From Public Sociology to Public Philosophy: Lessons for Law and Society

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Selznick, Philip. 2008. *A Humanist Science: Values and Ideals in Social Inquiry*. With a foreword by Martin Krygier. Stanford, CA: Stanford University Press. Pp. xviii + 156. $39.95 cloth.

The late Philip Selznick's final book, A Humanist Science, *examines the role of values and ideals in the social sciences, including the study of law and society. Throughout his academic career, Selznick was committed to what he called "legal naturalism," a sociological version of the natural-law perspective, while his critics continue to adhere to various forms of positivism. But the age-old opposition between natural law and legal positivism today may be giving way to the quest for public sociology—a sociology that promotes public reflection on significant social issues and thus functions as a moral and political force.* A Humanist Science *ends with a strong plea for public philosophy. Public philosophy overlaps with public sociology but is a much stronger concept. Selznick's message of public philosophy may be another of his enduring contributions to the field of law and society.*

A HUMANIST SCIENCE

During the past half century before his recent death, the sociologist Philip Selznick was a notable force in the academic field of law and society. Yet from the very beginning, his intellectual position in that field has been a matter of controversy and debate. His latest book, *A Humanist Science* (2008),

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will once again bring these polemics to the fore. As this book is the culmination of a long and distinguished career in research and teaching, it offers an opportunity for serious reflection to sociolegal students of every stripe and persuasion.

In this essay, I first briefly sketch the remarkable entrance in the late 1950s of the established sociologist Selznick into the world of sociolegal studies. I use the critical reception of his work by another prominent scholar of law and society to highlight what is distinctive in his perspective. Next I turn to a discussion of Selznick's notion of public philosophy, which is of central importance to the message he wants to convey in *A Humanist Science*. I discuss what social science as public philosophy implies for the field of law and society, using some of the illustrations that are provided by Selznick himself. Finally I turn to the relatively new idea of public sociology, which has generated much heat in sociological circles in recent years. I point out the family resemblance between public philosophy and public sociology but argue that the former is a stronger, more attractive concept than the latter and hence seems of more lasting importance for students of law and society.

A MODERN NATURALIST PERSPECTIVE

Philip Selznick, born in 1919, studied sociology in New York, at City College of New York and Columbia University (Cotterrell 2004, 292–93). Between 1949 and 1957, he published three books that quickly gained the status of classics in organizational sociology: *TVA and the Grass Roots* (1949), *The Organizational Weapon* (1952), and *Leadership in Administration* (1957). In 1952, he joined the newly reconstituted Department of Sociology at the University of California, Berkeley. And in 1955, he coauthored, with Leonard Broom, *Sociology* (Broom and Selznick 1955), a textbook that was widely used for some thirty years not just in the United States but worldwide, ultimately going through seven editions.

In the course of the 1950s, Selznick developed a specific interest in law, building—as he invariably emphasized—on the strong continuity between the sociology of organization and the sociology of law. His perspective on organizations had been strongly influenced by his reading of Max Weber on bureaucracy, Chester Barnard on cooperation, and Robert Michels on oligarchy (Cotterrell 2004, 292; Krygier forthcoming). From these sources he derived one of his key ideas: the distinction between formal and informal structures, and the importance of the interplay between these two. Equally salient was his emphasis on the significance of ideals or values in the life of organizations. On this point, he was most indebted to American pragmatist philosophers, especially John Dewey (Taekema 2003, 99–153; Cotterrell 2004, 293). This emphasis on values is reflected in one of his most important contributions to the field of organizational sociology: the call to pay attention

to the circumstances under which organizations may evolve into institutions. Organizations, according to Selznick (1957), are "technical instruments, designed as means to definite goals" (21); institutions are "infuse[d] with value beyond the technical requirements of the task at hand" (17). Hence the most central question throughout his academic career, he wrote in one of his later books, was about "the fate of ideals [and values] in the course of social practice" (1992, x). His idea about the continuity between the world of organizations and the world of law had much to do with this central concern for the fate of values and ideals: "Most of my specialized writings in the sociology of organizations and sociology of law have been preoccupied with the conditions and processes that frustrate ideals or, instead, give them life and hope" (x).

Selznick's first essay dealing directly with law was published in 1959, in *Sociology Today*. In this contribution, titled "The Sociology of Law," Selznick introduced a definition that was based on the two characteristic features of his organizational sociology that I just discussed. The sociology of law, he wrote, "may be regarded as an attempt to marshal what we know about the natural elements of social life and to bring that knowledge to bear on a consciously sustained enterprise, governed by special objectives and ideals" (1959, 116). In this seemingly innocent description, we find the most significant and controversial elements of his sociolegal perspective: the idea of naturalism and the central importance of ideals.

A mature sociology of law, Selznick argued, would have to deal with all the classic problems of legal philosophy. As both focus on the role of reason in the legal order, sociology of law could not be separated from jurisprudence. The significance of their interdependence was highlighted as scholarship gained legal relevance and authority. Hence, he concluded, "we must go on to seek out the foundations in reason for choosing among human norms those that are to be given the sanction of law. This will bring us, I cannot doubt, to the acceptance of some version of a doctrine of natural law, although it may not, and perhaps should not, be called that, given its historical associations. A modern naturalist perspective may be preferable" (126).

In 1961, Selznick founded the Center for the Study of Law and Society at Berkeley. In that same year he wrote an article for a law journal published out of Notre Dame Law School, *Natural Law Forum* (now *American Journal of Jurisprudence*). In that article, "Sociology and Natural Law" (1961), he repeated his commitment to naturalism and to what he now called "a demanding concept of natural law" (85). The final paragraph of the article contained a strongly worded message:

> I have no doubt that the sociology of law can gain immensely valuable guidance from the study of problems posed by the quest for natural law. I also believe that natural law philosophy would benefit from a greater effort to increase the scientific component of its discourse. A vigorous

research program, devoted to the formulation and testing of natural law principles, might do much to advance both the cause of justice and sociological truth. (108)

Of course, that "vigorous research program" was exactly what he intended to accomplish at the Center for the Study of Law and Society in Berkeley.

Selznick subsequently elaborated his ideas about the domain of legal sociology in two separate publications: "Sociology of Law," his contribution to *The Encyclopedia of Philosophy* (1967), and "The Sociology of Law," which he wrote for the *International Encyclopedia of the Social Sciences* (1968). By the time he published *Law, Society, and Industrial Justice* (1969), a monograph on which he collaborated with Howard M. Vollmer and Philippe Nonet, he had established himself as a key theorist in the new academic discipline of law and society, and his work and vision were widely noticed and commented upon. All this was exemplified in a remarkable book review of *Law, Society, and Industrial Justice* by Donald J. Black (a younger sociolegal scholar then at Yale University), which was published in 1972 in the *American Journal of Sociology*.

Black started his review with a trenchant observation. As he saw it, the sociology of law was "quietly drifting toward a conflict between two schools of thought":

> The first [school] is pragmatic and sometimes normative; the second [school] strives for detachment and neutrality. The first moves freely between fact and value, seeing a rigid separation as undesirable if not impossible; the second clings to this separation and shows no sign of weakening. The first finds the second naïve, but is in turn criticized as confused. Call the first a natural-law approach, the second a positivist approach. (1972b, 709)

Black saw Selznick's book as "undoubtedly the most erudite and imaginative example of the natural-law approach to appear," while he described himself as "an uncompromising adherent of the positivist approach" (709). However, after this clear demarcation of two schools of thought *within* the sociology of law, Black next—but still in the same opening paragraph of his review—made a surprise move by placing the natural-law approach *outside* the field, claiming the field instead for positivism. Selznick's book, Black argued, had to be located "in what Roscoe Pound called 'sociological jurisprudence' rather than in the sociology of law" (709). In this way, Black introduced the conventional but strict opposition between sociological jurisprudence and sociology of law that has remained with the discipline ever since.

Selznick (1973) wrote a rejoinder to Black's review in which he admitted that there was a "significant difference" between his perspective and the one outlined by Black, but in which he went on to explain his position (1) that sociological theory and research would have little to gain from a rigid

separation of fact and value but instead should recognize the dialectic nature of their interdependence; (2) that from a logical point of view, sociology of law and sociological jurisprudence may be thought of as different enterprises, but that this should not be taken as a plea for fully divorcing the theoretical from the practical—actual research would only benefit from "an intimate association with genuine problems as they are experienced by acting persons or groups"; and (3) that his own reading of the conflict between natural law and positivism was guided by the pragmatism of John Dewey (1938), who rejected such dichotomies as "sterile" and instead believed in "a thoroughgoing naturalism." In jurisprudence, Selznick (1973) suggested, the most attractive perspective therefore was what he now referred to as "legal naturalism," which aimed at "a social science of legal ordering" (1266–69).

This particular phrase, "legal naturalism," Selznick had coined shortly before in a book review of Lon L. Fuller's *Anatomy of the Law* (1968), which was published in 1970 in the *Harvard Law Review*. There Selznick had commended Fuller as someone who had "helped bring us to a fresh perspective that may rekindle the spirit of realism, and absorb the truths of positivism, without losing what is most instructive in the philosophy of natural law" (1970, 1480). The expression "legal naturalism," Selznick (1999) wrote some thirty years later, suggested "a certain distance from older versions of natural law while retaining a basic continuity" (4). In this way, Selznick upheld his conviction that the study of law and society should engage in values and ideals, that is, in normative inquiry, against the more conventional approach propagated by Black, who firmly believed in the strict opposition between sociology of law and sociological jurisprudence.

A PLEA FOR PUBLIC PHILOSOPHY

It is quite common to distinguish three different phases in Selznick's academic life, apart from his commitment to general sociology. In the 1940s and 1950s, he was mainly concerned with the sociology of organization. In the 1960s and 1970s, his prime interest turned to the sociology of law. (In addition to the sociolegal writings already mentioned, in the late 1970s he published *Law and Society in Transition*, which he coauthored with Philippe Nonet [Nonet and Selznick 1978]; in the same period, he founded the Jurisprudence and Social Policy Program at Berkeley, which was the first PhD program in an American law school [Selznick 1980].) From the 1980s on, his focus shifted to what probably can be best called moral sociology. In the early 1990s, he published his opus magnum, *The Moral Commonwealth* (1992), which was followed, a decade later, by *The Communitarian Persuasion* (2002) and more recently by *A Humanist Science* (2008).

A Humanist Science not only is Selznick's final book but reads like a peroration to his life as a scholar. For in this relatively small book, he

summarized and concluded what had been his major concern throughout some seventy years of wide-ranging academic writing. The central message appears in the opening of the preface: *A Humanist Science* "at bottom . . . argues for a closer connection between social science and the humanities, especially philosophy and history. My thesis is that social science is largely value-centered: economics, political science, social psychology, and sociology are preoccupied with ideals of rationality, legitimacy, self-government, personal development, and social cohesion" (2008, xvii). Philosophy clarifies values; history identifies master trends affecting values. But the relation is not a one-way street: "Philosophy and history give direction to social science, but at the same time they are subject to criticism and revision in light of social science findings" (xvii).

So the strategic position of ideals and values—visible in his first essay on law—remains preeminent in Selznick's perspective. But so does his belief in naturalism, that is, the interdependence of fact and value. It is only fitting that with respect to this topic, he returns to the pragmatist philosophy of John Dewey. In the preface he points out once more how Dewey saw the conventional doctrine of the separation of fact and values as a "pernicious dualism": "Values arise from factual conditions, [Dewey] argued, and whether they are realized or not is also a factual matter. . . . Facts are the conditions affecting human achievements; values are ideals realized or undermined by those conditions" (xviii). According to Selznick, the social sciences are *humanist* because they respect and build on this interdependence. His own focus on the social sciences indeed shows "how ideals emerge from economic activity, the quest for justice, and the challenge of living a common life" (xviii). Hence, Selznick teaches us, to study facts always and inevitably is to study values.

A Humanist Science is composed of three parts. The first reflects on the main historical strands of humanist thought, highlighting a chief concern for ideals in conceptions of nature and human life (3–42). The second explores the significance of these humanist ideals in characteristic themes in major disciplines of social science: social order and moral order, humanist virtues, the morality of governance, rationality and responsibility, the quality of culture, law, and justice. These are key illustrations of "social science as moral inquiry" (45–115). The final part discusses implications for moral philosophy, social science, and what Selznick calls "public philosophy" (119–37).

The goal of public philosophy, Selznick writes, is "to enhance public morality by identifying truths—derived from and supported by the findings of social science—that should be accepted as learned wisdom" (129). A public philosophy "speaks to matters of public concern and serves as a source of insight and judgment" (129). This moral significance of the public philosophy of social science is generic but various, as some of the themes selected by Selznick to expand upon illustrate: the legal doctrine of the right to privacy is grounded in notions of freedom and human nature; the interplay of "I" and "we," of selfhood and participation, of kinship and identity, is inherent in

cultural anthropology; the interdependence of human activities, going beyond individualism, is a core lesson of social science; studies of moral development emphasize the need to combine nurture and discipline, as in teaching and parenting; doctrines of pluralism hold that good government depends on a vital civil society, civil society having moral primacy over government; and moral realism (Reinhold Niebuhr's (1952) "irony" in human history) is needed to protect ideals from illusions, to recognize unintended consequences, to guard against the inevitable debasement of ideals, and to tolerate ambiguity and contingency (Selznick 2008, 130–35).

For sociolegal research and teaching, the relevance of public philosophy is determined by the centrality of ideals and standards in jurisprudence, which Selznick describes as "the social science of law and justice" (105). The close connection between law and justice is visible in much expressive symbolism (as in the "justices" of the Supreme Court, or the Department of "Justice"); in discussions of "the rule of law"; in the interplay of civil society and common law; in the injunction to study "law in context" and "law in action"; in a modern natural-law jurisprudence, which "relies on inquiry and argument, not on unquestioned authority" (106–14). For Selznick, these are central themes in a humanist sociology of law and therefore also staples in a public philosophy of sociolegal science. This illustrates how the idea of public philosophy serves as the capstone of the entire range of Selznick's normative social science, including the field of law and society.

Take the case of *Bowers v. Hardwick*, which was decided by the US Supreme Court in 1986, and on which Selznick extensively commented (1989, 511–13; 1992, 404–09). In this case, the Court upheld as constitutional a Georgia statute that classified homosexual sex as illegal sodomy punishable by imprisonment for one to twenty years. The statute was challenged by Michael Hardwick, whom the police had arrested in his own bedroom, where he was having sex with another man. The *Bowers* case turned on the constitutional interpretation of the right to privacy or personal autonomy.

The majority of the Court denied that the Constitution contained any right that protected homosexual sodomy from legislative prohibition. As expressed by Chief Justice Warren E. Burger in a concurring opinion, "To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching" (*Bowers v. Hardwick* 1986, 197). Justice Harry A. Blackmun, in a dissenting opinion, strongly criticized this view of customary morality as self-justifying: "I cannot agree that either the length of time a majority has held its convictions or the passions with which it defends them can withdraw legislation from this Court's scrutiny" (210). The real issue, he emphasized, "is the fundamental interest all individuals have in controlling the nature of their intimate associations with others" (206).

According to Selznick (1992), these antagonistic opinions reveal important differences in how community and tradition were perceived:

> The majority opinion is communitarian in its own way. Those justices give great weight to customary morality as the foundation of community and as the preserver of its identity. In the theory to which they implicitly adhere, a genuine community is a community of observance, where customary rules and practices matter more than abstract principles. A corollary is that the sense of community is best expressed in localist terms. Moral autonomy should be granted at the local level, where social life is most fully experienced and appreciated. At that level, moreover, political majorities have a prima facie right to uphold conventional morality and thereby to determine the culture of the community. (405)

The dissenting justices, Selznick argues, had a very different view:

> They find community and tradition in the American constitutional order. The Constitution itself is a prime source of tradition—a tradition that allows for change and growth, criticism and reconstruction. It consists of *premises and values*, not of particular rules and practices. To identify such a tradition we must locate implicit principles and guiding purposes. A strategy of generalization is required. In this perspective the moral order is not constituted by particularities of belief, observance, or connectedness. Rather, the community is defined by more general ideals, such as democracy, equality, and the rule of law—in a word, by civility. The relevant moral community is the nation as defined by the Constitution. The claims of localism are to that extent diminished. (405–06)

These conflicting perspectives may be thought of as providing the outline of a public philosophy of privacy or personal autonomy. It is interesting to note that Selznick avoids choosing for one perspective or the other but rather employs both to bring out the moral significance of the *Bowers* case:

> Both arguments appeal to diversity, plurality, and toleration. The majority justices say the states may decide for themselves whether homosexual sodomy is a crime. The dissenters argue that diversity must be protected *within* each state, on the basis of individual preference rather than community sanction. In the majority view, whoever has the most votes may decide what traditions should be upheld. The dissenters, by contrast, want openness to change so that new political realities may emerge. If an alternative lifestyle is suppressed within a state, it will not have a reasonable chance to gain support for political change. (407)

While the majority opinion, with its "blunt appeal to history," clearly fits the conservative model of conventional morality, the minority opinion, with its "quest for latent principles in our legal culture" and its "appeal to moral and

psychological theory," equally clearly belongs to the liberal model of critical morality. But Selznick thinks that some of the minority arguments are questionable. For example, the dissenting justices had asserted that "we protect the family because it contributes so powerfully to the happiness of individuals" and that "much of the richness of a relationship will come from the freedom an individual has to choose the form and nature of these intensely personal bonds." As Selznick points out, "a different understanding of family values and of what makes for rich personal relationships would convey a different message, even if it did not alter the legal conclusion" (407–08).

In the same spirit Selznick (1989) tries to bridge the gulf between the moral particularism of the *Bowers* majority and the moral universalism of the *Bowers* minority by an attempt to recognize the moral worth of particularism while acknowledging the limits of universalism:

> One way of doing so is to respect the right of a community to safeguard its moral order, including the integrity of its institutions, and to do so without yielding principles of criticism. Defense of the moral order makes sense sociologically as well as morally. It is difficult to raise children effectively without communicating to them specific conceptions of duty and aspiration. And for most people, identity, character, and self-regard are bound up with an historically determined sense of what is right conduct. (513)

However, Selznick emphasizes that the particular conventional morality thus defended has to be an authentic part of the community's history and character:

> We need not credit the opinions of transient majorities; nor yield to the blandishments of "moral entrepreneurs"; nor accept as the good coin of an ingrained sense of decency the special outlook of a moral establishment; nor honor a "tradition" that is in fact an invention of the recent past. Above all, the claims of historicity and custom, such as they are, must be balanced against other elements of community and moral ordering, including principles of personal autonomy, equality, and civic participation. (513)

All these claims and all these principles typically are tested by and reconstructed in the light of the objective findings of social science and thus directly contribute to the public philosophy of privacy and personal autonomy.

To some extent, this public philosophy of privacy and personal autonomy was further articulated by the Supreme Court itself in *Lawrence v. Texas* in 2003. In this landmark case, the Court struck down the antisodomy law of Texas and explicitly overruled *Bowers*—the *Bowers* minority in effect becoming the *Lawrence* majority. In *Lawrence*, the majority of the Court held that in *Bowers* it had viewed the liberty interest too narrowly.

FOR PUBLIC SOCIOLOGY

Of course, the exchange between Selznick and Black on the relationship between scientific knowledge and normative inquiry was not the first time that social scientists had argued about such matters. Nor will Selznick's plea for public philosophy close this debate. On the contrary, throughout their history the social sciences have known deep controversy over the moral significance of scientifically grounded knowledge. For example, about a century ago Max Weber (1949), who was both a founder of modern sociology and a key figure in the history of sociology of law, became a strong advocate for the ideal of "value-free" (*wertfrei*) social science, arguing that personal preferences needed to be sharply separated from scientific research and teaching. For taking this position in the philosophy of social science, Weber is often referred to as a positivist. And indeed, the positivism Black adheres to—sociology of law is about facts, jurisprudential sociology is about values, and never the twain shall meet—strongly depends on the fact-value separation attributed to Weber (Black 1972a, 1973, 1976, 1989).

However, as Selznick once more clarifies in *A Humanist Science*, this is a much too simple interpretation of Weber. Selznick's own conception of humanist science committed him to an approach that evaluated as well as described or explained. That was the core of his "normative" perspective. Weber, on the other hand, was a proponent of value-free social science. He insisted, in Selznick's (2008) words, "on the separation of personal preferences from scholarly observation and reasoning . . . because some contemporary currents of thought encouraged scholars to express their own opinions" (37). Yet Selznick emphasizes that Weber's position did not prevent him from holding that this value-free social science should have "value-relevance" (*Wertbeziehung*): "Speaking as a vigorous and self-conscious editor and scholar, Weber acknowledged that social scientists cannot forego sensitive analysis of cultural phenomena" (37–38). In addition to this, Weber (1949) was well aware of the fact that the actual selection of what is important to analyze is shaped by value considerations. As Selznick (2008) points out, Weber "insisted that we can undertake that analysis without confusing our own likes or dislikes with what historical and comparative study may tell us" (38). That is to say, Weber *distinguished* facts from values, but he did not *separate* the two.

According to Selznick, "Weber's thesis about value-relevance is now widely accepted" (38). But acknowledging this as a fact does not mean that the *Methodenstreit* (dispute over methods) of Weber's days has been fully resolved. On the contrary, social scientists today continue to disagree with each other about the patterns of interaction of facts and values, and about what that entails for research methodology, epistemology, and professional status (Turner 1999). At the same time, every serious academic controversy about such issues has given rise to attempts to reconcile or integrate opposing camps.

TABLE 1.
Four Types of Sociology

	Academic audience	Extra-academic audience
Instrumental knowledge	Professional sociology	Policy sociology
Reflexive knowledge	Critical sociology	Public sociology

Source: Adapted from Burawoy and VanAntwerpen 2001; Burawoy 2005.

An interesting illustration of this dynamic may be found in the recent academic debate about what has come to be known as "public sociology," an idea introduced by Berkeley sociologists Michael Burawoy and Jonathan VanAntwerpen (2001), who sketched out four ideal types of sociology: public, policy, professional, and critical. According to Burawoy and VanAntwerpen, these types lie at the intersections of two dimensions—the production of instrumental knowledge versus reflexive knowledge and the focus on an academic audience versus an extra-academic audience (see Table 1). On the knowledge dimension, professional sociology and policy sociology produce instrumental knowledge (assuming "sociological practice involves an instrumental deployment of knowledge"), while critical sociology and public sociology produce reflexive knowledge (assuming "sociological practice . . . involves a reflexive consideration of the relation between sociology and its clients") (17). On the audience dimension, professional sociology and critical sociology address an academic audience, while policy sociology and public sociology address an extra-academic audience.

Burawoy and VanAntwerpen conceptualize public sociology, and distinguish it from policy sociology, in the following terms:

> Public sociology is less a *vision of* than it is an *orientation toward* the practice of sociology. It is a sociology that is oriented toward major problems of the day, one that attempts to address them with the tools of social science, and in a manner often informed by historical and comparative perspectives. It is a sociology that seeks as its audience not just other sociologists, but wider communities of discourse, from policy makers to subaltern counter-publics. In its robustly reflexive mode, sociology manifests itself as a public sociology designed to promote public reflection on significant social issues. But it has a more instrumental mode too, a "policy sociology" with specifically defined goals, responsive to the needs and interests of specific clients. (2–3)

The authors position professional sociology as "the antithesis of a public sociology—claiming an archimedean point outside of the world it studies," and they distinguish it from critical sociology as follows:

> Professional sociology adopts the mantle of science to prosecute
> detached research with its own autonomous norms of development, its
> distinctive career paths, and its own institutions. Within the academy,
> however, there is also an oppositional [critical] sociology, one that denies
> the very possibility of detachment and insulation, and denounces the
> pretence of professional sociology as an act of interested self-deception.
> (3)

Burawoy and VanAntwerpen use the typology to present and interpret a fascinating brief history of the institutional practices and transformations of the sociology department at Berkeley, from the days the first propagators of sociology appeared in the second half of the nineteenth century, through the founding of the Department of Social Institutions in 1923 and the formal constitution of the Department of Sociology in 1946, to the beginning of the present century. Yet in addition to being an account of the complex interdependencies of the four types of sociology, there are traces in this account that suggest the inevitable and progressive development of public sociology and its actual primacy over the other three types.

The complexity that may seem to strain Burawoy and VanAntwerpen's typology also shows when their project is contrasted with recent European attempts to conceptualize the diversity of sociology, such as those of Philip Abrams (1985) and Raymond Boudon (2002). The English sociologist Abrams distinguishes five conceptions of sociology, while the French sociologist Boudon introduces four ideal types of sociology. Both strongly favor some of the conceptions or types they identify, while claiming that others should now be considered discredited or problematic because they undermine sociology's disciplinary power. As Roger Cotterrell (2008, 37–42) suggests, the existence of these divergent classifications may just reflect lasting tensions within sociology—which have very much to do with sociology's search for a stable disciplinary identity.

In the years since Burawoy and VanAntwerpen wrote, interest in public sociology has rapidly increased in academic circles, particularly after Burawoy (2005) devoted his American Sociological Association presidential address to the subject. By the end of the decade, public sociology has become a topic of intense debate, in the United States as well as abroad. Numerous articles have been published, readers put together (Blau and Iyall Smith 2006), volumes edited (Clawson et al. 2007; Nichols 2007), handbooks written (Jeffries 2009), courses taught, symposia organized, Web sites constructed—there even is a substantial and quite informative entry on Wikipedia (http://en.wikipedia.org/wiki/Public_sociology).[1] All in all, the academic movement for public sociology has generated much energy and enthusiasm among

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1. See Burrawoy's Web site, http://burrawoy.berkeley.edu/PS.Webpage/ps.mainpage.htm (accessed June 13, 2010), for a list of articles, courses, symposia, and Web sites.

sociologists, encouraging them to reflect systematically on the social embed-dedness and moral significance of their branch of social science. Max Weber would not have recognized the vocabulary, but he would have appreciated the spirit of this movement.

FROM PUBLIC SOCIOLOGY TO PUBLIC PHILOSOPHY

On the face of it, the idea and ideal of public sociology considerably overlap with Selznick's concept of public philosophy. But strangely enough, Selznick, although a prominent member of the Berkeley department for most of his academic life, plays only a minor role in the launch of public sociology (Burawoy and VanAntwerpen 2001, 13–14). Stranger still, in Burawoy's influential American Sociological Association presidential address, Selznick is only mentioned in a footnote. In the footnote, Burawoy (2005) states that he is "part[ing] company with the Durkheimian perspective of communi-tarians, such as . . . Philip Selznick, who focus on the moral relation of individual to society and who regard hierarchies, dominations, exclusions, etc. as unfortunate interferences. Just as they do not center the divisions of society they also side step divisions within sociology and within the academy more generally" (24–25).

It is difficult to imagine what Burawoy was thinking of when he wrote that Selznick was not paying attention to "divisions within sociology and within the academy more generally." As I have pointed out, Selznick's argu-ment for a humanist science rests on his conviction that there is too much division and fragmentation in the actually existing social sciences and that these very differences should be transcended in a more general humanist perspective. For that reason, as I mentioned earlier, the opening sentence of A Humanist Science (2008, xvii) emphasizes the need to bridge the gap between social science and the humanities. For Selznick, the cornerstone of that argument is his belief that social science is intrinsically value centered. But Selznick's call for integrity at this level, that is, for humanist values and ideals to be a central concern of social science, presupposes serious divisions that need to be overcome. Looked at this way, Selznick's lifework seems to embody the very enterprise Burawoy is engaged in, and public philosophy seems to be the quintessence of public sociology.

Yet this is not all there is to say about how public sociology and public philosophy connect. That nexus is more complicated, in part because Bura-woy's (2005) argument about public sociology seems to be in tension with itself. On the one hand, he claims that his four types of sociology display an "antagonistic interdependence" (4): they are supposedly equivalent building blocks of a single unified discipline. On the other hand, he promotes the idea of public sociology as the discipline's crowning achievement: in public soci-ology, we need the distinctive qualities of the other three types, and these

three feed into and support the distinctive quality of the fourth, not the other way around. Hence his conclusion that public sociology is needed to "invigorate the discipline as a whole" (4). Hence also the promotional title of his presidential address: "For Public Sociology" (4).

This dual approach to public sociology is even more visible in the dynamics of sociological labor that Burawoy sketches (9–15). On the one hand, he explains that sociologists can be engaged in four different ways of doing sociology, and they can play these different roles either synchronically or diachronically, depending on their divergent individual careers. This suggests it does not really matter whether one is actually undertaking policy sociology, or critical sociology, or professional sociology, or public sociology, or any one combination of these four. He indeed emphasizes that doing one type of sociology is as legitimate as doing another type. On the other hand, his idea of public sociology explicitly aims at "what makes sociology so special, not just as a science but *as a moral and political force*" (6, emphasis added). But this seems at odds with the thesis that the discipline of sociology is made up of four equivalent components and suggests that public sociology should be thought of as "more equal" than the other three sociology types.

If we focus on this notion of social science as "a moral and political force," then we may see more clearly how public sociology is continuous with and part of public philosophy, and how the latter may be understood as reinforcing the former. In that case, it is important to emphasize that Selznick looks at public philosophy not as a separate compartment of social science but rather as an integral factor of it. Public philosophy represents the quest of social science—the *whole* of social science and not just some subdivision of it—to be relevant for the analysis and resolution of pressing public questions. These questions always and inevitably affect the interests of human beings and always and inevitably involve human values and ideals. That is why we need to think of social science as *humanist* science. The moral and political significance of public philosophy derives from the central place of values and ideals in social inquiry. Herein lies the most important lesson to be drawn from Selznick's latest book by all practitioners of social science, including students of law and society. Sociolegal research and teaching should focus on pertinent values and ideals—rule of law, access to justice, judicial independence, freedom of speech, equal rights, and so on. And sociolegal public philosophy should inform the public debate about such matters with the grounded knowledge thus gained.

The special purpose of public sociology, as Burawoy and VanAntwerpen (2001) formulated it at the outset, is to promote public reflection on significant social issues (2). For them, an important example of public sociology is *Habits of the Heart*, written some twenty-five years ago by another Berkeley sociologist, Robert Bellah, with a number of coauthors. Burawoy and VanAntwerpen (2001) quote the following passage from that classic:

> Social science as public philosophy is public not just in the sense that its findings are publicly available or useful to some group or institution outside the scholarly world. It is public in that it seeks to engage the public in dialogue. It also seeks to engage the "community of the competent," the specialists and the experts, in dialogue, but it does not seek to stay within the boundaries of the specialist community while studying the rest of society from outside. (17)

Notice that Bellah and his coauthors refer to "social science as public philosophy"—the same idiom Selznick uses almost a quarter of a century later in *A Humanist Science*. Bellah and his colleagues (1985) introduce the phrase "public philosophy" to express their ambition to "renew an older conception of social science, one in which the boundary between social science and philosophy was still open" (297–98). That is to say, social science as public philosophy, or "public social science" (303), is not a *branch* of social science but rather its *master ideal*. Public social science, it is claimed, aims for a "synoptic view, at once philosophical, historical, and sociological, that narrowly professional social science seems not so much incapable of as uninterested in" (298).

Selznick's idea of public philosophy unmistakably exemplifies the synoptic view of public social science that underlies *Habits of the Heart*. For Selznick public philosophy should not serve to enlighten just one corner of the discipline but instead could and should be used to inform all kinds of sociology. And indeed, Selznick's contributions to the field of law and society generally stand out as efforts to promote public reflection on significant social issues—from industrial justice (1969) to American legal ethos (1976) to responsive law (Nonet and Selznick 1978). Not surprisingly, it is also at the core of Selznick's Jurisprudence and Social Policy Program at Berkeley, being captured in the name of that program itself (1980).

In *A Humanist Science*, Selznick (2008, 136) closes his discussion of public philosophy with a reference to Robert Michels. In a way, this brings him back to the beginning of his career in sociology. Michels (1962 [1911]), who had been fascinated by the tendency of democratic organizations to suffer from the "iron law of oligarchy" ("Who says organization, says oligarchy") (365), was definitely not an idealist. His bleak conclusion after studying the history of the Social Democratic Party of Germany: "The socialists may conquer, but not socialism, which would perish in the moment of its adherents' triumph" (355). Yet Selznick (2008) argues that this conclusion "misreads the moral lesson we should take from Michels's work . . . Better to read him as revealing a process that prevails *in the absence of countervailing powers*. The process Michels discerned is real enough, rooted in ever-present incentives and imperatives. This is his lasting contribution. However, the appropriate response is *intelligent design*, not despair" (136). In the same context, Selznick discusses the "moral realism" of Reinhold Niebuhr and the

"ideals without illusions" once called for by President John F. Kennedy (135). According to Selznick, a combination of moral idealism and moral realism is the appropriate intellectual disposition to confront the contingency and ambiguity that is encountered whenever one engages in the public philosophy of social science.

A *Humanist Science* starts with the observation that the humanist voice, originally part and parcel of the social sciences, in the course of the twentieth century "was stilled by a dominant 'scientism'" (17). If scientism is indeed the prevailing mood in the law and society community today, then the need for its members to take careful notice of Selznick's latest book is all the more crucial. The classic debate between the two old schools in sociolegal studies, natural law and positivism, may be giving way to the complexities of contemporary public sociology. But precisely in that context Selznick's plea for public philosophy, including the mixture of idealism and realism, is essential. Students of law and society may profit from the new literature on public sociology, acknowledging that sociolegal research represents a moral and political force. But public philosophy is needed to provide direction to that force, to keep alive an older humanist tradition, and to strengthen the focus on ideals and values. That message of public philosophy may be another of Philip Selznick's enduring contributions to the field of law and society.

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