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**A Higher Amoralty:  
Niklas Luhmann and his Critics**

**by  
Robert Rutland**

**A thesis submitted to the Faculty of Graduate Studies and Research  
in partial fulfillment of the requirements for the degree of**

**Master of Arts  
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## **Abstract**

Standing at the margins of theoretical debates in communication, at least in the Anglo-American academic community, is sociologist Niklas Luhmann (1927-1998). A towering figure in German social science, he has received relatively little attention among English-speaking scholars. The purpose of this thesis is to argue that the neglect of Luhmann's work derives from certain critical interventions which dismiss his systems theoretic model of society on the basis of its apparent lack of moral and political commitments. This is unfortunate, I would argue, as the central role which Luhmann grants to meaning, rather than action or the individual, as the most basic constitutive unit of social systems offers a very productive model of communication. This thesis therefore proposes that Luhmannian social theory deserves the sustained attention of communication scholars; this is largely carried out by situating Luhmann in conversation with two of his most strident critics, Jürgen Habermas and Jean-Francois Lyotard.

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## Chapter I: Introduction

The declining epistemic authority of both the natural and social sciences is a core preoccupation of social theory which has been described in two very different ways. While the erosion of ontological stability is presented in the work of so-called “postmodern” theorists as a form ecstatic liberation, for others it is the crisis of modernity. Despite the temptation to dismiss postmodern social theory as a fad that will eventually exhaust itself and allow us to get back to business, it seems that no one in the social sciences is able to ignore it completely. The agonistics continue, and the volume of literature continues to grow. Standing at the margins, at least in the Anglo-American debates, is Niklas Luhmann (1927-1998), who can be claimed by neither the postmodernists nor their antagonists. A towering figure in German social science, he has received relatively little attention in the English-speaking academic world, and yet his systems theoretic approach is perhaps the most sophisticated and compelling attempt to build a social theory that is neither “traditional” nor postmodern in orientation.

The work of Niklas Luhmann is, however, more than a systems theory of society; it is a fascinating syncretism that provides a powerful epistemological tool for the observation of observers. It is also a theory of modernity and, more pertinently in the present context, a theory of communication. The Luhmannian theory of systems presents us with a theory of communication that eschews the search for a foundation, but rather explains how the very condition of possibility of communication rules this out a priori. Rather than an “anything goes” postmodernist relativism, however, it is capable of including itself in its own observations and can account for its own contingency, while at

the same time refusing to submit to what William Rasch calls “transcendental temptation” (Rasch 2000c)<sup>1</sup>.

### *A Sociological Theory of Communication*

Luhmann was until his death in 1998 a highly controversial figure in German sociology. He was also extremely prolific, having produced more than 50 books and 300 journal articles over the course of his career (Arnoldi, 1). While much of his writing was devoted to developing his theory of society, he also published studies of the mass media, the family, education, and the law, among others, which in many cases contain a striking amount of detailed historical analysis. He was particularly good at upsetting people whose interest in social theory reflected other concerns beyond academic sociology; as Dirk Baecker relates, “A theologian once said – just before he renounced reading them and before recommending other theologians to do likewise – that you can smell sulphur when reading Luhmann’s articles on religion” (Baecker 1999, 13). Throughout his career, Luhmann remained committed to abstaining from any explicit political projects, perhaps a result of his encounter with the famous American functionalist Talcott Parsons, under whom he studied at Harvard in the 1960s. Born at Lüneburg, Germany, he originally studied for the legal profession at the University of Freiburg, but his interest turned to sociology while working for the civil service during the 1950s. Luhmann developed a profound interest in social theory, but it was a particularly dispassionate passion, to use a paradoxical formulation that Luhmann himself might appreciate. His own style of

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<sup>1</sup> As Rasch explains, “The task of social theory, [Luhmann] maintains, is not to wish for an alternate universe, but to account for the social aspects of the one we inhabit in”. “Transcendental temptation” designates the former impulse: “When access to the outside is “lost,” it is generally mourned, and mourning attempts to invest this lost outside, this all but present absence, with a moral force that wants to make us “feel” environmental perturbations in the same way we once “heard” the voice of God, the traditional source of moral and political authority” (ibid 76).

thinking was always very precise and decidedly unsentimental. Told in his own words, his experience as a teenage soldier during the Second World War might help us understand this:

Before 1945, the hope was that after the defeat of the compulsory apparatus everything would be right by itself. Yet the first thing I experienced in American captivity was that my watch was taken off my arm and that I was beaten up. So it was not at all as I had thought it would be. Soon you could see that one could not compare political regimes according to a scheme of `good' versus `bad', but that you had to judge the figures according to a bounded reality. Of course I don't want to say that the time of the Nazi-regime and the time after 1945 are to be judged on equal terms. Yet I was simply disappointed in 1945. Yet is that really important? In any case the experience of the Nazi-regime for me has not been a moral one, but an experience of the arbitrary, of power, of the tactics to avoid the regime used by the man of the people (Luhmann, quoted in Baecker, 2005)

Luhmann would remain a morally abstinent social theorist his whole life. This approach was to yield an elaborate theory of social systems that would draw as much derision as praise. One scholar who took a particular interest in Luhmann's work was Jürgen Habermas, who in the early 1970s invited him to take part in a public debate. The results of this encounter will be examined in chapter four; what is of immediate interest is how this early critical exchange drew attention to the fact that both Habermas and Luhmann shared a central preoccupation with the concept of communication as an indispensable point of reference in their investigations (ibid).

Contemporary social theories must reckon with the troubled status of truth, and any theory committed to self-reflexivity is necessarily confronted with its own contingency. This is similarly one of the central problems in the study of communication, but here it becomes more explicit in that contingency is a quality not only of its own utterances but of its very object. In other words, contingency inheres in both

communication and in its description. How then can we communicate about communication? An involution seems to occur, wherein the object of investigation folds back on itself and appears to be trapped in a circle of self-referentiality. This is of course part of the philosophical problem of reflexivity in general: how do we make a rational critique of reason, a logical critique of logic, or a moral critique of morality? For Luhmann, this is a problem of second-order observation, and his epistemological framework is therefore guided by the paradox of self-reference. The relevance of second-order systems theory thus extends far beyond the discipline of sociology into a more general theory of knowledge, yet it remains of specific interest to the communications scholar as it presents communication as the constitutive operation of social formations.

Any theory of communication, whether it is approached as an engineering or social problem, must confront the improbable nature of the communication process and ask how meaning is produced and preserved amidst the chaos and “noise” of an indifferent universe. When we accept that meaning is indeed bound to the context of a specific communicative act, that it is fundamentally an aleatory and deeply complex process, we must also accept that simple theoretical models based on linear causality are inadequate. With regards to social communication, falling back on a theory of the subject as the last moment of determinacy in the communicative act is an attractive solution, but one that fails to offer a satisfactory account of the collective, consensual character of communication. If we posit that social systems derive from individuals, we have still not explained how the former can persist and maintain order except by arguing that the individual is in some way derivative of the system – a tautological account that fails to explain either. Yet if we turn this model on its head and accept that the individual is the

bearer of social relations, we are left with an equally unsatisfactory account: both subject and system become little more than instantiations of immutable historical laws – contingency is collapsed into necessity and thereby dismissed. On the other hand, if we restrict our explanation to the internal logic of signifying practices as the basis of social reproduction, we are left with a technical explanation that deprives us of both the context and content of specific signifying acts. How then to address the complexity and contingency of communication?

Over the last fifty years or so, the fascinating convergence that has occurred between the physical and social sciences in the area of systems theory has emerged as an explicit attempt to theorize complexity. In particular, the emphasis on the self-referential and recursive nature of complex systems in the second-order cybernetic theory of *autopoiesis*, along with its rejection of the subject/object distinction in favour of a system/environment approach, has provided a provocative model for social theories which assert that communication is a fundamentally complex and contingent phenomenon. Furthermore, this way of thinking brings to the foreground the epistemological problem of the observer/observed relationship. The systems theory approach to communication found in the work of Luhmann begins by asking how social order can possibly emerge given the inescapable contingency and complexity of communication.

In what follows, I will make two interrelated claims. I will first argue that the attention it gives to epistemological problems of observation and its insistence on the contingency and improbability of meaning – in short, the central place it accords to complexity – is a useful and intellectually rigorous way of looking at communication as

the process by which meaning and order arises from chaos. This argument, however, implies a second claim: a more honest evaluation of Luhmann's implies moving beyond the fundamentally flawed critical treatment that Luhmann has received, particularly in the hands of two antagonists, Jürgen Habermas and Jean-Francois Lyotard, whose own work enjoys a privileged position in the field of communication theory. I would argue that to the extent that their appraisal of systems theory remains ascendant, which I believe has been the case, Luhmann's valuable contributions will continue to occupy a relatively marginal position. As I hope to demonstrate, however, the critiques of systems theory formulated by Habermas and Lyotard both misrepresent Luhmann as an amoral neofunctionalist with an irrational commitment to a dehumanizing technocratic system. A more accurate reading of Luhmann reveals that this is simply unjustified; what we find instead is a highly innovative theoretical position which in fact uncovers certain weaknesses in those of his critics.

What are the advantages of approaching Luhmann using the work of Lyotard and Habermas? Along with Luhmann, both Habermas and Lyotard present social theories which privilege the role of communication, and yet the "modernist" position occupied by Habermas is radically different from Lyotard's interrogation of metanarratives. As such, their respective critical engagements with Luhmann represent two opposing positions from which to examine Luhmann. Furthermore, their critiques involve a sophisticated understanding of Luhmann's work but are at the same time quite general; other thinkers who have made critical interventions into systems theory tend to invoke, intentionally or unintentionally, the arguments originally set forth by Lyotard and Habermas. Lastly, I would hazard the guess that many students of communication are likely to have their

first, and quite possibly their last, encounter with Luhmann in Lyotard's *Postmodern Condition* or through one of Habermas's texts, as their work – unlike Luhmann's – is indisputably *de rigueur*.

Certainly Luhmann has other critics whose work is of value but whom I nonetheless neglect. For example, the German sociologist Ulrich Beck has been an outspoken and convincing critic of Luhmann's theory of functional differentiation. Beck is particularly opposed to Luhmann's apparent devaluation of human agency, describing his work as an "extreme counter-position" to the "challenges of democracy" (Beck quoted in King & Thornhill, 217). Beck also finds Luhmann's fixation on functional differentiation "boring", an evaluation he admits is thoroughly "unscientific" (Beck, 112). One can only respond to the latter criticism with similarly unscientific comments. With regards to the more substantial criticisms offered by Beck, I have chosen not to engage with them for the reason that he is generally not considered important to the field of communication, and as such his interventions are not likely to advance our understanding of Luhmann as a theorist of communication.

Another way of criticizing Luhmann's theory is by challenging the validity of autopoiesis as a theory of living systems. If one can prove that autopoiesis is a fundamentally flawed way of describing organisms, so the argument goes, then Luhmann's entire project becomes counterfactual.<sup>2</sup> A related critical strategy is to accept the theory of autopoiesis as a theory of living systems, but to reject its applicability to the study of social systems and argue that Luhmann's misappropriation of autopoiesis casts

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<sup>2</sup> As Alex Viskovatoff (1999) argues, "the theory Luhmann adopted from biology as the basis of his theory was a poor choice since that theory has no explanatory power, being purely descriptive; furthermore, that theory is fundamentally flawed since it implies that viruses are impossible" (481).

doubt on his theory.<sup>3</sup> Critiques organized around these more technical arguments have not been addressed here for the reason that they appear to me to be secondary interventions that evaluate Luhmann's theory strictly on the basis of internal consistency rather than a metatheoretical comparison which challenges the basic orientation of Luhmann's theory. It is the latter which is more likely to impede the reception of the autopoietic theory of communication.

### *A Note on Method*

As my aim is to elucidate, critically examine and demonstrate the usefulness of an existing theory, the theoretical framework in which I am working can best be described as metatheoretical, while my method can be described as a critical documentary approach. The following work is an examination of systems theory from both inside and outside its boundaries; I am concerned with the immanent logic of Luhmann's work, but I also attend to the critical discourse that takes place beyond its borders. As such, the literature I refer to *is* the object of investigation, rather than a collection of texts which share the same object of investigation as my own. For this reason, it makes little sense to include what is typically referred to as a "literature review". For the most part, by studying the various critical assessments of Luhmann's social theory, I have not been searching for an exemplary theoretical framework and method with which to conduct my inquiries. My project is intended not so much to resolve perceived inadequacies of Luhmann's theory, but rather to argue that it deserves a more prominent place in the field of communications. As I hope to accomplish this by situating Luhmann in conversation

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<sup>3</sup> See Mingers, John. "Can social systems be autopoietic? Assessing Luhmann's social theory" in *The Sociological Review* 2, 2002. 278-299. For a reply to Mingers' article in which each of the author's objections are challenged, see King & Thornhill, 2003.

with his critics, both my theoretical framework and method tend to blend together into a general critical engagement with the literature from which a set of themes has emerged.

The work of Habermas and Lyotard as critics of Luhmann is explored and assessed in relation to the conceptual resources which Luhmann's systems theoretic framework provides, such that it will emerge as a theoretical alternative to Habermas's theory of communicative rationality and Lyotard's formulation of postmodernity. Neither a metanarrative (Habermas) nor an ethical elevation of local language games (Lyotard), I argue that Luhmann's notion of second-order observation is a novel epistemological tool with which both society and its descriptions can be redescribed. As we will see, this claim follows from observing the respective theoretical positions of Lyotard and Habermas from the perspective of second-order systems theory. This has of course involved a careful reading of relevant primary and secondary literature. I have consulted a number of "second-order" expository texts which clarify Luhmann's often dauntingly complex theoretical framework, as well as its relationship to those of his critics. References to these secondary works will appear throughout, insofar as they simplify the ideas of Luhmann, Lyotard, and Habermas. Just as significantly, the work of certain commentators is cited in order to elucidate the relationship among all three thinkers.

### *On Structure*

The following work is divided into four chapters, excluding the present chapter and the conclusion. Given that one of my proposed aims is to demonstrate the usefulness of Luhmann's systems theoretic perspective, a rather large portion has been devoted to an expository text. This will take up both chapters two and three. Both sections are admittedly somewhat dense, given the difficulty of Luhmann's ideas and the intellectual

traditions upon which he draws. In the interests of clarity, I have broken chapter two into three main sections: the first will cover the influence of mathematician George Spencer-Brown's formal calculus on Luhmann's thinking; next, the work of Talcott Parsons as a founding figure of the systems theoretical approach to sociology will be examined. The last section is devoted to tracing the evolution of cybernetics from the "first-order" cybernetics associated with Norbert Wiener to the second-order cybernetics represented by the work of Heinz von Foerster. This section will also assess the influence of Claude Shannon & Warren Weaver's information theory, as well as the transdisciplinary contributions of Gregory Bateson. Finally, the concept of autopoiesis as developed by Humberto Maturana and Francisco Varela, as a mature phase of second-order cybernetics, will be examined.

Chapter three, "Redescribing Luhmann", will provide a fairly detailed survey of Luhmann's ideas, with a particular emphasis on his theory of communication. It is composed of four sections which are organized somewhat less rigidly than the preceding chapter. What holds together each section is its general thematic content; as we will see, the rhizomatic structure of Luhmann's theory tends to resist a hierarchical compartmentalization. The first section will attend to the foundational status of paradox and observation in Luhmann's thinking, followed by an explanation of Luhmann's functional definition of meaning as the constitutive activity of social systems. This leads into an examination of Luhmann's abandonment of action theory and the diminished role of the social actor that this entails. The final section will specifically address Luhmann's theory of communication and will conclude with the proposition that only communication is inherently social.

The fourth and fifth chapters, “Critical Interventions” and “Righting the Balance”, will deal with the criticisms directed against Luhmann by Habermas and Lyotard. Chapter four will adumbrate Habermas’s theory of communicative rationality and Lyotard’s notion of postmodernity in order to provide a basis for understanding their critical interventions, which will be unfolded in detail and with reference to the concepts that were brought to light in the previous chapter. In chapter five, a response to these criticisms will be put forward. I hope thereby to establish the claim that the systems theoretic framework developed by Luhmann introduces an important epistemological innovation of specific interest to scholars of communication.

The concluding chapter will briefly summarize the story that I have told about systems theory, but I also wish to attend to certain elisions that the reader might have noticed. The first is the paradox of describing the systems theoretic oeuvre using a narrative form. Indeed, narrative appears to coexist with system in Luhmann’s own work. Does this not constitute a performative contradiction? A second elision that needs to be examined is Luhmann’s identification of his project with the subsystem of science, such that he is able to situate his theory within its own field of vision. How secure is this claim? This leads into the point on which I wish to conclude: given Luhmann’s commitment to an apparently “objective” description of social systems, what problems does Luhmann’s theory raise in terms of the relationship between social theory and politics? While this will be addressed at the level of Luhmann’s own political commitments in chapter five, I wish to briefly address the more general problem of the scientific status of social theory as this problem is articulated in the claim that

“everything is political”. These three problems, I will suggest, merit further investigation by anyone interested the fortunes of systems theory.

## Chapter II: Foundations

Luhmann's intention was to develop a theory of society that would move past the canonical works of sociology, which for him had been depleted of their theoretical resources. Looking outside the boundaries of traditional sociology, he sought to integrate insights made in other disciplines into a theory of society that is quite staggering in its interdisciplinarity, but the level of eclecticism is entirely consistent with early work done in systems theory. While Ludwig von Bertalanffy's (1968) hope for a "general systems theory" which might unite the sciences has failed to materialize, the desire to break down disciplinary barriers among and between the natural and social sciences persists. This chapter is meant to provide an account of those themes and thinkers which most significantly inform Luhmann's work. The purpose is not only to draw out the originality of Luhmann's theoretic synthesis, but to adumbrate certain key concepts which will reappear throughout subsequent chapters – the intertextuality in Luhmann's work can be daunting, and the reader is likely to encounter a certain amount of frustration without a basic understanding of certain concepts. While the body of literature which informs Luhmann's second-order systems theory is vast, the material can be reduced to manageable proportions by identifying the following themes and thinkers, and the texts which best represent them: Spencer-Brown's "laws of form"; structural-functionalist sociology, especially that associated with Talcott Parsons; and lastly, cybernetics, information theory, and Maturana and Varela's theory of autopoiesis, referred to collectively as systems theory.

*Spencer-Brown's Laws of Form: Towards a Theory of Difference*

An important influence that can be discerned in Luhmann's work is Spencer-Brown's book *Laws of Form* (1969). As the author states, "the theme of this book is that a universe comes into being when a space is severed or taken apart" (v). This is the starting point for Luhmann's own theory of distinction. Luhmann makes use of this text, in tandem with cybernetics, to provide the foundation for an epistemological framework which formally asserts the partial and contingent nature of observation and, by extension, communication. Virtually all sustained engagements with Luhmann offer summaries of Spencer-Brown's work; specifically, Dirk Baecker ("Why Systems?") and Stefan Rossbach ("The myth of the system: On the development, purpose and context of Niklas Luhmann's systems theory") supply thoughtful treatments on the extent to which Spencer-Brown shaped Luhmann's thinking on difference.

Briefly stated, we can say that observation implies drawing a distinction, and then marking one side of the distinction and not the other. As Baecker explains, "[t]he *Laws of Form* conceives of a distinction making sense because it separates, i.e. relates, a "marked space" (selection) and an "unmarked space" (set of possibilities)" (65).<sup>1</sup> The unmarked or unobserved state constitutes a blind spot or latency, which is always the necessary corollary of observation. Second-order observation, by contrast, is the observation of an observer in which the latency is revealed, but this does not allow the second-order observer to observe his or her own blind spot. Only when one observes at one remove, as it were, is the latency disclosed. As such, there is no possibility of a metaperspective, or a distinction that has no distinction. All perspectives are thus necessarily partial

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<sup>1</sup> It will become clear how this seemingly banal insight fits into Luhmann's appropriation of the information theory of Shannon and Weaver, who define a message, here understood as a "distinction", as "one selected from among a set of possibilities" (Shannon and Weaver, quoted in Baecker, 65).

perspectives – following Spencer-Brown, this takes on a law-like status, which might be stated as “the necessity of contingency”, a paradoxical proposition that nonetheless serves as the most basic postulate of Luhmann’s epistemology.<sup>2</sup> Self-observation, as the operation through which the latency is revealed, accomplishes a “deparadoxification” by allowing the system to reflect on the unity of the difference between system and environment. In other words, it is only through the difference between inside and outside that form is able to acquire identity, and by reintroducing this difference inside the system’s boundaries in the form of another distinction the paradox is concealed. As Rossbach explains, “Spencer-Brown’s proto-logic allows the re-entry of a distinction on one of [the system’s] sides. As an application, it proclaims the possibility that the distinction between system and environment, which the system cannot but take for granted while it operates, re-enters on the side of the system: the system reflects, then, on everything it takes for granted as its environment” (2000, 24). Thus “re-entry” is an important concept appropriated from Spencer-Brown used by Luhmann to explain the productivity of the paradox of self-reference. We will pursue this rather difficult concept in more detail in the following chapter, while the epistemological implications drawn from Spencer-Brown’s calculus will reappear in the section below on second-order cybernetics.

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<sup>2</sup> We can see here how Luhmann’s synthetic approach to communication allows the formalization of *contingency*, a concept often invoked but seldom theorized in the social sciences. It seems to be taken for granted, for example, that communication is always contingent on “context”, which can refer to any number of things and perhaps raises far more questions than it answers, for better or for worse. It is clear that Luhmann is especially concerned with elaborating the concept of contingency as it relates to the theorization of communication.

*Parsonian Structural-Functionalism: From Action to Communication*

A rather large portion of this chapter has been devoted to an examination of Talcott Parsons, as it usefully clarifies Luhmann's relationship to the discipline of sociology, while structural-functionalism, closely associated with the work of Parsons, has been a particularly significant influence on Luhmann's own theory. Luhmann in fact studied under Parsons at Harvard in the 1960s. To a very large degree, the criticisms made against Luhmann rehearse earlier criticisms made against Parsonian functionalist sociology in the post-war period. As such, it is necessary in the current context to first briefly review the post-war debate over functionalist sociology. This will be followed by an outline of Parsonian social theory, with an emphasis on those elements which bear on Luhmann's own sociological thinking. Finally, this section will elucidate the somewhat uncertain relationship between the social theories of Luhmann and Parsons, an uncertainty that is often not adequately appreciated by critics of both.

Perhaps the best introduction to the theoretical issues at stake in the post-war functionalist debate can be found in a seminal article by one of the tradition's most important figures, Robert Merton. In "Manifest and Latent Functions", Merton is concerned with formulating a succinct program of functionalist research which might avoid the three "interconnected postulates of functional analysis" (16) which had until then encouraged suspicion of its basic assumption.<sup>3</sup> What is interesting in the current context is the way in which Merton's defense of the functionalist enterprise articulates the charge of ideological bias which would later be directed at Luhmann. This criticism,

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<sup>3</sup> The three postulates which Merton challenges express the sort of naive functionalism associated with the work of anthropologist A.R. Radcliffe-Brown, and are as follows: 1) the assumption that standardized social activities and cultural items are functional for the *entire* social and cultural system 2) *all* such activities and items fulfill sociological functions 3) these activities and items are *indispensable*.

which I will take up in subsequent chapters, indicates that many of Luhmann's antagonists have yet to move beyond the caricatured depiction of functionalism that Merton was confronted with. The allegation that functionalist sociology is hopelessly compromised by its imputed ideological commitments and conservative bias is a recurring theme in later critical treatments of Luhmann. However, as Merton argues, the charge that "functionalists confuse the familiar with the necessary" (28) cannot be reconciled with the equally plausible criticism that functional analysis presents a radical critique of social structures in its alleged insistence that institutions possess no intrinsic value, but rather must be judged solely in terms of their functional contributions to societal needs. Functional analysis is therefore fundamentally undecidable in terms of ideological commitment; "[t]he fact that [it] can be seen by some as inherently conservative and by others as radical suggests that it may be inherently neither one nor the other" (30). Moreover, the notion that functionalism is necessarily conservative assumes a version of functionalism in which necessity rather than contingency is imputed to social structures. As we will see, to *describe* a certain social structure and to attribute a certain function to it is not to ascribe to it the quality of inevitability, a basic confusion expressed in Ralf Dahrendorf's criticism that the functionalist view of society represents the worst excesses of utopian thinking, in which social structures are posed as eternal forms existing outside of time (Dahrendorf 1958). This ascription of a "static bias" has been a recurring theme in the critical appraisals of one of Luhmann's key mentors, Talcott Parsons.

Although he later came to reject Parsons' action-theoretical orientation in favour of a communicative view of social systems wherein *meaning* and not *action* is the

privileged theoretical point of reference, the influence of Parsons' "grand theory" approach on Luhmann was decisive. Several important concepts were inherited from Parsons, the most significant being the concept of "differentiation" as a characteristic feature of "complex" societies; the theorem of "double contingency", which poses and then solves the problem of the mutual opacity of interlocutors; and finally, the overall conceptual approach to society as an evolutionary achievement in which social structures are posed as adaptive strategies.<sup>4</sup> The later work of Parsons is also crucial in that it was shaped, to a certain extent, by cybernetic systems thinking. Parsons came to believe that, under specific conditions, social systems are controlled by their cultures. This is conceived of as a hierarchy of cybernetic control wherein "systems high in "information" control systems high in "energy"" (Johnson, 45). This clearly reproduces in the social domain the cybernetic theory of systems developed by Norbert Wiener, as we will see. Nonetheless, it is the points of divergence between Parsons and Luhmann that are more significant, as they demonstrate the extent to which Luhmann was able to transcend some of the more problematic assumptions of early functionalism, assumptions which Luhmann's critics are unfortunately only too willing to impute to Luhmann's own social theory.

Luhmann inherited from Parsons an approach to sociology deeply influenced by Emile Durkheim; for all three thinkers, sociology is a scientific enterprise in which the social system exists as a reality *sui generis*. Parsons was chiefly preoccupied with developing a mature sociological theory which would reconcile the tension between structure and action. By identifying the so-called "components of action", Parsons hoped

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<sup>4</sup> Although I certainly did not begin this thesis with the aim of defending functionalism, certain concepts specific to functionalism have, of necessity, been positively evaluated as part of the larger objective.

to isolate the emergent properties of the social system which, along with personality, the human behavioural organism, and culture, allow individuals to coordinate their behaviour, thus solving what for Parsons was the central problem of sociology – the problem of order. It is of course this preoccupation with order, or static bias, which often leads critics to treat Parsons dismissively. One of the most famous indictments of Parsonian structural-functionalism appears in C. Wright Mills' *The Sociological Imagination* (1959). In a chapter entitled "Grand Theory", Mills attacks functionalist sociologists for engaging in an "arid game of Concepts" (36) in which problems of legitimation are mistaken for problems of order. Mills' points of reference – power and domination – are generally shared by Parsons' critics, most of whom would agree with Mills' diagnosis that "the ideological meaning of grand theory tends strongly to legitimate stable forms of domination" (49). This critique reappears in critical engagements with Luhmann, as we will see. However, to claim that Luhmann's Parsonian lineage exposes his work to the same critique as that leveled against Parsons neglects the more significant differences between the two. But perhaps just as importantly, such condemnations often grossly misrepresent Parsons' work.

"A Paradigm for the Analysis of Social Systems and Change" (1961) provides an example of Parson's recognition of change as a sociological problem, thereby contradicting to a certain extent the charge of static bias. As Parsons explains, sociology is confronted with "the problem of structural change" as "the obverse of equilibrium problems" (195). While the main thrust of Parsons social theory is to explain order, one cannot conclude from this that order and stability are therefore taken for granted, but rather that order and stability – like *disorder* and conflict – exist as problems to be

theoretically formulated by the sociologist. The theme of order as a sociological problem will reappear in the work of Luhmann as a concern with the “improbability” of communication; just as Parsons demonstrates a more sophisticated understanding of social dynamics than his critics suggest, the notion of improbability in Luhmann’s theory of systems indicates that “stability” is treated as a problem rather than a given. The dynamism of the Luhmannian system is of course of a different order than that described by Parsons, given their radically different points of reference, i.e. communication as opposed to action. The point, however, is that the biases that Luhmann is supposed to have inherited from Parsons are far from unambiguous. Another example of this ambiguity is provided by Luhmann’s use of the Parsonian concept of “differentiation”.

“The Primary Sub-Systems of Society” (1959), co-authored with Neil J. Smelser, provides a concise overview of the concept of differentiation and introduces the well-known AGIL schema with which the functions of the various sub-systems identified by Parsons and Smelser are described.<sup>5</sup> As noted above, differentiation exists as a key concept in the work of Luhmann, and while it clearly draws on this earlier work, the points of divergence reveal the interesting manner in which Luhmann’s encounter with autopoiesis and second-order cybernetics led to a “de-ontologized” and non-teleological model quite unlike his mentor’s conceptual scheme. “The Primary Sub-Systems of Society” describes the social system in terms of the four functional prerequisites—adaptation, goal-attainment, integration and latency or pattern maintenance – that must be met in order for it to survive. Thus the “total society” is described in terms of needs and

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<sup>5</sup> The AGIL schema identifies four functional prerequisites required by each subsystem: adaptation to the physical environment; goal attainment, or the means by which resource can be coordinated to achieve goals; integration, which refers to strategies designed manage with internal tension; finally, latency or pattern-maintenance, by which internal stability is achieved and maintained.

goals, and “[w]here concrete structures cannot be identified, as is often the case, it is still possible to isolate types of processes which are...specialized” in terms of the four functional prerequisites, an overall process that is described by Parsons and Smelser in evolutionary terms (131). As we will see, Luhmann’s rejection of action in favour of communication as “the constitutive element of society” (Stichweh, 5) largely explains his departure from a Parsonian ontology and teleology; following the epistemological leap of Maturana and Varela, Luhmann presents social systems as purposeless, while their existence is not assured through social action but rather the reproduction of meaning. The following chart indicates in highly simplified terms the principal differences between Luhmann and Parsons:

	Parsons	Luhmann
<i>Concept</i>	action	communication
<i>Mechanism</i>	value orientation	meaning
<i>Problem</i>	order and stability	improbability
<i>Goal</i>	homeostasis	autopoiesis

Following Spencer-Brown, systems exist as configurations of differences which allow meaning to be generated, rather than as sets of “value orientations” which permit the coordination of social action. Thus, while Parsonian structural-functionalism provides Luhmann with certain idioms, his later intellectual encounters lead to a radical departure from the Parsonian model of systems. Luhmann’s relationship to Parsons, and therefore with functionalism, must be carefully considered, given that Luhmann’s critics often base their indictments on his association with earlier forms of structural-functionalism.

For Parsons, personality and the social system are both interdependent and independent:

They are interdependent because social systems consist of personalities in interaction and because personalities tend to be socialized. They are

independent because the human personality has its own need dispositions and because the patterns embodied in particular social systems cannot be derived from a knowledge of the laws of human motivation (Johnson, 24).

Parsons furthermore identified both the human biological organism and culture as further constraints on human action. While the former imposes certain physical limits to which the individual must adapt, culture includes most of the symbolic resources available to a society, including language. As Johnson explains, culture remains largely independent of the other components of action as “its particular content is not entirely determined by them” (26). However, culture does become absorbed into a social system once cultural values become institutionalized, which is to say “[w]hen precepts are made part of role expectations and are enforced with sanctions” (ibid). Towards the end of his career, Parsons began to place a greater emphasis on the symbolic domain, or the analysis of “generalized symbolic media of interchange as components of social systems and other systems of action” (Parsons 1977, 204). This resulted from Parsons’ engagement with systems theoretical innovations that were occurring in other disciplines. Parsons’ cybernetic turn demonstrates the natural affinity that existed between functionalist sociology and cybernetics, which would later be expressed in the work of Niklas Luhmann.

It is hardly surprising, given the constitutive role of biological thinking in functionalist sociology, that Parsons would take an interest in cybernetics as the “science of systems”. Parsons came to regard the social system as analogous to the living system, and as such it could be understood in terms of cybernetic mechanisms which fulfill “pattern-maintenance” and “goal-attainment” functions (Parsons 1977, 235):

The general principle of cybernetics and its close relative, information theory, are now well known. A system, which may be mechanical or electronic and need not be living, is conceived as “programmed” to behave in a planned way within a range of developing contingencies, without the necessity of predicting the specific contingencies in advance. As the process of “behavior” of the system develops over time, there is a feedback of information about developments in the environment, including the consequences of the preceding operations by the system. The feedback information is evaluated in its relation to the program, and the outcome is the setting in motion of a new set of operations which are “adapted” to the new situation (234).

As Parsons notes, “living systems generally [...] maintain their stability through cybernetic control processes” (235). Such control processes operate through inputs and outputs of information in the form of “symbolic media of interchange”, such as money and language. We can see then how theoretical innovations in systems thinking made their way into Parsons’ sociology by way of the organic analogy, and indeed one begins to wonder at this point whether in fact the social system can be thought of as a homologous equivalent of the living system. A certain ambiguity seems to surround the relationship between the social and the biological in the work of Parsons; while at one point he asserts that developments in cybernetics indicate a “far greater continuity between human socio-cultural evolution and that of the organic world than had been [previously] widely appreciated” (Parsons, quoted in Pfohl, 122), elsewhere he presents the biological analogy as a strictly analytical strategy. We will see how Luhmann specifies this relationship as an emphatically homologous correspondence, thus clarifying the somewhat uncertain status of the Parsonian system noted. We may also note that the Parsonian application of the cybernetic model to the general theory of social systems is one that clearly privileges *homeostasis* – the attainment and maintenance of certain “goal-states” – as the fundamental systemic imperative. As we’ve seen, Parsons imagined social

systems as hierarchies of cybernetic control, in which systems high in information steer systems high in energy, hence the potency of cultural values, which are “in themselves nothing but master symbols consisting of generalized “information” (Johnson 44-45). In contrast, Luhmann integrates into his model a second-order cybernetics characterized by *reflexivity* rather than homeostasis. While the Parsonian social system rehearses the input/output model of Norbert Wiener’s first-order cybernetic system from which the observer is excluded as a constitutive element of the system, Luhmann took advantage of the more sophisticated epistemology provided by the autopoietic model. This will become clearer in the next section, in which the passage from first- to second-order cybernetics will be discussed in detail. For now, the most significant point of departure from the Parsonian model represented in Luhmann’s work must be attended to: the transition from “action” to “communication”.

Rudolf Stichweh’s article “Systems Theory as an Alternative to Action Theory? The Rise of “Communication” as a Theoretical Option”, argues that a natural complementarity exists between action and systems theories, but that the communicative turn in Luhmann’s social theory leads to a basic conflict with action theory. Stichweh offers an explanation for Luhmann’s decision in the early 1980s, announced with the publication of *Social Systems* (1984), to opt for communication rather than action as the central reference point in his social theory, an unprecedented theoretical move that set Luhmann on a decidedly non-Parsonian path.<sup>6</sup> This was a process in which “[s]ystems theory [was] reformulated as communications theory, with the concept of action relegated to a secondary status. Therewith [arose] a real and consequential alternative in the

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<sup>6</sup> Nevertheless, communication had been a guiding theme in Luhmann’s thinking throughout the earlier part of his career, as we will see in the following chapter.

construction of sociological theories” (7). Systems theory did not start out as a formal attempt to theorize communication, but rather emerged as its central conceptual reference point as a result of Luhmann’s integrative approach to theory development. As Stichweh explains, Luhmann was led ineluctably in this direction as a result of his understanding of both action and communication as the processing of selections from among a set of possibilities, following his synthesis of Husserl’s phenomenology<sup>7</sup> and the information theory of Shannon and Weaver. As well, Luhmann’s distinction between action and experience was critical in deciding which direction his theory would take.

Whereas actions denote selections attributable to “concrete acting systems”, *experience* refers to cases in which a selection exists merely as information about states of the world (Stichweh 9). A problem arises when the sociologist is confronted with the impossibility of distinguishing action from experience in any objective manner, given that this distinction is always “an achievement of the participants in social processes, whose classifications are contestable” (ibid). As Stichweh notes, whatever social entity is chosen as the constitutive element of social systems, it must be more general than either “action” or “experience”; while clearly action cannot convey the action/experience distinction, communication is more general than either term, and “it seems plausible that the processes in which attributions are made, contested and remade are communication processes” (10).

A second “in-built bias” that led Luhmann to favour communication over action resulted from his distinction between two levels of system formation, the psychic system

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<sup>7</sup> The influence of Husserlian phenomenology on Luhmann will not be given sustained attention, as it can be adequately summarized in terms of this processing of selections: for Husserl, experience is produced by the individual through various intentional acts by which objects are selected from the world, which exists as a background or horizon.

(or individual) and the social system. In action theory, action itself is typically linked closely with an actor's goals, intentions, motives and will. The notion of social action can then be introduced in distinction to action, both referring to the same event but from the perspective of two different systems: individuals and social systems. Indeed, this was the formulation used by Parsons on the basis of his analytical systems theory (Stichweh, 8). Stichweh explains the problem that arises when one tries to separate psychic from social systems in those terms: "If one refers actions to the domain of psychic systems and social actions to the domain of social systems, one obviously argues in terms of an analytical theory, which attributes different aspects of one and the same *action event* to the two different levels of system formation" (Stichweh 9). This, however, would conflict with the autonomy that Luhmann confers upon both systems, which exist within his scheme as concrete, "real" systems rather than as analytical ones, as was the case in Parsons' theory (ibid). Action theory was in this sense simply incompatible with Luhmann's prior theoretical assumptions. In summary, and this will be stated with more accuracy in the following chapter, Luhmann devised a social theory which asserted that only communication is inherently social, whereas for action to be social it must necessarily be embedded within a communicative context. This reworking of Parsonian theory would appear to be quite radical, and yet not all scholars with a stake in functionalist sociology would agree. Specifically, the American "neofunctionalist" Jeffrey C. Alexander argues that Luhmann's innovations in fact represent a misuse of the Parsonian structural-functionalist paradigm.

The influence of Parsons is discernible in post-war German social theory in general. Jeffrey C. Alexander's "The Parsons Revival in German Sociology" is especially

interesting in that the author evaluates the influence of Parsonian social theory in the work of Jürgen Habermas, whose critique of Luhmann helps frame my own analysis of Luhmann.<sup>8</sup> Alexander notes that German sociology had by the 1980s become “dramatically Parsonized”, mainly through the efforts of Luhmann and Habermas, and despite the post-war anti-functionalism associated with Dahrendorf and other conflict theorists of the day (397). He also points out that German social theory has always been inflected with much more of a normative and philosophical bent than Anglo-American sociologists are used to, which at least partially explains the appeal of Parsons. Nonetheless, he accuses both Luhmann and Habermas of reproducing an either/or position that Parsons himself carefully sought to avoid, a position which insists that the social theorist make a choice; it “should focus either on norms or on interest; modern societies should be either utilitarian and modern or romantic, in either the conservative or the radical sense” (398). It is not difficult locate to Luhmann and Habermas on respective sides.

Parsons, as Alexander points out, resisted this *Gessellschaft/Gemeinschaft* dichotomy and asserted that society (rationality) and community (affectivity) coexisted in different institutional spheres (399). This polarity will reappear in the present work as a tension between the critical view of modernity, which decries the “terror of performativity” and the horror of administered society, and the systems theory of Luhmann, which instead describes in unsentimental terms the “higher amorality” of functionally differentiated subsystems. It is therefore interesting to note the influence of

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<sup>8</sup> Alexander includes a rather lengthy quotation from Habermas in which the latter asserts that Parsons’ work is “unparalleled in regard to its level of abstraction, internal differentiation, theoretical breadth and systematicity...[N]o social theory can be taken seriously today which does not – at the very least – clarify its relationship to Parsons’s” (395).

Parsons in both theoretical paradigms. As Alexander notes, Habermas implicitly integrates Parsons “pattern variable” schema – the AGIL formula noted earlier – into his model of society as a set of subsystems connected to “the three-system model of personality, culture and society” (399), but by falling back on his Critical Theory background and reestablishing the “familiar polarity of instrumental rationality versus human values”, Habermas “overly moralize[s] the lifeworlds of culture and experience” (400). According to Alexander, Luhmann similarly perverts Parsonian sociology, albeit as the result of an altogether different approach to social theory. Luhmann’s excessive reliance on “systems” leads to their reification, whereas Parsons seemed to pose systems as intellectual abstractions, something noted by Stichweh in a less critical vein. The result, argues Alexander, is that unlike Parsons, Luhmann is unable to take into consideration the importance of meaning, ethics, morality and individual human agency. What seems clear from Alexander’s analysis is that he overstates the importance of Parsons in Luhmann’s approach to sociology, especially given Luhmann’s ambivalence towards Parsons’ reliance on action as the central sociological reference point.<sup>9</sup> Again, the differences are as significant as the similarities.

An important Parsonian concept taken up by Luhmann is the theorem of “double contingency”. Most accounts of Luhmannian systems theory deal with this particular aspect of Luhmann’s Parsonian legacy in varying degrees of detail. The importance of this concept can be gauged by noting that an entire chapter of Luhmann’s *Social Systems* is devoted to it. The most succinct statement of its significance is provided in Michael King and Chris Thornhill’s book *Niklas Luhmann’s Theory Politics and Law* (2003) as

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<sup>9</sup> While these criticisms will reappear and be addressed in due course, it is worth noting that this article was written in 1984, before Luhmann was able to formally integrate meaning and communication as central concepts into his social theory using an autopoietic notion of systems.

part of the authors' more general outline of Luhmann's relationship with Parsonian functionalism. Again, the salience of communication as opposed to action in Luhmann's overall approach is crucial. Function is understood by Luhmann in terms of a system's ability to confer meaning on events in its environment through the selective reduction of complexity. Systems are functional not because they organize labour divisions or social action (King & Thornhill 11), but because "they are able to organize communications and disseminate them in ways that they and other communicative systems may make use of them" (ibid 9). Therefore, arrays of functionally differentiated systems, through their production of communication, are able to transform information into meaning, and thus "without their operations meaning, and so society, could not exist" (ibid 11). While Parsons developed the theorem of double contingency in order to explain how shared value systems allow the coordination of action between two social actors who confront one another in an indeterminate situation, Luhmann reformulates the concept to similarly explain the interaction of autonomous and mutually non-transparent social subsystems.

Luhmann describes each system as a "black box", in the sense that "the other's [the other system's] criteria for selection cannot be observed directly, but only through the "reconstructions" of the observing system" (ibid 30). Thus each system observes other systems, whether psychic or social, as a system within its own self-referentially constituted environment, but it is unable to observe how that other system self-referentially constructs its own environment and processes its selections: "What is invisible is the selectivity of the other system... Each system observes the other ... without "understanding" its [the other's] way of "understanding" external reality" (ibid). While for Parsons, double contingency referred to the uncertainty experienced by social

actors unable to infer or predict the motives or intentions of the other, in the Luhmannian context, it refers to a surfeit of meaning, or *complexity*. Thus a plurality of differentiated communicative subsystems has the function of producing “communications which enable the reduction of complexity to meaningful and manageable proportions” (ibid, 18). Simply put, differentiated subsystems effect a reduction of the referential horizon, creating a “narrow world of common understandings, complementary expectations and determinable issues” (ibid), a selective reduction which applies to both psychic and social systems. This transformed concept of double contingency can clearly be seen as a consequence of Luhmann’s turn away from the action-oriented approach of Talcott Parsons towards communication as the basal social process.

The purpose of this section has been to draw out both the continuity and discontinuity with Parsonian structural-functionalism represented in the work of Luhmann and, parenthetically, that of Habermas. I would argue, however, that it is the differences between Parsons and Luhmann that are more instructive. In particular, it is Luhmann’s insistence that communication, not action, is the most basic unit of social analysis that is most significant. While Parsons’ synthetic attempt to reconcile action and structure is both representationalist and humanist in orientation in that claims to offer a first-order description of the social system, rather than a description of society’s own descriptions, Luhmann’s repudiation of both the subject and traditional epistemology places him in an entirely different position. Furthermore, and again this will become more apparent in the following section, Luhmann’s use of a second-order systems approach led him towards a “de-ontologized” perspective in which sociological problems are formulated as problems of epistemology. Luhmann is concerned not with formulating

a correct understanding of social systems – the “what” – but with society’s own self-understanding – the “how”. At the same time, however, a certain congruity is apparent in the work of Parsons and Luhmann. Throughout the history of functionalist sociology, the use of biological metaphors has existed as a foundational trope. Perhaps the most emphatically “functionalistic” and Parsonian moment in Luhmann’s theory is the functional equivalence he draws between living systems and social systems. And yet Luhmann, unlike earlier functionalists, describes both as self-organizing, structurally open and organizationally closed autopoietic systems, following certain radical insights in the natural sciences, to which we now turn.

### *Systems Theory: From First- to Second-order Cybernetics*

Perhaps the most daunting task in this chapter is to provide a general outline of the early development of systems theory, including cybernetics, information theory, and autopoiesis, all of which inform Luhmann’s work. In my review of the relevant literature, systems theory has emerged as a general heading under which cybernetics and information theory exist as sub-domains, although this is debatable. As such, systems theory will be used as an umbrella term referring to information theory, cybernetics, and autopoiesis collectively. The volume of literature touching on these fields is so enormous that sources have been selected according either to their acknowledged status as “founding texts”, or as works that have had an especially significant influence on Luhmann. In this section, I hope to give the reader a sense of how systems theory, as a theoretic syncretism, forms the core of the Luhmannian concept of communication. A critical treatment of Luhmann’s appropriation of this body of work will of course be put aside for now, as the immediate task is simply to offer a map of the conceptual terrain.

As Norbert Wiener, the “father of cybernetics”, pointed out in *Cybernetics: or Control and Communication in the Animal and Machine* (1948), the passage from Newtonian physics to quantum mechanics was essentially a shift from certainty to statistical probability, from a palindromic “economy of energy” to the time-bound unpredictability of thermodynamics (Wiener, 39). This, he argued, corresponds with the passage from the “age of the steam engine” in the eighteenth and early nineteenth centuries to the present “age of communications and control”. As the new systems of control depended for their effectiveness on communication rather than brute energy, he shared with other scientists a concern with the accurate reproduction and preservation of fragile signals. This entails that certain phenomena – Wiener uses the example of weather systems – are subject to such a massive aggregate of variables that linear causality as an explanation becomes impossible: “Using Newtonian laws, or any other system of causal laws whatever, all that we can predict at any future time is a probability distribution of the constants of the system, and even this predictability fades with time” (Wiener, 33). The significance of Wiener’s work, from our perspective, is that it initiated a rethinking of the system as a communicative entity wherein information rather than energy is the basic constitutive unit.

In line with Wiener’s description of the passage from energy to information as the locus of power, the cultural anthropologist Gregory Bateson (1970) developed a theory of information derived from the insight that, ontologically, information is of a different order than matter and energy, and in such a way that it is profoundly paradoxical. The circular causality of the feedback loop is generally cited as the central paradox of the cybernetic system (i.e., A cause B, B causes A). Bateson, however, exposed yet another

layer of paradox. This is best expressed by Bateson in his example of how a letter not received can be a source of information – a lack of information can have potent informational value. In the world of communication, “nothing – that which is not – can be a cause” (458). As we will see, the implications of this are drawn out in Luhmann’s theory of communication, but we may also note that this emphasis on difference shares a certain affinity with Spencer-Brown’s *Laws of Form*. Bateson famously formulated this concept by defining information as “the difference which makes a difference” (459), a proposition which asserts that any object of which we speak is composed of an infinitude of potential facts, or differences, such that it can never enter into communication without a selective reduction of these differences (459). While this insight occurred within the context of Bateson’s interests in theories of cognition, his use of the cybernetic paradigm across a number of seemingly disparate fields of inquiry – psychiatry, biology, and ecology, to name a few – convincingly demonstrated the power of cybernetics as a point of disciplinary intersection.

Through Wiener’s elevation of communication and Bateson’s “de-ontologized” formulation of information, the work of the early “cyberneticians” is seen to be leading towards a theory of systems centered on communication and difference. To put it another way, the cybernetic system became a constitutive model in which communication was foregrounded. It was not until the emergence of second-order cybernetics, however, that the observer would be included, leading to the outright rejection of the representationalist epistemology implied in first-order descriptions of systems. In such a way, fragmentation and partiality would become the unavoidable conditions of possibility of communication. The shift is characterized by Eva Knodt and William Rasch (1994) as a move from the

ontological to the epistemological, in which “the question is no longer “*what*” is there? – but: *how* does an observer construct what he constructs in order to connect further observations” (3).

The cybernetic enterprise has of course been criticized as the ultimate expression of the will to perfect technocratic modes of social control. Nightmarish visions of informational dystopias in which the denial of materiality is sustained by the reification of “cyberspace” are conjured up by writers such as Stephen Pfohl (1997), while N. Katherine Hayles (1994), who is otherwise impressed by the epistemological innovations of latter-day cybernetics, is alarmed by the cybernetic delusion of self-sufficient worlds of information (443). Pfohl somewhat hysterically describes how “cybernetic control practices today guide the hegemonic marketing of both meaning and material survival within the bodily confines of a cruel, complex, and contradictory socio-economic system” (115), while Hayles’ “Boundary Disputes: Homeostasis, Reflexivity, and the Foundations of Cybernetics” interrogates what she sees as the problematic displacement of materiality characteristic of the cybernetic enterprise. Critiques such as these approach cybernetics historically, as a cultural artifact inextricably bound up with the will to dominate. Of course Wiener was preoccupied with control, as the subtitle of his seminal book *Cybernetics* suggests, as was much of the work in early first-order cybernetics. However, the implications of Wiener’s notion of control are perhaps less “technocratic” and sinister than critics of cybernetics have suggested. Certainly the object of a mechanical or computerized cybernetic system – the classic example being a thermostat – is, at minimum, to ensure a constant state of equilibrium through the use of a negative feedback loop. But this of course is only a partial description; what is just as important, I

would argue, is the radical rethinking of communication brought about by cybernetics (Hayles, 442). The best account of this is provided by Dirk Baecker (2001), who argues that Wiener's basic point in *Cybernetics* is that, at least in the social sciences, control cannot be mentioned without reference to communication (59). However, control here does not refer to sinister forms of technocratic power, but rather the selective and strategic reduction of freedom in order to maintain expectations:

[C]ommunication is needed to entice observers into a self-selection and into the reduction of degrees of freedom that goes with it. This means that there may be a certain gain in the reduction of degrees of freedom, which for instance may be a greater certainty in the expectation of specific things happening or not happening. Control, based on communication, implies a negotiation and a kind of contract to be concluded. It implies consent, not control, on both sides of the control relationship [...] (60)

This theme is taken up by Luhmann, the normative implications of which will appear in subsequent chapters. For now, it will suffice to point out that the notion of control as it emerged in cybernetics cannot be summarized as the will to technocratic domination; it can also be understood in terms of how it contributes to a sophisticated theory of communication.

Baecker also discusses the influence on systems theoretical thinking of Shannon and Weaver's *Mathematical Theory of Communication* (1963), which offers the (in)famous sender/receiver model of communication, a concept of communication that, in bracketing out the semantic aspect of communication, typically provokes the derision of anyone interested in the social role of communication. But as Baecker provocatively argues, there is perhaps more to Shannon and Weaver's theory of communication than its technical character suggests. While Shannon may have approached the question of how information is constituted as an engineering problem, Baecker proposes "calling this

engineering problem the semantic and pragmatic problem as well”. Referring to the work of Spencer-Brown and the epistemology of constructivism, Baecker goes on to state:

The *Laws of Form* [...] conceives of a distinction making sense because it separates i.e. relates, a “marked space” (selection) and an “unmarked space” (set of possibilities). And constructivism conceives of references as being organized by distinctions between selections, and not by the entities they are meant to refer to, or by any observer equipped with categories of reason and perception thanks to the clemency of the gods (65).

In information theory, infinite informational loads are reduced to a manageable range of possible selections. The improbable becomes less improbable to the extent that the number of possible selections is reduced, and in this way *constraint* – the selective reduction of degrees of freedom – is a condition of communication. Spencer-Brown’s unmarked state thus corresponds to the field of possible selections specified by Shannon and Weaver’s technical system, while the marked state refers to the actual selection; similarly, constructivism posits that perception fundamentally ties the observer not to an external world but to his or her ability to distinguish from among a potentially limitless number of selections. The engineering problem of how something acquires the status of information is thus transferred to the realm of the social. Shannon and Weaver’s technical explanation can be seen to have isolated concepts that would be central to second-order systems theory. In summary, Baecker explains how cybernetics and information theory crucially inform a particular view of communication which, I would argue, is neither sterile nor sinister; like the application of the organic analogy as a frame for thinking about social systems, information theory and cybernetics have been remarkably productive yet controversial ways of theorizing communication. However, in order to understand the full impact of cybernetics, it is necessary to describe the shift from the

foundational cybernetics of Wiener and Bateson to second-order cybernetics, an excellent account of which is provided – somewhat ironically – in Hayles’s article cited above.

The early work in cybernetics that emerged from the Josiah Macy Foundation conferences of 1946-1953, as Hayles points out, was marked by the competition between two concepts, homeostasis and reflexivity. While the former is associated with a political commitment to order and stability over struggle and change – a rehearsal, we may note, of the critique of Parsons – the latter is defined by Hayles as the turning of a system’s rules back on itself “so as to cause it to engage in more complex behavior” (446). Earlier articulations of cybernetics which emphasized the maintenance of certain systemic “goal states” are of course tied to the critique of cybernetics as the apotheosis of social control. However, it is the concept of reflexivity which finally prevailed and led to the emergence of second-order cybernetics, in which problems of epistemology rather than problems of control are the central theme. If first-order cybernetics is the science of systems, second-order cybernetics is the science of *observing* systems. Taking the role of observation into account, reflexivity becomes more than the formulation of practical advantages implied by the revelation of the immanent logic of systems, whether mechanical, social or biological. The further implications, pointed out by Heinz von Foerster in his appositely named book *Observing Systems* (1981), are epistemological, and can be summarized in the following propositions:

1. observations are not absolute but relative to the observer’s (i.e. the system’s) point of view[...]
  2. observations affect the observed so as to obliterate the observer’s hope of prediction [...].
- Given these changes in scientific thinking, we are now in possession of the truism that a description (of the universe) implies one who describes (observes it) (Quoted in Wolfe, 177).

What is also of particular interest is that cybernetics offered an account of how an external event acquires significance for the system, how order emerges from undifferentiated chaos.

In the example of a thermostat or even a guided missile system, it is simply a matter of technically defining a code which will provide the system with a set of possible messages (e.g. temperature gradients, relative position of target). The system's designer is thus able to constrain the system's ability to acquire information. This led to the conclusion that perhaps existing complex systems, including social formations, possess their own sets of "codes", arrangements of distinctions that establish the horizon of possible selections which might constitute information. The relevance here for how we think about communication is crucial. While von Foerster can be credited with moving the emphasis of cybernetic inquiry away from first-order descriptions of systems towards a description of descriptions, or as he puts it, a "cybernetics of cybernetics" (Geyer and van der Zouwen, 1), the idea that information is constituted self-referentially – a radical rejection of both realism and idealism – was posited by Chilean biologists Humberto Maturana and Francisco Varela. As Hayles explains, this insight is grounded in early work done by Maturana in the late 1950s and early 1960s on visual processing in the frog's cortex. The most influential article, coauthored with a number of scholars associated with the Macy conference, was "What the Frog's Eye Tells the Frog's Brain" (1959), which proposed that an organism's experience of the world is entirely dictated by its own internal organization. The radical nature of this proposition cannot be overstated:

[I]f perception is species-specific, then it follows that every perception is always already encoded by the perceptual apparatus of the observer, whether the observer is a human or a frog. Thus there is no possibility of a transcendent position from which to see reality as it "really" is. Simply

put, the article blows a frog-size hole in objectivist epistemology (Hayles 461).

In this way, reflexivity rather than homeostasis is established as the central cybernetic concept, and in the process it is transformed from psychological complexity into a term denoting the interplay between a system and its components, which mutually define each other (Hayles, 463). The theory of autopoiesis can therefore be regarded as a fully mature articulation of second-order cybernetics.

As noted, the early work in cybernetics was preoccupied with the design of control systems. In this mechanistic approach to control, the relationship of the engineer – the observer – to the system was unproblematic; as the system “communicates” with its environment using inputs, outputs and established boundaries technically defined by the cybernetician, the observer remains autonomous, while the system is essentially passive. In this case, the *model is the system*. Second-order systems theory, on the other hand, acknowledges both that the properties of the system must be distinguished from those of the model, and the system is itself an agent that interacts with another agent, the observer (Heylighen & Joslyn, 3). Even during the formative post-war period of first-order cybernetics, it was becoming apparent that the observation implies an observer who is inseparable from the causal chain; this problematic conflation of observer/observed and cause/effect was of course the legacy of Heisenberg’s uncertainty principle. This paradoxical relationship between observer and observed is central in the development of systems theory; it is a formal attempt to confront the proposition that “we do not see what we do not see, and what we do not see does not exist” (Maturana & Varela 1992, 242). The significance of this emphasis on the contingency of observation, as Wolfe (2000) explains in a passage that calls to mind Spencer-Brown’s laws of form,

is its “constant reminder, as Maturana and Varela put it, “that everything that is said is said by someone.” Because all contingent observations are made by means of the “strange loop” of paradoxical distinction between “inside” and “outside”, x and not-x, “every world brought forth,” they write, “necessarily hides its origins. By existing, we generate cognitive “blind spots” that can be cleared only through generating new blind spots in another domain” (179).

Second-order systems theory as a way of thinking about social communication is identified with the autopoietic turn in social theory, and Luhmann can be regarded as its most eloquent spokesperson.

Eva Knodt, in her remarkably comprehensive foreword to Luhmann’s *Social Systems*, identifies the emergence of systems theory with two subsequent paradigm shifts “which moved the problem of order from the fringes of metaphysical speculation to the centre of scientific research.” The first involved a move from the metaphysical distinction of part/whole towards a system/environment distinction, while the second shift involved an elaboration of this latter distinction and redefined it within a general theory of self-referential systems (Knodt 1995, xx-xxi). This second paradigm shift is, like second-order cybernetics in general, associated with autopoiesis, which explicitly addresses the self-referentiality and recursivity of biological systems. Maturana offers the following definition of an autopoietic system as:

A dynamic system that is defined as a composite unity as a network of productions of components (sic) that,  
 a) through their interactions recursively regenerate the network of productions that produced them, and  
 b) realize this network as a unity in the space in which they exist by constituting and specifying its boundaries as surfaces of cleavage from the background through their preferential interactions within the network, is an autopoietic system (sic) (Maturana, quoted in Mingers, 15).

The autopoietic system is therefore one that produces nothing other than itself. It is *organizationally closed* and yet *structurally open*, meaning that while a system’s

structures or components can be replaced, the system is reproduced at the level of organization by maintaining stable relations among these structures. The environment, the system's "outside", acquires significance only insofar as external events or elements either contribute to or threaten the internal stability of the system. External events do not simply "exist", but are selected by the system on the basis of a set of distinctions that are a function of the system's internal organization. The process of distinction, however, does not simply define what will constitute "information", but also constitutes the system itself by marking a boundary between the system and its environment. There is thus a "double-distinction" that takes place. As Arnoldi notes, "the observation constitutes the observer" (Arnoldi, 5). Autopoiesis – literally, *self-production* – describes how a physical system constitutes its own boundaries, within which components are reproduced for the sole purpose of regenerating themselves and maintaining both its boundaries and its own self-organization. The consequences of this paradoxical view of systems for social communication find their most careful elaboration in the work of Luhmann.

In Luhmann's autopoietic social system, which he does not claim to be a *living* system, it is not the production of components but rather *communication* that allows the system to maintain itself. This notion of communication decisively abandons the transmission model and instead constructs communication as an *event* which emerges from the process of distinction and selection. A second-order systems theory approach to communication forsakes any attempt to validate truth claims, but rather establishes how self-referentiality and recursivity allows them to acquire coherence. It thereby asserts that *meaning is radically immanent*.

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The three movements discussed above – Spencer-Brown’s formal calculus, Parsonian structural-functionalism, and systems theory – all converge in Niklas Luhmann’s sociology. There are a number of common themes, but tying them all together is the concept of *system*, except in the case of *Laws of Form*, which nonetheless has a foundational status in Luhmann’s social theory. In the work of Spencer-Brown, the drawing of a distinction is the primitive act by which something comes out of nothing; the crucial insight is that this severance of space necessarily creates an unmarked state, a “blind spot” which can itself only be disclosed through yet another distinction. Thus infinite regress and partiality are formally expressed as conditions of possibility. This serves as Luhmann’s most basic epistemological postulate, and as noted, it is consistent with the Batesonian formulation of information as *the difference which makes a difference*. As we’ve seen, this notion exists at the threshold where the first-order system described by Parsons and Wiener becomes the second-order system of Maturana and Varela. While for Parsons, the system is a set of stable relationships among structures specified by the sociologist in terms of function, the autopoietic social system includes the sociologist as a constitutive element; the observer of the social system is not exempted from the contingency of observation. A mature theory of social systems must, according to Luhmann, come to terms with this insight. As critics would probably note, the central theme at play in the systems theoretical paradigm is *control*, in which the specification of systemic properties and their interrelations is carried out for the purposes of achieving ever more sophisticated ways of exerting power. This critique, as I will argue, is tied to the fortunes of Niklas Luhmann’s theory of communication and is in part responsible for impeding its reception among scholars in the English-speaking academic

community. Now that we have a basic understanding of the conceptual background, we can begin to elaborate this critique in the following chapter by moving on to a more detailed description of Luhmann's vision of society.

### Chapter III: Redescribing Luhmann

As King and Schütz argue (1994), the goal of Luhmann's social theory – to “redescribe the descriptions of modernity” (Rasch 2002) – is characterized by an “ambitious modesty”. As they explain, “It is a theory which acknowledges modestly that it cannot answer many of the important questions that face modern societies” (261). As this chapter will attempt to demonstrate, however, Luhmann's theory of social systems is an ambitious attempt to formulate a *total description* of social phenomena. More specifically, I wish to call attention to the radical rethinking of communication contained in Luhmann's work, which leads to the surprising claim that “only communication can communicate” (Luhmann 2000, 156). In what follows, a description of Luhmann's theory will be offered. This is of course a necessary preface to the larger aim. It is organized without reference to the chronological development of Luhmann's thinking, but rather as a constellation of concepts.

As we saw in the previous chapter, Luhmann brings together three distinct but related bodies of thought in his work: Spencer Brown's theory of distinction, Talcott Parsons' structural-functionalism, and the theory of autopoiesis. The sociological innovation that derives from this synthesis is the claim that society is characterized by the same mode of organization and reproduction as the autopoietic organism. We can already sense how deeply counterintuitive – not to mention stratospherically abstract – Luhmann's thinking is. The synthesis represented in Luhmann's work suggests a certain conceptual order of priority, and indeed the reader does encounter several pervasive themes and concepts. However, to “redescribe” Luhmann's theory is not simply a matter of identifying and adumbrating its central propositions and concepts. Luhmann's systems

theory is concerned chiefly with social complexity, and its architecture is reflexively designed to resemble its object; as Knodt remarks, “Systems theory [...] simulates complexity in order to explain complexity, and it does so by creating a flexible network of selectively interrelated concepts that can be recombined in many different ways and thus be used to describe the most diverse social phenomena” (Knodt 1995, xix). In Luhmann’s vast output – at least fifty books and over three-hundred and fifty published articles – the reader encounters many interrelated concepts which clarify and refer to one another in a circular fashion. To impose a strict hierarchical organization on such concepts would undermine the theory’s overall design, which has been described as “a heterarchy of its own”; furthermore, one “may enter it at any point and discover it in many different ways” (Baecker 2005). This places certain demands on the reader and on the writer who attempts a reconstruction of Luhmann’s theory, which is likely to appear somewhat arbitrary. In any case, one can at least aspire to thoroughness.

### ***A Unity of Difference: The Social System as Paradox***

Systems theory looks upon unifying concepts, or the “collective singulars” of “foundational discourses” – History, Nature, the individual – with deep skepticism (Müller, 40). For Luhmann, these privileged points of reference are “a matter of self-attributions or self-simplifications that are functionally in need of explanation” (ibid), indicating that society’s descriptions of itself are treated within systems theory as the contingent attributions of observing systems. It is as communicative artifacts that such concepts become objects of sociological knowledge. In the absence of “initiating intuitions”, Luhmann offers a “flexible network” of concepts as part of an overall “universal” theory which can include itself in its own observations. While refusing to

make foundational claims, Luhmann nonetheless claims for his theory a “universality of comprehension of the object in the sense that, as a social theory, it treats of all social matters rather than only of segments” (Luhmann, quoted in Müller, 41). How does Luhmann justify this claim?

For Luhmann, sociology observes society from within the space of the functionally differentiated social subsystem of science; it is not exempt from the principle of self-reference. Sociology contributes to the constitution of social reality by producing meaningful communications about what it observes in its environment, and in this sense, it is always at the same time both theory *and* practice. As a system amenable to systems theoretical analysis, the system of science is included in its own environment, and Luhmann ascribes to sociological communication the same function that is attributed to all other social subsystems: the selective reduction of complexity. If this appears to be tautological, that’s because it is:

[Luhmann] uses the operative distinction between system and environment to determine that society is a complex system which replicates the system/environment distinction to form internal subsystems. Science is among these internally differentiated social systems, and within this system is the sub-system of sociology. Here, in the system sociology, Luhmann finds himself again, an observer observing society. His knowledge of society as an internally differentiated system is a contingent observation made from within one of the specialized function-systems he observes. He concludes, therefore, that any social theory claiming universal status must take this radical contingency into account (Rasch and Knodt, 5).

As we will see, the contingency of observation is a theme that pervades Luhmann’s theory of society, giving rise to a very sophisticated model of communication.

As noted in the previous chapter, “distinction” as defined by Spencer Brown is the basic act of severing a space, thereby creating a marked and an unmarked space. We now

wish to pursue this in a somewhat more sophisticated register. Following Spencer Brown, Luhmann gives priority to distinction as the primitive act from which all social forms emerge. Each distinction necessarily leads to the creation of a blind spot or latency, which simply refers to the unmarked or unobserved side; distinction is always tied to an observer. While the first-observer cannot simultaneously observe both the marked and unmarked state, at the level of second-order observation, whether from the perspective of another observer or the same observer reflexively observing his or her own observations, both sides of the distinction can be observed as a unity of difference. Second-order observation thus reclaims the unity that the first-order observer must necessarily renounce, while at the same time disclosing the paradox of self-reference. For the first-order observer, “the world as it is and the world as it is being observed cannot be distinguished” (Luhmann 1996, 11), whereas the second-order observer is capable of observing this distinction. However, the second-order observation must eventually suffer the same fate: “second-order observation neutralizes the paradox implied in an observation, but [...] it knows that it can do so only by generating a new paradox at the operative level of its own observation” (Knodt 1994, 91-92). We proceed from distinction to observation, only to find ourselves again confronted with the paradox of self-reference which the original act of distinction evokes.<sup>1</sup> Distinction implies both the negation of unity and a paradoxical “unity of difference”; in systems theoretical terms, the system’s unity is derivative of the system/environment distinction, or as Roberts expresses it, “the difference between identity (system) and difference (environment) is prior to any concept

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<sup>1</sup> Of course, one can always render the paradox invisible by way of Russell’s theory of logical types. Luhmann, however, objects that the logician’s deferral to the hierarchy of level or classes which this solution requires can only be maintained by an “arbitrary fiat”; specifically, “the instruction to ignore operations that disobey the command to avoid paradoxes” (Luhmann 1986, 24).

of identity” (71). Here, Luhmann’s logic is quite simple: system boundaries are required “so that the world acquires the possibility of observing itself. Otherwise, there would be pure facticity alone” (1989, 18). In other words, systems have to be presupposed, as without the basic distinction between system and environment, there would be an undifferentiated void. As an epistemological framework, this leads to an unusual description of society.

According to Luhmann, society exists as an aggregate of functionally differentiated, self-referential autopoietic systems which, through the primary system/environment distinction, constitute and reproduce their own boundaries. Luhmann assumes the existence of operationally *closed* systems as the most basic premise in understanding how forms, whether psychic or social, come into the world. As discussed in the previous chapter, the autopoietic system is one which is structurally open yet operationally closed; a system’s autopoiesis is maintained by reproducing its internal form of organization, which in turn determines its ability to observe objects and events in its environment. In other words, both system and environment are posited by the system itself; the environment, as “the totality of external circumstances”, possesses a unity that is “nothing more than a correlate of the unity of the system since everything that is a unity for the system is defined by it as a unity” (Luhmann 1989, 22). We arrive at the proposition that *identity is the product of difference*. Objects and events in the environment always refer back to the system itself, as “[t]here is no outside, no external necessity, no enabling world, except as a component of the distinction between internal and external” (Luhmann 1998, 33). As Luhmann explains, the system/environment distinction “[introduces] into a determined, even if unknown, world an area of self-

determination which can then be dealt with in the system itself as being determined by its own structures” (1989, 27). Reality itself is evoked or called forth by the self-referential system. Here, the concept of “reentry”, mentioned in the previous chapter, becomes crucial.

Luhmann describes how the constitutive difference between inside and outside reenters or is reintroduced into the system, allowing it both to maintain its boundaries and to construct an external world. For example, the immanent/transcendental code of religion reenters the system as a distinction between sacred and profane, thus transforming its tautological reference to a self-positing environment (the transcendental) into an encounter with empirical objects (the sacred) existing within the space of the immanent world (the profane).<sup>2</sup> This model of the self-positing system suggests a connection with the philosophy of consciousness: the individual as a *psychic system* introduces the difference between self and not-self back into consciousness and thereby secures its own identity through self-negation.<sup>3</sup> As a result of the reentry of the form back into the form, the system is able to reproduce itself autopoietically through the act of observing both itself and its environment, each observation reintroducing the distinction and momentarily securing its autopoiesis. This points to yet another distinction which we will now examine: operation/observation.

As Carey Wolfe (1998) points out, Luhmann “extends and refines the work of Maturana and Varela in the particular theoretical pressure he applies to the problem of observation” (65). Specifically, Luhmann emphasizes the difference between *operation* and *observation*. An operation refers to “the actual processing of the reproduction of the

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<sup>2</sup> This example is taken from Rasch, 2000, 28.

<sup>3</sup> The relationship of systems theory to the philosophy of consciousness will appear as an important theme in subsequent chapters.

system”, while observation indicates “the act of distinguishing for the creation of information.” The operations of society’s subsystems take the form of *reentry*, a concept cursorily noted in the previous chapter. By specifying the system/environment distinction as a binary *code* – immanent/transcendental, legal/illegal, universal/particular, true/false, etc. – with a positive and negative side that corresponds, respectively, to an inside and an outside, the system is able to oscillate between self- and hetero-reference. Each code can of course be examined in terms of its unique historical genesis. For example, the economy’s profitable/unprofitable distinction emerged once the nascent bourgeois economic system became disembedded from traditional systems of moral obligation.<sup>4</sup> The code is a special case of observation in which two countervalues stand in close relation to one another in mutual specification; “When one knows what is good, then one also knows what is bad” (Luhmann 1993, 998). What the coding of social subsystems also implies is a corresponding mechanism by which the positive or negative value is assigned:

[T]he schematization of the code also allows the establishment of specific programs (rules, criteria, and conditions) that can help one to decide whether the positive or negative side of the code is to be taken into account. The more thoroughly a code is schematized and the passage from one side to the other made easier, the more necessary it is to develop programs that prevent passage from happening arbitrarily. Therefore, the fixing and schematizing of specific codes leads to a corresponding development of code-specific programs in socio-cultural evolution (ibid, 998-999).

The code as a simultaneous presentation of two countervalues, x and not-x, is of course also a paradox. Here, the temporal structure of the system becomes crucial. Luhmann

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<sup>4</sup> A number of Luhmann’s works devoted to specific systemic codes – art, the mass media, law, and love – are available in English. See, for example, *Art as a Social System* (2000); *The Reality of the Mass Media* (1996); *A Sociological Theory of Law*. London ; Boston : Routledge & Kegan Paul, 1985; and *Love as Passion: The Codification of Intimacy*. Stanford: Stanford University Press, 1986.

explains how time is required to unfold its constitutive paradox; when a distinction is used, “the user must decide [...] which side he wants to indicate. He cannot indicate both sides at once, because that would make the distinction itself useless. And “to make useless” means “to let appear as a paradox”” (Luhmann 1993, 996). In other words, observers encounter paradox when that which is possible successively is observed simultaneously (ibid, 997). Elsewhere, Luhmann explains that “the unity (of self-reference) that would be unacceptable in the form of tautology (e.g. legal is legal) or a paradox (one does not have the legal right to maintain their legal right) is replaced by a difference (e.g. the difference of legal and illegal)” (Luhmann, quoted in Wolfe, 67). Or, as King and Thornhill explain,

[T]he external environment for the system – the society in which the system sees itself as operating – is in practice a construct of the system itself. By treating itself as if it existed in an objectively verifiable world the system has no awareness of the paradox of its own existence, and is able to operate as if its communications were justified and legitimated by universal notions of what is true, legal, morally right, scientific and so on. These systems are then able to apply these self-produced criteria of validity to their own operations (2003, 20).

The paradox can never be dissolved, only concealed through the strategy of “deparadoxification”. The operation thus performs two crucial functions: first, it reproduces the system’s internal form of organization, i.e., the code and its corresponding program. Secondly, it has the effect of *concealing the paradox*, which would otherwise block the system from observing itself and its environment. A social system’s autopoiesis is therefore understood as a process of ongoing observation. While this model suggests a thoroughly constructivist epistemology, Luhmann is careful to distinguish it from so-called “radical constructivism”, preferring the term “operational constructivism”, noting that “[t]he theory of “operational constructivism” does not lead to a “loss of the world”;

“it does not deny that reality exists [as does radical constructivism]. However, it assumes that the world is not an object but is rather a horizon, in the phenomenological sense. It is, in other words, inaccessible” (Luhmann 1996, 6).

In response to this, Luhmann’s strategy is to work *with* rather than *around* the fundamental paradox. The irreducibility of paradox leads Luhmann to frame sociology as an encounter with self-reference, contingency and complexity, such that social systems “can only be comprehended in terms of a network of interlocking, non-hierarchical, and horizontal observations that can never be unified into a totalized observation without blind spots” (ibid, 93). As Luhmann explains in his essay “Paradox of Observing Systems” (2002):

When observers (we, at the moment) continue to look for an ultimate reality, a concluding formula, a final identity, they will find the paradox. Such a paradox is not simply a logical contradiction (*A* is not *A*) but a foundational statement: The world is observable *because* it is unobservable. Nothing can be observed (not even the “nothing”) without drawing a distinction, but this operation remains indistinguishable. It can be distinguished, but only by another operation. It crosses the boundary between the marked and unmarked space, a boundary that does not exist before and comes into being (if “being” is the right word) only by crossing it. Or to say it in Derrida’s style, the condition of its possibility is its impossibility. Obviously, this makes no sense. *It makes meaning* (my emphasis, 87).

Meaning is always shadowed by paradox in the form of self-reference. While this problem has traditionally been thematized as “reflexivity”, Luhmann breaks with the assumption that reflexivity is the exclusive property of an actor or subject. Reflexivity is reconstituted as self-reference, a more general property of systems which, like meaning, is not limited to the conscious subject (Roberts 84-85).

The productivity of paradox is perhaps the most pervasive thesis in Luhmann’s work, beginning with the paradoxical unity of the system/environment distinction. As

Luhmann acknowledges, the fascination with paradox is not new. He notes that since paradox was “invented” two thousand years ago, there have been two contradictory uses of the concept, one logical, the other rhetorical (Luhmann 2002, 80). While the former invoked paradox as a problem to be suppressed, the rhetorical tradition has tended to use paradox productively, drawing on it “to enlarge the frames of received opinion”, as suggested by its etymology (*para-doxa*, literally beyond opinion), or, as in the sixteenth-century, to direct attention to the borders of common sense (ibid, 80-81). For several hundred years, modern intellectual and aesthetic movements have attended to the paradox of self-reference in the form of questions which force objects of knowledge to bend back upon themselves; is morality moral? Is reason rational? Similarly, aesthetic attempts to represent representation within works of art stretch back centuries. Indeed, Luhmann argues that sensitivity to the paradox of self-reference is characteristic of modernity, noting that “[a]n individual in the modern sense is someone who can observe his or her own observing” (1998, 7), and he is fond of pointing to the novel, in which the reader has access to information unknown to the protagonist, as evidence of society’s preoccupation with second-order observation.

As Rasch points out, “[o]nce the apparently solid, external ground of tradition, God, and the monarchy was replaced by rational self-grounding, self-reference became unavoidable, whatever its guise” (2000a, 94). Many examples of this preoccupation with self-reference – the historical shift from first- to second-order observation – are available, but for Luhmann, this cannot be considered simply at the level of modernity’s semantics, its repertoire of self-descriptions, such as “modernity as Enlightenment” (Luhmann 1998,

2), “postmodernity”, or “the administered society”.<sup>5</sup> Rather, second-order observation as modernity’s characteristic mode of operation must be described at an operational, *structural* level. In other words, Luhmann is not content simply to historicize the theme of self-reference. His appropriation of the theory of complex, self-organizing systems is an attempt to move beyond modern society’s semantics and account for modernity at the level of its mode of organization and reproduction. We must therefore examine in more detail how the general, rather abstract epistemological framework that we have been describing is expressed in specifically sociological terms.

### ***A Functional Definition of Meaning***

The “severed state” of the world as described by Spencer Brown is formulated by Luhmann in sociological terms as the modern functionally differentiated society. As we saw in the previous chapter, Luhmann accepts the notion of differentiation, derived from the work of Parsons, as a defining attribute of modern society. He also shares with Parsons a notion of the concept of “function” that differs fundamentally from its earlier uses. As Luhmann argued early in the late fifties, functionalism, when misunderstood as a method, “would always lead into the well-known circularity where everything happening within a system was causally reduced to the necessity of preserving the system” (Rossbach 2004, 45). In order to correct this problem, Luhmann argued that functional analysis should renounce its search for causal laws, and should instead be reconceived as “a search for functionally equivalent causes with regard to one problematic effect. In other words, functional analysis was a search for possibilities of replacement and substitution” (ibid). Luhmann expressed this later on in his career, arguing that

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<sup>5</sup> The semantics of modernity, and specifically, Jean-Francois Lyotard’s thesis of “postmodernity”, will be pursued in chapter five.

“[c]omparisons derive force when we recognize that ... compared realms differ in all other respects; we can then highlight what is comparable and charge it with special significance” (2000b, i). Luhmann’s appropriation of autopoiesis is entirely consistent with the Parsonian theme of functional equivalence which guided his entire career, but it also represents a more fundamental departure from Parsons’ sociology. For Luhmann, a system is not a stable structure which can be explained in terms of the functional imperatives it fulfills. Nor are systems unconditional entities, standing “for a first or ultimate cause” (Rossbach 2000, 5). Instead, a system represents a “problematic invariance” requiring stabilization (ibid), and whatever stability the system possesses takes the form of meaning.

In pursuing the theme of self-reference, Luhmann interrogates the very notion of “function” by asking the typically circular question: what is the function of function? For Luhmann, function is not tied to notions of societal self-preservation, but rather to meaning as a contingent reduction of complexity (Müller, 42). In Luhmann’s theory, function refers specifically to *functional differentiation*. Functional differentiation is essentially a theory of modernity which describes how meaning is used by social subsystems to cope with environmental complexity by selectively – i.e., contingently – reducing it. Luhmann’s systems theoretical orientation led him to postulate that social forms, like organisms, are radically contingent; as an evolutionary process of transforming unorganized into organized complexity, meaning always implies a certain amount of risk, in that wrong choices which can threaten the system’s autopoiesis are always possible (Knodt 1995, xviii). What Luhmann therefore emphasizes in his work is not the stability of modern society but rather its improbability, and this is reflected in the

design of his theory: “The methodological recipe ... is as follows: look for theories that succeed in explaining the normal as improbable” (Luhmann, quoted in Müller, 42). It is in this context that complexity and contingency, like paradox, are given priority in Luhmann’s thinking.

The concept of meaning allows Luhmann to develop the abstract model of self-organizing, complex systems into an explicitly sociological theory. For Luhmann, meaning can be defined in functional terms: meaning is how we experience experience. As the “momentary Given”, experience always refers to something beyond itself, and yet as Luhmann notes, “This referring-beyond-itself [...] is the condition on the basis of which all freedom to choose must first be constituted” (Luhmann 1990, 25). We again confront a problem in the form of a paradox: how does experience, as meaning, acquire identity when it is “always referring to something that is at that moment not its actual content” (ibid)? Unsurprisingly, Luhmann’s answer also takes the form of a paradox: meaning is “the simultaneous presentation of actuality and possibility” (Luhmann 2002, 83). Unlike information, which functions for systems as a selective reduction of the world, meaning is conceived as “a selective relationship between system and world”:

[W]hat is special about the meaningful or meaning-based processing of experience is that it makes possible both the reduction and the preservation of complexity; i.e., it provides a form of selection that prevents the world from shrinking down to just one particular content of consciousness with each act of determining experience” (ibid, 27).

Referring back to Bateson’s formulation of information (p. x), we are reminded that information implies the reduction of an overwhelming number of possible selections.

When information becomes available as a repeatable background of possible selections, it becomes meaning, which can now be defined as a medium which allows the possible to

become actual, while preserving other possibilities not selected to exist as a background. Because what has been selected (the actual) could have been otherwise (the possible), meaning is irreducibly contingent. Anything that enters into experience as meaning must as a condition of its possibility imply its own negation. We arrive at yet another paradox: *the contingency of meaning is necessary*.

The distinction actuality/possibility indicates that the immediate contents of experience are shadowed by an overabundance of possibilities, a “self-overburdening” which exhibits the “double structure of complexity and contingency” (ibid, 26). In formal terms, and here the influence of Shannon and Weaver is evident, complexity refers to the fact that “there are always more possibilities of further experience and action than can be actualized”, while contingency expresses “the fact that the possibilities of further experience and action indicated in the horizon of actual experience are just that – possibilities – [which] might have turned out differently than expected” (1990, 26). Meaning is “nothing but a way to experience and to handle enforced selectivity” (Luhmann 1990, 82). As we’ve seen, Luhmann argues that the world is observable precisely because it is unobservable. Because the environment cannot be observed in all its complexity, its selective reduction – its incompleteness – becomes essential. Thus complexity refers both to a simultaneous shortage and excess of information, or to put it differently, the lack of information arises from an excess of information. Furthermore, because meaning implies an expanded horizon of background possibilities from which the system can make selections, the reduction of environmental complexity leads to a complementary increase in the system’s internal complexity. For Luhmann, social systems must be examined in terms of this capacity to generate and reproduce meaning.

### *Meaning, Action and the Corpus Mysticum*

According to Luhmann, all social systems interact with the world through the medium of meaning. This emphasis on meaning suggests a phenomenological element in Luhmann's thinking, mentioned parenthetically in the previous chapter, and we can see how Luhmann uses a kind of sociological *epoche*, a bracketing out of the contents of experience, in order to arrive at its underlying form. He insists, however, that the idea of "meaningful experience" need not be limited to human consciousness, as in traditional phenomenology. Instead he includes social systems with psychic systems as entities rooted in experience, as the preceding comments make clear. This is consistent with his reformulation of reflexivity as self-reference, a general property shared by both psychic and social systems. This move allows Luhmann to avoid reducing sociology to psychological processes, and he is able to renounce the identification of social reality with the subject as an initiating intuition or essence; as we know, Luhmann emphasizes the primacy of the system/environment distinction, the paradoxical proposition that difference, rather than a given unity, exists as the most primitive condition of identity. The result of this re-orientation is that self-referential operations, in the form of *communications*, take the place of individuals as the basic element of systems. This is perhaps the most difficult element in Luhmann's theory, and certainly one that leads to much misunderstanding, if not summary dismissals, of his work. Here we again encounter Luhmann's abandonment of both the subject and the action-theoretical framework which can now be restated with greater precision.

For Luhmann, meaning always precedes action, given that action is inseparable from attribution. As he argues in *Social Systems*, "Actions are artifices of attribution, the

results of observing observers [...] which emerge when a system operates recursively on the level of second-order observation. The action theory preferred by contemporary sociologists is sustained by the *corpus mysticum* of the subject” (xlix). Put differently, action can only have meaning to the extent that meaning is attributed by observing systems; in the absence of attribution, we are dealing merely with behaviour. While this may appear at first glance to be a trivial point, it is the starting point for Luhmann’s radical rethinking of communication. As Huysmans explains, “Meaning, as a concept, is to be defined prior to the subject concept, as the last necessarily presupposes the first. *In action theory, where meaning is seen to spring from the consciousness of the subject, it is the other way around*” (25, my emphasis). Action is only possible as the attribution of selection by one observing system which observes another observing system; to attribute selection, the second-order observer must recognize the first-order observer as performing a contingent selection from among a set of possibilities. Luhmann’s conclusion is that “[t]he familiar distinction between ego and alter can be dealt with as derivative, and with the whole theory of knowledge founded on the concept of intersubjectivity” (2002, 150). Meaning takes priority over both subject and action; both are treated as derivative. Once we recognize the priority of meaning, we thereby also acknowledge the fundamental importance of second-order observation:

For Luhmann, the importance of [the] concept of the different levels of observation for sociology lies in the recognition that any disciplined, systematic approach to the understanding of society cannot simply treat the social world as if it were a collection of facts to be researched and analysed. Rather, the focus of study must be the different ways in which ephemeral and transient events are interpreted as if they were facts and given importance and significance (King and Thornhill 2003, 19).

Action cannot be understood without reference to the operations, whether cognitive or communicative, of a second-order observer; action, like identity, is derivative of the system/environment distinction. Even more provocatively, Luhmann makes the same case for the subject: neither the subject's identity nor his or her actions are essential categories.

The result of Luhmann's reformulation of communication is a surprising reconstitution of the philosophy of consciousness which challenges the principle of the unified, autonomous and foundational subject (Knodt 1995, xxiv). His point of departure is that "no system can effect its own operations outside its own boundaries" (Luhmann 2002, 182). His argument is compelling:

We can postulate that no system is able to use its own operations to establish contact with its environment. This would require that operations take place at least in part, with one end, so to speak, outside the system. No brain can use nerve impulses to search for other nerve impulses outside the brain. No mind can operatively think outside itself, although it can certainly think of something else within itself (ibid).

According to Luhmann, the individual consciousness operates according to the fundamental system/environment distinction and should thus be reconceived accordingly. Following developments in the area of the cognitive sciences, Luhmann describes the mind as homologous to the autopoietic social system, a psychic system in which self-produced thoughts are functionally equivalent to communications. The individual conceived as a *subject*, however, acquires a social identity which can enter into social communication *only as a communicative artifact*; it is thus derivative of the social system and is constituted by and in communication. In other words, Luhmann isolates mind from social system. While the former participates in communication, its identity as psychic system is not dependent on communication, but rather upon cognition. The unity of the

subject must be reconsidered; it is not the consciousness of a prior subject that creates communication, but rather communication that creates the “subject”. And yet, what of its empirical facticity? When asked to consider the subject as an empirical entity, Luhmann would respond by asking “Which one of the five billion or so is intended?” As he argued in “The Cognitive Program of Constructivism and the Reality That Remains Unknown” (2002),

The concept “man” (in the singular!), as a designation for the bearer and guarantor of the unity of knowledge, must be renounced. The reality of cognition is to be found in the current operations of the various autopoietic systems...In this way the significance of psychological epistemologies is considerably reduced, but they are relieved at the same time of the unreasonable expectation that they should provide more than individual-psychological knowledge. There is no such thing as “man”; no one has ever seen him; and if one is interested in the system of observation that organizes its distinctions by mean of this word or concept, one discovers the communication-system called society (147-148).<sup>6</sup>

“Subject”, “individual”, “human being” are therefore “nothing more than what they effect in communication”; they are “cognitive operators” insofar as they “enable the calculation of continued communication” (Luhmann 2002, 183). And once the mechanisms of selection are no longer equated with acting and speaking subjects but are rather located within the system of communication itself, the social theorist must renounce both the individual and the “lifeworld” as privileged points of reference:

“Societal processes, according to Luhmann, are no longer tied to the existing structures of the life-world, they do not have to be linked to the intentions of actors or require their active or even just passive involvement as politically competent citizens” (Bleicher, 49).

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<sup>6</sup> The reader will likely note a certain affinity with the post-humanist impulses of French post-structuralism, especially the early work of Michel Foucault. A discussion of this, however cursory, will be deferred until chapter five.

The subject cannot be sustained as either an empirical or a transcendental entity; it always presupposes a system.

In rejecting the subjective and, by extension, the *intersubjective* basis of communication, Luhmann in no way denies that social systems presuppose conscious systems. Rather, he insists that a high degree of interdependency between communication and consciousness exists, for which he developed the concept of *interpenetration*, a term borrowed from Talcott Parsons but which acquires a somewhat different meaning within a second-order cybernetic framework. Briefly, interpenetration signifies that social and psychic systems, which exist as environments for one another, reciprocally make their own complexity available such that “both systems enable each other by introducing their own already-constituted complexity into each other” (Luhmann 1995, 213). As we’ve seen, complexity indicates a plurality of elements which can be linked only selectively (*ibid*, 214); the complexity of a system can offer itself to another system as environment, as a rich source of possible selections with which to build up its own internal complexity in the form of meaning. It is important to emphasize here that psychic and social remain environments for one another. In other words, social and psychic systems do not interact on the level of first-order inputs and outputs, but rather relate, on the basis of their own internal order, to the external disorder in the environment.

The social/psychic nexus also provides the context for Luhmann’s account of language, which he does not deny “plays an indispensable part in the meaningful constitution of the world” (Luhmann 1990, 50). Nonetheless, Luhmann insists that in considering the relationship between meaning and language, the role of language has tended to be overestimated – as he argues, “it is not at all clear how a theory of language

could bring clarity to the concept of meaning, since it already presupposes this notion in all of its basic concepts [...]”; his conclusion, therefore, is that “[l]anguage alone is incapable of establishing meaning: this requires, in addition, systems whose particular structures define narrower conditions of possibility [...]” (ibid, 51). Language appears in Luhmann’s work primarily as a medium which permits a “structural coupling” between social and psychic systems to occur. As he explains, the mind is “fascinated” with language (see Luhmann 2002, 169-184), which for consciousness exists as acoustical or optical forms. However, the mere perception of the form does not yet constitute communication: “In order for information to be understood, the creation of an additional space for possibilities of selection is required, in which communication can be conceived of as selection” (Luhmann 1994, 29).

***The Three-Part Unity: Communication without Consciousness***

Luhmann insists that *only communication can communicate*, which in his view is a necessary sociological innovation. The society-as-individuals tradition prioritizes the psychic over the social system; it reduces social forms to psychology and social systems become mere projections of human needs and desires. If one makes these assumptions, Luhmann argues, sociology then becomes superfluous. In order to correct this, “both the primacy of language theory and the concept of intersubjectivity must be abandoned and replaced with the concept of a self-referential and closed system of social communication” (Luhmann 2002, 182). Somewhat unsurprisingly, this concept takes the form of a unity of difference.

Specifically, communication is a three-part unity among three elements, all of which are contingent selections; information, utterance and understanding. It is not

produced “by some kind of inherent power of consciousness, nor by the inherent quality of information” (Luhmann 1990, 3). Rather, communication is said to occur when the difference between information and utterance is understood. As Luhmann explains, “communication is possible only when an observer is able, in his sphere of perception, to distinguish between the act of communication and information, that is, to understand communicative acts as the conveying of information (and not simply behaviour)” (2002, 149). For communication to occur, the distinction between information and utterance must be observed, such that the utterance is revealed to be a sign and not the thing itself – the distinction between information and utterance is what allows for an arbitrariness between the two and allows understanding to occur as communication rather than mere perception: “Communication emerges only if this last difference is observed, expected, understood, and used as the basis for connecting with further behaviours” (Luhmann 1995, 141).

Here communication is not based on a sender/receiver model, and as such understanding does not imply that the utterance has successfully invoked or reproduced that to which it refers. As Luhmann commented, “The metaphor of transmission is unusable because it implies too much ontology” (1995, 139). Understanding is not the telos of communication – misunderstanding is just as likely to lead to further communications as understanding. It does not simply reiterate the information; rather, it is the reflexive, self-observing system which in creating a difference through understanding (and misunderstanding) forms the condition for further acts of communication. This potential for further communicative acts describes the recursivity by which the system is able to reproduce itself. Communication as an event is nothing

more than a moment in the life of the system, yet a system persists in time by virtue of communication's potential to generate further acts of communication. As Baecker put it, "a system is a highly precarious "dance" of ensuring a distinction between the system and the environment, which is the only way of ensuring that the system reproduces itself" (63). The importance of time, noted earlier in the context of the operation/observation distinction, can now be restated with reference to communication. Here, the "radically temporal" nature of the system (Vanderstraeten, 588) confers yet another layer of contingency and improbability; its stabilization is produced from moment to moment as a recursive network of operations that could always have been different.

Again, identity is not essence or substance. In Luhmann's view, it is contingently produced from moment to moment. The identity of a system and the boundaries that maintain its unity are produced as basic elements – thoughts in the case of psychological systems and communications in the case of social systems – "not as short-term states, but as events that vanish as soon as they appear" (Luhmann 1990, 9). The evanescence of the system, like the partiality of observation, is a condition of possibility: "All structures of social systems have to be based on this fundamental fact of vanishing events, disappearing gestures or words that are dying away" (ibid). Time and irreversibility are thus built into the system – the system only persists because it is constantly vanishing. Thus Luhmann refers to the "structure-generating power" of events (ibid). This has significant implications for how we think about system maintenance, which is often conceived in social theory as the reproduction of cultural "patterns". As Luhmann explains, the radically temporal nature of the system means that the persistence of the system through time is not about reproducing the same patterns under similar

circumstances; rather, “the primary process is the production of next elements in the actual situation, and these have to be different from the previous one to be recognizable as events” (ibid, 9-10). In other words, the system maintains itself not by storing certain *patterns*, but by producing *elements*. While this does not exclude the relevance of persistent patterns, it suggests that social systems reproduce themselves “not by transmitting *memes* (units of cultural transmission analogue to *genes* (sic)) but by recursively using events for producing events. Its stability is based on instability” (ibid). Again, only by producing difference can identity be assured; this emphasis on the event confers a temporal dimension on the system/environment distinction: “Events are happenings that make a difference between a ‘before’ and a ‘thereafter’”. Events can be identified and observed, anticipated and remembered only as such a difference. Their identity is difference. Their presence is a copresence of the before and the thereafter” (ibid, 10-11). As the actualization of the possible, a system’s operation is always a selection that is chosen from among a background of other possibilities; communication proceeds only in so far as a selection leads to the possibility of another, whereby another potential selection becomes actualized. The actual/potential distinction is thus fundamentally a temporal distinction. Equally important is the distinction between utterance and information. This brings us back to the relationship between communication and consciousness.

The subject is typically assumed to be prior to all other distinctions, and participates in communication as an autonomous and self-sufficient unity. This underpins a type of analogy theory, according to which the mind must communicate with other identical minds, analogs to itself, to both confirm an external reality and to arrive at “the

idea that an “interior” exists within the other that is similar to one’s own “interior”, and that this “interior” is different from other systems” (Luhmann 2002, 181). Luhmann rejects unequivocally this way of thinking:

The mind does not arrive at an analogy through another, similar case. It can take part in communication only if it can distinguish between utterance and information. An utterance is chosen from various behaviors; information is chosen from various facts; and communication combines the two into one event (2002, 181).

In addressing the question, “How does the mind participate in communication?”,

Luhmann offers the following:

The distinction between utterance and information is constitutive for all communication (as opposed to simple perception) and is therefore a requirement for participation. For example, it is necessary to address one’s own utterance to the person sending the utterances and not to the information. This can certainly be done, and mastery of this distinction can be achieved without knowing any details about the person for whom the utterance is intended. This distinction becomes important in actual participation in communication. *The distinction between persons and things or subjects and objects condenses from this primary distinction* (2002, 181, my emphasis).

In the absence of the distinction information/utterance, Luhmann argues, we are dealing with a case of perception. In such a case, observation remains locked up in consciousness as a psychological event without communicative existence (ibid, 158). In communication, a degree of freedom must be assumed. The utterance is always a selection. It must be recognized not as determined and inevitable, but as the actualization of the possible. Otherwise, we are dealing merely with behaviour and perception, neither of which is inherently social. Only communication, with the recognition that things could have been different, is inherently social. The possibility of negation must always be available, and this includes the possibility of rejection and misunderstanding.

Theories which attribute to communication an indestructible moment of rationality, in that mutual understanding and consensus exists as its immanent telos, are unequivocally rejected by Luhmann. In his essay “What is Communication?” (2002), Luhmann explains that systems theory replaces the “immanent entelechy” of consensus-oriented theories with the following argument:

Communication leads to a decision whether the uttered and understood information is to be accepted or rejected. A message is believed or not. This is the first alternative created by communication and with it the risk of rejection. It forces a decision to be made that would not have occurred without the communication. In this respect all communication involves risk. This risk is a very important morphogenetic factor because it leads to the establishment of institutions that guarantee acceptability even in the case of improbable communications....In other words [...] communication bifurcates reality. It creates two versions – a yes version and a no version – and thereby forces selection. And it is precisely in the fact that something must happen (even if this is an explicitly communicated break-off of communication) that the autopoiesis of the system resides, guaranteeing for itself its own continuability (162-163).

Thus there is no purpose to communication other than the generation of further communications – it either persists or it comes to an end, just as the autopoietic organism continues to produce its elements for the sake of producing its own elements, or it doesn't. To connect the network of components to a principle that lies outside its own self-constituted domain is the act of a second-order observer who imputes a relationship that refers not to the observed system but rather points back to the observer. Again, only communication is inherently social; the subject exists in the environment of social systems and derives its identity from the observations of these systems.

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My intention in this chapter has been to offer a general exposition of Luhmann's work, while paying particular attention to Luhmann's model of communication. I have avoided burdening the text with critical commentary in the interests of achieving a "selective reduction of complexity", such that the reader might get a sense of the overall form and thematic content of Luhmann's social theory, as well as, I hope, an appreciation of its originality. We can now move on to the critical treatment that Luhmann's theory has received in the hands of two theorists, Jürgen Habermas and Jean-Francois Lyotard, whose own work in the field of communications can be considered constitutive.

## Chapter IV: Critical Interventions

It is fair to say that the counterintuitive nature of Luhmann's ideas invites a certain amount of skepticism. In the previous chapter, I suspended critical appraisal of Luhmann's position as the aim was to clarify his theory of communication. This chapter will examine the critical interventions of Jürgen Habermas and Jean-Francois Lyotard, for whom systems theory appears to be not only counterintuitive but politically suspect, but who nonetheless offer critical reflections which serve to deepen our understanding of Luhmann's contributions to communications theory.

While Habermas theory of "communicative action" has achieved a prominent, indeed paradigmatic status in the field of communications in the English-speaking world, Luhmann's systems theory continues to be relatively insignificant. If, however, we consider the amount of effort that Habermas devoted to undermining Luhmann's social theory, this state of affairs may perhaps seem less than just. This chapter is divided into three sections. In the first, a summary of Habermas's theory of communication will be presented in the context of his overall social theory. Next, we will examine in detail Habermas's critique of Luhmann, which can only be understood with reference to Habermas's own attempt to provide critical theory with renewed epistemic authority. Finally, the tension between systems theory and critical theory as the "modern alternative" will be examined in light of Jean-Francois Lyotard's critique of both positions. For Lyotard, such an alternative is no longer relevant given our current "postmodern condition", nor is it ethically acceptable.

***Enlightenment Regained: Habermas's Postmetaphysical Vindication of Reason***

In much the same way that Luhmann arrived at a theory of communication as part of a general sociological theory, Habermas's concept of communication emerged out of his larger concern with reclaiming the emancipatory and critical potential of reason. In the wake of the withering philosophical assault on occidental rationality, starting with Nietzsche in the late nineteenth-century, reason had fallen on hard times. Indeed, when Habermas began his career as a social theorist in the 1960s, it seemed that philosophy had worked itself out of a job. Habermas was distressed by the pessimistic evaluation of modernity as anti-utopia so forcefully expressed in Horkheimer and Adorno's *Dialectic of Enlightenment*; as a second-generation critical theorist, he saw this negative indictment of reason as a "failure of nerve" in which disillusionment had eclipsed the hopefulness of the Frankfurt School's prewar period (White, 5). Wishing to remain true to critical theory's founding spirit, Habermas set himself the task of rethinking modernity in terms of a reinvigorated theory of rationality so that the Enlightenment's unfulfilled promise of emancipation might be reclaimed. He therefore opposed the radical critique of reason, whether expressed as negative dialectics, genealogy or deconstruction. As he puts it, "If the sphere of practical life is to be preserved from the irrationalities of decisionism [i.e. a privileging of means over ends] and technocracy, reason must be granted some measure of its traditional comprehensive powers" (1996, 250). How is this to be accomplished in the face of reason's own self-betrayal? According to Habermas, "pragmatism and hermeneutics have joined forces to answer this question by attributing epistemic authority to the community of those who cooperate and speak with one another" (ibid, 251). In other words, the solution to the aporia of modernity lies in communication. This would

require a “postmetaphysical” theory of rationality founded on an empirically-informed theory of communication.

Habermas’s social theory is pervaded by tripartite schemes which tend to correspond to the three moments of reason in Kantian thought – pure reason, practical reason, and aesthetic judgment – as well as the differentiated spheres of culture which Weber derived from Kant’s rational faculties; the technical sphere of science, the practical sphere of morality and law, and the sphere of aesthetic culture (Braaten, 15-16).<sup>1</sup> By claiming a postmetaphysical status for his theory, however, Habermas explicitly distances himself from Kantian philosophy, replacing the latter’s “philosophy of the subject” – the “attempt to spin moral obligation out of our own vitals” – with a philosophy of *intersubjectivity* (Rorty, 62). The moral and ethical dimension of Habermas’s theory of reason is particularly important in the current context, in that his commitment to social theory as a pragmatic, critical-emancipatory endeavor informs his critique of Luhmann. Unlike Kant’s concept of a universal rationality which relies on a preestablished harmony of reason lying beyond the empirical world in the transcendental realm (Rehg, xii), Habermas proceduralizes rationality by locating it in the communicative activity of human beings. It is thereby construed as “the internalization of social norms, rather than a built-in component of the human self” (Rorty, 62). As Rorty notes, “Habermas wanted to ‘ground’ democratic institutions in the same way as Kant hoped to – but to do the job better, by invoking a notion of ‘domination-free communication’ to replace ‘respect for human dignity’ as the aegis under which society is to become more cosmopolitan and democratic” (ibid, 62-63). Kant’s transcendental

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<sup>1</sup> This last sphere, that of aesthetic culture, is the least developed in Habermas’s social theory and is not as important to his overall project. This is reflected in my summary of Habermas’s work.

subject thus gives way to intersubjectivity, and the analytical a priori categories are replaced with a theory of universal communicative competence. Accordingly, reason is no longer identified with the movement towards absolute knowledge; rather, its telos is expressed as historically situated forms of social consensus. This strategy is meant to overcome not only the conceptual difficulties of Kantian metaphysical thought, but also the troubling political consequences implied by the philosophy of the transcendental subject, in which society's collective identity is conceived as a higher-level "self-relating macrosubject" (Habermas 1987, 357). Such a vision of society threatens to obliterate the individual, sacrificing personal freedom in the name of the collective. As Habermas explains, "If individuals are integrated and subordinated as parts to the higher-level subject of society as a whole, there arises a zero-sum game in which modern phenomena such as the expanding scope for movement and the increasing degrees of freedom cannot be adequately accommodated" (1987, 376). Habermas's re-orientation towards intersubjectivity is thus inseparable from "the philosophical discourse of modernity" (1987).

Habermas proposed that rationality is tied to anthropologically-given "cognitive interests", general cognitive strategies that "have their basis in the natural history of the human species" and which serve as "the specific view points from which we apprehend reality" (Habermas, quoted in McCarthy, 55). Three such interests are identified, and each corresponds to a specific mode of action: the technical interest in the control of nature, which is associated with purposive-rational action; a practical interest in securing and deepening mutual self-understanding, which informs communicative action; lastly, an interest in critical reflection as the desire for emancipation from constraints "whose

power lies in their nontransparency”, which guides expressive action (McCarthy, 55-56). Furthermore, each is tied to a particular mode of inquiry: respectively, the empirical-analytic sciences, historical-hermeneutic sciences, and critical theory. These modes of knowledge are inseparable from the decentered view of the world which distinguishes modernity from the pre-modern unity of rational spheres, and Habermas associates each form of knowledge with specific attitudes, or relations to reality - objectivating, norm-conformative, and expressive - taken up by participants in processes of interaction (Cooke, 9-10).

The subordination of the practical and critical to the technical interest has of course been a core sociological preoccupation since Weber, which first-generation critical theorists thematized as the ascendancy of an unreflective instrumental or purposive reason. This analysis claims to reveal the inherently coercive and paradoxically irrational tendencies of modern society. Habermas, however, insists that it is a mistake to approach processes of societal rationalization strictly from the standpoint of purposive rationality. He proposes that at least two other forms of rationalization are required to account for the development of modern society. Specifically, Habermas asserts that the highly complex organization of economic and political-administrative systems is guided by a *functional* rationality, in which interactions are steered by the “generalized symbolic media” of power and money. These cannot be accounted for by instrumental rationality; “media-steered interactions no longer embody an instrumental reason located in the purposive rationality of decision makers, but rather a functionalist reason inherent in self-regulating systems” (Habermas 1998, 205). Here, of course, Habermas integrates a systems-level analysis, for which the conceptual scheme of Parsonian structural-

functionalism offers itself. Habermas also argues that instrumental rationality is unable to account for cultural evolution as a process “fed by collective reflection on the whole range of values towards which the society is committed” (Braaten, 12). The concept of *communicative* rationality which Habermas developed in response to this is particularly important and crucially underpins the normative emphasis in his work, which is of course largely organized around the tension between *system* and *lifeworld*.

Guided by communicative rationality, the modern lifeworld is differentiated according to three core *validity claims* – a claim to truth, to normative rightness, and to sincerity – which Habermas assumes are inherently raised in all linguistic interactions, and which are tied to the cognitive interests and their corresponding forms of knowledge. This is of crucial sociological significance, as we can thus “imagine the components of the lifeworld – cultural paradigms, legitimate orders, and personality structures – as condensed forms of, sediments deposited by, the following processes that operate by way of communicative action: *reaching understanding*, *action coordination*, and *socialization*” (Habermas 1998, 247). Thus the three functions that Habermas attributes to the lifeworld – cultural transmission, social integration, and socialization of the individual – are carried out as communicative action, according to communicative rationality, using the medium of language. As a concept appropriated from Husserl, the lifeworld exists as a horizon and acts both as a resource and a constraint. While this invites comparisons to the phenomenological element in Luhmann’s theory, the similarity is merely superficial, and Habermas strains to qualify his philosophical inheritance:

The legacy of Husserlian apriorism may mean a burden for various versions of social phenomenology [viz. Luhmann’s systems theory]; the communications-theoretic concept of the lifeworld has been freed from the mortgages of transcendental philosophy. If one is to take the basic fact of

linguistic socialization into account one will be hard put to do without this notion. Participants in interaction cannot carry out speech acts that are effective for coordination unless they impute to everyone involved an intersubjectively shared lifeworld that is angled toward the situation of discourse and anchored in bodily centers (1987, 359).

For Habermas, the lifeworld is an intersubjectively constituted domain invested with a quasi-transcendental status, inasmuch as the validity claims which pervade all social interaction are context-transcendent.

An expansion of the system's functional rationalization is equivalent to an enlargement of the system itself, and the price to be paid is a commensurate diminishment of the lifeworld, or its "colonization". With an increase in functional rationalization, there is a corresponding decrease in the extent to which the economic and administrative systems are submitted to processes of discursive validation, and hence a withering of democracy. The system/lifeworld concept thus underlies Habermas's normative diagnosis of modernity, as it is the deformations occurring at the different levels of the lifeworld that account for social pathologies, specifically, loss of meaning, anomie, and psychological disorders, which are essentially communicative disorders.<sup>2</sup> Modernity's rehabilitation therefore requires the elevation of communicative rationality and the subordination of functional rationality.

The system/lifeworld structure of Habermas's social theory has certain methodological implications which are of interest in the present context. For Habermas, the "perspective of action theory is necessary in order to give an adequate account of

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<sup>2</sup> The influence of Sigmund Freud should be noted here. In his earlier work, especially *Knowledge and Human Interest*, Habermas uses a kind of Freudian calculus of domination to expose the social and personal pathologies that result from functional rationalization, arguing that to be free of ideological delusion is to discern the relationship between socially necessary and institutionally demanded repression. As McCarthy notes, Habermas uses psychoanalytic idioms to explain how "institutions of power are rooted in distorted communications, in ideologically imprisoned consciousness" (86), such that this relationship is concealed. This of course can only happen under conditions of distortion-free communication.

social (lifeworld) integration and rationalization, and the perspective of systems is necessary in order to give an account of functional (system) integration and rationalization” (Cooke, 7). The system/lifeworld tension that Habermas imputes to modernity introduces a corresponding methodological tension, as it requires the integration of hermeneutic and systems theoretic analytical procedures to account for both levels. The credibility of this attempt to synthesize what are generally considered to be mutually exclusive epistemological frameworks is far from assured, and Habermas’s ambivalent position towards both approaches has involved him in a war on two fronts. Habermas’s appropriation of hermeneutics, intended to disclose the actor’s experience of the lifeworld, led to a debate with that tradition’s foremost scholar, Hans-Georg Gadamer. From Habermas’s perspective, Gadamer’s hermeneutics posits an excessively “naturalistic” relationship between knowledge and interest which dissolves the objectivity of science and renders all knowledge subjective (Hoy, 119). While it fulfills the crucial function of providing access to actors’ own understandings of themselves and their relationship to the lifeworld, hermeneutic procedures are unsuited to critical-emancipatory social theory, nor can they provide insight into the functional rationalization that occurs at the level of media-steered systems. This requires the epistemic authority of empirical-analytic methods in order to discern the “objective framework” of social action, which is largely “a question of grasping the unintended consequences on intentional action” (McCarthy, 213). For this, the systems theoretic approach of Talcott Parsons offered itself and was duly assimilated by Habermas. What systems theory neglects, of course, is how the functionally differentiated economic and political systems remain grounded in the lifeworld, from which they draw normative

support and value-commitment (Giddens, 108). In other words, functional rationalization requires a legitimation which can only come from a rational consensus among participants in the lifeworld. This was of course a key theme in chapter two which will appear again below.

The urgent task of developing a “postmetaphysical vindication of reason” is possible “only insofar as philosophy – in an interdisciplinary cooperation with empirical inquiries of various sorts – can show how the use of language and social interaction in general necessarily rely on notions of validity, such as truth, normative rightness, sincerity, and authenticity” (Rehg, xiii). This led Habermas to look beyond the philosophy of communication, to debates within a range of disciplines (*ibid*). Habermas appropriated the methods of the “reconstructive sciences” in order to develop a “universal pragmatics” of communication, and specifically, he looked to Chomsky’s generative grammar and Piaget’s theory of cognitive development as promising examples of postmetaphysical theories of “acting and speaking subjects” which relied on the *rational reconstruction* of the object of knowledge. Habermas intended his own universal pragmatics as a reconstructive science which would “identify and reconstruct universal conditions of possible understanding” (Habermas 1979, 1). This took the form of a model of linguistic communication indebted both to Karl Bühler’s theory of meaning, which proposed a functional model of language and, more importantly, Austin and Searle’s pragmatically-oriented speech act theory of language.<sup>3</sup>

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<sup>3</sup> Bühler’s theory of meaning presents the linguistic sign as the intersection of world, speaker and hearer, or, as Bühler expresses this, it is at once a symbol, a symptom, and a signal (Cooke, 55). These three elements correspond to the three structural components of the speech act, and Habermas’s integration of both dimensions is an attempt “(i) to take account of the three functions of language use identifies by Bühler while (ii) drawing on the insight of speech-act theory that the speaker, in making use of a linguistic expression, both does something and says something” (*ibid*, 57).

The theory of meaning which Habermas developed emphatically rejects functionalist explanation. As Josef Bleicher explains, Habermas insists that it is impossible to conceive of meaning without considering intersubjective validation. Unlike Luhmann's functional theory of meaning, "Habermas's conception of meaning is tied not to modes of selection but to communicative interaction" (50). This notion of intersubjective validation is absolutely crucial. Habermas significantly modifies speech act theory in order to redress its principal weakness, which according to Habermas is a "failure to recognize that speech acts can be connected with dimensions of validity that are distinct from, but on an equal footing with, the dimension of propositional truth" (Cooke, 56). On Habermas's view, the use of language is inseparable from the claims to validity that are raised in all communicative engagements, and each of the three structural components of the speech act – the propositional, the illocutionary, and the expressive – correspond to the three validity claims mentioned earlier. These claims introduce "an idealizing moment of unconditionality that takes them beyond the immediate context in which they are raised" (Rehg, xiii). Communication is thus always aimed at securing and deepening mutual understanding, and the tension between the context-transcending moment in communication and the finite, circumscribed social context in which everyday speech occurs – the interplay between facticity and validity – defines communicative activity. What Habermas wishes to clarify is the relationship between these idealized moments and the validity of social norms. This indicates the two levels at which social theory is carried out; while facticity refers to objectivist descriptions of social phenomena, validity indicates the reflexive understanding that social actors have of themselves and

their social surroundings. The more faithful that communicative practices are to these ideals, the more enlightened they are said to be.

For Habermas, what is most important is not the normative content of modernity per se, but the extent to which this normative content reflects our commitment to communicative rationality. To express this very simplistically, when we cease pursuing rational consensus on the basis of the force of the better argument, when communicative rationality ceases to be the absolute standard of criteria for the settling of competing social claims, we abandon reason itself. Habermas thus offers us the choice between system and lifeworld, between communication and domination.

### *Habermas's Critical Engagement with Luhmann*

An early interview with Habermas and Luhmann, published as a book in 1971 under the title *Theorie des Gesellschaft oder Sozialtechnologie*, summarizes their initial engagement.<sup>4</sup> Since then, the terms of the debate have evolved along with their respective positions. This early exchange occurred prior to Luhmann's appropriation of autopoiesis, and as a result, many of Habermas's arguments, especially those which claim to expose certain inconsistencies in Luhmann's thinking, are no longer relevant. Nonetheless, Habermas's most basic criticisms of systems theory are set forth in the earlier debate. Simply put, in Habermas's estimation the interpretation of all social phenomena in systems theoretical terms implicitly celebrates the subordination of communicative rationality to the imperatives of functionally differentiated systems, which carry out their functions without regard for the intersubjective norms generated in the lifeworld.

Habermas's critique of systems theory hinges on his own *intersubjective* theory of

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<sup>4</sup> While an English translation has yet to appear, significant portions of the text appear in English in McCarthy and Bleicher. I have found the excerpts which appear in McCarthy particularly useful, as is his excellent summary of the early debate.

communication, and where he sees his theory of communicative rationality as a critical-emancipatory intervention on behalf of the lifeworld, he regards Luhmann as a theorist of and for the system.

Habermas's critique of Luhmann must be considered in the context of his somewhat ambivalent position on Parsonian functionalism. While Habermas shared Mills' disdain for the scientific pretensions of functionalism (see chapter 2), it has nonetheless been vital to his own critical sociology, as noted earlier. Habermas maintains that functionalism requires the incorporation of hermeneutic procedures combined with critical intent to unburden itself of its heavy ideological baggage, which his own normative-analytic re-orientation of Parsonian systems analysis is meant to accomplish. Luhmann, of course, stubbornly refuses such a redemption, as did Parsons, and in the absence of hermeneutic and critical dimensions, Luhmann's functionalist analysis naively assumes differentiated systems as objectively given (McCarthy, 219; 223-225). This of course largely rehearses Mills' critique of Parsons.

The basic problem with functionalist social theory, according to both Mills and Habermas, is its insistence on preserving its status as an empirical-analytic form of inquiry, which blinds it to legitimation problems. For both critics, stable "goal states" and boundaries of systems are not objectively given, but are in fact matters of political controversy, which Habermas adds should ideally be submitted to rational processes of argumentation in the lifeworld (219). Furthermore, the lack of any critical dimension leaves the sociologist without any criteria by which to judge the desirability of a particular system state. These problems, as most critics of functionalism are likely to point out, are largely a consequence of applying an organic model of systems

maintenance to social systems. Habermas's cautious integration of functionalist idioms is intended to avoid such difficulties, but Luhmann's work appears to be hopelessly compromised by functionalist premises. While Habermas's evaluation of Luhmann refers back to these standard criticisms of Parsonian structural-functionalism, he has had to elaborate his critical position in response to Luhmann's "autopoietic turn". As we will see, complex theories invite complex refutations.

As Josef Bleicher argues, Habermas's critique of Luhmann in the early debate largely took the form of an indictment of the systems theoretic concept of meaning (50), but if we examine some of Habermas's later works (1987; 1998; 1999), it becomes apparent that this criticism has over the years consistently guided his critical engagements with Luhmann. Fundamental to this critique is Habermas's identification of systems theoretic sociology with the abandoned philosophy of the subject. In "Excursus on Luhmann's Appropriation of the Philosophy of the Subject through Systems Theory" (1987), one of his most thorough reflections on Luhmann's work, Habermas argues that system theory can be connected to "the history of problems associated with the philosophy of the subject from Kant to Husserl" (368), a tradition of thought which Habermas's own intersubjective social theory appears to abandon. Rather than leading sociology onto "the secure path of science", claims Habermas, systems theory instead "presents itself as the successor to an abandoned philosophy" (ibid). As he argues, "The system-environment relationship affords just as little conceptual connection with the genuinely linguistic intersubjectivity proper to agreement and communicatively shared meaning as did the subject-object relationship" (Habermas 1987, 378). Replete with elliptical references to German idealism and dense philosophical argumentation, this

particular essay demonstrates the sophistication of Habermas's critique of systems theory which is evident in all of his engagements with Luhmann.

Habermas characterizes sociological systems theory as a "metabiology", a rather apt depiction of Luhmann's evolutionary style of theorizing, in which "the metaphysical quest for last causes and foundational origins is replaced with a (potentially empirical) focus on emerging order" (Leydesdorff, 279). This draws our attention to Luhmann's project of developing a "de-ontologized" social theory which emphasizes the irreducible contingency and complexity of social evolution. Habermas takes aim at this "nonontological" frame of reference which, as he claims, severs reason from all notions of being, thinking, and truth, thereby reducing it to "the ensemble of the conditions that make systems maintenance possible" (1979, 373). As he remarks in *Postmetaphysical Thinking* (1992), the system/environment distinction which Luhmann introduces into sociology "annuls the usual ontological premises of a world of rationally ordered beings, or of a world of representable objects relating to the subject of knowledge, or of a world of existing and linguistically representable states of affairs" (22). Habermas's elevation of practical reason is of course a response to the "objectifying effect" of functionalist reason which systems theory embodies. According to Habermas, systems theory penetrates the lifeworld with its claim to universality, "introducing into it a metabiological perspective from which it then learns to understand itself as a system in an environment-with-other-systems-in-an-environment" (1979, 385).<sup>5</sup> In such a way, systems theory is identified

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<sup>5</sup> Habermas, for his part, claims a universal status for his social theory insofar as the disclosure of the underlying conditions of communication expresses the emancipatory and critical interest. It is part of an overall process of self-development of the individual and his or her community, and thus critical theory "can be seen to belong essentially to the self-formative process on which it reflects" (McCarthy, 88).

with the colonization of the lifeworld and thus has practical effects which Habermas is committed to oppose.

Within Luhmann's framework, meaning is drained of any intersubjective dimension and, as we've seen, is instead given a functional definition as the selective reduction of complexity, a position that Luhmann had established by the time of his first formal encounter with Habermas in the early 1970s (50). Meaning thus conceived implies the evolution of selection mechanisms which bring about an a priori reduction of possibilities for the system, which would otherwise be overburdened with possible selections. Social stability thus "requires an immunization against conscious decisions", which Habermas characterizes as "counter-enlightenment" (McCarthy, 227). Habermas, of course, insists that a society becomes enlightened to the extent that processes of rationalization are steered by impulses from the lifeworld, which in turn requires that its members possess an adequate knowledge of "the limiting conditions and functional imperatives of their society" (Habermas quoted in McCarthy, 380) and are able to participate in a collective, non-coercive process of discursive will-formation.

For Habermas, Luhmann's theory of meaning "misses the connection between legitimation and the restriction of communication" (Habermas quoted in McCarthy, 232). By rationalizing the removal of decision-making ability from the ambit of the lifeworld and its processes of discursive validation and instead placing it within the domain of the economic and administrative systems, it thereby serves the cause of technocratic domination:

Behind the attempt to justify the reduction of world complexity as the ultimate point of reference for social-scientific functionalism is concealed an unadmitted obligation of theory to pose problems in a way that

conforms to domination, to serve as an apologetic for what exists to maintain its existence (ibid, 228).

While these alarming practical consequences derive immediately from the homologous relationship that Luhmann theorizes between organic and social systems, according to Habermas it is more fundamentally a result of Luhmann's distinction between psychic and social systems, which has the consequence of emptying social theory of any normative references and short-circuiting its critical intent. However, what ultimately lies behind this is the tension between two incommensurable theories of communication, each embedded in antagonistic frames of reference: "linguistically generated intersubjectivity" and "self-referentially closed systems" (Habermas 1987, 385).

As we saw in the previous section, Habermas insists that reason is embedded in communication, which must be understood as an anthropologically-given competence tied to deep-seated interests in truth, justice, and freedom. It thus serves as a quasi-transcendental ethical principle. Furthermore, Habermas believes that language provides sufficient complexity for carrying out the crucial functions of the lifeworld, serving as the "integrating operator" of the social system which, despite being counterfactual to the differentiation that we observe in the world, is "an idealization that cannot and should not be denied" (Leydesdorff, 279-280). Language, in Habermas's view, is indissolubly linked with the intersubjective foundations of processes of mutual understanding – that is, "the use of expressions identical in meaning and the formation of consensus on the basis of validity claims" (Habermas 1987, 382) – which bind culture, society, and the individual with the lifeworld. Habermas describes how, by contrast, the theory of communication proposed by systems theory employs a "minimalist concept of language" which undercuts this necessary relationship, locating the individual in the environment of social

systems and outside of communication (ibid). For Luhmann, as we know, the psychic system is a conscious rather than communicative system. We've also noted the profound shift in sociological thinking that this implies: the individual and his or her life become excluded from the social system and, by extension, from the purview of sociology. Conscious systems must therefore remain the subject of psychology. This isolation of the individual and the corresponding impoverishment and demotion of language is, in Habermas's opinion, simply counterfactual. As he insists, sociological understanding requires the concept of the lifeworld, which in turn demands a sociological account of the individual and his or her use of language (ibid, 279). For Habermas, the absence of intersubjective references in systems theory qualifies it as "the highest form of technocratic thought which makes it possible to define practical questions as technical ones and thereby to remove them from free and public debate" (Habermas quoted in Bleicher, 51).

What Habermas is describing here is not only a conceptual shortcoming in Luhmann's theory, but the alarming practical-ideological potential of systems theory, which is expressed as a commitment to the subordination of communicative to functional rationality. Habermas also argues, however, that Luhmann's distinction between psychic and social systems places him within the framework of an exhausted philosophy of the subject. Accordingly, Luhmann's analysis suffers from the same problems that undermined this earlier tradition. In this respect, Luhmann's analysis is again not only counterfactual, but also politically aligned with "the system".

As Habermas explains, Luhmann's appropriation of the philosophy of the subject involves the substitution of the self-referential system for the subject. In such a way,

“[t]he system-environment relationship takes the place of the inside-outside relationship between the knowing subject and the world as the totality of knowable objects” (Habermas 1987, 369). We are already familiar with some of the consequences of this; for Luhmann, reflexivity and meaning are separated from consciousness and are treated as operations of self-organizing systems. This is framed by Habermas as a conceptual substitution in which the patterns of the philosophy of the subject are retained in Luhmann’s theory in the form of “structural analogies” (370). The result of this substitution is “a shift in perspective that leaves the self-critique of a modernity at odds with itself without any object” (368), leading Habermas to conclude that systems theory inherits all of the problems of the philosophy of the subject while possessing none of its virtues. This is worth pursuing in more detail.

While Habermas takes a strong position against the philosophy of the subject’s “construction of a consciousness embracing the total society” (376), he nonetheless concedes that the totalizing “relation-to-self” in idealist philosophy at least offered the possibility of a collective social identity. This is of course crucial to Habermas’s own project, and, as he points out, “we have come to know an alternative conceptual strategy that keeps us from having to give up altogether the notion of a self-representation of society” (376). Naturally, this refers to Habermas’s own concept of the lifeworld as the means by which an authentic self-representation can be arrived at. We arrive at the idea of “public spheres”, conceived as “higher-level intersubjectivities” in which “a consciousness of the total society can be articulated” (ibid). As Habermas explains, in the absence of a “self-relating macrosystem” through which society can influence itself, society requires “on the one hand, a reflexive center, where it builds up a knowledge of

itself in a process of self-understanding, and, on the other hand, an executive system that, as a part, can act for the whole and influence the whole” (357). This in turn requires “a central steering authority that could receive and translate into action the knowledge and impulses from the public sphere” (360).

The systems theoretical substitution of system for subject totally forecloses this possibility; in a world of self-referential systems closed off from one another, there can be absolutely no question of a rational collective identity: “As soon as the system takes the place of the “self” in the relation-to-self, the possibility of a centering comprehension of the whole in self-knowledge disappears” (373). In Luhmann’s vision of society, the lifeworld “has disintegrated without remainder” into functionally differentiated “systemic monads” (358), wherein only a “blind compulsion to system maintenance and system expansion” can exist (367). For Habermas, this is the inevitable result of Luhmann’s choice of basic concepts, which prejudices systems theory from the outset against the possibility that society can gain a normative distance from itself: “The construct of a public sphere that could fulfill this function has no place once communicative action and the intersubjectively shared lifeworld slip between system types that, as in the case of psychic and social systems, constitute environments for one another and have only external relationships to one another” (ibid, 378). This of course challenges Luhmann’s assertion that, because systems are operationally closed and exist as environments for one another, attempts to effectively steer function systems, such as the economy and the law, must always remain highly problematic. This objection must also be understood in the context of how the systems theoretic distinction between psychic and social systems leads to a devaluation of language.

As Habermas argues, Luhmann's proposal that systems operate self-referentially according to highly specialized internal codes commits the mistake of considering these codes "to be *superior in every respect* to unspecialized ordinary language when it comes to problem solving" (Habermas 1996, 55). While Luhmann's theory of communication appears to underestimate language by overstating the function of systemic codes, language is central to Habermas's theory of communicative action:

[O]rdinary language – with its grammatical complexity, propositional structure, and reflexivity – possesses the merit of multifunctionality. With its practically unlimited capacity for interpretation and range of circulation, it is superior to special codes in that it provides a sounding board for the external costs of differentiated subsystems and thus remains sensitive to problems affecting the whole of society. The ways of defining and processing problems in ordinary language remain more diffuse, are less differentiated, and are less clearly operationalized than under the code-specific, unidimensional, and one-sided aspects of cost/benefit, command/obedience, and so on (Habermas 1996, 55).

Habermas concludes that integrative components of the lifeworld – culture, society, and personality structures – can exist only within the boundaries of ordinary language, and therefore the depreciated status which Luhmann accords language must be judged as counterfactual. According to Habermas, the problems associated with the systems theoretic treatment of language become especially acute in its analysis of the legal system.

Thus far we have been referring to the economic and administrative systems, steered by the generalized media of money and power, as constituting the system reference in Habermas's system/lifeworld model of rationalization. What has not been mentioned is the role played by the legal system, which has been an important focus in Habermas's later work.<sup>6</sup> His ambition is, in part, to counter the "sociological

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<sup>6</sup> In addition to *Between Facts and Norms*, discussed below, see volume two of *The Theory of Communicative Action* (Habermas, Jürgen. *The Theory of Communicative Action, Volume II. System and Lifeworld: A Critique of Functionalist Reason*. Boston: Beacon Press).

disenchantment of law” to which the integrative function and normative self-understanding of law has fallen victim (Habermas 1996, 42).<sup>7</sup> Habermas’s theory of law establishes a strong connection between the law and the lifeworld in the form of communicative rationality; this is of particular interest in that it renewed Habermas’s interest in Luhmann, who himself took a special interest in the sociology of law. Of all the subsystems that Luhmann submitted to systems theoretical analysis, none received a more sustained treatment than the modern system of positive law.

Against Habermas, sociological systems theory leads to at least two insights into the legal system, one of which we are already familiar with, namely that the autopoietic closure of the legal system means that its identity and its environment are self-positing. Luhmann also suggests, however, that the legal system can be conceived in terms of its ability to manage disappointed expectations. Briefly, people can be expected to deviate from legally prescribed behaviour; the function of the law is to ensure a process of “unlearning” whereby expectations are not adjusted accordingly. In other words, the law sustains counterfactual expectations, allowing people to behave as though conformity to the law was assured – expectations are thus “considered “normative” if one is not willing to revise them in the event of their disappointment” (ibid, 48). Habermas acknowledges that the sociology of law has profited from this approach in that some of the legal system’s autonomy, lost in the critique of “ideological superstructures”, has been regained. He nevertheless argues that the polycentric disposition of closed systems described by Luhmann devalues the importance of law as a general category of social theory, assigning it a marginal position which “neutralizes the phenomena of legal

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<sup>7</sup> As Habermas points out, “the law must uphold the strong claim that not even the systems steered by money and administrative power may withdraw entirely from a more or less consciously achieved integration” (ibid).

validity by describing things objectivistically” (48). According to Habermas, Luhmann’s “radical objectivism” can be compared to the structuralist social theories of Althusser and Foucault:

In both cases, subjects who constitute their own worlds or, at a higher level, intersubjectively share common lifeworlds, drop out; consequently, all intentional integrating achievements disappear from view... The relevant phenomena [...] are described in a language that objectivistically disregards actors’ self-understanding. This language neither seeks nor gains an entry into the intuitive knowledge of participants. Under the artificially defamiliarizing gaze of the system observer who conceives himself as a system in an environment [...] every context of social life crystallizes into a hermeneutically inaccessible second nature, about which counterintuitive knowledge is gathered as it is the natural sciences (1996, 48).

Because systems theory insists on the subject’s inaccessibility, there can be no question of validity or intersubjectively achieved understanding. The lifeworld – the realm of meaningful subjective experience – becomes, at most, a self-referential fiction. This argument again reiterates in a different register C. Wright Mills’ claim that functionalism mistakes problems of legitimation for problems of order (see page 19).

In *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (1999), Habermas explains how Luhmann’s systems theoretic reading of the law results in an impoverished understanding of legal communication on at least two counts. First, it is robbed of all socially integrative meaning such that legal norms and legal acts “lose all connection with the supposition of rationally motivated processes or reaching understanding within an association of legal consociates” (50). Secondly, and as a result of this, the validity claims and reasons which actors appeal to in the course of legal deliberations are drained of any intrinsic value: “What counts for participants as “justifications” shrink, from the viewpoint of the sociological observer, to necessary

fictions” (ibid). This leads the observer of the autopoietic system to deny to the legal system any capacity for problem-solving, and its social usefulness thereby becomes radically attenuated: “Described as an autopoietic system, a narcissistically marginalized law can react only to its own problems, problems that are at most externally occasioned or induced. Hence law can neither perceive nor deal with problems that burden society *as a whole*” (ibid, 51). This lack of inputs and outputs between the law and its environment means that the legal system renounces any claim to legitimation.<sup>8</sup>

In contrast to this, Habermas attributes to law the role of institutionalizing the autonomy of money and power – the steering media of the economic and political-administrative systems – by normatively anchoring both media in the lifeworld (Deflem, 5-6). By *recoupling* systems to the lifeworld through the legalization of their respective media, the law is instrumental in the *uncoupling* of both systems from the lifeworld, while at the same time the rationalization or “positivization” of law occurs to the extent that it becomes disembedded from ethical traditions and guided by abstract principles. While this suggests a separation of law from morality, Habermas insists that “laws must issue from a discursive process that makes them rationally acceptable for persons oriented toward reaching an understanding on the basis of validity claims” (Rehg, xix). The law performs a mediating function between “on the one hand, a lifeworld reproduced through communicative action and, on the other, code-specific subsystems that form environments for one another” (Habermas 1996, 56). Habermas explains the function of law as a “transformer” (ibid). Although ordinary language forms a universal horizon of

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<sup>8</sup> Beyond the shortcomings just cited, Habermas specifically challenges the notion of the “mutual indifference” of autonomous autopoietic social subsystems on empirical grounds, but this he takes up in reference to Gunther Teubner’s modified account of the law as a self-organizing system. See pages 52-56 in Habermas (1999).

understanding, it cannot communicate in the code-specific manner of the economic and administrative systems; “For translating into special codes, [ordinary language] remains dependent on the law that communicates with the steering media of money and administrative power. Normatively substantive messages can circulate throughout society only in the language of law” (ibid).

What I wish to emphasize here isn't so much Habermas's own theory of society, but the ways in which his theory of communication situates him as Luhmann's antagonist. The Luhmann-Habermas controversy pits two theories of communication against one another, the systems theoretic and the intersubjective. Whereas the former deploys an evolutionary logic in which communication is understood as the most fundamental mode of operation for all meaning-producing systems, Habermas's theory of communicative action binds reason and language together with the history of the human species, thereby placing a limit on the relativism evoked by the critique of reason. He upholds an essentially humanistic interpretation of social forms, which have at their core an indestructible moment of rationality. This requires three crucial and *necessary* assumptions: first, communication must be understood as a fundamentally linguistic process that proceeds intersubjectively; second, consensus must exist as the immanent telos of communicative action, which in turn implies a third assumption; communication *not* oriented towards mutual understanding is parasitic upon discourse aimed at consensus, and is therefore fundamentally illegitimate. At the centre of Habermas's diagnosis of modernity, then, is a theory of communication which pathologizes dissensus and imposes on us a choice, between communicative and functional rationality, between lifeworld and system. Or does it? According Jean-Francois Lyotard, to whom we shall now turn, we are

merely observing a futile contest between two incommensurable discourses “caught within a type of oppositional thinking that is out of step with the most vital modes of postmodern knowledge” (Lyotard 1979, 14).

***Lyotard on Luhmann: A Postmodern Ethical Intervention***

In *The Postmodern Condition* (1979), Jean-Francois Lyotard presents a study of knowledge in contemporary society as “a crisis of narratives” (xxiii). As he argues, the decline of the modern metanarratives which have guided and justified knowledge – the dialectics of Spirit, the emancipation of the labouring subject, the hermeneutics of meaning (xxiii) – has led to a menacing historical reversal. Whereas power and wealth formerly served knowledge, it is now knowledge which is subordinate. “Truth” has now become a function of power, justified only by a systemic principle of *performativity*, the single-minded pursuit of efficiency. This is Luhmann’s vision of society, a dystopian nightmare in which individual lives are allocated for the growth of power, where matters of social justice and of scientific truth alike are submitted to the criterion of performativity (xxiv). Where, after the metanarratives, asks Lyotard, can legitimacy reside?

This question appears to involve a choice between, on the one hand, the critical approach reflected in Habermas’s universal pragmatics of communication and, on the other, the functional approach reflected in Luhmann’s systems theory (13). Lyotard, however, finds this “modern alternative” unacceptable. As he argues, “The society of the future falls less within the province of a Newtonian anthropology (such as structuralism or systems theory) than a pragmatics of language particles. There are many different language games – a heterogeneity of elements” (xxix). Society cannot therefore be

represented as a stable system of commensurable discourses, but neither can rational consensus provide an acceptable model: “The [performativity] criterion is technological; it has no relevance for judging what is true or just. Is legitimacy to be found in consensus obtained through discussion, as Jürgen Habermas thinks? Such consensus does violence to the heterogeneity of language” (xxv). For Lyotard, the language game is “the minimum relation required for society to exist” (15), serving not only as the organizing principle of knowledge but also constituting the social bond. The challenge is to formulate a mode of legitimation that respects this heterogeneity, but one that appeals neither to communicative rationality nor to the criterion of performativity.

Lyotard reintroduces by way of his investigation of knowledge a core problem for a sociological theory of communication – the problem of *legitimation* – in a way that challenges both theoretical frameworks we have looked at thus far. Whereas “legitimation” in Habermas’s work is a political value, signifying a process of contesting validity claims, with Lyotard it refers to the process by which the conditions determining a statement’s admissibility within a particular language game are established and enforced. The problem of legitimation is thus expressed in the question; “who decides what knowledge is, and who knows what needs to be decided?” (8-9). Lyotard’s proposed solution – *paralogy* – takes as its paradigm the pragmatics of science, which provides “the antimodel of a stable system” (64). Paralogy, not consensus, is the goal of communication, which entails the restless interrogation of *metaprescriptives*, the rules prescribing what constitutes an admissible “move” in the denotative language game of science. The language game of science, explains Lyotard, “possesses no general metalanguage [...]. This is what prevents its identification with the system and, all things

considered, with terror” (ibid). This implies a “double observation” of, on the one hand, the heterogeneity of the rules and, on the other, the search for dissent (66). Paralogy thus resists the terror of Luhmann’s system in its single-minded pursuit of performativity, but it also destroys the belief, fundamental to Habermas’s project, that humanity “seeks its common emancipation through the regularization of the “moves” permitted in all language games and that the legitimacy of any statement resides in its contributing to that emancipation” (ibid). Paralogy is Lyotard’s model for just communication in the absence of a binding *métarécit* under postmodernity.

Unlike Lyotard, Luhmann is not engaged in an attempt to find a way out of (post)modernity and its discontents. Rather, he simply wishes to describe how contingency and complexity are precisely what provides modernity with stability, and he claims to offer a theoretical framework that can observe itself, “a frame for a discussion of framing” (Luhmann 2000: 46). As we know, this amounts to a willingness to accept paradox, and “to describe adequately the ineluctable necessity of the contingency of modernity, the perspective of the metaperspective has to be filled with the assertion that there is no metaperspective, and, thus, the description of modernity as contingent has to serve as modernity’s “transcendental” ground” (Rasch 2000b, 25). In Lyotard, we encounter the same bewildering paradoxes that Luhmann presents us with, but his notion of paralogy provides an ethical reflection on the fragmentation of discourses in the absence of binding narratives.

As Lyotard explains, Luhmann’s system is about performativity, the ability to achieve the desired outcome of the system’s self-stability.<sup>9</sup> Consensus is merely a

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<sup>9</sup> *The Postmodern Condition* was originally published in 1979, prior to Luhmann’s encounter with autopoiesis; nonetheless, as in the case of Habermas’s early interventions, Luhmann’s basic theoretical

component of the system and has a purely instrumental character; “its only validity is as an instrument to be used toward achieving the real goal – power” (Lyotard 1979, 61). Power is “good performativity”, legitimating function systems on the basis of their efficiency and in turn legitimating this efficiency on the basis of function systems; power is thus “self-legitimizing” (47). Such a form of legitimation implies that consensus exists not as an ethical imperative, as the only authentic source of legitimation, but as a strategy which allows the system to reproduce itself and maintain its own internal coherence in the face of complexity. Subordinated to the self-serving logic of the system, consensus “must induce the adaptation of individual aspirations to its own ends” (61), and therefore “administrative procedures should make individual want what the system needs” (62). I would like to note that the account of systems theory in *Postmodern Condition* is not without some ambiguity. Lyotard acknowledges the persuasiveness of the systems approach, noting that it implies a dispassionate pragmatism and “contributes to elevating all language games to self-knowledge” (ibid). Indeed, it can claim a number of advantages, according Lyotard:

It excludes in principle adherence to a metaphysical discourse; it requires the renunciation of fables; it demands clear minds and cold wills; it replaces the definition of essences with the calculation of interactions; it makes the “players” assume responsibility not only for the statements they propose, but also for the rules to which they submit those statements in order to render them acceptable (ibid).

In short, Lyotard has a certain admiration for the ways in which systems theory frees us from sentimentality. Nevertheless, he condemns the system’s terrorizing behaviour in its exclusionary pursuit of performativity. Exclusion from language games, rather than

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commitments were by this point sufficiently developed such that Lyotard’s critique is of enduring relevance.

rational argumentation, becomes the preferred method of dealing with dissent while language games are themselves permitted only insofar as they meet the criteria of performativity; the system is conceived as a totality which aspires to “the most performative unity possible” (63). Those who do not want what the system needs are simply left out or silenced. In other words, only that which reproduces and contributes to the efficiency of the system is desirable, and while this may sometimes lead to socially desirable outcomes, it comes at the price of exclusion and coercion.

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If we compare the respective critiques of systems theory formulated by Habermas and Lyotard, we can draw the following conclusion: Habermas is deeply troubled by Luhmann’s denial that a rational identity for modernity can be established with which society can be rationally steered. As Habermas argues, this is a consequence of Luhmann’s appropriation of the philosophy of the subject. Lyotard, for his part, identifies Luhmann with one of two representational models of modern society: society as a machine labouring under the criterion of performativity, which for him is the greater of two evils. Luhmann thus stands for operational efficiency at the expense of justice. The relationship between their respective diagnoses of the historical condition of society is, however, not without some ambiguity. In particular, Lyotard’s dismissal of universal pragmatics tends to obscure how his own thinking resembles Habermas’s; namely, both Lyotard and Habermas represent social pathology as a struggle between humanity and the blind impulses of the technocratic “system”. Neither denies that such a system *exists*;

instead, they disagree on how communication and language provide the means to resist the type of society which systems theory appears to affirm.

The more significant conclusion that I wish to draw is this: to the extent that Luhmann's theory is claimed to be aligned with the irrational, de-humanizing designs of a sinister technocratic system, the reception of his theory will be impeded. Given the gravity of this indictment, Luhmann's systems theory needs to be given a fair hearing if it is to gain a more prominent status in the field of communications. This I hope to provide in the following chapter.

## Chapter V: Righting the Balance

Luhmann once wrote that “[t]here are no solutions for the most pressing problems, but only restatements without promising perspectives” (quoted in King and Schütz, 261). This statement quite succinctly expresses his attitude to social theory, and it therefore seems entirely appropriate to describe Luhmann as a pessimist of the first-order. And yet Luhmann insisted on the possibility of observing society and enlightening it through a “self-critical” reason as “a way of thinking and arguing by the aid of distinctions” (Baecker 1999, 9). In such a way, Luhmann hoped to demonstrate that society “cannot see that it cannot see”. For Luhmann’s critics, as we saw in the previous chapter, his work more than anything represents complicity with the injustices of the system.

In this chapter, I argue that the critical handling of Luhmann in the work of Habermas and Lyotard is characterized by misrepresentation, such that their readers are deprived of any sense of the larger contribution that he makes to social theory. Referring to Luhmann’s normative abstinence, both critics unjustly impute to Luhmann’s work an essentially irrational character, all but demonizing him. I would argue that what this seems to accomplish more than anything is to draw attention to the shortcomings of their own positions. By observing these critics from a systems theoretical perspective, Luhmann’s theory of communication proves itself to be a useful epistemological tool with which society’s descriptions of itself can be redescribed in innovative and provocative ways. Of particular interest is how this theory yields an unsurpassed level of reflexivity, such that systems theory is able to claim for itself a universality that is lacking in the work of his critics.

*Observing Habermas: Critical Theory's Blind Spot*

I wish to begin by briefly clarifying the relationship between functionalism, Luhmann's systems theory, and Habermas's theory of modernity. As we know, Habermas makes certain claims regarding the function of the economy and administrative systems, which according to him cannot be properly understood without systems-level references; specifically, the generalized symbolic media of money and power as steering mechanisms of modern function systems – a concept imported directly from Parsonian structural-functionalism – is crucial to the system/lifeworld framework. Embedding these system references within a normative-analytic framework does not change the fact that functionalism significantly informs his theory. Indeed, if we look closely at Habermas's theory, in at least one crucial sense it comes much closer to conventional functionalism than does Luhmann's. The quintessentially functionalist account of communication provided in the 1940s by Harold Lasswell, for whom one of the tasks “of a rationally organized society is to discover and control any factors that interfere with efficient communication” (Lasswell, 93), is fundamentally premised on a distinction between successful and unsuccessful communicative exchange in the same way as Habermas's universal pragmatics. This is not to minimize Luhmann's own functionalist commitments. However, the autopoietic model of communication implies some basic innovations of the functionalist paradigm which Habermas tends to understate in his critique of Luhmann.

A comparable strategy of conceptual innovation is absent in Habermas's own work, which instead seeks to overcome the deficiencies of functionalism by assimilating it with critical and hermeneutic modes of inquiry. In contrast to this, Luhmann radicalizes the concept of function by theorizing social order as the irreducibly contingent and

essentially improbable reproduction of meaning in the face of unavoidable complexity. Furthermore, Luhmann drains communication of teleological content, following Maturana and Varela's theory of the purposeless organism, thus distancing himself from the theory of communication associated with functionalist research of the 1940s and 1950s. By contrast, Habermas, to the extent that he treats as parasitic all forms of communication not implicated in the process of heightening understanding, appears to be aligned with this older form of functionalism. As Habermas tries to argue, the expressive and strategic use of language is derivative of its practical use; the first two are "special cases" of practical discourse aimed at mutual understanding (Cooke, 77). As Cooke explains, "If the aesthetic, world-articulating, and world-disclosing modes of language use [...] are regarded as special cases, this amounts to a considerable impoverishment of communicative action" (77).<sup>1</sup> What I wish to emphasize here are the difficulties of identifying Luhmann too closely with functionalism, especially from a Habermasian position. This tendency to fold Luhmann's work in with functionalism, such that it can be judged guilty by association, results from an inadequate understanding of its ambiguous relationship to functionalism, and perhaps underestimates the importance of certain functionalist idioms in Habermas's critical-emancipatory project. Furthermore, the identification of Luhmann with functionalism neglects the extent to which Luhmann departs from its fundamental ontological assumptions. This also casts doubt on the relationship between the philosophy of the subject and systems theory which informs Habermas's critique of Luhmann.

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<sup>1</sup> Cooke also rightly points out that the *functional* priority of the practical use of language does not follow from the *conceptual* priority that Habermas grants it (Cooke 25)

In the previous chapter, we examined Habermas's objections to Luhmann's strategy of embedding of communication within a functionalist frame of reference. This involved a critique of Luhmann's "nonontological" frame of reference, which according to Habermas deprives reason of any connection to being, thinking and truth (see page 83). There can be no doubt that Luhmann is indeed guided by a functionalist logic wherein social phenomena are analyzed strictly in terms of latent system functions rather than the self-understanding of social actors. What is absolutely vital, however, is how Luhmann harmonizes the concept of function with his de-ontologized framework. His revised concept of function is part of a larger epistemological reorientation which challenges traditional ontological metaphysics.

As we know, what distinguishes Luhmann's use of the concept of "function" is its location within a theory of second-order observation that forms the core of his overall epistemological orientation. Luhmann's starting point is the self-referential, autopoietic system; among other things, this allows Luhmann to treat the system as one of its own objects, which Parsons' classical subject/object structure was incapable of doing (Sciulli, 39). Just as important is the profound skepticism of the traditional ontological distinction of being/nonbeing in Luhmann's work (see Luhmann 2002, 128-152; 187-193), which according to him underpins the subject/object epistemology.<sup>2</sup> He argues that ontology, considered as a system, is hopelessly tautological, in the sense that it is a distinction that cannot distinguish. Working within such a framework, only one logical value, the positive, is available, and it is for this reason that Luhmann speaks of systems theory as a "de-ontologized" approach in that it limits itself to distinctions which, unlike ontology,

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<sup>2</sup> As Luhmann remarks, "[i]n the late phase of this ontological thought [i.e., the being/nonbeing framework], this presupposition was once again split by the distinction subjective/objective. Knowledge is objective if all observers agree about it" (2002, 188).

are capable of reentry. Such is the case with the system/environment distinction that exists as a primitive condition of possibility for both psychic and social systems, and which serves as the initial distinction which reenters itself according to an observer's perspective. The problem can be formulated as the question of how the negative value of ontology's code (i.e., nonbeing) can be introduced into the system posited by ontology. In other words, what is the empirical correlate of "nonbeing"? The ontological position compels us to search for stable identities, that which *is*, because it is unequipped to reintroduce into itself that which *is not* and thereby specify its own negation. According to this bivalent scheme, "being" is the only designation available; "nonbeing" is needed only "to unmask errors" (188). The result of this is that ontological thought limits observation to two positions: critique and learning. Accordingly, "[t]here is only one world for the observers, even if they observe one another – and hence there is perpetual conflict among them" (ibid).

This framework cannot account for the unavoidable contingency of the world, a reality which is neither necessary nor impossible. For Luhmann, "identity is not a self-sufficient substance but a co-ordinating synthesis, a system which always contains references to other possibilities and therefore remains fragile, problematic" (Rossbach 2004, 45). Identity – and by extension order and meaning – is an essentially improbable state of affairs. As a sociological premise, this clearly problematizes the entire ontological structure of being/nonbeing that earlier functionalist sociology took for granted, a structure upon which the subject/object dualism is founded and which therefore does not free us from the premises of an all-or-nothing ontology. It can at best

“proceduralize” its premises, as Habermas does. It is worth quoting Luhmann at length on this:

The observers develop methods and procedures in order to come to an agreement. They restrict their conflict of opinions to argumentation, They subordinate themselves to the norm of insight that is to be reached jointly. That defines rational communication for them. And if they do not in practice reach their goal of agreement, they nevertheless have to want to reach it – otherwise, they do not conduct the kind of discourse demanded from them by a normative concept of rationality. They act, I would now say, under the assumption that they live in one and the same world and that it is a matter of reporting in accord about this world. Thereby, however, they are nothing but victims of the bivalence of their apparatus, the ontological structure of their primary distinction. Only for this reason is nonconflictual agreement a condition of rationality for them (ibid 188-189)

Luhmann describes the consequences of this mode of thought as a theory of knowledge:

As long as an epistemology only takes account of the immediate simple observer, and also makes no exception for itself, the world remains the condensate of experiences that can be repeated. The reflection of this experience takes the form of ontology. It reckons with a univalent reality; additionally, though, on the level of recognition, it reckons with the possibility of exposing deceptions, of exposing errors. Appearance and deception are consequently aspects of an ontologically conceived world. That does not exclude an observation of other observers, but it can only serve to confirm them or convict them of an error. One then demands of them that they correct their (false) opinions, if necessary supported by the normative claim that the knower should bow to the correct knowledge and see his mistakes (ibid, 191).

Despite his insistence on “postmetaphysical thought”, Habermas’s universal pragmatics of communication does not free itself from these ontological premises (ibid, 188).

The systems theoretical approach, by contrast, solves the problem of ontology’s bivalent logic by “transferring all knowledge onto the level of the observation of observers”, in which it includes itself as an observer (ibid). With this abandonment of ontological stability, the guiding concern of sociology is to account for the improbability, contingency and complexity of self-referential social systems as *observing* systems. Thus,

the systems theoretical perspective assumes that a plurality of distinctions exist which resist being reduced to a single, stable metadistinction. Habermas, for whom complexity and contingency is an apology for domination, can only insist on an underlying simplicity and unity; in the name of “rational argumentation”, he is committed to controlling and domesticating the multiplicity of perspectives (Knodt 1994, 83). As Rasch notes, “no explicit invocation of an organic whole appears anywhere in Habermas’s writings. But all his thought tends toward finding a rationally authoritative, functional equivalent for such a desirable unity” (Rasch 2000a, 30). Here there is an obvious affinity with Lyotard, which was largely occluded in the previous chapter. As Luhmann remarked, “Jean-Francois Lyotard has already protested against this way of thinking. In his view, there is no unified account, but rather each account produces a difference” (ibid, 189). I would argue that Luhmann’s rethinking of the subject/object ontology distances him from the philosophy of the subject on such an elementary level that Habermas’s comparison loses much of its force; his claim that Luhmann simply recasts the subject/object relationship as the system/environment distinction becomes highly problematic in light of Luhmann’s epistemological innovations.

Following Eva Knodt, I would point out that Habermas’s chief strategy – the proceduralization of reason via a theory of communication – is in fact a “strategy of evasion” which, by incorporating a principle of falsification, is “capable of transforming every act of refutation into an indirect affirmation of itself”; it is thus “self-validating and irrefutable on its own grounds” (1994, 79). In other words, to challenge the theory of communicative action is to play the game of rational argumentation, thereby confirming it. As Knodt points out, this demonstrates how Luhmann’s systems theoretic framework

is able to observe theory itself as an autopoietic system. Seen this way, “the universalizing tendency of what Habermas calls discourse is an effect of the “operational closure” of a system that observes itself from within its own perspective and thereby conceals its contingency” (ibid). System theory, by contrast, does not discriminate in its disclosure of constitutive paradoxes – it compels us to confront the paradox and contingency that inheres in *all* attempts to ground rationality. The conclusion is that “once the systemic operations of discourse are identified with rationality itself, it becomes virtually impossible to formulate a critique of the former that would not be self-refuting” (ibid). This encounter with the contingency of language and reason, guided by a systems theoretic sensitivity to self-reference, can in turn encourage a shift in focus, away from the choice between reason and emancipation on the one hand, and self-refuting theories of language games, on the other (80).

Such a redirection of thought has as its corollary a highly controversial move. Here I refer to Luhmann’s absolute normative abstinence, which he is compelled to accept by virtue of the irreducible contingency of observation. More than anything else, this is responsible for the intensity of the criticisms directed against him; in the absence of a more generous reading of Luhmann’s work, this will hinder a wider acceptance of autopoietic social theory and diminish the importance of his contributions. I would argue, however, that critical treatments of Luhmann’s work which attribute to it a lack of commitment to any kind of political project are not entirely justified, and to argue that it lacks attention to modern moral and ethical problems simply cannot be sustained. This becomes apparent if we examine Luhmann’s handling of morality and ethics.

***A Higher Amoralty: Limiting the Code of the Moral***

Since the eighteenth-century, *ethics* has come to mean an academic theory concerning justification of moral judgments, rather than a doctrine of the good and virtuous life (Luhmann 1994a, 30). Luhmann questions this as an appropriate approach to morality. As he points out, moralists have little trouble justifying their opinions; for someone adhering to the moral code of good/bad, “anyone who dares even to just ask for reasons [is considered] as someone who wishes to give serious consideration to the negation of their moral position, to something that is bad [...]” (ibid). For the moralist, as Luhmann points out, the distinction good/bad is itself always good. To resist the urge to moralize – as Luhmann does – is to question whether it is in fact good to declare something as good or bad; such a refusal to unreflexively assume a moral position is likely to expose one to the accusation that one is opposed to that which is good. Traditional ethics, as a theory for grounding moral judgments, is not open to the question of the appropriateness of applying the moral code and is thus of no use here (ibid, 997-998). What is required is a theory of second-order observation, which compels us to engage in a higher-level reflexivity wherein “[t]he unqualified supposition that the moral is good can be unmasked as a paradox” (Luhmann 1993, 997):

When the directive [i.e., the moral position] instructs one to “distinguish between good and bad,” one cannot, at the same time, use one side of the distinction as identical to the distinction itself. This does not exclude one [...] from morally valuing the use of the moral. But then that must be done in the mode of second-order observation, that is, with the question whether it is good to use the distinction of good and bad or whether one should rather abstain from it in certain cases (ibid).

Luhmann therefore presents ethics as “the reflexive theory of morals” (Dallman, 86). The ethical serves the function of protecting social subsystems from the corrosive effects of

moral discourse. Luhmann's conclusion is that the moral no longer fulfills a socially integrative function:

To the degree that society adapts itself to functional differentiation, the particular function systems are no longer oriented towards society's central authorities (rulers, nobility, and metropolitan high society), nor towards society's central values that make moral claims, but rather only towards the function systems' own codes....The codes guarantee the identity of the function systems and the recognizability (accountability) of their operations....This order does not permit code values of function systems to be identified with moral values – neither with good/bad nor with good/evil...[M]odern society, which has been converted to functional differentiation, is forced to grasp this incongruence of codes as a *renunciation of the moral integration of society* (Luhmann 1993, 1004-1005)

When the “good/bad” distinction of morality is applied to the positive value of another subsystem's code, for example the “legal/illegal” binary of law, it has the effect of paralyzing the subsystem.<sup>3</sup> Moral communications in the system's environment are perceived by the system only to the extent that such communications are amenable to the system's own code and can be assigned a positive or negative value. The system is simply not able to observe such communications, much less adjudicate between competing moral claims. To insist that systems be more responsive to moral claims emanating from the lifeworld is to invite disaster: the ethical represents this limit, or morality's “outside”. It allows the decision to be made as to whether the distinction of good and bad is itself good or bad.

Legal scholar Drucilla Cornell also insists that morality's limitation of freedom demands that morality impose constraints upon itself, and she similarly draws attention to the role of ethics as a limiting principle: “Paradoxically, the ethical serves as the warning

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<sup>3</sup> A useful example of the disjuncture between moral and legal norms, provided by Rasch, is former president Bill Clinton's acceptance speech at the 1992 Democratic national convention, in which he was able to declare his moral opposition to abortion while at the same time defending its legality as the right of a woman to choose (Rasch 2000b, 92).

against the systems of morality that produce it. Ethics, for Luhmann, is found in the need of social systems of modernity to protect themselves from the worst effects of moralizing, *particularly as these inform our political battles*" (Cornell, 99, emphasis added).

Cornell's reading of Luhmann suggests that a systems theoretic approach does not *necessarily* drain social theory of ethical intent, although it is a mode of reflection that calls attention to the difficulties that inhere in making moral claims about society.<sup>4</sup> What emerges from Luhmann's handling of morality is his political commitment to the autonomy of function systems. Luhmann's commitment is to a "systems-rationality" which in its deafness to moral communication represents a form of rationality which is "simply the reality of an effectively functioning social system" (King & Thornhill 2003, 135). The modern ethical imperative is thus to preserve the "higher amorality" (Luhmann 1994a) of functional subsystems in order to preserve differentiation, and the system's operational closure thus involves a corresponding normative closure.

We have briefly noted the positivization of the law, or its apparent separation from morality, as an example of this process. Indeed, the modern legal system's normative closure is an especially powerful example of the higher amorality of systems-rationality, signifying that "morality as such has no legal relevance" (Luhmann quoted in King & Thornhill 2003, 44). Many examples involving other systems – the political system, the economy, science, education, health services – are available; in each case, "the whole self-organization of these functional systems escapes moral control. Indeed,

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<sup>4</sup>To be fair, Cornell's Derridean notion of a "beyond within" suggests a more redemptive, quasi-transcendental form of ethics. For Cornell, that which lies beyond the system is in fact a "present absence" or a "trace" in Derrida's sense which serves as the ethical principle of an absolute other. Luhmann, however, insists that the system's other is always a self-positing difference. Cornell nonetheless sides with Luhmann on the need for the legal system to be insulated from moral discourse. See Chapter 5 in Cornell, Drucilla. *The Philosophy of the Limit*. New York; London: Routledge, 1992.

the withdrawal of morality from these spheres is demanded and sanctioned by morality” (Luhmann 1994a, 29). As Luhmann goes on to explain, it would be “an affront to our moral sensibility” to insist on forcing the negative and positive values of systemic codes to correspond with those of the moral code.<sup>5</sup> Hence, Luhmann refers to such projects, aimed at heightening the responsiveness of systemic codes to the moral distinction of good/bad, as “dedifferentiation”.

All this suggests a normative element in Luhmann’s thinking – the preservation of functional differentiation through the restriction of the moral – that he nonetheless denies. As he explained in an interview, “I don’t think [functional differentiation] is normative because norms only make sense if there is an alternative” (Rasch 2000a, 202). According to Luhmann, even the most critical treatments of modern society do not provide an indication of how functional differentiation might be abandoned. However, Luhmann’s negative evaluation of dedifferentiation does suggest that functional differentiation is at least a positive value (ibid, 203) in the sense that, according to him, a return to a pre-modern form of social organization would be disastrous. Thus Luhmann’s theory of social systems contains an undeniably prescriptive element, despite his consistent efforts to withhold all utterances of this sort. As well, Luhmann’s position is clearly

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<sup>5</sup> A good example of normative closure involving the legal and political systems, which occurred at the time of writing, concerns the “right-to-die” controversy in the United States. On March 18, 2005, a woman named Terry Schiavo was lawfully disconnected from her feeding tube on the request of her husband after being in a vegetative state for fifteen years. She died shortly thereafter. In an effort to forcibly restore the feeding tube, members of Congress and President George W. Bush – largely motivated by the possible political gains - passed a bill placing the matter under federal jurisdiction. The U.S. Supreme, citing the Constitution, consistently refused to rule on the case thus allowing the original decision to stand and defeating an attempted moral intervention. Following Luhmann’s notion of normative closure, I would argue that this incident clearly demonstrates the highly attenuated moral “resonance capacity” - the ability of a system to react to environmental events according to its internal structure – of the legal system. The behaviour of the political system, meanwhile, was consistently guided by its own code of government/opposition and revealed a fundamental miscalculation: the Republican Party was duly punished by public opinion when the results of a poll indicated that 70% of respondents agreed that it was inappropriate for Congress to intervene (Langer). The moral coding of Schiavo’s predicament was itself considered by the majority of Americans to be immoral.

“conservative” in the sense that he feels that the preservation of function systems is worthwhile. Rather than undermining his position, however, I would argue that this provides a powerful counterargument to Luhmann’s critics, for whom systems theory is an ethical vacuum.

As Luhmann tells us, we can no longer sustain the transcendental illusions of a pre-modern stratified society. What we are confronted with instead is the functional differentiation of modern society, in which the moral code derived from the immanent/transcendental distinction of religion that sustained the unity of traditional society has become just one among many ways to describe ourselves. Under such conditions, social theory can at best offer only descriptions of descriptions. While this insight may seem self-evident, it is largely what sets Luhmann apart from Habermas in dramatic ways, and indeed from any social theory which is based on social observation as a sort of therapeutic undertaking. As Luhmann constantly reminds us, two of the most influential intellectual movements of the past one hundred and fifty years – the theories of Marx and Freud – attempt to treat social pathologies by revealing the subject’s latencies or blind spots, which for Luhmann are conditions of possibility. However, this form of observation fails to adequately address its own contingency, its own constitutive blind spot. It is worth quoting from Rasch at length on how systems theory deals with this position:

The reality it [i.e., systems theory] purports to describe aggressively displays the limits of self-observation, and any attempts to view society normatively, as if from the outside, is greeted with bewilderment (by Luhmann). Norms, too, are socially embedded, and not transcendently given. Society, as an informationally closed system, defined by communication and internally differentiated into function systems, is, to use Spencer-Brown’s hyperbolic phrase, “severed and mutilated.” This condition is seen to be one of the inescapable “facts” of modern society.

Luhmann neither longs for the view of “the whole” nor bemoans its absence. Jeremiads against reification, rationalization, neutralization, or alienation are no more part of his repertoire than demands for communal participation or discursively achieved consensus. We live in a “severed” state, and our observation is possible precisely because it is partial. Society’s lack of universal normativity, of consensus and integration, simply reminds us that we inhabit a universe that insistently exceeds the power of its own telescopes (2002, 10).

This deeply skeptical view of normative social theory, which comes out in all of Luhmann’s writing, is thus premised to a large extent not so much on political commitments but instead derives primarily from a sophisticated theory of difference.

Unlike theories which proceed dialectically and affirm the overcoming of difference, systems theory tells us that difference always leads to more difference. According to Luhmann, modernity is therefore characterized by an inexorable complexification in which the unity of the whole is both a forever receding horizon and a condition of possibility. To observe the world as unity is to draw a distinction that must destroy the very unity that it wishes to disclose; “No operation will find its way back to what was before – to the unmarked space [...]. Proceeding from within the system which thereby operatively reproduces itself, each enactment of such a return would mean another step forward” (Luhmann 1994b, 25). To communicate the observed difference between observer and observed – to assume the position of a second-order observer – requires yet another distinction, which again produces its own blind spot or unmarked state. In such a way, as we’ve seen, the positivity of the world is the paradoxical result of its negation, and thus identity is always the product of difference. This explicitly challenges Habermas’s notion of communicative rationality which binds subjects to a collective identity. Luhmann concedes that systems theory maintains that society does indeed lack such an identity which can serve as the reference point for a critique of

modernity (Luhmann 1986, 134), but as he explains, “this means only that the completed project of modernity, if it is presented in this way, is not carried forward by systems theory” (ibid). The critique of modernity as dedifferentiation, evaluated according to the very form of rationality against which it protests, can itself only be “a partial phenomena and can neither be nor represent the whole within the whole”:

At best, it produces a corrosive mistrust without a rationality of its own – to which others, then have to react. From the point of view of systems theory this would have to be the case if rational individuals anywhere came to an agreement about their validity-claims. For why should it be left to them to determine what is good when the starting-point has to be that others do not have valid grounds to disagree with the procedure and even less with the proposed consensus (ibid).

When observed from the second-order perspective of systems theory, communicative rationality as a strategy to ground social criticism becomes exposed to the same contradictions and limitations as the society which this form of rationality is meant to overcome.

***Observing Lyotard: Paralogy as Transcendental Temptation***

Society as “the comprehensive system of meaningful communication” is a “perpetual including and excluding” which Luhmann thematizes as “speaking and silence” (Luhmann 1994, 33). With Lyotard this acquires a moral valence: specifically, Lyotard describes the violence and terror of exclusion perpetrated by the system in its pursuit of efficiency. The proposed solution, as we’ve seen, is paralogy. Luhmann’s insistence that exclusion is simply a matter of logical necessity is submitted by Lyotard to the code of the moral, in which exclusion is “read as a series of existential consequences of ideological choice” (Rasch 2000c, 204). Here, Luhmann becomes the observed observer whose descriptions are redescribed. From Lyotard’s perspective, to observe and describe

the logical necessity of exclusion is “deemed an evasion or denial of the victimized other” (ibid). For Luhmann, by contrast, what lies outside the system cannot be held up as a moral agency in the form of the absolute Other, which “[f]rom Marx to Lyotard has happened under the aspect of victimology” (Luhmann 1994b, 36). Luhmann describes this procedure in typically unsentimental terms:

The excluded is determined as a class or in some other way observed as human, mourned, and reclaimed for society. Were society to respond as demanded to this complaint, it would still not become a society that excluded nothing. It would communicate out of other considerations, with other distinctions, and perhaps resolve the paradoxes of its communication differently, shift sorrow and pain and, by doing so, create a different silence. Once we are in a position to see and know this today, any intention to optimize the relationship between speaking and silence in the direction of a positive evaluation of communication becomes an ideology and, no matter what the reasons, a sustained illusion. This is certainly true for all the efforts that have insisted on setting communication free, on emancipating it from the given constraints of violence and time and from restricted linguistic codes. What else can come of such efforts but the acceptance of new restrictions or, finally, only noise (ibid, 36)?

Thus, unsurprisingly, Luhmann resists the urge to moralize exclusion. However, to condemn him for this, as both Habermas and Lyotard do, invokes the paradox of the moral code.

It is significant that this insight into the consequences of the moral coding of communication is gained only from a systems theoretic perspective; neither communicative rationality nor the method of language games suggests a comparably reflexive strategy. Unlike Habermas and Lyotard, Luhmann avers that morality has become a “self-replicating, parasitic invader”, and his political injunction is thus to limit the applicability of the moral code, as we’ve seen (Rasch 2000c, 90). It is quite clear how Habermas’s insistence on “de-differentiation” through consensus signifies a commitment

to the moral coding of function systems. Less obvious, perhaps, is Lyotard's commitment to such a project.

Lyotard closely identifies Luhmann's social system with Parsons' socio-cybernetic model. Since then, however, Luhmann's autopoietic turn has yielded a representation of society which, as an aggregate of functionally differentiated and organizationally closed subsystems, appears to be roughly homologous to the fragmentation of knowledge described by Lyotard. Broadly speaking, for Luhmann there are *systems*, while for Lyotard, there is *language*. These points of reference exist as divergent organizing principles in their investigations, but they nonetheless share a suspicion of Habermas's theory of communication as a foundational discourse. As Knodt points out, "What unites Luhmann with postmodern critics of Habermas such as Lyotard and Derrida is the contention that the binary logic of classical ontology is exhausted" (1994, 93).<sup>6</sup>

For both Luhmann and Lyotard, the most basic problem with Habermas's response to differentiation – the theory of a universal pragmatics of communication – is the lack of a perspective from which the social world as a totality can be observed and rehabilitated. The impossibility of a metaprescriptive that Lyotard posits in *The Postmodern Condition* has as its analogue in the work of Luhmann what might be called the impossibility of a "metadistinction", an outer limit or binding difference with which one can evaluate all other distinctions. But whereas for Lyotard the metaprescriptive

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<sup>6</sup> For a comparison of Luhmann's work with that of Jacques Derrida, see Teubner, Gunther. "Economics of Gift – Positivity of Justice: The Mutual Paranoia of Jacques Derrida and Niklas Luhmann" in *Theory, Culture & Society* 18 (2001), 29-47. Also, see Walther, Bo Kampmann, "Spencer-Brown – Luhmann – Derrida: Difference and Paradoxes". Paper presented at *Complexity: An interdisciplinary seminar on the moment of complexity in textual and cultural studies and studies of education and learning*, Aalborg University, 22<sup>nd</sup> – 24<sup>th</sup> January 2004 Available at [www.sdu.dk/hum/bkw](http://www.sdu.dk/hum/bkw)

refers to the rules underlying language games, rules which imply incommensurability or a “differend”, from a systems theoretical point of view, each distinction and thus each observation is a cleavage which necessarily creates a latency. Nonetheless, the inevitability of blind spots is no less true for linguistic systems than it is for cognitive and social systems, all of which may be observed only by “making a distinction and indicating one side of the distinction and not the other” (Luhmann 2000, 38). From both a second-order cybernetics perspective and from that of language games, to indicate something is to exclude something else, yet in order to reveal what this “something else” is requires another distinction, which in turn produces its own blind spot. As Luhmann asserts, “truth is nothing more than the positive value, the designated value of a code, whose negative value (reflection value) is untruth” (1998, 13). Thus there is at least one positive moment where Lyotard and Luhmann can be seen to converge: the immanence of meaning leads unavoidably to exclusion.

In the preface to *The Differend* (1988), Lyotard offers a concise definition of the term using a juridical metaphor: “a differend [*différend*] would be a case of conflict, between (at least) two parties, that cannot be equitably resolved for lack of a rule of judgment applicable to both arguments” (xi). In *The Postmodern Condition*, Lyotard referred to this incommensurability as representative of “an internal erosion of the legitimacy principle of knowledge” (39). According to Lyotard, this observation imposes upon us a daunting ethical predicament: how can we hope to settle claims that have as their very condition of possibility incompatible rules? To acknowledge that language and meaning implies its own differend(s) is to assert that all utterances involve an excluded “other”, that meaning is immanent to a particular language game. There is no genre of

discourse “which is not shadowed by the ignorance it contains” (Baecker, 71), no metaprescriptive that eludes difference, exclusion and immanence. Lyotard’s postmodernity requires him to wrestle with the possibility for an ethics of exclusion, and the question becomes “one of thinking exclusion in ways not compromised by utopian projections of the great alternative” (Rasch 1:2000, 202).

As we saw in the previous chapter, for both Lyotard and Habermas, the breakdown of traditional epistemic authority confronts (post)modern society with the problem of legitimation. According to Lyotard, however, to insist on consensus can only result in a violent leveling of difference, and thus he discerns at the core of Habermas’s call for a rational collective identity an authoritarian impulse which ignores the irreducible heterogeneity of language games. A postmodern form of legitimation must, as a matter of ethical necessity, acknowledge dissent as a constitutive element of social systems and respect difference. Lyotard therefore calls for a consensus of dissensus in which the boundaries of discourses are held to be inviolate. Interestingly, and in consonance with Lyotard’s own notion of the differend, there is no equivalent ethical framework within systems theory in which this problem can be posed, and as such, no concept of resistance to “the system”.

Luhmann’s refusal to provide an ethical reading of differentiation is the point at which Lyotard becomes a committed critic of the systems theoretical perspective, as we’ve seen. Lyotard and Luhmann are linked in their recognition of the differend, but not the ethical imperative that Lyotard wishes to derive from this; for Luhmann, “The differend is another name for the problem of self-referential paradox resulting from the inherent limitations of self-observation under the conditions of a quintessentially modern

society” (Rasch & Knodt, 6). From Luhmann’s perspective, Lyotard refuses to accept the logical consequences of his own argument and succumbs to transcendental temptation. Despite Lyotard’s insight into the operative inevitability of difference, Luhmann argues that,

for [him] the temptation remains strong to think the unity of difference as well – no longer in the sense of “spirit” but in the problematization of normativity, in the question of justice (which, however, turns into a selective discourse as soon as it deals with an actual dispute), and further in a rather hopeless appeal to politics, or finally in the historical self-characterization as “postmodern” (Luhmann 1994b, 26-27).

For Luhmann, then, Lyotard is given to a certain Habermasian pathos, a sentimental preoccupation with society’s lost unity.

A comparison between Luhmann’s systems theoretic concept of communication and Lyotard’s notion of the language game leads to an interesting question: why, if both approaches seem equally capable of redressing the excessively idealistic and attenuated theory of communication that Habermas proffers, should we be inclined to accept Luhmann’s account when, unlike Lyotard, he seems totally uninterested in justice for the victims of exclusion, and indeed constructs a theory that is apparently designed to remind us of how futile this is? The answer lies in an essay written by Luhmann entitled “Why Does Society Describe Itself as Postmodern?” (2000) in which he reflects on the “condition of postmodernity” and the essential paradox of systems theory. Noting that the “frame” offered by systems theory “is the self-produced and reproduced difference of the system and its environment”, he goes on to explain:

All elaborated cognition will reduce self-created uncertainty and will only lead to contingent results. Such results may seem useful to some – and detestable to others. But this remains acceptable, because the question of the unity of the distinction always leads back to the paradox – and one can show this to others and accept it for oneself [...] Is this, after all, a

postmodern theory? Maybe, but then the adherents of postmodern conceptions will finally know what they are talking about (Luhmann 2000, 46).

As noted earlier, the paradoxical nature of second-order observation is for Luhmann not itself a problem but rather a belated confrontation with contingency. The epistemologically loaded nature of the system/environment distinction provokes anxiety only if we cling to the notion that something lies beyond our horizons of possibility and submit to transcendental temptation by clinging to an ethics of exclusion that only serves to remind us of the limits of communication. For Luhmann, the observation that each language game “lives of its own differend” (26) is best confronted using a systems theoretical approach which acknowledges the existence of a “blind spot” or an “unmarked space”, and thus accepts that there is no privileged point of view from “outside”. Furthermore, Luhmann challenges the characterization of contemporary society as the age of “postmodernity”.

That society, whether represented as postmodernity or simply as modernity, is characterized by differentiation is of course not a claim unique to either Lyotard or Luhmann. Indeed, the notion stretches back at least as far as Weber. Luhmann, however, draws attention to the distinction of semantic and structural levels of description: once we observe “postmodernity” using this distinction, he claims, it becomes apparent that it is a self-designation that can be sustained only at a semantic level of description. The functional differentiation that characterizes modern society, distinguishing it from the stratified structure of traditional society, persists in such a way that, for Luhmann, it makes little sense to append “post” to “modern”. As we know, Luhmann concurs with Lyotard’s notion of the differend, but as Luhmann declares, “It is merely unfortunate that

[Lyotard] has labeled this insight “postmodern”, when it presumably indicates precisely the epistemology that enables modern society to describe itself” (2002, 189). Establishing that contemporary society is indeed *postmodern* requires demonstrating that it has surpassed modernity – for Luhmann, the end of the grand narratives is only a rhetorical device to describe modernity. As he argues, society has existed as a self-observing system since the Enlightenment, when an inevitable self-referentiality was introduced once the individual replaced God and the monarchy; “modernity” is thus the name given to an obsessive process of self-description (Rasch 2000, 74), of which “postmodernity” is simply the latest phase; it is “a belated reaction, on the part of modernity, to the shock of its own contingency” (Knodt 1995, x). For Luhmann, “there is no *métarécit* because there is no external observer” (ibid). How then does systems theory describe such a self-describing society?

The project of a social theory based on second-order observations attempts to avoid an endless circle of self-referentiality by including itself in its theory – the theory observes itself, as it were, but not without invoking “the paradox”. Any statement made from within a theory that makes universal claims must inevitably “learn something about themselves from their objects. Therefore they are forced, as if by their own logic, to accept a limitation of their meaning ... Thus a universal theory, even and precisely as a result of differentiation, can understand itself as the result of differentiation” (Luhmann 1995, xlvii-xlviii). It is the same paradox which confronts the theorist who locates meaning in the operation of language. The “linguistic turn” as represented in French poststructuralist theory asserts that our knowledge of the world is inseparable from language – objects are constituted in the act of making symbolic distinctions. As Derrida

argued, meaning is *différance*, the difference between word and object, as well as its endless deferral, such that the signifier displaces and supplants the signified. The original French title of Michel Foucault's book *The Order of Things* (1966) - *Les mots et les choses* – reflects a similar concern with the uncertain relationship between representation and knowledge, and of course *The Postmodern Condition* argues forcefully that different forms of knowledge are incommensurable language games. This position shares with the systems theoretical approach the assertion that there is no “outside”, no frame of reference that is external to language or system. Luhmann's social systems theory perspective, however, replaces this language/world distinction with a system/environment distinction.

For Luhmann, language is not a metasystem – neither the consciousness of psychic systems nor social activity require it – but is a medium which permits “structural coupling” between conscious and social systems to occur, a concept introduced in the biological autopoiesis of Maturana and Varela to explain how the structure of an organism adapts itself autopoietically to its environment. Language is one among many forms of encoding information, but because it is the form of encoding that the human observer of social systems must rely on, systems theory does not escape its own self-referentiality. Does systems theory simply reaffirm, using different distinctions, the poststructuralist thesis that there is no “outside”, that reflexivity is an endless circle of self-referentiality? Here we may refer back to the strategy noted earlier by which a second-order cybernetic approach is able to observe its own operations by including itself as part of the subsystem of science. In such a way, systems theory pays careful attention to the epistemological consequences of its own statements – self-referentiality is

confronted by making its own contingency explicit. By implicating himself in his own observations,

the observer of the observed system operates simultaneously from the outside and the inside. He constantly changes positions. He observes it from the inside as if it were from the outside; and he specializes in finding a perspective from which he can see what the observed system is unable to see (such as: the failure of all justifications) but at the same time he wishes to establish connections within the system [...] and therefore must accommodate himself to the autopoiesis of this very system. *If he cannot supply foundations, the least he can do is proceed in scientific fashion* (Luhmann, quoted in Knodt 1994, 92).

Liotard acknowledges the “necessity of contingency” (1992, 43), but his ethical reading of the differend hits a wall of self-referentiality and can go no further without destabilizing (i.e. relativizing) itself. In other words, his theory cannot adequately describe itself without obviating its ultimate intent: justice in the form of an ethics of exclusion. For how could this intent be sustained if Lyotard were to insist on consistency and include parody as just another language game?

### ***A Sociological Enlightenment?***

Throughout his career, Luhmann distanced himself from prevailing social theories which describe society in terms of normative, integrative and unifying concepts, theories which “envision society as a system determined by stratification, that is, by a principle of unequal distribution” (Luhmann 2000, i). The counterfactual obstinacy of such theories, argues Luhmann, dooms them to irrelevance:

As this century draws to a close, we are far from realizing universal happiness and satisfaction. Nor have we reached the goals of achieving solidarity and creating equal living conditions. One can continue to insist on these demands and call them “ethics,” but it becomes difficult to ignore their increasingly utopian component. That is why we recommend rewriting the theory of society. To do so requires a shift, at the structural level, from stratification to differentiation. The unity of society is no longer to be sought in ethico-political demands, but rather in the

emergence of comparable conditions in systems as diverse as religion or the monetary economy, science or art, intimate relationships or politics – despite extreme difference between the functions of and the operational modes of these systems (ibid, ii).

For Luhmann, it is possible to theorize modernity's characteristic fragmentation without appeal to notions of consensus or discursive rationality. As we've seen, this takes the form of the theory of self-referential systems, a sociological encounter with the paradoxical "unity of difference".

It is Luhmann's contention that because all descriptions of society must take place from within society, there is no possibility of observing society as a unified whole. Unlike in pre-modern stratified societies, where the unity of the whole was assured by appeal to the transcendental, in the modern "functionally differentiated" society, "there are no natural primacies, no privileged positions within the whole system and therefore no position in the system which could establish the unity of the system in relation to its environment" (Luhmann 1989, 122).

In this severed and mutilated condition, whatever one sees is only partially itself. We may take it that the world undoubtedly is itself (i.e. is indistinct from itself), but, in any attempt to see itself as an object, it must, equally undoubtedly, act so as to make itself distinct from, and therefore false to, itself. In this condition it will always partially elude itself (quoted in Rasch 2:2000, 101).

No system – not politics, the economy, religion, nor science – can take the place of the whole of society, nor can any one system observe it as a unity. It is equally pointless, maintains Luhmann,

to try to conceive the unity of modern society as the organization of a network of channels of communication, steering-centers and impulse receivers. One immediately gets the impression that good intentions cannot be realized because somewhere something is directed against them which frequently ends up in mythical explanations in terms of capitalism, bureaucracy or complexity (1986, 107).

If there is an answer to the question, “What’s behind all this?”, Luhmann answers without hesitation: functional differentiation (Luhmann 1998, 77). More significantly, however, Luhmann suggests that the question itself and the urgency with which it is posed are symptomatic of a self-describing society in which social phenomena are observed “not from the perspective of the participating first-order observer but rather from the perspective of the observer of such observers” (ibid).

Were we to insist that society be described at the level of first-order observation, that our starting point for social theory should at all times remain an “objectively” given reality, what might we gain? What might we lose? Luhmann would likely respond that we would lose all sight of how systems operate and under what conditions they observe their environment. The drawback to this type of knowledge, as he acknowledges, is that this “observing of observing is not disciplined enough by self-observation” – it appears as “better knowledge”, when in fact it is only a particular kind of observing of its own environment (1989, 26-27). What is thus required is the recursive application of this insight to itself such that the constraints on our ability to observe, describe and turn insights into operations can be revealed and analyzed. As Luhmann remarks, “Any protest against such constraints would be strangely naïve and, as such, would merit observation itself – if not by the protester then at least by others who observe the protester” (ibid, 27). This points to what might be gained in the abandonment of first-order observation: the ability to see that we cannot see what we cannot see.

At the beginning of this chapter, we noted Luhmann’s lack of faith in sociology’s ability to solve its most urgent problems. What it is instead capable of contributing is a redescription of society’s descriptions. This is precisely what our observation of

Habermas and Lyotard achieves: a redescription of their descriptions, which reveals that both critics must in the final instance fall back on an unreflexive moral judgment of Luhmann, who by virtue of his normative abstinence can only affirm the terror the system. Communication, in Luhmann's hands, appears to be severed from justice and freedom, and is instead laid bare as the self-referential operations of closed systems which constitute their own boundaries and observe self-positing environments according to their own immanent code. Self-referentiality stands as the final limit, a threshold beyond which neither psychic nor social systems in their capacity as observers cannot pass. As Luhmann warns, "It is ill-advised and leads to a peculiar Utopianism and hopelessness if one does not recognize these restricting conditions on any attempt at rationality but persists in a belief in direct access to it" (Luhmann 1986, 135). To be sure, at this level systems theory resonates with poststructuralist theory, as we know. I would suggest, however, that an earnest engagement with Luhmann's oeuvre reveals a divergence from poststructuralism more significant than its similarity: in particular, Luhmann's insistence on the primacy of the system/environment distinction allows a more inclusive concept of communication than that found in, for example, Foucault or Derrida.

While both Lyotard and Habermas can be identified with the "linguistic turn", Luhmann's theory derives from an "autopoietic turn" in which communication is fundamentally reconceived. This can be summarized as a comparative chart following the figure which appeared in chapter two:

	Lyotard	Habermas	Luhmann
<i>Concept</i>	communication	communicative rationality	communication
<i>Mechanism</i>	language games	communicative	meaning

<i>Problem</i>	legitimation	action (language) distorted communication	improbability
<i>Goal</i>	paralogy	rational consensus	autopoiesis

My intention has not been to refute the theories of Habermas and Lyotard, although I have put forward certain criticisms of their work. My engagement with Luhmann's critics has been carried out with the purpose of demonstrating what a systems theoretical observation of "communicative rationality" and "postmodernity" can reveal. My primary goal has been to contest what I see as the underlying assumption guiding the critical treatments of Luhmann's work that we have examined, namely that Luhmann's sociological account of communication is part of a more or less depraved and irrational enterprise. To the extent that this judgment of Luhmann's work prevails, it will remain a marginal theoretical approach to communications, a footnote at best and, at worst, a perverse intellectual curiosity unworthy of serious attention. While admitting that a social theory more disconsolate than Luhmann's would be hard to find, I submit that the treatment accorded to Luhmann's work in the hands of his most committed critics is simply unjustified. The question then becomes: what can we learn from Luhmann's theory? I would argue that Luhmann's contributions can be identified with reference to the three elements identified in the chart above: specifically, *meaning*, *improbability*, and *autopoiesis*.

First, Luhmann's postulate that functionally differentiated subsystems can be understood in terms of how they organize meaning, rather than the coordination of social action, introduces communication at a systems level rather than at the level of human activity. This theoretical move is simply without parallel. Although Parsons similarly

broadened communication to include generalized symbolic media at the level of function systems, he nonetheless remained firmly grounded within the tradition of action-theoretical sociology. Whereas Parsons, like Habermas, attempts to integrate action and structure and thus reconcile both levels of analysis, Luhmann begins with the insight that action is an artifact of attribution and must therefore be treated as derivative of the social networks in which it acquires meaning. The action/structure dualism must accordingly be rejected in order to accommodate the basic insight that meaning is prior to action.

Luhmann approaches sociology in phenomenological terms, focusing on meaningful experience rather than action. As we've seen, however, Luhmann's concept of meaning is extended to include both psychic and social systems. Meaning, according to Luhmann, is an evolutionary achievement employed by both systems which can therefore be examined in terms of functional equivalence. No longer conceived strictly in terms of the cognitive operations of individuals, meaning becomes identified with the communicative operations of social systems. As the basic structural components of functionally differentiated subsystems, meaning becomes a precise and innovatively formulated sociological concept which allows Luhmann to describe systems in terms of their sense-making ability.

Secondly, the central problematic in Luhmann's social theory – *improbability* – implies the elevation of communication as a central sociological reference point. We have seen how Luhmann implements a concept of "function" which brings contingency and complexity to the foreground and in which the radically temporal communicative operations of function systems claim "order from noise" only on a moment to moment

basis.<sup>7</sup> However, Luhmann poses communication itself as a problem, “despite the fact that we practice it every day of our lives and would not exist without it” (Luhmann 1990, 87). Communication is an essentially improbable phenomenon facing such obstacles as the closure of individual consciousness, spatial and temporal limitations, and possible rejection (see Luhmann 1990, 87-88). In such a context, the connection between communication and systems which facilitate and stabilize its operations can be formulated as a key sociological problem: “If the problem of improbability is taken as the starting point, there is an automatic tendency to ask if not the right questions at least more fundamental ones that recognize that the issue of the connection between communication and society is not confined to the field of communications research but is in fact central to all social theory” (ibid, 96). Thus improbability is thematized not only at the level of social order, but also at the level of that which makes stability possible.

Finally, I would like to suggest that Luhmann’s appropriation of autopoiesis as a theoretical approach constitutes Luhmann’s most significant contribution to the theory of communication. A number of interesting consequences follow from this move. First, as a biological model for social systems, autopoiesis has very little in common with the organic system which serves as a foundational trope in the work of early functionalist thinkers such as Herbert Spencer. This model was conceived in terms of a very limited notion of causality, in which systems are organs which contribute to the overall well-being of society. As we’ve seen, this older notion of “function” is renovated by Luhmann and no longer designates a given entity serving some vital purpose. Instead, Luhmann looks at the very concept from a second-order perspective and concludes, as King and

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<sup>7</sup> The phrase “order from noise” is Heinz von Foerster’s formulation, emphasizing how meaning is extracted from the chaos of undifferentiated sameness.

Schütz explain, that a system's functionality is "a result of selections which have permitted social systems to see society (and, in some cases, themselves) in terms of functionality" (266). This corresponds to Maturana and Varela's suggestion that systems should be observed from a second-order perspective and defined according to their own mode of self-organization, rather than taking for granted the attributions of a first-order observer of systems. In appropriating this insight, Luhmann claims a universal status for his theory while at the same time acknowledging the irreducible contingency of his own observations; as we've seen, the second-order observer is not exempt from being observed. Secondly, "function" is emptied of ontological stability and is recast in terms of the fundamental improbability of social order. This is largely a consequence of Luhmann's abandonment of the traditional subject/object ontology associated with first-order observation in favour of the system/environment distinction assumed in the second-order cybernetic perspective. The last and most crucial innovation is Luhmann's rethinking of communication which results from his adaptation of autopoiesis. As we've seen, communication is reformulated as the operative mode of social systems which must constantly renew their boundaries and internal organization using communication. This of course leads to the surprising conclusion that only social systems can communicate – individuals cannot. A correspondingly diminished role is accorded to the individual in Luhmannian sociology.

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Throughout his career, Luhmann defined his own work as a "sociological Enlightenment". This is a somewhat paradoxical formulation given Luhmann's understanding of what these words signify. For him, the original Enlightenment was an "endeavour to construe

human conditions in new ways through the use of reason, free from all connections with tradition and prejudice” (Luhmann, quoted in King & Thornhill 2003, 132). Sociology, by contrast, “looks for a hold less in immutable laws of universal-human reason than in ascertaining facts and the social conditions of behaviour” (ibid). Luhmann favours the preservation of the “higher amorality” of function systems in order to insulate society from precisely what the Enlightenment identified as an impediment to freedom: irrational human prejudice. Luhmann thus shares with this earlier age a basic belief in the superiority of reason. What sets him apart is his commitment to a sociological project in which rationality is displaced onto the level of social systems. Rationality, seen in this way, “signifies the possibility of reintroducing the difference of system and environment within the system” (Luhmann 1986, 138). What might this accomplish? According to Luhmann, this introduces “the possibility of directing the system’s information processing by means of the unity of the difference of system and environment” (ibid). This is Luhmann’s sociological enlightenment: the redescription of society’s subsystems can achieve a more refined understanding of how they function. Is this a sinister technocratic fantasy? That depends on the observer. The pragmatic implications of Luhmann’s work, I would argue, are fundamentally undecidable.

What has been of particular interest here is how this preoccupation with systems leads Luhmann to develop a novel theory of communication. For some of his readers, perhaps this is in fact the most troubling element in Luhmann’s work: an abstraction of the term “communication”, such that it no longer describes what we intuitively accept as signifying practices, but instead designates the operative mode of social systems. I would argue that this reorientation leads us towards a fascinating theory of communication in

which we encounter paradox, contingency and complexity as interesting intellectual challenges, and by rethinking communication from a position in which we must contend with the philosophical consequences of self-reference, it perhaps holds the promise of observing ourselves from unsuspected perspectives.

## Chapter VI: Conclusion

Niklas Luhmann's theory of communication emerged from some of the least fashionable movements in the social sciences. It seems that structural-functionalism and cybernetics are of little interest to communications scholars as conceptual paradigms, although they remain important markers in the cultural and intellectual history of communications scholarship. A correlation certainly exists between this and the marginal status of Luhmann's systems theory; indeed, we have seen how in the work of Lyotard and Habermas, Luhmann tends to be conflated with Parsonian structural-functionalism, which in turn is closely tied to the development of sociocybernetics. Although it would be a mistake, in my estimation, to attempt to recapture the unreflexive enthusiasm for cybernetics that greeted its introduction in the 1950s, it has provided a model of communication which has been remarkably productive, especially if we consider the transition from first- to second-order cybernetics.<sup>1</sup> Similarly, functionalist sociology continues to inform the study of communication in significant ways; as I have tried to demonstrate, it has been a crucial resource not just for Luhmann but is also vital to Jürgen Habermas's critical-emancipatory project. Both cybernetics and functionalism, I have argued, are of enduring relevance and deserve to be treated with less suspicion; this would involve moving beyond a purely socio-cultural inquiry in which theoretic content tends to be dismissed as ideology, and instead attend to the substantive claims that are being made. This is not to suggest that a historical analysis of these theories is fundamentally flawed, but rather that as an observational strategy it is necessarily partial

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<sup>1</sup> Pfohl's article, "The Digital Delirium of Norbert Wiener", cited in chapter two, provides a good sense of the exuberance with which the academic community and the general public responded to the development of cybernetics. Despite my quarrel with his dismissive treatment of Parsons and Wiener, I would agree that the excessive optimism which greeted their work was indeed misguided.

and contingent. This is where second-order systems theory is particularly valuable, as it encourages us to reflect on the latencies that inhere in every observation. Indeed, this leads me to reflect upon the contingency of my own utterances such that, paradoxically, the advantages of historical narrative become clear.

A certain underlying irony exists in the present work: in order to convince the reader that Luhmann is worthy of her or his attention, I have had to make use of a narrative style in order to provide a clear representation of Luhmann's ideas. I have, in other words, told a *story* about systems and in this way I have demonstrated what N. Katherine Hayles' argues is the blind spot of systems theory. As she points out, Luhmann's account of the creation of systems is itself a narrative, and "[i]ts very presence suggests that systems theory needs narrative as a supplement, just as much, perhaps, as narrative needs at least an implicit system to generate itself" (2002, 138). Hayles provides a narrative account of the historical development of systems theory, similar to what I myself offered the reader in chapter two. Indeed, I relied on Hayles' own historical reconstruction of the shift from first- to second-order cybernetics. The advantage that she claims for narrative is that "it renders the closures that systems theory would perform *contingent* rather than *inevitable*" (ibid, 160, emphasis added). Hayles can thereby claim to observe what systems theory itself can't see: "its emergence as a historically specifically construction that always could have been other than what it is" (ibid). Systems theory as narrative thus appears to be blind to its own contingency.

Nonetheless, Hayles offers a generous assessment of Luhmann as a practitioner of systems theory, observing that he "is remarkable in seeing that every system has an outside that cannot be grasped from inside the system" (ibid), a point that has been made

by others (see Knodt, 1994) and which I attempted to demonstrate in the previous chapter. Hayles further declares that if Luhmann's own inclination "is toward the closure of system rather than the contingency of narrative, he nevertheless has the intellectual honesty and generosity of spirit to see that closure, too, has an outside that it cannot see" (ibid). In other words, Luhmann attends to the inevitability of the blind spot in his own practice. He does not claim omniscience for his theory, but rather a universality that is constrained by the limits of that which it observes: the system/environment distinction, which implies a partiality of perspective from which no observer, including the systems theorist, is exempt. Perhaps the most interesting insight that Hayles offers concerns the unavoidability of narrative in our communicative practices. While Luhmann claims to offer an analysis that operates strictly at the level of social systems, in which everyday interaction among individuals is of interest only insofar as it is observed by society's subsystems, the apparent necessity for narrative seems to represent an area of "non-contingency" that cannot be accounted for by a systems theoretical treatment of communications. This relationship between system and narrative is an interesting problem that merits further investigation. I wish to attend to two other problems in Luhmann's work that I have neglected, but first I would like to provide a brief summary of what I have presented over the course of the five preceding chapters.

We have examined two important sociological insights that follow from Luhmann's theoretic syncretism. First, there is a move from unity to difference as the theoretic point of departure; however, it is a starting point which always leads back to the paradox of the unity of difference, which we have examined in some detail. Secondly, the idea of system elements changes from individuals to the self-referential operations of

social systems, or, from cognition to communication. These insights constitute an epistemological framework which Luhmann refers to as “operational constructivism”. “Reality” so construed is a self-referential premise, a self-constituted environment which exists as “the total horizon of information processing that refers beyond the system” (Luhmann 1989, 22), and society is “the comprehensive system of meaningful communication as a selection from the possibilities of meaningful communication projected by the society itself” (Luhmann 1994, 33). By this point in the development of sociology, of course, the notion that reality is socially constructed has become rather banal; however, Luhmann’s application of the autopoietic model of systems produces the novel claim that whatever stability exists in the social realm is a result of the communicative operations of functionally differentiated subsystems, and not individual “social actors”.

Luhmann’s concept of communication tells us that we do not need the fiction of the *corpus mysticum* to explain how order emerges from chaos. In Luhmann’s view, the subject can no longer serve as a unifying principle but exists as a psychic system which, like the social system, maintains its autopoiesis by attributing meaning to its environment. While the social system achieves this by producing communications, the psychic system sustains its identity as a recursive network of thoughts. Following the principle of functional equivalence, people and social systems are homologous insofar as both share properties common to all autopoietic systems. This blurring of boundaries is perhaps the most difficult element in Luhmann’s work. Luhmann’s assertion that only communication can communicate evacuates any notion of normative integration, intersubjectivity, or legitimation from his account of society. We notice in Luhmann’s

writing a rather conspicuous absence of words like “power”, “resistance”, “domination”, or “justice”. In order to elucidate not simply how these elisions work against a more general acceptance of Luhmann’s theory of communication, but also why Luhmann is committed to such an astringent way of thinking, I have provided an account of the critical interventions of Lyotard and Habermas, both of whom share a basic distrust of Luhmann’s project of “sociological enlightenment”.

Despite Lyotard’s suspicion of Habermas’s universal pragmatics, both thinkers can agree that Luhmann speaks on behalf of the system, which in its will to power subordinates individual lives by silencing them. According to both Lyotard and Habermas, the system stands opposed to humanity; normative impulses emanating from the lifeworld and paralogy as the ethical imperative of the postmodern age both represent forms of legitimation by which the system can be brought under control and made accountable to human beings. For Luhmann, both sides in this struggle are observer-contingent descriptions; as Luhmann sees it, the challenge is “to see that what cannot be seen cannot be seen” (Luhmann, 1986, 26):

To the extent that society can differentiate structurally an observing of observing and explain this theoretically it finds itself in the position of establishing conditions under which it will react through its respective (function) systems to whatever is environment for them. This is not a question of creating a basis for better possibilities of action. Nor is it even something like a “domination-free discourse”. Inasmuch as this idea is an improvement over the old, unsophisticated way of watering the tree of freedom with the blood of tyrants, the real problem is to be found neither in a lack of justifications nor in the pattern of coercion and freedom. Nor is it even to be found in removing barriers to rational consensus and harmonious coexistence. The problem is the acquisition of a different kind of insight (ibid).

The answer, according to Luhmann, is the possibility of observing and describing the operations of systems, and under what conditions they observe their environment. As I

have tried to show, these sociological premises imply a surprising and provocative concept of communication. As Luhmann claims, social systems are meaning-producing entities in the same way that human beings are. Only the former, however, are capable of communication, which is the only inherently *social* activity. It is therefore the task of sociology to attend to the communications produced not by individuals but by function systems.

I would assert that the image of the individual in Luhmann's theory is one of its most interesting features. I have thus tried to draw attention to the way in which "systems theory turns away from the knowing subject to a reality that consists solely of self-referential systems and their "empirically" observable operations" (Luhmann 1998, 33). Consequently, neither intersubjectivity nor the individual can be privileged points of reference. The "subject" can only exist in the environment of social systems, and can participate in society only insofar as they enter into communication; "As far as society is concerned, people in Luhmann's scheme do not have a reality or an autonomy independent of society's communicative subsystems" (King and Thornhill 2003a, 280).

Does the diminished role of the individual in Luhmann's theory imply that human beings are or should be mere appendages to systems? The more one grasps the logic of Luhmann's conceptual order of priority, the more difficult it becomes to sustain this claim. Indeed, considered from an entirely different perspective, Luhmann's concept of the individual as a psychic system appears to be quite liberating. As Raf Vanderstraeten explains:

The distinction between social systems and environment offers the possibility of conceiving human beings in a way that is both more complex and less restricting than if they had to be interpreted as parts of the social order. Because they are part of the environment of the societal

system, human beings are conceded greater freedom (greater complexity) than social roles, norms and structures would allow (588).

When engaging with Luhmann's work, it is important to keep in mind his distinction between human beings as, on the one hand, autopoietic psychic systems and, on the other, as biological entities. This is part of the "multi-level" approach that Luhmann proposes, which "distinguishes a general theory of self-referential autopoietic systems and a more concrete level at which we may distinguish living systems (cells, brains, organisms etc.)" (Luhmann, quoted in King & Thornhill 2003b, 279). This, however, points to some general problems in Luhmann's theory that I have neglected in the interests of putting forward the claim that his theory of communication is worthy of more attention.

As Alex Viskovatoff explains, Luhmann was engaged in a highly speculative and exploratory mode of thinking which to a large extent involved bracketing out the question of the theory's empirical verifiability. But as he notes, "for someone who has a more or less conventional view of science [...] and who wants to see sociology become a mature science", Luhmann's theory suffers from a significant problem: there appears to be an underlying ambiguity with respect to the ontological status of systems – despite the sophistication of his "de-ontologized" framework (483). In other words, is the theory "true"? This in turn, points to another problem which requires clarification; namely, is the scientific status which Luhmann confers upon his work justified? The answers to these questions, I would suggest, are not readily available and invite further investigation.

With respect to the first problem – the ontological status of the Luhmannian system – King and Thornhill offer the following argument: "The test is not whether autopoietic social systems actually exist, but whether interpretations of social phenomena based on the supposition that they exist offer useful and critical insights into the nature of

society” (2003b, 279). This is a persuasive argument, but it assumes that Luhmann himself presented systems as analytic devices in the same way that Parsons constructed the social system. Luhmann, however, was quite ambiguous on this point; he seems to take an ironic or paradoxical position and declines to say whether indeed the theory is “true” (Viskovatoff, 483). Indeed, as noted in chapter two, at least one commentator, Rudolf Stichweh, asserts that it is Luhmann’s insistence on the existence of concrete systems, rather than merely analytic ones, which separates him from Parsons. By contrast, one of Luhmann’s ablest commentators, Dirk Baecker, states flatly that Luhmann “did not believe in systems. He used the notion of system as a methodological device to look at everything excluded by them” (2001, 71). This problem cannot simply be swept aside, not least because it directly impinges on the second more troubling problem: Luhmann’s uncharacteristically straightforward identification of his theory with the subsystem of science.

As a system which serves the function of establishing the truth value of observations, science operates according to the code true/false. While a “theory” designates a claim made from within the system about an event or object in the system’s environment, “method” refers to the set of procedures by which the truth value of the claim is established. If the ontological status of the autopoietic social system cannot be specified, how can it be coded by the system of science and submitted to its method of validation? In other words, how can Luhmann’s theory produce scientific communications when it seems to resist the very principles of science which the theory itself describes? This too is a problem which, from the perspective of both Luhmann’s followers and his antagonists, requires attention. It is important to note that the problems

I am raising here are internal to systems theory; it is a critical intervention aimed not at undermining Luhmann's entire project, but is instead intended to provoke honest self-reflection. This is of an entirely different order than the critiques mounted by Lyotard and Habermas, which as I have tried to indicate are motivated at least in part by moral values. In and of itself, of course, applying a moral distinction is not a bad thing. The question is whether it is a helpful way to adjudicate among competing theoretic claims. This brings me to the point on which I wish to conclude.

A very important yet unexpressed question has shadowed my investigations from the beginning. It concerns the possibility of developing an "objective" description of social systems, which Luhmann implicitly affirms is within the grasp of the systems theorist. As Michael King points out, there are those who will argue that there is no such thing as objective science, much less objective social science, and that all knowledge is tied to the knower's prejudices and, more specifically, her or his own political commitments (2001, 29). Therefore, where Luhmann is concerned, "it is not only "fair game" and a legitimate act of scholarship, but an unquestionable duty to expose the dangerous anti-progressive, anti-humanist message that lurks behind his false claims of scientific objectivity" (ibid). This is the "everything is political" thesis, according to which it is perfectly reasonable to judge systems theory primarily with reference to the political. Disclosing the unstated political assumptions in Luhmann's "objective" attempt to describe social system is indeed an obvious critical strategy. It is also the least persuasive.

If indeed everything is political, then why bother with theoretic content and instead simply argue politics? Perhaps we could then stop pretending that there is

something called “social theory” and call it what it is: ideology. But then, isn’t this a theory? It is this kind of paradoxical problem which Luhmann attends to in his work with a level of sophistication that is quite impressive, regardless of how one may feel about its ultimate results. This is perhaps where Luhmann is most useful and interesting. Indeed, it allows us to systematically reformulate this problem and ask, is everything is political, or is it that everything can be politicized? This question takes us from a first- to a second-order perspective where we encounter basic problems of epistemology. Everything can indeed be politicized, just as everything can be “scientized”, “moralized”, and “juridified”. From a Luhmannian perspective, how does one make an evaluation of the political system when all such efforts would be, according to the “everything is...” position, a political statement? We are again confronted with “the paradox”, the involution of the object of knowledge in which it folds back on itself, revealing its improbability. Perhaps Luhmann’s most valuable insight is this: in our investigations of social reality we are engaged in precisely that activity which allows it to persist: communication. With this observation, an unsurpassed level of reflexivity becomes available. Is this a good thing? I think it is, but perhaps there are better questions to ask, ones that will lead to new and surprising distinctions and which allow us to continue communicating with one another.

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