The Limits of *Politics*: A Deep Ecological Critiqne of Roberto Unger

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The author undertakes a critique of the theses of Roberto Unger, which have as their primary purpose a critique of positivism in the social sciences and the development of a sociological anti-necessitarian theory. Although Unger's approach may be useful for purposes of an institutional critique, it is less helpful in an analysis of societal ethics, where his theses inevitably lead to skepticism and anxiety. The philosophy of the "Deep Ecology" movement responds to such deficiencies by proposing a theory for action based on naturalism, which permits a reconciliation between a critique of social institutions and a viable ethics, while maintaining a continuity with profound human values.

L'auteur amorçe une critique des thèses de Roberto Unger, articulées notamment autour de la critique du positivisme dans les sciences sociales et du développement d'une théorie sociologique anti-déterministe. Si cette approche permet d'approfondir la critique des institutions, il n'en va pas de même au niveau de l'éthique d'une société, où les thèses de Unger ne peuvent que conduire au scepticisme et à l'anxiété. Les points de vue apportés par le mouvement du « Deep Ecology » viennent répondre à ces lacunes en proposant une théorie pour l'action basée sur un naturalisme, qui permet de réconcilier la critique des institutions sociales et une éthique viable, axée sur la continuité avec des valeurs humaines profondes.

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I. Introduction

Since its publication last year, Roberto Mangabeira Unger's three volume set *Politics: A Work in Constructive Social Theory*[1] has been the subject of a great deal of academic debate. While scholars have been unanimously impressed by the ambitious nature of Unger's undertaking, not all their appraisals have been without reservation. Some critics have characterised Unger's theory as elitist,[2] while others have charged that it betrays a masculine bias.[3] Given the breadth of *Politics*' theoretical vision — the work deals with a very broad range of issues in social and political theory, political economy, history and philosophy — it comes as no surprise that so many have had so much to say about it.

Politics is a work that is difficult to characterise simply. The three books lack a comprehensive preface which would enable the reader to see exactly how Unger intended them to fit together. The first volume, *Social Theory*, essentially consists of Unger's critique of positivist social science and deep-structure social theory. His criticism is that these modes of investigation have a "built in propensity to take the existing framework of social life for granted and thereby to lend it a semblance of necessity and authority."[4] Unger rejects the determinism inherent in such social theories and goes on to develop a social theory which he feels "enables us to broaden and refine our sense of the possible."[5]

In *False Necessity* Unger develops the concept of anti-necessitarian social theory, which he introduces at the end of *Social Theory*. Unger offers us his anti-necessitarian theory in order to equip our imagination for his "program for social reconstruction."[6] After analysing reform cycles in both democratic and communist settings, and showing the link between "institutional recombination" and increased "practical capability", Unger proceeds to offer his own institutional program for empowered democracy (a

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[1]The three volumes that make up *Politics, a Work in Constructive Social Theory* [hereinafter *Politics*] are: R.M. Unger, *Social Theory: Its Situation and Its Task* (Cambridge: Cambridge University Press, 1987) [hereinafter *Social Theory*]; *False Necessity: Anti-Necessitarian Social Theory in the Service of Radical Democracy* (Cambridge: Cambridge University Press, 1987) [hereinafter *False Necessity*]; *Plasticity into Power: Comparative Historical Studies on the Institutional Conditions of Economic and Military Success* (Cambridge: Cambridge University Press, 1987) [hereinafter *Plasticity*].

[2]*E.g.* M.S. Ball, "The City of Unger" (1987) 81 Nw. U. L.R. 625 at 641.

[3]Two articles which argue that Unger displays an overly masculine focus are: D. Cornell, "Beyond Tragedy and Complacency" (1987) 81 Nw. U. L.R. 693 at 714 and C. West, "Between Dewey and Gramsci: Unger's Emancipatory Experimentalism" (1987) 81 Nw. U. L.R. 941 at 950.

[4]*Social Theory, supra*, note 1 at 2.

[5]*Ibid.* at 3.

[6]*False Necessity, supra*, note 1 at 1.

program which amounts to a more detailed and refined version of the institutional sketch offered in his often cited "Critical Legal Studies Movement").[7] Thus, *False Necessity* attempts to relate the explanatory or theoretical points made in *Social Theory* to the very concrete task of institutional restructuring.

The final work in the set, *Plasticity into Power*, continues the investigation of the relation between institutional flexibility and prosperity. Unger romps through history (both Eastern and Western) in an attempt to show that there can be no "tightly drawn correspondences between levels of development of practical capability and particular institutional arrangements."[8]

For the purposes of this comment I would like to focus on the key methodological/epistemological point which Unger tries to make throughout the three volumes — that naturalism is a lie whose time to be exposed has come, and that only an anti-necessitarian social theory can lead us toward what he calls "empowered democracy."

After briefly describing the concept of anti-necessitarianism (and the related notion that Unger refers to as "false necessity"), I would like to show how this approach is a constructive contribution to the ongoing theoretical debate about institutional structuring. Following this, I wish to show that the same constructive effect is not obtained when one applies an anti-necessitarian approach to ethics and normative knowledge. My goal is to show that the radical methodology of Unger's social theory has value, but it is a value limited to his theory of the flexible nature of institutions like law and the market(s), and is not therefore as appropriately applicable to fundamental normativity. Finally by way of a Deep Ecological critique, I hope to show that Unger's tacit ethical relativism is an extreme position which hampers more than it enables.

II. Anti-Necessitarian and False Necessity

In *The Use and Abuse of History*,[9] Friedrich Nietzsche wrote that "[p]eople think nothing but this troublesome reality of ours is possible."[10] In many ways Nietzsche's aversion to historical determinism captures much of the anti-historical spirit of *Politics*. Nietzsche, it should be remembered, did not think that historical inquiry was worthless, but he did feel that to the extent to which history made persons "passive and retrospective"[11]

[7]R.M. Unger, "The Critical Legal Studies Movement" (1983) 96 Harv. L.R. 561.
[8]*Plasticity*, *supra*, note 1 at 1.
[9]F. Nietzsche, *The Use and Abuse of History* (Indianapolis: Bobbs-Merrill, 1957).
[10]*Ibid.* at 67.
[11]*Ibid.* at 49.

(read: fatalistic), it hampered human possibility. This is very much Unger's position as well.

By looking back at the historic failures of diverse cultures — from the Mamluks to the Dutch[12] — to mobilize and innovate in crucial situations, Unger seeks to persuade us of the value of institutional openness to change (what he refers to as "plasticity"). This is the sense in which history is constructive: it allows us to see why past losers lost. Where Unger views history as an impediment though is with respect to what he calls "mythical history".[13] It is mythical history, for instance, that informs us that "[d]emocracies have never survived and cannot persist without [free] markets."[14] Unger is not pleased by this kind of description. He feels that it unnecessarily restricts possibility by the inappropriately authoritative tone of its narrative. This, then, is the negative sense of history: when a sound or unsound account of what was attempts to circumscribe what can be.

The history that Unger advocates is a fluid non-deterministic one. He denounces formative contexts "that delude us into thinking that society and history have a script."[15] The history that Unger defends is a history without a script; a history that is perpetually "up for grabs".[16] "History really is surprising"[17] he writes, attempting to counter the conservative, deterministic approach to historiography which dominates our culture.

On the basis of this fluid, possibility-filled notion of history, Unger arrives at his anti-necessitarian social theory. Such a theory holds that though particular frameworks and institutional schemes often seduce us into taking them as *necessary*, such is not the case. Anti-necessitarian theory reminds us that there are innumerable combinations and hybrids of frameworks and institutions which could, at any moment, serve as viable alternatives to existing structures.

Anti-necessitarian social theory, like many modern and so-called post-modern theories, asserts that society is an artifact rather than the expression of an underlying natural order. As Unger puts it, "[n]o one has ever taken the idea of society as artifact to the hilt."[18] This is his project or, as he

[12] *Plasticity, supra,* note 1, is filled with numerous examinations of cultural successes and failures. The examination of the Dutch is at 132ff and that of the Mamluks is at 162ff.

[13] The two predominant passages which deal with Unger's notion of "mythical history" are both in *False Necessity, supra,* note 1, at 174ff and 211ff.

[14] *False Necessity, supra,* note 1 at 212.

[15] *Social Theory, supra,* note 1 at 207.

[16] *False Necessity, supra,* note 1 at 1.

[17] *Social Theory, supra,* note 1 at 5.

[18] *Ibid.* at 1.

frames it negatively, "the point of this book is to ... take the antinaturalistic idea of society to the extreme."[19]

Unger postulates a world of only minimal constraints; a world in which we are bound, for the most part, only by our imaginations. So long as we do not dupe ourselves into the superstition of false necessity — the mistaking of "a particular formative context of social life for the inherent psychological, organizational and economic imperatives of society"[20] — history, and all the prosperity that accompanies it, can be ours.

III. False Necessity and Institutional Structure

In 1982 the government of Canada, purportedly acting in the best interests of all Canadians, entrenched the *Canadian Charter of Rights and Freedoms*.[21] Just why a group of modern social planners, faced with the task of taking a "post-industrial" society into the twenty-first century, would resort to a late 18th century prototype bill of rights (albeit an entrenched one) is hard to fathom. R.A. Macdonald explains that the reason the *Charter* was accepted with so few reservations was that it was seen as the "natural" conclusion to the evolution of protected rights. As he put it at the time:

> [I]t is as if the Charter represents the final synthesis in the inevitable progression (in respect of the protection of human rights) from customary origin, to contractual formulation, to judicial recognition, to legislative enunciation to constitutional entrenchment.[22]

The phrase "inevitable progression" is the key to understanding why such an arguably historically outdated approach to social ordering enjoyed such enormous appeal. Committed as we are to a world-view of incremental change, directed towards the ultimate control of institutional excesses, through, ironically enough, institutional devices, it is not surprising that we greeted the *Charter's* arrival with open arms. The *Charter* had an air of naturalness about it; it seemed like the next logical step in our necessity - laden march towards institutional perfection.

But why in 1982 was the quality of the debate about possible forms of institutional structure (particularly legal structure) so narrow and musty? It is here that Unger's social theory is most helpful. Unger wishes to alert us to the fact that some social contexts are more imaginatively constraining

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[19]*Ibid.* at 86.

[20]R. Unger, *Passion: An Essay on Human Personality* (New York: Free Press, 1984) at 14.

[21]*Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B of the *Canada Act 1982* (U.K.), 1982, c. 11 [hereinafter *Charter*].

[22]R.A. MacDonald, "Postscript and Prelude–The Jurisprudence of the Charter: Eight Theses" (1982) 4 *Sup. Ct L. Rev.* 321 at 322.

than others. Clearly Canada, of the late 20th century, is such a politically undynamic context.

Unger refers to relatively stable social orders as "frozen politics".[23] He defines politics as being more than just a battle over the allocation of goods. As he describes it:

> Politics means conflict over the mastery and uses of governmental power. But it also means struggle over the resources and arrangements that set the basic terms of our practical and passionate relations. Preeminent among these arrangements is the formative institutional and imaginative context of social life.[24]

Politics, for Unger then, is about struggles for practical power, but it is also about struggles over our most personal aspirations and senses of possibility.

This is *Politics*' strongest insight, that the more entrenched a context becomes, the less contingent it appears, and thus the more natural it seems. Unger's radical project involves a disentrenching of our formative context or framework. It involves the exposing of all matters communal to political conflict. Its goal is to increase both the quantity and quality of public debate over every aspect of our communal relations. As our government prepares to make decisions that will have a tremendous impact on Canada for years to come (a free trade agreement with the U.S. and a billion dollar submarine project being two noteworthy examples), one has to wonder where the significant discussion is. Where are the competing alternative pictures of the world?

For Unger there is no necessary institutional scheme — no arrangement of economic and political institutions is necessarily superior to all others. Unger finds both Liberals and Marxists oblivious to this message. In his view, Marxists are no less guilty of succumbing to false necessity with respect to the organization of economic and political institutions than Liberals. As he describes it:

> Liberals and Marxists differ only in how they propose to correct the defects of the market system: by combining it with alternative forms of allocation (planned social democracy) or by reducing it to a peripheral role.[25]

Unger finds the old ideological frameworks lacking, primarily because of the relatively constricting nature of those contexts. It is the closed nature of existing contexts that needs to be attacked and opened up to political conflict, as Unger feels that personal empowerment increases directly in relation to the openness of a cultural context. By urging us to confront the

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[23]*False Necessity, supra,* note 1 at 42.
[24]*Social Theory, supra,* note 1 at 145.
[25]*False Necessity, supra,* note 1 at 197.

limitations of our cultural assumptions, Unger hopes we will enrich our collective sense of possibility and ultimately become "architects ... rather than ... puppets, of the social worlds in which we live."[26]

Unger's application of anti-necessitarian theory to institutional organization is an important contribution to social theory. By means of Unger's theory we come to see that no particular institutional scheme need be religiously adhered to. Thoroughgoing debunkings of historical determinism are very rarely taken seriously when considering institutional restructuring. Unger's call for an imaginative, genuinely democratic politics is a good one, and we as Canadians would do well to heed it.

IV. False Necessity and Values

Whereas an anti-necessitarian approach to institutional arrangement can be shown to be of great benefit, the benefits of such a theory are much less clear for normative insight. Unger begins his look at normative commitment by asserting that the traditional separation in ethics, of the descriptive and the prescriptive, is a poor account of moral reasoning. In Unger's opinion:

> [T]he relation between factual and normative issues is far more intimate than any relation the mainstream of modern philosophy... has been inclined to allow.[27]

Unger's observation that there is no unique, distinctive form of thought or experience to which we can confidently append the label "normative argument",[28] suggests that normativity does not exist in some distinct domain. Culture generates values; therefore it is imperative that we construct our imaginative frameworks well. We must then come to see that our beliefs about ourselves and the world play a substantial role in determining the values that we advocate. This too is a good point. But after contributing this insight, the constructive nature of Unger's project begins to wane.

Sprinkled sparingly throughout *Politics* are admissions that such a program of perpetual conflict might lead to a situation that is worse than our current context. Towards the end of *False Necessity* he points out that "[t]here is no assurance that empowered democracy will provide adequate safeguards".[29] Still, at another juncture, this time at the conclusion of *Social Theory,* he says that "[t]he radical project is morally perilous."[30] It is com-

[26]*Social Theory, supra,* note 1 at 156.
[27]*False Necessity, supra,* note 1 at 13.
[28]*Ibid.* at 350.
[29]*Ibid.* at 591-92.
[30]*Social Theory, supra,* note 1 at 214.

ments like these which are indicative of the destructive potential inherent in anti-necessitarian thought when it is taken to extremes.

In many ways the ethical position that *Politics* implies is a relativistic one. Unger claims that there is no permanent form to normative argument; our ethical views are as contextual and historically specific as our views about optimal institutional structure. When one couples this observation with Unger's assertion "that one context is ultimately as groundless as another",[31] the result is moral despair. We are left asking ourselves if morality can ever be given a trans-contextual grounding, or whether it is instead just the product of our particular feelings or cultures. We have to wonder how we can ever overcome the anxiety which accompanies such moral uncertainty.

Unger, surprising though it may seem, does propose a way out of this predicament. First, he acknowledges the integral role which commitment plays in one's acceptance of his program. Then he goes on to suggest, quite cryptically, that through our practical activity our skepticism is dispelled. In his words, we overcome the paralysis that accompanies groundlessness by:

> [Performing] the Humean operation of using an irresistible social engagement to crowd out an irrefutable mental anxiety. (When I go out into the street, my skepticism vanishes, driven out by involvements rather than by arguments.)[32]

It is here that a Deep Ecological critique can help Unger, by asking just how anti-necessitarian can we honestly be? (Particularly in respect to the formulation of our values.)

Deep Ecology is a philosophical movement whose immediate origins can be traced to the early 1970s.[33] As its adherents have multiplied it has unfortunately become increasingly misunderstood. Essentially, Deep Ecology is a response to the instrumental approach that we have to our world. As environmental concern increases with each human-caused natural disaster, a distinction is needed which will enable us to distinguish between those who have a self-centered concern for the environment and those who

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[31] *Ibid.* at 212.

[32] *False Necessity, supra,* note 1 at 578.

[33] Since its birth in the early 1970s Deep Ecology has developed many different substreams, each with its own particularized agenda. An introductory bibliography which would present a nice cross section of these variations would include (in alphabetical order): M. Bookchin, *The Ecology of Freedom: The Emergence and Dissolution of Hierarchy* (Palo Alto, California: Cheshire Books, 1982), W. Devall & G. Sessions, *Deep Ecology: Living as if Nature Mattered* (Salt Lake City: Gibb-Smith, 1985), N. Evernden, *The Natural Alien: Humankind and Environment* (Toronto: U. of T. Press, 1985), and A. Naess, "The Shallow and the Deep, Long-Range Ecological Movement. A Summary" (1973) 16 Inquiry 95.

care about nature. It is here that a deep/shallow ecological dichotomy is useful. Whereas shallow ecology involves "treating merely the symptoms themselves not the causes (of our deteriorated environment), through technological fixes such as pollution-control devices",[34] Deep Ecology, in contrast, involves "a process of ever-deeper questioning of ourselves, the assumptions of the dominant world-view in our culture, and the meaning and truth of our reality."[35]

Deep Ecology goes beyond a shallow, anthropocentric approach to our environmental problems. In doing so it concludes that our dying world is as much a result of a deficient account of ontology as inappropriate technology. Shallow ecologists, on the other hand, do not want to question our current understandings of being (or Being); they only wish to make our water more drinkable. As Arne Naess, one of the Deep Ecology movement's leading figures has noted, highlighting the real agenda of shallow ecology, the "[f]ight against pollution and resource depletion['s] [c]entral objective [is] the health and affluence of people in the developed countries."[36]

According to Naess, the Kantian principle of individual integrity — never to use a person solely as a means — must be extended to all living things. What results is "the attribution of intrinsic value to all living beings".[37] This normative commitment to the value of *all* life — not just human life — is a cornerstone of the Deep Ecological world view.

By virtue of their appreciation of the mutual interdependence of all life, Deep Ecologists have discovered a solid base from which they can derive sound social policy with a minimum of obligatory Liberal skepticism. For Deep Ecologists, the possibility of a radical project being "morally perilous" is non-existent, for that would involve a fundamental eontradiction. For these planetary-minded persons the only project that can be truly radical (that is, a project that goes to the root) is one that recognizes and afflrms the values of life and diversity.

Roberto Unger would have us believe that our moral world views are all equally groundless. But, oddly enough, he does favour some of those views over others. How then does he come to distinguish amongst different normative approaches? Apparently "engagement" and "involvement" help us to find our way. But what are "engagement" and "involvement", if not activities designed to help us fulfill our mutual needs? Surely Unger cannot

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[34]D. Rothenberg, "A Platform of Deep Ecology" (1987) 7:3 *The Environmentalist* at 185.

[35]B. Devall & G. Sessions, *supra*, note 33 at 8.

[36]A. Naess, *supra*, note 33 at 95.

[37]A. Naess, "Identification as a Source of Deep Ecological Attitudes" in M. Tobias, cd., *Deep Ecology* (San Diego: Avant Books, 1985) at 266.

believe that all our needs are mere social constructions; surely at least some of them express something more fundamental about us?

Perhaps Unger's greatest deficiency is that for the sake of maintaining theoretical consistency, he has overlooked our embodiment: the sense in which we are rooted in this world. An anti-necessitarian or anti-naturalistic approach to social theory has a great deal of positive attributes. Certainly we have to free ourselves from being trapped into accepting a particularly narrow institutional scheme as the only possible one that would work. Deep Ecologists would have no difficulty with such an institutional debunking project. But when Unger's anti-naturalism is counter-intuitively applied to value, he parts company with eco-philosophy.

For Deep Ecology, the name anti-naturalism, in itself, suggests a theory on a strange mission. What, one wonders, is the point of such an endeavour — to deny our embodiment and worldly location, and all the needs and values which accompany it? Roberto Unger has gone to great lengths to make *basic* ethical knowledge more difficult than it need be. It is almost as though he was trying to be a sort of ethical Dadaist, trying to shock us in order to achieve a pedagogical effect.[38]

Throughout *Politics* Unger persistently reminds us of his thesis that all knowledge is conditional (and the product of a specific time and place). Initially, Deep Ecology would not disagree. Advocates of this nature-based philosophy also believe that it is our condition that gives rise to our knowledge. But they would not agree that this condition, at its deeper levels, is as culturally varied as Unger claims it is. Unger points to modern anthropological research to support his claim that "[t]here [are] just too many ways to be human".[39]

There can be no denying that a multinational corporation's board of directors meeting differs in many respects from a religious festival in a small African village. But at some deeper level, are the participants of both of these cultures really that ontologically different? Do they not both need bread, sun, water and love? Or put another way, will the coming "greenhouse effect", and its consequent disruption of world agriculture, be less significant to one culture than the other? That Unger, who in his previous book *Passion*[40] sketched as naturalistic a picture of human personality as one

[38]The reference here, of course, is to that group of early twentieth century artists (the most noteworthy being Marcel Duchamp and Tristan Tzara), who shocked the art world with their claims that anything (even a urinal) could be art. A good introductory overview of the movement and its place in art history can be found in R. Hughes, *The Shock of the New* (London: B.B.C. Books, 1980).

[39]*Social Theory, supra*, note 1 at 85.

[40]*Supra*, note 20.

could imagine, could deny the above ontological insights, is difficult to imagine.

A fundamental recognition that our needs as persons are umbilically tied up with the needs of other persons, animals, and the planet itself, will, it is true, only take us so far. Even after we agree on a more environmentally concerned world view, debate will undoubtedly continue to rage over what the practical implications of such a view should be; but at least we would have a base of normative understanding from which to work, and a language to do it in. Deep Ecology does not claim to be a panacea for world unrest, only a more honest and sensitive approach to our "home".

At various points in *Politics* Unger shows us how unimaginative he is in respect to practical matters. He defers to economies of scale,[41] implicitly advocates modified free markets,[42] and defines prosperity (apparently material prosperity at that) as "an aim in itself ... ."[43] He baldly exposes his commitment to materialism when he writes that "social plasticity brings wealth and power to the societies and the groups that achieve it",[44] implying that material wealth and power are desirable ends. Here too, a Deep Ecological approach has an insight to offer Unger.

As E.F. Schumacher wrote "no degree of prosperity could justify the accumulation of large amounts of highly toxic substances."[45] If only for self-interested reasons, Unger should consider this observation. After all, an increase in the quantity of goods produced and distributed in a culture by no means necessarily guarantees an increase in the quality of life. That Unger neglects, in spelling out his own favoured institutional scheme, to show any sensitivity to environmental quality, is a major omission.

Politics has little to say about our relation to the natural world and when it does finally concern itself with nature, it speaks of our separation from it. In *Social Theory* he writes that "[n]on-human nature remains imperfectly knowable and manageable because of its vast disproportion to our selves."[46] Just what does Unger mean by "disproportion"? Does he mean that we are somehow creatures of a different kind than non-human creatures? I am inclined to think so, and this assumption is a sharp departure from the biocentric ontological intuitions of Deep Ecologists who do not want to draw *ontological* distinctions between forms of life on the planet.

[41]*Social Theory, supra,* note 1 at 120.
[42]*Ibid.* at 160.
[43]*False Necessity, supra,* note 1 at 369.
[44]*Plasticity, supra,* note 1 at 1-2.
[45]E.F. Schumacher, *Small is Beautiful; A Study of Economics as if People Mattered* (London: Abacus, 1974) at 120.
[46]*Supra,* note 1 at 34.

Later in *Social Theory* Unger describes the non-human natural world as a "dark world". He then goes on to say that we have a "conflict between the longings for kinship with nature and for transcendence over nature ... ."[47] Once again, Unger's view of the natural world is one of a realm apart from us which we seek to either be united with or conquer. Why Unger insists on making his description of human/nature relations one of separation is baffling, and oddly enough makes Unger guilty of the kind of naturalism he so detests.

Anti-naturalism (or anti-necessitarianism) is a valuable critical tool for inspiring us to re-imagine the institutional world, but in so far as anti-naturalism alienates us from our grounding as embodied creatures, and throws us into a needless exercise in ethical uncertainty, it does us all a disservice.

That value might be groundable in a new deeper explication of being, such as that offered by the Deep Ecologists, is not to be underestimated. Roberto Unger offers us a refreshingly irreverent approach to institutional organization, but his unrelenting application of this approach to values, to the point of being blatantly counter-experiential, makes his project much less radical than he might think.

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[47] *Supra*, note 1 at 214.