

Book Reviews

Law in Modern Society: Toward A Criticism of Social Theory

by Roberto Mangabeira Unger

(The Free Press, New York, 309 pp., \$12.95)

It is important to learn early in the game that a subtitle tells more about a work than does the principal title. Although the title *Law in Modern Society* may succeed in capitalizing on the recent spurt of interest in the general field of law and development, the book contributes relatively little to the fundamental controversies in this area.

On the other hand, Professor Unger has written an essay of potentially great significance to scholars in the social sciences. Indeed, without a minimal grounding in history, sociology, philosophy and political science, many of the subtleties of Professor Unger's arguments and the import of his essay are lost. While it is true that over three-quarters of the book relates to the role of law in society, the object of this discussion is the elucidation of general concepts which can be extrapolated into a new approach to social theory. As the first word of the subtitle suggests, Professor Unger does not attempt within the confines of this essay to elaborate a new social theory; his objective is simply to take a modest step in a new direction. His use of law and legal concepts in historical perspective as the foundation for a new approach to social theory strikes me as an outstanding example of the potential for interdisciplinary approaches to intellectual problems which have too long been studied in doctrinaire and parochial fashion.

In a relatively short but crucial introductory chapter, Professor Unger poses a central problem in contemporary social theory. Classic social theory, he observes, is still largely dominated by the nineteenth century giants — Marx, Weber, and Durkheim — whose greatness is still too recent to permit serious scholarly challenge and innovation. Consequently, asserts Professor Unger, "much of social thought since their time has been divided between commentary on their doctrines or specialization within the traditions they established." As a result, the

growth of social theory has been seriously stunted. Unsaid but surely behind these observations is the disturbing realization that at the same time unprecedented changes in the world order, particularly the emergence of Third World countries, have imposed new and immediate demands on social theory.

Thus, in the first chapter, Professor Unger argues that classic social theory has been unsuccessful in meeting the thematic problems of "method," "social order," and "modernity." The "method" problem which confronts social thinkers is the unsatisfactory choice between "logical method" or "rationalism" on the one hand and "historicism" on the other. The former approach begins with the selection of a few general premises about human nature and tries, by process of logical deduction, to delineate an array of consequences. The latter approach examines what has actually happened and from these empirical observations tries both to describe and explain the events. Unger concludes that "rationalism and historicism end up placing the student of society in similar quandaries. In both cases, he is caught between an approach that seems precise but misleading and a view that leads back to reality only to dissolve along the way into vagueness."

The problem of "social order" is that of rationalizing the seemingly conflicting doctrines of "instrumentalism or private interest" and "legitimacy or consensus." The doctrine that men are governed by self-interest and decisions about the most efficient means to achieve their aims fails to explain how there could be sufficient continuity over time to make organized society possible. On the other hand, the doctrine of consensus accounts only for a harmony of outlooks and ideals and not for the existence of conflict. Thus, observes Unger, "the two conceptions of social order seem to be juxtaposed in a contradictory way rather than merged into a coherent picture capable of abolishing the distinctions between them."

Finally, the "modernity" problem is that of determining what distinguishes the so-called "modern nation-state" from all other societies. Unger points out that this problem has become more complicated since the time of the classic social theorists because of the evolution of modern Western society into a different form than the "modern" European state of the nineteenth century and also because of the appearance of industrial societies which "share many of the economic and technological attributes of Western society, but differ from it in their characteristic styles of consciousness and organization."

In short, Unger argues that the persistent dilemma of choosing between normative and empirical approaches to descriptions of society cannot be resolved by existing theory. He suggests that a systematic study of the development and role of law in modern society can furnish

valuable insights into "the major unsolved puzzles of social theory." On the one hand, an inquiry into law touches on each of the basic problems of method, social order and modernity; on the other hand, law is empirically determinable and, therefore, can serve as a social indicator.

The second and third chapters of the book address, respectively, the development of law in different types of societies and the role of law in modernization. Unger's approach is comparative and based on what he calls "speculation" or "interpretive explanation." This is a familiar analytical technique in the social sciences which grew out of recognition that there exist only a finite and relatively small number of societies for testing a large if not infinite number of social variables. For example, after postulating some degree of social disintegration as a prerequisite to the emergence of a legal order, Professor Unger compares, in his speculative fashion, the experiences of England, France and China in developing a commitment to a "rule of law." From these considerations, Unger draws the conclusion that the commitment of a society to a "rule of law" required conflict and interaction between a plurality of social groups during the critical growth stages of a society.

In the fourth and final chapter of the book, Professor Unger returns to the problems of method, social order and modernity, and reconsiders them in light of the new ideas which were developed in chapters two and three. Unger's conclusion is that social theory, which originally eschewed political and metaphysical inputs in searching for an independent and scientific basis, must now begin to integrate these dimensions of reality. Only in this way can social theory both "describe" and "explain" and achieve an appropriate balance between generality and specificity.

It is hoped in spite of a misleading title, this work will find its way into the hands of its proper audience—sociologists, political scientists, and social philosophers—where it will undoubtedly stimulate a reappraisal of prevailing approaches to social theory.

David Silverstein

Kissinger: European Mind in American Policy

by Bruce Mazlish

(Basic Books, Inc., New York, 330 pp., \$12.50)

Bruce Mazlish's *Kissinger* is a psychological study of the Secretary of State. The author traces Kissinger's intellectual development from childhood through his immigration to the United States, his experiences in the army, and his career at Harvard. Instrumental in this process were mentors Fritz Kraemer, whom Kissinger met in post-war Germany, and

Professor William Y. Elliott, Kissinger's advisor at Harvard. Mazlish then provides a mid-life portrait of Kissinger, including an analysis of his world view. He then discusses the application of this philosophy, with the help of Patrons Rockefeller and Nixon, to the conduct of policy. Mazlish views Kissinger as the product of the European intellectual tradition and the American experience: he has carried out a "Europeanization" of American policy while he himself has become Americanized. But Mazlish feels Kissinger has been ultimately unsuccessful in unifying the divergent aspects of his character. This failure explains his apparently contradictory actions and proves, in Mazlish's opinion, that he cannot serve as an inspiration for future policy.

The book is based primarily on interviews conducted with persons who have been associated with Kissinger at different stages of his life. Because Mazlish protected the anonymity of his informants, the reader has difficulty judging the validity of their remarks, some of which seemed to Richard Barnet in the *New York Times* to have "the tinkle of Cambridge cocktail party talk." Mazlish believes he has come to know Kissinger better than any single person by constructing a composite picture from these interviews. But it is not certain that even this picture brings all secrets into focus. The author was unable to conduct an interview with Kissinger or his brother and decided not to approach his parents or former wife. While Mazlish's respect for privacy is admirable, one wonders whether he could not have gained more important insights into Kissinger's nature by further inquiry into his private life. Mazlish believes that an oedipal revolt against his father's good will and pacifism was important in Kissinger's development, so it would seem useful to have information directly from the elder Kissinger. Some simple factual questions could at least have been answered: for example, whether he served in the First World War.

Mazlish asserts that "if I have done my work well my interpretations should stand fast against any new 'evidence.'" Even if new evidence does not contradict his thesis it is not certain that his interpretation is valid. The crux of the problem lies not in Mazlish's work but in the status of psychological theory; this criticism could apply equally to any work of psycho-history. Current theory is insufficiently developed to permit the accurate analysis of a complex individual. The point of any analysis is thus as hard to prove as it is to disprove. Psychological insights remain, at best, educated guesses based on intuition and partially reliable data.

Mazlish's *Kissinger: European Mind in American Policy* cannot be considered the final word on the subject, for it is based on incomplete evidence and employs an uncertain method of evaluation. But it is one point of view to be examined amongst others when future historians make their judgments.

Patrick C. Reed