

## BOOK REVIEWS

### MODERNIST SOCIAL THEORY: ROBERTO UNGER'S PASSION

PASSION: AN ESSAY ON PERSONALITY. By Roberto Mangabeira Unger.<sup>1</sup> New York: The Free Press. 1984. Pp. ix, 300. \$14.95.

*Reviewed by James Boyle*<sup>2</sup>

On the dust jacket of Roberto Unger's new book, *Passion*, is a picture of Adam and Eve, their genitals covered by some fairly implausible greenery, being evicted from the Garden of Eden in considerable distress. At first blush the picture evokes the trinity of shame, self-conscious sexuality, and lust that forms the perimeter of our ideas about passion. After one has read Professor Unger's book, however, the image is likely to evoke a different vision of passion, perhaps even a different vision of personality and politics. The main theme of the book is the conception of "infinite personality": the belief that the ability to transcend "contexts," to go beyond the current arrangements of self and society, lies at the very heart of being. Seen in the light of this idea, the eviction of Adam and Eve can be understood as a result of the original act of context-breaking: an assertion of infinite possibilities that shatters a finite, if paradisiacal, social world. By reversing the Sunday school story of the Fall, we can begin to understand both the reverence and the apparent heresy that inform Unger's radicalism. The apple is the metaphor not simply for knowledge, but for the knowledge of *contingency*: the arbitrary limitations imposed by structures, whether of personality or of society. But if one puts it that way, then Eve made the right choice.<sup>3</sup>

This is a book written by a law professor about personality and social thought, a book that draws its inspiration from modernism and Christianity, its method from the great political theories of human nature, and its power from the compelling stories about "ways of being" that dot its pages. It begins with an eighty-nine-page methodological introduction and ends with a program for late twentieth century psychiatry. There are, to put it mildly, a considerable number of angles from which such a work could be reviewed. I have chosen three. First, I attempt to summarize the ideas developed in the book

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<sup>3</sup> This vision of the Fall has been held both by the more optimistic salvation religions and by those who believe that discussions of religion actually use the deity as a metaphor for the infinite potential of the human spirit (pp. 27-28).

and to describe how they relate to Professor Unger's larger work on social theory. Second, I discuss the difficulties of building a political theory on a conception of human nature, a procedure that modern philosophy understands as involving the forbidden leap from fact to value, from description to prescription. Third, I talk about modernism, the apocalyptic and subversive doctrine that gives this work much of its "bite," but that also seems incompatible with the degree of abstraction required of a speculative treatise on human nature. In the conclusion I deal with the core of Unger's project, his attempt to fuse the grandiosity of nineteenth century social thought with the corrosive particularity of modernism.

### I.

If there is a single "mood" that seems to unify contemporary visions of self and society, it consists of the pervasive recognition of context-dependency.<sup>4</sup> The intellectual webs in which we create reality, and the channels of routinized social power through which reality is created for us, have lost at least some of their transparent, natural quality; they now appear as artificial and largely unchosen restraints on the ways in which we can think and act. It is important to realize that this is not merely an intellectual problem. By looking at all mental structures as "contexts," we collapse the boundaries separating the theoretical from the practical, the personal from the political. It does not matter whether we are talking about the social construction of reality, the ideas of Freudian psychiatry, the unspoken hierarchies of the workplace, the implicit structure of a love affair, or the liberal theory of the state. These are all arenas in which we face what Professor Unger calls "the problem of contextuality": the ambivalent experience of being (necessarily) embedded in a context that defines the possible and the impossible, or separates sense from nonsense, and, *at the same time*, of transcending that context — having momentary glimpses of ways of thinking and being that cannot even be translated into, let alone adequately expressed by, the current vocabulary of social power or self-understanding.

The idea of the paradoxical status of contexts underscores the importance of a more personal, existential dilemma: the awareness that our relations with others are both necessary and threatening. "We present to one another both an unlimited need and an unlimited danger, and the very resources by which we attempt to satisfy the

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<sup>4</sup> Among the intellectual movements that have "context-dependency" as one of their central preoccupations are Wittgensteinian linguistic theory, *Mentalité* history, hermeneutic philosophy, thick-descriptive and structuralist anthropology, (some) literary criticism, nonpositivistic sociology, ethnology, and ethnomethodology. In view of its concentration on "situation sense," one might even include legal realism.

former aggravate the latter" (p. 20). This "problem of solidarity" could be seen as the *cause* of the problem of contextuality,<sup>5</sup> but Unger chooses to treat them as separate, though (obscurely) related phenomena, and it is around these two paradoxes that *Passion* revolves. These paradoxes are also the key to the relationship between this book and Unger's recent work on social theory.<sup>6</sup> His theory of society — which includes a detailed institutional plan describing how we might open up the state to self-transformation — is premised on the ambiguous status of the contexts in which we confront the Other. *Passion* represents his attempt to work out these ideas as they appear in the interactions of everyday life. Unger needs to transpose the ideas to the realm of "the personal" because "models of direct relations between people form the elements of whole schemes of social life. Those schemes are not realized and cannot be judged until they have been changed into the small coin of personal encounter and experience" (p. 66).

In the introduction — which takes up the first third of the book — Unger argues that it is possible to develop a normative conception of personality, a conception that fuses description and prescription without succumbing to either logical skepticism or sociological relativism. He begins with a series of extended stories about particular artistic and theological visions of personality and works his way up to a description of the Christian-romantic vision that provides the conceptual raw material for his project.<sup>7</sup>

The Christian-romantic vision of personality stresses two main themes: "the primacy of personal encounter and of love as its re-

<sup>5</sup> See Kennedy, *The Structure of Blackstone's Commentaries*, 28 BUFFALO L. REV. 205, 211–213 (1979) (discussing the "fundamental contradiction that relations with others are both necessary to and incompatible with our freedom"). On the basis of Kennedy's article, one could argue that this fundamental contradiction, in some sense, *produces* the modes of thought or contexts (for instance, liberal legal theory) in which we obscure or "mediate" the cognitive dissonance that the contradiction causes. At the same time, the contradiction ensures the disruption of these contexts by constantly reappearing.

<sup>6</sup> Unger, *The Critical Legal Studies Movement*, 96 HARV. L. REV. 561 (1983); R. Unger, *Politics: A Work in Constructive Social Theory* (forthcoming).

<sup>7</sup> Space does not permit a full account of Unger's compelling description of available images of personality. These include the heroic ethic (pp. 53–55), the ethic of "fusion with the impersonal absolute" (pp. 57–62), Confucianism (pp. 65–67), and the Christian-romantic vision (pp. 22–39, 69–76). The first two fail because of their attempt to immunize the self from the dangers posed by others (p. 62). Confucianism and the Christian-romantic vision, on the other hand, offer us "corrigible" images of personality. Confucianism stresses the connection between the personal and the political, the idea that others should be treated as ends, not means, and the need to understand the interrelationship between the individual passions and a central telos, or mode of being. The Christian-romantic vision is dealt with in the text. Unger takes these themes and subjects them to "modernist criticism" in order to rid them of their one major defect: a tendency to give a naturalized picture of the world, in which the provisional and temporary arrangements of some social hierarchy are seen as reflective of a divine plan or human nature. The ideas that remain are used to construct his account of the passions.

demptive moment, and the commitment to social iconoclasm expressive of man's ineradicable homelessness in the world" (p. 24). By connecting personal encounter with "virtue," the first theme supports the idea of a teleological progress in which "[w]e advance in self-understanding and goodness by opening ourselves up to the whole life of personal encounter rather than by seeking communion with an impersonal, non-human reality" (p. 24). Unlike the picture offered by Confucian philosophy — a "natural" order of personal roles, each with its attendant virtues, through which people could achieve the good — the Christian-romantic vision depends on "the willingness to put personal attachments up for grabs" (p. 25).

By emphasizing this aspect of the Christian-romantic vision, Unger lays the basis for his concentration on context-transcendence rather than context-dependency. The mainspring of the passionate virtues is clearly the urge to go *beyond* the context provided by established forms of personal relations, intellectual inquiry, and social life. This idea is picked up in the second theme of the Christian-romantic vision, the "iconoclastic attitude toward particular social orders" (p. 25). Such an attitude implies that "[t]he logic of claims that any given set of social categories establishes must be overridden whenever it clashes with an opportunity to extend further into personal expression or social practice the qualities that are most fully realized in faith, hope, and love" (p. 25).

In conjunction with the Christian-romantic vision, Unger develops the notions of modernist criticism and context-smashing. The latter two ideas are supposed to act as safeguards against theoretical complacency. By combining the rich texture of the Christian vision of personality with the corrosive quality of modernism, Unger hopes to wall-off the two counterclaims with which theories of human nature must deal. First, there is the claim that it is not logically possible to deduce norms from facts. Second, there is the claim that it is not sociologically possible to give a nonrelativistic description of human nature. Unger must deal with both of these arguments simultaneously because their combined force has converted the genre in which he is writing — the speculative treatise on human nature — from the universal language for descriptions of the good life, into a literary curiosity, known best to intellectual historians and first-year philosophy students.

At its most abstract level, the argument Unger uses to deal with these two critiques is simply a double negative. He turns the claim that everything is contingent back on itself. Thus, he can argue that *because* no vision of society and no conception of personality can exhaust or fully express human potential, there *does* seem to be a nonrelative facet of personality: its capacity constantly to transcend the limits of the possible or the desirable — limits demarcated by the reigning "context" of intellectual and social life. The only noncontin-

gent phenomenon is contingency itself, and "infinite personality" appears to be contingency clad in the robes of human nature. Whether this argument actually overcomes the fact/value dichotomy is a more complex issue, one I will take up in the next section.

In the main part of the book, Unger presents his discourses on the passions. The passions are the noninstrumental dealings we have with other people, the modes of being that organize and are organized around the antinomy of "need and danger" at the heart of our relations with others. Unger's account does not present the passions as merely a "dangerous supplement" to either reason or social life (pp. 101-05). Rather, it is that the passions provide the personal context for the problem of solidarity; they "ring the changes on the relations between our reciprocal and infinite longing for one another and our reciprocal and infinite terror" (p. 100). In exploring this context, Unger moves beyond the method that the bell-ringing analogy suggests; his account does not simply run through the list of possible variations on terror and longing, but develops the passions as biographical and conceptual mediators of the existential contradiction between our need and our fear of other people, the mundane incarnations of the antinomy between self and others. These incarnations range from the major responses of love and hate, through the "proto-social passions" of lust and despair, to the minor variants of faith, hope, and trust, envy, pride, and jealousy. Each passion is described so as to bring out not only its connection to the antinomy of longing and jeopardy (the problem of solidarity), but also its expression of both context-dependence and context-transcendence (the problem of contextuality). Lust, for example, not only embodies the sense of need and danger with which we confront others, but also expresses our simultaneous inability to exist without, or to exist completely within, a given context of personal possibilities.

From this double dialectic of fear and longing, conformity and transcendence, Unger builds to his conclusion. The Siren-songs of our vices are revealed as ambiguous phenomena that owe much of their allure to the context-smashing impulses to which they give a perverse form. Conversely, it is the passionate virtues that enable us to go beyond the limits of current arrangements, to "discover the extraordinary within the ordinary"; it is these on which "the good life" is founded. The alternative strategy of withdrawal from the shocks and dangers of social life does not enable us to solve the problem of solidarity. "The more a person indulges in a concern for defense, distancing and disinvolvement, the more he denies himself the resources for self-construction and self-transformation; he becomes the master of an empty citadel" (p. 125). Instead, those who have learned the lesson of the passions must accept the heightened mutual vulnerability that is the prerequisite to transformation. In their "ardor and gentleness" (p. 271), they have discovered that "[s]alvation through

the acceptance of vulnerability is the only kind of salvation there really is" (p. 300).

In the appendix Unger provides "A Program for Late Twentieth-Century Psychiatry." Threading his way through the debate between psychiatrists and anti-psychiatrists, behaviorists and neurobiologists, he uses the problems of contextuality and solidarity, and their mediation by the passions, as the key to an understanding of mental illness. Once again, need and fear, conformity and transcendence, form the horizontal and vertical axes of explanation.

But recognition of the problems of solidarity and contextuality is the smallest part of Unger's program. By demonstrating the contingency of the conceptual structures within which we define both reality and sanity, these problems show that the task of policing the boundaries of a socially created "reason" is an eminently "political" one. The very idea of modernist context-smashing on which Unger's essay depends should make us aware that the "false-necessities," generated by the structure of social reality, will be replicated inside the psychoanalytic theories that we offer as maps to those who have somehow become estranged from that structure. For example, in most schools of conventional psychiatry the extruded person is encouraged to reintegrate himself into the social framework of understanding through a conceptual maze of explanation that mirrors, and thus rigidifies, the society to which it acts as the reentry point. In other words, psychoanalytic theory offers opportunities to replicate, but not to transform, individual and social contexts.

This critique of psychoanalysis closes the circle opened at the beginning of this section. We have returned to the central theme of Unger's social theory — an expansion of the possibilities for the self-revision of structures, whether those structures are conceptual, institutional, or interpersonal. The next question to consider is whether the idea of infinite personality and the goal of increasing the plasticity of structures can somehow be combined in such a way as to allow Unger to overcome the apartheid that contemporary philosophy maintains between fact and value. If he cannot do so, there will be a disjunction between his descriptions of human personality and his political prescriptions for the good life.

## II.

If there is one intellectual debate that rivals in sterility and repetitiveness the jurisprudential quest for the essence of law, it is the perennial attempt by moral philosophers to disassemble, or at least circumvent, Hume's Guillotine.<sup>8</sup> This piece of philosophical cutlery

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<sup>8</sup> The most noteworthy recent attempt that comes to mind is Alasdair MacIntyre's 1981 book, *After Virtue: A Study in Moral Theology*, in which the author offers a subtle and powerful

is the metaphor that guards the boundary between the realm of facts and the realm of values and that asserts that the only passport between the two is a (logically disreputable) leap of faith. One cannot induce or deduce a norm (people should not fly) from a fact (people do not have wings), or vice versa. This makes moral and political theories based on human nature a rather dubious proposition. An opponent of one's theory can claim that it links selective description to political prescription by means of an arbitrary assumption.

*Passion* contains both an affirmation and a denial of the importance of Hume's Guillotine and of the separation that it implies between fact and value and consequently between personality and politics. I will deal first with the element of denial because it is the most obvious part of Unger's work. On the very first page Unger tells us that his major methodological concern "is to reconceive and reconstruct the ancient and universal practice of attributing normative force to conceptions of personality or society so that this practice can better withstand the criticisms that philosophy since Hume or Kant has leveled against it" (p. vii). One could not ask for a clearer rebellion against the hegemony of the fact/value dichotomy. Yet, as the next few paragraphs may show, the way in which this rebellion is to be brought off is rather more obscure.

In the first section I pointed out that, at the most abstract level, Unger's argument seems to take the form of a double negative. The only *noncontingent* aspect of personality is precisely its contingent character, the fact that it always transcends the boundaries provided by the currently possible or imaginable forms of life. On the level of moral *theory*, Unger uses this double-negative argument as the basis, first, of a critique and, then, of a reconstruction of the available normative images of personality. He argues that if we take these images of human nature and "purge" them of the parts that tend to deny the infinite quality of personality, we will discover that the remaining theoretical ideas "converge." By "convergence" Unger seems to mean that these images tend to draw closer together, that they give us similar answers to our questions. This idea of "convergence" allows him to use the abstract (and definitionally contentless?) idea that personality is infinite as support for the concrete assertions about vices and virtues offered by the Christian-romantic vision. Viewed this way, Unger's argument about moral theory has two main parts. The concept of infinite personality seems to allow us to skirt relativism, while the idea of "convergence" apparently offers us good reason to believe in the Christian vision and thus allows us to skirt not only relativism but contentlessness as well.

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history of moral philosophy, but follows it with a less powerful attempt to overcome the fact/value dichotomy by appealing to a neo-Aristotelian teleology. See also D. HUME, *A TREATISE OF HUMAN NATURE* (London 1740).

On the level of moral *action*, Unger seems to rely on the idea that we proceed toward the good by (virtuous) context-transcendence (p. 89). If we synthesize the levels of theory and action (which I probably should never have separated), we are left with the idea that we are most empowered, most truly ourselves, and *thus* most truly good, when we engage in context-transcending activity that is informed by the virtues embodied in the Christian-romantic vision. In other words, by knowing "who we are" we will know, in part, what we should do — this is a perfect example of what Unger calls "the classical style of argument." In relying on this kind of argument, Unger is obviously rebelling against the modern conviction that facts and norms must be kept separate. Why does he do so?

Unger hopes to make three points by using this chastened "classical" style of argument, which attributes normative force to conceptions of personality: first, that there are phenomena in which description and prescription are fused; second, that personality is just such a phenomenon; and third, that a philosophical method committed to separating fact and value will consequently be both wasteful of a great tradition of theories of human nature and ultimately mistaken. The last point brings us back to the concept of "converging" images of personality — a convergence that Unger thinks we would be wrong to ignore.

I believe that, despite their subtlety, neither the argument about "convergence" nor Unger's defense of the classical style of theorizing is capable of avoiding the problem posed by Hume's Guillotine. The argument about "convergence" is particularly fraught with problems. Unger claims that he is not relying on some idea of an overarching moral order (p. 50), but it is hard to see how one can identify moral "convergence" without using some sort of noncontingent metaphysical grid as a measuring device. Compare this idea of convergence to the type of argument for which Unger criticizes existentialist metaphysicians like Sartre and Heidegger. "[A] metaphysic," he says, "projects a view of subjectivity and intersubjectivity into a picture of ultimate reality and then pretends to derive from this projection the very image of man that had originally inspired the metaphysical account" (p. 82). Are the problems Unger identifies with the typical metaphysical argument so different from those faced by his own picture of the convergence of "chastened" images of personality? These images were supposed to converge (though they represent no underlying ultimate reality), and they are neither reducible to, nor descriptive of, an essence of human nature (even a "negative" one). Could Unger be "projecting a view of personality" onto the "corrigible" visions of human nature — and then pretending to derive from these visions the very image of personality that inspired the original account?

So much for "convergence." What of Unger's defense of a revised form of the classical style of argument, a style that simply attributes

normative force to conceptions of personality? I found this part of *Passion* confusing. Unger seems to claim that the classical style he proposes is different from an Aristotelian teleology (p. 45) — which would assert that “things tend toward a purpose natural to them and that the achievement of this purpose is their good” (p. 44). Yet at the end of the introduction, in explaining why we should live in the way his essay suggests, he gives as reasons the two propositions that “this is the kind of being we really are and . . . [that] by living in this fashion we empower ourselves individually and collectively” (p. 89). I do not object to the conjunction of these reasons, but when Unger then argues that both of them “state the same thesis under different names” (p. 89), it becomes hard to differentiate his argument from the Aristotelian one.

If we leave aside Unger’s attempt to circumvent the fact/value dichotomy and we concentrate instead on his direct attack on Hume, we are left with three main points. The first is an appeal to the *tradition* exemplified by the classical style (pp. 39–43). The invocation of such a tradition would appear ironic in a book devoted to the transcendence of contexts and conventions were it not for Unger’s apparent desire to *revise* the classical method in order to rid it of its closed, naturalistic tendencies. The second part of the argument is the claim that the problem posed by Hume’s Guillotine arises only if we operate within a paradigm of rationality that divides the world into a realm of facts and a realm of values (p. 41). Thus, according to the third part of the argument, the Guillotine simply leaves us in the position of saying, “Why should we draw normative conclusions from factual premises?” This is a question to which Unger responds, in the language of Camus and Didion, “Why shouldn’t we?”<sup>9</sup> — and then twists the knife by adding his suspicion that we cannot help but do so (pp. 3, 42).

If we look closely at this three-part argument, it seems to share the defects of Unger’s idea of “convergence.” Neither the claim that the only noncontingent phenomenon is contingency itself, nor adherence to a revamped “classical” style, can provide Unger with an epistemologically unassailable way to bypass Hume’s Guillotine. The former offers an aprioristic basis for theorizing only as long as one does not give any content to the vision of infinite personality — but that is exactly what Unger is trying to do. The latter method depends on a rejection of the fact/value dichotomy as a way of thinking about the world. This is quite conceivable, but it would seem to be a dubious basis for authority (all the other theorists could claim the same rejection) even if Unger did not appear to rely on that dichotomy elsewhere in the book (pp. vii, 40–41, 46, 87). I am daring to dismiss

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<sup>9</sup> A. CAMUS, *THE MYTH OF SISYPHUS AND OTHER ESSAYS* (1955); J. DIDION, *PLAY IT AS IT LAYS* 213 (1970).

these complex arguments in so cavalier a fashion only because I believe that Unger has available to him an alternative set of arguments that justify his project and that are more compatible with its modernist ideas. Paradoxically, in order to develop these arguments we need to turn away from Unger's attempt to avoid Hume's Guillotine and toward the part of his work that actually seems to support Hume and Kant in their criticisms of "political theories of human nature."

The standard use of a normative theory of personality is to establish one particular form of social arrangement as "naturally" the best. Hobbes, for example, argues from an avowedly scientific conception of human appetites and an analytic conception of power, to a normative conception of the state — a conception that justifies a particular form of government.<sup>10</sup> *Because* human appetites are potentially limitless, and *because* an individual's ability to satisfy her appetites consists in the excess of her power over everyone else's, we *must* have an unchallengeable central government. The dangling and apparently uncontroversial value-choice ("if we prefer order over chaos") is tucked straight back into the conception of human nature. If we are as Hobbes described us, we cannot help but have that preference.

It is against this kind of "closed" theory of human nature, which moves from the fixed properties of personality to the canonical form of society, that Unger deploys the notion of infinite human potential. If the most salient feature of personality is its capacity to go beyond all forms of social life, to transcend any setting in which it is however briefly embedded, then the resulting attitude has the same corrosive consequences for *closed* theories of human nature that Hume's Guillotine had for *all* theories of human nature.

A closer analysis of the last point may provide a clue to a possible alternative justification of Unger's project. One could argue that the notion of infinite personality deals with the same phenomena on the existential level that Hume's Guillotine dealt with on the logical level. By this I mean only that most skepticism about theories of human nature is actually fueled by the mundane discovery that everyone's personality is both complex and contradictory. Consider the social Darwinian theories that purported to deduce a justification for laissez-faire capitalism from an analysis of the "essentially" competitive qualities of human nature. This kind of theory is certainly easy to debunk by using Hume's Guillotine. But I would claim that such debunking really owes its convincing quality to our own "lived experience" that competitiveness is only one of the "golden swarm" of contradictory qualities that makes up human life. It is this "lived experience," more than any logical pyrotechnics, that tends to undermine the bridge between the factual description of human nature and the normative prescription of moral consequences.

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<sup>10</sup> See T. HOBBS, *LEVIATHAN* (London 1651).

Thus, it is precisely our personal awareness of the other modes of being, suppressed by a closed claim about the essence of human nature, that gives the fact/value dichotomy its argumentative power. This is made particularly obvious if one contrasts Hume's moral skepticism with his critique of causation and inductive reasoning. The "problem of induction" — that no amount of prior experience can give us logical grounds for predicting the future — was potentially just as debilitating to the empiricist/scientific project as Hume's Guillotine has been to moral reasoning. But in the absence of *lived experience* to which it could be connected, the problem of induction remained as merely a philosophical brain-teaser that empiricists warned us to ignore, for without induction "science is impossible."<sup>11</sup> The fact/value dichotomy, on the other hand, is an appealing argumentative device precisely because it is grounded on the everyday discovery that our categories for understanding personality or personalities are doomed to be nonexhaustive and thus that any moral or political judgment we draw from them is arbitrarily exclusive.

But how does all this help us? If Unger cannot prove that his moral vision is the right one, can he not simply offer reasons why we should look with sympathy on his attempt to construct a normative theory? He could, for instance, point out that his theory does three things that others fail to do. First, it deals with our everyday experience of the infinite quality of personality. Second, it links this experience to an aversion to closed theories of human nature. Third, it uses the first and second points to explain why Hume's Guillotine seems to work so well.

Unger, however, does not use the form of justification I have just outlined. He rejects the pragmatist method of "offering reasons" (p. 43). He claims that these reasons "achieve determinancy [sic] only to the extent that they continue, covertly, to invoke a substantive image of human nature" (p. 43). This argument seems inconsistent with both the fact that Unger actually does offer such reasons in support of his vision (pp. 84–87) and the fact that, even if "infinite personality" is not a "substantive image of human nature," the Christian-romantic embodiment that Unger gives it certainly is. Consequently, I think Unger should rely not on some reformulated classical style of argument, but on the reasons and the experiences that actually make that argument convincing.

In this section, I have argued that Unger fails to circumvent Hume's Guillotine in the sense that he does not *prove* that his political vision is required by the nature of personality. But if we abandon the search for some new source of this proof, we are still left with a powerful set of reasons in favor of the attempt to create a normative conception of personality. And from the range of reasons that Unger

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<sup>11</sup> B. RUSSELL, A HISTORY OF WESTERN PHILOSOPHY 674 (1972).

could give us, perhaps the most important is that he offers to deal with the concrete experiences that expose the procrustean nature of any closed theory of personality. This is an important offer because these are the very experiences that have given critical salience to Hume's abstract proposition in deontology by weaving multiple instances of its confirmation into the fabric of social life.

The same point could be made in another way. Unger is simply more convincing when he concentrates on experience and on the politics of everyday life, rather than on the formal logical categories for producing truth. It is the small-scale phenomenologies of aspiration that are the most persuasive part of his attempt to undermine "closed" theories of personality and to erect his own version of the infinite potential of the human spirit. I have stressed this small-scale, anti-formalist aspect of Unger's argument because it is more than just a pragmatist moral theory. It provides the raw material for the modernist vision of the world.

### III.

The greater part of *Passion* consists of Professor Unger's attempt to use modernism in two interlocking ways. He enlists its subversive tendencies to criticize (and thus strengthen) the Christian and Confucian conceptions of personality, and simultaneously he employs it in its own right as the source of a flawed but redeemable vision of the good life. But what is the modernist "mood," and how can it provide the basis for a social theory?<sup>12</sup>

The modernist picture of society is best captured in the famous phrase from the *Communist Manifesto* — "all that is solid melts into air."<sup>13</sup> But modernism seems to offer a perspective on this picture of "social evaporation" that is different from the one provided by the authors of the *Manifesto*. Rather than concentrate on some particular feature of society — on the interests of a class, or the "nature" of an institution — the modernist vision focuses on the process of change and dissolution itself. In a similar vein, the modernist movement in art was less an argument *for* a particular style than a reaction *against* the traditional modes of artistic representation. The classical "forms" of beauty, such as representational painting and the nineteenth century novel, had once seemed to be the natural and traditional contexts for

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<sup>12</sup> Some background works on modernism are D. BELL, *THE CULTURAL CONTRADICTIONS OF CAPITALISM* 46–84 (1978); M. BERMAN, *ALL THAT IS SOLID MELTS INTO AIR* (1982); E. LUNN, *MARXISM AND MODERNISM* (1982); *MODERNISM 1890–1930* (M. Bradbury & J. McFarlane eds. 1976); S. SPENDER, *THE STRUGGLE OF THE MODERN: AN HISTORICAL STUDY OF LUKACS, BRECHT, BENJAMIN, AND ADORNO* (1963).

<sup>13</sup> K. MARX & F. ENGELS, *MANIFESTO OF THE COMMUNIST PARTY* (1848), *reprinted in THE MARX-ENGELS READER* 335, 338 (R. Tucker ed. 1972). *See generally* M. BERMAN, *supra* note 12.

expression. But modernists portrayed them as rigid and limiting conceptual boxes, impediments to the communication of experience.

The attack on traditional artistic modes of expression was easily transferable to *social* "forms," such as codes of etiquette, moral injunctions, and political or familial institutions. In other words, these social forms were seen as a barrier to self-realization, just as the artistic traditions were seen as a barrier to art, and they were condemned in the same terms — as an outdated straitjacket that distorted human potential by repressing instinctual desires. Our available repertoire of metaphors for understanding the social world is chock-full of these subversive modernist insights. Unger tries to draw on this shared background of modernist ideas in order to present his argument about forms of life, societies, and particular visions of personality. All of these socially constructed contexts can lay some claim to being necessary for communication; the Tower of Babel offers a metaphorical reminder of what happens when a shared "context" is completely shattered. Yet as Unger points out, none of these contexts is capable of adequately expressing the infinite potential of human personality. Each context can only hint at the possible ways of life suppressed beneath the glassy sheen of a naturalized social world.

This feeling that the infinite is somehow imprisoned within the finite gives rise to a deep rage against the existing order — whether of society, or art, or self-understanding — and to a corresponding joy in undermining that order. Unger wants to incorporate this exaltation of context-smashing into his ideas, but first he feels he must rid it of some of its Dionysian and apocalyptic rage. He argues that a person who adopts such a purely modernist view inevitably rejects the possibility of any kind of fulfilling communal life because she cannot admit the context-dependency that it would imply, or take the risks of heightened mutual vulnerability that it would involve (p. 63).

Daniel Bell puts the issue in a more disapproving light as he muses on the disruption that modernism has implied for "the bourgeois world view":

The deepest nature of modern man, the secret of his soul as revealed by the modern metaphysic, is that he seeks to reach out beyond himself; knowing that negativity — death — is finite, he refuses to accept it. Behind the chiasm of modern man is the megalomania of self-infinitezation. In consequence, the modern hubris is in the refusal to accept limits, the insistence on continually reaching out; and the modern world proposes a destiny that is always *beyond*: beyond morality, beyond tragedy, beyond culture.<sup>14</sup>

Where Bell sees a sinfully proud, millennial fervor that has shattered the middle-class values of "common sense" and deferred gratification,

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<sup>14</sup> D. BELL, *supra* note 12, 49–50 (1978) (footnote omitted).

Unger sees a perverted but corrigible version of "infinite personality" that has tried — and failed — to solve the problem of contextuality through resort to *total* denial. In the place of this total denial, Unger offers us a chastened brand of modernism — one that accepts the inevitability (and even the desirability) of the limitations imposed by the cultural context in which one is embedded, yet insists nonetheless on the possibility of self-realization, the assertion of the infinite within the confines of the finite.

This brings us to the first major difficulty Unger has to face. There is a terrible danger that his ideas are going to be turned into some kind of cosmic *balancing test*, in which we weigh context-revision and context-reliance with our metaphysical thumbs clamped subtly, but firmly, on the side of revision. It would be tragic to see this trenchant and subtle thinker relegated to the post-realist law professor's heaven — a distinctively *dispassionate* realm where a contentless "freedom" is forever being "balanced" against an equally contentless "security." Those whom the gods wish to destroy, they first make trivial.

Unger escapes trivialization by weaving phenomenological description into the abstract categories of his epistemological and social theory. His overall project is to give content to the concept of infinite personality through a biographical account of self-assertion, through a social theory that describes the possibilities for the "expanded self-revision" of social and philosophical structures, and through a set of stories that link self-assertion to social theory by means of a "thick description" of the available ways of thinking about personality. *Passion* is mainly concerned with the first and third components of the project: the more general social theory is still to come. But something about this overall theoretical method seems to contradict the subversive and insurrectionary doctrine that it propounds. To be sure, the evocative stories about "ways of being" that fill the pages of *Passion* are a far cry from the Spinozan latticework of epistemological argument that characterizes Unger's earlier works.<sup>15</sup> Even so, there is a lurking element of paradox. An enterprise such as Unger's seeks to translate the interstitial reality of passionate encounter into the abstract language of social theory and, in doing so, finds itself imaginatively committed to a world of outrageous acts and everyday rebellions<sup>16</sup> that it can *describe*, but never *create*.

Consider, for example, Unger's theory of the state. Oppositional ideologies such as classical republicanism and revolutionary Marxism describe a concrete set of arrangements for the state and thus define the utopian goal of a remade social world. Unger's modernist theory

<sup>15</sup> R. UNGER, *KNOWLEDGE AND POLITICS* (1975); R. UNGER, *LAW IN MODERN SOCIETY* (1976).

<sup>16</sup> The phrase is Gloria Steinem's, I believe. See G. STEINEM, *OUTRAGEOUS ACTS AND EVERYDAY REBELLIONS* (1983).

of the state, on the other hand, depends on the destabilization rights that would undermine existing social arrangements and break up structures of hierarchy before they could solidify.<sup>17</sup> Whereas the standard oppositional theories specify the *content* of the good life, Unger's vision specifies only the *process* of social change. Theoretical shifts such as this may seem unpromising; post-realist legal thought has shuffled uneasily from content to process in a vain attempt to shake off the specter of contingency.<sup>18</sup> But leaving aside the analogy to legal theory, one is still struck by a vague dissonance if one compares this large-scale theory of social transformation to the localized guerilla warfare that modernists have waged on the small-scale hierarchies of the workplace, as well as on artistic forms and social conventions.

Perhaps it is unfair to concentrate on the most abstract side of Unger's theory. But even when we turn to the "personal" stories of *Passion*, there are times when his beautifully allegorical prose seems to sit uneasily on top of the concrete social experiences that it evokes. It is true that our experiences of workplace conflict and personal trauma can be given new meaning by the abstract description of "context-breaking" and of the dialectic between "need and fear." It is true that Unger's finely crafted stories are almost mocking in their ability to capture the contradictory visions of our own personality that we have confidently espoused at one time or other. But there is a residual felt-reality, a trace of the passionate particularity of our own experiences that is somehow unrecognized by the book, yet still exercises a shadowy and subversive power, like a disgraced relative whose absence from family photographs must nevertheless be explained. Maybe it is only to be expected that a book about context-smashing should tend to undermine the "context" of its own style.

Confronting this dissonance in Unger's work, I find myself torn between two contradictory beliefs. It does seem that the existential truth on which we slap the label "modernism" cannot be adequately captured in the abstract language of social theory. Precisely because it is an *existential* truth, it can be found only in the actual search for freedom that goes on in the interstices of every institution and every experience of social life. There are no modernist theses. There is only the anarchistic and joyful refusal to invest one's hopes in some future utopia and a consequent commitment to work where one is —

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<sup>17</sup> See Unger, *The Critical Legal Studies Movement*, *supra* note 6, at 600. For more on this point, see *id.* at 583-602, 611-15.

<sup>18</sup> See, e.g., J. CHOPER, *JUDICIAL REVIEW AND THE NATIONAL POLITICAL PROCESS* (1980); J. ELY, *DEMOCRACY AND DISTRUST* (1980); H. Hart & A. Sacks, *The Legal Process* (tent. ed. 1958). For the clearest critique of process theory, see Parker, *The Past of Constitutional Theory and Its Future*, 42 OHIO ST. L.J. 223 (1981). There is, however, a crucial difference between Unger's project and that of the process theorists. Whereas they use process to *deny* contingency, Unger is trying to *heighten* the feeling that social structures are contingent, and thus to open them up to transformation.

“willingly pay[ing] the price for the inconformity of vision to circumstance.”<sup>19</sup> But even as I feel a preference for the everyday, localized practice of these ideas, I am aware that I am not giving due weight to a belief in the seductive side of Unger’s project — the large-scale theory of small-scale transformation, which aims to increase the plasticity of social structures by converting the state from a source of stability into a source of change. The differences between these two ways of looking at the world can be exaggerated. The local, joyous anarchism and the abstract, deconstructive theory of the state do *share* at least one thing: they agree that the personal is political. It is a measure of Unger’s contribution that he has turned “passion,” long considered a mainspring of both (irrational) politics and (sentimental) personal life, into a bridge between the two.

#### IV.

When I started on this review, I saw it as a chance to refine my thoughts about how one connects social theory to personal life. I felt that the grip of the grand social theories, such as Marxism, had been weakened to such an extent that most intellectual and political discussions were dominated by proponents of either “active” or “tragic” modernism. The tragic modernist sees all action as problematic, given the absence of any ultimate grounding for her ideas. The only thing left to do is to lean back, cultivate one’s ennui, and watch the free play of signifiers across the pages of *The New York Review of Books*. The active modernist, on the other hand, sees the absence of a grounding as a liberating rather than a demobilizing phenomenon. By undermining both social and conceptual authoritarianism, this absence provides a momentary opening for other ways of being and other forms of life. In response to the question “But how shall we know what action to take and which forms of life we should support?” the active modernist has two deceptively simple answers. First, we will proceed in the way we have always done, in a partial and self-referential discourse that is not completely nullified simply because we have abandoned its pretensions to absolute validity. Second, by concentrating on our own “localities,” on our concrete experiences of love, truth, and power, we will find that the conceptual grandiosity of abstract philosophy and social theory is but one style of thought about moral action, and not the most attractive style at that. But how does all of this apply to Unger? He is clearly not a tragic modernist; the question is, is he a modernist at all?

Unger seems to have it both ways. His ideas have the grand sweep and confident style of nineteenth century social theory, but as I have tried to show, they also seem quintessentially modernist; the

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<sup>19</sup> Unger, *The Critical Legal Studies Movement*, *supra* note 6, at 674.

“deepest structure” that his work reveals is “the certainty of chance.”<sup>20</sup> The general thesis of this review is that this tension in Unger’s work is important, and that the aspect of his ideas I have chosen to label “modernist” is more instructive than his abstract moral philosophy or his deconstructive social theory. In the main body of the review, I tried to show how this tension manifests itself. Thus, in the section on Hume, I argued that Unger would be best advised to abandon his justification and revision of the classical style of normative argument and instead to concentrate on the concrete existential experiences that make Hume’s Guillotine a convincing argumentative weapon. When I turned to modernism itself, I argued that Unger’s aim of creating a large-scale social theory seemed inconsistent with the corrosive, localized critiques more typical of modernist activity in art and politics.

Given the brutal simplifications necessitated by lack of space, a reader might take me to be saying that there is a “thing” called “modernism” and that Unger is misusing it. I do not intend to put forward such a stupid idea; I seek only to offer an opinion on how *Passion* is to be read. Are we to see this book as a description of the essence of human nature, or as a source of aspirational stories through which we can explain our own local moral and political struggles? Are we to understand Unger’s argument as a quasi-teleology that avoids the fact/value dichotomy or as an insider’s report on the experiences that undermine “closed” visions of the good life? There is no uniquely correct reading of a book, and Unger could quite justifiably claim that I am setting up false dichotomies. Nevertheless, for me the exciting aspect of *Passion* comes from its ambivalent but pronounced connection to the politics of everyday life, a connection that implicitly plays down the essence of human nature, the abstract social theory, and even the epistemological analysis for which his earlier work, *Knowledge and Politics*, is so justly famous.

This is all very well, and the reader may even be convinced by a few fragments of particular arguments. But why the *general* preference for the small-scale, localized vision of political and moral theory? It is hard to answer this question within the dry conventions of traditional analytic writing. Perhaps the easiest way to do so is to dissect the actual experience of dealing with political thought. There is a subliminal awareness that theoretical works such as *Passion* may depend on a collective suspension of disbelief. Can a book, the mundane product of the workaday world of an academic (particularly a *legal* academic), really be big enough to fit the enormous romanticized space reserved in our mental classification system for “theories of

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<sup>20</sup> The “certainty of chance” was the phrase André Breton used to describe both modernism and his own philosophy of life. Breton was a pioneer of surrealism who led the modernist challenge to the “context” of traditional writing styles. See A. BRETON, *MANIFESTOES OF SURREALISM* (1969); A. BRETON, *NADJA* (1928).

human nature"? More important, perhaps, can it really mean anything outside the neat to-and-fro of academic debate? One knows, of course, that there once were people who wrote about human nature and that their writing did have political consequences — but that was then, not now. Anyway, they were the famous ones, like Hobbes or Rousseau, and the disabling feelings of ordinariness that they may have felt about their work are hidden from us by the enabling myths of history. We have been bequeathed their ideas, and if political theory seems to be something that is simultaneously intimidating and irrelevant to our own lives, we can obscure that vague unease, talk as though we were “doing it,” and still produce truth convincingly by manipulating the received learning. Perhaps the book made from our discussions of Hume’s Guillotine and modernism will be read by others; maybe it will affect *them*.

The late-night angst of the troubled political theorist that fills the preceding paragraph actually points out an important truth. There is no easy way to make sense of your life if you accept a mental division of labor in which you produce truth for consumption by others. This is particularly true if you believe that the “personal” and the “political” are inseparable, but such a belief cuts two ways. As cynical moderns, we may have lost the enabling (and pernicious) myth of “the great thinker thinking great thoughts,” but we have gained “the politics of everyday life.” We have come to see that our theoretical ideas are meaningful only insofar as they reflect, and reflect back upon, our mundane political struggles. These struggles are important because any commitment to social transformation must begin in the fine texture of our relations with others. The forms of domination against which the activist lawyer deploys her skills reappear in her workplace and may even be more secure there because they are covered over by the protective veil of familiarity. The mind/body distinction that a teacher deconstructs in the classroom reappears in his relation to his secretary. Power does not tidily confine itself to the public sphere and the pages of *The Washington Post*. It suffuses our most intimate relationships with those we love, for we are all erotic politicians in the end. If there is a central insight that guides Roberto Unger’s work, it is this. So *Passion* should not be seen as merely the abstract “human nature” component of an academic social theory. It is an attempt to work out the elements of morality and power involved in our noninstrumental dealings with others. It is a dispatch from the front, not a treatise on war.