Toward a Free Marketplace of Institutions: Roberto Unger's "Super-Liberal" Theory of Emancipation

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A review of

Politics: A Work in Constructive Social Theory, by Roberto Mangabeira Unger:

Social Theory: Its Situation and Its Task

False Necessity: Anti-Necessitarian Social Theory in the Service of Radical Democracy

Plasticity Into Power: Comparative-Historical Studies on the Institutional Conditions of Economic and Military Success

In recent years the New Left's intoxication with Marxist theory has given way to a rather painful hangover. In the cold light of dawn, many radicals have begun to take a second, more critical look at the theories that once inspired them. As a result, we now find radical theorists taking the lead in attacking totalistic theories of human emancipation. n3 This stunning reversal of sentiment has rendered their theories less vulnerable to political and philosophical criticism; but it has also undoubtedly eroded their revolutionary spirit and sense of common purpose. They can all agree that we must subvert modern social and political institutions. But why we must do so and for what alternative are questions that, in the interest of continued sobriety, they seem reluctant to discuss.

Contemporary radicals, Roberto Unger argues, still cling to their "transformative vocation," (*ST,* p. 26) but lack the "prophetic vision" [*1962] (*ST,* p. 215) that could unite them into a common purpose. n4 Unger presents his new multi-volume work, *Politics: A Work in Constructive Social Theory,* as the remedy for this deficiency. In these volumes he elaborates a vision of human emancipation and of the radical theorist's vocation that, he hopes, will both restore the radical left's common sense of purpose and avoid the theoretical and practical errors that afflict Marxism. Unger's theoretical ambition is enormous, far greater even than Marx's. He seeks to produce, like Marx, a theory of emancipation that will explain the nature, direction, and final goal of social development. Yet he also identifies the particular institutions that should constitute an emancipated society and explores the personal relations that we

would experience in such a society. n5 No wonder he describes himself as a "super-theorist" engaged in "super-theory" (*ST,* pp. 166-69). The breadth of Unger's project would stretch even a Nietzschean *Ubermensch* to the limits of his strength. The enormity of the task he sets for himself, however, does not daunt Unger. Extravagant theoretical ambition has always been his hallmark, beginning with his first book, a "total critique" of liberal theory and practice. n6

Many readers will find Unger's constructive approach and hopeful message invigorating, especially in contrast to the current obsession, shared by so many radicals, with deconstructing all positive theoretical claims. n7 Unger encourages this reaction by repeatedly warning us that the only alternatives to his "extravagant[ly] theoretical" (*ST,* p. 150) approach are the "relentlessly negativistic" (*ST,* p. 151) critiques of the deconstructionists and a "faithless prostration" (*ST,* p. 2) before the status quo.

The correctness of Unger's portrayal of our alternatives, however, depends upon the cogency of the idea of human emancipation that [*1963] inspires and sustains his theoretical ambitions. Before we accept the all-or-nothing choice with which Unger confronts us, we need to subject that idea to careful examination. In this Book Review I try to show that Unger's idea of human emancipation is both internally inconsistent and practically undesirable. Far from offering the only hope for a "constructive social theory," Unger's extravagant ambitions merely divert much-needed energy and attention away from the development of less ambitious but sounder constructive approaches to social criticism.

I. OVERCOMING "FALSE NECESSITY"

Politics currently consists of three volumes totalling more than one thousand pages. Nevertheless, it is merely one part of a continuing work-in-progress. n8 Many of the ideas elaborated here have already been discussed in his two recent books, *Passion* n9 and *The Critical Legal Studies Movement.* n10

The three current volumes of *Politics* develop the theoretical and practical implications of Unger's vision of human emancipation. In the first volume, *Social Theory: Its Situation and Task,* Unger presents his theory as the continuation of "the great secular doctrines of emancipation: liberalism, socialism, and communism" (*ST,* p. 1). He also tries to demonstrate that the flaws in his predecessors' theories -- flaws that have made contemporary radicals suspicious of all theories of human emancipation -- are due to their failure to liberate themselves completely from the idea of social necessity. The middle volume, *False Necessity,* the longest and most important of the three, contains Unger's practical recommendations for institutional reform. This volume, then, is the heart of Unger's vision and will likely draw the most comment from scholars. The third volume, *Plasticity into Power,* provides a series of historical illustrations of Unger's theory of socioeconomic and military development.

The three volumes of *Politics* read like parts of a larger, somewhat disorganized work-in-progress. Arguments ramble

and repeat themselves at frequent, if irregular, intervals. Programmatic statements abound throughout -- even after four hundred pages, Unger is still telling us about the nature of the work we are about to read. There are frequent admonitions to "remember" some obscure fact or other -- for example, "[r]emember the Byzantine . . . *ktemata stratiotika,* the Ottoman timariots, the Mughal *zamindars,* and the Aztec military [*1964] life-tenants" (*FN,* p. 89) -- admonitions that suggest the author is addressing himself rather than his readers. Frequently, Unger seems uncertain about where to place his historical illustrations. For example, more than a page of *False Necessity,* including the reminder I just quoted, is repeated virtually verbatim in *Plasticity into Power* (*FN,* pp. 89-90; *PP,* pp. 22-23).

Nevertheless, a single aspiration inspires all of the arguments Unger presents, an aspiration that unifies the work and equips it with considerable rhetorical force despite its ramshackle structure. Unger endeavors to draw out all the practical and theoretical implications of his central idea that no particular form of social constraint is necessary or inescapable.

Unger claims to share this aspiration with all modern social theorists. "The great inspiring idea of the most successful efforts of modern social thought has been the idea of emancipation from false necessity." (*ST,* p. 137) According to Unger, "modern social thought was born proclaiming that society . . . is a human artifact rather than the expression of an underlying natural order" (*ST,* p. 1). Unger argues that by issuing this proclamation, modern social theorists declared war on all those who would defend any particular form of domination as necessary and inescapable. He complains, however, that his liberal and socialist predecessors all backslide at some point and reintroduce the idea of necessary social structures and historical developments into their theories. He will be the first, he proclaims, to take "the idea of society as artifact to the hilt" (*ST,* p. 1). His will be the first fully "anti-necessitarian social theory." By pushing an "anti-necessitarian" approach "to the hilt," Unger believes he can produce a viable theory of human emancipation that will escape the limitations of liberal and Marxist theories. The longing to overcome the power of false necessity inspires all of Unger's most original ideas and idiosyncratic terminology. Above all, it generates his image of an emancipated social order: a set of social institutions, "structure-denying structure[s]" (*FN,* p. 572), that would undermine their own necessity.

"Emancipation from false necessity" also inspires Unger's new theory of social development. Unger claims that "as [a] society overcomes poverty the paramount condition of material progress becomes the plasticity of social life: the relative ease with which people can subject their forms of production and exchange, of machine design and work organization, to the logic of problem-solving" (*ST,* p. 210). Greater degrees of social "plasticity," more "elastic" and self-disrupting social structures, are the key to greater wealth and power. The transition from agrarian-bureaucratic empires to industrial society, he argues, represented a breakthrough to a higher level of social plasticity. In addition, he tries to show that social plasticity is

often the key to military success. Wars have confronted many societies with a choice, as Unger melodramatically puts it, between "plasticity or death" (*PP,* [*1965] p. 162). n11 Development toward higher levels of social plasticity is not, for Unger, necessary and predictable. Numerous factors can block or reverse the development of more "plastic" institutions. Nevertheless, the growth of social plasticity provides him with a theory of social development that supports his idea of human emancipation. Although Unger rejects all claims about the necessity of historical developments, Ungerian history does not completely lack cunning. Whether we choose to follow it or not, the path of selfish interest, the path toward economic growth and increased power, also leads towards more emancipated social institutions.

Unger's new theory of emancipation begins with two "brute fact[s]" (*ST,* p. 19) that constitute the human condition. Unger assumes that we relate to each other only by means of constraint-imposing structures. (Unger uses "structure," "context," and "framework" interchangeably to describe the webs of association that always bind us (*ST,* p. 3).) He dismisses any attempt to escape constraint-imposing structures as futile and irresponsible. We also, however, possess the freedom to reject any particular social context or framework of association, even if we cannot live without them altogether (*ST,* pp. 19-23).

At first, these two assumptions seemingly present a rather unpromising foundation for a theory of human emancipation. They suggest an endless cycle of constraint and rebellion as the sad fate of humanity. Unger suggests, however, that this impression merely reflects our failure to follow through with our anti-necessitarian assumptions. "We never overcome context dependence. But we may loosen it. For contexts . . . differ in the severity of the limits they impose on our activity" (*ST,* p. 21). We recognize that

the quality of our relation, as context-revising agents, to the institutional and imaginative contexts we establish and inhabit is itself up for grabs in history. We can construct not just new and different social worlds but social worlds that more fully embody and respect the creative power whose suppression or containment all societies and cultures seem to require. In this way we can break a little farther out of the tedious, degrading rhythm of history -- with its long lulls of collective narcolepsy punctuated by violent revolutionary seizures (*FN,* p. 1).

Thus, from his two assumptions about human existence, Unger derives a positive goal: the creation of social structures that will lessen [*1966] "the distance between context-preserving routine and context-transforming conflict" (*ST,* pp. 7-8). Because such structures would open themselves up to challenge and revision, they could never generate fixed and immovable forms of hierarchy or domination. By building such structures, we thus "cleans[e] . . . the taint of dependence and domination" from our social institutions (*ST,* p. 1).

The need for "structure-denying structures" generates the peculiar mix of new rights and institutions Unger proposes in the last part of *False Necessity.* The most idiosyncratic of these proposals, "destabilization rights,"

(*FN,* p. 530) provides the clearest illustration of the unique character of Unger's reformed policy. "Destabilization rights protect the citizen's interest in breaking open the large-scale organizations or the extended areas of social practice that remain closed to the destabilizing effects of ordinary conflict and thereby sustain insulated hierarchies of power and advantage" (*FN,* p. 530). Destabilization rights entitle citizens to challenge every social institution that threatens to remove structures of domination from conflict and revision. Imagine the expansion of antitrust legislation to embrace every possible form of collusion and monopolization of power; that is what Unger seeks to create with destabilization rights.

Unger sums up his proposed constitution in the following way. It is, like all other social structures, an artifact; but it is an artifact that possesses "a remarkable property. It is designed to prevent any definite institutional order from taking hold in social life; there lies its structure-destroying effect" (*FN,* p. 572). Unger has good reason to describe his vision of political institutions as a kind of "superliberalism" (*FN* p. 588), for it applies liberal ideas about structuring particular spheres of social activity to social interaction as a whole. Laissezfaire liberals demand institutional structures that respect and promote the free use of economic resources. Political liberals demand structures that would respect and promote the free expression of ideas. Unger's superliberals demand institutions that will "respect and encourage our context-smashing abilities" (*FN,* p. 510). Liberals argue that we benefit from the challenge of contrary ideas; Unger argues that we benefit by opening all our social structures to continual subversion. Liberals demand a free marketplace of ideas; "superliberals" demand a free marketplace of social institutions.

I have tried, in this brief exposition, to provide a sense of the central idea that inspires Unger's project, rather than to present a detailed outline of his arguments. Many of his arguments, such as his attempt to revive the model of "petty commodity production" as a viable alternative to industrial capitalism (*FN,* pp. 175, 223-28), deserve lengthier consideration. But all of them, institutional proposals and historical analyses of economic development alike, rely on Unger's idea of human emancipation. If, as I shall argue in the [*1967] following section, that idea is deeply flawed, then they all require, at the very least, fundamental revision.

II. "STRUCTURE-DENYING STRUCTURE": UNGER'S IDEA OF HUMAN EMANCIPATION

Suppose . . . a society whose formative system of powers and rights is continuously on the line, a system neither invisible nor protected against ordinary conflict; a society in which the collective experience of setting the terms of social life passes increasingly into the tenor of everyday experience; a society that therefore frees itself from the oscillation between modest, aimless bickering and extraordinary revolutionary outbursts; a society where, in some larger measure, people neither treat the conditional as unconditional nor fall to their knees as idolaters of the social world they inhabit (*ST,* p. 22).

Such is Unger's vision of the

emancipated society. We can realize that vision only if we can develop social structures that invite rather than resist their own disruption. The soundness of Unger's theory of human emancipation thus rests on the viability of his peculiar argument about "structure-denying structures." This argument is entirely new, although it could easily be confused with a broad range of earlier arguments about the structural conditions of human freedom. To evaluate Unger's theory of human emancipation we must first distinguish his arguments about structure-denying structures from these more familiar arguments.

Social theorists and political philosophers have frequently argued that social structures can expand rather than limit human freedom. But in doing so, they have not advocated anything like Unger's structure-denying structures. Instead, they have argued that the constraints imposed by social structures in one particular sphere of activity can expand freedom by creating whole new spheres of activity and by making possible greater flexibility in old ones. Their preferred social conventions and institutions act as enabling constraints rather than as self-disrupting structures. n12

[*1968] Examples of enabling constraints abound in our everyday activities. Language is, perhaps, the most obvious instance. Linguistic conventions undoubtedly constrain our freedom of expression. Nevertheless, they enable us to expand the range and flexibility of communication. Laws can also function as enabling constraints. Traffic laws, for example, compel us to drive on one side of the road. But by doing so, they make possible greater freedom to travel than we possess if we were constantly dodging oncoming vehicles.

Liberal political theorists frequently use enabling constraints in their arguments. Hobbes and Locke, for example, argue that it is reasonable to surrender one's freedom from political obligation in a state of nature because the creation of a sovereign authority makes possible a larger realm of freedom than one could maintain without it. n13 The sovereign's authority is, undoubtedly, a constraint; but it nevertheless expands our freedom by protecting us from the constraints that other individuals might impose upon us. But liberal theorists rarely recognize the implications of their advocacy of enabling constraints. Once one accepts the use of enabling constraints as a means of increasing freedom, one can no longer identify maximal freedom with minimal constraint. If increased constraints enable us to engage freely in otherwise impossible activities, then the realm of freedom can grow along with an increase in the extent of social constraint.

Unger's structure-denying structures represent more malleable or "plastic" constraints; but we should not confuse them with enabling constraints. His structures are, instead, self-subverting constraints. Enabling constraints increase our freedom and flexibility only if they bind us firmly in a particular sphere of activity. In contrast, Unger's structure-denying structures increase our freedom by providing a looser hold on the activities they themselves govern. The two concepts provide us with very different ways of understanding and measuring the contribution of social structures to our freedom.

Unger has an important reason for preferring structure-denying structures to enabling constraints. Every enabling constraint necessarily creates social hierarchies. One can, of course, seek constraints that will produce the least extensive and onerous hierarchies. But if we accept a form of constraint in one sphere of activity as the necessary condition of our freedom in other spheres, we must be willing to accept the persistence of some form of domination in our lives. Unger could only accept the need for enabling constraints if he were [*1969] willing to abandon his commitment to "cleansing" society of "the taint of dependence and domination" (*ST,* p. 1).

But is Unger's concept of a structure-denying structure empirically and logically defensible once we dissociate it from the concept of an enabling constraint? I think not. Most of Unger's empirical examples of development towards more "plastic" social structures would be better understood as effects of new enabling constraints. The transition to industrial society, for example, is hardly a move towards more self-subverting social structures. It requires that we all hold fast to new constraints -- for example, constraints on the freedom to establish private taxes, tariffs, and armies. In exchange for this loss of freedom, we gain, in addition to economic growth, the freedom to participate in a new and larger realm of economic activities. But we gain this larger realm of flexibility only if we are willing to be bound by constraints that many earlier societies did not accept. A similar point could be made about Unger's other illustrations of increased plasticity, such as the success of the French armies in the Revolutionary Wars. As Unger notes, the advantages of Napoleon's armies over their adversaries rested, to a great extent, upon his soldiers' identification with their nation (*FN,* p. 284). A new kind of constraint, subordination to a national community, enabled Frenchmen to combine and fight in a new and more successful way. n14 In the end, Unger does not provide a single empirical example of a structure-denying structure. The social "plasticity" which he studies so diligently reflects different combinations of social constraint and freedom rather than the emergence of self-disrupting social structures.

Even if we leave empirical examples aside, it is still extremely difficult to make sense of a structure-denying structure. As a "structure," it constrains our possible actions. As a "structure-*denying* structure," it "prevent[s] any definite institutional order from taking hold in social life; there lies its structure-destroying effect" (*FN,* p. 572) (emphasis added). It thus constrains us in a way that directs us [*1970] toward challenging and even destroying the constraints it creates. Herein lies a paradox, if not an outright contradiction. If the structure-denying structure succeeds in promoting its own subversion, then it will be replaced and will disappear as a force in our lives. If it fails to promote its own subversion, then it becomes mere constraint and must be evaluated as such. In other words, if Unger's preferred social structures function as they are supposed to, they quickly become irrelevant. If they do not, then they are enabling constraints rather than structure-denying structures.

Unger seems to assume that the context-

smashing activity promoted by his proposed constitution will never threaten that constitution itself. Yet such an assumption is, to say the least, rather surprising when it comes from a social theorist who repeatedly reminds us that "[h]istory really is surprising; it does not just seem that way" (*ST,* p. 5). It is precisely because history can be surprising, because something worse may come, that most people seek some measure of social stability. Unger professes to despise such caution. But he can do so only because he has an unexplained and unjustified faith in the stability of his structure-denying structures. In the end, he expects them to constrain us from subverting them and, at the same time, promote wholesale subversion of social institutions. In other words, he expects his proposed social structures to function as non-constraining constraints.

Moreover, Unger's proposals require extremely powerful non-constraining constraints. "Destabilization rights" without the governmental power to investigate and break up rigid structures of social domination would be empty and meaningless. But what a concentration of power would be needed to make them effective! There would have to be an army of investigators empowered to pry into every agreement and social relationship, judicial and government agencies to direct them, and the means of enforcing their judgments. The dissolution of economic monopolies required by antitrust legislation often stretches the resources of the American government to its limit. The enforcement of Unger's rights to challenge *all* social monopolies and oligopolies would require a tremendous expansion of those resources. Yet a government's powers, like all social structures, must be open to challenge and subversion lest they be used to entrench social hierarchies. Accordingly, Unger's constitutional proposals stress ways of diffusing and challenging the use of governmental power (*FN,* pp. 441-80). But how can government muster the strength necessary to uncover and challenge hidden social hierarchies if the investigated have innumerable opportunities to bring the power of the investigators into question? Unger has no answer to this question. His structure-denying structures must simultaneously diffuse and concentrate governmental power. His vision of an emancipated society is rife with such contradictions.

[*1971] III. THE PHILOSOPHIC SOURCES OF UNGER'S IDEA OF HUMAN EMANCIPATION

Unger claims that his theory of human emancipation merely extends to its logical conclusion the premise underlying all modern social theory. If he is correct, then all modern social theorists have been chasing a chimera. I suggest, however, that he is only partly correct. Unger's campaign against "false necessity" grows out of one particular tradition of modern social criticism. Unger derives his longing to overcome social necessity from a tradition that includes Marx, the young Hegel, the Hegelian left, Marxist humanists, and the critical theorists. In my book, *The Longing for Total Revolution,* I present a historical and critical account of this tradition of social criticism, which I call "left Kantianism." n15 Unger's theoretical difficulties reflect a fundamental and unresolved contradiction at the heart of left Kantian social theory. His theory of human

emancipation, if not the most ingenious and persuasive of left Kantian theories, at least makes plain the basic problem that plagues them all.

Contrary to Unger's suggestion, the classic liberal theorists did not share the idea that free institutions must overcome social necessity. n16 They tried to expose and overcome false *necessities,* false claims that particularly onerous forms of domination, such as religious, aristocratic, and absolutist hierarchy, represent the natural order of things. It would never have occurred to them to challenge social necessity per se.

The idea that necessity in our social interactions is an unacceptable affront to human dignity first developed only in the 1790's among a group of German philosophers and social critics inspired by Kant's philosophy of freedom and by the French Revolution. n17 These thinkers, such as Fichte, Schiller, Schelling, and the young Hegel, all enthusiastically accepted Kant's demonstration that no evidence drawn from the world of natural or social phenomena could disprove our [*1972] freedom -- our capacity to resist external determination. But in demanding the *realization* of Kantian freedom in our social and political institutions, they took Kant's philosophy of freedom one step further. They argued that all institutions that rely on externally conditioned motives, such as fear, interest, and prejudice fail to respect human dignity. They interpreted the French Revolution as the first, albeit unsuccessful, attempt at honoring "man at last as an end in himself, and making true (i.e. Kantian) freedom the basis of political associations." n18 The philosopher Schelling provided the most succinct expression of left Kantian aspirations when he demanded that you must "subject every heteronomous power to your own autonomy." n19 Whereas Kant demanded that we overcome heteronomy in our wills, the Kantian left demand that we overcome the heteronomy of the world. In other words, the left Kantians sought a means of transforming the external constraints of social institutions into embodiments of humanity's freedom from necessity.

In this way, the left Kantians began a tradition of social criticism that has continued to the present day, a tradition that seeks to overcome the dehumanization caused by our failure to "realize" our humanity in the world. Marx's social theory grew out of the second wave of left Kantian speculation associated with the group of social critics known as young or left Hegelians. By returning to the questions that preoccupied the young Marx and his young Hegelian friends, Marxist humanists and critical theorists initiated yet a third wave of left Kantian speculation in the middle decades of this century. n20

With Hegel, Marx, the left Hegelians, and the critical theorists as his philosophical mentors, it is not surprising that Unger pursues a theory of human emancipation in this left Kantian tradition of social criticism. His first book, *Knowledge and Politics,* uses a distinctly left Hegelian theoretical vocabulary to develop its "total critique" of liberalism. Social theory, Unger suggests in that work, must seek to discover the means of realizing "human nature" in the world. Since he defines human nature as "[w]hatever does not arise from domination," n21 his goal is

clearly the overcoming of domination or the realization of freedom. In *Politics* Unger purges his theoretical vocabulary [*1973] of most of the left Kantian and left Hegelian terms he used so freely in *Knowledge and Politics.* In particular, he repeatedly insists that his theory of human emancipation does not rely on any metaphysical assumptions about human freedom (*ST,* pp. 5, 23; *FN,* pp. 4-5, 308). Although his language has certainly changed, Unger's commitment to the left Kantian project has not.

Consider Unger's two "brute facts" about the human condition and the hopeful conclusion he draws from them. We are, he suggests, context-bound and context-breaking creatures. We cannot relate to each other without developing constraining social contexts. Yet no matter how powerful the social structure, we always possess the freedom to resist and break its power. These two brute facts recreate, for Unger, in nonphilosophic language, the left Kantian view of the human condition. As unassailably free beings, we face a world of social relations that appears to offer us nothing but constraints we have neither made nor chosen. Our task in such a condition is to "construct not just new and different social worlds but social worlds that more fully embody and respect the creative power whose suppression or containment all societies and cultures seem to require" (*FN,* p. 1). The "creative power" is our freedom to resist and break the power of the external conditioning imposed by social structures. That freedom, Unger insists, can and must be embodied in our social structures. In other words, our freedom must be realized in the constraining contexts created by our social interaction. Unger's theory of human emancipation "is an analysis of the conditions of life that constitute freedom . . . [and] that make the end of freedom concrete." n22

Structure-denying structures make freedom "concrete." They bring the human capacity to resist externally imposed constraints into the very constraints that constitute social necessity. Unger's repeated disclaimers about the non-metaphysical character of his ideas seem, in the end, rather disingenuous. Our "freedom from any given finite structure" is, for him, something "strange" (*ST,* p. 23). It is our only access to the infinite. By embodying our "creative power" in our social structures, "[w]e put more of the infinite us into the finite worlds in which we live" (*FN,* p. 97). In its call for the introduction of structure-denying aspects into our institutional arrangements, *Politics* offers a new left Kantian approach to the problem of realizing human freedom in our social institutions.

The theoretical difficulties with Unger's idea of human emancipation, discussed in the previous section, grow out of an inherent difficulty with the left Kantian project. The realization of humanity requires the embodiment of something that, by definition, resists embodiment: our [*1974] freedom to escape external determination. Left Kantians search for institutions that might act as an objective correlative for autonomy. The resistance to external forces is itself secured only by external conditioning. But if we are *conditioned* to resist external impositions on our will, have we not lost the human ability to resist external conditioning? Left Kantian theorists have wrestled, ingeniously, but unsuccessfully with this problem for almost two centuries. n23

Unger's structure-denying structures represent a new attempt to solve the left Kantian riddle. These structures must simultaneously *constrain* us and *not constrain* us to act in a particular way. They must both condition us to accept a social order constantly open to challenge and break down any obstacles to our challenging that order. In no other way can social structures fully embody our "strange freedom" to resist and break through the social contexts that bind us. Unger's structure-denying structures clearly manifest the contradiction at the heart of left Kantian aspirations.

IV. THE GOOD LIFE ACCORDING TO UNGER

Even if Unger's vision of human emancipation were feasible and consistent, I doubt that very many people would think it desirable. When asked to describe happiness, Marx reportedly answered, "to struggle." Asked the same question, Engles replied, a bottle of "Chateau Margaux 1848." n24 Those who side with Engels are unlikely to find much happiness in Unger's emancipated society -- not because they will lack good food and wine -- but because they simply will be too busy fighting to enjoy them.

Unger's preferred social structures "must invite conflict rather than suppress it" (*FN,* p. 24). They must "bring every aspect of society's order into question and open that order up to conflict" (*FN,* p. 134) by "diminishing the distance between context-preserving routine and context-transforming conflict" (*ST,* pp. 7-8). No wonder Unger insists that the inhabitants of his society "must be haughty, high-spirited, and even reckless" (*FN,* p. 134). Everyday life in Unger's empowered democracy would be an endless round of challenges and counter-challenges in the "zone of heightened mutual vulnerability" (*FN,* p. 24) created by the realization that no sphere of activity is immune to conflict. Only "haughty" individuals who adore contention and competition could enjoy such a life.

Unger, clearly, counts himself among their company. Happiness, for him, is engagement in context-transforming struggle. "To be fully [*1975] a person . . . you must engage in a struggle against the defects or the limits of existing society or available knowledge" (*ST,* p. 29). Unger knows that everyday life cannot be a succession of victorious rebellions against necessity. Nevertheless, he argues that we must discover institutions that "can preserve in ordinary existence something of what life momentarily becomes under the influence of the higher passions." n25 We can do so by diminishing the distance between routine and revolutionary conflicts in everyday life. Self-subverting social structures thus promote happiness as well as freedom.

"[T]rue satisfaction," Unger insists, "can be found only in an activity that enables people to fight back, individually or collectively, against the established settings of their lives. . . ." (*ST,* p. 11). This higher view of human satisfaction, now shared only by a small minority of individuals, will, in his emancipated society, spread to all citizens. That society will be like "a religion in which all people are both priests and prophets" (*FN,* p. 575). Like a prophet, each citizen will see beyond his or her current horizons; like a priest, each will be

prepared to sacrifice this social world for the next. In addition, ordinary citizens will come to resemble avant-garde artists and seek, like these artists, to disrupt the conventions that shape social communication. "The ordinary person becomes to that extent more like the poet, whose visionary heightening of expressed emotion may border on unintelligibility and aphasia" (*FN,* p. 566). This extraordinary statement gives us an idea of the absurd lengths to which Unger is willing to push his celebration of context-smashing. Imagine a world in which every individual challenges every social structure with the haughtiness of a master, the fanaticism of a prophet, and the intelligibility of an aphasiac. That is Unger's image of the good life.

To avoid the impression of promoting a rather ferocious and unstable version of the good life, Unger qualifies his arguments in a number of ways. The "haughty, high-spirited" behavior he favors will not, he insists, be exercised at anyone's expense. He seeks, instead, "to cultivate the sense of mastery suitable to men and women who are neither masters nor servants" (*FN,* p. 134). He also reminds us that whatever he says in the present volumes of *Politics* must be qualified by his as yet unspecified views on love and personal relations (*FN,* p. 355). In *Passion,* which previews some of those views, Unger suggests that an emancipated individual must be "gentle" as well as "ardent." n26 One wonders, however, how "haughty" citizens can be ardent and gentle at the same time.

Nietzsche created a famous image to describe an individual who combined pride and gentleness: "the Roman Caesar with Christ's [*1976] soul." n27 This image celebrates the superhuman strength of will it would take to overcome a genuinely Christ-like conscience and strike out, like Caesar, at one's enemies. Unger, unlike Nietzsche, avoids the unpleasant implications of his ideas. He pushes his ideal, the celebration of our "context-smashing abilities," to its logical conclusion. We must act like proud and haughty masters to live up to this ideal. Of course, he adds, his citizens will join a loving and gentle character to their other, more warlike virtues. Unger certainly does not want his citizens to imitate Nietzschean supermen. Yet he gives little indication how they can behave like both proud masters and gentle souls.

Finally, are Ungerian citizens truly earnest in their commitment to "context-smashing" conflict, or are they merely playing at social conflict, knowing that whatever structures they smash today will be back in place for another round tomorrow? If they are not earnest, then their struggles lose the grandeur that Unger associates with the "transformative vocation." If they are earnest, then their activity threatens both the social structures that constitute Unger's empowered democracy and the relative security of expectations that most people, unlike Unger, would associate with a good life. Unger wants to have it both ways. Like a young boy bored with playing war in his backyard, he dreams of a way of recreating the excitement of actual combat without hurting anyone. He envisions a society in which each individual can repeatedly experience the thrill of victory without anyone suffering the agony of defeat. Even if it were possible to create such a society -- and it is not -- most of us would find its obsessive contentiousness extremely unpleasant and distasteful.

V. CONCLUSION

Unger justifies his "extravagant theoretical ambitions" by insisting that they represent social theory's only constructive alternative to "unrestrained negativism" and "narcolepsy" (*ST,* p. 150; *FN,* p. 1). Yet Unger's determination to emancipate society from false necessity merely diverts our energy and attention away from genuinely constructive theoretical efforts. Structure-denying structure, Unger's embodiment of human freedom, is a chimera. His arguments about social "plasticity" make sense only if they refer to structural constraints that enable us to develop greater freedom and flexibility beyond, not within, the bonds they impose on us. There is no lack of constructive tasks for modern social theorists who seek to identify, explain, and improve the mix of enabling constraints and social freedom that constitute contemporary societies. But they can engage in these tasks [*1977] only if they are willing to abandon Unger's futile pursuit of non-constraining constraints.

Traditional cures for a hangover invariably contain a strong dose of alcohol. Unger's is no exception. He insists that a good stiff drink is just the thing that contemporary radicals need to get rid of the bitter taste left in their mouths by their earlier intoxication with Marxist theory. I doubt that many radical theorists will take him up on his offer. If they do, they should prepare themselves for another painful morning after.

FOOTNOTES:

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n2 Assistant Professor of Politics, Princeton University.

n3 French radicals have written the most influential and widely read of these critiques. *See, e.g.,* J. BAUDRILLARD, THE MIRROR OF PRODUCTION (M. Poster trans. 1975); G. DELEUZE & F. GUATTARI, ANTI-OEDIPUS: CAPITALISM AND SCHIZOPHRENIA (R. Hurley, M. Seem, & H. Lane trans. 1977); M. FOUCAULT, LANGUAGE, COUNTER-MEMORY, PRACTICE: SELECTED ESSAYS AND INTERVIEWS, pt. 3 (D. Bouchard & S. Simon trans. 1977); A. GLUCKSMANN, THE MASTER THINKERS (B. Peatce trans. 1980); B. LEVY, BARBARISM WITH A HUMAN FACE (G. Holoch trans. 1979); J. LYOTARD, THE POST MODERN CONDITION: A REPORT ON KNOWLEDGE (1984); J. MAREJKO, JEAN-JACQUES ROUSSEAU ET LA DERIVE TOTALITAIRE (1984).

n4 Numbers in parentheses refer to page numbers in the three volumes of *Politics. ST* stands for *Social Theory, FN* for *False Necessity,* and *PP* for *Plasticity into Power.*

n5 Personal relations in an emancipated society are discussed only briefly in *Politics* as it now stands. Unger notes that his earlier book, *Passion: An Essay on Personality* (1984), provides a "parallel exploration" of this topic (*ST* p. 223; *FN* p. 604).

n6 *See* R. UNGER, KNOWLEDGE AND POLITICS (1975).

n7 The fondness of many critical legal theorists for what they call "trashing" reflects a more general phenomenon in contemporary social criticism. *See* Dalton, *An Essay in the Deconstruction of Contract Doctrine,* 94 YALE L.J. 997 (1985); Freeman, *Truth and Mystification in Legal Scholarship,* 90 YALE L.J. 1229, 1230 (1981); Kelman, *Trashing,* 36 STAN. L. REV. 293 (1984); Singer, *The Player and the Cards: Nihilism and Legal Theory,* 94 YALE L.J. 1 (1984). On the influence of French deconstructive methods on legal studies, see Hoy, *Interpreting the Law: Hermeneutical and Poststructuralist Perspectives,* 58 S. CAL. L. REV. 135 (1985) and Peller, *The Metaphysics of American Law,* 73 CALIF. L. REV. 1151 (1985). For a critique of this penchant for nihilistic "trashing" and a plea for a more constructive approach to legal criticism, see Stick, *Can Nihilism Be Pragmatic?,* 100 HARV. L. REV. 332 (1986). Unger applauds the critical efforts of those who deconstruct legal doctrine and institutions. Nonetheless, he distinguishes his constructive approach to social criticism from their "relentlessly negativistic" efforts. If he engages in "super-theory," they engage in what he calls "ultra-theory" (*ST,* p. 167).

n8 To be more precise, Unger describes *False Necessity,* the second of the three published volumes, as "Part I" of *Politics.* He describes *Social Theory* as a "Critical Introduction" to the work as a whole and *Plasticity into Power* as "Variations on Themes of Politics."

n9 R. UNGER, PASSION: AN ESSAY ON PERSONALITY (1984).

n10 R. UNGER, THE CRITICAL LEGAL STUDIES MOVEMENT (1986).

n11 In the last section of *Plasticity into Power* (*PP,* pp. 153-212), Unger elaborates on this claim that social plasticity is one of the most important conditions for military success. In particular, he argues that the Mamluk dynasty, the Crusader kingdoms, and a number of West African kingdoms were defeated because the rigidity of their social institutions did not allow them to adopt more powerful weapons and modes of military organization (*PP,* pp. 162-70).

n12 I use the term "enabling constraints" to characterize a concept that appears, expressed in many different ways, in a broad range of modern arguments about freedom and social constraint. As I note in the following paragraph of the text, this concept plays an especially important, though often unacknowledged role in liberal arguments about individual rights and obligations. *See* C. BAY, THE STRUCTURE OF FREEDOM (1965); S. LUKES, INDIVIDUALISM (1973); S. HOLMES, BENJAMIN CONSTANT AND THE MAKING OF MODERN LIBERALISM 65-66, 241-46 (1984). The most systematic and sustained attempt to build a liberal theory of modern society and social development upon something like the concept of enabling constraints can be found in the numerous works of the German social theorist, Niklas Luhmann. Luhmann, however, uses the very different vocabulary of systems theory to develop his ideas. For some of his works in English, see *The Differentiation of Society* (1982) and *A Sociological Theory of Law* (1985).

n13 *See* T. HOBBES, LEVIATHAN ch. 21 (M. Oakeshott ed. 1962) (1651); J. LOCKE, TWO TREATISES OF GOVERNMENT ch. 8 (P. Laslett 2d ed. 1970) (1968).

n14 In *Plasticity into Power* Unger provides an extended summary of modern European military history, a summary designed to illustrate the benefits of increased plasticity and the "vanguardist style of warfare" (*PP,* pp. 158-59) it makes possible. He brings the story up to the introduction of tank-warfare, which, he suggests, allows us to reach new levels in military vanguardism. "At its best," tank warfare "is a way of waging war that weakens the distinctions between task and execution, and between taskmasters and executors. The self-revising plan in the protracted battle became the heart of operations" (*PP,* pp. 185-86). Curiously, however, he omits telling us that it was the Nazi armies that excelled in the "vanguardist style of warfare" that tank battles demanded. It would be an interesting study to uncover the curious combination of social constraints and freedoms that enabled Nazi tank commanders to act with such spontaneity and flexibility in the field. I do not think, however, that Unger would cite the Nazi regime as an example of social plasticity.

n15 *See* B. **YACK,** THE LONGING FOR TOTAL REVOLUTION: PHILOSOPHIC SOURCES OF SOCIAL DISCONTENT FROM ROUSSEAU TO MARX AND NIETZSCHE (1986). The argument presented in this and the following three paragraphs is drawn primarily from chapter 3, "The Social Discontent of the Kantian Left."

n16 Unger assumes that the classic liberal theorists, such as Locke, Montesquieu, and Smith, viewed the necessities of social interaction as something external to human personality. He shares this assumption with many other prominent critics of liberal theory. *See, e.g.,* M. SANDEL, LIBERALISM AND THE LIMITS OF JUSTICE (1982). In making this assumption however, Unger seems to ignore the deeply social view of human personality presented in works like Locke's *Essay on Human Understanding,* Montesquieu's *Spirit of the Laws,* and Smith's *Theory of Moral Sentiments.* I would suggest that Unger, like Sandel, writes a Kantian conception of personality -- according to which human identity is defined in opposition to natural and social necessity -- into pre-Kantian liberal theories. Only by doing so, can he describe the classic liberal theorists as partners in his project of emancipating society from false necessity.

n17 *See* B. **YACK,** *supra* note 15, at 89-132.

n18 F. SCHILLER, ON THE AESTHETIC EDUCATION OF MAN 24-25 (E. Wilkinson & L. Willoughby trans. 1967).

n19 I F. SCHELLING, WERKE 272 (Munchen ed. 1928).

n20 *See* B. **YACK,** *supra* note 15, at 125-32 (discussing these "three waves of left Kantian speculation").

n21 R. UNGER, supra note 6, at 247. For a discussion of some of the

inconsistencies in this idea of human nature and in Unger's early critique of liberalism, see **Yack,** *Does Liberal Theory 'Live Down' to Liberal Practice? Liberalism and its Communitarian Critics,* in COMMUNITY IN AMERICA: THE CHALLENGES OF 'HABITS OF THE HEART' (C. Reynolds ed., forthcoming, 1988) 166-68.

n22 R. UNGER, *supra* note 10, at 105.

n23 *See* B. **YACK,** *supra* note 15, at 125-32, 209-23, 290-309, 365-69 (1986).

n24 For a discussion of the different versions of the story, see J. Seigel, *Marx's Fate* 265, 427 n.30 (1978).

n25 R. UNGER, *supra* note 5, at 256.

n26 *See id.* at 269-71.

n27 F. NIETZSCHE, THE WILL TO POWER 513 (W. Kaufmann & R. Hollingdale trans. 1968).