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SECULARIZATION IN MAX WEBER.

On Current Usefulness of Re-Accessing that Old Meaning*

Antônio Flávio Pierucci

The inward interest of a truly religiously "musical" man can never be served by veiling to him and to others the fundamental fact that he is destined to live in a godless and prophetless time.

(Max Weber, *Science as a Vocation*, p. 153)

"It always helps to know what you are talking about." It was with his feet planted firmly on the ground that Jürgen Habermas opened his presentation at the *Deutsche Vereinigung für politische Wissenschaft* congress, in Duisburg, October 1975. The congress had been opened by Wilhelm Henis, who used his time to discuss the issue of legitimacy. Habermas replied to this speech with a short and concise text that went straight to point: "It always helps to know what you are talking about; furthermore, if it is a matter of legitimacy, it is necessary to know it in a particularly precise way." (Habermas, 1983). The memory of this sentence, wise in its simple pragmatism, in its level-headedness, and so obvious as to be funny, did not

return to me in vain. Its evocation serves, like no other, to describe succinctly my deepest motivation — if, as Foucault would argue, such a thing as deepness exists — for writing the current article, in which I intend, modestly but decidedly, to defend the unpostponable need to reopen in Brazil today, among sociologists of religion, the *conceptual* discussion of the problem of secularization and to question the need to repeatedly deal with the old meanings with which the *thing* came into being, with which the *question* was raised. These references should be revalued in today's age. Especially in Latin America.

"It always helps to know what you are talking about." The subtitle of this paper alludes to a polysemy. In the case of secularization, not making explicit the subtle multiplicity of meanings that have accompanied the use of the term from its very beginnings has seriously affected the discussion of the theme and detracted attention towards aspects of the matter which are not fundamental. Habermas' humorous phrase also evokes the theme of his speech and ends up fitting like a glove around the content of this article, since a discussion on the Weberian concept of secularization necessarily invades the territory of the conceptualization of

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legitimacy, of the theoretic treatment of problems of legitimation of authority, problems which we all know are recurrent, permanent, in a modern state. And the reverse is also true: it is impossible to have a deep discussion around the legitimacy of political ordering in the framework of the modern constitutional state, and about political democracy — the legitimation of which can neither be proposed nor proffered with the claim of public recognition if not as a justification that is immanent to politics itself (Lefort, 1972), in an operation of disenchantment of the law-making — without stumbling on, even if tacitly, this other thematic complex, that of secularization.

For 20 years, no less than the end of the final decades of the XX century, Islamic fundamentalism, in its defense of a radical hierocracy, of a total theocracy (see Pierucci, 1992), has done nothing but re-lay on the global table the inescapable mutual implication, more than an interface, of *secularization* and *legitimation of political dominance*, urgently updating, for the secular West, public discussions about the incomparable benefits that a secular state brings to the diversity of social life (and vitality), to public liberties and citizenship rights. Both, at least from early on as Marsilio from Padova's *Defensor Pacis* (c.1275-1343),¹ would become permanently thematized and referred to throughout the production of modern political thought, until they became a type of unavoidable hendiadis.² It was not until the XIX century that the use of these designations, more than their mere thematization, made them keywords of each other (Matthes, 1967; Blumenberg, 1985).

It is in light of the unavoidable *bendiadic* character of the two problems that I state, while sincerely bemoaning such a state of the arts, that the discussion of secularization by many sociologists of religion *simply does not do*: the terms have not been well put. Placing an exaggerated emphasis on the psychosocial significance of religious adhesions (given that religiosity — take pleasure in repeating this — is enjoying a high, and that religion conversion is in vogue; cf. Taylor, 1976; Heirich, 1977; Beckford, 1978; Richardson, 1985), sociologists, and anthropologists *a fortiori*, let fall outside of the range of their focus the veritably hard dimension of

secularization which is lodged in legal-political normativeness. As a result, in countless cases the matter has ended up losing itself in that type of “orrery of errors” which E.P. Thompson (1978) talked about, seriously impairing the concept's bite in its systematic content, as well as causing even more serious lesions to the *status* of irreversibility of the process itself, in its harsh factuality, primary target as it is of the attack that nowadays, in all four corners of the world, has been aimed at the “theory”(or “thesis”) of secularization by a large handful of social scientists (non-secularized themselves? de-secularized, then?) in search, perhaps, of a “re-enchantment” of their own lives which are apparently so lacking in other enchantments. And I mean enchantments “from this world”, not from “the other world”, the Beyond.

Nowadays, for many cultural anthropologists and sociologists of religion, in Brazil, in the Southern Cone, throughout Latin America, North America, Asia, Europe (Western and, *a fortiori*, post-communist Europe which has recently come out of a political situation of secularization forced by a Marxist-Leninist state imposition) secularization “has had its day”. The more self-confident talk about *de-secularization*; the more astute talk about *post-secularization*.

De-secularization? Post-secularization?

We are living in a society that is “post-secular” — that is what they have been saying. The term “post-secular”, that mimics and comments on other “post-” with which it aligns itself — the post-modern, post-materialist, post-communist, post-history etc. — as far as I know was used for the first time in Italy in 1990. Its author, Filippo Barbano, in the preface to Luigi Berzano's book *Differenziazione e Religione Negli Anni 80* (Barbano, 1990), identifies in post-modernity, understood as a global crisis of modernity, the ideal moment for the reformulation of sociological theories of religion, seeing that for the most part they are debtors to the doctrinairism of Weberian theory of secularization. The aim is to practice a sociology that recognizes the capacity demonstrated by religion to resist the jagged attack of modernity. Nowadays, while mo-

dernity soaks, religion makes its invigorated comeback. Along with it emerges, in certain sociological circles, the demand for a new sociology of religion. One less unfair upon its pulsating object of study, less prejudiced against the sacred, inasmuch as the radical criticism of religion constitutes modernity, not post-modernity. The new signifying term “post-secular” aims to unfold the idea of post-modernity precisely in this direction. Everything takes place as if the very “post-modern condition” were presenting itself to us sociologists of religion as the intellectual condition favorable for the relinquishment of the hypothesis of secularization. Which, let it be said, is always a pessimistic hypothesis for religious men and women, enjoying nowadays frank and cheerful religious self-affirmation (Berg-er, 1979).

And because Weber in his sociology *verified*, more than he thought, the retraction of religion in a direct ratio to the advance of capitalist modernization, Barbano *et caterva* do not hesitate in postulating an explicit rupture with Weber. They wish upon a post-Weberian sociology of religion for a post-secular society: “Our current day and age, of differential *post-secular effects* of secularization, seems to also impose a rupture with the Weberian point of view that linked disenchantment, that is, secularization, with modernization.” (Barbano, 1990; my italics). For some, including Stefano Martelli, and not just by chance another Italian (see also this other: F. Crespi, 1988),

the post-modern condition represents a phase that follows the process of secularization, a phase in which the very experience of secularization has already been exhausted. A characteristic of the “post-modern” is that it lacks those firm positions that lent the secularization thesis so much vigor. [...] In other words, “post-modern” society is a “post-secular” society in which the emphasis on the secularizing trend was finally cast aside, allowing us to perceive the countless phenomena of de-secularization. (Martelli, 1995, p. 18)

In these last three decades of the XX century, the last quarter of the most secularized century of all centuries, religions have regained vigor, ex-

panding and multiplying themselves considerably. Visibly so. These are the so-called de-secularization phenomena that some authors talk about with such certainty that I am tempted to call them neotheists.³ Just open your eyes — they say. Turn on your television — they say. This new and heterogeneous “religious awakening” is a world-wide phenomenon that is almost palpable — also called religious revival, revitalization, *reavivamento*, *risveglio religioso*, *le retour du sacré*, religious mobilization⁴ — and is fermenting not only in the Third World, but mainly in the First World, not to mention, in the 1980s, a vital eruption in Eastern Europe, which, many have said, became post-communist in large measure because of the religious factor. The return of the sacred, a religious-communitarian re-energizing of culture and civil society in central Europe, precipitated the end of real socialism.

If this is so, then religion has not died! — guarantee animatedly countless intellectuals and academic researchers *soi disant* non-religious, among whom are many social scientists, specifically sociologists and anthropologists, assuming to be merely and indiscriminately interested in observing empirically what “actually happens”, social facts. Religion has not died, quite the contrary. The contrary has indeed become “the” empirical fact that legitimately interests someone who, as a sociologist, chose religion, religions, and religious ways of life as the object of study. “Generalized faith in the existence of God is a social fact that can be observed.” (Dogan, 1995). “Data available for Europe show that, even in the countries thought to be more ‘secularized’, the percentage of individuals that believe in God is high and much greater than those that consider themselves atheists.” (Frigerio, 1995; see Stark, 1993). In other words: religion has come back, and this coming back from secularization (*ce revenir*; cf. Schlegel, 1986) is one of the great social factors that today sanctions precisely the “post-” of post-modernity.

Since one of the segments of sociology that most grows in the world today, and Brazil is no exception to the rule, is the sociology of religion, we enjoy today greater access to allegedly trustworthy data and documentation, which increase each

day, about the most diverse forms of religious belief today, many of which are extremely dynamic. But so what? Without asking further questions, those who are most enthusiastic hurry to commemorate what they quickly identify as “clear phenomena of de-secularization” (Martelli, 1995, p. 412). And among these “clear phenomena”, the most conspicuous example cited is that of the proliferation of new forms of religious life which sociological literature has gathered under the heading *New Religious Movements* (NRMs), this growing multiplicity of extra-ecclesiastical, para-ecclesiastical, and non-ecclesiastical religious manifestations and groupings that more modern western societies have seen rise and proliferate from the early 1970s. This means that today, after the end of the 1990s, the flagship of “phenomena of de-secularization” continue to be “cults” and “sects” (Beckford, 1985; Stark and Bainbridge, 1985; Robbins, 1988; Carozzi, 1994; Bruce, 1996) whose restless vitality, which reached a media generated peak in the 1980s, has populated with new and old gods (Crippen, 1988; Robbins and Dick, 1991) nothing less than the day-to-day of the well-healed middle class of the First World and its *jeunesse dorée*. In the sociological literature interested in attacking secularization theory, the generalized phenomenon of the NRMs is normally remembered along with other indefectible examples of “de-secularization” that are less comprehensive: the recuperation of the image of the papacy (Séguy *et al.*, 1988); the impact on TV of fundamentalist or pseudomoralist televangelists (Hunter, 1983; Stoll, 1990; Iannaccone, 1994); Islamic fundamentalism with its theocratic republics, literally de-secularized (Kepel, 1991; Pierucci, 1999).

Linked to the end of communism and the emergence of theocratic Islamic regimes, there is a certain appropriation of the post-modernist wave that in part contributes to the updating of the question of the “end of religion”, an updating from the underside, as a “non-end”, as a return, designing on this return an anti-Illuminist turn, a reversal that projects an “end of secularization” (Hervieu-Léger, 1997) configured in countless religious objects which are on one side irreducible in their heterogeneity but on the other side wishfully convergent, disconnected but having affinities,

dispersed over scenarios (new or original) pressured by cultural globalization, multidimensional, polyhedral, intersected in all directions by selectively and randomly globalized subcultures, creating in the most different audiences the same demonstration-effect: that modernity has tumbled, and with it the “utilitarian secularity” (*utilitarische Diesseitigkeit*, would say Weber) responsible for the retreat of the sacred has gone. The eclipse that the end of the XX century would witness is no longer the one that half way through the same century was deemed, quite reasonably, the “eclipse of the sacred” (Acquaviva, 1961), but is instead its opposite, “the eclipse of secularization”.⁵ It is not without reason that enthusiasts are calling the return of the sacred, “God’s revenge” (Kepel, 1991).

Furthermore, renewed religious enthusiasm has been presented as a phenomenon that only surprises those that “for the sake of ideology” took up the prognoses (which are now so mortally frustrated) of the *Aufklärer*, rationalists, positivists, vitalists or materialists from all camps, *y compris* the founding fathers of sociology, that not only predicted, but also wished the “historic end of the sacred”. Current media visibility of massively professed religion, aligned with religious *marketing*, tends to increase the phenomenon’s impact, making it more impressive, and indeed irrefutable as we reach the the year 2000, the end of the century which is also — and to better illustrate this scene that lends itself to a pretentious post-modern war of words between old and new celebrants of a sacred relapse — the end of the millenium. Everything occurs now as if the strong evidence of facts should signify already a radical falsification of secularization theory and indicate with meridian sharpness that the great sociological theory also lost, in this case, yet another paradigm — the *paradigm of secularization* (Tschannen, 1991; Warner, 1993) — acritically attributed to Max Weber. And not rarely, attributed to an “outdone” Max Weber. Outdone because out of date. It is worth hearing what has been said in sociology of religion circles in Brazil, in order to garner an idea about the large wave created by defenders of (religious) re-enchantment of the world:

Weber's analyses were valid for a period of Western history that has come to an end: the height of rationality in a disenchanted world, marked by the exile of the sacred. More recently we are experiencing a period called "return of the sacred" or "God's revenge", where the world is, somehow, becoming re-enchanted. Even if we take into consideration Third World reality in general, and Brazil's in particular, where the sacred has persisted, it cannot be denied that religion has undergone a process of revitalization, parallel to the First World's re-enchantment. (Negrão, 1994, p. 134)

Or rather, right here on the outskirts of capitalism disenchantment of the world never occurred, is that it? Then we continue to live in a magic garden, is that right? Meanwhile, developed societies are being re-enchanted as a counter-attack. As we can see, the revenge of the religious sociologists of religion is to be feared, and not that of God. They are having their heyday.

According to their simplification of the theory of secularization, attributed to an evolutionist Weber, the rationalization of the West was not carried out in as linear a manner — they allege — as was foreseen by Weberian theory. But, one should ask, was religion ear-marked to die in the final chapter of Weber's "great narrative" of the macro-process of western rationalization, Christianity having been secularized by virtue of its own internal developments, of the logical unfolding of its own religious world image, victim of the astuteness of the religious introversion that he produced and ended up giving in technical-scientific and technical-functional reason? Absolutely not (Séguy, 1986; Gauchet, 1985). Never is it overdoing to remember that Max Weber was always metatheoretically opposed to closed predictions with nomological pretensions in Hegelian-theological genre of philosophy of history. How then can we attribute "the historic end of religion" to him? How can we talk about unfulfilled Weberian prophecies?

It remains that current critics of the theory of secularization do an extremely shallow, and silly, teleological, reading of his work, which is to say, their reading "does not match with Weber", is incoherent with all those things recent scholarship

on Weber has produced and has been handed to us in the growing numbers of publications dealing with the issue. They attribute to Weber, without his consent, a closed prognosis of the emaciation of religion in modern society in the direction of the linear advance of formal-instrumental rationality, a prophecy which has not come to pass. As if to say that Weber did not scoff at academic prophecies... In a short article in the supplement *Mais!*, in the *Folha de S. Paulo*, of which the title is already a compendium, an epitome — "A prophecy denied" —, the social anthropologist Pierre Sanchis wrote that "contemporary impressions seem, almost to a dramatic point, to not confirm a similar prophecy", referring to the fact (empirical, *por supuesto*) that "modernity neither expelled nor suppressed religion" (Sanchis, 1997). One day, while sitting on an examining board, the candidate said something that I immediately wrote down, because of the power of what was said and because of the "scientific" serenity that the student exuded: "Instead of the predicted *secularization of modern society*, the current religious panorama shows us that the gods were not eradicated". And there you have, in a few words, the self-deception syndrome that haunts the sociology of religion, that I talked about on another occasion (Pierucci, 1997). This means that there are even sociologists that cannot even make an appeal for "post-secularization", seeing that, as far as they are concerned, the "announced secularization" never took place, in the same way that for others, there was never disenchantment in the Third World. As you can see, we must be doing very well.

Weber, the words and the motif of two times

You can count on the fingers of one hand the number of times that Max Weber spoke about secularization. In his writings of sociology he deals almost incessantly with the thing, the phenomenon — the *process of secularization*, if we wish to designate from the outset the thing by one of the names given to it by Max Weber. This is how he named it, twice, in two different ways in the same essay about *The Protestant Sects and the Spirit of Capitalism*, giving the name *process* to the devel-

opment of modes of sociation and sociability characteristic of modern Euro-North-American societies with strong puritanical matrix: *Säkularisationsprozess* (Weber, 1988b, from now on Psek, p. 217); or even, with a hyphen and commas in the middle, “*Säkularisations*”-*Prozess* (*idem*, p. 212).

There’s no way of saying that secularization, as part of a societal process of differentiation of cultural-institutional spheres, is not part of the mainstream in which Max Weber copiously discharges his disturbed thinking (Weber, 1988c, from now on ZB), in the obstinate and acknowledged vocation of the scientist to fulfill, on the existential plane of personality and profession, the *fatum* of western civilization: of kneeling before the unquestionable value, as well as before the limits, of science. In the name of science the scientist Weber resigns from the supra-sensible in decisive refusal of the “sacrifice of the intellect” (Weber, 1973, from now on WB), without letting go of the irrational values of “this world”, such as political ideals, art and beauty, sexual love, life (ZB).

The lexicographical exam of his texts uncover scarce use of the word secularization, this prosaic name that already, by the looks of things, does not seem to have much *appeal*. Without fear of exaggeration, moreover, one can safely say that Weber took for granted the fact — a historical fact really experienced in his time — that in today’s capitalist modernity, in the capitalist order of his time, in his generation (*die heutige kapitalistische Wirtschaftsordnung [...] der heutige Kapitalismus [...] heute [...]*), religion had lost a lot of the cultural value that it had had in the past, in the cradle of the modern capitalist culture. *Once*. Once upon a time.

Viewed in retrospect — seeing that prospecting and predicting were not Weber’s style — religion and religiosity proved to be much *less valued* at the start of the XX century than at the dawn of modern times. In neo-Kantian terms, religion, which had previously been a central force in cultural life, was now *de-valued*. It had much less value than before, much less cultural weight. With all implications of the philosophy of history exorcised from his thought, the situation for religion at that moment — *für die Gegenwart* (Weber, 1988a, p. 24, from now on PE) — was of a power in decline. Inside the

present horizons, daily experience was of a much more secularized social order and cultural life. To such a point that “we modern men”, men of “our time” — expressions dear to Weber, a man preoccupied in being honest to his time — “we are simply unable to even go as far as reenacting”, of drawing a mental picture of “that time in which the Beyond was everything”: *einer Zeit, in welcher das Jenseits alles war* (PE, pp. 163-164).

Before going any further on this point it is worth noting that Weber’s approach to the theme of secularization in the bulk of his macro-sociological theory of the historical development of western rationalism is decidedly *scientific*, even though it is not positivist (on the contrary), and bears, so it follows, a demand for substantive objectivity, *événementiel*, a claim that distances it considerably from other seriously contaminated theoretical approaches to the philosophy of history as defended by Hegel, Spencer, Comte. Faced with the advance and development of the scientific methodologies applied to sociology by professional social scientists at the start of the XX century, it could only be expected that the way of looking at the process of secularization would also change, and from this moment on would not only be considered and thought about, but also *observed*. And the Weberian registry is as historiographic as it is sociological, well equipped with demands for scientific objectivity, and charged with no longer creating or assembling visions of the world, avoiding the temptation of the *Weltanschauungen*. After Hegel, and passing through the evolutionist determinism of Comte and Spencer, the process of secularization falls under the examining table belonging to Weber the sociologist, who now, entering the XX century, entering “the superior stage of capitalism” (Lenin), the age of “triumphant capitalism” (Weber), branches out into researches and analyses that become increasingly complex, and are dedicated to the field of *objective transformations* that affect religion and its cultural status, and dedicated simultaneously to the rationalization processes of the different cultural spheres of value and ways of living (*Lebensführungen*).

Greater attention paid to factual observation of the multiple ways of living religiously, which

Weber dedicated himself to as a scientist, results like never before in a more complex and motley picture of the different rhythms of secularization (Guizzardi and Stella, 1990). And it will allow for what, in my view, is *the most precious Weberian contribution to the thesis of secularization: the capacity to convincingly put on show the interface between religious rationalization and legal rationalization*. Religious rationalization, that sets off, unfolds and accompanies in the West the disenchantment of the world, implies, or supposes, though not necessarily identifying itself with, legal rationalization which on its own performs the disenchantment of Law, the de-sacralization of the legal order, and sets up the modern secular state as the place where Law rules supreme.

The insistence with which the placid conviction of the loss of cultural value of religious transcendence — of the Beyond — returns in Weber's texts ended up inscribing this way of speaking in the final paragraph of his most known work, *The Protestant Ethic and the Spirit of Capitalism*. In fact, right at the end one finds, in a reserved tone, the following phrase: "The modern man is in general, even with the best will, unable to give religious conscience a significance for the conduct of life, culture and national character which it had [in the past]." (PE, p. 205). According to Weber, the men of his time were simply unable to imagine how much the West had *already been* religious. Max Weber's sociology reiterates this several times: *secularization is something that has already happened*, and, as a result, no longer requires sociologists to value it, or wish it, or regret it. The intention is more modest. It is not a matter of predicting, of projecting, but of objectively documenting the change.

And Weber takes it upon himself to carry out this task in order *to compare two moments of the West's history*: between the point of departure for his sociology of religion studies, "this age of lived religiosity that constituted the XVII century [*jene religiös lebendige Epoche des 17. Jahrhunderts*]" (PE, p. 198) and his own time, the start of Germany's XX century, the Wilhelmine period during which he carries out his own experience of secularization and, in the process, also tries the "*iron cage effect*", this loss of meaning (*Sinnverlust*) which is

the result of the inner logic, of the consummated experience of the disenchantment of the world. Which, overall, does not coincide with the experience of secularization, that one that allows someone to feel as if he/she is building a political community on the very mundane foundations of politics, with rational, arguable, and therefore also revisable (*revidierbar*) laws (cf. Schluchter, 1979, p. 146). Whoever, in terms of the more substantial and significant processes of decision-making, personally experiences the secularization of the state⁶ (*Säkularisation des Staates*) as effective human freedom and conquest, and on top of this values the experience, cannot but treat it as a datum, as a matter of fact. Weber did this. He treated the thing as a fact of modernity. He showed that, after all, secularization lies within the sphere of *sein*, not of *sollen* — the sphere of "being", and not of "ought be". There is no way of doubting this. The thematic contents of Weber's work are saturated with this motif of "two times", motif already explicit in 1904-05, when *The Protestant Ethic and the Spirit of Capitalism* was published, and recurrently encountered in all subsequent theorizations tied to the process of secularization, in and out of his *Essays on the Sociology of Religion* (GARS).

Two times: (1) a past time, time of influential religiosity and a strong ecclesiality, where "the Beyond is all" that matters to human beings, and (2) the present time, Weber's present as it was at the turn of the XX century, but also our present as we see it now, the time we live in, we social scientists who work in a vocation (*Berufsmenschen*), we, "utilitarian heirs" (*utilitarischen Erbin*) of this "era of gaily dressed religiosity" that was the beginning of modernity.⁷

Secularization & disenchantment

"Disenchantment of the world" has much more enchantment as a formula than the word "secularization". And, as it stands, makes much more sense to Weber. After all, he is the author of the concept of disenchantment of the world (*Entzauberung der Welt*) and the appearance of this *molto particolare* word is much more widespread than the appearance of the word secularization.

As they know, in order to coin such a powerful syntagma he had drawn inspiration from an analogous expression, penned by the poet Schiller, about the effect of de-deification of nature (*Entgötterung der Natur*).⁸ At least once, and in this case as an adjective, Weber used the idea of de-deification, when he mentions the “de-deified mechanism of the world”. Also when, in the “Introduction” (*Einleitung*) to the *Economic Ethics of World Religions*, he discusses the difference between, on the one hand, knowledge and the rational domination of the natural world, and on the other, individual, inexpressible, incommunicable mystical experiences “whose unspoken content stands as the last Beyond still possible alongside the de-deified mechanism of the world” [*als einziges neben dem entgotteten Mechanismus der Welt noch mögliches Jenseits*; GARS I, p. 254].⁹

But it is the new term — disenchantment — that is Weber’s favorite, to such an extent that it becomes one of the trademarks of his writing and theory. Through it Weber discovered that it was possible to properly designate the very long period of religious rationalization that western religiosity underwent in virtue of the cultural hegemony reached by an “ethical” form of religious devaluation and rejection “of this world”: Judaism/Christianity. This process would appear described succinctly and dated in a later insertion, made in 1919-20 by Weber himself, for the last edition of *The Protestant Ethic* (cf. Tenbruck, 1980), originally published, as everyone knows, in 1904-05.¹⁰ The insertion says the following: “That great historical-religious process of disenchantment of the world, which had begun with the prophets of ancient Judaism and, in conjunction with Hellenistic scientific thought, had repudiated all magical means to salvation as superstition and sacrilege, came here to its fulfillment” (PE, p. 105) [*Jener grosse religionsgeschichtliche Prozess der Entzauberung der Welt, welcher mit der altjüdischen Prophetie einsetzte und, im Verein mit dem hellenistischen wissenschaftlichen Denken, alle magischen Mittel der Heilssuche als Aberglaube und Frevel verwarf, fand hier seinen Abschluss*; PE, pp. 94-95.] Weber wanted to put his finger on the exact moment the process of disenchantment began: its creators,

harbingers, propagators, its first bearers (*Träger*) were the prophets of ancient Judaism!¹¹ And the puritanical sects, in the pioneering age of the historic birth of the modern civilization of work, were their radical and self-confident messengers, their religious finishing line that paved the way for actions that led to the primacy of modern science, “the fate of our times”, which reduces our world to a mere causal mechanism without any meaning in itself (WB).

Secularization and disenchantment: critics tend to treat them as synonyms, and to accept them (though not always) as being equivalent.¹² This is why it is always worth reminding theoretically more reckless interpreters that the different terms also have different meanings with Max Weber, however subtle these may be. Indeed, they are more than subtle. The terms do not say the same thing, they do not cover the same area and they do not deal with the same issue. For Weber, the disenchantment of the world takes place precisely in more religious societies, and it is an *essentially religious process*, because it is the ethical religions that provide the elimination of magic as a means of salvation. As is also explained in this other passage of *The Protestant Ethic*, in which Weber establishes stylistically, with the use of a colon, the following equation: “the disenchantment of the world: the elimination of magic as a means of salvation.” (PE, p. 114; EP, p. 81). Which is why Weber more than once adds the adjective *religious*: “*religious disenchantment of the world* [*die religiöse Entzauberung der Welt*]” (PE, p. 156). Secularization, on the other hand, implies abandonment, reduction, subtraction of religious *status*; signifies *sortie de la religion* (Gauchet, 1985); it is defection, a loss for religion and an emancipation.

It is with this meaning that Weber refers, in his essay on sects, to the process of secularization. What protestant sects had begun to do in the United States in Weber’s time — and he witnessed this — clubs and other voluntary associations with secular foundations and motivations were already doing: “We are interested in the fact that the modern position of the secular clubs and societies with recruitment by ballot is largely the product of a process of *secularization*” [*Produkt eines Säku-*

larisationsprozesses; Psek, p. 217]. Used this way, it is a result, a consequence, in a way a finishing point, a logical conclusion of the historical-religious process of disenchantment of the world.

For Weber, the process of rationalization is larger and farther reaching than the disenchantment of the world and, in this way, embraces it; the disenchantment of the world, for its turn, has a history that is longer, and more extensive than that of secularization and, in this way, includes it. It is worth noting that Weber really makes a distinction between the different processes. Whereas the disenchantment of the world alludes to the ancestral fight waged by religion against magic, with one of its most efficient and recurrent manifestations being the persecution of sorcerers and witches by prophets and hierocrats, or better-said, political-religious repression of magic (Thomas, 1985), secularization, on the other hand, immerses us in cultural modernity's battle against religious power itself, defining as its empirical manifestation in the modern world the decline of religion as a force *in temporalibus*, its *disestablishment*, its retirement from the state, the reduction of its cultural value and dismissal/liberation from its function of social integration. With both these processes intertwined in the process of modernization, the effect of the latter on religion cannot be anything other than negative, seeing as it consolidates and promotes the advance of disenchantment of the world through increased rationalization of political domination which is, as we will see later when we deal with Weber's sociology of law, irresistibly secularizing.

Notwithstanding, it has become usual in the present day to shuffle the two concepts, at the same time that it has almost become a unanimity to consider Max Weber "the" author of the theory of secularization or at least its greatest exponent (Matthes, 1967; Rendtorff, 1971; Luhmann, 1977; Martin, 1978; Seyfarth, 1980; Dobbelaere, 1981, 1984 and 1987; Wilson, 1966, 1976, 1979 and 1982). Among current social scientists interested in religion, mention theory of secularization, and you are mentioning Weber. The truth is that some prefer to call it a "thesis" of secularization, not a "theory" of secularization, to keep it clear that they are denying his work the *status* of a distinct theoretical body of

work, or to make it clear that they seriously doubt it.¹³ We must agree with Frank Lechner that the criticism — "there is no theory there" — is the heaviest that can be made against the (hypo)thesis of secularization (Lechner, 1991, p. 1.104). It is as if they wanted to say "the King is naked", but they are not innocent enough to say it; they lack that child-like spontaneity found in Andersen's tales, in as much as, deep down, the critics of secularization have also become aware that they are irredeemably disenchanted. They would like to be ironical, but instead they project, in the psychoanalytic meaning of the word: the (scientific) theory of secularization is nothing more than a belief, a credo, "a doctrine which is more than a *theory*" (Hadden, 1987, p. 588). Jeffrey Hadden, in formulating a pseudo-criticism in the most forceful manner, states that "a close examination reveals that there really is not any type of theory there" (Hadden, 1987, p. 607), which is his way of saying, in truth, that the theory of secularization is nothing more than academic ideology (Acquaviva and Stella, 1989). And if not that, then intellectual deceit. Or a myth (Ferrarotti, 1984). A sociological dogma: "This sociological dogma took different forms depending upon the specific theoretical perspective out of which it arose, but its ubiquity led to a 'certainty' within sociology that the sociology of religion was studying a form of life in its death throes." (Swatos, 1993, p. X).

Those who support and accept the theory act and apply it as if it were a theoretical paradigm in the proper sense of the word, associating it *volentieri* to the great Weberian theory. Here, the theory of secularization is treated by researchers and scholars as a supporting beam for every and any sociology of religion approach which is deemed *Weberian* (cf. Dobbelaere, 1981, 1984 and 1987; Lechner, 1991; Crippen, 1988 and 1992; Wilson, 1966 and 1982) and which, beyond this, is intended to be scientifically respectable due to its automatic casting of its functions not only over empirical data but also, and preeminently, over general theory. In this case, a general theory of the structural change from traditional societies to modern societies which, at the end of the day, according to Habermas,¹⁴ coincides with the very definition of

sociology as a scientific-academic discipline. Frank Lechner's commentary about the affiliation of Weberian theory of secularization sums it up well:

The theory of secularization is a general theory of *societal* change and consists of a coherent empirical body of empirical generalizations that lean on fundamental Weberian premises. According to these familiar premises, in certain societies the world view and institutions anchored in transcendence lose social and cultural influence as a result of the dynamic of rationalization [...] Because western societies were most affected by a process of rationalization, they became profoundly secularized. (Lechner, 1991, p. 1.104)

He forgot to mention, as a safety measure, Weber's scarce use of the word. My point of departure in this essay lies specifically in this, in underlining the fact that the Weber that we have before us makes a habit of talking about a *thing* without calling it by its name, a trait of his that drew out in me the appetite of a philologist.

Secularization in the sociology of law

Let us return to the name, to the word on the screen, with a view to speculating a little more about the lesson we can learn from its use by Max Weber.

In German, secularization is *Säkularisierung*, though it can also be *Säkularisation*. We have already seen that Weber talks about *Säkularisationsprozess*, process of secularization, and there are those that say that he was the first to use this syntagma (cf. Marramao, 1997, p. 47). We already know, on the other hand, that lexicographical ways of naming the decline of religion in modernity — a decline which has also been called *l'eclissi del sacro* (Acquaviva, 1961), *la sortie de la religion* (Gauchet, 1985), *la quiebra de la religión* (Wackenheim, 1973) etc. — are not in any way abundant in Max Weber's vast and fragmented work (Kalberg, 1979). For a person unanimously considered the "theory's father", the few, even scarce times that Weber uses the term never cease to be intriguing. Because the use of the word is so rare, it

becomes easier to account for its appearances throughout Weber's work. And that is what I have done, hoping that the mere distribution of its frequency in Weber's writings could, in and of itself, have something important to say.

The fact is that most of those scarce occasions in which Weber used the word "secularization" appear in his *sociology of law*, in the long (and almost never fully read) chapter VII of the second part of the first volume of *Economy and Society*, entitled *Rechtssoziologie* (Weber, 1972, from now on WuG, pp. 387-513). The search for the word secularization yielded *eight mentions* in this chapter, each discussing the idea in a rich variety of levels and different aspects. And all concentrated in a space of approximately 40 pages, when in truth the essay as a whole has more than 120 pages.

Though the reading is arduous,¹⁵ we all know that in his sociology of law, given the insistence with which Weber mentions this motif, what became decisive for him (and, according to him, decisive for all of us, "product of modern western civilization") was the fact that in the West, and only in the West, there was a development of juridical rationality that in turn gave rise to the (modern) concept of formally legitimate and legitimately reversible legal-juridical order.

As befits the aim of this article, it is worth emphasizing the fact that the Christian church and its holy laws have become increasingly differentiated and separated from secular law-making (cf. Bendix, 1960; Trubeck, 1972; Walton, 1976; Schluchter, 1979 and 1981; Zeitlin, 1985; Treiber, 1985; Habermas, 1987; Colliot-Thélène, 1992). The level of distinctness presented at the very start of capitalist modernization by this specific separation of normative spheres cleared the way for the imposition of laws that could only emanate legitimately from secular authorities and which, beyond this, paved the way for the logical development of juridical formalism, tied in intimate elective affinity to "ideal interests" (or to use jargon which is even more markedly Weberian, to "intrinsic intellectual necessities") of theoretic jurists and their disciples at the Schools of Law, so much in vogue during early Medieval times. Weber stresses for a reason that modern law's *essential* trait is its *systematic*

character, in great part due to modern law being, quite specifically, “a law made by jurists” (Habermas, 1987, p. 267).

In the final section of the essay, dedicated to the formal qualities of modern law, Weber himself draws a synthetic picture of the rationalization of juridical practices and concepts in the West. He sketches, in large brush-strokes, a four-stage résumé of the rationalization of law, which is, in many regards, analogous to the religious rationalization in the West, that carries out the eradication of magic as a means of salvation, and the theological-rational systemization of revealed doctrine and ethical sublimation which, in a way of speaking, stretches out the duration of sacred states of mind, which are as a rule ephemeral. Here are the four stages of the Weberian scheme for juridical rationalization:

The general development of law and the process can be laid out in the following “stages of theoretical development”: (1) first, charismatic revelation of law through “law prophets” [*Rechtspropheten*]; (2) second, empirical creation and finding of law by legal *honoratios*, i.e., law-making through cautelary jurisprudence or adherence to precedent; (3) third, imposition of law by secular *imperium* or theocratic powers; (4) fourth and finally, the systematic elaboration of law [*systematische Rechtssatzung*] and administration of justice by professionalized jurists [*Fachjuristen*], by graduates of Schools of Law who have received their legal training in a learned and formally logical manner. (WuG, p. 504; EyS, pp. 649-650)

These are the general outlines of the process and, at the same time, rudimentary traits of the general script that Weber follows in his elaboration of the sociology of law. The path taken by rationalization processes in Weber’s sociology is neither mechanical nor linear, nor does it keep from being “evolutionary” (cf. Seyfarth, 1980), developmental (cf. Schluchter, 1979 and 1981). The stages are not established ahead of time, there are detours, and the final result is not characterized like a *telos* predetermined to be reached. The process takes place on the way and the stages, like the detours,

are identified *ex post* and objectively by the researcher.

The point of departure is always *sacral*; the finishing line is always *desacralized*. Each cultural sphere of value, in the internal rationalization process, takes the same path but with a different script (cf. ZB). Without any historical necessity that it be so. Disenchanted logical-rational formalism championed by law in the final yards of high modernity began to develop “based on a combination” of irrationalities already current in the primitive juridical process: “a combination of magically conditioned formalism and irrationality conditioned by revelation”. Detours, Weber identifies at least one: “the eventual journey through the instability of a rationality which is, with relation to ends of a substantive, material nature — not formal — championed by theocratic or patrimonial powers or motives”. A tendency towards formalism becomes dominant, which in turn recovers the direction taken by the process in terms of a “growing systematization and specialization of juridical rationalization”. In the final stage, the formal qualities of law, “at least from a purely external point of view”, stresses Weber, end up taking shape in the contemporary form of an “increasingly logical sublimation and increasingly deductive power, and develop an increasingly rational technique of juridical procedure” (WuG, pp. 504-505; EyS, p. 650). In this way, Weber is describing in other words the stages already identified. More than once, however, he appointed himself the task of identifying and defining four stages in this long trajectory.

The general picture of juridical rationalization, whose unfolding Weber charts throughout a text that does not exactly exude clarity and which contains the eight passages that we are concerned with here, could just as easily be subtitled “disenchantment of law”. Or even, “disenchantment of the law”. Colliot-Thélène (1992) preferred to talk about the “disenchantment of the state”. Schluchter, by analogy with the “disenchantment of the paths of salvation”, forged before the rest of us, the symmetrical expression “disenchantment of the legal paths”. Which Habermas (1987, p. 268), it seems, applauded. Habermas achieves the feat of retranslating the four stages into three: “Weber

rebuilds an evolution that starts from revealed law, passes through traditional law and ends up in modern law." (*idem*, p. 269). Unlike Habermas's ternary scheme, Weber's contains the most important steps taken in this development, which are simultaneously objectively and theoretically construed, but which, it is worth noting, do not follow on in historic reality in the same order nor with the same disposition as the three moments mentioned by Habermas, without one or the other of the four stages occurring.

What, from my point of view, is interesting is the direction taken by the process: towards a growing autonomy of law in relation to the irrationality of religiously revealed ancient law. Accompanying the developmental line of the field of law and legislation, Weber goes on to note a common element in western juridical-legal innovations: the adoption of techniques which are always rational instead of stereotypical magical formulae and "charismatic revelations of the law", in other words, replacing divinely revealed laws, and so abandoning old procedural approaches endemic to ancient law, dismissed now as irrational, uncertain, incoherent and arbitrary practices (Walton, 1976; Brubaker, 1984), that are, furthermore, stuck in the sacredness (sometimes absolute) of tradition.

What is important, from Weber's point of view, is also the direction taken by the process, with emphasis on the internal systemization of the normative statements, in the coherent structuring of practical law, in the growing formal rationalization of the body of norms, until reaching — *endlich* — the characteristically modern stage of the constitution of a sphere of autonomous value. This "cultural sphere" possesses its own dynamism, its own logic, and revolves around *Satzungsprinzip*, characteristic of the institution — *positive* in the strictest sense — of a law formulated and practiced by professional jurists, specialists in law, and, last but not least, capable of acting as its own foundation in a reflexive manner without having to call upon supra-sensitive forces or previously given norms of any nature. Such an apprenticeship, "has only been fully realized in the West" (WuG, p. 504; EyS, p. 650).

That said, let us examine the different meanings under which *secularization* appears in this

chapter. Let us examine the different connotations it ends up acquiring in the different contexts of the same Weberian text.

Passage 1. "The concept of institute [*Anstalt*] was completely foreign to ancient law, in which a temple's belongings, after the *secularization* of the cult by the polis, were considered to be its property." (EyS, p. 573) [*seit der Säkularisation des Kults durch die Polis* [...]; WuG, p. 429]. The first time it appears, the content of the word secularization has an eminently technical meaning: expropriation of ecclesiastical goods. Content circumscribed to the ever tense planes of the relationships between religious and political communities, and even more specifically, to the plane of intricate material relations "of the law" between priests and polis. Secularization of the cult represents, in this passage, the expropriation of the temple's goods, after this moment in time considered to be property of the polis. Hierocratic goods have become *secularized*. We will see further on that it is precisely with this technical meaning that the word came to be used in the dawn of modern time, during the wars of religion. And also the old technical-juridical meaning of the word *Säkularisation*, as a *secularization of goods of the hierocratic estate*, which allows Weber to use them out of context of the modern world, as he does in this passage, without quotation marks and without the semantic implication of the long-lasting historical-cultural megaprocess, in a terminology bereft of that axiological grandiosity that vocabulary acquired throughout the XIX century, in both positive and negative terms. (And speaking of the XIX century, it is worth registering, at least as a curiosity, that Marx, when he talks about secularization in his *Critique of Hegel's Philosophy of Law*, of 1843, uses the term with this explicit semantic determination: "secularization of goods" [*Säkularisation der Güter*] that are ecclesiastical.)

Passage 2. "But, because the limits between technical regulation, judicial interpretation of tradition and [charismatic] revelation of new rules are diffuse, and because the prestige of a magician is labile, what happened in Australia, can happen that the *secularization* of the creation of legal progress and revelation be practically eliminated,

or used only posteriorly to legitimize accords and, in this way, broad fields that previously could only be regulated by means of revelation end up becoming object of simple deals celebrated between the authorities that direct the assembly.” (EyS, p. 449) [*so kann die Säkularisierung der Rechtssatzung Fortschritte machen*; WuG, p. 449]. This passage is key to Weber’s sociology of law. It deals with the *secularization of the enunciation, or codification [Satzung] of juridical norms*, and as a consequence, of the regulation by written codes of growing sectors dedicated to individual activities and the relations between individuals and groups, who progressively let themselves be ruled based on a belief in the chosen right revealed by imaginary supra-sensitive powers through magicians, priests and prophets (in dreams, oracles, divinations, *ordalia* — means, in one word, that are irrational, that cannot be intellectually tested or guaranteed) to become objects of sealed accords between interested parties. Habermas comments that, in the evolution of law, the normative accord ends up having to suffer a dislocation, that is, ends up needing to transform itself from a deal “supposed by tradition” to an accord “communicatively reached”, which is what Weber defines as an agreement. We stand, evidently, before a particular case of the passage of community to society (Tönnies), a process which in Weberian theory is recovered by the dynamic notion of “societalization” (*Vergesellschaftung*) and which implies some level of instrumental rationalization of social relations and, therefore, of de-traditionalization.¹⁶ But the process of juridical rationalization does not stop there. Contrary to this, it would remain in what is still a very casuistic and empirical level of jurisprudence. The level of theoretical jurisprudence still has to be reached which, in contrast to empirical jurisprudence, attempts to submit its materials to the formal logic of the especially scholarly theoretical jurists, capacitated by this to build *juridical systems*, characterized by the high degree of formal rationality (cf. Berman, 1977).

It is worth, in keeping with the specificities of this passage, performing a synopsis to connect us to a twin passage, located in another chapter of *Economy and Society*, that deals with the *sociology*

of religion, precisely in the section about the *prophet*, one of the points of the ideal-typical triangle “sorcerer-priest-prophet” (WuG, v. I, part II, chap. V, n. 4). The sorcerer, as member of an enterprise of salvation with an associative community-like nature, is legitimized by his office; the prophet, like the charismatic sorcerer, acts singularly in virtue of extraordinary personal gifts. The prophet distinguishes himself from the sorcerer by the fact that the substance of his mission does not consist in self-interested manipulation of sacred powers, but in ethical doctrines or imperatives (WuG, p. 268; EyS p. 356). There is, overall, an even more important distinction between the prophet and the sorcerer: the opposite pole each inhabits — structurally, Bourdieu (1974) would say — in relation to the sacred. This is vital to the whole of Weber’s sociology. The sorcerer enchants, and makes a living from enchantments produced by strictly following traditional formulae; the prophet disenchantments, expels enchantments and the enchanted, as well as those that enchant. He desacralizes. He is an iconoclast. In view of this, the sharp distinction Weber establishes between the prophet, on the one side, and the priest and the sorcerer, on the other, ends up playing a crucial role in the drawing up of a desacralizing vector of the nature of prophecy. According to Giacomo Marramao’s happy formulation (1997, p. 52), Max Weber identifies in the prophet the “source or originating place of the whole secularizing dynamic”. It is not by chance that the starting point of disenchantment of the world — when? where? who? — was located quite precisely by Weber in the Hebrew prophets of the Old Testament: “the great historical-religious process” that goes from old Judaic prophecy to the innerworldly asceticism of puritans, which is its religious consummation (PE, p.94).

And so, it is in this precise context of the sociology of religion, amidst a profusion of topical examples with which he enjoys illustrating his essays, that Weber, in the same way that he does in the sociology of law, sends the reader back again to the Australian aborigines to call “secularization” the relinquishment of the ancestral practice of taking into consideration (during lineage-chief reunions ear-marked for the formulation of new

decisions with normative strength, in specific regions of Australia) revelations made to sorcerers in their dreams. The fact, says Weber, of this use falling into disuse constitutes a “secularization”, although it does not constitute the main body of the process of secularization that sweeps across the West with modernization. It is worth noting, in this passage, that “secularization” is placed inside quotation marks. Writes Weber: “Originally, it was difficult to have a reorganization of community relations without previously consulting the witch-doctor. In some parts of Australia, only revelations made by these sorcerers, inspired by dreams, are still presented in meetings of lineage-chiefs for approval, and what constitutes a ‘secularization’ is the set of circumstances that have in great part led to the suppression of this custom” (EyS, p. 304) [*und es ist sicherlich eine “Säkularisation”, wenn dies dort vielfach schon jetzt fortgefallen ist*; WuG, p. 269].

Passages 3 & 4. “Armed revolution was one of the strongest powers that promoted the *secularization* of thought related to the validity of the norms of the times and, in a special way, its emancipation from a magically secured tradition.” (EyS, p. 527) [*die Säkularisierung des Denken über das Geltensollende, speziell seine Emanzipation von der magisch garantierten Tradition*; WuG, p. 453; *Passage 3*]. We stand before the *secularization of juridical thought*. Nothing better than an armed revolution, with its political radicalism and motivational density, to emancipate juridical and legal practices from traditional mental structures, from magically shaped thought, and thus propel the secularization of juridical norms to a superior level, to the level of the discussion of the very claim for validity of these norms. Having achieved this crossing, such a post-traditional stage of thought is reached, itself the condition for the possibility of not only moving forward, in juridical terms, the adoption of rational procedures and techniques, but also, and principally, of rationally founding the validity of norms without having to call upon the sanctity of tradition or supra-sensitive and irrational forces.

In order to carry out, successfully, the conception of the very foundations of the validity of

law, it is evidently necessary to possess some skill in abstraction, in intellectual refinement. Or rather, in Weber’s sociology, theoretical rationalization signifies and implies *intellectualization*. This is basic. The influx of political factors will not suffice, moreover, even if they possess extraordinary radicalism and the creating force of an armed revolution. Juridical thought advances in the West — more in the European continent than in England — mainly because that is where it finds its true niche: *the university*. With university-taught law, advances in rationality are more than just practical, like the examples cited for Australia, they are theoretical and meta-theoretical. The more that juridical training becomes restricted to this “academic model” of producing jurists, which we all know consists of an institutionalized educational enterprise with a special inclination towards theory, or better put, towards abstract theorization, the more one can expect the constant increase of chances to rationalize law in the direction of ever increasing formalizations (systematization, structurization, articulation, unification, homogenization, abstraction, universalization, etc.). Without forgetting, meanwhile, as Hubert Treiber (1985, p. 49) observes from a point of view that particularly interests us in this essay, that “each one of these steps will be encouraged in accordance with secular law’s ability to separate itself from canonical or ecclesiastical law”. This is what Weber suggests with respect to the high level of formalism and technicality found in Roman law, so much more rationalized in a logical sense than medieval law, much more immune than the latter to substantive considerations, even those religious in nature. “The material *secularization* of Roman life [*die materiale Säkularisierung des römischen Lebens*] and the political impotence of priestly weaving fostered the purely formalist and juridical treatment of religious matters.” (WuG, p. 464; EyS, p. 598; *Passage 4*).

Passages 5 & 6. In Weber’s work, juridical rationalization is carried out, above all else, with *increasing formal rationality*.¹⁷ This is a vectorial resultant of a dialectic game between formal rationality and substantive rationality (Treiber, 1985; Habermas, 1987), a problem that he tries to unravel especially when he discusses whether the develop-

ment of juridical-political institutions is or is not determined, and to which extent it is, by economic conditions; as well as dealing with the question of the demands of material justice which democratic movements of negatively favored classes champion in advanced capitalism, interested, as a rule, in the (re)substantivation of law and its laws, unhappy with the bourgeois equivalence of notions of justice and formal juridical equality. At the end of the affair, nevertheless, the dominance in the process of rationalization in law is really grasped by formal rationality. As Brubaker says, in Weberian theorization formalism is to modern juridical rationality what calculability is to capitalist rationality (Brubaker, 1984, p. 16; see also Trubeck, 1972).

Weber habitually associates theoretical-formal rationalization with the idea of sublimation, another vocabulary loan in which the term undergoes a peculiar shift of meaning. According to him, juridical concepts, like religious concepts, underwent a process of sublimation in the West. "This sublimation led to what we know today", which is a juridical formalism, that, after all, allows the juridical apparatus "to function like a technical-rational machine" (EyS, p. 605) [*wie eine technisch rationale Maschine*; WuG, p. 469], Weber synthesizes with this metaphor of the machine that says it all.

But, to get to this result, "what was really decisive, before anything else, was the *complete secularization of the administration of the system of justice*" (EyS, p. 601) [*war entscheidend die völlige Säkularisierung der Rechtspflege*; WuG, p. 466; *Passage 5*]. In other words, after drawing attention to the heart of the matter, which was the secularization-autonomization of juridical thought, and which later on he redresses with doubled emphasis, Weber recalls a previous process, a link without which he would not have arrived at the juridical system's extreme of objectivity and impersonalization turned technical-rational machine: the secularization of the administration of law — complete secularization, notes Weber¹⁸ —, which he considers to have been a decisive one (*entscheidend*) between those factors that in modern times contributed to increasingly distance juridical institutions from the concerns of substantive justice and, limiting in view of formalities both the inher-

ent preference of theocratic or patrimonial powers for a type of non-formal law and their want of submission to all types of tie to rules of the game, to reinforce in modern law the irresistible compulsion towards formal rationalization.

In the effort to explain this result, we all know — and herein lies one of the most original and useful insights of the explanatory strategy adopted by this sociological enterprise — that Weberian sociology focuses the sociologist's attention before anything else on the *internal factors of the field*, in this case, *intra-juridical factors*, in other words, those developmental conditions and causal influences inherent to the legal environment. Herein, says Weber, lies the great explanatory force. In doing this in the field of law, there is no way of eluding the extremely direct relation existent between juridical-legal formalism that slowly takes over western law and the systematic schooling of jurists in Schools of Law. In other words, that training in theoretical-deductive thinking received in schools of higher learning dedicated to teaching Law. The more the old model of practical training evolved in the direction of the academic model of teaching, the greater the chances of increasing and making more sophisticated the logical-formal qualities of modern law (Schluchter, 1979 and 1981; Treiber, 1985).

But *extra-juridical factors* also have a causal impact. At times decisive, such as on the relation between the formalism of modern law and urban middle classes, the bourgeoisie. Chasing, throughout the history of cultures, indicators of the expansion of rationality in the legal environment, Weber observes that "where this link [to powerful groups of individuals strongly interested in the rational character of law and procedure, as happened with the middle classes in Rome at the end of the Middle Ages and the modern era] was missing, the *secularization* of law and distinct differentiation of rigorous juridical-formal thought could not go further." (EyS, p. 604) [*die Säkularisation des Rechts und die Herausdifferenzierung eines streng formal juristischen Denkens*; WuG, p. 468; *Passage 6*]. The intrinsic interests of the stratum of jurists and their intellectual habits are one thing, quite another the economic and organizational interests of the busi-

ness classes and their way of life. Both constellations of interests and manners, when dealing with questioning factors that led to the increasing formal rationalization of modern law, came together, according to Weber, in order to drive the process in the same direction. Which explains why, in the aforementioned passage, he attributes the fine-tuning of juridical-formal thought in modern western culture to the decisive influence of bourgeois strata. And, because increased formalization and objectivity of inter-individual relations are of interest to the bourgeoisie, Weber does not fail to take into consideration the influence of the urban middle class and its *ethos* on the secularization of a series of juridical norms that regulate and sanction contractual relations and that are valid for everyone.

Before drawing the commentary of this passage to a close, this quick observation must be made: here, as usual, Weber does not miss the opportunity to pay homage to a portion of truth that he finds in a Marxist analysis. When he finds it. It almost seem to me that he does this one more time when, in dealing with natural law, he draws the reader's attention to the connection that exists between the typically modern version of natural law — which we also know applies to property law and free competition — and the interests and ways of being of a determinate social class, made of people who, in terms of the market, “are interested in the definitive appropriation of means of production” (WuG, p. 500; cf. Colliot-Thélène, 1992).

Passage 7. A perfect blend of formal rationality and substantive rationality is found, according to Weber, in modern *natural law* (Habermas, 1987; Treiber, 1985). It encompasses, harmoniously, technicalities, conceptual clarity and precision, formal logic and deductive rigor, coherent structuring and the ability to be systematic, intellectual sophistication and skilled abstraction, reaching nothing less than the superior rational plane of justification by principles. But it also includes *value*. This is what Weber implies when he identifies, discreetly, a certain religious implication in the imposition of jusnaturalism, depicting it as a “doctrine endowed with a distinct force”, which means: endowed with that metajuridical materiality inher-

ent to jusnaturalist axioms that call for commitments of will as well as of reason. Because it finds in universal human nature its chief value, and in the intrinsic value of a norm that can be made universal its guarantee of legitimacy, natural law stands before traditional revealed law as its substitute, or be it, as bearer of a new and quasi-sacred aura of legitimacy, and in light of positive modern law, as the only axiologically founded form of legitimacy still available in a desacralized society (Colliot-Thélène, 1992). Writes Weber: “*Natural law*’ is the sum of current norms preeminently facing and independent from positive law, that do not owe their dignity to an arbitrary statement, but which, on the contrary, legitimize the latter’s necessary power. Which means, the sum total of norms whose validity stems not by virtue of a legitimate legislator [which would be procedural legitimation], but by virtue of purely imminent qualities.” In the first centuries of modernity, when both the creation and application of law were already substantially desacralized, natural law appears as a substitute of the sacred origins of the norm, presenting the only axiological form of legitimacy coherent with all this modern disenchantment and this technical-formal rationality: “specific form, and the only consequential one, of legitimacy of a law-making process that can remain when religious revelations and the authoritarian sacrality of tradition and its followers are suppressed” (EyS, p. 640) [*wenn religiöse Offenbarungen und autoritäre Heiligkeit der Tradition und ihrer Träger fortfallen*; WuG, p. 497].

Or rather: natural law is a phenomenon of secularization *par excellence*, a theoretical-practical fruit of the secularization of thought instituted by modern philosophy, this bearer of the most radical aspiration to set down foundations of itself through reason. Weber calls this “growing secularization of thought”. This is what he wrote, in the context of the discussion of natural law, about the theme of secularization, while also referring to it by name: “At the same time, religious law was able to find, with the growing *secularization* of thought, a competitor, or a substitute, in a philosophically grounded ‘natural law’, that appeared alongside positive law, in part as an ideal proposition, in part as a doctrine

composed of a distinct force acting upon juridical practice." (EyS, p. 604) [*mit wachsender Säkularisierung des Denkens einem Konkurrenten oder Ersatz in einem philosophisch begründeten "Naturrecht" erhalten*; WuG, p. 469; *Passage 7*].

It so happens that the legitimizing tonus of natural law, made to last, ends up lasting little. It does not manage to cross the XIX century. The fact is that the secularizing trend also advances over metajuridical axiomatics to take "something more" from it that Weber cannot quite put a name to, but in this case calls it a "distinct force" in order to avoid the word "charisma". As a consequence of this, throughout the XIX century natural law loses strength as a fundamental reference of *Kulturmenschen*. So much so that in his own time — "beute", he repeats — Weber ascertains that "jusnaturalistic axiomatics has fallen deeply into discredit. It has lost, in every case, the capacity to serve as a foundation for law". In other words, it has lost a lot. And it is in this context that Weber returns to the thematization of the question of religious law: "Compared to the robust faith in the positive character of religious revelation of a juridical norm, or the inviolable sanctity of a very archaic tradition, the norms reached through abstraction, however convincing they may be, in this respect have a structure that is excessively subtle. In consequence of this, the advance of juridical positivism is unstoppable." (EyS, p. 646; WuG, p. 502). Natural law gives over to juridical positivism — what is this? What does this mean? Disenchantment; pure and simple disenchantment. What could be more disenchanting in the field of normative spheres than the utilitarian-instrumental rationality of juridical positivism? Weber will call this secularizing development *Entbüllung*: divesting, stripping, unveiling. *Entzauberung*, could also mean, why not?

It was already possible in Weber's time to ascertain this divesting of charisma, this raising of the veil. Even the aura, that almost belongs to the supra-sensitive order which swept over the metajuridical axioms of natural law, ends up crumbling. It melts into the air, the *Manifest* would say. For this reason, at the end of the sociology of law, precisely in the last paragraph, Weber again insists upon the theme of desacralization to remember that the

"inevitable fate" of law in modern times [*sein unvermeidliches Schicksal*], a result in which technical and economical progress also played a part, is to be "a law whose technical content is ever greater". Which means, "the specialization of law" [*die Fachmässigkeit des Rechts*] is accomplished through this increase in content of a technical order, supported by the "growing valorization [*zunehmende Wertung*] of current law as a technical, rational apparatus, bereft of all sacral content [*jeder inhaltlichen Heiligkeit entbehrenden*] and, therefore, transformable at any moment towards rational ends [*zweckrational*]. This fate..." (EyS, p. 660; WuG, p. 513).

Well, this fate of law and of laws, to which is applied the redundant term "inevitable", does not resemble the worst in Max Weber's eyes. The thing is that the finishing touch of the whole process arises from the conscience — which Schluchter and Habermas *d'après* Kohlberg come to call *post-conventional* — that from now on "almost all law is considered to be enacted and thus also to be revisable [*revidierbar*]" (Schluchter, 1981, p. 99). The laws, no longer considered sacred or given, can from now be legitimately modified, reformulated and even switched. They are, with everything that this implies about generically human maturity and emancipation, *able to be reviewed*. In the final paragraph of the sociology of law, Weber employs the adjective *umzuschaffend* to characterize the form that is able to be "re-modeled", "re-formulated", "re-configured" and "trans-formable", and that constitutes the contemporary juridical apparatus. And so we have arrived at the peak of law's disenchantment. *Meno male*. It is better this way. The Weberian narrative of juridical rationalization does not forfeit a happy ending, quite unlike the petrified "iron cage" thematized at the end of *The Protestant Ethic*, whose main thread is the rationalization of the conduct of life.

As is known, Habermas disagrees profoundly that we should resign ourselves to this Weberian full stop, entirely dominated by juridical positivism which is nothing more than a colonization *in toto*, a post-natural law, of the juridical sphere by technical-instrumental-formal rationality, a rationality of means. Law as a means and not as a value. I

personally prefer Catherine Colliot-Thélène's (1992, p. 238) inspired commentary:

The structure that commands recent evolution of jusnaturalist doctrines (*Entbüllung*) is a close relative of the structure of disenchantment: the veil that concealed the reality of law is raised in the same way that the incantation that hid the earth's prose from previous generations is removed. In the short period of a century, in a few decades, the concept of law repeats in smaller scale the process of desacralization and the reduction of transcendence which is in itself the engendering of modernity. [...] Whereas natural law was the only form of legitimacy that remained, once the belief in religious revelations or in the sanctity of tradition had disappeared, formal legality, on the other hand, is what remains of the legitimacy of the rational state when the values on which this legality originally rested lost its power of conviction.

The rationalization of law mapped out in its irregular trajectory the destiny of the forms of domination and their founding, and our destiny depends on this today. Religious rationalization, for its part, did the same: it sought out a destiny for itself and ended up repatriating religion to the kingdom or irrationality (Weber, 1987, p. 248; GARS I, p. 253) in giving us mortals back unveiled access to the grammar of "this (meaningless) world". And our destiny in "this world" of course also depends on this. On top of this, to round off, Weber shows us that both rationalizing processes bury themselves in western history, prompting us to discover another of those cases that he so enjoyed identifying in history, a case quite unique to its species, of *elective affinities* (cf. Treiber, 1985). Including everything that this crossing implies in terms of consequences, predictable or not, desirable or not.

And so say I, if it is in this interface — between the process of religious rationalization and the process of juridical-legal rationalization — that Weber, in an enviable effort of adhesion to empirical knowledge, elaborates the sociologically hard content, the solid nucleus of a macro-sociological theory of secularization, it becomes clear that to seriously discuss, in the year 2000, the

experience of secularization implicates, or better said, requires that another discussion is mobilized at the same time, which is another, but which fully affects the theme of secularization: the problem of (innerworldly) legitimation of public power in a democratic regime. Should this my effort of "literary" research be of any use, let it be of clarifying to us, scholars of Brazilian and Latin American societies, children of this "Catholic [as it once was] America", the fact that the hypothesis of secularization, before being discarded as failed, should be repositioned and revalued in its theoretically privileged *locus*, however "disenchanted" this may be in terms of continuing to be a stubborn scientific enterprise, a virtual place from where we can discuss objectively, *sine ira et studio*, the place that is truly occupied by religious authority/ies in today's human societies. *Heute*.¹⁹

Keeping an eye on the "new theocrats", whose presence Gore Vidal never tires of reminding us of, insistent as they are upon a return to a religious point of view over our republics and our public lives, a point of view that desecularizes, I really hope that the analytical effort to which I have dedicated myself be of use in saying the following: with the help of Weberian sociology, amidst the polysemy of the word being examined (which, even when it is merely understood as being the "decline of religion", continues to have many meanings) we can rediscover and re-trigger in our thoughts the stronger meaning of secularization, of the "decadence of hierocratic power": *der Niedergang der hierokratischen Gewalt* (WuG, p. 702; EyS, p. 907).

Let us move onto the lacking but significant nominal mentions of secularization in Weber's writings outside the sociology of law.

Secularization outside the sociology of law

Let us draw a quick comparison to *The Protestant Ethic*.

The words secularize and secularization appear only three times in the main body of *The Protestant Ethic* and, even so, not in the strongest moments of the work. The noun "secularization"

appears in the first chapter, which is not the most important.²⁰ It appears in the context of a critical balance made by Weber of the different mental schemes, contaminated by prejudice, used by Protestants and Catholics to classify the attitude that the adversarial group has in relation to the world and to life. Protestants fuel the impression that Catholicism is synonymous with “estrangement of the world” [*Weltfremdheit*], while Catholics reply to this with a critique of protestant “materialism”, a “result of the secularization of the entire contents of life by Protestantism” (EP, p. 23) [*die Folge der Säkularisation aller Lebensinhalte durch den Protestantismus*; PE, p. 24]. Weber shows that he is aware of the negative charge that the term carries in his country, at least as early as the “Great Secularization” of 1803,²¹ and this prejudiced negativity strikes him even more the way catholic common sense applies the word “in Germany and at the present days” (*ibid*). For this reason, Marra-
mao may be right when he comments that the Weberian operation, analogous to similar undertakings by Ernst Troeltsch in the same period, can be described as a “neutralization of the inherent ambivalence towards the term of secularization”, which, in Weber’s case, implies the objectivist aim of ridding it of axiological, positive and negative connotations (Marramao, 1997, pp. 49-50). In my view, this goes towards explaining Weber’s parsimony in the use of this word, so loaded to this day.

Weber uses it again in the fifth chapter of *The Protestant Ethic*, still in comparative key, but this time as a verb — secularizing, *säkularisierend* —, in a context in which, because it deals with one of the main unanticipated consequences of protestant asceticism, that is, the growing rich of its followers, he associates this fact to the familiar tendency catholic orders have of growing rich, also as a result of an ascetic life of hard work. Writes Max Weber: “In fact, the whole history of monasticism is in a certain sense the history of a continual struggle with the problem of the secularizing influence of wealth [*mit dem Problem der säkularisierenden Wirkung des Besitzes*]. The same is true on a grand scale of the wordly asceticism of Puritanism” (PE, p. 196; PE/Engl., pp. 174-175). Weber cites *verbatim* in this context the words of the founder of Method-

ism, John Wesley: “I fear, wherever riches have increased, the essence of religion has decreased in the same proportion!” In effect, Weber registers that positive economic rewards were bestowed upon those western religious movements that followed an ascetic way of life, a *Methodik* of life whose significance to economic development he also associates with the secularizing effects of the accumulation of wealth. This is a result of secularization that “generally came only after the peak of the purely religious enthusiasm was past. Then the intensity of the search for the Kingdom of God commenced gradually to pass over into sober economic virtue; the religious roots died out slowly [*absterben*], giving way to ‘utilitarian worldliness’ [*utilitarische Diesseitigkeit*]” (PE, p. 197; PE/Engl.: 176).

And the third time, once more as a verb, it appears in the same semantic context as in chapter V, which thematizes in a substantive manner the process of secularization triggered by the inner worldly asceticism of the puritanical sects. There comes a point in the discussion when, after identifying in these different aspects of “utilitarian worldliness/secularity” that brand of “clear conscience from getting rich legally” which Puritanism has passed down to the modern capitalist business man, Weber inflects materialistically the idealist theme to remember that the disciplinary and motivational effects that puritanical asceticism had on the burgeoning working class also owed itself in great part to the *low wages paid*. He refers here to the old and “often cited opinion” that the working mass of workers only remain faithful to God if kept in poverty. And he subsequently adds that the Dutch, in substituting the idea that only those who are poor remain obedient to God with the correlated idea that only out of necessity is someone maintained in a life of labor, “secularized” (between quotation marks) this mental scheme, this belief. Writes Weber: “The Dutch (Pieter de la Court and others) secularized it in the following manner: the mass of men only labour when necessity forces them to do so. This formulation of a leading idea of capitalistic economy would later entered into the current theories of the theory of the productivity of low wages” (PE/Engl.: 177) [*Die*

Niederländer hatten dies dahin "säkularisiert"; PE, p. 199]. Secularization, in other words, of a symbol-religious conception that results in an ideological formulation. But even in this new field there is a semantic direction which remains unaltered: the term points towards a loss, a blowing out of religious vestiges, a decentering from the origin, a withdrawal (*zurückziehen*; GARS I, p. 254) from the original mark — which is religious.

In *The Protestant Sects and the Spirit of Capitalism* there are only two uses of the word. Strong ones at that, because in both passages Weber uses the syntagma *process of secularization* (*Säkularisationsprozess*) to name that "characteristic process" which, "on closer examination", proves to be in "steady progress", to which "in modern times all phenomena that originated in religious conceptions succumb" (FMW, p. 307) [*das stetige Fortschreiten jenes charakteristischen "Säkularisations"-Prozesses, dem solche aus religiösen Konzeptionen geborene Erscheinungen in moderner Zeit überall verfallen*; Psek, p. 212]. Here, secularization designates before anything else the characteristically modern process of the decline of religion (keep in view here and there the use of the verb to succumb), drawing a trajectory of faint-heartedness and of fading, of subtraction of religion, which, if it is true that it can happen in any place in any time, constitutes in its typicality the characteristic script of modern times.

It is true enough that Weber is neither ignorant of or dismissive of pre-modern examples of secularization. This we have already seen in our treatment of the sociology of law. This is how he also proceeds in other chapters of *Economy and Society*, signaling with circumscribed examples of acts of secularization. In these cases he usually draws on the technical meaning of the term — expropriation of ecclesiastical goods — even if this technical designation falls into the ambiguous zone inhabited by the pre-modern amalgam of secular power and religious power. Weber recounts twice *en passant* in Carlos Martel's Gaul of the late Medieval times that the King encouraged the "great secularization" [*die grosse Säkularisation Karl Martels*] which, in Weber's words, had been "a sacrilegious robbery in favor of the nobility" [*die raubartige Säkularisation Karl Martels*...]; *ein Kirchen-*

raub...] (EyS, pp. 908 and 911; WuG, pp. 703 and 706).

We are coming to the end. As I have attempted to document, in Weber's work one can find a true profusion of events and processes of different empirical dimensions and reach that fall under the designation of secularization, uses that boast diverse concrete referents, mobilized in different levels of analysis and with different categorical reach. The "great secularization" undertaken in the VIII century by Carlos Martel, that Weber does not hesitate in calling a "sacrilegious robbery" (*Kirchenraub*), does not enjoy, evidently, the same historic relevance, the same liberating reach of modernizing effects as the secularization of voluntary associationism that he strikes in dealing with the protestant sects of the United States. Herein lies his interest as a sociologist, not there. "We are interested in the fact that the modern position of the secular clubs and societies with recruitment by ballot is largely the product of a process of *secularization* [*Produkt eines Säkularisationsprozesses*]. Their position is derived from the far more exclusive importance of the prototype of these voluntary associations, to wit, the sects" (FMW, p. 311; Psek, p. 217). This process fits in the same retrospective and general gaze with which he observes and interprets the rationalization of a whole civilization that he simply liked to call the West.

The concentrated number of times *Säkularisation/Säkularisierung/säkularisiert/säkularisierend* appear in the essay of the sociology of law is so hugely disproportionate to the sporadic and scarce appearances of these in other theoretical texts and contexts of Weber's works that the whole thing happens as if to express a tacit intention to indicate that the designated object is, in essence, in terms of what really matters, juridical-political. In my research I was able to ascertain *empirically* in Weber's work a dominance of the original meaning of the word, an antiquity of meaning that cannot be erased, withdrawn, is omnipresent, always visible, and this can certainly help us when it comes to, as he proposes, looking into the eyes of our times before subsequently looking, with as much intellectual honesty as is possible, into "the fate of our times" [*das Schicksal unserer Zeit*] (WB, *passim*).

Original meaning, the originating one

Let us return to the origins. Before anything else, let me register here that Giacomo Marramao, more explicitly and much more insistently than any other author, drew well-deserved attention to the inaugural datum, the primordial meaning. In his book *Potere e Secolarizzazione*, dated 1983, presents the word secularization in the first phrase of the book's introduction as having "arisen during the Reformation, *originally in the juridical field* to indicate the expropriation of ecclesiastical goods in favor of the princes or reformed national churches" (Marramao, 1983, p. 29; my italics). As far as I know, before him, Joachim Matthes had already pointed in 1967 to the juridical-political origins of the word, and in doing so, was merely reverberating the information provided a few years earlier by Hermann Lübke. While differentiating between the various stages of the evolution of the concept of secularization, he stated that the *first time secularization was talked about* was during discussions leading up to the peace process of Westfallen, in 1648, during the religious wars (Lübke, 1965; Christin, 1997). In the middle of the 1960's, therefore, people were already saying that the name of secularization, whatever that might mean, was formulated in the immediate context of the "liquidation of spiritual power, which ecclesiastical foundations, monasteries and whole dioceses succumbed to". And it was during this stage of European history that the designation of the word changed to mean "solely the shift made by specific institutions from the ecclesiastical to the profane powers", writes Lübke, which he could neatly reduce to: "In this first historical application, *secularization is a juridical-political concept*" (my italics).

It is evident that lexicographic research has not come to an end. Today, contact with Sträß's work (1976 and 1984) has afforded us the knowledge that the word has a longer history. We can call this its pre-history, seeing as this, the oldest niche in which the word secularization is proclaimed is still a non-secularized *enjeu*. Which means that the very first context of its enunciation brought to bear

by Sträß's investigations leads us to environment that are still institutionally religious, even juridical-religious: of law that is still not "secularized", the *Codex Juris Canonici*, the ecclesiastical law of Catholicism. And the meaning is different, extremely technical and of little general interest. Marramao includes just in time the new information in his next book: "The truth is, the reference to *saecularisatio* already appears in the last decades of the XVI century, in French canonic disputes (especially those encouraged by jurists like Jean Papon and Pierre Grégoire), though with a completely diverse meaning: of a *transitus* from *regularis* to *canonicus*" (Marramao, 1997). Meaning the shift from the religious "virtuoso" state of a regular priest (that is, member of a religious Order headed by a regulation called "Rule"; hence the name "regular priest") to a *secular* state (of a catholic priest belonging directly to a bishop, to a diocese). It can also be said, in more general terms, as documented in the *Dizionario della Lingua Italiana* de Devoto-Oli, "secularize", "to secularize oneself", even in the hyper-specific primordial use of the word semantically applicable in a very particular and intra-ecclesiastical way, that from the beginning the word carried a certain connotation of "interruption" and "passage", not necessarily of loss. This dictionary gives the following definition: "Transfer a religious man from regular priesthood to secular priesthood; *V. pronominal*. To move from one state to another with obligatory dispensation of the religious vote" (Devoto-Oli, 1990, *apud* Marramao, 1997).

A swift dislocation and, parallel to this inaugural moment, *saecularisatio* begins to describe not only the passage of one type of priesthood to another but also the diminishment of the clergy to a lay state, a "laicization" of a priest, in short, the loss of clerical status (*amissio status clericalis*), and that means loss, not just a passage, the "fact of those living in religious orders and in convents being reduced to secular life". Comments Marramao: "Since primordial times, the term secularization already finds itself marred by an antithetical scheme: of the duality of regular and secular that the modern metamorphosis of the "Pauline" pairs contains, albeit virtually: heaven/earth, contempla-

tive/active, spiritual/mundane, religious/secular (Marramao, 1997, pp. 17-18).

Later on, during the rise of Protestantism in the XVI and XVII centuries, the term was used to designate “the process of subtractions of a territory, or of an institution, from ecclesiastical jurisdiction and control: it is with this understanding of the word that the concept will appear for the first time during the extenuating peace process of Westphalia, in 1648.” (Martelli, 1995, pp. 274-275). So, because the prince elect of Brandenburg was obliged to give his lands over to the Swedes, the Emperor rewarded him with ecclesiastical lands which he opportunely “secularized” (Bihlmeyer and Tüchle, 1965, p. 259), hence the *second use* of the word. A second use, I should add, made in a pronunciation by the ambassador to France, Longueville, in a language other than Latin, in a non-ecclesiastical language, which is French. After this the term — *sécularizer* — enjoys greater acceptance outside of its use in canonic law. This is when the juridical-political meaning of the word reveals itself. And it is immediately consolidated, with the precipitation of political measures, both fair and unfair, when referred to as *acts of secularization*.

It is in this second baptism that the word loses its singularity of meaning and comes to mean the expropriation of ecclesiastical goods, “the elimination of ecclesiastical property of lands which, from a formal point of view, continued under ecclesiastical jurisdiction” (Martelli, 1995, pp. 274-275). Important connotations result from the specific religious context, which is the consolidation of protestant churches in the middle of religious wars, as well as in a general macro-context of de-feudalization, of the dissolution of feudalism. Once its meaning is confirmed by constant use in the juridical-political field, the word secularization “represents” itself, in this new usage, to address on the one hand the expropriation of ecclesiastical goods, and on the other, to refer to the emancipation of political power in relation to the tutelage and control of the church. It is as if it were forced, from this point on, to talk tangentially and always about legitimacy — no longer religious — of secular power.

There is, however, one historical event crucial to the word’s history. It is worth remembering,

at this point of the explanation, that the Napoleonic beginning of the XIX century in Germany witnesses the so-called *grosse Säkularisation* of 1803. This, briefly speaking, “caused the near total plundering of the German church” (Bihlmeyer and Tüchle, 1965, p. 441). With the confiscation of its goods and possession, the German church, which had once been the richest in the Christian world, “lost almost all its material means” (*idem*, p. 443).

To get a quick idea of the implications of 1803’s “general secularization”, just remember that paragraph 34 of the Emperor’s final ratification “passed on to the lay princes, not only the bishops’ belongings, but all the belongings of those in charge of the cathedrals, as well as their dignitaries”. According to Bihlmeyer and Tüchle, the paragraph 35 disposed of the following:

All goods belonging to the church’s seminaries, abbeys and monasteries [...] are made available in their entirety to the respective sovereign of the land, and can be used to pay for church services, charitable deeds and instruction, as well as replenish dwindling finances, once safe and lasting endowments have been pledged to cathedrals [...] and to pensions of suppressed ecclesiastical entities.

The loss of the German church, which had once been the riches in the Christian world, totaled, on both sides of the Rhine, 1,719 square miles, with close to 3,162,000 inhabitants and 21 million florins annual income (not including the monasteries). It affected 3 of the Rhine’s electoral archdioceses, the archdiocese of Salzburg and 18 dioceses, close to 80 abbeys and close to 200 monasteries. [...] In general princes were compensated with much more than they had lost: Prussia five times more, Baden seven times and Wurtemberg four times. [...] Not infrequently, the expropriation of the monasteries was carried out with a repugnant lack of consideration, especially in Bavaria, by illuminist count Maximilian Joseph von Montgelas (1799-1817); monks were banished or forced to accept pithy pensions; precious articles and sacred containers, manuscripts and books were raided and scattered, old and venerated churches were vandalized, left to ruin or demolished, splendid monastical buildings turned into barracks, prisons

or lunatic asylums. [...] Particularly painful and irreplaceable was the loss of 18 catholic universities, as well as countless monastery schools and other educational institutes. (Bihlmeyer and Tüchle, 1965, pp 441-443)

However, even if the word *Säkularisation* was used to describe the sequence of anti-ecclesiastical political violence and violation of traditional law, one of the indirect consequences of these events were the impact they had on the use of the word. The “great secularization” represented a true baptism of fire for the word in German. At the same time as consolidating its content towards a juridical-political nucleus of meaning, it also dissipated the neutral character which, according to Lübbe, the originating technicality of the concept allowed it to show half a century before (1648). The primary historical concept of secularization, as well as technical and singular, was neutral (Lübbe, 1965). Until the turn of the XIX century in Germany, secularization was a word destitute of any negative charge, whether uttered by the secular authorities that promoted it, or by the catholic church (which at times also directly promoted it).

Let me add, with the help of Joachim Matthes, that in the XIX century the historical referent of the term reverberates in the debate about secularization, especially in the Germany of *Kulturkampf*. The difference is that the debate, now locked into the context of an already advanced state of secularization, becomes pointedly philosophical. “Secularization”, then, undergoes an accentuated semantic extension and becomes a historical-philosophical category that expounds the pretension of interpreting the entire course of history as a genesis of our western sociopolitical and techno-scientific modernity. In this new and expanded acception of the word, secularization enjoys intimate relations with the history of the spirit and of society which around this time is also viewed as the emancipation of bourgeois society. The main semantic expansion of the concept — developed in the discipline of philosophy of history and cultural history — takes place in the XIX century. A century that begins in Germany with the *grosse Säkularisation*, a traumatic event for catholic authorities that injects the term

with a heavy, polemic bias, while failing to halt a philosophical re-semanticization of the term, which has now decisively become a *metaphor*. “Secularization is a metaphor.” (Marramao, 1983, p. 29).

Conclusion

The first time the word secularization was uttered outside the walls and texts of the catholic church, so say researchers of lexicography, it was to give a name to the *juridical-political* process of expropriation of ecclesiastical goods made in benefit of secular powers. A return to the origins of the concept of secularization can be of great help to the current debate that surrounds the contemporary fermentation of religiosities. In my view it helps a lot. Before anything else, because of the simple reason that having placed the question in the juridical-political sphere, *comme il faut*, there is no way of attesting to the *factuality* of the process: neither to what has passed (that is, to cases of secularization and to the effective development of general and specific processes of secularization, at the heart of the general processes of formation of any and every national modern state) nor to what is happening, to the progressive secularization of public situations in societies which are increasingly pluralist when it comes to religiosity. Brazil is an ideal case. So is the United States. Here and there, the *disestablishment* of religion only gets deeper and deeper every year. As it does everywhere else, save for the “Islamic republics”. With the exception of these — in every way — deplorable cases of institutionalization of theocracy in Asia and Africa, if the terms of the problem are put in juridical-political institutional key, there is no way of discussing — based on empirical data on private religiosity and personal involvement of individuals and/or of their families with churches, denominations, sects, cults and esoteric beliefs — whether there is or is not, or used to be, secularization. In this original derivation of the word, as painful as it may be to some, there can be no doubt that secularization “is a historically verifiable and unquestionable phenomenon” (Martelli, 1995, p. 274).

To reach an unquestionable point in a controversy that does not seem to ever end is already

a precious gain, the minimum provisional consensus required to cool temperaments and re-found discussion and put the basic conceptual tools in order. My intention, with this essay, is to suggest that we can find in the origins of the term one of the possible — and perfectly accessible — paths that might perfectly allow sociologists of religion, if they want, avoid most of the pitfalls that have sent discussions about secularization round in circles.

At this time it is important that we seek a minimum categorical consensus. Those among the critics of the theory of secularization who would sincerely like to believe, from the bottom of their hearts, that the “return of the sacred” effectively represents an empirical negation of the theory of secularization, or a real reversal of its irreversible trajectory, would do well to pay better attention to the original meaning of the term and pay heed to how indispensable, to our well-being in multicultural and religiously pluralistic societies, secularization continues to be: as a secularization of the state, of law, of general juridical normativity.

Far from being vanquished or reduced, these wrongs seem to have increased with the spread of this sociological debate that ceases to end irrespective of the pathetic calls that every so often someone makes us hear, here and there, in an attempt to draw this conversation of deaf people to an end. Ten years ago, Roberto Cipriani called for an end to the debate. He felt in those days that continuing the discussion would only add fodder to the source of the mistakes. Is there or is there not secularization? Secularization or post-secularization? Eclipse of the sacred or eclipse of secularization? End to religion or end to secularization? It does not matter, insinuated Cipriani, who defended the necessity to free the sociology of religion from the quick-sand of a never ending indictment of a concept that no one any longer really knows what it is (Cipriani, 1988). Absorbed by this conceptual jigsaw puzzle, he warned us, we were drawing away from the admirable power of contemporary sacred forms, there to show us their resistant or emerging aspect, their lively diversity and surprising vigor.

Modestly speaking, my proposal is less resigned than this one and, furthermore, more viable.

To wit: do not let go of secularization. Nor theoretically, nor practically, nor terminologically, nor existentially. What it does require is that each one of us makes the effort to find out what we are talking about. And so I return to Habermas’s phrase that I quoted at the beginning of this essay: “It always helps to know what you are talking about.” No longer is it possible to keep making, or hearing without reacting constructively, such enormous statements as the following: “These [empirical] elements have led us to conclude that the paradigm of secularization, so hegemonic in the sociology of religion, is more and more inadequate as a generator of an explanatory order of the plurality and complexity of emerging religions.” (Siqueira and Bandeira, 1997). A little more logical rigor and conceptual precision with a view to reducing the *equivocality* of the word, and certainly an *equivocation* of this nature, so often encountered in the sociology of religion practiced today in Brazil, would not be written.²²

NOTES

- 1 Republican pioneer, ideologue of the *de jure* auto-nomination of secular authorities in relation to the ecclesiastical claim of a *plenitudo potestatis*, sworn enemy of the church’s legal powers *in temporalibus*, but known as Marsilio Patavino or simply “patavino”. The reading of the article “Legitimacy”, written by D. Sternberger, in *International Encyclopedia of the Social Sciences* (vol. 9, pp. 244-248) helps to refresh the memory. Also see Skinner (1996) and Reeves (1965) for longer and more circumstantial accounts.
- 2 Hendiadis: (*Rethoric*) redundant expression for a concept by means of two coordinated substantives. Lexicalization of the Greek phrase *bén diá dyopn*, which means “one thing by means of two” (Cunha, 1982).
- 3 Theistic, not deistic.
- 4 The idea of mobilization, originating from Political Science, seems to me to be very promising for a sociology of religion interested in understanding the current religious effervescence (cf. Finke and Stark, 1988; Warner, 1993).
- 5 It’s Martelli, *d’après* Parisi (1978), who intends to designate through the syntagma “eclipse of secularization” the present situation of transition, in which, according to him in his Walter Benjamin jargon, the “aura” of modernity is dissolving (Martelli, 1995, pp. 322 and 416).
- 6 Weber never wrote the phrase “secularization of the state”. But it precedes him, and is easily found in the

- work of Ernst Troeltsch, for whom *Säkularisation des Staates* was "the most important fact of the modern world" (Troeltsch, 1906).
- 7 Weber credits the XVII century with being an intensely religious era. As religious, according to historian Lucien Febvre (1982), as the XVI century which was "a century that wanted to believe". In this respect it is also worth taking a look at Jean Delumeau's work, that registers historiographically the intense "Christianization through fear" that European populations experienced in the beginning of modern times (Delumeau, 1971 and 1975).
 - 8 Controversies exist. The version I present of the authorship of the syntagma *Entzauberung der Welt* as being Weber's own I learned it *verbatim* from Wolfgang Schluchter, current professor of the Max Weber chair at the University of Heidelberg. Moreover, other Weber specialists guarantee that he borrowed it *ipsis litteris* from Schiller, in the same way that he took from Goethe the phrase *Wahlverwandschaften*, "elective affinities" (Ghosh, 1994, p. 106). Weber used to borrow vocabulary from the high German literature.
 - 9 The Spanish translation is bad in this case, as is the Brazilian. In them is written "*mecanismo de un mundo sin dioses*", "*mecanismo de um mundo sem deuses*", which we can see is quite different from the idea of "the world's de-divinized mechanisms" (cf. Weber, 1987, p. 248). Full marks and praise to the Italian translation: "*mecanismo sdvinizzato del mondo*" (p. 168).
 - 10 See the first edition of *The Protestant Ethic*, and you will not find it (cf. Tenbruck, 1980, p. 319).
 - 11 Weber took the trouble to write a whole book about ancient Judaism, *Das antike Judentum*, which took up the entire third volume of *Collected Essays on the Sociology of Religion* (GARS).
 - 12 Only one example is enough. Refer to Filippo Barbano's phrase that assumes that both terms are synonymous: "Our current era, of the differentiated post-secular effects of secularization, seems to also force a rupture with the Weberian point of view that connected *disenchantment*, that is, *secularization* with modernization" (Barbano, 1990; my italics). Frequently used as an easy formula to illustrate the theory of secularization, hurried reading of the Weberian concept of disenchantment of the world has also created the current situation in which de-secularization (or post-secularization) is uttered in the same breath as re-enchantment of the world (see Colliot-Thélène, 1992).
 - 13 The expression "thesis of secularization", meanwhile, when used in the history of ideas, says something far more substantial (cf. Blumenberg, 1985; Marramao, 1983 and 1997). There is not enough room here to open this discussion.
 - 14 Habermas says in the introduction to the *Theory of Communicative Action*: "Sociology has become the science of crises *par excellence*, a science that essentially dedicates itself to the formation of modern social systems and the anomic aspects linked to the decomposition of traditional systems" (Habermas, 1987, p. 20).
 - 15 There are those who may consider this Weber's essay "almost unintelligible", a type of "*bodge-podge of ideas and observations*", an uncooked medley of ideas and observations, randomly thrown together, "in such a manner that the reader moves from one topic to another, one level of generality to another, without really seeing the connection between them all" (Kronman, 1983, quoted by Zeitlin, 1985, p. 183).
 - 16 "Detraditionalization" is another end of the thread that runs through the Weberian thematization of the process of secularization.
 - 17 Habermas gravely criticizes the way Weber treats rationality in his sociology of law. He speaks of "law's ambivalent rationalization" (Habermas, 1987, pp. 265ss). For more about the ambiguity of the concept of rationality in Max Weber, also see Vogel (1973), Eisen (1978), Schluchter (1979, 1981 and 1984), Kalberg (1980), Brubaker (1984) and Ladrière (1986).
 - 18 In what other sphere, if not legal and political-legal, can one talk about "complete secularization"?
 - 19 The last passage in Weber's sociology of law, containing the word secularization is very specific, one of the details so often found in Weber's work. The passage is as follows: "The Roman *fas*, throughout the republican era, fell completely into the hands of this fate [as far as is known, of being neutralized by refined rationalization derived from magical casuistry, until reaching, by his own means, total inefficiency] [...] The *jus*, totally *secularized*, just like Hellenic law from the previous era, for this reason became totally protected from priestly encroachments, regardless of the huge place reserved for the consideration of ritual obligations in Roman life" (EyS, p. 609) [*Das durchaus säkularisierte "jus" war daher ebenso [...] vor Eingriffen von dieser Seite [...] durchaus gesichert*; WuG, p. 472; *Passage 8*].
 - 20 The phrase "disenchantment of the world", for its turn, will appear in the book's climax, in the middle of chapter IV of *The Protestant Ethic*.
 - 21 See, towards this end, the last section of the article, "Original meaning, the originating one".
 - 22 The correct name for this kind of mistake, the technical term used in scientific methodology manuals, is *ecological fallacy*.

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