

1976

Knowledge and Politics

David A. J. Richards

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Recommended Citation

David A. J. Richards, *Knowledge and Politics*, 44 Fordham L. Rev. 873 (1976).

Available at: <https://ir.lawnet.fordham.edu/flr/vol44/iss4/6>

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BOOK REVIEW

Knowledge and Politics. By Roberto Mangabiera Unger. New York: The Free Press. 1975. Pp. ix, 336. \$12.95.

Unger's *Knowledge and Politics* begins mysteriously with a solemn enunciation of the need for "total criticism" of the liberal state. Clarification of the aims or purposes of such criticism is not forthcoming, at least not until some 200 pages later. Meanwhile, the reader is led through a confused and confusing critique of "antinomies" in the psychological and moral assumptions allegedly underlying the liberal state. In each case, Unger's identification of an antinomy ultimately seems to rest on remarkably superficial analysis. For example, Unger claims that in the theory and practice of the liberal state there is an unresolvable contradiction between the idea that impersonal rules should be applied impartially to similar cases and the idea that rules should be enforced in order to effectuate underlying policies. But an in-depth reflection on these ideas fails to sustain the claim of any contradiction. On the contrary, the purposive analysis of any rule importantly clarifies the scope of its application. Often one cannot know how a rule should be applied, or what counts as a similar or dissimilar case, until one understands the purposes of the rule. In short, ideas, supposed by Unger to be contradictory, are in fact interdependent; the rational pursuit of one goal requires the reasonable pursuit of the other.

Another example of Unger's unconvincing identification of "antinomies" is his claim that the liberal state is committed to a view of the subjectivity of value, which contradicts the related postulate of liberal thought that rational desires should be pursued. Again, Unger's claim that liberal thought confusedly affirms contradictory values reflects his own analytic confusion rather than a confusion in liberal thought. He fails to give any coherent account of the sense in which liberalism regards values as subjective. Certainly many prominent liberal theorists—for example Locke, Rousseau and Kant—wholly rejected the view that values are subjective; indeed, they would probably not have understood the claim, familiar enough today, that values cannot rationally be discussed. Unger confuses the substantive liberal claim that people should be allowed the broadest possible liberty to define and pursue their rational good as they see fit with the quite different claim that there is no rational way to assess the morality of the values people affirm. Classical liberals believed the former and denied the latter. Unger's entire discussion of the subjectivity of values rests on his failure to make basic distinctions among concepts central to an intelligent discussion of liberal thought.

In general, Unger's discussion of contradictions implicit in liberal thought often fails to see or give weight to analytic distinctions easily perceivable at the level of concrete operations of legal systems. This failure arises, I believe, from the remarkable level of abstraction at which his book is written. Surely abstract theoretical reflection about the law and its purposes is sorely, even

desperately, needed; the lack of such theory impoverishes the life and practice of the law, depriving lawyers, judges, legislators, and other men of affairs of the critical self-consciousness about the proper aims of the law that only good theory can afford. But theory must connect at some significant level with the actual experience of the law—the process of judges deciding cases, of legislators deciding on the form of statutory law, and the like. Unger's book makes no such connection at any point; no case or aspect of cases is discussed, no concrete legal institution critically assessed. Rather, Unger's theorizing occurs at a respectful distance from even the possibility of seriously engaging theory with practice. Such theoretical abstraction has the virtue of allowing Unger to indulge his preference for a style of portentous grandeur and prophetic apostrophe; its vice, however, is the deepest criticism of any theory, emptiness.

Unger's "total criticism" of the liberal state is mysterious. One wonders what is the point of view from which this criticism proceeds. Finally, after some 200 confused and confusing pages, a point of view emerges. It is simply a kind of Platonic analysis of the state in terms of the ideal self (as in *The Republic*), where the content of the ideal self is that defined by Marx in *The Economic and Philosophic Manuscripts of 1844*. Unger's account of the ideal self represents no advance beyond Marx. Ultimate appeal is made to the idea of "species man." Those laws or legal institutions are desirable that conduce to the development and emergence of "species man," which represents, as Unger puts it, "the union of the universal in the concrete, and the transcendent in the immanent." Nowhere are these ideas precisely elucidated, yet they are the fundamental moral conceptions on which Unger's constructive theory rests. One wonders what a judge or legislator would say to a political or legal philosopher who proposed as the standard of decision "whatever conduces to the emergence of species man as the union of the universal in the concrete." Such a standard of moral decision would be greeted justly by incredulity, incomprehension, and perhaps anger at the failure of philosophy to observe the minimal intellectual obligation of affording men of affairs workable moral principles by which to critically assess legal institutions.

Unger's substantive moral conception is, I have suggested, inadequately explained and explicated. Insofar as one can understand the substantive nature of his moral ideal, however, it seems deeply flawed, and indeed itself morally indefensible.

Unger's moral theory is Platonic and Marxist. Following Plato, Unger conceives the moral assessment of the state in terms of the organic analogy of a complete, fully developed, and abundant human self. Plato, of course, ordered polities in terms of the degree to which they preserve a proper order among the parts of the ideal soul. Thus, tyrannical states were criticized on the model of a corrupt human soul dominated solely by immediate appetitive drives; states ruled by philosopher-kings are praised on the model of the human self controlled by philosophical wisdom and balance. Unger adapts this basic model of normative analysis to Marx's concept of the ideal self as "species man." Very roughly, Marx supposed that men have a kind of real self capable of a life of extended sociability and infinitely varied personal

competences; accordingly capitalist society was criticized insofar as it warps this ideal human self into a life of sharply circumscribed sociality (limiting affection to the nuclear family) and narrow competences (in accord with the division of labor). Unger accepts this basic model of the ideal self. Human beings, he claims, have extensive capacities for sympathetic identification and affection that the liberal capitalist state drives into narrow personal relationships. Such capacities for love and affection, now excluded from the public world of work and politics, should be returned to the public world. Similarly, the division of labor, Unger suggests, should be modified (not, as Marx thought, abolished) to allow the fuller expression of human competence.

Organic analogies, whether in Plato, Marx, or Unger, are intrinsically totalitarian. The state, conceived as a kind of organic personality, has a life and health apart from its parts; just as a sick limb may be amputated for the good of the organic whole, individual human interests and rights may be disregarded for the good of the state. Human beings in turn are conceived as having a kind of ideal self, knowable by some process of philosophical reason or intuition, and the role of the state accordingly is to realize that ideal self, despite contrary wishes of citizens who are blind to the mandates of philosophical reason or intuition. Given such ideas, it is no accident that Plato and Marx, and now Unger, respectively criticized Athenian democracy, the liberal state of nineteenth century England, or constitutional liberal democracy as we know and practice it in the United States today. Liberal democracy has persistently rejected organic analogies precisely because they ignore the crucial moral relevance of individual human rights and interests which the state cannot or should not morally ignore. This moral ideal of intrinsic limits on the proper exercise of state power is, of course, quite foreign to organic analogy theories like those of Plato, Marx, or Unger, which acknowledge no precise limits on the power of the state to realize the ideal self, whether the ideal self is the philosophical soul or species man.

At bottom, Unger's theory, like Marx's, fundamentally misconstrues the ideals of political, social, and economic justice on the model of personal love. Intense personal love is marked by the identification of the interests of another with one's own, the desire for physical and psychological closeness, the evident intention of doing good to the other, and the like. Human love, in short, derives its power from its capacity to bridge the gap between or among persons as separate beings. The lover and the beloved are in a real, not a merely metaphorical sense, one. Ideals of justice in our common social institutions do not, however, derive from any such unity of affection. Fairness among people does not require that people like, let alone love, one another. On the contrary, claims to fairness in basic distributive questions are justly made by those neither liked nor having any claim to be liked. Justice rests, in short, not on the unity of love but on the separateness of persons as individuals and their moral rights as persons to fair access to the goods of life. Liberal constitutional democracy rests importantly on such moral ideas requiring that certain rights be afforded notwithstanding majoritarian sentiments to the contrary.

Unger's substantive moral theory thus fails to give expression to fundamen-

tal ideas of human rights. One prominent omission in this connection is any mention of the right of privacy. Unger's ideas of communitarian purposes would have difficulty in accounting for the right of privacy. Unger's concept of political love would require that, as with actual lovers, all privacy rights among the lovers be waived. But, surely, there is no more essential value characteristic of advanced civilization than the right of privacy, the right of people to be left alone in the pursuit of their interests as they define them. Unger's view, in contrast, suggests the primitive morality of the tribe or the clan.

Unger adumbrates certain persuasive moral criticisms of the liberal state as we know it. He argues, for example, that justice required more equality in the distribution of basic political, economic, and social goods, and that principles of meritocratic ascription of status may be as unjust as former principles of ascription by birth or caste. Such criticisms, merely suggested by Unger, can be given more solid theoretical support than Unger's flimsy ideas of "species man." John Rawls' *A Theory of Justice* indicates how such criticisms might persuasively be made. Significantly, Rawls' work is an expression of the liberal tradition that Unger rejects. In short, liberal theory more persuasively criticizes the practice of the liberal state than Unger's "total criticism" theory.

I have suggested that Unger's moral ideal suggests the primitivist morality of the tribe or the clan. Like Marx, Unger ultimately views just social relationships on the model of intense personal relationships, as among lovers or in the nuclear family. Beneath a wealth of sophisticated analysis lies a kind of poetic reverie for a lost love or childhood, which theory now apocalyptically validates. It is no accident, therefore, that Marx's theory ends with the paradise on earth in the indefinite future, or that Unger concludes with an eschatological appeal to God. The hunger for love thus seeks paradise lost.

*David A. J. Richards**

* Associate Professor of Law, Fordham University School of Law. A.B. 1966, J.D. 1971, Harvard; D. Phil. 1970, Oxford.