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## Passion: An Essay on Personality

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

Western philosophical thought has moved from the metaphysical to the nihilistic, and in *Passion* Roberto Unger wants to reconcile the two. Unger notes that "[t]wo great themes" comprise the focus of metaphysical "thought about personality": the central value of interpersonal relationships, especially love, and the continuous assault on particular societies, to express the belief that human beings are inherently unable to find perfect satisfaction on earth (p. 24). The first theme has not disappeared from human experience, claims Unger, for it is only through relationships with other free and "insatiable beings like ourselves" that we are able to find fulfillment (p. 25). But the second theme eliminates the possibility of discovering meaning in the real world, by positing instead an extra-human, ideal realm. Radical modernism, embracing the nihilistic, rescues the metaphysical tradition from viewing human existence as merely an earthly metaphor of an absent ideal, but just as it recognizes that we are what we make ourselves to be, radical modernism concludes wearily that "the individual can expect no real progress" (p. 36) from such a continuous reshaping of the self. The possibility of discovering meaning on earth disappears altogether in this extreme skepticism.

Roberto Unger, who teaches law and social theory at Harvard University, believes that a form of social life can be developed which will better enable us to become fully human, which to him means a society where institutions are structured primarily to promote personal freedom and change, and in *Passion* he points toward this goal in the realm of interpersonal relations. In an earlier article, *The Critical*

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exert power over poorer parties); Frug, *The Ideology of Bureaucracy in American Law*, 97 HARV. L. REV. 1276, 1295-96 (1984) ("Bureaucracy is . . . a primary target for those who seek liberation from modern forms of human domination. . . . Critical theory seeks to undermine" its existing legal basis and foster individual liberty.); Klare, *Contracts Jurisprudence and the First-Year Casebook*, 54 N.Y.U. L. REV. 876, 896-98 (1979) (law cannot succeed unless it takes steps to reduce the influence of advantaged parties in "our highly stratified, class-dominated society"); Mensch, *Freedom of Contract as Ideology*, 33 STAN. L. REV. 753, 771-72 (1981) (contract law cannot accommodate true freedom without rejecting the premises of present law).

*Legal Studies Movement*,<sup>1</sup> Unger described this goal in the field of legal systems; in a reported forthcoming work, he will do so in social theory. Unger recognizes that the “systematic shift in the character of direct personal relations”<sup>2</sup> which he discusses in *Passion* “need[s] to be thought out in legal categories and protected by legal rights,”<sup>3</sup> a task he began undertaking in *The Critical Legal Studies Movement*. “[N]ot to give these reconstructed forms of solidarity and subjectivity institutional support would be . . . merely to abandon them to entrenched forms of human connection at war with our ideals.”<sup>4</sup> Likewise, an “indispensable counterpart to a psychology of empowerment” (p. 75), which Unger describes as enabling people to discover novel ways of relating with others (p. 73), “is a social theory capable of describing the forms of social life that advance the practical, passionate, and cognitive forms of empowerment” (p. 75), which Unger undoubtedly will elaborate in his forthcoming social theory. But the discussions of legal systems and social theory are in a sense secondary, for they depend upon a notion of what it means to be a human being, a notion which is expounded in *Passion*.

Although he accepts the modernist conception that people are defined by their social and historical contexts, Unger’s view of what it means to be a human being cuts across specific social and historical barriers and consists of a universal claim: *all* human beings — no matter when or where they live — must cope with the tension between our need for and our fear of one another, which Unger calls “the problem of solidarity” (p. 4). “*Passion*” is “the living out” of this tension (p. 115), which, though unresolvable, is eased to varying degrees by the many different passions (p. 125). Much of the book involves descriptions of these passions, detailing their relative successes and failures in alleviating the conflict between our need for and fear of each other.

In Unger’s hierarchy of passions, it is love which best allows us to embrace others without apprehension:

Love is an impulse toward acceptance of the other person, less in his distinctive physical and moral traits (which the lover may criticize and devalue) than in his whole individuality. The specific features of the person are never irrelevant — how else could you know him? — but they are taken as incarnations of a self that both speaks through them and transcends them. This acceptance, made in the face of the inexorably hidden and threatening being of another person, always has something of the miraculous. It is an act of grace devoid of condescension or resentment. [P. 221.]<sup>5</sup>

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1. Unger, *The Critical Legal Studies Movement*, 96 HARV. L. REV. 561 (1983).

2. *Id.* at 598.

3. *Id.*

4. *Id.*

5. Both Freud and Hegel appear to have influenced Unger’s discussion of love:

For Unger, when we love, we break down defenses, vulnerabilities, socially circumscribed barriers to appreciating other people. As we ourselves learn to play with the possibilities of being human, as we discover a multiplicity of ways of reinventing and recombining the elements that make up our otherwise unchanging character, we begin to see that other people are like us because they can do the same. Although we cannot reach an extra-human Utopia, we can find images of that ideal realm in our own lives by recognizing and uncovering the infinite possibilities that human freedom can provide. Thus, in Unger's view, the form of social life which would best enable us to become fully human is that form which is most malleable, which we see as itself contingent. This form leaves us the greatest room for play:

An order must be invented that, considered from one standpoint, minimizes the obstacles to our experiments in problem-solving and in accepted vulnerability and, viewed from another perspective, multiplies the instruments and opportunities for its own revision. Such an order represents the next best thing to the unconditional context whose unavailability helps make us what we are. Its characterological form is a central concern of this inquiry . . . . [P. 193.]<sup>6</sup>

A crude but helpful description of Unger's best society would understand it as procedural rather than substantive. That is, the best society is one in which we can most easily open ourselves to others with the least amount of fear — this society is best because of *how* it enables us to act, not *what* it enables us to be.<sup>7</sup> Unger is careful, though, in both *Passion* and *The Critical Legal Studies Movement*, to disassociate his theory from theories of abrupt and violent revolution, which are only necessary to shatter the harsh intransigence of a society which fails to allow for change. Unger's best society would contain

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Normally, there is nothing of which we are more certain than the feeling of our self, of our own ego. This ego appears to us as something autonomous and unitary, marked off distinctly from everything else. . . . [T]owards the outside . . . the ego seems to maintain clear and sharp lines of demarcation. There is only one state . . . in which it does not do this. At the height of being in love the boundary between ego and object threatens to melt away. Against all the evidence of his senses, a man who is in love declares that 'I' and 'you' are one, and is prepared to behave as if it were a fact.

S. FREUD, CIVILIZATION AND ITS DISCONTENTS 12-13 (J. Strachey ed. 1961) (footnotes omitted). See also G. HEGEL, PHENOMENOLOGY OF SPIRIT ¶ 184, at 112 (A. Miller trans. 1977) (emphasis in original):

[Self-consciousness] is aware that it at once is, and is not, another consciousness, and equally that this other is *for itself* only when it supersedes itself as being for itself, and is for itself only in the being-for-self of the other. . . . They recognize themselves as *mutually recognizing* one another.

6. The legal aspect of this possible order is described in *The Critical Legal Studies Movement* as "deviationist doctrine." Unger, *supra* note 2, at 576-83. This "enlarged doctrine"

is the legal-theoretical concomitant to a social theory [and a theory of interpersonal relations] that sees transformative possibilities built into the very mechanisms of social stabilization and that refuses to explain the established forms of society, or the sequence of these forms in history, as primarily reflecting practical or psychological imperatives.

*Id.* at 583.

7. Cf. J. CONRAD, LORD JIM 212-15 (Stein discussing "how to be").

self-corrective mechanisms because its inhabitants would see it as a laboratory for possibilities of human interaction, and be ready to laugh at rather than defend a failed program.

That Unger's best society would be a place of playfulness and laughter is, however, only implicit in *Passion*, and Unger's failure to describe the mirthfulness of the world of love exemplifies the speculative tone that marks the central failure of the work as a whole. For although Unger claims that his mode of discourse will be that of the storyteller (p. 84), his stories are more generic than specific. He discusses, abstractly, lust, despair, hatred, vanity, jealousy, envy, faith, hope, and love, without once posing a hypothetical tale to situate the discussion in the lives of real or imagined people.<sup>8</sup> Only once, when he embarks upon a "biographical genealogy of the passions" (p. 147), does Unger move toward a specific example. His lovely discussion of the development of the passionate self<sup>9</sup> reminds one substantively of Piaget's description of the development of the child,<sup>10</sup> but even here Unger is rarely able to tell real tales.<sup>11</sup>

Unger also tends to think dualistically; the cornerstone of *Passion* is itself a dichotomy, that of our mutual longing for and fear of each other. But Unger would probably acknowledge that his method of thought is not meant to imply an ontological assertion. Unger recognizes that although we often discuss our relations by reducing them to easily graspable conceptual categories, our relations themselves are complex and not dualistic.

The publication of *Passion* seems to mark an important moment in post-modernist thought. Although human is all we can be, we nonetheless yearn for more, and the post-modernist task is to find representations of the infinite in the real. The most fertile ground for such representations is humanity itself. We cannot reach godliness, but as Roberto Unger's *Passion* so trenchantly demonstrates, we can reach each other, if only we can learn to overcome who we are and envision the possibilities of who we might become.

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8. For examples of helpful story-telling in philosophical discourse, see J. SARTRE, *BEING AND NOTHINGNESS* 40-42, 96-98, 101-03 (H. Barnes trans. 1956). For further elaboration of this feature of Unger's work, see Teachout, Book Review, 83 *MICH. L. REV.* 849, 883-90 (1985) (in this issue).

9. For example, when Unger describes a child's "beginning of reflection upon contingency — the discovery that things might be otherwise," p. 154, he first writes of a child's crying for his parents. Then Unger widens his interpretive focus to incorporate in the crying the child's developing though still unconscious sense of his mortality: "If only he could think more clearly, he would not stop crying when father comes home." P. 154.

10. See generally *THE ESSENTIAL PIAGET* (H. Gruber & J. Vonèche eds. 1977).

11. Unger's description of the turning points in the development of the passionate self is general rather than specific. That is, Unger rarely sets forth a hypothetical situation to represent a larger idea.