

Reassessing the “Rules of the Game”: Max Weber and Peter Winch on Rule-Following

Akos Sivado

Introduction

Many accounts of social scientific understanding (*Verstehen*) had been written in the past couple of decades that aim to reconstruct the differences in the approach social theorists suggest regarding the understanding and interpretation of social phenomena.¹ One of the most striking shifts in what exactly social scientists are supposed to understand has been the exchanging of an individually oriented methodological approach (understood to be championed by Max Weber) for one that is centered on some shared, collective features of social phenomena – the most important example being Peter Winch’s focus on the necessarily social process of rule-following that underpins all actions we can rightfully deem meaningful.

Winch’s critique of the Weberian framework for *Verstehen* is well-known and well-researched:² while he gave credit to Weber for placing the emphasis on interpretation in social science (as opposed to searching for all-governing social laws) and anticipating much of his own contributions, Winch remarkably disagreed with Weber about the categorization of types of actions to be understood. For Weber, the categories of action and social action are distinct in that while both contain the element of meaning-attribution by the actors, only the latter compose the proper subject matter of the social sciences, since the former lack the specific social orientation of the action that takes into account the existence and potential responses of other people. Such a distinction, from a Winchian perspective, seems unnecessary (and detrimental, even): in order for something to qualify as a legitimate *action*, it has to be amenable to be understood as an instance of rule-following. Rule-following, however, is a social activity in itself, hence the terminological distinction between actions and social actions is meaningless.

Since the collapse of the categories hinges on the understanding of what it means to follow a rule, it is crucially important that we have a clear grasp on how Weber and Winch differ on what following a rule means. This paper attempts to argue that upon closer inspection, and through the exegetical assessment of Weber’s most important text concerning rules (*R. Stämmers »Überwindung« der materialistischen Geschichtsauffassung*, translated as *Critique of Stämmers*, then included in the English edition of Weber’s methodological writings as “R[udolf] Stämmers ‘overcoming’ of the materialist conception of history”)³, it can be shown that Weber’s notion of rule-following was much closer to a Wittgensteinian/Winchian conception than Winch might have acknowledged. Such a reassessment of the key notion, coupled with tackling Winch’s other problem with Weber’s sociology (the reliance on causal explanations) could provide a more charitable approach to both understanding Weber’s interpretive sociology and to the historical evaluation of the interpretive tradition in social scientific methodology.

Before turning to a detailed analysis of Winch’s critique of Max Weber’s doctrines, it is necessary to add some preliminary remarks that comprise the bedrock of such an undertaking. First, it is important to briefly characterize how rule-following enters into Winch’s conception of a social science. Winch’s starting point is Ludwig Wittgenstein’s concept of rule-following: the meaning of words is ultimately determined by the way they are

used, and the rules of their usage are in turn interwoven with the language game in which they are used. Such rules necessarily involve a social context – and it is such a version of rule-following that Winch extends to the realm of (scientifically) investigating social phenomena, phenomena that he takes to be instances of “meaningful behavior”. On Winch’s own account, while Max Weber was attempting to understand the “subjectively intended” meanings of social actors, Winch himself instead puts the emphasis on those features of actions that are *common* to all of them. This common factor, for Winch, is the rule-following to be found in language-use. This is the element of social life that social scientists should attempt to reconstruct and understand. The meaning of a meaningful behavior is determined by the correct or incorrect following of a certain rule governing such a behavior, which makes the relationship between language and social relations primarily important. It is a basic principle of Winchian interpretation that our ideas and our social relations are inseparably attached to our language. The rules constituted by and through our language games end up determining our social relations: new ideas bring about change in the existing social relations *and* in the use of language as well. As Winch puts it: “our language and our social relations are just two different sides of the same coin” (Winch, 1990: 123). In order to understand rule-following, then, we have to first understand language itself: “to give an account of the meaning of a word is to describe how it is used; and to describe how it is used is to describe the social intercourse into which it enters” (Winch, 1990: 123). Social relations are to be understood as fusions of language and practice, and are to be regarded *internal*, since their existence depends upon our conceptions with which we are able to describe them.

Second: Winch’s conception of interpretive social science criticizes many approaches to social phenomena, deeming them unfit to deal with their subject matter in a satisfying fashion. According to most of Winch’s critics and interpreters, his primary targets are positivistic theories of social science, ones that seem to blur the lines between natural and social phenomena, advocating for an essentially natural scientific approach to the study of the social realm. Here, his main opponents are John Stuart Mill, Émile Durkheim and Vilfredo Pareto. It could also be argued, however, that the so-called “rationalist” theories of social science also fall within the scope of Winch’s critical remarks.⁴ A rationalist social science, so understood, amounts to a science that attempts to uncover the meaning and significance of its subject matter through some kind of rational reconstruction, presupposing that our conceptual framework (here meaning the concepts employed by Western science in the historical present) is fundamentally able to grasp the meaning and significance in question. This latter category includes the theories of Robin G. Collingwood and Max Weber.

While positivistic theories attempt to reduce qualitative differences to quantitative ones, rationalistic social science *is* sensitive to such differences and *does* emphasize their existence. Nevertheless, it still confuses fundamentally different processes: on the one hand, the process wherein the subject of scientific inquiry (i.e. the researcher herself) assigns a certain meaning to a given action, and, on the other hand, the process wherein the agents themselves accomplish such a meaning-attribution. Rationalist theories thus assume that characteristically similar actions are constantly playing out in front of a characteristically similar conceptual backdrop – without ever reflecting upon what the notion of similarity means in the context of social phenomena. As Hertzberg puts it, “a person’s practical

reasoning cannot be used as a clue to understanding his way of life, for we must already have an understanding of his life if we are to understand his reasons” (Hertzberg, 1980: 154).

Third: should we allow that rationalist and positivist conceptions of social science are both in opposition to Winch’s ideas, it would still be worthwhile to differentiate between the degrees of opposition concerning the two cases. While positivistic methodologies are completely wrong-headed from Winch’s perspective, rationalistic ideas are essentially correct in their orientation towards social phenomena – their fault consists in not accounting for certain difficulties that present themselves during the actual process of interpretation, and not showing proper foresight when developing their conceptual tools. A corollary of such a difference in degree between their problematic aspects is that Winch’s rhetoric in the *Idea-book* is far more vitriolic concerning positivistic accounts. While some of the book’s chapters are critical of Max Weber’s various proposals for social scientific interpretation, Winch also emphasizes the aspects in which his suggestions are very much in line with those of his intellectual forebear. The critical remarks, however, could easily persuade Winch’s readers that he is presenting a refutation of the Weberian methodology – therefore, in the following I attempt to analyze Winch’s remarks in detail in order to show how the Weberian system of social science is a great deal closer to Winch’s own – that is, to one that is based on the understanding and interpretation of rule-following.

Meaningful behavior and the concept of a rule

Winch first discusses Weber’s system of categories and conception of understanding during the definition and analysis of “meaningful behavior” – into the question of what comprises the actual subject matter of interpretive social science.⁵ He immediately agrees with Weber on one of the most important points (and defends him against possible charges rooted in misreading): social scientific understanding of behavior is *not* to be modeled on the technique of introspection applied in psychological practice. Should one attempt to interpret sociologically relevant phenomena, psychological reduction would never be the appropriate way towards achieving that goal (Winch, 1990: 44–45). Psychological reduction was something that Weber himself had already argued against in his essay on *Objectivity*: while the meaning attached to a given action is “subjectively intended”, this does not amount to the claim that it is only accessible *for* the intending subject, or even to one that presupposes the actor’s privileged access to that meaning. If that would be the case, it would be impossible to ground social scientific practice in individual actions in any meaningful way, since the social scientist (the subject of sociological knowledge production) would by definition be unable to say anything intelligible regarding the phenomena she attempts to study as long as she is not in possession of the appropriate introspective accounts given to her by those performing the actions in question.

Even if we accept that the criterion for intelligibility cannot be that the subjects should be able to provide introspective accounts of their actions, one question nevertheless presents itself: “[B]y what criteria do we distinguish acts which have a sense from those which do not” (Winch, 1990: 46)? Winch’s answer to that question amounts to the realization that “the analysis of meaningful behavior must allot a central role to the notion of a rule; that all behavior which is meaningful (therefore all specifically human behavior) is *ipso facto* rule-

governed” (Winch, 1990: 48). With that insight in mind, Winch’s main problem concerning Weber’s proposed conceptual framework is its *lack* of emphasis on the notion of a rule. Whenever the concept of “rule” does play a part in Weber’s methodological writings, he does not accord it the centrality and importance Winch would expect. To illustrate his point, Winch turns to the most relevant Weberian text concerning the notion of a “rule” and its application, Weber’s *Critique of Stammer*.⁶ The analysis of the *Critique* will help us see how Winch interprets Weber, and draw attention to the way he stops short of fully engaging with the text, possibly in order to accentuate the differences between Weber’s account of understanding and his own.⁷ In the following, I will attempt to show that if we combine Winch’s criticisms with the aspects of Weber’s text that he neglected, we can see that Winch understands the concept of rule-following along lines that are compatible with Weber’s methodology. This allows us to see that Winch follows Weber’s methodology more closely than it would seem were we to only consider his treatment of Weber’s notion of rule-following. In that case, the only thing that Winch would object to would be Weber’s unfamiliarity with the later Wittgenstein’s remarks on the nature of rule-following – a charge that could hardly be leveled against him in a fair manner.

Winch quotes and discusses Weber’s example concerning the meaningfulness of economic transactions – the example in which Weber uses his “alienating description” that Winch later also analyzes in a different context. The example depicts the meeting of two people, both of whom have been stripped of any kind of social influences, giving objects to one another: one of them lends a certain amount of metal coins to the other, while the other gives him specific objects useful for the satisfaction of specific needs. As Winch rightly points out, Weber argues that in the case presented above one could only talk about an “economic exchange” when the concerned parties attach some kind of meaning to their behavior – in the sense that their behavior also necessitates the presence of certain kinds of expectation. Simply put: the actions undertaken bestow certain obligations on those undertaking them; in the most minimal sense, the obligation to act in a like manner in similar situations in the future. Winch also observes that “I can only be committed in the future by what I do now if my present act is the *application of a rule*” (Winch 1990: 47). This, however, would be conceptually impossible for Winch without presupposing a social context: I have to be able to formulate the rule intelligibly, and I can only do that as a member of a community, only when I (following Wittgenstein) exclude the possibility of the construction of a private language (and of private rules). Therefore, the only circumstances under which I could be intelligibly said to be following a rule is “where the act in question has a relation to a social context: this must be true even of the *most private acts*, if, that is, they are meaningful” (Winch 1990: 47).

As Winch goes on to accentuate, even my most personal actions could be interpreted as instances of rule-following when I regard them as instances of meaningful behavior – a claim which amounts to stating that Weber’s distinction between “action” and “social action” appears to be misguided once we take into account the concept of rule-following when defining what counts as an action in the first place. Weber’s famous distinction between the two terms was founded exactly on the lack of reference to the behavior of others in the case of simple “actions”, resulting in the non-social character of the act to be understood. Winch, however, deems such an assertion meaningless, since the identification of an action

presupposes the presence of rule-following during the course of the behavior in question, which in turn presupposes the existence of a social context. Winch uses Weber's other example concerning rule-following and the obligations to which it gives rise (the placing of a bookmark in the middle of a book) in order to show that such an act, which cannot be said to be primarily oriented towards the behavior of others, is *also* social in nature. I could not have any knowledge of what a bookmark is unless I was a member of a community – and my continued reading of the book being a solitary activity does not have any relevance concerning the issue. The problem, then, with Weber's account of rule-following is precisely that he recognizes its importance in the interpretation of social phenomena, but he seems to be denying its foundational role in the constitution of social action.

Turning now to the text of Weber's *Critique of Stammer* (as opposed to its Winchian reconstruction), I will argue that it contains a great deal more about the nature of rules than Winch gives it credit for. A close reading of the relevant passages can pave the way towards a more charitable interpretation of Weber's ideas concerning the constitution of social phenomena and the concept of rule-following. It is useful to begin the reconstruction of Weber's arguments by drawing attention to his distinctions concerning the possible meanings of the concept of a "rule" once one attempts to examine it from a scientific and/or philosophical point of view. Beginning his analysis, Weber distinguishes between the (natural) scientific and the normative meaning of the concept:

"First of all, [the word] "rules" may be understood as designating (1) general statements concerning *causal* interconnections, [in other words]: "laws of nature". If [the word] "law" is in that connection to be reserved for general causal statements that are strictly unconditional (in the sense of admitting no exceptions), then (a) [the word] "rules" must be restricted to those empirical statements that do not satisfy the criterion [of absolute unconditionality]. Conversely, [the word "rules" can also cover] (b) all those so-called "empirical laws" that, empirically speaking, admit of no exceptions, but where [we] have no knowledge of the causal conditions to which this [empirical] state of affairs should be ascribed, or where that knowledge is at least insufficient from a theoretical point of view. [As an example of] (b), it is a "rule", in the sense of an "empirical law", that human beings "must die"; and [as an example of] (a), [it is a "rule"], in the sense of a general empirical statement, that, if a member of a student fraternity is slapped in the face, then certain reactions of a specific kind on his part are "adequate". – Second, [the word] "rule" can designate (2) a norm by reference to which present, past or future events are "measured" in the sense of a *value* judgement – in other words, a general statement of how something *ought* (from a logical, ethical, aesthetic point of view) to be, as opposed to the empirical [statement concerning] "what is", which the "rule" in cases (1a) and (1b) is exclusively concerned with."

(Weber, 2013: 203–204)

According to the first distinction, then, rules could be understood as connections between the occurrences of observable, empirical matters of fact (1) or ethical/aesthetical/logical maxims possessing normative force (2). As it will be shown, during

the interpretation of social phenomena, the Weberian social scientist needs to apply both of these originally delineated meanings: “rules”, in a Weberian sense, denote both regularities and normative expectations (with the latter characteristic comprising the bedrock of Winch’s assertions about commitments towards future actions).

Rudolf Stammler, the target of Weber’s critical remarks, identifies “regulatedness” as one of the preconditions of social life, and concludes (as Weber thinks he could only conclude on pain of inconsistency) that it would be illegitimate to interpret the behavior of Robinson Crusoe, for instance, as a complex of economic acts. Stammler thinks “that such an imaginary, isolated individual figure must be explained with the means of »natural science«” (Weber, 2013: 204), since only natural and technical/technological factors play a part in his behavior. The concept of technology, however, could be perfectly well understood with the aid of the concept of a “rule”: technology merely refers to artificially constructed (man-made) parts of the world that are nevertheless “working together” in the attainment of a specific goal, not unlike how workers employed in a factory based on the division of labor do so, following rules of conduct. This is the section of the text where Weber uses his “alienating descriptions” and talks about factory workers receiving metal coins in exchange for completing certain strings of movements, coins which they then exchange with other people at the appropriate places for other items that are useful for their continued survival. “Alienating descriptions”, or “externalizations” of everyday social processes such as receiving a salary and buying goods at a grocery store are meant to be descriptions of such phenomena from a point of view that is radically different than the one people usually adopt towards such things in their day-to-day lives and activities. Why should such descriptions be adopted by the sociologist? Winch, in a later chapter of the *Idea*-book, offers the following remarks on such a picture: “I am not denying that it may sometimes be useful to adopt devices like Weber’s »externalization« [...] It may serve the purpose of drawing the reader’s attention to aspects of the situation which are so obvious and familiar that he would otherwise miss them [...]” (Winch, 1990: 110).⁸ According to Winch, however, Weber uses this device *incorrectly*, since he does not want to turn our attention to something obvious, but instead wishes to accentuate how we do not arrive at a logical problem in describing social phenomena that way once we adopt his conception of rule-following (Winch, 1990: 111).

There are two objections that could be raised against Winch’s critical remarks: first, that these “externalizations” are not the desired end-results of Weber’s account of rule-following; and second, that the similarities alluded to by Weber actually tip the scale in the favor of *social* factors. I wish to suggest that Weber does not intend to state that social phenomena are *just as readily* graspable by the conceptual apparatus of the natural sciences as phenomena of nature are. I wish to argue instead that an analysis based on the concept of “rule” could be fruitful even in the case of technological processes, since those are also the products of a *social context*. Winch himself quotes Weber on this issue, and then reprimands him for equating the status of causal laws with that of ones connecting mental events, since for Weber, the fact that “in the one case »events of consciousness« enter into the causal chain and in the other case not, makes »logically« not the slightest difference” (Winch, 1990: 109). This Weberian line, however, continues with the following remarks in the *Critique*: “Therefore, when Stammler contrasts the »technical« approach with that of the »social sciences«, the presence of a »rule of joint action«, at any rate, cannot be the criterion that in

itself constitutes the decisive difference between the two [approaches]” (Weber, 2013: 205). In light of these considerations, it does not necessarily follow that “events of consciousness” are irrelevant regarding the differences between the methodological outlook of the natural and the social sciences. These considerations could also indicate that the workings of technical (or artificial) phenomena (for instance, an intricate but man-made machinery) are just as amenable to analyses based on rule-following as social phenomena are – analyzing the rules concerning the putting together and the appropriate operation of the machine, which are themselves human (social) products.

Weber is consistent in talking about technology instead of nature – he does not compare the “rules” of stalagmite-formation or natural selection to regularities found in the social realm. He also remarks that Stammer’s use of concepts is rather opaque when the philosopher of law is talking about “technical natural sciences”. Weber’s take on the issue is supposed to *make corrections* to somebody else’s ill-founded use of terminology, not to underpin it. The externalizing/alienating descriptions serve the purpose of drawing our attentions to the universal and self-explanatory nature of the rules that play a part in the constitution of social phenomena. Winch’s objections seem to stem from the fact that he deems the alienating effects only justifiable in case one wishes “to *draw attention* to the familiar and obvious, not to show that it is *dispensable* from our understanding” (Winch, 1990: 111). The question, then, is the following: did Weber really attempt to dispense with the obvious when formulating his theories of social scientific understanding?

The following remarks might have led Winch to draw such a conclusion: “This modern individual does not need to know how it has actually come about that those little metal discs developed this peculiar capability [that is, to make economical transactions possible], just as he need not know how his legs manage to walk” (Weber, 2013: 206). Weber goes on to compare this kind of lack of knowledge to us having gotten used to the fact in our early childhood that an oven emits heat, or that July is warmer than April. He does not want to “throw out” such kinds of information from the conceptual *Hinterland* of actions to be understood – he wants to draw our attention to how, during everyday actions, *the agents themselves* are hardly ever reflecting upon the fact that in the ordinary course of everyday events, phenomena that are used to bring about expected results are generally capable of bringing about these results. This, however, is not the level of social scientific reflection, but that of everyday activities – the level of understanding that a proponent of interpretive social science should try to scientifically understand in turn. The regularities comprising the background of such actions (that is, the rules according to which someone could carry them out correctly or incorrectly, to put it in Winchian terms) is precisely what a scientific investigator of society should attempt to uncover. Keeping that in mind, Winch’s analogy concerning the knowledge-seeking subject of interpretive social science as the fictive anthropologist encountering an alien culture (*pace* Wittgenstein) seems apt: the social scientist needs to uncover the regularities that are self-evident for the actual actors, the ones that their everyday experiences and the force of habit have placed outside the sphere of conscious reflection. It is indeed natural *not* to start thinking about how our legs manage to walk, just as much as it is *not* to ponder why certain people take metal coins and pieces of paper from us and give us nutrients in exchange. We fail to do this not because of certain

lacunae in our anatomical or economical learning, but because we simply do not need to engage in such mental activities in order to carry out our everyday actions.

All these considerations, however, serve merely as *preliminaries* for Weber in order to properly discuss rules and rule-following. This makes it all the more curious that Winch opts to finish his analysis of Weber's strain of thought at this exact point. The subsequent parts of the *Critique* offer further layers of meaning in Weber's usage of the concept of a "rule", indicating insights that are closer to the Winchian understanding of rule-following than what Winch had led us to believe.

Similarities in rule-following

When Weber is talking about how we interiorize certain rules that orient our behavior, he offers the following formulation:

"[G]enerally speaking, [the child] »grows into« the »rules« that it sees other people following in their lives; it learns to »express itself« by means of language; and it learns to conduct itself properly in the outside, »impersonal« world. [A person will do so] *partly* (1) without formulating in his own mind the »rule« that he actually – with extremely varying consistency – follows in his actions; *partly* (2) by deliberately applying »empirical propositions« of the type: if x then y; and *partly* (3) because the »rule«, in the form of an idea of a »norm« that *ought* [to be followed] for its own sake, has been implanted in his mind by »education« or by simple imitation, has then been further developed through his own reflections, nourished by his »experience of life«, and is now one of the determinants of his action."

(Weber, 2013: 208)

These considerations about the learning and applying of rules seem to foreshadow how Winch (following Wittgenstein) later summarizes the social character of rule-following: the way a child "grows into" rule-following through language and learning is entirely similar to the procedure of ostensive definitions, with one important difference. Wittgenstein and Winch consider it centrally important to answer the question of what counts as "doing the same" as one did earlier, while Weber seems to bypass the issue altogether – if anything, he finds it self-explanatory. A child follows standards, learns models, and Weber would probably agree to the Winchian statement that "[e]stablishing a standard is not an activity which it makes sense to ascribe to any individual in complete isolation from other individuals. For it is contact with other individuals which alone makes possible the external check on one's actions which is inseparable from an established standard" (Winch, 1990: 30).

The concept of a "rule" thus involves an element of potential *external checks* and *evaluations* – something that would not be possible should one shape her conduct entirely devoid of social influences. The example of Robinson Crusoe alluded to by Weber (and Stammer) does not contradict such a claim, since, as Weber himself also expresses, Robinson did not formulate the norms orienting his conduct "untouched" by anything social. Admitting this much allows us to question the correctness or incorrectness of Robinson's actions the

same way we might do concerning anyone else. All of these points could be made in an even stronger fashion once one takes into account Weber's further discussions on the nature of rules. In order to do that, first it has to be established that Weber analyzes the concept of a "rule" as an ideal-typical concept – as something that one cannot find in its theoretically pure form during the everyday lives of social actors, but that lends itself to comparisons with the practical reality interpretive social science aims to understand. For instance, Weber talks about rules governing financial transactions in the following way:

"From an empirical point of view, the dogmatic »meaning« of the »exchange« is an »ideal type«. And, as there are vast numbers of processes in empirical reality that correspond to it with greater or lesser »purity«, we utilize [this »ideal type«], partly for »heuristic purposes«, partly for »classification«."

(Weber, 2013: 211)

Whether an action would count as an instance of economic exchange, then, depends for Weber on *how* well or poorly it could be made to correspond with certain ideal-typical rules – rules that help us in identifying certain types of actions as instances of economic exchange (*classification*). Regarding the point of view of the social sciences, such an endeavor would serve the purpose of guiding the formulation of hypotheses and the process of actual empirical research (*heuristics*): the ideal-typical concept of "exchange" contains such *rules* that could be more or less demonstrable in the actual conduct of everyday actors – and that could be used in evaluative contexts. In order for us to be able to identify a given action as "exchange", the actors involved have to meet certain expectations (they have to adhere to certain rules), otherwise we are simply mistaken in our assessments of their actions. Suppose someone handing over their valuables to an armed robber in "exchange" for the sparing of her life – we are hardly justified in asserting that she was taking part in an "economic exchange", although actual instances of such exchanges do not always mean that both parties have to exchange material goods (we can trade money for information, for instance, in which case the handing over of physical objects would also be missing on one side of the transaction). "That »rule«, which has been derived dogmatically, is in itself in every case a »norm« that claims to be ideally »valid« for action, but [it is] under no circumstances a »form« of something that empirically »exists«" (Weber, 2013: 211). This, however, does not mean that the concept of a "rule" is inadequate for the investigation of empirical reality: just like the ideal-type of "instrumentally rational" (*zweckrational*) action is not a "form" of any actions that are actually carried out, ideal-typical rules likewise could not be "extracted" from the observation of empirical behavior. Regardless of that, they can still provide the foundation for *what* procedures we take to be belonging to a given action at all, and Weber argues that this is exactly *one* of the roles they are supposed to play. The *Critique* goes even further than that, and unpacks even more levels of meaning contained in the notion of a "rule" when it turns to the examination of the "rules of the game".

Before turning to the discussion of such rules, however, it is worthwhile to return to Winch's critical remarks in order to accentuate the stakes of reconstructing the Weberian concept of rule-following. Applying the concept of a rule ideal-typically⁹ does not seem to go

against Winch's considerations: it cannot be a problem for a Winchian reading that we would not find any instances of the pure (theoretical) version of the concept of "economic exchange" in our everyday lives. The same can be said about those activities that Weber fails to include in his category of "social action" – the placing of a bookmark is rule-governed behavior in the sense that there are norms governing its proper application, norms that are valid from a "dogmatic" point of view. It is not the case, then, that individual actions would be excluded from the domain of Weber's ideal-typical account of rule-following. How are we to understand, according to the picture presented above, the actual human actions that are based on rules? The ideal-typical formulation does not apply to empirical reality – it is merely a helpful tool in describing a hypothetical situation that could be compared to that reality. Weber, however, says much more about how the identification of *what is happening* in said reality could also be carried out with the aid of the (ideal-typical) concept of rule-following. To answer the question, it is important to assess what Weber has to say about the so-called "rules of the game".

Rules and games in Weber's *Critique*

Weber's example for analyzing rules of the game is the popular German card game called "skat" – an example through which he attempts to shed light on the *actual* practice of group activities understood as systems of rule-coordinated actions and expectations. He remarks that even though the ideal-typical concept of rules is not equipped to describe empirical reality, once we enter the sphere of the empirical-causal realm, we are bound to encounter concepts that *do* have an effect on how the events of that reality play out.¹⁰ Regarding the game of skat, it amounts to the following when one attempts to play the game according to its rules:

"On the basis of *his* »interpretation« of the »rules of the game«, of his general »experience as a skat player« and of his »ontological« assessment of the distribution of the cards, the player will lay his ace on the table because he believes that this is the adequate means of bringing about a state of affairs that, according to the »rules of the game« as he sees them, has the consequence of making him the »winner«."

(Weber, 2013: 213)

Applying it to the realm of empirical reality, then, the normative component of the concept of a "rule" amounts to the orientation of action in a specific way. In order to commit the appropriate (that is, rule-conform) act, the player needs to be in possession of three things: an interpretation, the sufficient amount of experience, and the assessment of the so-called "ontological" component. From a Winchian perspective, the part that "interpretation" plays in the process is the most important element in analyzing the characteristics of rules: the actor, as Weber also stresses, has to have some kind of an interpretation regarding the rules of the activity in which she is about to engage. In case that such an interpretation should be misconstrued, the action would merely amount to the incorrect application of the rules – even

if the empirical experiences are available to the actor, and her assessment of the “ontological” component is correct.

The “ontological” assessment in this case merely means that the player is well-informed about *what kinds of phenomena* comprise the circle of objects for which the rules of the game are valid: in the case of a card-game, the player knows how many cards (and what kinds of cards) are in a standard deck, and she can assess (she can count) how many of the cards have already been dealt, how many of them have been played by her opponents etc. Her empirical experiences, however, could also be in line with altogether different rules, provided that her interpretation of the *actual* rules is incorrect.

A faulty interpretation of the circumstances under which someone could be deemed the “winner” of the game (that is, misinterpreting the aim and course of the game) is sufficient for a player to be unsuccessful – it does not, however, prevent her from drawing conclusions about the characteristics of the game *in the light of an erroneous interpretation*. It is important to emphasize this possibility, since it neatly resonates with a statement about interpretive social science to which Weber and Winch would both assent: a mistaken understanding does not preclude the possibility of an explanation underwritten by data gathered based on the misguided interpretation.¹¹

According to Weber, when a player is calculating his actions based on the rules of the game, he also takes for granted the following presuppositions:

“On the one hand, he counts on the fact that the others will let their play be guided by the »rules of the game«, which are also present in their minds, in the same form as in his own. [...] But on the other hand, given his knowledge of their qualities as skat players, he also takes into account the probability of their playing more or less »effectively« (i.e. in conformity with their interests) from a teleological point of view. [...] His considerations, which determine his play, are expressed in propositions of the following form: The other [players] will not deliberately violate some rule A of the game and will play effectively; the distribution [of the cards] is Z; therefore, if I do X, Y is the probable consequence.”

(Weber, 2013: 213)

In light of all this, it can be stated that in the case of actual, empirically observable actions, yet another aspect of the concept of a “rule” is needed: its ability to enter into the concept of the investigated phenomenon as a component with a practically orienting function. The above description is only useful for analytical descriptions – we hardly ever formulate our action-plans with the help of sentences containing unknowns while following rules. On a conceptual level, however, Weber’s spheres of meaning are readily distinguishable: I have so far been dealing with the sphere of the ideal-typical, and that of the practically orienting (empirically relevant) concept of a “rule”. There is, however, a third sense of the concept, one that is especially important for the social scientist, and about which Weber has the following to say when discussing how the rules of skat could serve as preconditions for our empirical knowledge concerning the game of skat:

“Phenomena that are considered *relevant* in terms of a *norm* of play that is usually described as the »rules of skat« will, in our eyes, constitute a distinctive complex of performatory acts as being a »game of skat«. The intellectual content of the »norm« is therefore the criterion according to which what is »conceptually important« is selected from that multiplicity of cigar smoke, beer drinking, banging on the table and comments of every kind that furnishes the customary context of a good old German game of skat, as well as from the incidental »milieu« of the concrete game. We »classify« a complex of phenomena as »skat« when it contains phenomena that are deemed to be relevant for the application of the norm. Moreover, those are the phenomena whose causal explanation would be the task that a »historical« analysis of the empirical course of a concrete [»game of] skat« would set itself. They constitute the empirical collective entity [that we call] a »game of skat« and the empirical generic concept of »skat«. To sum up: What defines the *object* of the investigation is [its] relevance from the point of view of the *norm*.”

(Weber, 2013: 214)

In order to illuminate just what is involved in Weber’s conception of rule-following, it is useful to reflect on the multiplication of various levels of its meaning as his account progresses: besides being a general norm and a motivational/orienting basis of concrete actions, a rule is also the *precondition* of action in a rather robust sense – *constitutively*.¹² According to Weber, what kind of action some behavior *is taken to be* in a given situation is at least partially determined by what kind of actions the available rules make possible. With Weber’s definition of understanding as the uncovering of some “subjectively intended meaning”, it can be said that the source of meaning-attribution is not just the subject (or the interpreter), but the social context in which the rules that (at least partially) constitute the given action are formulated as well. Furthermore, such a statement does not only apply in cases where the rules of a given action are explicitly written down (like card-games), but in all other instances of everyday activities as well that could serve as potential objects of historical/sociological knowledge production. In an earlier part of the *Critique*, Weber remarks:

“For instance, when I meet an acquaintance, it is obviously not the conventional rule of greeting that, as such, bares my head – that is done by my hand. In its turn, my hand performs this action, either because I am simply »used to« acting in conformity with such a »rule«; or, in addition, because experience tells me that others regard it as unseemly not to [lift one’s hat], so that [such an omission] will result in expressions of unfriendliness – in other words, because of a calculation of »pain«; or, finally, I may also act on the belief that it is »not proper« for me to disregard a harmless “conventional rule” that is actually observed by everybody [...].”

(Weber, 2013: 208)

Whichever of Weber's alternatives should we subscribe to (custom, the disapproval of others, or self-control), it is undeniable that it is not the "conventional rule" of greeting that carries out the appropriate action – I myself would be the one committing the social action of "greeting". What is entirely absent from the physical description of the string of movements necessary to bring about such an outcome, however, is the *identity of the act* I am thereby performing. The hypothetical anthropologist of Wittgenstein and Winch could be helpful in shedding light on the issue: imagine her encountering an alien civilization in which removing one's hat upon meeting someone constitutes a grave insult towards the other, and the act of greeting the other person is carried out according to an entirely different convention. In such an hypothetical community, it would be equally true that it is not the "conventional rule of insulting" that moves our arms, but the movements themselves would be carried out in the same order as they usually are in our own culture – producing radically different results in the two cases.

The situation could be summarized as follows: the actors are performing *some kind* of an act in both scenarios (acts that would fall well within the scope of Weber's category of "social action"), although their actions are classified entirely differently in the two instances. For the "rules of greeting" do not merely consist in the existence of certain conventions that normatively orient our actions – they *make it possible* for us to act in the first place. The same could be said about the "rules of insulting" in our imaginary community: should we be unable to detect such rules, we could not intelligibly say that someone made a "mistake" during the performance of a given act. We would instead be inclined to say that she *did not act at all*. In that case, following Winch, we could assert that when "there is no foothold in [a potential actor's] behavior in which the notion of a rule can take a grip", everything the actor does would be "as good as anything else [the actor] might do, since we would have no point of reference from which to detect possible mistakes (Winch, 1990: 30). If *this* should be our reason for qualifying strings of movements as correctly performed actions, then it would be true that we have not understood or interpreted any kind of action at all – we have not even observed actions, merely some successions of bodily movements.

Weber's analysis of rules and rule-following concludes in the following remarks concerning empirical social science:

"[T]he »rules of skat«, playing a role as a »precondition«, can have three functions that are logically completely different from each other: in *defining* the object, their function is classificatory and conceptually constitutive; in establishing *knowledge* [of the object], they have a *heuristic* function; and finally, they function as causal *determinants* of the object of knowledge itself."

(Weber, 2013: 215)

Extending these conclusions to rules in general, it can be argued that (however much Weber would like to preserve the logical independence of the three main functions) the constitutive function of rules turns out to be the one that makes the other two functions possible at all – since it would hardly be possible to sensibly talk about knowledge of a certain object, or its causal determinants without first affirming its existence. In his later writings,

most importantly in his methodological observations that ended up being included in his *Economy and Society*, Weber comes even closer to a rule-interpretive social science when he discusses that individual actions are only of interest to sociology to the extent that they are empirically observable instantiations of ideal-typical patterns of behavior.¹³ Such a standpoint is much more in line with a Winchian account of rules than what is presented in Winch's *Idea-book* – however, a Winchian reader would probably still object to attributing *causal* functions to rules in the empirical investigation of social phenomena. Remaining within the framework of Winch's 1958 text, such an objection could be well-founded should one take causal relations to obtain between conceptually distinct phenomena.¹⁴ They would argue that Weber seems to presuppose a conceptual connection between rules and actions: the former are conceptually relevant in constituting the latter. Suppose I raised my hat, I intended to greet the person I met, *but* I kept insisting on not following the conventional rules of greeting established in our social setting – in such a situation it would be highly problematic to intelligibly assess what I was actually doing. And if we cannot think about one of these phenomena (the act of greeting) independently of the other (rule-following), then it would be incorrect to judge that my rule-following “caused” the greeting to happen, since these two events are inherently connected on the conceptual level. This is exactly the mistake that Winch cautions against when he addresses the application of causal laws in the sphere of the social, since he holds that in the realm of meanings and conceptual connections it is unintelligible to make causal statements *should one commit to the above characterization of causality*:

“»Understanding«, in situations like [learning a language], is grasping the *point* or *meaning* of what is being done or said. This is a notion far removed from the world of statistics and causal laws [...] The notion of *meaning* should be carefully distinguished from that of *function*, in its quasi-causal sense [...]”

(Winch, 1990: 108)

These considerations pose the following question: when Weber is talking about causation and causality, in what sense does he employ these concepts? A more thorough examination of the Weberian terms would hopefully further illuminate how the two approaches to interpretive social science are closer to one another than they are usually taken to be – therefore it is to the Weberian notion of “cause” which the final part of the paper now turns.

Adequate causes, adequate interpretations

In the methodological considerations presented by Weber in *Economy and Society*, he identifies the task of sociology as the interpretive understanding and causal explanation of actions. His concept of causality, however, may seem controversial upon first glance – it may seem to contradict what Weber himself has to say about social scientific understanding elsewhere, and it seemingly goes against analytic philosophy's various concepts of causation as well. Looking at the definitions found in Weber's *Economy and Society*, it might be

surprising to read that “[t]he interpretation of a sequence of events will [...] be called *causally* adequate insofar as, according to established generalizations from experience, there is a probability that it will always actually occur in the same way” (Weber, 1978: 11). Should we subscribe to the suggestion that the *Geisteswissenschaften* are primarily concerned with those phenomena and processes that are important based on their uniqueness and singularity (that is, these sciences are primarily idiographic), then the criterion of processes always occurring “in the same way” would seem problematic. Weber’s definition goes on to assert that “[c]ausal explanation depends on being able to determine that there is a probability, which in the rare ideal case can be numerically stated, but is always in some sense calculable, that a given observable event [...] will be followed or accompanied by another event.” Such a formulation seems to accentuate two aspects of the classical (Humean) treatment of causation: the succession of events in time and their empirical connections (“constant conjunction”). Weber’s notion of *adequate causality* (following the ideas of Johannes von Kries and Gustav Radbruch), adopted by him earlier than he began working on the text that ended up being the first part of *Economy and Society*, however, places the emphasis on the third component of the classic account – on the counterfactual dependence between events *A* and *B*.

The concept of adequate causation entered into Weber’s methodological writings in the early 20th century, in such a period when Weber himself did not identify as a sociologist, and wrote his methodological tracts from the point of view of an economist and a historian. It is into such a context that Weber wishes to integrate the concept of adequate causality, used by von Kries in arguments concerning theories of law as a methodological tool in establishing legal responsibility.¹⁵ Much like in legal practice, it is important in the historical sciences as well to uncover the causes of the events that comprise the subject matter of their inquiries – and since, on some level, all previous historical events have contributed *something* to the occurrence of event *E*, it would be necessary to single out those preliminary events that had *actually* caused the one under investigation. We can all agree that the birth of our universe and the assassination of Franz Ferdinand are both *necessary* conditions concerning the outbreak of World War I, although we probably would not put the two events in the same category regarding their causal contributions to declarations of war in 1914. Following Radbruch and von Kries, Weber also believes that causal explanations should be the inventories of all necessary preconditions concerning the event to be explained – and since the completion of such a list of causes is technically impossible, we should limit our attention to those factors that are the most relevant with regards to the event. This relevance was supposed to be represented by the principle of adequate causality, a notion that is built on John Stuart Mill’s concept of objective probability.¹⁶

Objective probability in this case is similar to that of logical probability, and amounts to the assertion that without the detailed knowledge of the circumstantial totality and all possible conditions of occurrence we cannot be certain about the occurrence or non-occurrence of a given event. Invoking Buss’s example (Buss 1999: 320): when we are throwing with a six-sided die ten times in succession, it is objectively possible to roll ten sixes, just as much as it is objectively possible not to roll a single one. We do, however, know about some parts of the circumstances and preconditions, and can intelligibly ask whether the occurrence of a certain event (in this case, rolling a six) would be more or less probable should a given circumstantial factor not obtain. This is where the concept of adequate

causality becomes meaningful, used in an analogous manner to that of legal discourses concerning personal responsibility.

In his methodological writings of the early 20th century (most importantly in his *Critical Studies in the Logic of the Cultural Sciences*), Weber distinguishes between “adequate” and “accidental” causation. Regarding the former, he writes the following:

“[I]t is possible to isolate intellectually certain »determinants« that belong to the given historical constellation and that would, together with a quite overwhelming majority of [the] conceivable, *possibly* concomitant further determinants, have brought about the described effect; at the same time, it would seem to us that there is only a (relatively speaking) very small group of conceivable causal factors whose concomitant influence would in our view probably have led to a result that (in its »crucial« aspects!) was *different*.”

(Weber, 2013: 181)

An adequate cause, then, is a factor the removal of which would either prevent the event from happening altogether, or would cause significant differences in its occurrence. All other factors that do not have the same influence on the event are merely “accidental” causes. To put it differently: it can be stated that *A* is an adequate cause of *B* if and only if when *A* fails to occur or obtain then the probability of the occurrence of *B* is significantly reduced (or *B* fails to occur at all). Such a statement amounts to the postulate of counterfactual dependence: should the cause fail to occur, the effect would not take place either.¹⁷ In *Economy and Society*, however, Weber formulates the conditions of adequate causation differently: in his earlier methodological writings alluded to above, the focus is decidedly *not* on repetition and possible quantification through statistical analysis: it is placed on the unraveling of specific causal chains contributing to the occurrence of specific events. Textual evidence in the later writings of Weber concerning the roles causal laws might play in his system are ambiguous at best,¹⁸ and based on his earlier treatment of causation, his interest was not in uncovering causal laws at all, but in singling out those factors that are judged to be relevant concerning the specific event under investigation.

Winch’s critical remarks concerning the application of causal laws in the realm of social phenomena attempted to shed light on how the objects of social science are closer to the realm of *discourse* than they are to that of causal determination – and when we start looking for causes (using “cause” in any of its analytic philosophical senses),¹⁹ we misidentify the scene of our investigation. When Weber is talking about numerical data and statistics on the pages of *Economy and Society*, the reader could easily get the impression that he is discussing causes *exactly in that sense* as well. His earlier methodological writings, however, paint a different picture: based on those, adequate causality could be understood as the *fine-tuning of interpretation*, a methodological tool that could help us decide whether we have understood a phenomenon correctly or not. Suppose we take a social phenomenon to be a “revolution”: our understanding of such a phenomenon, after assessing its historical/cultural/economic context, could be enriched by drawing attention to the factors that were relevant in bringing about the event – separating them from those elements of its context

that had little to no impact on its occurrence. When Weber is writing about causation in the methodological chapters of *Economy and Society*, his remarks on how “a correct causal interpretation of typical action means that the process which is claimed to be typical is shown to be both adequately grasped on the level of meaning and at the same time the interpretation is to some degree causally adequate” (Weber 1978: 12), he is better understood in the light of his earlier reflections on causal explanation. Notions of probability and statistics, then, enter into his discussion only concerning the interpretation of generalizations (or ideal-types of events) – a methodological process that would be rendered automatically faulty should one fail to correctly identify the events on the level of meaning.

Proceeding in that way, we are still attempting to understand the phenomenon, we are seeking its “adequate causes” without looking to arrive at any kind of law-like generalizations as an end result. We are interpreting certain events and processes in the most coherent way possible, then offering up our narratives for debate. Weber himself provided a good example of such a methodological stance in his treatment of the ethical dimension of Protestantism and its possible ties to the emergence of a capitalist worldview: he offered an interpretation that allows for alternative accounts, although one that was able to make sense of diverse phenomena that cannot be said to have (either philosophically or in everyday terms) “caused” one another.²⁰

Conclusion

In this paper I attempted to bridge the supposed theoretical gap between two of the most influential accounts put forward in the 20th century concerning the interpretation of social phenomena. Peter Winch, incorporating the insight of Ludwig Wittgenstein, argued for an interpretation based on rule-following, and criticized the “founding father” of interpretive social science, Max Weber, for his lack of attention paid to such rules that thoroughly permeate social life. As opposed to this standard picture, I wished to argue that once one pays proper attention to Weber’s most important text on the nature of rules (his critical remarks concerning Rudolf Stammler’s philosophy of history), a more charitable reconstruction of Weber’s stance could emerge. Contrasting this revised account with Winch’s remarks on rule-following, the two perspectives could turn out to be much closer to one another than Peter Winch would suggest. The final part of the paper attempted to deal with a further criticism on Winch’s part concerning Weber’s social science – its reliance on causal explanations. In order to show how Winch’s criticisms may not hold, I reexamined Weber’s notion of adequate causality, arguing that although the word “cause” may figure into both Weber’s and Winch’s accounts, its meaning is substantially different. A difference that may, paradoxically enough, help to draw our attention to similarities that otherwise could have remained undiscovered.

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¹ See, for instance, the relevant parts of Henderson (1993), Hollis (1994), Little (1991), Manicas (2002), Martin (1999), Reed (2011) or Risjord (2014).

² For critical remarks on Winch's stance towards interpretation in general, see Gellner (2003 [1968]), Gunnell (2007), Harris (1992), Lerner (2002), Macintyre (1977), Roth (1987); for more sympathetic accounts, see Hertzberg (1980), Kemp (2003), Pettit (2000), Pleasants (2000a), (2000b); for a defense of the Winchian framework, see Lyas (1999), Hutchinson, Read and Sharrock (2008), Schilbrack (2009).

³ For the original German version, see Weber (1922 [1907]), for the translation referred to in the following, see Weber (2013 [1907]).

⁴ See Hertzberg (1980).

⁵ Winch (1990: 42–47).

⁶ For the historical background of Weber's exceptionally harsh attack on Stammler's views, see Adair-Totef (2014). For its implications concerning the sociology of law, see Coutu (2013).

⁷ Lerner (2002) sees the difference between the two perspectives in the way Weber's writings differentiate between the "causal origins" and the "conceptual status" of a *rule*, while for Winch these two aspects are inherently intertwined. Such a distinction could very well be relevant, although in the following I wish to argue that it does not amount to arriving at Lerner's proposed conclusion – that the notion of "social" takes on a richer meaning in Weber's case than it does in Winch's account (Lerner, 2002: 43).

⁸ For further discussion on how "alienating descriptions" may be relevant for social criticism, see Pleasants (2000a).

⁹ That is, closer to its *dogmatic* application, as Adair-Totef (2014) would put it.

¹⁰ Härpfer and Kaden (2017) offer a helpful reconstruction of the differences between Weber's and Georg Simmel's accounts of rules in dialogical form.

¹¹ See Winch's critical remarks concerning Pareto's theories on residues and derivations (Winch, 1990: 97–104).

¹² It is worth noting that Weber also seems to distinguish between regulative and constitutive rules – the distinction, however, is not as important to him as it later comes to be in the writings of Rawls or Searle. See Rawls (1955) and Searle (1969).

¹³ See (Weber, 1978: 4–22). I am thankful for an anonymous referee for drawing my attention to this point, since it is a further instance of Weber's changing views on properly sociological methodology.

¹⁴ Engaging all the problems and proposed solutions concerning the metaphysics of causality in the analytic philosophical canon of the late 20th century would take us way beyond the scope of the present paper; for a contemporary summary of the questions and possible answers about causality-related issues, see Paul and Hall (2013).

¹⁵ On the history of the concept and its Weberian application, see Buss (1999) and Heidelberger (2010).

¹⁶ For the explication of the concept's history in Weber's writings, see Weber (2013: 169–184).

¹⁷ Ringer (1997) draws similar conclusions, albeit without singling out specific conditions of the causal relation.

¹⁸ See Turner and Factor (1981), and Swedberg (2005: 28–31).

¹⁹ Whether in its Humean version, or understood as a bundle of so-called INUS-conditions, or any other way developed in the relevant literature in the 20th century. See fn. 34.

²⁰ Buss (1999) argues that although Protestant morality did not “cause” capitalistic thinking, it was nevertheless an *adequate cause* of it – which would be conceptually impossible if one took adequate causation to be any kind of subcategory of the causal relations investigated by the natural sciences.