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Book Review of *Passion: An Essay on Personality*

Richard F. Devlin FRSC

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BOOK REVIEW

UNGER, Roberto, *Passion, An Essay on Personality*, New York: MacMillan, 1984, Pp. 330, \$14.95 U.S.

RICHARD F. DEVLIN*

Passion is Roberto Unger's methodological, epistemological and ontological prolegomenon to a reconstructionist social, political and legal theory. The essay builds upon his earlier critique of Liberalism¹ by providing the foundations for a theory oriented towards the creation of a society where the "conditions of self assertion" can thrive. Glimpses of this emancipatory and constructive theory have already emerged in his Critical Legal Studies article² and, as far as we can tell, it is to be further adumbrated in his forthcoming *Politics*.³

Passion is a cogently structured, compellingly argued and seductively enthralling masterpiece which, in years to come, will undoubtedly stand out as an inspirational source for many who seek social transformation. Unger's style, in this essay at least, is lucid and inviting. Substantively, *Passion* demonstrates not only the depth of his penetrating intellect but also his command of an array of disciplines. Unger's polymathy is all the more impressive when we remember that ours is an era in which idiosyncratic specialization is the norm.

The treatise is divided into three distinct sections: a methodological introduction; a prescriptive theory of human identity based on

*LL.B. Queen's University, Belfast; LL.M. Queen's University, Kingston.

¹ *Knowledge and Politics* (New York: Free Press, 1975). *Law in Modern Society* (New York: Free Press, 1976).

² "The Critical Legal Studies Movement" (1983), 96 Harvard Law Review 561.

³ At least one caveat is apposite. Professor Unger appears to be repeating his technique of producing two closely interconnected works, one essentially philosophical, the other more concrete and "practical". Each is a reinforcement of the other. There is therefore a danger of too hastily reviewing the present contribution and thereby failing to do Professor Unger justice. However, I believe this book to be of such radically inspirational importance that no time should be wasted in opening up the debate so that the foundations can be laid for the, perhaps more important, companion volume which promises us "a comprehensive theory of society and social transformation".

the passions; and an appendix which advocates the practical application of his theory in the field of psychiatry. Unger's aim is to reconceive and reactivate the "ancient and universal practice of imputing normative force to images of man" (vii), by advocating a modernist reconstruction of the Christian-Romantic tradition via the technique of a speculative treatise on human nature.

Unger presents us with a sophisticated, four stage methodological introduction in which he rejects a plethora of, what he perceives to be, stagnant traditions. His primary opponent is Positivism, "that distinction between normative and factual claims that constitutes the starting point of most modern moral and political philosophy" (40). He argues that the dichotomy of "is" and "ought", fact and value, is based upon the natural sciences and that, although this may be appropriate for them, it is "unacceptable" and "irrelevant" to other philosophical inquiries. Three arguments are offered in support of his position: firstly, that the results of positivistic approaches have been consistently disappointing, vacuous and contradictory; secondly, that they covertly invoke a substantive image of human nature — one that supports their own vision of "the good"; and thirdly, that the dichotomy has proved to be ultimately conservative in the attempt to improve the condition of man and society.

This critique raises at least one fundamental problem. Although this reviewer would agree with Unger that Positivism is inappropriate to all forms of philosophy, it would also appear that he has failed to make his argument strongly enough. This second criticism is pertinent; however, the first and third criticisms are only valid if we are prepared to accept Unger's (or some other radical's) assumptions and interpretations as being correct. Consequently, if we are ultimately unconvinced by Unger's own argument in *Passion* then, at best, he has only left us with the Weberian dilemma of gods and demons and not a compelling refutation of Positivism.⁴

Furthermore, the critique of Positivism brings to light a problematic that runs throughout the essay — what might be called Unger's 'footnoteless' style. He neither uses the word "positivism", nor does he explicitly refer to any positivist theorists. Rather, in a few pages, with a broad sweep of the pen, he delineates a tradition and offers an incisive critique. More generally, on a careful reading, one can sense debates with, and criticisms of Kuhn, Sartre, Beckett, T.S. Elliot, Nietzsche, Heidegger, Gadamer, Rawls and others. This is worri-

⁴ For a stronger critique of Positivism see Jurgen Habermas, "The Analytical Theory of Science and Dialectics" and "A Positivistically Bisected Rationalism" in T.W. Adorno et al. *The Positivist Dispute in German Sociology*. (London: Heinemann, 1976) and *Knowledge and Human Interests* (Boston: Beacon Press, 1971).

some since it leaves the reader unsure of who or what she might have missed. Furthermore, the approach may give Unger an unfair advantage in that his argument becomes all the more convincing only because of the relative ignorance of the reader. On the other hand, this technique demonstrates Unger's capacity to synthesize and portray the quintessential features of a tradition. It also has the advantage of inviting the reader to take Unger at his word and to enter into a personal discourse with him. To be fully conscious of all the debates may result in the reader pigeon-holing the other theorists and thereby bringing even more of her own prejudices into play. On balance, although it makes the reader uncomfortable, the technique renders a not insubstantial contribution to the power of Unger's argument.

Having disposed of Positivism, Unger can proceed to the second stage of his argument — that a different approach must be adopted. Rather than rejecting a normative position *in toto*, as Positivism demanded, we should instead attempt to alter the standard (Aristotelean metaphysical) version from within by submitting it to a thorough-going criticism and revision. This allows Unger to outline and criticise internally several traditional views of human nature and thereby lay the foundations for his own thesis: the integration of the modernist concept of "contextualism" with the Christian-Romantic view of man, and its emphasis on "solidarity".

According to Unger, two central themes pervade the Christian-Romantic tradition's approach to personality: the first is the primacy of personal encounter with love as its redemptive moment; the second is an iconoclastic attitude towards any particular social order. Love and iconoclasm are inextricably linked — the world must be changed, contexts and hierarchies must be broken, so that man's condition may be more fully open to love.⁵

The key then of modernism is its rejection of naturalistic, absolutist contexts and its awareness of "contextualism".⁶ On Unger's interpretation modernism argues that:

5 It is important to notice that Unger believes that this tradition is not bound to its Christian roots; for him it is as secular as it is religious and that to accept it, we do not have to be Christians or even theists.

6 Contextualism is the belief that all activity is ordinarily shaped by institutional or imaginative assumptions; that contexts are contingent in that they can be surpassed; and, that conditionality itself can never be overcome.

It should also be pointed out that although Unger rejects naturalism, he is also cautious to distance himself from the behaviouralism of B.F. Skinner or the sometimes Marxist view of man as the concatenation of determinative social and economic forces.

... the personality makes and discovers itself through its experience of not fitting into the given settings of its existence and through its failure even to escape entirely from cognitive and emotional isolation.⁷

Significantly, it also maintains that every social system represents "an unnecessary and unjustifiable constraint on the possibilities of social life and individual existence".⁸ Modernism's triumph is its realization of "plasticity", its sceptical attitude towards received conceptions of personality and society, and its pursuit of "ceaseless social recombination".⁹

Unger argues that the modernist contextualist view of personality must be seen as "a moment in the transformation of the Christian-Romantic interpretation of human nature";¹⁰ that the former is continuous with and complementary to, the latter. Firstly, in both the Christian-Romantic doctrine of personal encounter and the modernist emphasis on self-assertion, primacy is given to intersubjectivity rather than the search for impersonal (materialist) reality or good. Secondly, both traditions emphasize context transcending since no institutional order or imaginative vision can ever fully exhaust the types of practical or passionate human connections. In brief, they are both open traditions. It is the fusion of these traditions with their advocacy of solidarity, self-assertion, contextualism and openness that Unger wishes to develop in his substantive theory of the passions.

In the final stage of his introduction he makes more explicit the normative status of his argument. Having rejected both transcendentalism and Positivism, he portrays his approach as an "existential project", that is, as a theory of the person that gives a measure of sense, unity and value to our lives with the consequent belief (hope?) that we can change our situation in the course of trying to understand it. The normative value derives not only from a sort of consciousness-raising, in the course of which we obtain wisdom as to how we should change ourselves and our societies, but also from its capacity to reactivate a belief in the potency of purposive human action. This argument is designed to avoid, among others, the modernist propensity for relativism, extreme scepticism and nihilistic fatalism which Unger perceives to be conservative.

The essay itself is perhaps best read as an inquiry into the nature of solidarity, its impact upon the person and her intersubjective

7 P. 147.

8 P. 35.

9 P. 15.

10 P. 38.

passionate relations, and the normative consequences of these for society.

Unger commences his tractate through an investigation of the essence of human nature. He argues that the quintessence of the person is her capacity for self-reflection (consciousness), which has two aspects — the “self-centered” and the “self-objectifying”. For Unger this schizophrenic awareness is the core of the problem of solidarity and the dynamic for the life of passions. He then goes on to develop a three tier “biographical geneology of the passions”¹¹ which suggests how these two facets might come to co-exist.

Through his fascinating discussion of these stages of self-formation we become aware of the intersubjective aspect of the problem of solidarity. The self as a child needs others not only for physical support but also for affirmation of her identity via “empathetic responses”.¹² However, since the other is an “other”, then that affirmation must be incomplete, and thus the self gradually becomes aware of her own limitations and the reality of insatiability. This tension is exacerbated by a growing awareness of contingency and evanescence (death). These propositions allow Unger to outline one of his central theses: the dialectic of mutual longing and mutual jeopardy, unlimited mutual need and unlimited mutual fear, a craving for self-disclosure and self-surrender, infinite seduction and infinite terror, love and hate. Unger argues that people need a radical acceptance of themselves by others but that this quest is terrifying because people must take risks, become vulnerable, expose themselves and suffer failure, rejection and hurt. This is the problem of solidarity. There can never be complete reconciliation between mutual longing and mutual fear,

... between the need to sustain and develop a self through involvement in shared forms of life, and the need to avoid the dependence and depersonalization with which all such involvements threaten us.¹³

Professor Unger claims that it is only from this perspective that we can understand the passions.¹⁴ For him, passions operate in the realm

11 P. 147.

12 P. 152.

13 P. 135. Although I find this argument both stimulating and intuitively appealing it is also problematic. Unger claims that the stages of self-formation are both analytic and empirical, but it seems to me that their epistemological status is unclear. He clearly intends them to be more than a neuristic device but I am unconvinced as to their empirical validity. I wonder, for example, about their relation to Kohlberg's psychological model of ego development. Again, perhaps if Unger had cross-referenced I would have been more convinced.

14 Indeed, he explicitly rejects the two traditional and dominant views of passion: passion as opposed to reason and passion in contrast to social convention.

of intersubjectivity; they are an attempt to come to terms with the problem of mutual longing and mutual jeopardy; they are rooted in our most basic strivings: to be someone and to have a place in the world; they are non-instrumental and non-strategic; they are the quest for freedom, the attainment of the conditions of self-assertion.

In accordance with his optimistic normative stance, Unger does not stop at this essentially descriptive point. On the contrary, despite his poignant awareness of the possibility of a failed and schizophrenic life oscillating between diversion and boredom, a hardened and yet submissive self, he constantly urges upon us his own ideal, "the romance of moral success".¹⁵ Battling against nihilistic despair and fervently pleading for the potential of purposive human activity, he beseeches us to believe that freedom can only be attained through "renunciation and loss, risk and endurance, renewal and reconciliation".¹⁶

The third stage of Unger's substantive argument is an impressive, indeed seductive, analysis of the passions, both the virtues and the vices. He begins by introducing the "proto-social passions"¹⁷ — lust and despair — and demonstrates how they are integrally related to the problem of solidarity. But the originality and appeal of his argument lies not in his portrayal of their destructiveness, but in his belief that *inherent* in both lust and despair is an emancipatory, constructive and radicalizing capacity. He proceeds to argue that hatred, vanity, pride, jealousy and envy are also outgrowths of the dynamic of mutual longing and mutual jeopardy. Yet none of these are pure and, like the proto-social passions, within each there is a capacity for turnaround since they all require intersubjective awareness. For Unger, inherent in each of the vices there is an internal tension through which love and reconciliation could flourish. It is important to notice that Unger only claims that there is a potential, not a determinative or positivistic law — his aim is that by making us conscious of the limitations of the vices we can become aware of our own potential and gradually change ourselves and our world.

In contradistinction to the vices, he outlines the epiphanies of faith, hope and love. His discussion of love, in which he assiduously avoids utopianism and sentimentalism, is remarkable in that it evokes within the reader feelings and desires that have been emasculated by the vicissitudes of personal experience. Hope and (secular) faith are portrayed as extensions of love. Importantly, Unger does not claim that these virtues will conquer, rather that they are passions

15 P. 111.

16 P. 111.

17 P. 174.

which we as human beings have, and which have a potential "to resolve conflicts which seemed insoluble and break through frontiers which seemed impassible".¹⁸ He claims that there are limits to, and anomalies within, our alienated relations where these virtues already exist and could flourish if we would only let them. For Unger the stagnating present is fertile with the empowering future, but there are no guarantees that the seeds will be sown.¹⁹

The appendix is an address Professor Unger gave to the American Psychiatric Association and can be read as a practical application of his theory.

It is this reviewer's hope to have made manifest Unger's intriguing theory of the personality, and his belief in the potential of progress. However, if this was all that Unger had achieved, then his work would probably be disregarded by lawyers who would be inclined to see it as abstract philosophy with little practical relevance. But Unger cannot be disposed of so easily.

Inextricably linked with his moral vision Unger has a political vision. A theory of the personality is fundamental to a social and political theory. He argues that the virtues are present in every society but that:

... cultures and collectivities differ in their hospitality to these unruly occurrences, in their selection of areas of social life that they recognize as appropriate to the assertion of faith, hope and love, and in their willingness to draw political inferences from these revelatory events.²⁰

He clearly believes that modern liberal democratic society does little to encourage the virtues. Indeed, he portrays the "rich western world" as "an economy of hatred", as an egotistical, prejudicial, possessive, hierarchial and materialist society where distrust, domination and dependence fester. Here the extent of altruism is superficial sentimentality and "the cowardly habit of begrudging tolerance".²¹ More specifically, he demonstrates little regard for contemporary legal institutions. For example, he suggests that our high regard for rights is merely an outgrowth of our lack of mutual trust. He offers a scathing critique of "tit-for-tat contractualism" as the basis of social interaction, advocating against society where continuing collaboration and attitudes are the important factors and not a rigid plan of rights and responsibilities.

18 P. 221.

19 I have spent much less time on this central section because the grandiloquence of Unger's argument speaks for itself. I have therefore only set out his position in skeletal form.

20 P. 247.

21 P. 221.

Unlike some of his Critical Legal Studies colleagues, however, Unger does not confine himself to the purely negative task of "trashing". His avowed aim is not only subversion but also self and societal reconstruction. Consequently, rejecting the presently revered virtues of moderation and prudence, he advocates two practical motivational factors which will enable us to transcend not only our moral selves but also our political situation — "visionary intelligence"²² and "patient and hopeful availability".²³ The task of the former is to identify the anomalies and lacunae in the dominating social system and to realistically exploit them in favour of the virtues so that they may become the distinguishing characteristics of a society. The latter is really an exhortation to be open-minded, enthusiastic and prepared to make the necessary effort. It asks us to take advantage of a contextualist world and to be master of it, not dogmatically, but openly. In essence, it is empowerment itself in the pursuit of freedom.

By going beyond critique and offering these constructive suggestions, Unger avoids the fatalistic conservatism of nihilism and follows Marx in advocating that philosophy should be praxis. He wants to prevent any aspect of the institutional and imaginative order from gaining effective immunity from challenge, conflict and revision. This rejection of "any organizational imperative of society"²⁴ is particularly relevant with regard to law. His is not the liberal idea that laws should be open to challenge, reform or repudiation; rather it is that the very ideal of the Rule of Law itself should be challengeable if that would be to the advantage of humanity. In brief, Unger would reject any fetishized view of law. The suggestions of his Critical Legal Studies article,²⁵ (itself an excellent example of applied visionary intelligence) with regard to the role that law can play in the development of a more communitarian society, must be seen in this light. Unger demonstrates a willingness to utilize legal institutions, if possible, but also to go beyond them, if necessary.²⁶ His advocacy of a calculated, occasional, incremental and tentative emancipatory struggle is intended to be all the more subversive in that such techniques dissolve the line between reform and revolution.

To elaborate, Unger's work can be interpreted as part of a tradition which is not only broader than the Critical Legal Studies

22 P. 255.

23 P. 259.

24 P. 14.

25 *Supra* note 2.

26 My aim is not to portray Unger as some demonic fiery-eyed revolutionary with an anti-legal propensity; rather it is merely to make explicit the seriousness of Unger's challenge to western liberal democratic society.

movement, but also one that has a more distinguished ancestry. Scott Warren has described this tradition as "Dialectical Theory" and has traced its origins to certain works of Kant, Hegel and the early Marx.²⁷ It has been developed by, among others, Gramsci, Lukas, and Merleau-Ponty and is currently espoused to Habermus²⁸ and Dallmayr. Unger should be added to this intellectual lineage because of his emphasis on humanity, his enthusiasm for openness, and his relational style of argumentation.

Most dialectical thought has advocated transcendence, humanity, community, intersubjectivity, species-being etcetera, but without adding much substance to these concepts. Unger, on the other hand, by concentrating on human nature and the passions, has caught something of what it is to be a conscious, self-reflecting and emotional human being. He has therefore gone further than any of his predecessors or contemporaries by providing these ideals with something more than a mere slogan value. This, perhaps, is his greatest contribution. Secondly, Unger unreservedly embraces openness. For him any fixed vision of the good society is anathema since the undynamic is both dominating and dogmatic. His ideal is freedom and empowerment, the capacity to continually remake and improve the world:

The modernist theory of [ceaseless social recombination] represents less a view of the means towards the achievement of individual and collective self-assertion, than a thesis about the very meaning of self-assertion.²⁹

Thirdly, Unger's style of argumentation is almost perfectly dialectical; his emphasis is always upon interaction, inter-relations and dynamics. Thus, we have dialectics of methodological and substantive, fact and value, self-centered and self-objectifying, self and other, self and society, satiation and insatiability, the empathetic response, solidarity and contextualism, vices and virtues, longing and jeopardy, Christian-Romantic and modernist, present and future, legal and moral-political. Unger has escaped the stultifying antino-

27 *The Emergence of Dialectical Theory*. Ch. 2 (Chicago: University of Chicago Press, 1984).

28 Indeed, it may be possible to argue that Unger is consciously working parallel to Jurgen Habermas, see, for example, "the discussion focuses upon the emotional rather than on the practical or the cognitive aspects of (the) problem (or solidarity) ... and not the tradition of shared discourse" (22). This is an explicit reference to three of Habermas' key concepts, so perhaps Unger is hinting at a division of labour. However, on a close reading of both theorists there are intimations of perhaps fundamental disagreement on certain points, most importantly, the nature of truth and justice.

29 P. 246.

mies of Liberalism and discovered the emancipatory capacity of "unifying polarities".³⁰

Ultimately, however, this reviewer is unconvinced by Unger's argument. The dissatisfaction arises from a flaw in his own dialectical mode of thought. Firstly, it is doubtful if Unger has successfully distanced love and faith from their Christian roots as the religious connotations may simply be too strong. This, in turn, raises the question of his unflinching optimism and faith in human nature. One fears that he may be asking too much of humanity by seeking in us the courage to risk vulnerability and to gamble with our deepest secret fears. His "visionary intelligence" (which demands realism) is hardly sufficient to modify his unflinching confidence. In his desire to reverse Gramsci, so that there can be optimism of both the will and the intellect, Unger may be in danger of mistaking the human race for a race of philosopher-kings.

Specifically, in discussing the relationship of exemplary personal love and social love he claims that:

... no sharp break separates total love between man and woman from love among friends and ultimately from love within a broader group.³¹

This thesis is difficult to accept. Intimacy is fundamentally different from friendship or solidarity. Love of another demands a continual battle, a promethean struggle against oneself and one's self-centeredness. To demand the same level of commitment and involvement is to place too great a demand upon the capacities of the person. Normatively, one questions whether it is desirable for these boundaries to be breached and intimacy so expanded.

The problem is further complicated by Unger's embracing of the emancipatory capacity of conflict. Conflict, it seems, often entails violence and violence, in this writer's experience, usually involves hatred, that "event in history that most tenaciously predisposes people to disbelieve in the possibility of changing the conditions of longing and jeopardy towards risk and reconstruction".³² Unger is certainly correct to claim that good can come out of conflict, history demonstrates that, but evil emerges from the same source. Interests are important to people and people will fight to preserve and protect those interests which they perceive to be integral to the preservation of their own existence. Hatred and violence may be endemic in any serious conflict of interests. Unger's problem may be that he has too great a faith in the emancipatory capacity of ideas and the potential of positive purposive human activity. Consequently

30 P. 116.

31 P. 222.

32 P. 195.

his sanguinity leads him to underestimate the (negative) dialectic of interests and ideas.

Yet Unger is no starry-eyed utopian dreamer. He is acutely conscious of the limitations of his own theory:

[I] may have underestimated the virulence and versatility of our malevolence or ... have exaggerated the redemptive power of the transforming virtues.³⁴

Nevertheless, and this is the source of his radically inspirational power, Unger remains steadfast in his refusal to succumb to the Scylla of complacency or the Charybdis of despair.

Though not yet persuaded, I am certainly impressed.