificial

typologies with historical data. From such contrasts he attempted to understand the organizational mixtures and modifications as well as the direction and consequences of historical change.

Using this procedure, Weber argued that the full development of legal-rational domination is unique to the West and arrives late. Although clear, but ancillary, trends occur earlier and in many places, laws form the central justification of a qualitatively distinct system of domination only with the decline of absolutism in Europe.[19] In contrast, Weber showed that charismatic domination is old, is a timeless appeal to the person that exists in all periods and in all societies.[20] But charismatic domination is also unstable; it is incapable of long-term survival because of the intense emotionalism attached to a single personality, the need for the charismatic to prove repeatedly his extraordinary qualities, and the difficult task to establish long-term succession without disrupting the charismatic power of the original leader. As a consequence, said Weber, successors typically endeavor to make charisma part of fixed routines and thereby incorporate it into the sacredness of the past. Charisma reverts to tradition.[21]

Because legal-rational domination is recent and charismatic domination unstable, traditional domination stands alone in Weber's sociology as the basic model for centuries of routine rule in multitudes of societies. Some modification of it represents Rome as well as Tsarist Russia, China as well as ancient Egypt; it typifies tribal, feudal, and monarchist regimes; it describes rule both in antiquity and, wrote Weber,[22] in modern Asia. Weber had much in mind when he used traditional domination, and even though he added subtypes to his basic category (e.g., sultanism, feudalism) it bears the weight of too many examples to distinguish sharply among pre-modern political regimes.

But the important point here is that Weber did not use this concept to differentiate in detail among many pre-modern and non-Western societies. He used it to sketch some differences between China, Egypt, Russia, among others and with a battery of other typologies, he draws out the distinguishing traits of India, ancient Judea, and China. These uses are secondary to Weber's primary purpose in using the concept of traditional domination: Weber wanted to make a case for the unique development of Western Europe. Indeed, to Weber the importance of traditional domination is that it provided a beginning point from which to explain the developmental trends of Western civilization, and this, too, is the importance of patriarchalism and patrimonialism, because to Weber they are aspects of traditional domination that diminished, even vanished, in Europe, but blossomed in China.

Weber on China

The Context

Weber drafted the most important part of his sociology of domination in the sections of *Economy and Society* that he wrote first; he published a detailed plan of these sections in 1914. He completed the first version of his essay on China "around 1913," but did not permit its publication until 1915, when the first of two parts appeared in *Archiv für Sozialwissenschaft und Sozialpolitik*, with the title "Die wirtschaftsethik der Weltreligionen: Der Konfuzianismus."[23] When the China essay was published, Weber said he had wanted his essays on world religions "to appear at the same time as *Economy and Society* and to interpret and supplement its chapter on religion, but also to be interpreted by it in turn."[24] The outbreak of World War I hurried Weber into print; he allowed publication of the China essay before finishing his work on the other world religions. Therefore, if one considers the timing of his other projects, it is likely that Weber wrote "Part Two" of *Economy and Society* and the initial essay on China in the same span of time and meant for each to illuminate the other.[25]

What does this concurrent work mean in the development of Weber's sociology? In retrospect, it seems that these two works mark a major shift in Weber's writings. By 1910, before he began examining musical rationalization, Weber had worked exclusively on topics (1) that centered on some aspect of Western civilization, and (2) that allowed him to master primary sources or to do primary research.[26] But after 1910, Weber relied increasingly on secondary sources and expanded his research to include topics beyond the boundaries of Western civilization.

Before 1910, Weber had certainly showed some interest in combining comparative research with a broadly conceived analysis of social change. This interest is evident in *The Protestant Ethic and the Spirit of Capitalism* (1904–5), in Weber's study of Protestant sects (1906), and in the methodological essays written before 1908, which lay out a rationale for comparison but contain no comparative research per se. But only in 1909, in *Agrarian Relations in Antiquity*, did Weber first attempt a rigorous historical analysis using a comparative typology. This work, published just as Weber began thinking about a sociology of religion and a systematic approach to political economy, contains "nothing less than a comparative social and economic study of Mesopotamia, Egypt, Israel, Greece, the Hellenist realm, and Republican and Imperial Rome."[27] For this analysis Weber developed a nonevolutionary typology of political organization and argued that different

types correspond to different economic and social conditions. Although this typology of domination was not the one found later in *Economy and Society*, Weber did, for the first time, according to Guenther Roth, "assemble the elements that went into the making of his Sociology of Domination in *Economy and Society*: patrimonialism, feudalism, charisma (as military communism), the city and hierocracy."[28]

Although comparative in focus, *Agrarian Relations in Antiquity* more importantly reveals Weber's continuing emphasis on historical content rather than on sociological conceptualization. After an introduction, in which Weber explained competing economic theories of antiquity and outlined the typological features of ancient societies, he then analyzed each society separately and in detail. This manner of organizing a study is similar to that used in the *Protestant Ethic*, where after a long introduction of several parts, Weber discused the four principal forms of ascetic Protestantism. After *Agrarian Relations in Antiquity*, Weber did not organize his comments this way again. Hereafter, marking his transition to an emphasis on typological analysis, Weber organized his academic writings by analytic topic and compared cases within that topic area, rather than, as he did earlier, compared topics within case studies.

Therefore, before 1910, Weber's main focus, as Mommsen notes,[29] is that of a historian, a world historian to be sure, a historian interested in examining long-term changes, but a historian nonetheless. By the time Weber had completed his initial essay on China and had written a substantial portion of Part Two of *Economy and Society* between 1913 and 1914, Weber's focus had shifted to more that of a sociologist of history.[30] As a historian, Weber restricted his analysis to specific topics in specific periods, even though he occasionally explored the comparative implications of his historical explanations. As a sociologist of history, Weber concentrated on two tasks that are related to what became his main project, that of providing a developmental (i.e., sociological) account of Western civilization. First, in *Economy and Society* Weber worked on the typological framework necessary for studying the rationalization processes of Western history.[31] Second, using this framework in the "Economic Ethic of World Religions," Weber constructed a developmental history of economic and religious ethics in Western civilization against the comparative backdrop of non-Western and pre-Western civilizations.[32] For both tasks, which occupied most of his time from 1910 until his death in 1920, Weber let go of historical explanations and case histories and took up typologies and typological analysis.

Written at the same time as, but published before the earliest sections of

Economy and Society, Weber's essay on China (hereafter, *The Religion of China*) is his first study that combines all the qualities for which, correctly or not, Weber's sociology is now known. Typological matrix, comparative analysis, macro-historical focus, developmental theories of historical change – all of these are found in *The Religion of China*, where they form, unfortunately, a confusing essay.[33] But the confusion, arising from Weber's manner of presentation, is itself important, because it reveals that Weber did not attempt to make it a coherent whole; it is rather a companion piece to Part Two of *Economy and Society*: it is a testing ground for ideas that Weber developed in his study of antiquity and generalized, via China, to non-Western societies; it is a test of Weber's developmental theories of Western civilization.

Let me make my interpretation clearer. In order to write *Economy and Society*, Weber needed, logically, to analyze major non-Western civilizations that were as far removed from the West as possible; and because there was none further or more extensive, China and India were natural choices. In 1909, before agreeing to take on the task of editing and contributing to the series on political economy, Weber had not studied a non-Western society outside the Mediterranean basin, did not regularly use references to them in any of this work, and had only worked on topics for which he could master the primary sources.[34] After Weber was fully committed to the series, it had almost collapsed, when other contributors that he had lined up began to back out or turned in substandard work. Weber found himself with a major obligation but no way to fulfill it except to do more writing himself. "Since no replacement could be procured for some of [the planned contributions]," said Weber in a letter to his collaborators, "I felt that in order to make up for this and enhance the work's special quality I ought to provide a rather comprehensive sociological discussion for the section on economy and society, a task I would otherwise never have undertaken in this form, and in doing so I sacrified other projects that were far more important to me."[40] But Weber did not sacrifice his work on China and other non-Western societies, even though he had to spend a great deal of time reading and writing on material completely outside his previous academic work. Weber needed China and the others, because he needed to judge the usefulness of his typologies and to test the developmental theories that he poured into *Economy and Society*, the very typologies and theories that would show the uniqueness of Western civilization.

In *The Religion of China*, Weber reworked the lessons that he first learned in his study on ancient civilizations and then formalized in *Economy and Society*. To be sure, with the demands of *Economy and Society*, the lessons

grew more complex, but the models became more generalized, more "ideal typical," more based upon logical coherence than factual accuracy, and more able to withstand the vicissitudes of Chinese history. Through the typological filter provided by *Economy and Society*, Weber blocked out the distinctiveness of Chinese civilization. China took its place beside Mesopotamia and Egypt to become a summary of the potential in all non-Western societies. In this regard, China was not a negative case, but rather the rule, or at least a variation of the rule, that obtained in all these societies. And that rule was based upon patriarchalism and the modification of patriarchalism at the level of state structure that Weber called patrimonialism.

The Analysis

Weber placed China, Mesopotamia, Egypt, Rome and so many other, diverse examples in a single category of traditional domination because he was convinced that most traditional regimes derived their justification and organizational forms from "the master's authority over his household," that is from patriarchalism.[36] Weber first used patriarchalism in *Agrarian Relations in Antiquity*, where he combined it with the Greek term meaning great household, *oikos*, to describe the patriarch's authoritarian rule over a domain.[37] But Weber extends and systematizes this meaning of patriarchalism in *Economy and Society* and *The Religion of China.*

Weber wrote key sections on patriarchalism in *Economy and Society* for his treatments of religion, law, and domination – all of which are in the oldest part of the book, which Weber wrote about the same time as his essay on China. For his sociology of religion, Weber provided an important discussion, "Ancestor Cult and the Priesthood of the Family Head," in which he linked the religious (magical) and authoritarian dimensions of patriarchalism. He wrote, "A high degree of development in the domestic cult of ancestors generally runs parallel to the patriarchal structure of the household."[38] Using two examples, China and Rome, Weber further argued that "Wherever such a religious bond of household and kin groups exist, only two possible types of more inclusive associations, especially of the political variety, may emerge. One of these is the religiously dedicated confederation of actual or imaginary kin groups. The other is the patrimonial rule of a royal household over comparable households of the subjects, in the manner of an attenuated patriarchalism."[39]

Justified in sacred terms, patriarchalism also provided a basis for secular judgments. In the sociology of law section, Weber outlined patriarchal law as follows:

> The primeval form of "administration" is represented by patriarchal power, i.e., the rule of the household. In its primitive form, the authority of the master of the household is unlimited. Those subordinated to his power have no rights as against him, and norms regulating his behavior toward them exist only as indirect effects of heteronomous religious checks on his conduct . . . [P]atriarchal power . . . represents the primitive form of government.[40]

Weber gives ancient Rome as an example of the primitive law that remained largely intact, where the "administration of justice stopped at the threshold of the household." Weber then argued that this logic of domestic authority "diffused beyond its original sphere and was carried over into certain forms of political power, viz., patrimonial monarchy."[41] This idea sets the stage for Weber's extensive discussion of patrimonial foundation of the modern legal system, a foundation in part provided by Roman law.[42]

While short, Weber's analysis of Chinese law bore down on the point that it flowed from "the patriarchal character of the political association."[43] Citing China as an extreme example of a patriarchal system of justice, he wrote, "Chinese administration of justice constitutes a type of patriarchal obliteration of the line between justice and administration."[44]

The most extended treatment of both China and patriarchalism in *Economy and Society* is in the section on the sociology of domination. Here patriarchalism is the main focus of Weber's analysis of traditional domination. I will discuss this analysis in the next section, but at this point it is useful to stress that, although Weber did not consider patriarchalism as "the only authority that relied on the sanctity of tradition,"[45] he did think that it was the "most important [type of traditional domination] by far."[46] Accordingly, he used patriarchalism as a central theme and point of contrast in his discussions on feudalism, charisma, Caesaropapism and hierocracy. China is a less important topic, of course, but is an often-cited example of patriarchal domination and of a patrimonial state structure. However, in a short, tightly-argued section, Weber presented what amounts to a condensed version of his lengthy essay on China. This is the clearest statement in any of Weber's writings on his interpretation of Chinese political structure.

In this statement Weber clearly viewed China as an extreme form of patriarchal domination. By this Weber meant that in religion, in law, and in government the patriarch – *the person* – in the form of family heads and rulers held discretionary power over rites, over legal judgments, and over the administration of households as well as the state. Weber acknowledged the powerful force and lasting influence of the Confucian literati, a status group comparable to a priestly caste. But Weber felt in the struggle for power sib

elders and rulers repeatedly outdid officials and literati.[47] There was only limited appropriation of offices, limited formation of fixed clientage, and few attempts to create office monopolies on the part of local notables.[48] Moreover, the ideology of the literati, Confucianism, itself represented a systematization of the patriarchal principle, in particular the Confucian "acceptance of the duty of filial piety toward ancestors and parents."[49] Then Weber stated the central point: "Just as patrimonialism has its genesis in the piety of the children of the house toward the patriarch's authority, so Confucianism bases the subordination of the officials to the ruler, of the lower to the higher-ranking officials, and particularly of the subjects to the officials and the ruler, on the cardinal virtue of filial piety. . . . Confucianism elaborated this complex of ideas much more consistently [than was typical in Europe]."[50]

In *Economy and Society*, Weber paired China and the Roman Empire, and made them serve as the prototypes of patriarchalism and patrimonial domination. Then using his typological framework, Weber time and again tried to isolate the factors that allowed the West, but not China, to "break the fetters" of traditional domination. Weber used *The Religion of China* to make the long version of this case. In the earliest written sections of the essay, he focused primarily on the religious and ethical components of orthodox beliefs in ancient and Imperial China, and the central question underlying his discussion is his search in Europe for the factors that led to the break-up of patriarchalism. In China, argued Weber, "Family piety, resting on the belief in spirits, was by far the strongest influence on man's conduct."[51] It was an influence that pervaded every institutional sphere and that no heterodox belief had been able to displace.[52] Applying his typologies from *Economy and Society* to China, Weber carefully pinpointed the economic, social, and political factors that reduced patrimonial domination in the West but maintained it in China. The family, the restrictions upon officials, the cultural orientation of the Confucian literati, and above all the political structure – these all worked to intensify the principle of patriarchalism in China. In the decisive last chapter, Weber makes his case – for Europe, not for China: "The great achievement of ethical religions, above all of the ethical and asceticist sects of Protestantism, was to shatter the fetters of the sib."[53] By contrast, said Weber, in the institutional arrangements of China, "we meet with conditions very similar to those of Mediterranean Antiquity. . . . In some respects, however, these conditions were even more remote from the 'spirit' of modern capitalism and its institutions than those of Antiquity."[54]

In the extensive section on political structure that Weber added to *The Religion of China* at the time he revisited it in 1920 for inclusion in the series

on "The Economic Ethic of the World Religions," Weber stated this same conclusion in even stronger words: "In the Occident, there were strong and independent forces. With these princely power could ally itself in order to shatter traditional fetters. . . . We may ask: Were there no comparable forces in China?"[55] Weber's answer is a continuing no – no to religious, to social structural, to economic, and especially to political forces. Elsewhere in the Orient, but particularly in China, Weber observed, the "phenomenon presents itself which we usually evaluate as 'ossification.'"[56] Like Hegel, Marx, and many others, Weber concluded that, at least in regard to political domination, Imperial China was static, stuck in time, and without a genuine history of developmental progression.

The Logic of Patriarchal Domination in China

Weber based his analysis of China upon his understanding of ancient Mediterranean civilizations. For this analysis he applied concepts that he had first developed in his study of Antiquity. Using these concepts to identify features of Chinese society, Weber attempted to identify the unique aspects of Western society and to locate the reasons that China remained traditional. Underlying Weber's analysis of China, there is a sociological account of Western history, a highly conceptualized summary of the move – prodded by changes in religion, economy and society – from patriarchalism to legality, from traditional patrimonial civilization to modern bureaucratic society.

But how does Weber's analysis work for China? From Weber we learn primarily what is *not* part of China. But do we learn, through negation, what is there? Do we learn the factors that make up Chinese civilization? And if Imperial China did not change as the West did, does this mean, as Weber suggested, that it ossified, that it was without a developmental history?

In this section, I conclude that the concepts Weber generated from the analysis of Western history are inadequate to do a Weberian analysis of Chinese history; put more strongly, I argue here that Weber's analysis of Chinese civilization is not only insufficient but wrong. At the center of this critique is the thesis that Weber incorrectly equated Western and Chinese principles of traditional domination. In this section, I will contrast *patria potestas*, the Western principle of patriarchalism codified in Roman law, with *xiao*, the Chinese principle of filial obedience set forth in Chinese moral and legal codes. I argue that, by matching the Roman idea of *patria potestas* with the Chinese idea of *xiao*, and taking both to exemplify patriarchal rule, Weber built one wing of his sociology of domination – and his summary explanation of why the West outstripped the rest of the world's civilizations –

on an ethnohistorical mistake. In the conclusion, I suggest that Weber's typology of traditional, charismatic, and legal domination needs revision if it is to help and not hinder understanding the political development of non-Western societies.

A comparison between *patria potestas* and *xiao* provides crucial insight into Weber's analysis of China for two reasons. First Weber abstracted his concept of patriarchy, and traditional authority more generally, from *patria potestas*, the concept in Roman law that means literally the father's power. Second, Weber assumed that *patria potestas* and *xiao*, a word usually translated from Chinese as filial piety, represented identical principles of domination, and he assumed this similarity when he examined changes occurring in the West. To the extent that they are not identical, that they in fact embody different principles and produce different practices of domination, then it can be argued that Weber's typology of domination and Weber's analysis of China need to be revised.

In *Economy and Society* Weber's development of the logic of patriarchal domination in Mediterranean civilizations grew out of the concept of patriarchal power found in Roman law, the concept of *patria potestas*. In *Agrarian Conditions in Antiquity* (1909) Weber had already shown that patriarchal power was a common feature of ancient Mediterranean societies, and he had argued further that Roman law had codified patriarchal power the most thoroughly and closest to its original form; in Greece, city law had tempered the patriarch's authority within his household, just as Mosaic law had done in Israel.[57] In making the argument that *patria potestas* was the epitomy of traditional household authority, Weber was simply concurring with the opinion of most scholars of ancient civilizations.[58] He merely extended their arguments by showing the underlying logic and organizational manifestations of patriarchalism and patrimonialism. But the important point is that Weber began his own effort to depict traditional domination by generalizing *patria potestas*, by abstracting from ancient laws the principle of domination that would obtain in all premodern societies.

In the oldest part of *Economy and Society*, in the chapter on "Patriarchalism and Patrimonialism," Weber first attempted to generalize the concept of *patria potestas*.[59] The chapter is dotted throughout with Latin legal terms (e.g., *liberi, mancipium, peculium, leges*), and although the section in which Weber defined patriarchalism contains no explicit reference to *patria potestas*, the debt to Roman law is unmistakable. Like *patria potestas* in Roman law, patriarchalism for Weber "grows out of the master's authority over his household," and like *patria potestas*, patriarchalism for Weber delimits those

specific areas in which the master's power is in theory unlimited: over succession, over property, and over women and children.[60] Noting that patriarchal power in some societies had been attenuated by "diverse" conditions, Weber stated "there were no limitations in principle [to patriarchal power] in Rome and China."[61] From his discussion of household authority in Rome and from his impression that the same patterns occurred widely, in China as well as in other societies, Weber distinguished the essential principle of patriarchalism. Patriarchalism "is based not on the official's commitment to an impersonal purpose and not on obedience to abstract norms, but on strictly personal loyalty."[62] Conceptualized as being based on personal loyalty, patriarchal authority consisted of, Weber concluded, "*two basic elements: piety toward tradition and toward the master.*"[63] Weber repeated these two elements wherever he defined patriarchalism[64] and in the conceptual introduction to *Economy and Society*, which Weber wrote last, between 1918 and 1920, he further systematized them, making them central components of "The Pure Type" of traditional domination. Here he stressed the "double sphere" of patriarchal authority. On the one hand, the *position* of master is sanctified and defined by custom, by inviolable norms. In this sphere, action "is bound to specific traditions."[65] On the other hand, the *person* of the master exercises discretionary power and demands obedience from subjects based upon their personal loyalty to him. In this sphere, action "is free of specific rules."[66]

For Weber, *patria potestas* equalled patriarchalism, which in turn equalled traditional domination. In his effort to make China and the West equivalent, thereby permitting systematic contrasts for his developmental account of Western civilization, all Weber needed logically to do was to equate *patria potestas* and *xiao*. This Weber did, implicitly, in the initial essay on China where he discussed the concept of *xiao* and, explicitly, in last written sections of *Economy and Society* where he said the following:

> The *patria potestas*, which the head of a Roman family retained until the end of his life, had economic and social as well as political and religious roots (the preservation of a patrician household, military affiliation according to kinship and, probably, house, and the father's position as house priest). The *patria potestas* attenuated under the Empire, even toward the children. *In China, the same situation was perpetuated by the principle of filial piety*, which was carried to an extreme by the code of duties and furthered by the state and the bureaucratic status ethic of Confucianism, in part for reason of political domestication.[68]

Weber concluded that there was an important underlying similarity between China and Western Antiquity and so fashioned and tested his historical explanations for the West's political divergence by means of comparison with China, a society that retained its patriarchal foundation.

As far as I have been able to discover, only one other person besides Weber has attempted a comparison of *patria potestas* and *xiao*. This is George Jamieson, a sinologist, who was a contemporary of Weber and greatly influenced by Maine's *Ancient Laws*. Jamieson found some differences between the two terms, as they were integrated into the legal codes of the respective civilizations. Jamieson translated sections on family law from the Qing law codes (*Da Qing luli*). In his commentary on these codes, he compares Qing law with Roman law, and finds that "though the resemblance is striking the analogy is not perfect."[69] The legal conception of the family as a patrilineage is in both instances the same, but Roman law allows for individuals to be adopted into the group, while Chinese law "does not admit strangers."[70] The laws concerning succession and inheritance "are identical so far as regards direct descendants," but again Roman law gave the adopted stranger the full rights of an agnate, whereas Chinese law would permit no strangers.[71]

Had Jamieson known of Weber's work he would have recognized that this requirement in Chinese law forbidding the incorporation of nonkinsmen into the household undermined what Weber thought was the most important feature of patriarchalism in Mediterranean societies of Antiquity: the *oikos*, the extended economic household that was the basis of the manorial economy in Europe. But unaware of this, Jamieson wrote off this dissimilarity as a small difference. He pointed to a larger difference. He noted that there is no Chinese concept equivalent to *patria potestas*. The important term in Chinese is *xiao*. He added insightfully that *xiao* is "often translated . . . filial piety [but] piety is not the appropriate term." *Xiao* is "filial duty or submission . . . the respectful submission to the will of the father, which is assumed to arise naturally out of the relationship."[72] *Patria potestas* means power; *xiao* means obedience. "*Roman Law emphasises the dominium of the father, which implies duty and obedience on the part of the son. Chinese Law looks at it from the opposite point of view; it emphasises the duty and obedience of the son, which implies power on the part of the father to enforce it*"[73] (my emphasis).

Although Jamieson thought this distinction between *patria potestas* and *xiao* important, he essentially dismissed the difference as being only a complementary one, as if Rome and China merely stressed different sides of the same coin. Analytically, Jamieson was right; Rome and China did emphasize different sides of the same core concept of patriarchy. But the difference, though analytically small, underscores the huge differences in the institutionalization of domination between China and the West. On the one hand, the Western system is built on the institutionalization of power; power

here means, as Weber wrote, "the probability that one actor within [sic] a social relationship" can "carry out his own will despite resistance."[74] On the other hand, the Chinese system is built on the institutionalization of obedience. Obedience here should *not* be thought of as Weber understood it, as the result of someone else's power or personal will. Rather, obedience should be thought of as the Chinese understand it, which, as I will show below, means faithfulness to the duties of one's positions in life. In the West, domination centers on the institutionalization of jurisdictions, and in China on the institutionalization of roles.

Patria Potestas

Patria potestas is a doctrine making both the family a jurisdiction separate from the state and the head of the household the sole authority within this sphere.[75] In principle, the purpose of this patriarchal authority is to give the lineage head the power to preserve the lineage. The laws of all the Mediterranean societies of Antiquity codified this purpose and usually specified spheres of particular application. In early Roman law, for example, *potestas* referred to the patriarch's authority to establish a successor; this gave him great power over his sons and his son's sons, in addition to the lineage's unmarried women. He could recognize paternity or reject it, could adopt children or put them out of the lineage or even put them to death for cause. *Manus* referred to the patriarch's authority to perpetuate the lineage; this gave him considerable power over his and his son's wives. He could select and divorce wives for his sons as well as for himself and could punish women severely for misdeeds, even with death for adultery. *Dominium* provided for the patriarch's authority to assure sustenance for the lineage; this gave him power over the domain. All property was lineage property. The patriarch owned everything, wives and sons nothing. Even their labor power was his. Only the patriarch had the rights of a citizen, only he could seek justice before a public tribunal, and only he could dispense justice on his domain. Although always directed and tempered by custom, the patriarch's authority to preserve the lineage personalized his authority. In effect, all decisions became matters for the patriarch's personal judgement. Household members submitted to the patriarch's person, not simply to his position.

As Weber clearly recognized, this quality of personal submission is the essence of Western patriarchalism, and it arose from the subordinates' actual dependency upon their master. When viewed ethically, this condition of submission and dependency favors personal loyalty as the normative moral bond uniting masters and subordinates. Weber used the Latin term piety synonymously with personal loyalty to define further this moral bond. He

wrote that piety was the "cardinal virtue" not only of patriarchalism but of patrimonialism as well.[76] In this context piety means to love and to respect the father of one's country just as one would love and respect one's own father; and, normatively, out of that love and respect comes one's willingness to submit to the wishes of the ruler as one would submit to the wishes of one's father. Piety suggests a moral injunction that can be used to justify one's submission to a superior; it is a prescribed emotion, such as love is a prescribed emotion for modern marriages.

Weber made *patria potestas* the central principle of traditional domination. He then used the concept of traditional domination as a generalized historical description of political structures in Antiquity and hence as the beginning point for his explanation for the rise of the modern state. In his sociology of domination he fashioned an account of the institutionalization and changes in traditional domination that sociologically describes the development of modern society. It is an account that holds up remarkably well, and taps dimensions of change that are still understudied.

In summary, Weber thought that patriarchalism in Antiquity became the general principle of power and prerogative, a shared understanding applicable not only to fathers and sons but to kings and subjects, priests and congregations as well. In fact, suggested Weber, Western patriarchism, influenced by monotheism and particularly by Christianity, enabled the tension inherent in patriarchism between person and position to be resolved on the side of the person and personal rulership. Fathers, husbands, priests and rulers, each in their own sphere, had special and sometimes exclusive access to the gods and later to God, and used this supposed access to justify their personal will over people within their jurisdiction. The jurisdictions of each often overlapped, and so were revised; as the state grew stronger, family and priestly prerogatives reduced. Nonetheless the power within each sphere remained linked to transcendental justifications. At the level of the state Weber referred to this linkage typologically as caesaropapism and theocracy.[77] And especially at the level of the state, this legitimation of personal will allowed for the routinization of charisma, which was in effect the institutionalization of power as the personal prerogative of position holders.[78] Such doctrines as divine right and particularly the medieval notion of the "body politic" argue for the continuity of routinized charismatic rule in Europe.[79] The same resolution of tension, however, also allowed for an affinity on the part of subjects for genuine charismatic figures, people who denounced institutionalized charisma and personal rulership and who desired a "genuine" charismatic, a purely personal master whose right to power is based upon "genuine" transcendental claims.[80]

This tension in personal power between position holders and non-position holders, between kings and people, favored the development of a systematic means to define jurisdictions. This became increasingly the function of law. Legal rational domination, a unique development in the West, stressed a rule of law and impersonalized obedience to law. But as Weber saw, formal law does not exclude the person, but instead is a framework to regulate formally free people.[81] Formal law emphasizes individual rights, individual freedom, and individual constraints maintaining the rights of others. In the long run, formal law always undercuts the sanctity of positions and with it the privileges of status groups. With great insight, Weber saw that Western culture and laws were decisively shaped by the tension between the routinization of charisma – in the office of popes, kings, judges, and others who routinely called upon lordly grace and divine understanding – and the unfettered potential of individuals seeking their own salvation.[82] Formal law was king- and pope- and judge-made law, and served as a compromise between routinized and non-routinized charisma, preserving in both areas personal spheres of power.[83] The same compromise reduced the efficacy of positional justifications of power, forcing instead what might be called "a generalization of charisma." In the West each person seeks to find and to release his own inner potential, his own "calling," his own personal magic; each seeks his own salvation, in a secular as well as a religious sense.[84] Law provided the formal means that both kings and people could use to attain highly personal goals. Domination in the West preserved the personal sphere, by institutionalizing and generalizing the charismatic potential of individuals.

In brief, this is Weber's interpretation of the rise of the modern West, and Weber's typologies work well to isolate the trends in this history, even though he did not live to write the projected section in *Economy and Society* on the modern state.

Xiao

In China, the institutionalization of patriarchalism and the developmental sequence it followed differ greatly from what occurred in the West. And as they appear in Weber's sociology, the three types of domination – patrimonialism, charisma, and law – are not particularly useful in conceptualizing the tensions and their resolutions of tension in the Chinese system of domination.

As Weber correctly saw, *xiao* is the basis upon which a father's authority is confirmed in ethics and codified in law. In reference to the codification of father's authority into Chinese law, Ch'ü T'ung-tsu, in his definitive *Law and*

Society in Traditional China, writes, "It was all a question of filial piety."[85] The importance of *xiao* goes beyond the law. Fung Yu-lan, along with most Chinese philosophers since late Song, considered *xiao* "the foundation of all virtues."[86] And Donald Holzman notes that the *Xiaojing* (*The Book of Filial Piety*), which is the definitive text about *xiao*, has been one of the most widely read books ever written in China, because it was included "in the curriculum of two millenia of Chinese school boys."[87] By Ming and Qing times, *xiao* was, perhaps, as prominent a value in Chinese society as love is in our own. It was a topic of popular literature. Collected tales recounted the heroic and largely mythical exemplars of filial deeds; gazetteers devoted sections to local worthies; *The Three-Character Classic* (*Sanzijing*), a book the barely literate could read and one that beginning school children memorized, featured *xiao* above all other virtues. And, of course, *The Book of Filial Piety* (*Xiaojing*), became the canonical text about the meaning of *xiao*. But even the illiterate must have known quite a bit about *xiao*, because late imperial law demanded this virtue in the form of specific actions from all, with death by strangulation being the punishment for the worst cases of non-compliance (*buxiao*).

With regard to a son's obedience to his father, the difference between *patria potestas* and *xiao* can be summarized in a phrase. With *patria potestas*, a person obeys his father; with *xiao* a person acts like a son. *Patria potestas* defines jurisdictions within which a person can exercise personal discretion, and accordingly defines *relations of authority between people. Xiao* defines roles, and actions and values that go with roles, and accordingly defines a *person's duty to a role.* These two concepts imply different ideas about the nature of patriarchal domination both within and especially beyond the family.

A first step at understanding *xiao* is to look at the *Xiaojing, The Book of Filial Piety.*[88] The *Xiaojing* provides a clear statement about what *hsiao* means in the context of roles. Composed in aphorisms, the *Xiaojing* contains eighteen short chapters, less than two thousand characters altogether. The character, *xiao*, means to serve one's parents; but throughout the *Xiaojing* the term is used more generally to mean obedience. In the first chapter the reader is told that through the practice of virtue the world becomes orderly and human relations become harmonized, and then that "filiality is the foundation of virtue and the root of civilization."[89] In the next lines, *xiao* connects to parents ("*xiao* begins in the service of parents"), but then applies to one's service to other roles as well, to the role of serving the prince and to the role of building character. Subsequent chapters build on this expanded notion and make it clear that *xiao* involves a broad injunction: "Submit to

the roles of human relationship." The ruler, the Son of Heaven (*tianzi*), must submit to his role (chapter two), the nobles to theirs (chapter three), the officials to theirs (chapter four), the scholars to theirs (chapter five), and the commoners to theirs (chapter six). For each role, prescribed acts and necessary duties are listed; for instance, nobles should not be arrogant and should practice moderation. Each chapter closes with a phrase that "This is the *xiao* of that specific role" (. . . *zhi xiao ye*), and at the end of chapter six, the importance of each submitting to his role is explained: "So it is that, from the Son of Heaven to the commoners, if *xiao* is not pursued from beginning to end, disasters are sure to follow."[90]

The twelve remaining chapters expand two themes developed in the first six. The first theme is that of roles. Examining these chapters in light of this theme, one finds at least six different aspects of roles implied or stated in this discussion. (1) Roles come in pairs: father/son, ruler/subject.[91] (2) Each pair of roles expresses a relationship of the subordinate to the superior: The relationship between father and son is one of dutifulness (*xiao*).[92] (3) The superior of a paired relationship governs the subordinate by acting in the role of the subordinate, thereby providing a model to follow: Fathers continue to act as sons to their fathers, and rulers govern the empire by themselves being dutiful (*xiaozhi*).[93] (4) Paired roles match other paired roles in terms of the relationship expressed: The emperor/subject relationship derives from the father/son relationship, just as the relationship between senior and junior colleagues derives from that between older and younger brothers.[94] (5) Roles and role relationships are natural to human society: "The relation between father and son is rooted in nature."[95] (6) Each role must be performed fully in order for the whole to function properly: "To intimidate the king is to defy authority; to denounce the sage is lawlessness; to decry filiality (*xiao*) is to set parents at naught. This is the road to chaos."[96] Each of these six features is interrelated with the others, and taken together, they comprise a rather sophisticated theory of roles.

The second theme developed is the idea of *xiao*. Here, at least five aspects of *xiao* are discussed. (1) Submission to roles (*xiao*) is in the order of things: "*Xiao* is the invariable principle of heaven, the faithful routines of earth, and the moral standards of people."[97] (2) In regards to humans, *xiao* means obedience to the subordinate's role and not obedience to the superior's commands: "Dare I ask if a son, by obeying all of his father's commands, can be called *xiao*?" The Master answered: ". . . in case of contemplated moral wrong, a son must never fail to warn his father against it; nor must a minister fail to perform a like service for his prince. In short, when there is question of moral wrong, there should be correction. How can you say that *xiao* consists

in simply obeying a father?"[98] (3) *Xiao* consists of obeying the demands of a role, and these demands contain both principles and specific acts: For the role of a gentleman, "his speech is praiseworthy; his actions are enjoyable; his righteousness is respected; his management of affairs is imitable; his deportment is pleasing; his gait is measured."[99] (4) Human beings first learn submission to roles, that is, first learn *xiao*, by acting as a son or daughter. Necessarily learned in the family, this self-discipline is only then able to be transferred to serving other roles: "Parents give one life; no bond could be stronger. . . . Therefore, to respect others without first respecting one's parents is to act against a virtue. . . . If we model right upon such perversity, the people have no true norm to follow."[100] "A gentleman's service to his parents is filial, therefore his fidelity can be transferred to his prince. . . . Self-disciplined at home, he can transfer this good management to governmental control."[101] (5) Submitting oneself to roles results in positive benefits to society and to the individual: "The son is happy when his father is respected; the younger brother is happy when his elder brother is respected; . . . all the people are happy when the emperor is respected. Few are revered and many are made happy. This is said to be the 'Right Way.'"[102] Each of these aspects of *xiao* drives the point further that the roles of life are permanent, that they are the essence of humanness, and that to fail to submit to them is to fail to be human.

The *Xiaojing* is not a philosophical tract; it is a popular tract, a Twenty-third Psalm as compared with the technical, abstract work of most neo-Confucianists. But its popularity, as well as its canonical status, rests on its accessibility. In practice, *xiao* in the son's role, along with the extension of *xiao* in the other roles of life, was mandatory and was the very center of the logic of domination in Late Imperial China. In the abstract the message of *xiao* is also clear, and echoes a theme sounding throughout Chinese philosophy: Humanness resides in roles. The treasured qualities of life can only be gained by the careful cultivation of roles, by finding the person that lies within roles.[103] Humanness rests upon the denial of strictly individual desires and unique selves and, more generally, upon the studied negation of personal magic, that is, upon the negation of what Weber called charisma. Humanness in China is intrinsically social and relational, and not psychological and individual, as Westerners have so often viewed it.

Political theory in the West posits a direct causal relationship between the powerful and the obedient; the father's orders, the king's commands and the priest's judgements shape the decisions of sons, subjects and believers. The will of the powerful "causes" the obedience of those who come within their jurisdictions. Hence, the stability of a political structure rests on the continu-

ing presence of that will. With the death of the *paterfamilias*, the son becomes head; the king is dead, long live the king. This principle of legitimate domination is not only explicit in *patria potestas*, but, as Weber shows, is also the unifying theme in Western understandings of action and order more generally.

Xiao, however, implies no causal connection between the powerful and the weak, only a difference. As a principle of domination, *xiao* is an injunction: Live up to the responsibilities of the roles of life. Obedience to others – a son obeying a parent or a wife her husband – is to occur in the absence of commands and even in the absence of someone to command. Sons remain sons, and wives remain wives, even after their fathers and husbands die, just as the ruler always remains the Son of Heaven. Obedience is simply a part of a role and roles make up the whole. Everyone's obedience, everyone practicing *xiao*, represents a harmony of wills. In principle, then, the act of commanding another is not an act of personal will, but rather an act of duty. Power derives from role obedience, not from jurisdictional prerogatives. Emperors have a duty to govern their subjects; parents have a duty to educate their children; men have the duty to admonish their wives; and older brothers have the duty to correct their younger brothers. All must be dutiful, if disasters are not to occur.

In summary, *xiao* represents a principle of domination that rests upon duties prescribed to positions. Being dutiful, the essence of *xiao*, becomes the justification to force compliance from others. This justification of power denies legitimacy to personal leaders, charismatic or not, in office or not. Even the emperor of China was *tianzi*, Son of Heaven, and was expected to act the role of a son.

The institutionalization of this principle of domination and the subsequent changes in it, reveal patterns quite different from those stemming from *patria potestas* in Europe. For the West, Weber was right to correlate the decline of patriarchalism with the rise of public authority. But for China Weber was wrong to think patriarchalism remained constant throughout the imperial period. Patriarchalism, in fact, declined, and what Weber took for evidence of the continuing force of patriarchalism turns out to be a developing codification of roles and social responsibilities. What continued in China was not the patriarch's power to do whatever he wished with wives and children, but rather was the systematization of *xiao*. As roles and duties became more specified, superiors' discretionary powers reduced, and with it patriarchalism.

Elsewhere I have described more fully some aspects of changes in patriarchalism in Imperial China.[104] For instance, for the Mediterranean Antiquity one can show that the lineage head's power of life and death over lineage members (*ius vitae necisque*) lessened and then disappeared entirely as contending powers (e.g., priests, city government, and political rulers) increased in authority and claimed jurisdiction over the lives of believers and subjects. In China, however, as the imperial state grew stronger lineage heads did not lose their power over family members. And in fact quite the opposite seems to occur. In much of Imperial China, there were clear prohibitions against *ius vitae necisque*, especially from the Han to the Song Dynasties (206 B.C. to 1278 A.D.). But in the last two dynastic periods (Ming and Qing, 1368–1911) these prohibitions lifted somewhat, so that fathers and husbands could severely punish and occasionally kill their wives and children for lack of obedience (*xiao*) without being themselves punished for their acts.[105] On the surface, it would seem, as Weber thought, that patriarchalism was continuing, even increasing. What increased, however, was not the patriarch's arbitrary power over wives and children, but rather was the codification of roles and role responsibilities. By Ming and Qing periods fathers and husbands could brutally force sons and wives to obey because the son's role and the father's duty to punish disobedience was so much more clearly defined than it was in earlier dynasties.

Aside from continuing to have authority over close family members, fathers, and lineage heads more generally, had lost, by Ming and Qing times, most other prerogatives that Weber connected with patriarchalism. A second illustration reveals this loss.[106] Until the end of the Song Dynasty (1278 A.D.) oikos-like estates were very common in China, as were such types and conditions of dependency as slavery, bond servants, agricultural serf or serf-like peasants, service obligations, and sumptuary laws. But, beginning in the Song and continuing in the Ming and Qing dynasties, great estates and the various forms of master/dependent relationships began to disappear; and in their place arose a system of agriculture and commerce based upon rent, wage labor, and contractual obligations. Serfs became free peasants; seigniors became landlords. As Jamieson recognized, patriarchalism did not extend beyond the lineage and only genuine kinsmen made up that group. And even in the lineage, patriarchal discretion narrowed as roles became more fully specified and punishment for role violations more severe.

That patriarchal authority in Late Imperial China did not extend beyond the lineage and even there was curtailed, can, in part, be explained by examining the institutionalization of *xiao*. *Xiao* has not always been a prominent virtue or so well defined a set of actions as it became in Late Imperial China. In

ancient China, according to Donald Holzman, most inscriptions of the term seem to "concern piety towards dead parents," with a few possible references to living relatives.[106] In the classics, *xiao* is one among many virtues, and hardly the most important one, not even in the writings attributed to Confucius. Moreover, in Confucian texts, *xiao* refers primarily to one's loyalty to parents and rulers and husbands, is only loosely tied to an ordering of relationships, and does not mean unconditional obedience. Holzman traces the transformation of *xiao* into the cornerstone of Chinese ethics to Han times, when the *Xiaojing* was written and popularized. Hsu Dau-lin finds that the ideas later associated with *xiao*, namely the three bonds, originated in the Han *Yinyang* school, and not in the Confucian schools. Ban Gu (30–92 A.D.) later wrote about the three bonds in *Bohutung*, and only thereafter did they become "one of the basic concepts of the Han orthodoxy."[108] Although the notion of *xiao* remained important in Chinese thought from the Han, the associated ideas of the three bonds, the five relationships and the five constants had not yet been systematized and integrated with the ideas implied by *xiao*, and seem not "to have had currency during the first four centuries following the Han, the centuries of Chinese Buddhism and Taoism."[109]

Codification occurred in the Song dynasty, well over a millenium after the imperial period began. Neo-Confucian philosophers, according to Hsu Daulin, standardized the three bonds (*sangang*), which consisted of the tie between ruler and official, between father and son, and between husband and wife.[110] They standardized the five relationships (*wulun*): Chu Hsi (1130–1200) wrote, "Take for instance the human heart: father-son, prince-minister, brothers, husband-wife, friends, these [relationships] are just naturally embedded in it.[111] And they developed the five constants (*wuchang*), the five virtues of Confucianism; these are human-heartedness (*ren*), proprietary righteousness (*yi*), ritual (*li*), wisdom (*zhi*), and good faith (*xin*). What began in the Han as a part of the *Yinyang* school became in the late Song the core elements of a revitalized Confucianism. Obedience to the three bonds, loyalty to the five relationships, and fidelity in applying the five constants relate directly to the notion of *xiao*. With the appearance of the *Three-Character Classic*, written in late Song, these principles passed almost untouched in the popular lexicon. "Since that time," said Hsu, "Chinese children memorized those . . . principles at the same time as they learned the names of the four seasons and the four directions, of the 'six animals'. . ., and the 'six crops.'"[112] The principles became unobtrusive, taken for granted, no longer subject to philosophic debate; they simply became a part of a lived-in world. As positions became fixed, moral obligations of those positions also became fixed, as did the punishments for violations.

Accordingly, by Ming and Qing times, patriarchs had lost much discretionary power. Even fathers did not have the right to say what constituted a dutiful son. This was independent of their will. The criteria of unfiliality (*buxiao*) was fixed in custom and codified in law.[113] The role of a son could be breached even in the absence of the father, or I should say especially in the absence of a father, because it was *buxiao* to conceal a parent's death or to end mourning before the required term. To be sure, fathers could, in extreme cases, punish a son to death for failing to act like a son; but his will needed to conform to the established notion of *buxiao*.[114] And not only could the father punish an unfilial son, but so could all his close, senior male relatives and, of course, so could the district magistrates, for they were the certified specialists in judging role performances.[115] In cases of flagrant violations of *xiao*, the whole family might receive punishment including the fathers. In fact, the example that Hsu Dau-lin cites as evidence of the authoritarian nature of the three bonds is a much better example of the seriousness with which the Chinese regarded breaches of role performance, and the powerlessness of the lineage heads to prevent complete ruin as a consequence.

> In October 1865, Cheng Han-cheng's wife had the insolence to beat her mother-in-law. This was regarded as such a heinous crime that the following punishment was meted out. Cheng and his wife were both skinned alive, in front of the mother, their skin was displayed at city gates in various towns and their bones burned to ashes. Cheng's granduncle, the eldest of his close relatives, was beheaded; his uncle and two brothers, and the head of the Cheng clan, were hanged. The wife's mother, her face tatooed with the words "neglecting the daughter's education," was paraded through seven provinces. Her father was beaten 80 strokes and banished to a distance of 3000 *li*. The heads of family in the houses to the right and the left of the Cheng's were beaten 80 strokes and banished to Heilung-kiang. The educational officer in town was beaten 60 strokes and banished to a distance of 1000 *li*. Cheng's nine-month-old boy was given a new name and put in the county magistrate's care. Cheng's land was to be left in waste "forever." All this was recorded on a stone stele and rubbings of the inscriptions were distributed throughout the empire.[116]

Where is patriarchalism in this example? Where is the parallel to Rome, the society where, as Weber wrote, the "administration of justice stopped at the threshold of the household."

In Late Imperial China, the power of fathers largely derived from the increasing codification of the roles of family members. As the roles of sons, wives, and others became set in law and in practice, the father's authority to punish violations increased even as his discretionary power declined. Much the same trend occurred throughout late imperial society. Not only the duties of sons, but the duties of all roles became better defined, as did the violations for those roles. This is true for roles among commoners, but it grew especially pressing for officials. As Thomas Metzger notes, the development of sanctions for officials (chufen law) as well as the system of rewards was based

upon the idea of what the role of an official ought to be.[117] Like the idea of loyalty to one's father, the idea of loyalty to one's emperor became translated into acting the role of the subordinate. Metzger shows that the role of the official became highly stylized, and the violations of that role became increasingly codified.[118] The emperor need not be involved in the punishment or even know of the infraction. Loyalty to the father and to emperor was not personal loyalty, but rather was a part of one's own role, was depersonalized, and resembled the type of loyalty known as allegiance – which is a loyalty to symbols and philosophic principles.

The shift from personal loyalty to allegiance that occurs in Late Imperial China had a direct effect upon the dynamics of building groups. As roles became specified and the idea of *xiao* became the predominant pattern of obedience, late imperial society grew more individuated. Groups did not form around individual leaders, but rather represented a series of roles. Kinship becomes a metaphor for putting groups together and for determining hierarchies of all types. Triads built on the notion of elder and younger brothers; merchants and apprentices related to each other as fathers and sons. The roles remained, became fixed; but individuals freely moved into and out of these fictive kinship roles. Individual interests predominated, as associations became holding houses for people passing through. The terminology of patriarchalism was used increasingly to establish role relationships, but the fact of patriarchalism receded. The leader's power retreated into the definition of the duties of subordinates, over which the leader had limited say at best. The best leaders, the leaders who received the most praise, were those who set exemplary standards of conduct for their followers, who themselves were models of obedience.[119]

Just as laws do not create a lawful society, morals do not create a moral order. But the key point here is that China did not ossify, as Weber thought, but instead represents a distinct developmental track, a track that was and remains today fundamentally non-Western. As Joseph Needham said in his monumental study of *Science and Civilization in China*, "Social and world order rested, not on an ideal of authority, but on a conception of rotational responsibility. . . . Thus the mechanical and quantitative, the forced and the externally imposed, were all absent. The notion of Order excluded the notion of law."[120] It is precisely this notion of order, and the rationalization of order as opposed to the rationalization of law, that is missing from Weber's sociology of domination.

Conclusion

My analysis suggests that Weber's typology of domination – the cluster of patriarchalism, charisma, and law – does not fit Chinese history as it does European history. The typology has particular relevance in Europe because Weber purposefully developed types of domination that reflected and synthesized essential elements of Western historical experience: the struggles between kings and nobles, between popes and priests, between leaders and followers of all types. Deeply aware of the patterns of Western history, Weber understood that his concepts of analysis constituted "historical summaries," not simply ideas and abstract beliefs but distillations of patterns of actions and of the justifications supporting and channeling those patterns.[121] Although Weber fashioned these ideal types from his knowledge of Western history, he wanted to make them genuinely "trans-epochal and transcultural" so that he could test, through "comparative mental experiment and imaginative extrapolation," causal explanations about the course of Western history.[122] That the generations of students of Western society continue to learn from and struggle with Weber's concepts and historical theories demonstrates that Weber was hugely successful in his work.

But are Weber's typologies as useful in the analysis of non-Western societies as they are in that of Europe? I have only dealt with Chinese society, but for this society my analysis suggests that the answer to this question is no. As Weber defined them, patriarchalism, charisma, and law do not apply to China in the way that they apply to Europe. They do not represent summaries of Chinese history; they do not distill the debates and struggles of two millenia; they do not tap those shared understandings that informed Chinese patterns of action. And because they do not gain an equivalent grasp of Chinese as they do of Western history, they are less useful and often very misleading when one uses them to analyze and explain the course of Chinese history. If those concepts do not get at the same reality in China, what is the logical status of the conclusions drawn from using them to analyze China? As I have attempted to show in this paper, they can be used to indicate through comparison what configurations are absent from China. But they are less useful in developing a genuine understanding of Chinese history. Therefore, to understand China, and perhaps most non-Western societies, Weber's typology of domination and particularly his analysis of traditional domination, should not be used directly as a summary of an underlying reality. Weber's warning about the "perniciousness" of Marxian concepts and theories when "they are thought of as empirically valid or real 'effective forces'" should be applied with particular vigor to Weber's own concepts and theories when applied to non-Western societies.[123]

But, by equal measure, if one assumes that Weber's typology of domination misrepresents non-Western societies in some regard, it still provides an example of the sort of conceptual framework needed to analyze the historical development of state structures in any society. Weber championed comparative research, because he believed without comparisons it was impossible to examine rigorously the course of history and to develop theories of historical change. Weber rightly believed that comparisons were only possible with generalized historical concepts. But to Weber, historical research does not lead to better or more general sociological theories. Instead, sociology, as Weber put it to a noted historian, "can perform . . . very modest preparatory work" to an adequate historical analysis.[124] Concepts must lead the way to historical explanations and not the reverse. Similarly, Weber's analysis of the West provides the preparatory work for a better understanding of non-Western society. In this sense Weber's concepts are indispensable for the analysis of non-Western society, not because they are the last word, but because, along with other products of Western sociology, they are the first word, words that are used only to have their meanings altered by subsequent research.[125]

NOTES

1. Guenther Roth and Wolfgang Schluchter, *Max Weber's Vision of History* (Berkeley: University of California Press, 1979); Wolfgang Schluchter, *The Rise of Western Rationalism* (Berkeley: University of California Press, 1981); Bryan S. Turner, *Weber and Islam: A Critical Study* (London: Routledge and Kegan Paul, 1981).
2. Max Weber, *The Religion of China* (New York: Free Press, 1951), 237.
3. For a critical, but appreciative evaluation of Weber's analysis of China that parallels my own effort, see Wolfgang Schluchter's introductory chapter of his edited volume, *Max Webers Studie über Konfuzianismus und Taoismus: Interpretation und Kritik* (Frankfurt: Suhrkamp, 1983). Whereas Schluchter emphasizes the rationalization of world religions, I emphasize the rationalization of domination.
4. Talcott Parsons, *The Structure of Social Action* (New York: Free Press, 1968); Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon Press, 1975), and *Communication and the Evolution of Society* (Boston: Beacon Press, 1976); Niklas Luhmann, *Trust and Power* (New York: Wiley, 1979).
5. Wolfgang J. Mommsen, *The Age of Bureaucracy* (New York: Harper Torchbooks, 1974); Schluchter, *Rise of Western Rationalism*; Reinhard Bendix, *Max Weber: An Intellectual Portrait* (Berkeley: University of California Press, 1977).
6. Mommsen, *Age of Bureaucracy*, 84.
7. Theda Skocpol, *States and Social Revolutions* (Cambridge: Cambridge University Press, 1979); Amitai Etzioni, *A Comparative Analysis of Complex Organizations* (New York: Free Press, 1975); Charles Perrow, *Complex Organizations: A Critical Essay* (Glenview, Ill.: Scott Foresman, 1979); W. Richard Scott, *Organizations: Rational, Natural, and Open Systems* (Englewood Cliffs, NJ: Prentice-Hall, 1981); David Beetham, *Max Weber and the Theory of Modern Politics* (London: Allen and Unwin, 1975); Ilse Dronberger, *The Political Thought of Max Weber* (New York: Appleton, Century, Crofts, 1971).
8. Skocpol, *States and Social Revolutions*, 304 and 31–32.
9. Max Weber, *From Max Weber* (New York: Oxford University Press, 1946), 78–79.
10. Max Weber, *Economy and Society* (New York: Bedminster Press, 1968), 954.
11. Mommsen, *Age of Bureaucracy*, 84.
12. Weber, *Economy and Society*, 953.
13. Clifford Geertz, "Centers, Kings and Charisma: Reflections on the Symbolics of Power," in *Culture and Its Creators*, ed. Joseph Ben-David and Terry Nichols Clark (Chicago: University of Chicago Press, 1977), and *Negara: The Theatre State in Nineteenth-Century Bali* (Princeton: Princeton University Press, 1980); Michel Foucault, *Discipline and*

Punish (New York: Vintage Books, 1979). For some comments on the parallel between Foucault and Weber, see Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1982), 132–133, 165–166.

14. Geertz, *Negara*, 136.
15. *Economy and Society*, 213.
16. For a good description of this aspect of Weber's work, see Guenther Roth, "Sociological Typology and Historical Explanation," in Reinhard Bendix and Guenther Roth, *Scholarship and Partisanship: Essays on Max Weber* (Berkeley: University of California Press, 1971).
17. Considerable controversy and misinterpretation surrounds Weber's use of ideal types to analyze history. For some excellent work on the issues, see Roth and Schluchter, *Max Weber's Vision of History*, and David Zaret, "From Max Weber to Parsons and Schutz: The Eclipse of History in Modern Social Theory," *American Journal of Sociology* 85 (1980): 1180–1201. Weber's own words, however, are straightforward: "Analysis in terms of sociological types has, after all, as compared with purely empirical historical investigation, certain advantages which should not be minimized. That is, it can in the particular case of a concrete form of authority determine what conforms to or approximates such types as 'charisma,' 'hereditary charisma,' 'the charisma of office,' 'patriarchy,' 'bureaucracy,' 'the authority of status groups,' and in doing so it can work with relatively unambiguous concepts. But the idea that the whole of concrete historical reality can be exhausted in [a] conceptual scheme . . . is as far from the author's thoughts as anything could be" (*Economy and Society*, 216).
18. *Economy and Society*, 954.
19. For two recent Weberian treatments of the modern state that incorporate this point, see Reinhard Bendix, *Kings or People* (Berkeley: University of California Press, 1978), and Gianfranco Poggi, *The Development of the Modern State* (Stanford: Stanford University Press, 1978).
20. *Economy and Society*, 1111–1157.
21. The interpretation in this paragraph simplifies Weber's concept of charisma, making it more a function of a single personality than Weber intended it to be. As Roth points out in his "Introduction" to *Economy and Society*, xxxvi–xl, xc, Weber "secularized Rudolf Sohm's notion of the charisma of the Christian church" by pointing out the decisive historical aspects of "warrior communism"; to Weber charisma was a revolutionary, and certainly antipatriarchal force in history that could not be tied, strictly speaking, to charismatic leadership. Later in the article I develop a related aspect of charisma. But for more analysis in line with the interpretation in this paragraph, see Reinhard Bendix, "Charismatic Leadership," in Bendix and Roth, *Scholarship and Partisanship*, 170–187; and Thomas E. Dow, Jr., "An Analysis of Weber's Work on Charisma," *British Journal of Sociology* 29 (1978): 83–93.
22. *Economy and Society*, 1013.
23. Marianne Weber, *Max Weber: A Biography* (New York: Wiley, 1975), 334.
24. Roth and Schluchter, *Max Weber's Vision of History*, 63.
25. For summary treatment on the dating of these manuscripts, see Roth and Schluchter, *Max Weber's Vision of History*, 59–64. My discussion draws heavily on Marianne Weber's account in *Max Weber*. See also Schluchter, *Max Webers Studie über Konfuzianismus und Taoismus*, 11–15.
26. His dissertations, one on trading companies in medieval Europe (1889) and the other on Roman agrarian history (1891), demanded specialized knowledge in primary sources, which included an ability to read material in a number of languages. His studies on rural conditions in Germany (1892), on the German stock market (1895), on factory workers in heavy industry involved questionnaires (1908–1909), primary documents, and interviews, as well as observations. Even his writings on the methodology of social science built upon a close analysis and critique of actual texts. Similarly his major studies on *The Protestant Ethic* (1904–1905), and on *Agrarian Conditions in Antiquity* (1909) required great familiarity with primary sources. In all these works, including the methodological pieces, Weber's interest and examples focus on the West, and with the exception of the work on antiquity (1909), which included Near Eastern areas, his writings contain few references to non-Western societies and carefully build upon his own empirical research. For a good discussion of these early works, see Bendix, *Max Weber*.
27. Roth, "Introduction" to *Economy and Society*, xliv.
28. Ibid., li.
29. Mommsen, *Age of Bureaucracy*.
30. The transition from historian to sociologist is evident in the next research that Weber seriously worked on after his study on Antiquity. This is *The Rational and Social Foundations of Music* (Carbondale, Ill.: Southern Illinois University Press, 1958), a work that contains more references to China than all of Weber's previous works combined.

Unpublished in Weber's lifetime, and still relatively unknown, this short essay is little more than an outline. The topics of the outline are elements in a typology of music; the typology is technical and contains such headings as pentatonicism, tonality, solmisation, and polyvocality; Weber's discussion aims at comparisons that reveal the distinctive qualities of Western music, and the various forces of rationalization that led Western music, and not other musical systems, to become an area of experience governed by calculable rules. It is, indeed, a comparative study, with references to every musical system on which Weber could find detailed information, including the Chinese. Along with the typology and comparisons are short digressions in which he presents details on specific cases. This organizing rubric – typology, comparisons and case digressions – becomes the standard form of organization in all of Weber's remaining scholarly works, including *The Religion of China*. Weber probably finished this essay early in 1911 and immediately began to work again on his sociology of religion. "When around 1911," recalled Marianne Weber, "he resumed his studies on the sociology of religion, he was attracted to the Orient – to China, Japan, and India, then to Judaism and Islam. He now wanted to investigate the relationship of the five great world religions to economic ethics" (*Max Weber*, 331).

31. It should be noted that *Economy and Society* was written as a handbook under the title, "The Economy and the Arena of Normative and De Facto Powers"; that it was never finished and was published posthumously; and that, quite appropriately, it did not attempt historical explanations in any but the most oblique way.
32. For excellent discussions of Weber's complex studies on world religions, see the work of Wolfgang Schluchter in Roth and Schluchter, *Max Weber's Vision of History* and in his edited volumes from the recent conferences on Weber's study of world religions: *Max Webers Studie über das antike Judentum: Interpretation und Kritik* (Frankfurt: Suhrkamp, 1981), and *Max Webers Studie über Konfuzianismus und Taoismus*.
33. On the confusing nature of this essay, see Stephen Malloy, "Max Weber and the Religions of China: Any Way Out of the Maze?" *British Journal of Sociology* 31 (1980): 377–400.
34. See Roth's account ("Introduction," lvi–lx) of Weber's agreement to take on the editorship of this series. In addition Marianne Weber (*Max Weber*, 332) writes the following: "These studies of the Asiatic world do not intend to offer any definitive insight in any direction, for in the cases of China, India, and Japan, Weber was dependent on translated sources, and he encountered an almost unmanageable literature on Judaism. Since he had based all his previous professional studies upon a careful study of the sources, he therefore had a very modest opinion of these writings."
35. Marianne Weber, *Max Weber*, 419.
36. *Economy and Society*, 1004.
37. *The Agrarian Sociology of Ancient Civilization* (London: New Left Books, 1976), 42–46, 69–74, 143–144, 149–154. Weber's use of the term *oikos* derived from the writings of Rodbertus. See Roth, "Introduction," xlvii.
38. *Economy and Society*, 411.
39. Ibid., 412.
40. Ibid., 645.
41. Ibid.
42. Ibid., 839–864.
43. Ibid., 818.
44. Ibid., 844.
45. Ibid., 1009.
46. Ibid., 1006.
47. This conclusion comes out more clearly in the section that Weber added for the revised version that was published in the series on the economic ethic of world religions. See, in particular, *Religion of China*, 3–104.
48. *Economy and Society*, 1048.
49. Ibid., 1050.
50. Ibid.
51. *Religion of China*, 236.
52. Ibid., 142–17, 171–225.
53. Ibid., 237.
54. Ibid., 243.
55. Ibid., 62.
56. Ibid., 61.
57. *Agrarian Sociology of Ancient Civilizations*, 274–292.
58. For instance, Henry Maine, in his seminal study, *Ancient Law* (London: Dent, 1861), 81, made the case: "The *Patria Potestas* of the Romans is necessarily our type of the primeval paternal authority." Fustel de Coulanges in *The Ancient City* (Boston: Lee and Shepard, 1901) developed a similar thesis, as did Georg Jellinek, who provided Weber with the fundamental building blocks for his sociology of domination. On Jellinek's influence, see Bendix and Roth, *Scholarship and Partisanship*, 260–265.

59. *Economy and Society*, 1006–1069.
60. M. I. Finley, *The Ancient Economy* (Berkeley: University of California Press, 1973), 18–19, distinguishes among aspects of patriarchal authority found in Roman Law in the identical way.
61. *Economy and Society*, 1008.
62. Ibid., 1006.
63. Ibid., 1008, my emphasis.
64. Similar definitions of patriarchy and patrimonialism are found in *Economy and Society*, 216, 227, 231, 943, 1006–1113, 1117, 1118; and *From Max Weber*, 296.
65. *Economy and Society*, 227.
66. Ibid. Although Weber did not explicitly acknowledge the point, it is obvious from his writings that the two spheres of action in patriarchal domination are in tension with one another. In the pure form, Weber's concept of patriarchal domination combines two conflicting sources of obligation, that required by the position and that required by the person of the master. This tension between the traditional constraints of the position and the discretionary free will of the person sets up a basic antinomy in patriarchal domination that rulers and subjects resolved historically in many different ways and that Weber analyzed, unsystematically, in terms of his concepts of charismatic domination and hierocracy.
67. *The Religion of China*, 157–159.
68. *Economy and Society*, 377, my emphasis.
69. George Jamieson, *Chinese Family and Commercial Law* (Shanghai: Kelly and Walsh, 1921), 4.
70. Ibid.
71. Ibid., 5.
72. Ibid.
73. Ibid.
74. *Economy and Society*, 53.
75. I draw my analysis from the following sources: Maine, *Ancient Law*, 67–100; Fustel de Coulanges, *Ancient City*; Buckland, *The Main Institutions of Roman Private Law* (Cambridge: Cambridge University Press, 1931) and Finley, *Ancient Economy*. For a more complete treatment of patriarchalism in the Mediterranean civilizations of Antiquity, see my forthcoming chapter "Patriarchy, Patrimonialism and Filial Piety" in *Orthodoxy in Late Imperial China*, ed. Kwang-ching Liu.
76. *Religion of China*, 157.
77. *Economy and Society*, 1159–1163.
78. Ibid., 1121–1148.
79. For the best treatments of the "body politic," a treatment that clearly shows the "personalization" of power in the king's body, see Ernst H. Kantorowicz, *The King's Two Bodies: A Study of Mediaeval Political Theology* (Princeton: Princeton University Press, 1957).
80. Norman Cohn, *The Pursuit of the Millennium* (New York: Oxford University Press, 1970), nicely describes the tensions in medieval Europe between competing claims to rulership based on transcendental claims.
81. *Economy and Society*, 666–731.
82. Ibid., 1192.
83. Ibid., 839–859.
84. *From Max Weber*, 129–156.
85. Ch'ü T'ung-tsu, *Law and Society in Traditional China* (Paris: Mouton, 1961), 29.
86. Fung Yu-lan, "The Philosophy at the Basis of Traditional Chinese Society," in *Ideological Differences and World Order*, ed. F. S. C. Northrop (New Haven: Yale University Press, 1949), 26.
87. Donald Holzman, "Filial Piety in Ancient and Early Medieval China: Its Perennity and Its Importance in the Cult of the Emperor" (unpublished manuscript, 1980).
88. Unless otherwise specified, all translations are those of Mary Lelia Makra, *Hsiao-ching* (New York: St. John's University Press, 1970).
89. Ibid., 5.
90. Ibid., 13.
91. Most chapters contain this implication. See for instance ibid., 31.
92. This idea is also found throughout, e.g., ibid., 15.
93. Ibid., 17.
94. Ibid., 31.
95. Ibid., 19.
96. Ibid., 25.
97. Ibid., chap. 7, my translation.
98. Ibid., 33.
99. Ibid., 21.
100. Ibid., chap. 9, my translation.

101. Ibid., 31.
102. Ibid., 27.
103. For particularly detailed treatments of this idea and its implications, see Tu Wei-ming, *Humanity and Self-cultivation* (Berkeley: Asian Humanities Press, 1979), and volumes edited by William Theodore de Bary, *Self and Society in Ming Thought* (New York: Columbia University Press, 1970), and *The Unfolding of Neo-Confucianism* (New York: Columbia University Press, 1975).
104. For a more complete discussion of the following section, see my "Patriarchy, Patrimonialism and Filial Piety."
105. The contrast between the earlier and later dynasties shows up in Ch'ü, *Law and Society in Traditional China*, even though Ch'ü does not focus on changes. Good descriptions of family law in late imperial China are found in *Chinese Family and Social Change*, ed. David C. Buxbaum (Seattle: University of Washington Press, 1978), and of patriarchalism in Qing society in Judith Stacey, *Patriarchy and Socialist Revolution in China* (Berkeley: University of California Press, 1983).
106. The conclusions in this section are drawn from a number of studies listed in "Patriarchy, Patrimonialism and Filial Piety." Particularly important are Mark Elvin, *The Pattern of the Chinese Past* (Stanford: Stanford University Press, 1973), Evelyn Rawski, *Agricultural Change and the Peasant Economy of South China* (Cambridge: Harvard University Press, 1972), and Mi Chü Wiens, "The Origins of Modern Chinese Landlordism," in *Festschrift in Honor of the Eightieth Birthday of Professor Shen Kang-po* (Taipei, 1976).
107. Holzman, "Filial Piety," 5.
108. Hsu Dau-lin, "The Myth of the 'Five Human Relations' of Confucius," *Monumenta Senica* 29: (1970–1971): 31.
109. Ibid., 32.
110. Ibid., 32–36.
111. Ibid., 33.
112. Ibid., 34.
113. The Tang codes, upon which later dynasties based their laws, specified several areas of filial infractions. Contumacy (*oni*) was the most severe, and included beating or plotting to kill one's parents or grandparents or actually killing others also closely related. The punishment for contumacy was death by slow slicing or decapitation. Another area of crime was unfilial behavior (*buxiao*); classified here was "the prosecution or cursing of one's grandparents or parents; not living with grandparents or parents and separating one's property from theirs; failure to support one's grandparents or parents; marrying, entertaining, or ceasing to observe mourning before the end of the required mourning period; concealing a parent's death; and falsely announcing a grandparent's or parent's death" (Ch'ü, *Law and Society*, 26). Of these unfilial acts only the prosecution or cursing one's parents or grandparents was punishable by death. Both contumacy and unfilial acts were listed in a special section of the codes entitled "The Ten Abominations" (*zhio*) along with sedition, treason, rebellion, and incest. Contumacy was fourth on the list and unfiliality seventh. These were the most serious crimes that could be committed, because "they injure morality and destroy ceremony" (*The T'ang Code*, Princeton: Princeton University Press, 1979, 62). Lesser infractions against one's parents and other agnatic superiors normally fell in a broad category called "disobeying instructions." Exile and beating with heavy and light sticks were possible punishments for "disobeying instructions," a category that would include ignoring a father's injunctions against gambling and adultery (Ch'ü, *Law and Society*, 24–28).
114. Customary law was also largely based on role obligations, especially the notion of *bao*. See Yang Lien-sheng, "Government Control of Urban Merchants in Traditional China," *Tsing Hua Journal of Chinese Studies* 8 (1979): 186–206; Fu-mei Chang Chen and Ramon H. Myers, "Customary Law and the Economic Growth of China during the Ch'ing Period," *Ch'ing-shih wen-ti* 3 (November 1976), 1–32 and (December, 1978), 4–27.
115. The standard image of the official in scholarly literature is that of the generalist who had no specialized knowledge in running government. But given the emphasis on roles in Chinese society, the official is better seen as a specialist in matters of roles and role relationships. The official is analogous to managers in American society, who learn the *principles* of management, and leave technical aspects to others.
116. Hsu, "Myth," 36–37.
117. Thomas A. Metzger, *The Internal Organization of Ch'ing Bureaucracy*, (Cambridge, Mass.: Harvard University Press, 1973), 236–417.
118. Ibid., 347–357.
119. By far the best discussion of this point is Arthur F. Wright, "Values, Roles and Personalities," in *Confucian Personalities*, ed. Arthur F. Wright and Denis Twitchett (Stanford: Stanford University Press, 1962), 3–23.
120. Joseph Needham, *Science and Civilization in China* (Cambridge: Cambridge University Press, 1956), 2: 290.

121. Roth, "Introduction," xxx.
122. Ibid.
123. Max Weber, *The Methodology of the Social Science* (Glencoe, Ill.: Free Press, 1949), 103.
124. *Economy and Society*, lviii.
125. This, too, is the conclusion of Wolfgang Schluchter (*Max Webers Studie über Konfuzianismus und Taoismus*) 17: "Weber did not understand his terminology as a final one. This does not mean that it is unsystematic or only useful to specific problems, but the sequence of terms is not always obvious in its ramifications, and therefore it sometimes needs an explication or interpretation. A critically productive evaluation of Weber's work has to include a clarification of terminology and the investigation of the historic content."

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