

*The demise of the socialist bloc, the decline in popularity of European socialist parties and the displacement of Third World revolutionary movements--all these constitute a definite historical legacy for the Left when the twentieth century --the century that paradoxically favoured the Left on a historical-global scale--comes to a close. A Left agenda today seems extremely problematic and interllectually exacting. We publish below an essay written by a well-known Latin American Left interllectual on the question of Left alternatives.*

## **A Programmatic Path for the Left Thirteen Theses for Discussion**

**Roberto Mangabeira Unger**

***T***he constitutional organisation of government and the legal framework of electoral politics

### **First thesis - On the history of democratic Institutions.**

**T**he dominant constitutional tradition in the West draws today upon two sets of arrangements and ideas. The first set consists in a preference for institutional forms that fragment power, favor deadlock, and establish a rough equivalence between the transformative reach of a political program and the severity of the legal-constitutional and practical-political obstacles set up in the course of its execution. Both the system of "checks and balances" in American-style presidential regimes and the need to base political power upon broad consensus within the political class in parliamentary regimes exemplify this inhibiting preference. The second set of arrangements and ideas in the dominant tradition consists in the adoption of rules and practices maintaining society at a relatively low level of political mobilization. The Left must reject and replace both parts of this tradition.

### **Second thesis - On the constitutional arrangements of government.**

**A** constitutional style designed to accelerate politics and to favor the repeated and frequent practice of basic reform should combine a strong plebiscitarian element with a broad range of channels for the political representation of society. Example: A strong parliament coexists with a directly elected President with substantial powers of political initiative. But the standard hybrid form (as in the constitution of the Fifth Republic) is replaced by a system that avoids weak government and the perpetuation of deadlock. It does so according to the following principles. First, reform programs have priority over ordinary, episodic legislation: they must be agreed

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to, rejected, or negotiated quickly. Second, when the branches of government disagree on a reform program, they may agree to plebiscites or referenda. Third, if the branches of government are unable to agree about the realization for the terms of popular consultation, or if the result of the consultation, is indecisive, either the parliament or the president may call anticipated elections, but the elections must be simultaneous for both branches of government. The general principle is rapid resolution of impasse through direct involvement of the general electorate.

### **Third thesis - On the reorganisation of electoral politics.**

**T**he sustained heightening of the level of political mobilisation is required for the acceleration of democratic experimentalism in all fields of social life. The level of political mobilisation is not a natural fact about a society or a culture; it is, to a large extent, an artifact, responsive to changes in the rules and instruments of politics. Among such changes are: public financing of political campaigns, expanded free access to the means of mass communication for political parties and social movements, multiplication of the forms of ownership of the means of communication, rules of mandatory voting, and changes in the electoral regime. Although a system of closed lists and proportional representation is usually most effective in strengthening political parties as the agents of structural proposals, the temporary adoption of majority elections may in certain countries help shake up a rigidified party system and reveal underlying progressive and conservative coalitions.

*The organisation of civil society and the protection of rights*

### **Fourth thesis - On the conception of fundamental rights.**

**T**he Left should reinterpret rather than reject the conception of fundamental rights. There is a dialectical relation between the protection of the individual in a haven of vitally protected interests



and the capacity of the individual to flourish in the midst of a quickened experimentalism. The role of the rights is to assure him of the political, economic, and cultural equipment he needs in order to stand up, go forward, and connect. Every individual should inherit from society rather than from his parents: he should have a social endowment account, some of whose components are spent in predetermined ways according to fixed rules and other of whose components can be spent among a defined range of options (education, health services). Moreover, individuals may compete for additional public investments in this endowment account.

### **Fifth thesis - On the protection of fundamental rights.**

**R**ights, especially social and economic rights, should not be viewed simply as resource-dependent schemes of social welfare and social insurance. Claims of right enter into conflict with particular social organisations or areas of social practice when (a) a structure of inequality or exclusion emerges in particular organisations or practices, threatening the effective enjoyment of rights and (b) this citadel of privilege cannot readily be destabilized by the normal forms of the economic and political activity available to the individual. Examples: intervention in a school system to correct the disfavouring of children with certain skills or disabilities; intervention in a factory to reorganise a system of work imposing extreme forms of hierarchy in the interest of control and surveillance rather than as a requirement of technical coordination and efficiency. There is then the need for a type of corrective intervention and reorganisation that is both (a) structural and rights-defining and (b) episodic and localized. None of the existing branches of government are entirely well suited, by reason of political legitimacy or practical capacity, to serve as the agents of such intervention. A new branch of government must be designed, elected or co-chosen by the elected branches. It should have budgetary and technical resources appropriate to its reconstructive responsibilities.

### **Sixth thesis - On the legal organisation of civil society.**

**A**vigilant and organised civil society is indispensable to the radicalization of democracy and the advancement of democratic experimentalism. The organisation of civil society should not depend solely upon the happenstance of voluntary contractual arrangements. A series of public-law frameworks should be at the disposal of civil society, but they should be free from any taint of governmental control or intervention. For example, the contractualist labour-law principle of complete freedom of the union from the government may be combined with the corporatist principle of automatic unionisation of everyone. There is internal democracy in the unitary and all-inclusive labour-union system: different labour movements, whether or not affiliated to political parties, compete for position in this union system just as political parties compete for position in the state. The same idea can be reproduced on territorial principles: a system of neighbourhood associations, outside the structure of local government and parallel to that structure. In yet a third

domain, the principle can take a functional direction: the organisation of civil society around certain shared concerns, such as education or health services, the organisation of public finance and of the economy.

### **Seventh thesis - On public finance and the tax system.**

**S**ome significant element of indirect taxation has been shown to be necessary to guarantee a substantial tax take. The less regressive of the indirect taxes, and the one least likely to distort and disrupt economic activities, is a comprehensive flat-rate value-added tax. On the secure basis of the revenue collected by this tax there should be two principle direct taxes. The first is a Kaldor-style consumption tax, taxing the difference between income and savings-investments, with a large exemption for a basic level of consumption and a steeply progressive scale. The second is a wealth tax, of which the most important part is heavy taxation of family gifts and inheritance. In this way, we distinguish clearly the two targets of standard-of-living (for the consumption tax) and economic power (for the wealth tax) and address them directly rather than accepting the relatively confused and ineffective machinery of the income tax. The organisation of civil society described in the sixth thesis should be engaged in the allocation and supervision of public spending.

### **Eighth thesis - On the reform of the production system and of its relation to the state.**

**T**he reformation of production along post-fordist lines does not necessarily have democratizing consequences, but it offers democratizing opportunities. The most promising part to the realization of such opportunities lies in a growth strategy combining the following attributes: (a) Within firms, the practice of production as learning and the softening of rigid contrasts between task-defining and task-executing activities; (b) Among firms, cooperative competition—small and medium-sized firms, or decentralized divisions of large firms, simultaneously compete and cooperate, pooling financial, commercial and technological resources; (c) Between firms and governments, the development of a wide range of forms of partnership, democratizing the institutional innovations pioneered by the “East Asian Tigers”.

### **Ninth thesis - On property rights and the partnership of governments with private firms.**

**D**emocratizing government business partnerships requires the development of a level of organisation intermediate between the state and the firms: independent and competitive social funds and centers of technological assistance that compete with one another and administer public investment resources under a variety of regimes, including the distribution of conditional and temporary property rights, the multiplication of public venture-capital initiatives, and the auctioning off of capital to the firms or groups able to assure the funds of the highest rate of return. Such organisations have, among their responsibilities, to invest in a technological vanguard capable of producing, in customized fashion, the inputs and machinery the



technological rearguard of the economy needs, according to the rearguard's moving frontier of technological assimilation. The development of this intermediate level of organisation, between the state and the firm, in turn requires the dismemberment of traditional property rights: the powers now brought together under the label "property" would be torn apart and vested in different tiers of rightholders: governments, intermediate organisations, and firms. Thus, property rights are qualified so that then may proliferate.

### *The conception of democracy and the Left*

## **Tenth thesis - On what it means to be left today.**

**T**o be Left today is to insist upon transgressing the boundaries of the established institutional settlement in a democratizing direction. Anyone who accepts the established institutional framework as the horizon within which interests and ideals—including egalitarian ideas—must be pursued is not a leftist. The European social-democratic parties are not leftist. A pessimistic progressive reformism is not leftist. The error lies in believing that the alternative to resignation is the total substitution of one "system" by another. But revolutionary reform—the part-by-part substitution of formative institutional structures and ideas—is the paradigmatic mode of transformative politics. The idea of revolutionary change has, by its impracticality, become a pretext for its opposite. The first nine theses give examples of revolutionary reforms crossing the frontiers of the established institutional settlement.

## **Eleventh thesis - On the interpretation of the democratic project.**

**T**he democratic project is the effort to identify and to realize arrangements exploiting the area of potential overlap between the conditions of material progress and the conditions of individual emancipation. Thus, it moves toward the generalization of experimentalism in social life. It subjects the institutional forms of representative democracy and of the regulated market economy to this same experimentalism. It is not anti-liberal; it develops liberal hopes by sacrificing liberal forms.

## **Twelfth thesis - On the social base of the left parties.**

**T**he left parties cannot accept the choice between clinging to the favoured representation of organised workers in mass-production industry and redefining themselves as middle-class "quality-of-life" parties. By choosing the first path, they sink into the defense of ever narrower factional interests. By choosing the second path, they betray their transformative and democratizing mission. They must find in a program of structural reconstruction both the focus and the basis for an enlarged popular alliance. What makes this effort possible is (a) the internal or dialectical relation between the redefinition of interest and ideals and the remaking of institutions or practices and (b) the asymmetrical relation between social alliances and political alliances. Social alliances are constructed through the transforming work of political alliances and sustained by structural reforms that turn tactical convergence into lasting combinations of group interests and identities. But political alliances do not presuppose social alliances: they have the construction of social alliances as a task.

## **Thirteenth thesis- On the focus of institutional innovation and ideological conflict in the world.**

**T**he democratic project advances through conflict: the inherited ideological divisions lose their living connection to real concerns and possible alternatives. They must then be reinvented. The conflict between statism and privatism is dying and being replaced by a conflict among the alternative institutional forms of political and economic pluralism. Representative democracy, free civil society and the regulated market economy can all take forms very different from those they now assume in the industrial democracies. The choice among these alternatives is fateful because it represents a preference not just for certain arrangements but also for certain varieties of individual and collective experience. The involuntary institutional experimentalism of the poor countries (that invent when imitation fails to work) sheds light on the suppressed possibilities of transformation in the rich countries. The albatross of dictatorial state socialism has been lifted from the neck of the left. The time for the left to reinvent itself by proposing to radicalize democracy is now.

**There must be some way out of here, said the joker to the thief.  
There's too much confusion, I can't get no relief.  
Businessmen they drink my wine, plowmen dig my earth.  
None of them along the line knows what any of it is worth.**

*BOB DYLAN.*