

FALSE UNIVERSALITY: INFINITE PERSONALITY AND FINITE EXISTENCE IN UNGER'S *POLITICS*

William A. Galston

I. INTRODUCTION

A decade ago, Daniel Bell argued against what he termed the “monolithic” view of society.¹ Whatever may have been true of classical and medieval communities, Bell contended, Western industrial societies are characterized not by integration, but by disjunction. There is no single spirit that animates these societies. Rather, they are divided into different realms, each guided by its own principle: the techno-economy, the operating principle of which is efficiency; the polity, the legitimacy of which is based on the concept of free and equal citizens; and culture, increasingly dominated by the modernist ideal of unlimited self-expression. Within this framework, Bell suggested, one can discern the following structural sources of tension in modern societies:

[B]etween a social structure (primarily techno-economic) which is bureaucratic and hierarchical, and a polity which believes, formally, in equality and participation; between a social structure that is organized fundamentally in terms of roles and specialization, and a culture which is concerned with the enhancement and fulfillment of the self and the “whole” person. In these contradictions, one perceives many of the latent social conflicts that have been expressed ideologically as alienation, depersonalization, [and] the attack on authority²

Roberto Unger's project in *Politics* is to argue that these contradictions can be overcome. Specifically, Unger contends that the principle of what Bell calls “culture”—the enhancement and fulfillment of the self—is the axis around which all of society must be reconstructed. Economic roles and hierarchies that constrain self-expression must be dismantled. Legal-constitutional forms that restrict the free play of the human imagination must be reconstituted. Fortunately, Unger argues, to accord normative primacy to self-assertion is not to surrender other desirable features of modern life. Plastic, nonhierarchical economic institutions are not merely compatible with but actually necessary for the attainment

¹ D. BELL, *THE CULTURAL CONTRADICTIONS OF CAPITALISM* (1976).

² *Id.* at 14.

of material prosperity. Rights-based political institutions can be redesigned to accommodate the democratic clash of imaginative projects while preserving individual security against tyranny. We need neither embrace the rigors of civic-republican virtue to achieve democracy nor accept the repressiveness of the Protestant ethic to ensure prosperity; the modernist ideal of personal liberation will be functional in every sphere of life. We can, in short, realize the old Enlightenment dream of a rational society in which our most treasured goals are no longer in ultimate conflict.

From this normative vantage point, Unger launches a vigorous attack on contemporary liberal politics. (He acknowledges—but does not dwell on—parallel failings of Marxist-Leninist societies.) Unger contends that Western societies are frozen into rigid roles and hierarchies. Political systems of checks and balances impede both democratic self-expression and egalitarian social reconstruction. A combination of social rigidity, political gridlock, and imaginative stultification locks liberal politics into futile cycles of reform and retrenchment. Even European social democracy—the fullest realization of liberal aspirations—fails to liberate the individual’s practical, emotional, and cognitive capacities. For these reasons, we cannot be satisfied with a program of incremental changes pursued through current institutions. Rather, we must seek to destabilize these institutions in order to move toward their radical transformation.

It is not my purpose in this Essay to subject Unger’s concrete political analyses and proposals to detailed scrutiny. For the record, I should say that his account of roles and hierarchies is unpersuasive in its denial of the considerable fluidity characteristic of modern socioeconomies; that his critique of political checks and balances is blind both to their capacity for strong democratic action and to their ability to protect individuals against collective tyranny; and that his account of reform cycles ignores the ways in which liberal societies have been noncyclically transformed over the past century. Moreover, the practical lesson of recent generations is that aggressive contempt for social democracy does not promote the fulfillment of radical aspirations. The effort to “leap over” social democracy is more likely to produce traditionalist counterreaction than cultural revolution. In short, Unger’s prescriptions rest on a dramatically flawed diagnosis of contemporary society; they minister to ills the very existence of which most individuals would deny. As I shall argue, this gulf between Unger’s vision and ordinary consciousness forces his argument in elitist and coercive directions radically at odds with his professed intentions.

Unger’s *Politics* is an ambitious attempt to combine the synoptic explanatory claims of modern social theory with the normative aspirations of traditional political philosophy. While each of these elements deserves

full exploration, it is the complex relation of Unger's thought to the normative philosophical tradition that serves as the focus of my remarks.

The normative strand of Unger's work may be described as an effort to restore the form of classical political philosophy, but with an anticlassical content. Unger endorses the classical strategy: a description of individual human flourishing or happiness as the basis for a normative account of society. But he rejects the classical depiction of structured, delimited human nature in favor of a post-Christian, modernist account of free, unbounded human personality.

Three key features of Unger's thought express his fidelity to the classical project. Against the strictures of Machiavelli and Marx—but in line with the thinkers of antiquity—he insists that normative social theory culminates in a concrete vision of a good society (in classical terms, a “utopia”). Like Aristotle, he argues that the good society is justified through its propensity to permit and promote individual *eudaemonia*. Finally, like Plato, he believes that the structure of society mirrors the structure of the self, that the political community is the human soul writ large.

At the same time, Unger contemptuously rejects the classical account of human nature, and with it, the classical depiction of the good society. “[T]he classical moralizing doctrines of the virtues and the vices,” he declares, are a species of “superficial sentimentality.”³ The decisive break with these doctrines—the revolutionary view of human existence developed by the great modernist artists and authors—is “[o]ne of the most important events in the history of modern culture. . . . Compared with this modernist view of the self, earlier images of man look shoddy and unconvincing.”⁴ As a result, the classical conception of society, which culminated in an account of natural order and hierarchy, must be supplanted by forms of social organization compatible with the modernist revolution.

The isomorphism between self and society rests on the troubled relation between formative structures and formed activities. Unger rejects the primacy of character or of fixed, habitual patterns of behavior in favor of a fluid capacity to act on imagination and desire. Similarly, he rejects a sharp distinction between stable constitutional institutions and the vagaries of ordinary politics in favor of a continuum characterized throughout by openness and revisability. To be sure, he tempers modernist iconoclasm with the antiskeptical claim that some individual virtues and collective institutions can be rationally defended. But the defense rests on the modernist premise that infinite personality can never adequately be contained in any set of rules, roles, or structures.

There are, then, two distinct standpoints from which Unger's nor-

³ PASSION at 297.

⁴ *Id.* at 296.

mative theory may be questioned. First, one may reject the very project of constructing and justifying a utopia as ungrounded and useless. Alternatively, one may accept the general utopian strategy, but criticize the specific content of Unger's vision.

This Essay adopts the latter approach. I shall criticize Unger's modernist conception of the self as being unduly dismissive of individual character and contemptuous of everyday life. I shall criticize his conception of society for its failure to grasp the justification of hierarchy and the requirements of order. At the same time, my objections to the content of his argument arise in the context of a considerable sympathy for its intention and form.

II. THE VISIONARY/UTOPIAN FORM OF UNGER'S WORK

To avoid misunderstanding, let me enumerate the premises of Unger's argument that I shall not question. I shall grant (as others may not) that it is possible to give an account of human nature or personality that is not simply relative to a particular time, place, and circumstance; that one can move from this account to moral conclusions about individuals, a movement mediated by the moral weight accorded to human striving; and that one can further move from this normative account of the individual to the justification of a specific vision of the good society. In short, I would agree with Unger that visionary (or, in my terms, "utopian") thought is both theoretically possible and practically necessary.⁵

Most human action is both conscious and purposive. However, these two elements do not coexist harmoniously; consciousness dissolves our immediate, unreflective purposive certainty, leaving doubt and irresolution. Moral philosophy is the vector sum of the destruction of our immediate purposes and our enduring need for grounds of action. Its object is to provide reflective grounds capable of withstanding skeptical corrosion. Utopian thought is the political branch of moral philosophy.

Utopias are images of ideal communities; utopian thought makes explicit and justifies the bases upon which such communities are held to be ideal. For example, Plato's *Republic* contains both the image of a class-divided community and a defense of the principles of specialization and meritocracy that underlie that division.

Utopian thought performs three related political functions. First, it guides our deliberation, whether in devising courses of action or in choosing among exogenously defined alternatives. Second, it justifies our actions; the grounds of action are reasons that others ought to accept and—given openness and the freedom to reflect—can be led to accept. Third, it serves as the basis for evaluating existing institutions and prac-

⁵ The following remarks are based on my previous work, W. GALSTON, *JUSTICE AND THE HUMAN GOOD* 14-16, 31-32 (1980).

tices. The *locus classicus* is the *Republic*, in which the completed ideal is deployed in Plato's memorable critique of imperfect regimes.

Utopian thought attempts to specify and justify the principles of a comprehensively good political order. Whatever their bases, these principles share certain general features.

First, utopian principles are universally valid in their intention, both temporally and geographically.

Second, the idea of the good order arises out of our experience, but does not mirror it in any simple way and is not circumscribed by it. Imagination may combine elements of experience into a new totality that has never existed; reason, seeking to reconcile the contradictions of experience, may transmute its elements.

Third, utopias exist in speech; they are "cities of words."⁶ This does not mean that they cannot exist, only that they need not exist. This "counterfactualty" of utopia in no way impedes its evaluative function.

Fourth, utopian principles may come to be realized in history, and it may be possible to point to real forces pushing in that direction. But our approval of a utopia is not logically linked to the claim that history is bringing us closer to it or to an identification of an existing basis for the transformative actions that would bring it into being. Conversely, history cannot validate principles by itself. The movement of history (if it is a meaningful totality in any sense) may be from the more to the less desirable; the proverbial dustbin may contain much of enduring worth.

Fifth, although not confined to actual existence, the practical intention of utopia requires that it be constrained by possibility. Utopia is realistic in that it assumes human and material preconditions that are neither logically nor empirically impossible, even though their simultaneous presence may be both unlikely and largely beyond human control to effect.

Possibility is a limiting condition of utopian thought for two reasons. First, if an imagined state of affairs is not possible, it cannot serve as a ground of criticism. It would be absurd to dream of a world in which we no longer needed to eat, and then to criticize human beings on that basis for manifesting dependence and destructiveness in their relation to food. This criterion of possibility emerges in moral theory in the principle that "ought implies can." Obligation ceases in the face of impossibility, and praise and blame are not applicable to acts or events over which the agent can have no control. Second, an impossible state of affairs is not an appropriate object of endeavor, and therefore is not a suitable guide for practice. As Aristotle pointed out, we may long for the impossible, but we choose and act in the belief that our goal is possible. Action guided by longing for the impossible leads either to despair or to a frenzy of destructive rage at the world's permanent resistance. Utopian

⁶ See PLATO, *REPUBLIC* § 592b, at 238 (G.M.A. Grube trans. 1974).

seriousness is the mean between abstract negation and the cynical or unthinking acceptance of facticity.

The difficulty is determining the limits of possibility, a concept that has many different meanings. Something is *logically* possible when it can be conceived without contradiction. But, as Kant observed, a logically possible concept

may none the less be an empty concept, unless the objective reality of the synthesis through which the concept is generated has been specifically proved; and such proof . . . rests on principles of possible experience, and not on the principle of analysis (the law of contradiction). This is a warning against arguing directly from the logical possibility of concepts to the real possibility of things.⁷

We may call an object of possible experience *categorically* possible. Not everything categorically possible, however, is *nomologically* possible. It is categorically possible, for example, that the constants in well-entrenched laws of nature could be other than they are; but from a scientific standpoint these constants are brute facts, limiting the range of causal events and human interventions. Finally, not everything nomologically possible is *practically* possible. Relative to a given set of facts, a state of affairs may be impossible to attain, even though a nomologically possible alteration of those facts would render it possible. The concept of practical possibility has both technological and political application. Given present knowledge and techniques, it is impossible to fly to Sirius; given present challenges, real or perceived, it is impossible to persuade Congress to make a ninety percent cut in the defense budget.

We may now say that a political state of affairs is a fantasy when it is logically or categorically, but not nomologically, possible. It is a utopia when it is nomologically possible, whether or not it is practically possible. The gap between nomological and practical possibility is the sphere of serious political action.

Unger wavers in his account of possibility as a limiting condition on utopia. On the one hand, he insists that there is no context-independent conception of possibility. This proposition, combined with his understanding of contexts as radically incomplete, would seem to undercut any determinate account of possibility as a constraint on utopian thought.⁸ On the other hand, Unger deploys a conception of possibility as a standard for preferring some utopias to others. "Stability," he insists, is a key criterion: "A social scheme is unstable if it fails to reckon with behavioral predispositions or material constraints that work to disrupt it."⁹ In short, the abstract correspondence of a utopian vision with one's preferred ideals is not enough to validate that vision. It also must meet

⁷ I. KANT, *CRITIQUE OF PURE REASON* A597-B625, at 503 n. (N.K. Smith trans. 1965) (2d ed. 1787).

⁸ *SOCIAL THEORY* at 173, 184.

⁹ *PASSION* at 48.

certain empirical conditions. In practice, then, Unger proceeds in a manner that is consistent with the tradition of utopian thought. But his apparent embrace of a specific understanding of possibility stands in tension—if not outright contradiction—with his blanket rejection of context-independent conceptions of possibility.

III. THE MODERNIST ACCOUNT OF PERSONALITY

I turn now from the visionary/utopian form of Unger's argument to its modernist content. This section deals with the modernist account of personality. The following section turns to the modernist account of society. The Essay concludes with some general reflections on modernist theory.

For Unger, the essence of human personality is that it is "infinite." It has the capacity to transcend all contexts: traits of character, moral rules, political institutions, cognitive structures, etc. No one context is hospitable to the full range of practical, passionate, political, or philosophical projects that personality can imagine. This infinity is not just an abstract capability, but—in the old language of teleology—an immanent impulse as well. The health of each individual personality is incompatible with its acceptance of the constraints inherent in specific contexts. Indeed, vice, psychological illness, and simple unhappiness are all consequences of the failure to relieve the tension between personal desire and contextual constraint. Modernist visionaries identified and struggled with this tension. Their struggle may have taken the form of an artistic fringe in conflict with bourgeois society. But its inner meaning is a universal truth about the human condition. The vague but spreading apprehension of this truth is now evoking disquiet and longing among men and women everywhere.

Unger's modernist account of personality rests on a sharp distinction between "character" and "self." Character is the set of routinized habits and dispositions that channel individual behavior into fixed patterns. Self, on the other hand, is the dual capacity to reject routine patterns of conduct and to imagine and act on alternatives to them.¹⁰

This distinction provides the point of departure for my critique of modernism. That individuals have a capacity to question and revise settled features of their existence cannot be denied. But Unger's separation of self and character is far too sharp. His thesis is reminiscent of Kant's bifurcation between phenomenal and transcendental consciousness, and it encounters the same difficulties. Our traits of character are not related to our existence in the mode of external possessions or physiological stimuli. These traits are not what we *have* and *feel*, but rather what we *are*. Our identities as persons are constituted largely by learned or inherited patterns of behavior. The consciousness that struggles against these

¹⁰ *Id.* at 109, 111, 114.

patterns nevertheless is implicated in them. Personal change results not from a struggle of self against character, but rather from a mobilization of some traits of character against others. Ambition can be made to counteract sloth; courage can overcome shame.

Even if we grant Unger's distinction between routinized character and fluid self, it does not follow that the latter is to be given normative preference. The mere fact that we are able to upset settled patterns in favor of new experiences does not mean that we should do so. The fact that the imagination can counterpose itself to moral rules does not mean that these rules should be transgressed. At one point, Unger characterizes the view of individual behavior underlying his proposed political institutions as "the ability to entertain fantasies about possible forms of self-expression or association and to live them out."¹¹ This ability, he continues, is the "diurnal repetition for social life of what the Marquis de Sade recommended for sex: the strenuous enlargement of enacted possibility."¹² To this I would reply: there is no more solace to be found in the total liberation of fantasy than in its total repression—a maxim I would have thought emerges clearly enough in de Sade's own texts.

This point may be broadened. Unger projects a boundless hostility to the "vast spiritual sloth" and "overwhelming apathy" that allegedly characterize ordinary human experience.¹³ Rejecting the solace most of us find in ordered existence, he insists that to understand deeply "is always to see the settled from the angle of the unsettled."¹⁴ He even finds in the forcible destruction of everyday patterns the fount of moral insight:

[T]he growth of the transforming and ennobling passions . . . and the ability of these passions to penetrate the crust of everyday perception and habit seem to depend upon loss and sacrifice [T]he primary form of loss and sacrifice is the sacrifice and the loss of your settled place in a settled world. This is the event that allows you to distinguish the gold from the tinsel: the opportunities of human connection from the forms of established society, and the disclosures of incongruous insight or disobedient desire from the distraction and the narcosis of habit.¹⁵

So steelworkers are ennobled by unemployment? Husbands and wives are ennobled by shattering divorces? Parents are ennobled by the death of children? Lebanon's citizens are ennobled by civil war? The most charitable response to Unger's proposition is that disaster strengthens some of these unfortunate human beings but destroys the others. A franker response is that his proposition is a classic example of theoretical deduction swamping experiential truth. As for the alleged pharmacolog-

¹¹ FALSE NECESSITY at 579.

¹² Unger included this passage in a widely-circulated manuscript of FALSE NECESSITY, deleting it only in the final published version. Had it been retained, it would have appeared at 579.

¹³ PASSION at 165.

¹⁴ SOCIAL THEORY at 65.

¹⁵ PASSION at 73.

ical properties of habit, the relentless modernist quest for peak experiences is more of a narcotic than the stable patterns of daily life could ever be.

The preference for the unsettled over the settled, the impulse to imagine and to act out context-smashing transgressions, is indeed characteristic of modernist artists, authors, and revolutionaries. But Unger mistakes the part for the whole. His critical error is to assume that the motives and satisfactions of a tiny elite somehow constitute the (hidden) essence and desire of all human beings. A world restructured to accommodate the iconoclastic cravings of modernist visionaries is a world from which everyone else would recoil in dread. Most human beings find satisfaction within settled contexts and experience the disruption of those contexts not as empowerment, but rather as deprivation. The everyday life that Unger holds in such contempt is not the imposition of the few on the many. It retains its customary form precisely because it is the mode of existence best suited to the overwhelming majority of the human race.

Modernists typically represent themselves as the vanguard of broad popular movements. In reality, however, modernism is an elite doctrine and practice masquerading as populism. Modernist novels and music have failed to attain any measurable mass influence, spawning instead a split between the iconoclastic tastes of a narrow elite and the enduring popular demand for naturalism and tonality. Modern art, sculpture, and architecture have achieved a greater measure of acceptance, but only by shedding their adversarial stance toward bourgeois culture and becoming either economically functional or visually decorative. In no instance has modernism transformed the broad public outlook, which remains esthetically and morally conservative.

Therefore, to the extent that modernism craves transformative efficacy, it is driven toward “revolution from above”—that is, toward coercion. It is no accident that in its rage against the stolid persistence of bourgeois society, modernism has repeatedly flirted with fascism. Nor is it an accident that Unger’s political modernism, ostensibly justified in the name of the greatest possible openness to individual expression, culminates in the forcible destruction of traditional ways of life. Unger is admirably—if chillingly—candid on this point:

[P]eople have . . . always put their sense of basic security in the maintenance of particular social roles, jobs, and ways of life. Any attempt to indulge this conception of security would prove incompatible with the institutions of the empowered democracy and with the personal and social ideals that inspire them [P]eople can and should wean themselves away from a restrictive, rigidifying view of where they should place their sense of protection.¹⁶

They and, if not they, their children will discover that the security that matters does not require the maintenance of a narrowly defined mode of

¹⁶ FALSE NECESSITY at 524.

life. They reach this conclusion in part . . . by awakening to a conception of the personality as both dependent upon context and strengthened through context smashing.¹⁷

To summarize this strand of Unger's argument, modernist social theory rests on a normative conception of personality that is valid for, and binding upon, everyone. Today, some of us accept this conception while others stubbornly resist it. Within suitably constructed institutions, we all will (eventually) come to experience the correctness of the modernist vision. And in the interim, while our generation has not yet been re-educated (or replaced by suitably socialized children), we will certainly not be "indulged." Instead, we will be shaken out of our narcoleptic trance and purged of stubborn habits. We will be forced to be free.

Unger anticipates a certain resistance to this proposal on the part of the "classical liberal," who recognizes that modernist social theory culminates in totalitarian interventions in areas that even traditional despots are content to leave alone. Unger concedes the factual accuracy of this accusation, but seeks to transmute its moral meaning:

[T]he classical liberal is wrong to think . . . that an institutional order can . . . draw a watertight distinction between the public institutions of a people and the forms of close association or intimate experience to which the people are drawn. . . . The authority of the radical project lies in its vision of the individual and collective empowerment we may achieve by cumulatively loosening the grip of rigid roles, hierarchies, and conventions But it does not claim to be indifferent to the choice among alternative styles of association.¹⁸

Would it not be more honest to say that we have a *choice* between constructing society in accord with the traditionalism of the many or with the iconoclasm of the few? The former alternative propels the modernist elite to the fringes of society, where it assumes an adversarial stance toward established institutions. But the latter alternative evokes a traditionalist counterreaction to the practices of advanced culture, a response that (depending on circumstances) can take the form of either a relatively benign conservatism or a far more virulent fascism.

Unger is systematically—almost wilfully—blind to the origins and dangers of contemporary "populist" movements. The false universality of his conception of personality obscures the dominant cultural clash of our time. Ironically, a social philosophy that takes as its point of departure the unmasking of suppressed strife ends by smothering genuine strife in a theoretical structure that suppresses some of the most fundamental human differences.

IV. THE MODERNIST ACCOUNT OF SOCIETY

The chief virtue of political institutions, Unger believes, is to be

¹⁷ *Id.* at 514-15.

¹⁸ *Id.* at 558.

maximally open to the infinite variety of practical and emotional arrangements that human beings may devise. All social contexts are restrictive to some extent. But unalloyed modernist iconoclasm, Unger argues, overlooks differences among contexts in the degree of constraint they impose. Institutions go astray when they needlessly constrict human possibilities by freezing society into rigid roles and hierarchies. Restrictive politics thus are characterized by a sharp distinction between basic structures, which are highly resistant to revision, and the routine activities that occur within these structures. The good society, on the other hand, builds opportunities for challenge and change into its basic institutions. In so doing, it narrows the breach between contexts and routines, and it enables each individual to participate as a self-determining personality in the reconstructions of fundamental social arrangements. Unger's proposed constitution is thus a "structure-destroying" superstructure¹⁹ that "preserves in its determinate existence the marks of an original indefinition"²⁰ and is "designed to prevent any definite institutional order from taking hold in social life."²¹

No brief discussion can adequately confront Unger's lengthy, complex institutional argument. Out of necessity, I shall focus on what I take to be his basic premises, offering in each instance a counterproposal.

Unger Thesis No. 1: Far from resting on—or reflecting—a natural order, society is a pure artifact originating in, but freezing, struggle among human beings.²²

Counterthesis: Society is neither purely natural nor purely artificial. Human beings are naturally drawn together into political communities whose goals, moreover, include such natural ends as survival, security, and material adequacy. These facts impose certain constraints on the possible range of institutional arrangements and political programs. At the same time, the specific forms such communities assume will be determined largely by differences in human belief and will. Social theory goes astray if it understands society either through the analogy of determinate natural growth or in the image of unconstrained artistic creation. Unger commits the latter error.

Unger Thesis No. 2: All hierarchies are unnatural, rigid structures that thwart human flourishing and lack rational justification. For that reason, to open hierarchies up to the possibility of scrutiny and revision is to initiate the process of their dissolution.²³

Counterthesis: Some hierarchies are both rationally justifiable and conducive to individual self-assertion: the authority of parents over children, teachers over students, skilled artisans over apprentices and, more

¹⁹ *Id.* at 572.

²⁰ *Id.* at 573.

²¹ *Id.* at 572.

²² SOCIAL THEORY at 10, 145-46.

²³ FALSE NECESSITY at 8-9.

generally, the authority of those who have special knowledge or competence that promotes the attainment of shared ends over those who do not. If members of a society agree on certain ends, and if the achievement of those ends is in part a function of knowledge or competence, in principle there can be rational social and political authority.

Unger Thesis No. 3: All contexts that resist revision thwart human flourishing. The more revisable the context, the better: “[O]ver the long run, the practical, moral, and cognitive advantages to be won by disentrenching formative contexts outweigh in the strength and universality of their appeal the benefits to be gained by entrenching these contexts further.”²⁴

Counterthesis: Rather than constraining us, some revision-resisting contexts actually liberate us. In the arts, such conventions as baroque harmony, the sonnet, and the blues have provided enabling structures within which explosions of creativity have occurred. In social relations, such institutions as indissoluble marriage may promote intimacy and personal growth—a point that even Unger ultimately concedes.²⁵ Similarly, in politics relatively stable contexts may provide arenas within which conflicting proposals and ways of life may be tested against one another without risking the escalation of conflict into community-threatening bitterness and violence.

Because circumstances change unpredictably and dramatically, the structural context of political life—the “constitution”—must be open to revision. But the art of constitution-making is not, as Unger would have it, to maximize revisability. It is rather to locate the appropriate mean between rigidity and anarchy. So, for example, the United States Constitution does not require unanimous consent of the states to pass constitutional amendments, but does require more than a bare majority. One may argue (as some did after the defeat of the Equal Rights Amendment) that this requirement gives excessive veto power to relatively small minorities. But few believe that constitutional amendments should be as easy to pass as ordinary legislation.

The critique of Unger’s norm of maximum revisability rests on logical as well as prudential grounds. If political dialogue cannot produce unanimity, then some structure of decision-rules is needed to determine when the views of a portion of the community are deemed to have become binding on the whole community. Within this structure, institutions, laws, and social arrangements may be exposed to revision. But the structure itself cannot be challenged—at least not in the same way. The constitutional provision that proposed constitutional amendments require a three-quarters majority for passage can be changed only through an amendment that itself receives a three-quarters majority. There are

²⁴ THE CRITICAL LEGAL STUDIES MOVEMENT at 94.

²⁵ PASSION at 267.

only two alternatives to respect for basic structures: The appeal to principles of legitimacy underlying these structures (as in the Framers' resort to state ratification conventions against the letter of the Articles of Confederation), and the resort to revolutionary force. Each of these strategies may indeed be justified in many instances. But the point is that no structure can be made so comprehensively revisable as to rule out the need for its disruption in certain extreme circumstances. One cannot wholly efface the distinction between context and routine.

Unger Thesis No. 4: Political change is properly conceived as isomorphic with scientific change. The ideal of maximum institutional revisability

is the political counterpart to an ideal of objectivity in science that relies not on the incorrigibility of self-evident propositions but on the universal and accelerated corrigibility of every feature of an explanatory practice, including the very conception of what it means to explain something. This comparison represents more than a vague parallel; it is . . . a precise and revealing convergence.²⁶

Counterthesis: This comparison represents a failure to understand the fundamental difference between scientific and political change. At their best, scientists form a rational community; that is, the authority of particular scientific propositions rests solely on their ability to withstand skeptical scrutiny. To be sure, habitual beliefs and practices can impede the operation of scientific inquiry and retard the acceptance of new propositions. But the sway of tradition, strictly speaking, is a perversion of science. In a political community, on the other hand, the authority of particular propositions rests in part on familiarity and habit. Of course, mere existence should not sustain the status quo. But reason is not enough either. Without the practical familiarity born of habit, political propositions cannot be rendered effectively binding on a community. Excessive openness to revision undermines the very foundation of law, and with it, the very possibility of a community not ruled by force. The realistic political alternative to habitual practices is not pure reason, but a destructive oscillation between anarchy and tyranny.

V. GENERAL REFLECTIONS ON MODERNIST THEORY

At the heart of Unger's project is a vision of the human situation as infinite personality trapped in the coils of a finite world. This depiction, a secularized transcription of what Unger calls the "Christian-romantic tradition,"²⁷ leads to a "social iconoclasm expressive of man's ineradicable homelessness in the world."²⁸ Yet there is a crucial difference between the original tradition and Unger's appropriation of it. In Christianity, the infinite human subject can find satisfaction only in an

²⁶ SOCIAL THEORY at 46.

²⁷ PASSION at vii.

²⁸ *Id.* at 24.

infinite object that also is a subject. The human longing for infinity leads toward an encounter with God. For Unger, on the other hand, the concept of an infinite object entirely disappears. The infinite impulse instead must express itself in ceaseless efforts to reconstitute personal encounters between, or social relations among, human beings.

I cannot help wondering whether, in thus replacing God with man, Unger is not placing more weight on the individual/social world than it can rightly bear. Is the realm of personal love and social attachments an appropriate venue for the enactment of transcendent desire? Can we love our neighbors as ourselves without an overarching canopy of Divine love? And can we hope to transform politics into an arena for the practice of faith, hope, and charity? Or is the advice of the original Christian not infinitely wiser: Render unto Caesar what is Caesar's, and unto God what is God's?²⁹ Unger urges us to seek the infinite in the endless reconstitution of the finite. But this is a formula for the endless disruption of human life in pursuit of a goal that no permutation of that life can provide. It is sounder, I believe, to eschew the idolatry of this world, to insist that infinite longing can find its satisfaction only in an infinite object, and to acknowledge that in the absence of such an object, man truly is a useless passion.

Unger will have none of this. Within the modernist frame—the spirit of social iconoclasm—he describes human existence as a quest for the “basic freedom that includes an assurance of being at home in the world.”³⁰ To be sure, this longing is “impractical.” But it has an “attainable element”—a “vision of empowerment that touches every aspect of our experience.”³¹ Society realizes that vision “by laying its practical and imaginative order ever more open to correction.”³² And so do individuals. By opening our characters and settled ways of life to challenge and change, “we keep ourselves in the state of permanent searching . . . that nearly amounts to a secular salvation.”³³

But how can we search without hope of finding? If we know in advance that every context is ultimately incommensurable with our longing for the infinite, why take seriously the endless ardor of secular striving? Modernism and hope are incompatible, unless through the mediation of illusion. But illusion is precisely what no modernist—Unger included—can accept.

Yet the driving impulse of Unger's enterprise is hope: on the political level, hope that a form of association can be established which reconciles and achieves such diverse values as liberty, equality, democracy, security, prosperity, and self-expression; and on the theoretical plane,

²⁹ *Matthew 22:21; Mark 12:27; Luke 20:25.*

³⁰ *PASSION* at 107.

³¹ *Id.* at 263.

³² *Id.* at 264.

³³ *Id.* at 266.

hope that in the teeth of corrosive modernist skepticism, a form of affirmative discourse nonetheless can be defensibly practiced. I have already noted the ways in which Unger's political hopes seem incompatible with his modernist point of departure. It remains only to show that his theoretical hopes are similarly vitiated.

Unger asserts that thought, like social life, can have no absolute context. At the same time, he insists that modernist thought can consist in more than "ultra-theory"—that is, in more than a series of negative gestures dramatizing the facticity of existence. "Super-theory"—affirmative discourse built on modernist foundations—is a real possibility.

Perhaps so. But it is instructive to see what happens when it is attempted. Unger's work is reminiscent of nineteenth-century social theory—a synoptic series of broad claims to general validity. Indeed, I have never before encountered prose crafted so relentlessly in the prophetic mode, so incessantly proffering universal truths. The secularized Christian-romantic understanding of personality is not merely true now, for us; it is true vis-à-vis heroism, Aristotelianism, Confucianism; it is true *simpliciter*. The revisionary understanding of society is not merely true in the late twentieth century for advanced industrial societies; it is true (perhaps especially true), for example, for Third World nations as well.

I do not mean to criticize these universal claims of truth. Indeed, I believe that every moral or social theory must make them eventually. My point is rather that in putting forward these claims, not just as internal criticism, but as visionary insight, Unger violates his own modernist canons. Like Hegel—like so many theorists since Hobbes—his own affirmations cannot be contained in his general account of human thought. Unger implicitly claims for himself an exemption from contextuality: whatever may be true for others, his own prophetic powers have achieved the status of absolute understanding.

In the last analysis, then, Unger's theory is not a generic break with the Aristotelian naturalism he decries. It is rather a substantive alternative to that naturalism *within the same sphere of theoretical discourse and aspiration*. As such, it must be evaluated not as super-theory—there is no such thing—but rather as theory in the classic sense. Unger's theory must stand not on the radical novelty of its approach—for it has none—but rather on the rigor of its arguments and on the persuasiveness of its account of the human condition. It has been the burden of this Essay to suggest that, judged by these canons, Unger's achievement falls far short of his aspirations.