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PARADIGMS, ASSUMPTIONS, AND STRATEGIES: ROYCE AND METHOD

Thomas Morawetz*

Introduction

In the 2002 movie, "Adaptation,"¹ the screenwriter, Charlie Kaufman, made his own efforts to write the screenplay the subject of the screenplay itself and made himself a major character in the movie. An analogous postmodern move would be for me to write about my own efforts to find a thread through Josiah Royce's address, "War and Insurance,"² rather than simply to present the fruits of those efforts. In doing so, I risk the plausible charge of being far less entertaining or imaginative and much more tedious than Kaufman or Spike Jonze, the movie's director.

Royce's address is singularly problematic. Readers are likely to see its ideas as both clairvoyant and obsolete, both subtle and naive. It might be said that most significant philosophical works, when they are reappropriated after a few generations or more, can easily give rise to such paradoxes.³ Their style and many of their methodological assumptions are often superseded. Their ideas, however, clothed in different terms, can be made viable and provocative.

But Royce's philosophical corpus has long been in limbo. He is rarely read or taught. He is often seen as having written the final chapter of a closed book insofar as he is the final legatee of the American version of Hegelian idealism.⁴ If we are tempted to see him as relevant and even clairvoyant, we may need to justify that response. Does his way of thinking have valuable insights that were overlooked in much of the twentieth century? Is it an approach that is newly relevant in the

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1. ADAPTATION (Sony Pictures 2002).
2. JOSIAH ROYCE, WAR AND INSURANCE (1914).
3. Over the last fifty years there have been discernible periods in which historical works of philosophy have generally been disdained and regarded as obsolete and other periods in which their investigation has been the major philosophical activity. The era of so-called Oxford linguistic analysis (roughly 1950 to 1970) was a fairly clear example of the former.
4. See JOHN E. SMITH, THE SPIRIT OF AMERICAN PHILOSOPHY 82-85 (1963).

circumstances of this fledgling century? Or are we simply drawn to accidental and coincidental similarities between his concerns and ours? In the latter case, we may nod in recognition of these adventitious parallels and find his lessons momentarily intriguing but stillborn.

If much of Royce's philosophy seems alien and obsolete, there are at least two ways of explaining why, two ways of trying to find a thread. One way is to adopt the fashionable notion of paradigms.⁵ Accordingly, it is tempting to use the rhetoric of the last forty years of philosophy and ask whether Royce's ideas seem obsolete because he uses an intellectual paradigm that we no longer share, one that we have abandoned. In part II of this paper I shall explore the utility and limitations of trying to account for our relation to Royce in the language of paradigms—and I shall show how and why this is a problematic approach.

In part III, I employ a different device to investigate our responses to Royce, the notion of an intellectual strategy. Royce uses a strategy of extrapolation from individual human nature to the nature of social and political institutions. Strategies of this kind are durable, and there are many examples in the history of social theory. I shall explore briefly the ways in which a critique of this kind of strategy throws Royce into perspective. It does so at a high cost because it makes clear that Royce presupposes theories of human nature and of politics and assumptions about personal and national self-transcendence that seem out of touch with contemporary ways of thinking. In this way, we can come to terms with some of the paradoxes in our response to Royce's address.

Kuhn's Paradigm for Paradigms

Is it helpful to ask whether Royce shares our paradigm of politics, of nationhood, or economics, or of motivation? Concluding that he does indeed share our paradigm is a way of making him relevant to *our* conversation. But, as I shall argue, the question is fatally vague because paradigm-talk in the realm of human nature and politics is fatally confused. To see this, we must digress from Royce at fearsome length—perhaps as distractingly as Charlie Kaufman digresses in "Adaptation"—to consider the origins (and limits) of paradigm-talk among contemporary scholars.

The fashion for talking about paradigms began with Thomas Kuhn's

5. Among the countless academic books that have exploited the language of paradigms shamelessly are TOM BOTTOMORE, *SOCIOLOGY AND SOCIALISM* (1984); IRENE E. HARVEY, *LABYRINTHS OF EXEMPLARITY* (2002); and ORGANIZATIONAL OF THEORY AND INQUIRY: THE PARADIGM REVOLUTION (Yvonna S. Lincoln, ed., 1985).

The Structure of Scientific Revolutions,⁶ probably the most influential book in philosophy of science in the last half of the twentieth century. Kuhn challenged the prevailing notion that scientific progress consists in ever-closer approximations of the truth about reality.⁷ He argued that this assumption was neither provable nor necessary to account for scientific activity, for discovery and the acquisition of knowledge. He proposed instead a theoretical account whereby scientific study at any given time is governed by shared assumptions about certain matters that are taken as fundamental truths and thus held constant while other matters are subject to examination. These assumptions extend to questions about what methods of study are appropriate for carrying out research and about how to frame and use the results of the investigation.⁸ Within such research programs, there is progress toward satisfying the original goals, toward refining both the accepted methods and conclusions.⁹

Over time, however, these fundamental assumptions will be placed under greater and greater strain. When the observations of investigators can no longer be accommodated by the parameters of the research project, a conceptual revolution occurs, compelling a questioning and reconfiguration of the fundamental assumptions of science and of its agenda. In this way, one paradigm of scientific knowledge and investigation is replaced by another.¹⁰ The Copernican, Galilean, and Einsteinian revolutions are examples.¹¹ Each recast the premises, respectively, of astronomy and physics. In each case, the nature of the enterprise was redefined. What counted as knowledge under the obsolete paradigm had to be systematically reconceived.

Thus, Newtonian physicists and adherents of relativity theory inhabit different worlds. Every claim of Newtonian physics requires translation into the new scheme of understanding. While there may be circumstances in which events may be investigated within the confines of Newtonian rules, it is taken for granted that this is an artificial convention—a special case—in which the conditions for the breakdown of Newton's laws are excluded.

Paradigms do not merely succeed each other temporarily. Different simultaneous cultures may employ different scientific paradigms. The

6. THOMAS S. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (3d ed., Univ. of Chicago Press 1996) (1962).

7. *See id.* at 35-42.

8. *See id.* at 23-51.

9. *See id.* at 23-42.

10. *See id.* at 66-110.

11. *See id.* at 77-91, 144-159.

science of ancient pre-Columbian cultures in the Western hemisphere coexisted in time with the science of Renaissance Europe.

Kuhn's model of scientific and conceptual revolutions fell on receptive ears and had influence beyond its intended domain. As an intellectual ploy, it resonated with the mid-century currency of Wittgenstein's model of language games.¹² Just as Wittgenstein urged us to think of all communicative efforts (and, by implication, all thought) as embedded within a bedrock way of proceeding that is not subject to reflection and questioning, a form of life,¹³ Kuhn seemed to apply this insight to science. "Normal" scientists working on research projects within a paradigm have no occasion to reflect and question the paradigm. At most, their findings reinforce the paradigm and fill it out.

It is easy to see how Kuhn's model of scientific revolutions and investigative paradigms could be borrowed and extended to explain other enterprises. In some cases, the influence was direct. For the most part, however, Kuhn's use of the notion of a paradigm simply anticipated and fitted into a way of thinking that proved ubiquitous in the late twentieth century. Stanley Fish felicitously translated the notion of a language game with shared assumptions into the idea of an interpretive community.¹⁴ Applying the notion first to literature and then to law, Fish described an interpretive community as a group of investigators who agree in their conception of the premises of their enterprise and in their sense of what outcomes are available to them. They may, to be sure, disagree in results, adopting different outcomes for specific problems and their disagreements may be unresolvable. But their disagreements will nonetheless follow the rules of the enterprise.

For example, traditional literary criticism in the 1930s and 40s looked for the meaning of a literary work in the intentions of the author and sought those intentions in the author's personal history and in the place of the work in general cultural history.¹⁵ Within such an interpretive community, there might be endless disagreement about what an author's biography might mean but not about the premise that the biography is significant.

12. See generally LUDWIG WITTGENSTEIN, *PHILOSOPHICAL INVESTIGATIONS* (G.E.M. Anscombe, trans., Basil M. Blackwell, ed., 1958) (1953).

13. See HANS-JOHANN GLOCK, *A WITTGENSTEIN DICTIONARY* 124-29 (1996) (discussing the notion of "form of life").

14. See STANLEY FISH, *IS THERE A TEXT IN THIS CLASS?: THE AUTHORITY OF INTERPRETIVE COMMUNITIES* (1980).

15. This tradition of understanding texts contextually as a reflection of the values of the community and of the author is defended by some contemporary critics. See JOHN M. ELLIS, *LITERATURE LOST: SOCIAL AGENDAS AND THE CORRUPTION OF THE HUMANITIES* (1997) and E.D. HIRSCH, JR., *VALIDITY IN INTERPRETATION* (1967).

Succeeding interpretative communities presumed that the meaning of a work was to be found within the confines of the text and, still later, that meaning was to be seen as an idiosyncratic product of the reader's appropriation of the text.¹⁶ Each interpretive community is defined by the premise that determines how it investigates meaning. Sharing such a premise, different investigators may arrive at different conclusions.

Fish applied the same notion to law.¹⁷ Judges serving together on an appellate court share a sense of the craft of opinion writing, of the nature of the matters in dispute, and of the range of meaningful responses. Their sense of the parameters of their job may differ enormously from judges of a century ago—judges from a different interpretive community—in both style and substance. But the potential range of disagreement within any given court, as representative of an interpretive community, will remain as great as on any previous court.¹⁸

To this point, it would seem that the conceptual tool of a paradigm, tied as it is to the concept of an interpretive community, is sharp enough to pare away at the question of our relation to Royce. Do we share a paradigm, inhabit the same interpretive community? Or is our paradoxical distance from him explainable in terms of a conceptual revolution, an intellectual abyss that divides us? Regrettably, as I shall argue, the tool has grown blunt. Just as fashions in clothes and food lose their appeal through overfamiliarity, fashions in critical thought become intellectual crutches and sources of confusion.

It has been disconcertingly easy, in the wake of Wittgenstein, Kuhn, and Fish to see all divergences as symptoms of warring paradigms. Historians who subscribe to different modes of explanation are said to use different paradigms. Paradigms may be identified with the styles of historical theorists such as Marx, Vico, Spengler, or Dilthey or with the favored levers of historical change such as economics, or social class, or unique leaders, or all of these in conjunction.¹⁹ More generally, different

16. So-called reader response theory is generally attributed to the work of Stanley Fish (see FISH, *supra* note 14) and Wolfgang Iser (see WOLFGANG ISER, *PROSPECTING: FROM READER RESPONSE TO LITERARY ANTHROPOLOGY* (Johns Hopkins Univ. Press 1989)).

17. See generally STANLEY FISH, *DOING WHAT COMES NATURALLY: CHANGE, RHETORIC, AND THE PRACTICE OF THEORY IN LITERARY AND LEGAL STUDIES* (1989).

18. *Id.* at 87-140.

19. One way to understand this point is that the various historical theorists can and should be seen in something of a dialogue about significance and explanation in history. The use of the concept of conflicting paradigms precludes the possibility of dialogue (at least in any use that is derived from Kuhn). The question of objectivity and the historians' perspectives is discussed interestingly by Joyce Appleby, Lynn Hunt, and Margaret Jacob. See generally JOYCE APPLEBY ET AL., *TELLING THE TRUTH ABOUT HISTORY* (1994).

cultures or societies are said to represent different paradigms for interpreting experience. The same suggestion is extended to genders, races, and ethnic groups. To the extent that each may be said to experience and understand the world in a distinctively different way, this is taken as evidence of divergent paradigms.

Such promiscuous use of the notion of a paradigm is fatally flawed. For one thing, the criterion for sharing a paradigm or not becomes arbitrary and simplistic. Do judges on an appellate court share a paradigm because they engage in debate and have a common sense of what sorts of opinions are expected from them, or do they have different paradigms (see the world in systematically different ways) insofar as they invariably differ in their politics and their expectations about human nature? Do I share a paradigm with Homer if I can read the *Odyssey* and feel empathy with Odysseus' plight—and does the same hold true in reading *Othello* or *King Lear*? The notion of a shared paradigm becomes so elastic that in matters of social and personal experience it is possible that one shares a paradigm of experience with anyone who has ever lived, and alternatively that any two individuals who disagree in an unresolvable way do so because they use different paradigms. If that is so, the concept is useless.

Why have we arrived at this plight? Kuhn's original analysis addressed the distinctive history of the physical sciences. It is relatively easy to periodize the history of science, even if it may be problematic how the periods relate to each other. The sea change represented by a Copernican or an Einsteinian revolution is apparent to all. Analogous reconceptions or revolutions do not occur in the social sciences or in cultural matters. Every insight that can be called a revolution in thinking, a change of paradigm—such as the work of Freud, Marx, or Adam Smith—has its inchoate anticipations in other times and places.²⁰ Moreover, these so-called revolutions are never permanent in the way those of Copernicus and Einstein have been. Over time, Freud's insights have been questioned and spurned as much as those of Marx.²¹ Determinate boundaries for interpretive communities with shared paradigms are simply not to be

20. This can be done in at least two ways. In the case of Marx, for example, one can point to the continuities between his writings and those predecessors to whom he acknowledged a debt—the utopian socialists St. Simon and Fourier; the German philosophers, Hegel and Feuerbach. Alternatively, one can find remote anticipations of a theorist's ideas in earlier writers in various genres. Thus, one can look to Sophocles and Shakespeare for anticipations of Freud.

21. Jonathan Lear observed that "Freud-bashing has gone from an argument to a movement." Jonathan Lear, *The Shrink Is In*, in *THE NEW REPUBLIC*, Dec. 25, 1995, at 18. Among the most vociferous Freud-bashers are Frederick Crews, Adolph Grunbaum, and Richard Webster.

found; they are endlessly debatable.

It is important to see the irony of such debates. A basic implication of Kuhn's way of thinking is that disagreement is meaningful only among those who share a conceptual paradigm, those who share a sense of what questions are to be asked and with what kinds of evidence they might be answered. By Kuhn's own premises, disagreements over the merits and comparability of so-called "paradigms" are nonsense.²²

Charlie Kaufmann, in *Adaptation*, agonized over the problem of getting started, the problem of method. These musings about paradigms have a similar self-reflective function even if they do not reflect his neurotic self-paralysis. In the next section, I shall suggest that, having come to a dead end with the notion of paradigms, we need to look at Royce from the standpoint of analytic strategy.

From Individual to Society: Examining Royce's Strategy

Royce is often said to have derived his philosophical method from Hegel.²³ He also has a substantial debt to Plato. Plato's strategy in *Republic* is to extrapolate from what we know about human nature to what we can say about societies.²⁴ Although other political and social philosophers have followed a similar strategy,²⁵ Plato's version is probably most familiar.

The strategy is in equal parts seductive and implausible. On one hand, we know human nature most immediately from our own experience. We know the experience of setting goals and trying to achieve them; we know conflict and how it can (and cannot) be resolved; we know how experience and its interpretation change over time. In all of these ways, it is said, persons and societies are analogous. Societies are persons writ large. Since we know persons immediately, being persons ourselves, and societies only indirectly, by participating and observing events over time, we can draw inferences from the microcosm to the macrocosm, from persons to societies.

On the other hand, every element of this strategy can be questioned. It is hardly obvious that the trajectory of a society is like that of a person's

22. See KUHN, *supra* note 6, at chapter XIII.

23. See SMITH, *supra* note 4, at 82-85.

24. A series of critical essays that discuss Plato's extrapolation from the psychological sense of justice to social justice appears in 2 PLATO: A COLLECTION OF CRITICAL ESSAYS, (Gregory Vlastos ed., Doubleday 1971). See especially the essays by David Sachs, Raphael Demos, and Gregory Vlastos. *Id.*

25. The tendency to make inferences from the goodness of persons to the goodness of society is particularly marked in social utopian thinkers such as Robert Owen, Charles Fournier, and Henry, Comte de Saint-Simon.

life. The ways in which societies define and pursue goals, when they do so at all, are not obviously modeled on the ways persons do so. Conflicts between persons and conflicts between societies or nations may or may not be analogous. Power and wealth, jealousy and greed may motivate and explain conflict at both levels, but the ways in which they relate to action are infinitely diverse. Does a nation experience and process jealousy in the way a spurned lover does? Does a person crave power for the same reasons that an imperial colonizing nation does? And is a nation's historical self-knowledge and self-blinding comparable to that of an individual?

Moreover, the claim that we know persons better than we do societies is dubious. Many recent philosophers have followed Wittgenstein in arguing that the fund of terms and assumptions we use to think about ourselves are part of our collective heritage.²⁶ Our language and our "forms of life" (our collective ways of acting and thinking) make possible self-definition and self-reflection. To say that we know ourselves first and society, or others, second is to commit a solipsistic fallacy.²⁷ It is to take for granted that, even if we are not initiated into the terms of thought and expression of our culture, we can still exercise self-knowledge because it is prior. In fact, many philosophical psychologists are inclined to reverse the inference. They would claim that how we define ourselves is determined by psychological categories that are (socially) available to us and, in particular, by the ways in which others respond to us and think of us.²⁸

These questions make Plato's strategy seem distant. Nonetheless, it is a way of thinking that binds Royce to Plato and one that is a key to understanding Royce's aims in his *War and Insurance* address. For Plato, the parts of the soul are analogous to the parts of the state. Just as the person works properly only when each part of the body does its distinctive job, the parts of the state work justly only when each class—the aristocrats, the military, and the workers—does its own distinctive job and refrains from seeking power inappropriately.²⁹ Much of the *Republic* is given over to accounts of how the state degenerates when it is disordered. By close analogy, the soul also suffers, sometimes irreversibly, when the passions and the appetites govern reason.

Royce is similarly strict in drawing analogies between the person and

26. See, e.g., REDRAWING THE LINES: ANALYTIC PHILOSOPHY, DECONSTRUCTION, AND LITERARY THEORY (Reed Way Dasenbrock, ed., 1993); THE INSTITUTION OF PHILOSOPHY: A DISCIPLINE IN CRISIS? (Avner Cohen & Marcelo Dascal, eds., 1989).

27. See RICHARD RORTY, PHILOSOPHY AND THE MIRROR OF NATURE 98-127 (1979).

28. *Id.* at 357-94.

29. PLATO, REPUBLIC, books II-V.

the state (or society). While Plato's account of how the individual achieves the good life and his full potential is intrapersonal, Royce's account is interpersonal. He takes a dark view of the prospects for the individual left solely to his own devices.³⁰ Such a person is predetermined to follow narrow self-interest. However, when the interests of persons clash, as inevitably they will, the mediation of the interests of two persons by a third as intermediary, will prove transformative.³¹ The mediator will make possible a process by which each individual transforms himself, his self-understanding, and his goals and identifies himself with purposes and ideals that transcend himself as an individual. He becomes part of a community and identifies with the goals of the community. In this way, he also transcends the limitations of his own place and time. For Royce, this process of self-transcendence, mediation, and re-definition has religious significance as it establishes the link between the individual and the eternal.³²

It is easy to see how Royce's proposal of a universal insurance scheme involves a straightforward extrapolation of these ideas. Nations, like individuals, define and pursue their self-interest narrowly. But they can be brought together through a process of mediation and led to re-imagine their interests. Through the mediation of third parties, nations can transcend their self-interest and can be brought into a community of shared interests.³³

Underlying both parts of the analogy is an unstated premise about the *real* interests of the parties. Royce never doubts that those interests lie in identification with the larger community—and ultimately with the eternal.³⁴ A narrower individual-bound or nation-bound conception whereby the interests of individuals and nations conflict reflects a limitation of vision, a kind of myopia. When a larger and truer vision is attained, the process by which this occurs falls away and becomes irrelevant. Thus, Royce's insurance scheme is much more than a way of affecting political calculations by manipulating economic interests and a way of deterring war by making it more costly. It is a way of interposing an intermediary that transforms nations' self-understanding of their interests and goals.

Royce's imaginative leap from persons to nations can be examined by distinguishing four aspects: (1) his view of human nature, of the interests of persons and of their self-understanding of their interests; (2) his view of

30. See ROYCE, *supra* note 2, at 28-36.

31. See *id.* at 44-54.

32. *Id.* at 80.

33. See *id.* at 65-80.

34. See JOSIAH ROYCE, *THE PHILOSOPHY OF LOYALTY* 163-85 (1908).

nations, *their* interests, and their ways of framing and pursuing those interests; (3) the strength and persuasiveness of the analogy between persons and nations, and finally (4) the general notion of self-transcendence and the identification of one's "true" interests. With each aspect, I shall try to describe the gap between Royce's approach or strategy for these topics and our own a century later.

(1) Hegel, who inspired Royce's approach to philosophy, was an odd heir of the enlightenment, not least in his concept of human nature. Enlightenment philosophers through Kant had little doubt about persons' capacity for moral self-transcendence. As Kant argued, we are capable of formulating a categorical imperative for our conduct, of deriving concrete injunctions from it, and of subsuming our will to those injunctions.³⁵ Hegel was more attentive than Kant to the dark side of experience and the will.³⁶ He saw the individual's journey as a dialectical process, but one that could and should culminate in self-overcoming and in personal harmony with the goals of historical evolution. This focus on dialectical struggle endeared Hegel to Romantic writers in the late nineteenth century.³⁷

By the time Royce gave Hegel's model an American and pragmatic flavor, a more pessimistic and doubtful view of human nature was already gestating in modernism. As Royce argues in *War and Insurance* and elsewhere, any two individuals are likely to have antithetical or competing interests. Cooperation always threatens to devolve into war; love will devolve into hate. At this point, Royce's debt is as much to Hobbes as to any later thinker.³⁸ But, as he says, if we interpose an intermediary between A and C, that intermediary (B) will act as an agent to effect a community of interest between A and C.³⁹ This will not only be a pooling of interest but, distinctively, a community of interpretation. A and C will not only cooperate to achieve their former ends but will be in a position to formulate new ends, to "interpret" circumstances differently.⁴⁰

Royce's distinctively American and pragmatic examples may suggest that he has business relations in mind, that he is drawing on Hobbes and Adam Smith. On this interpretation, the contribution of the B is to make A and C see the advantage of market-like arrangements, to show them that

35. See generally IMMANUEL KANT, *GROUNDWORK OF THE METAPHYSICS OF MORALS* (H.J. Paton, trans., Harper & Row 1964) (1785).

36. See J.N. FINDLAY, *HEGEL: A RE-EXAMINATION* 81-147 (Oxford Univ. Press (1993) (1958)).

37. *Id.* at 339-59.

38. See generally THOMAS HOBBS, *LEVIATHAN* (Edwin Curley ed., 1994) (1668).

39. See ROYCE, *supra* note 2, at 42-54.

40. *Id.* at 47-49.

their personal ends can be achieved best by transactions and trade-offs.⁴¹ But this is much too narrow a view of his project. He talks about circumstances that change the parties' interests, wedding them. Thus, he talks about how the family triad in which "common care for the child . . . charm[s] away"⁴² conflicting tensions. He says that "groups which are larger and richer than pairs . . . [give rise to] men's very desire for human solidarity."⁴³ In each case, he is concerned with transcending individualism.

Royce's near contemporary, Freud, was less sanguine about our capacity to transcend individualism and about the desirability of doing so. Devising yet another Hegelian triad of thesis/antithesis/synthesis, he stressed the life-long struggle of the ego to referee the conflict between spontaneous will (the id) and the internalized and necessary admonitions of society (the superego).⁴⁴ For Freud, individualism is a hard-won prize and one well worth pursuing.⁴⁵

By the middle of the twentieth century this kind of admonition had prevailed. We had grown accustomed to being skeptical of those who would subvert individualism in the spirit of solidarity to the community.⁴⁶ Perhaps wrong-headedly, the spirit of Hegel was seen to hover behind the totalitarian movements of Nazism and Communism.⁴⁷

For better or worse, individualism remains a primary intellectual orientation. We remain ambivalent about both the possibility and the desirability of subsuming our individual interests to those of the larger community. The influential critical legal theorist Duncan Kennedy bridges the surviving spirit of existentialism and the skeptical spirit of contemporary legal thought when he notes that "at the same time that it forms and protects us, the universe of others (family, friendship, bureaucracy, culture, the state) threatens us with annihilation and urges

41. The idea of the market being guided by an "invisible hand" has, of course, been one of the most potent ideas in economic theory. See ADAM SMITH, *THE WEALTH OF NATIONS* 423 (Edwin Cannan ed., Random House, Inc. 1937).

42. ROYCE, *supra* note 2, at 37.

43. *Id.* at 38-39.

44. See generally Sigmund Freud, *The Interpretation of Dreams*, in *THE BASIC WRITING OF SIGMUND FREUD* (A.A. Brill ed. & trans., The Modern Library 1938).

45. Freud is especially concerned to make this point in his later writings about society and social institutions. See, e.g., SIGMUND FREUD, *CIVILIZATION AND ITS DISCONTENTS* (Doubleday & Co. 1958).

46. It is hard to underestimate the influence of the twentieth century experiments with totalitarianism on this attitude and state of mind.

47. See generally KARL R. POPPER, *THE OPEN SOCIETY AND ITS ENEMIES* (Princeton Univ. Press 1950).

upon us forms of fusion that are quite plainly bad rather than good."⁴⁸ He adds that "[c]oercion of the individual by the group appears to be inextricably bound up with the liberation of that same individual."⁴⁹

None of this means that self-transcendence and identification with shared goals is as meaningless notion. For Kennedy as much as Royce, self-awareness and change are possible and desirable.⁵⁰ We continue to think of human nature as malleable or, as the social psychologist Robert Lifton once said, "Protean."⁵¹ But for the reflective individual in the late twentieth and early twenty-first century, personal change is seen as a perpetual struggle with the bounds of self-knowledge and the limits of will.⁵² Identification with group norms and goals must be subjected to skeptical scrutiny. We are regularly warned about the alternative by such diverse cultural examples as Orwell's *1984*⁵³ and *Star Trek*'s the Borg.⁵⁴

Thus, Royce is very much a nineteenth century figure and not a modernist in his thin view of human nature. He has in mind well-meaning communities and malleable individuals capable of quasi-religious conversion. The latter need only a catalyst to put aside their scrappy pursuit of desires to serve the greater good of the eternal community.

(2) Royce makes a similar assumption about nations but camouflages it in common sense. He does, to be sure, flesh out his insurance scheme with practical admonitions about national interest, incentives, and motives.⁵⁵ It is easy to read the scheme as a clairvoyant anticipation of globalization. Just as the ministers of the World Bank propose that economic interdependence through the creation of the world market works to the benefit of all and deters all from aggression,⁵⁶ Royce proposes that nations become each other's insurers against the costs and ravages of conflict.

Royce describes the effects of transnational decisions of the "mutual insurance community" grandly.⁵⁷ He says that its moral influences "would

48. Duncan Kennedy, *The Structure of Blackstone's Commentaries*, 28 *BUFF. L. REV.* 205, 212 (1979).

49. *Id.* at 212.

50. *See id.* at 221.

51. *See generally* ROBERT JAY LIFTON, *BOUNDARIES: PSYCHOLOGICAL MAN IN REVOLUTION* (Random House 1970).

52. *See, e.g.*, *KNOWING OUR OWN MINDS* (Crispin Wright et al. eds., Clarendon Press 2000).

53. GEORGE ORWELL, *1984* (Everyman's Library 1992) (1949).

54. *Star Trek: The Next Generation* (Paramount Pictures, 1987-1994).

55. ROYCE, *supra* note 2, at xvii-xxxvi.

56. This argument is made in the World Bank's many published policy papers and technical papers, but it is probably most familiar to the common reader as the subject of countless critiques.

57. ROYCE, *supra* note 2, at 75.

still be influences whose source would be the first spirit of the community of all mankind which would ever yet have won permanent and visible presence on earth.”⁵⁸ The board of trustees of this community “would inspire all the nations actually to work together, at once in a charitable and in a businesslike way, as they have never worked before.”⁵⁹ And this process would both “exemplify and teach loyalty”⁶⁰ in a world in which such loyalty has no precedent, in which “the nations . . . have never yet had any chance of acquiring international loyalty.”⁶¹

Consider how significantly this description contrasts with even the most ambitious schemes of contemporary transnational economic institutions. In a world of global markets, nations are expected to remain competitive entities. Indeed, an argument for globalization is that it will enhance their competitiveness. They would hardly be expected to *put aside* national interests for the sake of a “community of all mankind,” and any politician making such a suggestion would insure his or her political demise. We have come to take for granted that, under any representative government, local interests cannot generally be superceded by those of mankind. Royce’s references to a shared spirit that becomes a “permanent and visible presence on earth”⁶² invoke a religious rather than a political framework. Political entities, in the face of such a spirit, can put aside the interests that define and divide them. Only in this sense can there be what Royce calls a new form of “international loyalty.”

Royce’s details on the practical management of the insurance scheme thus mask its utopianism. The convulsions of twentieth century make such utopianism seem naive. Nations must struggle to become democratic and to represent the interests of their citizens. Those interested groups will not – Royce notwithstanding – relax their conflicts. Nations cannot abandon the local and national concerns of their citizens and merge these concerns in a moral community of all mankind. This essentially religious vision remains a distant and barely coherent idea, one to which the individual and national experiences of mankind through history give little support.

(3) There is something seductive about the idea that persons and societies grow, mature, and decline in comparable ways, and that we can learn by extrapolating from persons to societies, and vice versa. Plato, Hegel, and Royce all found the analogy useful. Contemporary thinkers find it easy to resist the temptation.

58. *Id.* at 76 (emphasis removed).

59. *Id.* at 76-77 (emphasis removed).

60. *Id.* at 77 (emphasis removed).

61. *Id.* (emphasis removed).

62. *Id.* at 76

Isaiah Berlin famously borrowed from the Greek poet Archilochus the distinction between hedgehogs and foxes.⁶³ Hedgehogs interpret experience from the standpoint of a unitary idea; foxes notice the variety of experiences and caution against simplification and unwarranted assimilation. We live, it seems, in an era of foxes. When politicians talk about exporting the American model of democracy throughout the world, scholars point out that the educational, economic, and cultural circumstances of the world's societies make many of them unready and each of them idiosyncratic. Hedgehog-inspired schemes and hypotheses are typically greeted with skepticism and tend to enjoy little more than fifteen minutes of fame. The proponents of the "end of ideology" in the 1990s were forced to take note the flourishing of anti-Christian and anti-Western political movements.⁶⁴ The proponents of economic globalization have begun to attend to unforeseen and divisive implications of their arrangements.⁶⁵

Moving from speculation about society to speculation about persons, one sees similar habits and misgivings about universal ideas. In the last two or three decades, psychologists have conceded that the diversity of persons and have moved from ambitious structural theories of human nature to transactional and physiological questions about the formation of personality and the parameters of individual development.⁶⁶

The consequence for Royce in particular and Hegelian theory in general is that attempts to analogize the development of persons and societies are likely to fall on doubting if not deaf ears. It seems axiomatic that persons are too varied and that the differences between individuals and societies (or nations) are too great for us to learn much from the comparison. The ways in which individuals come to self-knowledge and come to terms with their interests and goals and the ways in which societies or nations come to pursue collective ends are, to the contemporary scholar, altogether different bundles of problems.

63. ISAIAH BERLIN, *THE HEDGEHOG AND THE FOX* 1 (Simon & Schuster, Inc. 1953).

64. The promise of and obstacles to global democratization are discussed in many recent essays and books. *See, e.g.*, ESREF AKSU & JOSEPH A. CAMILLERI, *DEMOCRATIZING GLOBAL GOVERNANCE* (Palgrave MacMillan 2002). The debate over the perseverance of ideological conflict in the 1990s echoes an earlier debate from the 1950s. *See* DANIEL BELL, *THE END OF IDEOLOGY* 109 (The Free Press Corp. 1960); *see also* *THE END OF IDEOLOGY DEBATE* (Chaim Waxman ed., Funk & Wagnalls 1968).

65. One of the most widely read and influential analyses of these issues is by Amy Chua, author of *WORLD ON FIRE* (Doubleday 2003).

66. *See, e.g.*, ROY SCHAFFER, *A NEW LANGUAGE FOR PSYCHOANALYSIS* (Yale Univ. Press 1976); *see also* ROY SCHAFFER, *INSIGHT AND INTERPRETATION: THE ESSENTIAL TOOLS OF PSYCHOANALYSIS* (Robert D. Hack ed., Other Press 2003).

Reductionism is the explanatory strategy that presumes to explain complex entities by examining their component parts; it claims that the characteristics of the former are simply cumulative expressions of the characteristics of the latter.⁶⁷ A reductionist explains the ways in which illness affects a person as a function of the ways in which microscopic entities affect the cells of the body. A critic of reductionism contends that complex entities have features that are not simply amplified versions of the features of the parts.⁶⁸ In this sense, Royce is a reductionist. He explains the behavior of societies or nations by extrapolating from the behavior of persons. The counterargument to this strategy is that the trajectory of the life of a nation is not simply that of the collection of lives it contains. History is not psychology writ large.

(4) Self-transcendence is an elusive notion. It seems to belong in one of two kinds of contexts. In a religious context, it refers to the spiritual openness of the individual to a transcendent entity, to the acceptance of a god and the willingness to identify one's ends with such a transcendent entity. In a political context, one may transcend oneself by living and seeing oneself as the agent and tool of a national purpose. Totalitarian systems of government take this understanding of the role of persons and rule accordingly. The distinction is in part artificial: in many societies the religious and the political definition of the role and place of the person coincide.⁶⁹

In a secular democratic context, self-transcendence is a more modest and equivocal notion. It may mean acting altruistically and adhering to a moral code. It may mean sacrificing oneself for others. It may mean overcoming one's faults. It may simply mean acting purposefully rather than on impulse. In all these variations, it is individualistic, and it remains the description of a struggle. The personal goal in this philosophy of life is the Greek ideal of an individual life well lived and not the Christian ideal of an individual serving the city of God and seeking eternal salvation. Royce clearly embraces the latter ideal when he says that the individuals, A and C, who join a community of interpretation will enter "into some kind of social unity, such as will make them act as if they were, in a certain respect, one man."⁷⁰ For B, the mediator, "the united will of A and C . . . [is] . . . his aim and inspiration."⁷¹

67. See THOMAS NAGEL, *MORTAL QUESTIONS* 167 (Cambridge Univ. Press 1979); DEREK PARFIT, *REASONS AND PERSONS* 279 (Clarendon Press 1984).

68. NAGEL, *supra* note 67, at 167; PARFIT, *supra* note 67, at 279.

69. See CLIFFORD GEERTZ, *LOCAL KNOWLEDGE* 167, 234 (Basic Books 1984).

70. ROYCE, *supra* note 2, at 51 (emphasis removed).

71. *Id.* at 52.

Similarly, the idea that states will transcend themselves by joining a “community of interpretation” of mankind—and thus that nations will wither away—is hardly an accessible and plausible eventuality in modern political thought. At the very least, the collective experience of human history speaks firmly against its likelihood. None of this means that efforts to create international organizations and cultivate transnational respect for human values are pointless. But it does seem to mean that the coexistence rather than the withering of states, with their distinctive identities and goals, might be the more appropriate aim.

Summing Up

The closer one looks at Royce, the further he recedes. What seems at first glance to be a remarkably clairvoyant anticipation of global economics is something quite different. In two ways the modern climate of thought is inhospitable to his approach. First, he sees economic harmony not as an end but as means to bring about a so-called community of interpretation of all mankind. This is a goal that we now firmly identify as religious and that seems to require religious orthodoxy to be intelligible. In its secular guise, it echoes totalitarianism. Second, his strategy leans heavily on the analogy of personal self-transcendence and national self-transcendence. Both sides of the analogy can, I have suggested, barely withstand scrutiny.

The comparison of persons and nations is not a paradigm that has been superseded. There will doubtless be a time when this strategy will again seem useful, when the hedgehogs will claim their ground and their reductionist inclinations will be widely shared and rewarded. But that time is not now.