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Robert E. Rosen

*University of Miami School of Law*, [rrosen@law.miami.edu](mailto:rrosen@law.miami.edu)

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Robert Eli Rosen\*

## All Fact is Beautiful Theory: The Romantic Philip Selznick

**Abstract:** Properly understood, Philip Selznick is a chastened romantic of the Left and is mischaracterized as a man of the Right. To Marx, Selznick added insights derived from Freud and Dewey. He was committed to the moral primacy of facts and the conditions under which they realized values. Selznick's organicism is discussed and critiqued.

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\*Corresponding author: Robert Eli Rosen, Professor of Law, School of Law, University of Miami, FL, USA, e-mail: rrosen@law.miami.edu

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“The highest thing, above all, is to know that all fact is beautiful theory.”

G.W.F. Hegel

Properly understood, a phrase that I shall always associate with Philip Selznick, social theory doesn't solve questions. It proposes questions. It was Selznick's mission and genius to read theory to guide inquiry and then to find facts which reconstituted the inquiry. Methodologically, and only methodologically, jurisprudence comes first, then the study of facts. Thereby, relevant facts are revealed and so is the beauty of theory, as well as the often complex choices in implementing social policy.

Properly understood, Selznick was a humanist. He was committed to the moral primacy of facts. T.H. Huxley famously said that theories can be killed by ugly facts. Selznick would have said that ugly social theories are killed by facts. Selznick knew, like Foucault, that law is constitutive. Selznick, however, emphasized the variable nature of law's constitutive powers. It is by empirical study that theory is elaborated, rather than merely being replicated. Selznick recognized iron laws, but fought for the humanity able to escape them.

Selznick was an enthusiastic teacher. His skill as a teacher was demonstrated when he ended a discussion (actually, an argument) by saying, “Robert, you do

know that ethics is made for man, not man for ethics.” In fact, I didn’t.<sup>1</sup> For a yeshiva b’chur and a student of civil religions, Selznick was engaging in the best teaching: He responded to my ignorance. Yet, then, I was not so appreciative. I was a theoretician unpacking ethical theory. I did not respond well to what I incorrectly perceived as Selznick’s lack of concern with theory. I did not understand that theory serves people; people don’t (or shouldn’t) serve theory.

Until I had to wrestle with the facts revealed by my dissertation research, I didn’t try to understand Selznick. In an attempt to do justice to the data that I had obtained, I rejected theory after theory. Selznick taught me to be wary when perspectives, such as ethics or rational choice, were imposed on data. I came to understand his denigration of *reductive* theories. It was not that the theory was a wrong one, for example economic individuals do exist to some extent, but that those who applied the theory all too often neither asked philosophically interesting questions nor saw the complexity in their results.

Like the best sociologists of the mid-20<sup>th</sup> century, Selznick built on Marx and Freud. Especially after the Second World War, from Marcuse to Shils, sociologists tried to uncover what questions were still raised by Marxian and Freudian theories. From Marx, Selznick took the question, “What is alienation?” From Freud, Selznick took the question, “What motivates?” To Marx and Freud, Selznick added John Dewey. From Dewey, Selznick took the question, “What are the problems of culture?”

Emphasizing Selznick’s intellectual heritage, I suggest leads to the following three points:

First, Selznick is often mischaracterized as a man of the Right, depicting him as alienated from his Trotskyist youth and rejecting Marx for being the progenitor of Stalin. This ignores that he never joined his friends in neo-Conservatism. And it ignores his standing with the Left on the key political issue at his university: The Free Speech Movement. It is true that Selznick’s work is not neo-Marxist. But, as he would emphasize, it is not theory imposed on reality that matters. What matters is what Dewey called “social progress.” In his work and life, Selznick was deeply concerned with the fate of the values of the Left. Consequently, he critiqued the Left and differentiated his position from naïve Leftists. His communitarianism was a supplement to the Commune. Admittedly, Selznick did not distinguish his position from those on the Right. Selznick’s failure to join his critique of the Left to a critique of conservatism may lead readers to misread him as a man of the Right. I submit that is a mistake and that Selznick was engaged by Marx throughout his career, but as a chastened romantic.

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<sup>1</sup> I had never contemplated Mark 2:27 (“The Sabbath was made for Man, not Man for the Sabbath.”).

Second, Selznick for much of his career was deeply engaged with the strengths and limits of Freudian theory. In his early work on organizations, Selznick concentrated on questions of motives, drives, and resistances. *LEADERSHIP IN ADMINISTRATION* describes “cathexis” between individuals and organizations, although Selznick discusses it as “commitment,” reflecting his disposition to make theory concrete and accessible. Philip Selznick’s first wife, Gertrude Jaeger, spent most of her career confronting Freud. By the time of *LAW, SOCIETY, AND INDUSTRIAL JUSTICE* (1969), however, Selznick appears to have decided to avoid tying the analysis of organizations to individual motivation. In that book, he speaks of emergent properties and the active force of structures, rather than intentional actions. *LAW AND SOCIETY IN TRANSITION* is similar. Both are precursors of the New Institutionalism. But, his final works on morality turn on accounts of motivation. They remind us of Selznick’s early works, when he operated as a clinical diagnostician of organizations.

*THE MORAL COMMONWEALTH*, one of his final works, is susceptible to an Aristotelian reading: Selznick finds dualisms and constantly warns against excess and preaches moderation. A different reading emerges if one focuses on Selznick as a Freudian. Then Selznick can be seen as engaging the variety of social experiences, seeking not normality, but the limits beyond which is undone the good. *THE MORAL COMMONWEALTH* then is not a cookbook for a just society. Its audience is not to be composed of philosopher-kings. Its intended audience, I believe, are social scientists who are seeking to understand the complexity of extant societies, communities or clubs. It will help them pose questions. Even in his *magnum opus*, Selznick did not think that theory showed how to solve problems.<sup>2</sup>

Third, Selznick’s debts to Dewey resulted in his having a rather unique sociology of law. To reveal its uniqueness, let me use Parsonian terminology. Parsons, Weber, Durkheim and Freud, understand law to be part of the “Integrative” social-subsystems.<sup>3</sup> As such, law is linked to socialization. These theorists understand that laws – the laws of the Sabbath, for example – are to be internalized. This internalization enables the linking of individuals to actions and to each other. Parsons, Weber, Durkheim and Freud either did or would have condemned Nazism, but they would not have understood the debate over whether Nazi law was “law.” After all, many Germans internalized Nazism; they obeyed even when it could be said that they were not forced to do so. Like Fuller, Selznick’s

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<sup>2</sup> I recognize that one could argue that Selznick is a neo-Aristotelian who defines morality by what is required by nature if we are to flourish and enjoy *eudaimonia*. (cf. Philippa Foot or Rosalind Hursthouse).

<sup>3</sup> To use Parsonian letters more precisely, to these theorists, law is part of the “I-L” subsystems. For Selznick, the links are to the “A-G” subsystems.

continuing conversation about this question – the internal morality of law – is predicated on the assumption that law is something in addition to being an integrative force.

For Selznick, unlike the classical social theorists, law is part of the “Adaptive” social-subsystem. Law functions by contributing to capacities for growth and development. Instrumentalist accounts of law also sometimes place it in the Adaptive sub-system. One difference between Selznick and the instrumentalists is that Selznick has a broader understanding of social adaptation. Adaptation, like social policy in JSP’s name, is forward looking and deals with both intangible goods and capacities that may be of no value until tomorrow. As part of the adaptive sub-system, law presents “funded knowledge,” containing our extant abilities to prosper, and “normative potential,” enabling us to meet new challenges. The law, to Selznick, is valuable for how it enables human flourishing.

So, on this account, you are a Selznickian if you (1) are engaged with Leftist projects as a chastened romantic, (2) look at what motivates people and organizations, attentive to leadership as well as regressions, and (3) examine law in terms of social policy, not its socialization functions, focusing on law’s relations to human development and growth, broadly conceived.

To help establish these three points, I want to compare Selznick’s last work, *A HUMANIST SCIENCE* (2008) to a criticism of Selznick’s work penned about 50 years earlier, that of Sheldon Wolin in his *POLITICS AND VISION* (1960).

Sheldon Wolin described (nay, accused) Selznick of being the heir not of Dewey, but of Edmund Burke. Wolin accurately saw that Selznick valued spontaneity, natural processes, non-rational behavior, and the adaptive organism. In *A HUMANIST SCIENCE*, Selznick spoke of “the moral and political worth of non-governmental groups and activities” (72)<sup>4</sup>, asserted that “humans flourish when their identities are formed by kinship, locality and belief” (21) and that “society is largely self-regulating; order and responsibility arise from cooperation and self-interest” (111). Although Burke and Dewey shared an orientation to the “tried and true”, it is Burke, not Dewey, who would join Selznick in concluding that “Society, not government is the main and best source of energy, cooperation and responsibility” (111). But unlike Burke, Selznick was not attempting to develop a conservative philosophy. Selznick was reporting on the prerequisites for maintaining democratic accountability.

Wolin is accurately capturing that Selznick was not a utopian. Part of Selznick’s formative experience was a rejection of Bolshevism. Selznick rejected abstraction and grandiose plans lacking clear steps to their completion. He was attached to

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<sup>4</sup> The page numbers in the text are from Philip Selznick, *A Humanist Science: Values and Ideals in Social Inquiry* (Stanford University Press, 2008).

existing historic and emotional commitments. In Dewey's debate with Trotsky in *THEIR MORALS AND OURS*, Dewey emphasized the moral priority of the end-in-view, not the desired end. Selznick, like Dewey, was disinclined to philosophize purely in an *a priori* way. *TVA AND THE GRASS ROOTS* shows Selznick as a pragmatist evaluating an abstract ideology not by its goals, but by its realization in practice.

Wolin also captured that Selznick was a romantic. As Wolin suggested, Selznick imagined people living in the frightful world of mass society. Selznick returned again and again to the theme of alienation. He told us again and again that the basic human need is for attachment and identity. He depicts the evils of isolated, depersonalized lives. Deprived of contact with the rich life of community and association leaves people imprisoned within their own naked egotism. There is, he tells us a "human impulse to escape impersonality" (98). In *LEADERSHIP IN ADMINISTRATION*, Selznick describes how organizations are left bereft, unmoored, when their members lack commitment to the organization. Leadership, as business executives, politicians and revolutionaries know, creates and builds on commitments, establishing identities, attachments and senses of mission.

But, Selznick was a chastened romantic. Echoes of Burke emerge when Selznick resists the purchase of security by ideologies or commitments. He is at his best in cautioning us about the limits of ideals and the dangers of over-commitment. Although he valued responsiveness, Selznick told us that it must be carefully monitored and controlled. Selznick would agree with Burke that "men of intemperate minds cannot be free."<sup>5</sup> One of the attractions of a Deweyian philosophy is its romantic guidance to tempering reason.

Wolin's comparison of Selznick to Burke also misses the mark because Selznick was not tied to the status quo. Unlike Burke, Selznick does not have a reflexive disposition to preserve.<sup>6</sup> He understood values as givens, but also as bases for critique. Although Selznick valued the wisdom of institutions, he adopted the pragmatist fallibilistic stance. He was a man of the 20<sup>th</sup> century, all too aware of the failure of supposedly noble organizations, like the Party or the Bundestag, to protect basic values. And he was aware of people's tendencies to harm themselves and others. His is a "philosophy for the twice-born" (a phrase Jaeger coined describing an alternative to Dewey's optimism and Dewey's failures to recognize present evil). Selznick emphasized the wisdom of those romantically

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<sup>5</sup> Burke, Letter to a Member of the National Assembly, 4 Work at 52.

<sup>6</sup> Martin Krygier nicely puts it: "Selznick manages to think seriously both about avoidance of evil and about pursuit of the good; about threat, about promise, and about their interplay". M. Krygier, Walls and Bridges: A Comment on Philip Selznick's *The Moral Commonwealth* 82 Cal. L. Rev. 473, 474 (1994).

striving for the second time. There are parallels with Ricoeur's "second naivete," but Selznick had little truck with "innocence."

Selznick's analysis of organizations is special in that he understood organizations as inhabiting a Freudful (and frightful) world of compromised passions, self-defeating instincts and blocked responses. Selznick's writings display a profound understanding of defense mechanisms in social life. In all of his work, Selznick speaks of "retreats:" A retreat to order, a retreat to security, a retreat to command, a retreat to convention, a retreat to rules and the retreat to technique. The Frankfurt School might have best shown how technology reshapes social understandings. But Selznick's "retreat to technique" not only captures the many possibilities of alienation that technology may produce, but also directs study to the conditions under which individuals don't retreat defensively. Selznick was not only a chastened romantic, but also he was a diagnostician of how individuals and organizations can foster retreats, rather than engagement with purpose.

Robert Pranger once characterized Selznick's method as clinical organizational analysis. In addition to Selznick's other debts to Freud, Pranger was referring to Selznick's adoption of Freud's commitment to the analysis of wholes. Selznick refers to this as a commitment to the study of "organic unities." The individual is part of a system, with introjections, projections, and exchange relations. As the New Institutionalists know, organizations change from both the inside and the outside. Organizational boundaries are permeable. One organization takes a piece of another, another mirrors a third, and a fourth maintains checks and balances with a fifth. Organizations are not only influenced by exogenous factors, but also organizations are in systemic ("organic," Selznick would say) relations with their environment. One cannot understand an organization without considering, for example, its sources of resources. In short, understanding an organization requires studying multiple relations, both inside and outside the organization. It requires seeing the organization in its whole context.

One aspect of Selznick's commitment to the study of wholes is summarized in Jaeger's dictum that in social science one seeks weak definitions and strong relations.<sup>7</sup> One doesn't want to know what "is law" or "is culture." One seeks to study the relations that legal and other cultural manifestations create. Weber's creation of a rich problematic by linking the religious to the economic and Durkheim's exploration of the relations between the economic and the legal are classic. They would not have been possible had the religious or the economic been narrowly defined. On a less grand scale, Lauren Edelman's depiction of how business

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<sup>7</sup> This is based on a pragmatist methodological principle that continuities, not dichotomies are to be first sought. Pierce called this "synechism." Haack, *Defending Science – Within Reason* (2003).

norms enter law or Jonathan Simon's exploration of the war problematic in relation to crime control continue this commitment to the study of wholes.

Selznick often had a "clinical purpose" in the study of organizations. He sought to allow the institution to be more responsive, to reduce unnecessary retreats. To be able to see the potentials of the organization required studying not just the organization, but that to which it was connected in space and time. Unlike Burke, Selznick was not an evolutionary thinker. There is no necessary internal dynamic from Repressive to Autonomous law, for example. But Selznick saw organizations as ever-becoming and he appraised their adaptive capacities. He sought to name that which prevented their growth and maturation.

In just 10 pages in *A HUMANIST SCIENCE*, writing about the legal institution, Selznick discusses not just "legitimacy" and "justice", but also "fidelity," "honor," "respect," "responsibility", "dignity," "integrity," "promise," "spiritual well-being," "ambient culture," "sensibility," "basic needs and sufferings," and "self-restraint." No one is as much a stylist in writing about institutions as was Selznick. But, there is logic behind the style. He presents institutions as encompassing a broad range of characters, variously open to their environment, with a range of responses, all of which have consequences for the institution's growth and development. In these 10 pages, the reader confronts hopes and challenges, without being coddled about the future. For actors in legal institutions, character-defining choices are presented, but some comfort also is given because these choices have been recognized and named. It is as if a therapist has spoken.

Selznick's analyses provide insight into the adaptiveness of different institutions. Yet, although his concern is future oriented, with Dewey, he is tied to the end-in-view. This unwillingness to discuss the desired end led Wolin to tie Selznick to Burke. But, as I have explained above, this misses the mark. I think that Selznick's emphasis on the organic and growth of social institutions, his commitment to the place of morals in motivating social life, and his recasting of socialism, speak more of Durkheim than Burke. In his political writings, Durkheim expressed an approach to social analysis that Selznick might have liked:

The duty of the statesman is no longer to push society toward an ideal that seems attractive to him, but his role is that of a physician: He prevents the outbreak of illnesses by good hygiene and he seeks to cure them when they have appeared.

Durkheim's analogy to health is not inapposite because Selznick thought parameters of well-being are objective (193). To Selznick, these parameters are integrity, coherence, consistency, and harmony. Selznick brought the organic not only into his methodological approach to the study of institutions, but also into

his criteria for evaluating institutions. Selznick would have argued that what we know of nature suggests that organic values are required for individual happiness and social development. Societies and organizations can have bad hygiene and become sick. Selznick presented examples of social sickness (remember, he wrote a best-selling text for “Introduction to Sociology”) and suggested what needs to be accomplished: a return to coherence and integrity.

Less abstractly, Selznick abhorred untended gardens and neglected children and thought social science can teach of what good gardening and parenting consist. Given that the best advice often is to make no change, Selznick may be read as a Burkean. But such a reading fails to account for at least two points. First, Selznick does not impose theory on reluctant reality. His advice as to how to garden would be to make whatever garden you are tending grow, paying attention to its integrity and harmony. Second, social science, properly understood, does not prescribe. It cautions. His advice would be to look not only at the garden but at the ecological niche it inhabits.

To me, Selznick retreated to organic theories to smuggle particular facts into the territory of morals. I find such organic concepts difficult to understand. Harmony and coherence are pre-modern, in art at least. Consistency is often associated with little minds. In a fast changing world, integrity may be over-rated. I am not certain that I am willing to give Selznick (or Durkheim) the analogy of society to a garden. First, there are French and English gardens. What it means to be a good gardener in France and in England differ. There are multiple other normal gardens. Furthermore, the garden that I desire, based on sustainable agriculture, does not appear to me to have objective criteria. At the moment, social (and natural) science can’t teach what this garden looks like. Selznick’s advice is to tend my garden by paying attention to harmony and integrity and this seems to me, too weak.

On the other hand, I agree with Selznick that organic concepts pose interesting questions for research. We do, after all, hear the absence of harmony, even when we don’t desire harmony. Incoherence takes shape against a ground in which coherences are pre-figured. Even when integrity and coherence are rejected, they suitably demand explanations for their being rejected. I do appreciate that Selznick’s genius was to be able to spot where gardeners must exercise caution.

And, I have come to understand that man is not made for gardens, gardens are made for humans.