

DR MARTIN LUTHER KING AND THE AMERICAN CIVIL RIGHTS MOVEMENT: CHARISMATIC AND INSTITUTIONAL PERSPECTIVES

di
IAN WEINSTEIN

The paper applies Weber's idea of charismatic authority to the role of Dr. Martin Luther King, Jr. in the American struggle for racial equality and social justice. Viewing Dr. King as a paradigmatic example of the charismatic leader, the author recounts a bit of the story of his central role in the American civil rights struggle from the mid 1950s to his death in 1968. The thesis of the paperi t that much of Dr. King's work and his legacy is well explained in Weber's framework. In particular, some questions are put at the core of this research: Do Weber's ideal types capture the possibilities for the role of charismatic leadership in a society dramatically more dynamic, informed and democratic than Germany in the early 20th century? Can Weber's deep insights be usefully expanded by attention to the important roles of professional and private corporate authority in America? The conclusion of the paper claims that contemporary life permits us to imagine a future in which the spark of charism need not be extinguished in the name of social stability but can remain an integrated force for change and ongoing transformation, whether that happens primarily on the individual level or the level social structure.

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In *The Theory of Social and Economic Organization*[1], the first part of his magnum opus *Economy and Society*, Max Weber identified three kinds of authority - legal, traditional and charismatic[2]. Legal authority, which is exemplified by modern bureaucratic structures in which authority flows from a formal role in a system of rules and procedures, and traditional authority, which relies upon past Practices and assigns power to the person rather than the role, each tend toward stability. Charismatic authority, which is based upon the recognition by others of a particular leader's special endowments, is dynamic and change-oriented. Inherently unstable in Weber's view, charismatic authority burns brightly for a brief time and then fades into the everyday routines of rational bureaucratic or traditional authority[3]. It is evanescent in its nature and some may think that the disruptive force of true charismatic authority must be channeled into more stable forms of authority, lest constant change overwhelm us and deny us the opportunity for sustained social life.

Weber's three kinds of authority remain a powerful analytic device. History offers many examples of individual charismatic leaders who seem to birth a movement by sheer personal force. That movement then develops institutions, practices and relationships that become central organizing principles of a new or changed order. Sometimes the leader controls these changes and sometimes they play out over more years and in more places than the leader could know. But figures as diverse as Francis, Luther, Napoleon and Gandhi have been understood through Weber's ideal type of the charismatic leader. In each case, we can analyze the processes by which their disruptive, innovative and challenging ideas came to permeate the accepted social structures of a later time. And in becoming part of routine life, we might ask what is lost and what is gained of the goals and ideas of these leaders? Must we join Weber in seeing two stable institutional paths[4] - one leading to the more efficient but more bloodless world of bureaucracy and the other leading to the less efficient, more personal world of traditional authority? And what is our individual and collective place in this process? Can we know it in prospect and perhaps influence it or can we only see in retrospect and describe it as history?

1) Max Weber, *Theory of Social and Economic Organization*, tr. A. M. Henderson and Talcott Parsons (Oxford University Press, 1947). All citations to Weber's work are to this edition, which introduced this part of *Economy and Society* to English speaking audiences in the immediate aftermath of WWII. The complete work was not available in a single English edition until 1968. Although the Henderson-Parsons translation has been criticized, Parson's introductory essays are well worth reading. It is fascinating to glimpse Weber, who predicted many elements of the Nazi movement before he died in 1920, through Parsons' midwar translations. Particularly revealing are Parsons' comments about the uncertain future of the Nazi party and the open possibility, from that perspective, that its charismatic authority could undergo institutionalization, depending on the outcome of the war. These remarks are at pages 72 and 73 in Parson's introductory essay to this volume of Weber's work. Fortunately, Parsons' anxieties about the future of that system proved unfounded and the post-war period gave rise to very different concerns in the social sphere.

2) Ibid., 324-82.

3) 'In its pure form charismatic authority has a character specifically foreign to everyday routine structures.' Ibid., 363.

4) Hans Urs von Balthasar followed Weber to develop the important dialogue between institutional and charismatic authority in the structures of organized religion.

And perhaps even those questions are unfair to the depth and insight Weber brought to these questions. For he recognized that ideal types were the gateways to broad social theory, but captured neither the nuances of lived experience nor had any direct purchase on the normative realm[5]. So I note from the outset that Weber's ideal types of legitimate authority are powerful categories that must be understood as analytic tools in the social realm, not statements of normative commitment. We must look outside social theory for our normative commitments.

But Weber's views remain one of the most important starting points for investigating and interrogating the dialogue between charismatic and institutional authority in contemporary social life. And in what follows, I hope offer an account of a particular instance of charismatic leadership as illuminated by Weber's categories and use the ideal type to bring some order to the vast social landscape. I also hope to remember that the ideal type is a departure point, not a destination.

This paper applies Weber's idea of charismatic authority to the role of Dr Martin Luther King, Jr., in the American struggle for racial equality and social justice. Viewing Dr King as a paradigmatic example of the charismatic leader, this paper will recount a bit of the story of his central role in the American civil rights struggle from the mid-1950s to his death in 1968. Much of Dr King's work and his legacy is well explained in Weber's framework. Dr King's individual leadership, legitimated by his extraordinary personal gifts, inspired millions to action. After he passed, leadership of his movement devolved upon a group of leaders legitimated largely by their individual relationships with Dr King but much of the ongoing work passed into a diffuse network of agencies, courts and other rational, bureaucratic structures. In one light, the story will appear as a clear progression of legitimate authority from a charismatic figure to both traditional and bureaucratic structures of authority in American society. The channeling function of both kinds of institutional authority is clear from the course of American history. Dr King's strongest ideas and America's best hope for deep change were captured and domesticated. Each form of institutional authority played and plays its role in dampening change and stabilizing social structures at the expense of the ideals Dr King championed. Or at least that narrative will be brought to the foreground by attention to Weber's ideal type of charismatic leader and offers an intelligent, sensible history of the period. It is a view that explains how America found a bit of racial justice but failed to make more dramatic changes many still seek.

But telling that story will also permit its interrogation. Without reducing the truly world historic impact of Dr King, we can retell his story to highlight the ongoing ferment into which he stepped and the social and historical conditions that supported his uniquely powerful voice and message. Seen in this light, the charismatic figure may be disruptive to his or her peers but quite in tune with the conditions of his or her age. So in that retelling, first we deconstruct a bit of the idea of the disruptive core of the charismatic figure.

The retelling will also highlight other sources of Dr King's authority, beyond the

5) Weber, *Theory of Social and Economic Organization*, 89-115, n. 2 (defining meaning as having two types, actual and pure, and discussing the uses and limits of pure or, as they have more commonly come to be known in English, ideal types in the analysis of social action).

Weberian idea of a non-rational recognition by other of the leader's special endowments or gifts. While Dr King was undoubtedly understood by many of his followers as uniquely endowed, he also derived significant authority from the power of his ideas and the widely shared revulsion of the gross injustices against which he fought. Many also saw a good deal of rational self interest in the civil rights struggle, recognizing the many opportunities for personal and group advancement in the material sphere in an era of greater racial equality. So here too, we can deconstruct Dr King's authority and better understand how his charism was rooted in the social conditions he encountered.

Lastly we can problematize the routinization of Dr King's legacy. While the picture of progression to a mixed legacy of bureaucratic and traditional authority is quite powerful, analysis at the level of social structure misses the degree to which individuals were themselves transformed and the degree to which new versions of social life may arise within those structures. So first we will ask if routinization at the level of social structure is always so successful in cabining change. In the larger dynamic, individual change can drive social change and alter the landscape in the longer term. Second, and less confidently, we may ask whether new social conditions can give rise to social structures Weber did not imagine? Do Weber's ideal types capture the possibilities for the role of charismatic leadership in a society dramatically more dynamic, informed and democratic than Germany in the early twentieth century? Can Weber's deep insights be usefully expanded by attention to the important roles of professional and private corporate authority in America? I think contemporary life permits us to imagine a future in which the spark of charism need not be extinguished in the name of social stability but can remain an integrated force for change and ongoing transformation, whether that happens primarily on the individual level or the level social structure.

1. Dr King as the Ideal Type of Charismatic Leader

In 1955, the Reverend Martin Luther King, Jr, turned 26 and received his Doctorate from Boston University[6]. The year before he had become the pastor of the Dexter Avenue Baptist Church in the midsized Southern American city of Montgomery, Alabama. The son of a well known Baptist minister in Atlanta, now Dr Martin Luther King, Jr, felt the uncertainty and anxiety characteristic of young people at the start of their professional lives[7]. Those emotions are near universal, even as aspects of Dr King's situation were quite particular to his time and place.

6) This account of Dr King's life draws heavily upon a very concise and very insightful biography. Marshall Frady, *Martin Luther King, Jr.: A Life* (Penguin, 2002). Frady, a journalist, captures Dr King's path from uncertain young man to martyr with great style and feeling. Of course the serious student of Dr King must turn to Dr King's own writings and the important secondary literature that has developed, but Fray's account offers a sufficient and accessible version for this modest project.

7) Frady, *Martin Luther King, Jr.*, 19-27, describing Dr King's student years and his uncertainties about where and in what setting to begin his professional life.

If you have never traveled in the American south and talked to those who lived in that time, it may be hard to appreciate the stone cold racism that pervaded that society, even after World War II. In many white towns across the south, segregation remained total. Black labor was exploited and black social life was rigidly separated from white social life. Where mixing was inevitably required by economic structures - even blacks had to ride the buses to get to work in the white homes and businesses - physical separation was enforced as one of the many markers of the two worlds. Blacks rode in the back of the bus and their material lives presented constant reminders of not just the separation but also the constant readiness to use physical coercion to enforce the social order and sometimes just to remind folks of the social order. Beatings, lynching and rape were among the bodily manifestations of the violent insistence on separation and inequality that characterized all of economic and social life.

This was the world that Dr King knew so well. And the inner strength he found to lead his church and soon all of black Montgomery in the act of massive peaceful resistance that marked the beginning of the great American civil rights struggle of the post WWII era, suggests the kind of 'supernatural, superhuman or at least specifically exceptional powers or qualities[8]' that Weber puts at the heart of charismatic authority. Still a very young man, Dr King was able to bring his interest in the ideas of Gandhi and Bayard Rustin into the lived experience of that community and steer those people through 358 days of a bus boycott that combined exemplary organization of an alternative transportation system with successful navigation of a complex landscape of hostile entrenched political authority and a national media quite uncertain of both its new role and the meaning of these very dramatic and unfamiliar events.

In this telling, the Montgomery bus boycott marks the emergence of the charismatic leader whose special gifts are rather suddenly recognized by a large community which follows him in a dangerous, disruptive and entirely new course of action. The leader relies on mechanisms and structures almost wholly outside the existing sphere, including a new transportation system and an alternative power structure. And, in keeping with Weber's ideal type, King made no effort to profit from or build economic structures in this work[9]. He did not organize a competing transportation system for profit nor play the heroic warrior to seek booty or as we would say in the contemporary world, monetize his fame through media exposure. And, again in close agreement with Weber, we see that Dr King's charisma was 'the greatest revolutionary force ... involv[ing] a subjective or internal reorientation ... result[ing] in a radical alteration of the central systems of attitudes and directions of action[10].' For there can be no doubt that the Montgomery bus boycott and the integration of that transit system, turned that world upside down. But the power of Weber's ideal type to illuminate Dr King's journey is not nearly exhausted. Selecting just a few highlights from his world changing career, we see Dr King attracting and selecting the circle of disciples through which much of his authority

8) Weber, *Theory of Social and Economic Organization*, 358.
9) Ibid., 362.
10) Ibid., 363.

would be exercised. For as Weber noted, the charismatic leader has disciples or followers, not officials[11]. So with Dr King, as a group of inspiring and inspired lieutenants soon collected around him. Their names, including Ralph Abernathy, Jesse Jackson, Andrew Young, Fred Shuttlesworth and Medgar Evers, remain well known, along with the important stories and works of each. But in keeping with Weber's type, while these men formed organizations and their work took on some of the forms of both rational and irrational authority, their work together, particularly in the early days, was not characterized by centralized administration, formal rules or limited by notions of precedent. This brief sketch does not permit more detailed illustrations but the history of Dr King's work is quite consistent with Weber's view that the charismatic leader's authority comes from the recognition of his special gifts by others. They willingly follow the leader on the path he takes, not because they understand, approve or agree, but because they think the leader possesses unique insight.

So Dr King's path, not apparently evident even to him, led from Montgomery to Albany, Birmingham, Selma and Washington, D.C. The political, social and religious activities that combined in each of these periods of social action unfolded over ten years and on the level of social structure, have more in common with military campaigns, crusades and pilgrimages than with everyday, routine social life. The path from one to another was dictated by neither rational bureaucratic planning nor tradition. Dr King did not move smoothly from one to another. Rather his path was uneven and periods of great progress were interspersed with times of great doubt, contention and inaction. Somewhat famously, Dr King's last years were characterized by a great expansion of his vision as he cast his eyes beyond racial segregation supported by law and looked toward the greater subjugation of the oppressed by the reigning economic structures. His murder completed his fulfillment of the ideal type of charismatic leader, as he passed from prophet to seer to martyr.

Even at his death, America was already struggling to routinize the extraordinarily disruptive forces Dr King had unleashed. And as Weber foresaw, the routinization took both rationalizing lawful bureaucratic and traditionalizing forms[12]. On the rationalizing side, the existing structures of lawful authority worked through the two American subsystems that generate law in the common law system. Both judicial and the legislative branches worked quite hard to both tame and stabilize these impulses. Judicial and legislative routinization offer two characteristic examples but they do not begin to catalogue the changes made to accommodate and control Dr King's work against injustice.

The judicial routinization is well known through the many court cases establishing and protecting the new understanding of racial justice in America. These cases have come to form a complex web of rights and limitations that establish grand standards and limit the government's power to enforce those standards, taming and stabilizing through judicial authority. The legislative aspect is also well known. The Civil Rights Acts are just the most famous of a now complex body of Ameri-

11) Ibid., 360.

12) 'Indeed, it its pure form charismatic authority may be said to exist only in the process of originating. It cannot remain stable, but becomes either traditionalized or rationalized, or a combination of both.' Ibid., 364.

can statutes and rules that also mark a complicated, convoluted set of boundaries that redefine but do not wholly reshape the territory Dr King first encountered in Montgomery Alabama.

In looking to the role of traditional authority in the routinization of Dr King's legacy, we must first look to the forces of reaction and remember the long, hard, grinding struggle to give lived experience to the changes in the rational, lawful order. The gap between the law and life remained wide for quite a few years. While the Federal government in Washington, D.C., acted, in large part, through lawful authority to advance a mild version of King's agenda, local authorities throughout the South and much of the rest of the nation tended toward resistance based on traditional authority. This is particularly evident in the strong and typical appeal to history and tradition in support of the maintenance of segregation and other forms of oppression.

But there were also many exercises of traditional authority in support of an array of modified, stabilized forms of Dr King's charismatic agenda, particularly among American religious movements. Black churches were clearly central in this struggle and Jewish Congregations and progressive White Protestant denominations also played very important roles. These organizations of traditional authority were, and remain to some degree, central loci for Dr King's agenda. They supported his work during his life and have played a key role in sustaining parts of his vision.

A final example of the traditional side of the routinization of Dr King's legacy is the history of the movement he founded after his murder. As Weber predicts of the general case, problems of succession and the development of administrative structures proved very difficult for Dr King's closest associates to navigate. Of course we cannot know how he might have addressed this problem had he lived. But the experience in America was that the particular movement or group of which Dr King was the direct leader quickly lost its very central place in the ongoing struggle and became one of many competing ongoing structures offering leadership and exercising authority on these issues.

Seen in this light, which I think a fairly standard reading of Dr King and the American experience in the twenty five years after WWII, the explanatory power of Weber's ideal type of charismatic leader is striking. Most of the central features, including the nature of Dr King's authority over his followers, the structures of the social groupings around him, the nature and development of his personal vision, as well as the course of the forces he unleashed, are all strongly consistent with Weber's theory. It is a testament to Weber's genius that his insights can still powerfully illuminate a landscape so different from the early twentieth century German perspective out of which his ideas emerged.

2. Dr. King and the Lived Experience - Deviation from the Ideal Type

But the application of Weber's powerful model does not begin to exhaust the power of *The Theory of Social and Economic Organization* to help us understand Dr King or the nature of charismatic authority in social structures. For as Weber tells us in this work:

> For purposes of a typological analysis it is convenient to treat all irrational, effectually determined elements of behavior as factors of deviation from a conceptually pure type of rational action ... The construction of a purely rational course of action in such cases serves the sociologist as a type (ideal type) which has the merit of clear understandability and lack of ambiguity. By comparison with this it is possible to understand the ways in which actual action is influenced by irrational factors of all sorts ... Only in this respect and for these reasons of methodological convenience, is the method of sociology 'rationalistic.' … It certainly does not involve a belief in the actual predominance of rational elements in human life …[13]

As I understand Weber's idea, having highlighted the ways his conception of charismatic authority explains a particular case, we can usefully turn to the ways in which that case deviates from the pure or ideal type. This methodological turn can now bring the particular factors, of all sorts, which also influenced Dr King's extraordinary journey, from background to foreground. For while Dr King was a charismatic leader, like all such figures, his charism played out upon and responded to particular social conditions.

As I am about to retell the story of Dr King and offer a different view, some may wonder which of the two stories is true. At this stage I can only say that both have a lot of truth and neither are the truth. I offer this other version to highlight the spaces where theory and lived experience diverge. I understand from Weber that if we look in that space, we can often see how theory can better account for the social reality. And once I have sketched this other view, I will offer my very rudimentary thoughts on what the deviation between the ideal type and Dr King's lived experience can tell us about the social reality of charismatic leadership.

In 1955, the Reverend Martin Luther King, Jr, turned 26 and received his Doctorate from Boston University. The son of well known Atlanta minister, the Reverend Martin Luther King, Sr, young Martin had grown up in the heart of America's Black elite. Educated at the well known historically Black Morehouse College, he went north to Crozer Seminary in Pennsylvania and then Boston University in Massachusetts for his graduate work. Exposed to the intellectual currents in Boston, the cradle of American elite education, he was torn between staying in the north and returning to his southern roots. Although ministers were often among the black educated elite, Martin Luther King's strong interest in Gandhi and Bayard Rustin marked him out as unusually intellectually adventurous among his peers. To no small degree, his path to the place where he became famous was determined by the happenstance that the Dexter Avenue Baptist Church in Montgomery, Alabama, a midsized southern city very different from his native Atlanta, Georgia, was looking for a pastor.

Although much of the rural American south seemed timeless and unchanged in the mid-1950s, the inevitable creep of modernity was starting to leave its mark. Many more Americans than ever before had traveled extensively, serving overseas

13) Weber, *Theory of Social and Economic Organization*, 92. A more generalized statement of this idea is found in *The Methodology of the Social Sciences*.

or in other parts of the country during the war. Mass media, which had spread so widely in the form of radio and periodicals by the start of the war was bolstered by TV. Urbanization, mechanization and bureaucratization proceeded apace. The descent of the Iron Curtain in Europe united Americans more closely on issues of foreign affairs and created more space for domestic disagreement.

Into this shifting material and political culture came powerful new ideas. Many Americans were influenced by their understanding of the war. For what was more evident than that God fearing, equality loving Americans had beaten back the horrific threat of subjugation by a regime of singular injustice and brutality? In the immediate years after WWII, many Americans, like others, were too shocked and disoriented to make sense of the overwhelming yet fragmentary and unbelievable evidence of the depth of the Nazi atrocities. Although it would take another twenty years until the term 'the holocaust' took on its current American meaning, by the mid-1950s the brutality of the Nazis had already become proverbial and America's role as a protector of the oppressed was widely celebrated.

This was the world Dr King found in Montgomery. And full of ambition as well as anxiety, this was the world that brought a nascent social movement to his doorstep. Dr King did not invent the idea of the bus boycott, nor was he so obviously the leader Montgomery's Black citizens needed. Young, inexperienced and not from around those parts, he was led by his church members and his colleagues in those early days and not well able to respond to his adversaries or manage the media. He participated in a process that cobbled together an action that cost many individual Blacks money, time and significant effort but finally moved the local power structure through economic action and federal intervention. It was the first of the mass movements of the period but the social reality made them inevitable. Only the particulars remained to align in some specific form.

In this retelling the leader was a contingent particular in a historical system and followed the community in a dangerous and disruptive action. He gave some great speeches but the people of Montgomery followed him because they were sick and tired of being oppressed and had gotten wind of larger social changes that emboldened them to act. The necessary improvisation attendant upon the emergency drove them to create an informal organization but the legitimacy of its leaders was based upon shared values and goals, as much or more than upon the perceived special gifts of the leader.

And perhaps the claim that charismatic leadership brings forward new conceptions must also be reconsidered. For as much attention as Dr King received in 1955, it must be remembered that others were already long-engaged in the very significant effort to invoke lawful authority against racial segregation. The law was already shifting when Dr King gave his famous sermon in December, 1955. Some part of his authority also flowed from his identification with and invocation of the lawful authority that Thurgood Marshall, Charles Hamilton Houston and others had worked so famously, so brilliantly and so hard to develop. And of course even they stood on the shoulders of others who had been writing and speaking about the conditions of Black America since before the American Civil War.

From this perspective, while the Montgomery bus boycott received national attention and led to a successful legal challenge, was it really the product of or an example of 'the greatest revolutionary force', as Weber characterizes charismatic

leadership? Even if it altered some internal compasses, the social world of Montgomery, Alabama was shaken but not significantly altered for many years. Perhaps Dr King was not a prophet with new disruptive ideas but was particularly able to hear and apply the ideas abroad in his day to the social problem the members of church brought to him. And looking forward, Dr King's thoughts and actions became progressively less charismatic and tended more toward the economic sphere, with an eye toward the long-term stability of any change he might accomplish.

And as we think about the ways Dr King's ideas and life still exert influence in American culture, it is important to note a third path in which they have run, perhaps outside of either rational or traditional authority. In the American experience, a third, more private kind of authority plays an important social role for which Weber did not really account[14]. While Weber's account stresses the role of the State and Church, the two dominant official repositories of authority in his society, the American experience has long been characterized by important reservoirs of authority outside of either the state or a single dominant church. For example, a very important force for continued change in the struggle for racial equality and social justice has been a cohort of lawyers who used the law but were not official actors and whose understanding of their professional role was changed by Dr King and his movement. Unlike their predecessors, many lawyers came to understand themselves as social change agents in the era of the civil rights struggle.

Of course the unique role of lawyers in American society has received comment since Alexis de Tocquevill's famous treatment of the topic in his 1835 classic, Democracy in America. Important actors in a vast sphere of private action and authority, largely unregulated by either lawful or traditional authority through much of nineteenth-century America[15], lawyers continue to exercise significantly more authority in common law countries than in civil law jurisdictions. Another aspect of the sphere of private authority in America is the important role of non-governmen-

14) This argument follows Talcott Parson's comments on Weber's inattention to private professional practice as an important source of social authority in contemporary societies which is neither bureaucratic nor traditional (Parson's introductory essay, 58, n.4). It is not surprising that Parsons, an American, would be more sensitive to the role of private authority than Weber. The distinctive character of Anglo-American law, for instance, is due in part to its continued heavy reliance on private actors and private enforcement, relative to the civil law tradition. Parsons developed this insight in a number of works, including 'Law as an Intellectual Stepchild', 47:3-4 *Sociological Inquiry*, Vol. 11 (1977). Parsons is among the distinctive twentieth century voices in American sociology and his insights into American conditions are powerful, whatever views one may hold on structural-functionalism, a label Parsons himself did not seem to much like.

15) The private quality of so much American law in the nineteen century has been much remarked upon and cannot be overstated. Inefficient communication, coupled with strong tendencies toward local control and rejection of social hierarchy made bureaucratic control in the form of appellate review and other modes of central control neither feasible nor desirable. On the other hand, the widely shared understanding that American conditions were exceptional and novel militated strongly against traditional authority, as did the fact that in many places, there simply was no tradition or precedent upon which to rely. Although I am suspicious of American exceptionalism (which all too often attempts to excuse or justify), Weber's categories do not appear to capture all the nuances of authority in the American experience.

tal actors in providing social services and other kinds of community support most often assigned to official actors in the European tradition. These two aspects of private action in America came together in the late nineteenth century in a nascent private legal movement in support of social justice for immigrants and the poor.
This conception of lawyerly role and authority fits comfortably within the American tradition of private social services and was a small part of the legal landscape until the era of the civil rights movement. Of course lawyers had long been involved in the pursuit of social justice through law, but as the mass movement arose, a new conceptualization of the possibilities for lawyers' work developed. In addition to manipulating the levers of legal authority from within, lawyers began to look for ways to change the legal system and make its promise of justice real for many more people. Characteristic of this change in the profession's idea of its mission was the rapid growth of programs that tried to deliver legal services and bring legal protections to people and communities who had never been afforded legal representation in the past. The number of lawyers representing the poor and disempowered funded by either government or private not-for-profit organizations exploded. While this movement, often known as public interest or social justice lawyering, in the United States has undergone many changes and its disruptive energies have been challenged and channeled, it remains an important source of social action in the field on which Dr King struggled.
Aspects of private practice make it particularly well suited to carry on the disruptive work of the charismatic leader. Even as professional practice in America is heavily regulated by rule and moderated by a strong professional culture, authority and hierarchy remain much more decentralized and diffuse than is found in structures of either official lawful or traditional authority. Individuals can and often do pursue disruptive agendas, unrestrained by either a bureaucratic or traditional controls. American law is often shaped by private actors and so much of Dr King's legacy can be seen in the work of thousands of lawyers who are neither exercising rational lawful authority within bureaucracies nor traditional authority. While this authority has affinities and tendencies that can be assimilated to either category, the American experience suggests that in this case, at least, the energy of this charismatic leader has resisted routinization by flowing into this third path[16].
While traditional authority tames charisma largely through appeal to historical precedent and rational lawful authority tames charisma through bureaucratic control, the private arena diffuses charisma but does not control it directly. So, in the legal sphere, any private actor in America can challenge almost any law on almost

16) This brief discussion highlights what the sociologist Talcott Parsons called the 'professional complex' in American society. Another, perhaps even more significant repository of private authority in America, coordinate with but distinct from state authority is the for-profit corporation. This sector exercises tremendous power in America, often through authority that can also be understood through Weber's lens but differs first because it is independent of state authority and while bureaucratic, is rational primarily in a particular economic understanding rather than a particular political legal understanding. On the continuing special role of for-profit corporate authority in America, consider the U.S. Supreme Court case holding that corporations have a right to free speech in elections and striking down campaign contribution limitations. See *Citizens United v. Federal Election Commission*, 558 U.S. (2010).

any ground. While it is quite unlikely that any one challenge will have significant impact, American law is full of important, even decisive cases that were initiated and pursued without any input or control by the structures of lawful or traditional authority[17]. This has certainly been true in the area of racial equality. Indeed, in recent years, some of the most significant cases in the ongoing reaction against government authority to promote racial equality have arisen in just this way[18]. On balance, however, the emergence and continued significance of public interest lawyering in America as a significant aspect of the legal profession is an important outgrowth[19] of the civil rights era and has played an important role in sustaining and advancing Dr King's work.

So in this retelling of Dr King's work I have highlighted ways in which his path diverged from that of the ideal charismatic leader. His leadership in the early days was hesitant and in important way, collaborative. His ideas were much in the air before he began to advocate them and his followers were motivated by their agreement with him and self interest, as much as by their recognition of his special endowments. And his spark was not only routinized by bureaucracy or tradition but in its dynamic aspect also found more welcome ground in the American sphere of private authority, where it lives on in the actions of lawyers and others who use structures of both lawful and traditional authority but are themselves best understood as members of a separate structure, the professional complex.

3. Reflections on Charismatic Leadership

I have told two stories of Dr King. One foregrounds his unique contribution and how it was absorbed by Weber's two stable structures of authority. In this account, Weber's powerful analysis fits the facts quite well and yields enduring insights. The second story foregrounds the inevitability of the social changes in which Dr King participated and the way they also flowed into a kind of private reservoir of authority that may be distinct from Weber's three categories. In many respects, even the account of professional and corporate authority in America also relies upon and

17) Of course, the courts in which these cases are heard are central organs of lawful authority. And this is a very important limitation on this argument, even as we recognize that Anglo-American courts are closer to fora in which disputes are resolved by the parties than the typical conception of the civil law court, where the central activity is not the party's actions but the court's application of the law.

18) *Ricci v. DeStefano*, 557 U.S. (2009). In this recent U.S. Supreme Court Case, several white firefighters brought their own civil action against the government body that authorized a civil service exam which they alleged discriminated against them. The Supreme Court reversed lower courts and held in favor of these plaintiffs, who initiated a private action that has now become the vehicle for an important and binding statement of American law regarding racial equality.

19) Some have argued that the idea of professionalism upon which 'public interest lawyering' is based is an outmoded structure, offering only the balm of false consciousness to lawyers who cannot accept that they are truly engaged in business. Russ Pearce, 'The Professionalism Paradigm Shift: Why Discarding Professional Ideology Will Improve the Conduct and Reputation of the Bar', *New York University Law Review*, Vol. 70, (1995), 1229. On this view, public interest lawyering will always be an elitist preserve with marginal impact.

illustrates Weber's theory of charismatic authority. And to the degree the second version highlights deviation from the ideal type, it helps us understand the particular contours of Dr King's work and also refine our idea of the type.

So first we might consider the genesis of charismatic leadership in the context of action for social change in America. What are the relative roles of the individual charismatic leader and the larger social needs that leader encounters, in bringing change? In retrospect, social action always has a cast of inevitability about it, as it is always grounded in the social reality of its day. While the distinguishing features may be hard to see in prospect, historical exploration always reveals some regularities and continuities. Yet the charismatic leader, as well illustrated by Dr King, is often distinguished by his or her ability to perceive and act upon new social realities before others. The idea of the truly original, discontinuous idea as the ground for disruptive change is quite attractive, particularly to the American attuned to individualism and exceptionalism.

But Dr King, for all the change he wrought, is best understood as an example of a leader rooted in his time and place. His was an agenda responsive to the great injustice of his time which did not sweep away but changed his society. Much of the power of his leadership flowed from his ability to give voice to deeply held and widely shared aspirations and realize them through skilful melding of ideas then current but not often held together. Though the ideas of peaceful civil disobedience and equality did not originate with Dr King, it is hard to deny that he emerged as the powerful expression of the concrete needs of his time.

Any retelling of his story must recognize, as Weber put it, the exceptional quality of his leadership. While he developed and elaborated fundamental ideas about justice and the power of love to shape communities, his was not primarily a rational gift in Weber's terms. While he was part of a rich and ancient religious tradition, his power was not primarily based on claims of history and tradition. And while he participated in a movement that aimed at broad legal change as an important part of its agenda, his power did not flow from any direct effort to change the law[20]. His charismatic gift, endowment or ability was his ability to gather strands of thought that others had developed and give voice to a uniquely powerful way they could be combined to address the conditions he encountered.

Particularly later in his career, and sometimes to his frustration, it became true that it was not what he did or said that mattered to some, but only that he was. In that later phase, he exemplified a mature example of Weber's ideal type of charismatic leader. But if we seek the core of his unique gift, we should look to its emergence. For it was in the formative time when his vision encountered the social ground on which it took root and flourished that the nature of the gift is best displayed. The widely acknowledged charismatic leader who received the Nobel Peace Prize in 1964 was already an institution, of a sort. The uncertain young man of 1955, just beginning to reflect his special endowments, exemplifies the core of Weber's ideal type for it was then he stood as a true agent of dramatic change with nothing but his gift to see the moment to guide himself and others.

20) At least not as an agent. He was famously a subject of the legal system, but that is quite different. See Martin Luther King, Jr., *Letter From a Birmingham Jail* (1963).

Weber also tells us that social structures respond to charismatic leaders by routinizing their authority. And we have seen how the American experience offers many ready examples of that process. But Weber's analysis of social action leaves open two areas in which charismatic authority may be less susceptible to routinization and may maintain more of its disruptive force than Weber discussed. One area, explicitly left open by Weber is the potential for individual change and the impact of individual change upon social structures. Weber's concerns were broader than the individual. And many different conceptions of the individual and how he or she may flourish or be diminished can be lived out in the same social structures. While it is true that some social structures better support some kinds of normative commitments, those relationships are quite complex and not the focus of *The Theory of Social and Economic Organization*.

But individual change can be an important aspect of how charismatic authority can bring societal change. Probably best analyzed through psychology, rather than social theory, the followers' experience of the charismatic leader, which Weber names but does not really discuss, quite characteristically involves an experience of personal growth and often a shift in normative commitment. In the experience of being drawn to and recognizing the authority of a charismatic leader, so many of us are touched and changed as individuals, often in ways we cannot fully analyze. The American experience illustrates how important individual change can be in sustaining and extending the disruptive force of charismatic leadership. So even as social structures contain the energies unleashed by a charism, the individuals whose normative commitments have shifted press back and over time. The social structures react to that new normative pressure and reach a new equilibrium, (perhaps in this case) not fundamentally altered but receptive to new orientations toward legitimacy.

This has clearly been the American experience. While institutional structures changed to some extent, norms have shifted quite strongly over time. While race clearly and unequivocally remains a significant and difficult social issue in America, much has changed in the fifty years since Martin Luther King, Jr, went to Montgomery, Alabama to become the pastor of the Dexter Avenue Church. Overt public racism has all but disappeared, Black economic life still lags but is an order of magnitude more vibrant than it was in the earlier period and physical separation is less common and much less likely to be violently imposed. These deep and important changes reflect changes on several levels but the importance of shifting individual views, supported by changes in social structure but distinct from those changes, cannot be denied[21].

And beyond individual change, we might also wonder about the possibility of a kind of authority Weber did not foresee: an authority neither lawful and bureaucratic nor traditional, but one which resides in smaller, more autonomous groups and is more diffuse and less constrained. This is the authority typical of the American professions, including medicine, law, architecture and journalism, at least in

21) Of course there is a vigorous debate over whether individual or structural shifts are truly generative of changing societal normative commitments. I only note that debate here and offer the merest of speculation that individual change is a significant factor.

the heyday of the printed newspaper. This form of authority is sometimes thought characteristic of Anglo-American legal authority[22] and distinctive from the continental understanding of law. As Parsons noted[23], while the professional's authority is rooted in his or her role defined competence, like the bureaucrat, the professional does not derive authority from his or her place in larger system but stands in an individual relationship to his or her client or patient. The client or patient relies upon the professional's expertise but from his or her perspective, the expertise, if often quite hard to evaluate, takes on a bit of the quality of the charismatic endowment. And, as noted, professional authority is regulated by but is not part of state authority. So in these ways, the important American example of professional authority exemplifies a distinct type.

While modern democratic states have given rise to mass movements, as Weber foresaw when he worried about how such societies could devolve into more traditional and repressive kinds of regimes, as Weimar Germany descended into National Socialism, today it is also common to foresee a utopian future of flatter, less hierarchical societies empowered by information efficiency. In this ideal, there is more room for innovation and disruption as contemporary communications, transport and connectivity enable much greater diversity in relationships and empower local communities to shape their own lives in more powerful ways.

On this reading of Dr King's legacy in the contemporary world, there is space for each of us to be agents of radical change, if we are so motivated. The flexibility and power of modern means of production create opportunities for a multitude of new forms and permit us to consider and respect relationships that may not have been possible or feasible in an earlier age. Of course, as Weber warned and the history of the twentieth century so clearly illustrates, dynamism and ready change are just the other side of the coin of social instability and can slide all too quickly into irrationality. Traditional authority still offers the clearest path to stability and maintaining ordinary routines. Rational bureaucratic authority clearly has advantages in managing complex societies but the stability of tradition and the efficiency of bureaucracy are each problematic in their own ways.

Tempting though the utopian vision of small interconnected communities of strong individuals can be to an Anglo-American temperament, it too has its dystopian side. When everyone makes all their own choices, for just their own reasons, social cohesion is lost and the war of all against all rages[24]. But whether we come to think there are three or four kinds of authority, Weber's dynamic picture of the

22) Mirjan Damaska, 'Structures of Authority and Comparative Criminal Procedure', *Yale Law Journal*, Vol. 84 (1975), 480-544. Using the criminal procedure to illustrate how English common law reflects a preference for diffuse, competing authority and pragmatic resolution while continental conceptions of law emphasize hierarchy and theoretical consistency.

23) See note 15, above.

24) So one dystopia points toward the breakdown of mass culture and the denial of the possibilities of diverse and integrative communities. Another dystopian vision sees the maintenance of mass culture but worries that the for-profit corporation will replace the all encompassing state to create a regime of mass oppression oriented more toward economic than political subjugation. In this world, political slogans are replaced by advertising jingles but are no less fierce in their denial of individual worth and their power to destroy true community.

interaction among these structures remains very powerful and the story of the American struggle for racial equality and social justice well illustrates the ways these forces can interact as a matter of abstract theory. Those categories, in turn, help us understand the ways those force did interact in that particular time and place.
As Parsons captures so well, the American tendency is to diffuse and balance competing authority, rather than concentrate it. On the one hand, this tendency lessens the probability of dramatic change and makes it that much harder to make a clear break with the wrongs of the past. On the other hand, the American idea of multiple coordinate structures of authority, much of it beyond state control, can create space for constant, if slower change. And this model seems particularly well suited to the preservation and transmission of a charism. For if the charismatic leader burns bright, he or she can pass a thousand or a million sparks to others. And if those others have channels through which their sparks can be maintained and transmitted, if the society is open to a wide array of actors exercising diverse kinds of authority, it can experience the dynamic process of change that can come with the coordinated movement of millions of small steps instead of the few large steps of centralized change understood entirely through the hierarchical vision of either lawful bureaucratic or traditional authority.
In the realm of social theory, ideal types are a powerful device for ordering the great mess and confusion of our lived reality. And few have created ideal types as powerful, evocative and lasting as Max Weber. His tripartite conception of authority retains its power and his analysis of how mass movements can slip into oppressive irrationality was all too prescient. He foretold the main currents of the middle and very bloody years of the twentieth century. But few are as insightful as Weber and the future course of our social structures is all too opaque. In this paper I have tried to gesture toward a social world in which less monolithic structures empower smaller, more diverse communities to choose paths that integrate but do not stifle the spark of charism and change that earlier ages, with their more brittle structures, found so disruptive. I have argued that the lived reality of the American Civil Rights struggle led by Dr King offers an example of this possibility. Some will read my history as lacking and some will read my theory as inadequate but I suspect many will identify with the hopes that motivate me to look down that path.

IAN WEINSTEIN
Professor of Law and Associate Dean for Clinical and Experiential Programs, Fordham University School of Law, New York City, USA
iweinstein@law.fordham.edu