The elements of liberalism in Luhmann's theory of functional differentiation

Prof.Dr. Kire Sharlamanov, International Balkan University
Assoc. Prof. Mevludin Ibish, International Balkan University

Abstract — .The theory of functional differentiation, which was developed by Niklas Luhmann, gave a new view and opened new perspectives in understanding the relations of social systems and their internal arrangement. It aimed to show that it is a super theory, which is above any social system. In this article we will try to show that this theory conceptualized the relations between systems and within systems based on the liberal view of things. Thus, for example, the theory of functional differentiation reduces the role of the state in politics and politics in relation to other systems in society. In this way the theory of functional differentiation attempted to achieve two goals. First, to be critical of the welfare state, arguing that it reflects the unnatural intervention of politics in the economy in an attempt to achieve social justice, and second, to demand that social welfare be achieved on the basis of self-regulation, which in practice means reducing of a welfare state.

Index Terms — . Niklas Luhmann, liberalism, politics, welfare state

———————————— ◆ ————————————

1 INTRODUCTION

IF If we exclude Habermas, Luhmann is probably the most influential German sociologist from the time of Weber to the present day. He introduced epistemological innovations in the explanation of the liberal social system by describing all its complexity and reproduction based on the performative principle of simlification (Wolfe 1998: 48). Unlike Parsnos, Luhmann understands social systems not only as an analytical category, but above all as an empirical fact (Borch 2011: 5). Luhmann agrees with Parsons in the first phase of his work that lasts until the 1970s. Under his influence, he wrote several articles, in which he demonstrated the advantage of functionalism over other sociological theories, but for the functionalism developed by Parsons, he considered that it was inherently conservative and that it failed to understand the changes in the social system in the best way. Luhmann believed that instead of being used to analyze the relationship between a given problem and its possible solutions, functionalism could be used as a testing ground on which functionally equivalent alternatives would be tested. For example, for the problem of environmental pollution, functionally equivalent alternatives could be considered for solving this problem in the sphere of economics, science, law. Thus, Luhmann developed technocratic functionalism (Wolfe 1998: 45).

In academic circles, Luhmann was a representative of the reactionary political culture in German universities in the 1970s. In the late 1970s, when political Keynesianism was in its death throes, Luhmann emerged on the fringes of neo-liberalism as an influential critic of social democracy and the welfare state (Thornhill 2007 A: 500). Luhmann's theory is universal with the intention of covering all aspects of social life from the interactions between social agents that last a few seconds to the historical evolution of society that lasts centuries, from the exclusion pattern of the favelas in Brazil to the way artists communicate, so that rightly the theory developed by Luhmann can be called a super theory (Borch 2011). A basic characteristic of Luhmann's super theory is its anti-humanist, ie anti-individualist approach. Namely, the basic unit of analysis in Luhmann's theory is not individuals or groups, but the systems that make up communities (King, Thornhill 2003: 2). Individuals in a functionally differentiated society seek recognition, respect, fulfillment of their ambitions, and if they don't get it, they feel frustrated. In such conditions individuality is dissatisfaction. Individuals in modern society often go beyond social standards, and demand from society recognition of their individuality and uniqueness. In modern society, individuality is a reflective and fragile project that represents a responsibility and burden for social agents (Muschanga: 2001: 16).

2 THE LIBERAL FOUNDATIONS OF SOCIAL SYSTEMS

Society consists of multiple entities located at different levels: interactions, organizations and social systems. Social agents know the scope of which system or systems the actions they take are located. Based on the system and the context in which they find themselves, social agents attach a specific situational meaning to their actions. When they are in the role of consumers within the economic system, social agents operate according to specific logical reference system, attributing a certain type of meaning to their actions, while when they are in the role of voters within the political system, social agents use another type of reference logic in attributing meanings to his actions. In that sense, the modern functionally differentiated society can hardly be said to be liberal in the traditional sense of the word. Rawls notes this, pointing out that Luhmann conceptualized society as fragmented with a divided social order into separate social spheres such as politics, law, education, economics, etc. (Rawls 2003: 152). But Faucault (1989: 114) is of the opinion that precisely the functional differentiation is a liberal project in which, through the separation and independence of different spheres of social life, governance does not depend so much on the omnipotent state, but the self-management capacity of self-regulating individuals, groups. The functions applied to all social systems are essentially very similar to liberal ones. The logic by which the economy operates in a functionally differentiated society is explicitly liberal, based on efficiency in the use of resources, and

hence the criticism of the welfare state that does not respect such principles.

Social systems for Luhmann are open systems that exist in a complex environment. They have two functions. The first, transformation of inputs coming from the environment into outputs. For example, in the political system, citizens complain about certain problems, politicians notice the difficulties and take the initiative, procedures through which decisions will be made to overcome the difficulties. The impulses that make the dynamics of the system are independent of the level of processing and the final results, similar to how the supply is independent of the demand in the market regularities, but finally a specific kind of interaction between the output as a consequence and the input as a cause must be established, similar to an interaction is established between demand and supply to make a transaction happen. On the one hand there is initiation, needs that give dynamics to each system, on the other hand if there is room for the initiated initiatives to be realized, i.e. demand for what is offered, the initiatives are realized, i.e. a satisfactory output is reached. All initiatives have a resolution, but not all end in a way that is desired by those who initiated the initiatives. Translated into the language of the law of supply and demand, it means that between supply and demand there may be a fundamental divergence and the final outcome, that is, the output may not be what those who initiate the interaction had hoped for. The second function of the social system is to reduce the meaningless complexity of the world to the level of the limited capacities of social agents to deal with complexities. Among other things, the routinization of the behavior of social agents enters here. Through this mechanism, of the multitude of things that can potentially happen to social agents, very few have a realistic chance of actually happening. To reduce complexity, each system creates and maintains meaning boundaries. For example, conversation as a system of communication for a certain topic happens so that all involved parties pay attention and concentrate on the topic of conversation, forgetting i.e. not bringing other topics to the fore while the conversation is on the given specific topic. This principle resembles the reduction of all values to their quantification in finance. It reduces the completeness of separate exchange systems to just one. In order for it to function, it is necessary to pay attention to the meanings that it produces and to constantly associate the meanings according to which the transfers between separate exchange systems and the universal quantified exchange system take place. Human rights, values, morality are part of the symbolic exchange area which is in function of reducing the complexity of society and its maintenance (Rodger 2019: 83).

my functions and the systems in the theory of functional differentiation

	Liberalism	Functional differentiation theory
General system layout	The market economy system is autonomous and independent especially from the political system	Systems are autonomous and autopoietic structures
Basic rule of the system	Law of supply and demand	Converting inputs into outputs
Basic rule of the system	Reducing complexity through the introduction of a monetary economy	Reducing complexity

In the mid-1970s, inspired by the Chilean biologists Humberto Marturana and Francisco Varela, Luhmann innovated his theoretical approach and began to write about self-referential, self-constructing autonomous, closed autopoetic social systems (Chodat 2008: 183; Olsson 2005: 44).In the theory of Marturana, Varela (1980) autopoetics is related to entities whose organizational structure separates them from the environment and forms an internally coherent network of transactions and behaviors, which affects the formation of their identities. Social systems formed in this way are open to communication with other social systems under certain rules, but are closed within themselves, reproducing themselves through the use of a binary code on which communication in social systems is based. Autopoietic systems are value neutral. This is where the inherently conservative nature of functional differentiation theory comes into play. For Habermas, for example, the concept of ethical neutrality of politics and law in conditions of neo-liberal economy is unacceptable (Rodger 2019: 83). Communication between autopoietic systems is possible only if compatible meanings appear that make it possible. Communication can start with irritation, with noise that later through structural adjustments of systems to each other, can develop into interaction (Rodger 2019: 84). The division of social reality into separate spheres that have a different logic of functioning is an old position of classical liberalism, which thus criticizes the interference of the state, i.e. politics in the economy. Hence the request of the liberals, to leave the economy to function independently, according to its own regularities. The argument is that any interference of politics i.e. the state in the economy causes problems for it, because those two spheres of social life have different logic of functioning. Luhmann's theory of relations between systems does not differ much from these positions of classical liberalism, except that Luhmann rightly notes that contemporary society is further functionally differentiated from the time of classical liberalism. It seems that Luhmann only transfers the relationships between politics and economy, which the classical liberals write about, to the relationships between all social systems. Social systems are self-reproducing by producing a specific kind of communica-

Table 1, Comparison of the rules by which the market econo-

tion. Communication is a basic element of social systems. Through autopoietic self-production, systems retain their structural identity even in cases where the elements that make up the system slowly change. For example, the autopoietic reproduction of the system of science works through the search for scientific truth. The results of the search for scientific truth are published in scientific publications. Such publications provoke reactions, additional research, checks, and publications. In this way, new scientific questions and dilemmas are opened, old ones are upgraded and science as a system is reproduced.

Social systems are self-referential and closed because they consist of a chain of communications that refer to other communications of the same kind within the same system. In such a way, what Alfred Schutz called "provinces of meaning" is formed. (Schutz, Wagner 1970; Schutz, Luckmann 1989) Through them, the complexity of the world in which social agents live is reduced. While closed in relevant frames of reference to the inside, social systems are open to communication to the outside, with other systems. But for communication to happen, resources and functional performance are needed. The scientific system, for example, needs financial resources that it can get from the state, from industry, from the army, etc. Conversely, science can provide these systems with knowledge that they can use for their own purposes. Economics relies on science to produce technology, just as politics, for example, also relies on science to provide expertise. The input-output perspective is included in the exchange between the systems, but the systems have their own autopoetics, their own rules of functioning.

Modern society consists of a limited number of systems. Communication in each of the systems is guided by a specific binary code. The systems that make up modern society are: economy, political system, law, religion, science, art, mass media, education, health system, sports, family and intimacy. Binary codes on the basis of which communication is conducted in systems strive for universality. Each social system has its own binary code based on which communication takes place. The binary code of science is truth – falsehood. The binary code of the legal system is legal – illegal. If a traffic accident occurs, those involved in science are interested in how and why the accident occurred, whether all the components of the car were working properly, and if this is not the case, whose responsibility is it. Lawyers would then deal with the question of whether all parts of the car were maintained as prescribed by the regulations and if this was not the case, which bears legal responsibility for it. Each of the systems illuminates one part of social life, leaving the rest in darkness (Muschanga 2001: 16).

Unlike Emile Durkheim or Talcott Parsons who believed that systems function harmoniously, that the interdependence of systems is an advantage for each of the systems and for society as a whole, Luhmann is convinced that in modern society there is polytheism of value spheres. Among some of the systems there is antagonism and indifference such as between religion and science, science and politics, politics and art, art and economics. Each of the social systems tries to emphasize and even overemphasize the importance of its own perspec-

tive, that is, the perception of reality. Thus, those who are engaged in science overemphasize the importance of science in social life. So do the social agents engaged in each of the social systems. This is how society is multiplied, accompanied by strong contradictions between the systems. This Luhmann calls the poly-contextualization of society. Such a society does not have an Archimedean point, a firm position from which the construction of society can begin. Each of the systems produces fundamental contradictions in the reproduction of society as a whole, no system can replace another and each system is a prerequisite for the existence of society. Modern society will collapse without an economy, just as it will collapse without a health care system or mass media. None of these systems could be replaced by politics or education. Modern society is a society without a center.

3 THE STRUCTURING OF THE POLITICAL SYSTEM

In a poly-contextual society, politics as a system is not a moral community as ancient philosophers claimed. The political system is only one of the systems. It stands apart from other systems that have a non-political content and is not in a superior position in relation to them (Thornhill 2007 A: 500). The political system does not possess unlimited sovereignty, coercive power over the rest of society and cannot command it as early modernist thinkers such as Thomas Hobbes for example thought. The political system is only one of the systems and is not more important or more influential than the other systems. A possible attempt by politics to impose its sovereignty in the rest of the social systems would lead to a traumatic de-differentiation of the fragile network of differentiated autonomies and the plurality of logics (binary codes) in each of the systems and would return society back to monism. In other words, a center of functional differentiation cannot be established without destroying the differentiation itself.

The function of a political system is the production of collectively binding decisions at any time and whenever such decisions are needed by other systems (Thornhill 2007 A: 501). It unifies and legitimizes the political system in relation to the unstructured social environment that surrounds it. To fulfill this function, politics uses power as a generalized medium of communication. The binary code that guides all political operations is power/powerless. Gaining power is the essence of politics. Power struggles in contemporary society take place within the highly differentiated internal structure of contemporary politics. The political system is doubly coded (King, Thornhill 2003: 72). First, it is coded along the power/non-power axis. Here the differentiation is made between those who participate and those who do not participate in governance, those who have and those who have not impact, as well as those issues that are relevant to governance and those that are not. The application of power is possible only for those who participate in the government. Practically here, Luhmann distinguishes between subjects of power and objects of power, between those who dominate and those who are dominated. But the application of power is also connected to other sources of associations of social agents on a political basis, which in

the sphere of political parties comes down to the dichotomies conservative/progressive and left/right. It is the second code of the political system. It helps political entities to present, explain and schematize their positions.

The scope of action of the politics is strictly limited. Politics can do nothing but apply power to issues and problems that cannot be regulated in any other way than through the application of power. Most issues in modern society do not require either the application of power or collectively binding decisions (King, Thornhill 2003: 70). What remains for the political system is to provide orientation for issues that cannot be adequately resolved within the autopoetics of economics, medicine, art, law, etc. But the internal issues of these systems such as the way investments should be made, the medical treatment of certain diseases, debates about the aesthetics of painting or the opinion on the interpretation of a certain law are not political issues and should be regulated in the appropriate social system. The need for collectively binding decisions and policy intervention may arise if an investment policy leads to catastrophic consequences for residents in a particular region or if medical treatments in a given region or country have serious financial implications. In a similar way, when problems in one system are reflected in difficulties with the functioning of another system, when a conflict arises between two systems, there is a need to make collectively binding decisions, that is, to activate the power through which disputed issues could be resolved. The application of power aims to maintain the conditions of differentiation of systems and the integrity of individual systems.

4   THE DIFFERENTIATION OF THE POLITICAL SYSTEM

The political system itself first differentiated itself in late feudalism from the realms of religion and economics and began to generate communication through the exercise of power (Thornhill 2007 B: 24). Later, the political system itself was further differentiated into three sub-systems: public administration, political parties and the public. The relationship between these subsystems creates the circulation of power in modern society (Luhmann 1990: 47). Political parties are connected with the communication of the citizens' need to make collectively binding decisions and the way of their adoption. Public administration is a set of institutions that impartially and personally implement collectively binding decisions. Complex societies produce extensive and branched administration. The more branched the administration, the greater the chances that the society will maintain its level of complexity. Public administration is a bulwark of democracy (King, Thornhill 2003: 80). It counterbalances the concentration of power in a small group of individuals and stimulates debate on issues of public interest. The public is actually the audience that participates not only in the selection of politicians and programs based on which collectively binding decisions will be made, but also includes control of the work of public administration and politicians through public opinion, press conferences, contacts with politicians int. The internal differentiation of the political system indicates a decentralized structure,

reminiscent of Luhmann's analysis of the functional differentiation of society. At the same time, the internal differentiation and separation of the parties, the administration and the public is of crucial importance for the establishment and maintenance of democracy. De-differentiation is a process of merging political subsystems that leads in the direction of cartelization of politics or monopolization of it by a narrow party clique. De-differentiation ultimately leads to the establishment of an illegitimate authoritarian system.

In his conceptualization of the political system, Luhmann distances himself from the traditional conceptualization of politics through the state. He tries to avoid the tendency to identify the state with the political system. For Luhmann, the state is not an organizational entity that imposes an architecture of power and narratives, where citizens turn to resolve their concerns and demands. The state is the name that the political system uses when it talks about itself. The state is a semantic reference, something that a political system refers to in order to describe itself (Borch 2011: 117). The theoretical confusion caused by the semantic determination of the state has long misled almost all political theory. For Luhmann in traditional political theory the actual functions of the state were misinterpreted and exaggerated (King, Thornhill 2003: 78). The issues and problems that the state can solve are limited. The attempt by the state to solve problems that are not political in nature creates new problems, as in the case of the welfare state. Luhmann's attitude towards the state shows a tendency to insist on a small state and look for problems in other social systems, especially the economic one in the interventionism of the state. Binding decisions are applied by the public administration, which works according to formal and substantive rules, treating every citizen impersonally. It gives procedural legitimacy to specific administrative decisions, but cannot give them the general legitimacy produced by political parties that generate support for the policy they advocate. Through symbolic acclamations, political parties create legitimacy and give manifest unity to the entire political system. Of crucial importance for the maintenance of the political system is the transfer of the rationality of political parties into administrative rationality. The legal system, by itself, as a separate and external system to the political system, cannot give legitimacy to the political system. Here Luhmann contradicts liberalism, considering that the political system has a highly diversified legitimacy that cannot be reduced to proceduralism, that is, to normative postulates (Thornhill 2007 A: 501). Clearly, Luhmann has an anti-normative view of legitimacy. But, like orthodox liberals, Luhmann is of the opinion that societies in which political systems possess legitimacy promote a high level of interdependence between the political and legal systems, whereby legitimate will is an attribute of the political system, and democracy itself is normatively structured. In democratic political systems, political parties and politicians as their representatives compete with other parties and politicians for a limited number of seats in the parliament and in the government. Those who win elections gain power. Within the framework of formal institutions, they can make decisions based on their political programs that oblige the public administration to implement them. Those who lose the elections have less power, but

they try to gain more power by getting more votes in the next elections and become the dominant, most powerful, ruling political force. Depending on the programs they develop, the values they are based on, the parties are divided into progressive (left-oriented) and conservative (right-oriented). Any public event can become a topic of political debate, and there are at least two versions of it (progressive and conservative). Each event can be seen from the perspective of individual political ideologies and their representatives in the political game. For one of the alternative explanations of the events, the citizens declare that it is more acceptable for them in the elections. In the elections, citizens vote for programs and persons who claim to implement said programs. The election programs of the parties include a mix of public demands (measured through surveys) and their interpretation and formulation depending on ideological and party values. Representative democracy does not allow the programs of political parties to be applied directly, but must be translated into legal solutions, often taking into account broader social interests. The programs are not implemented directly by the parties that proposed them in their programs, but by the public administration. It gives the sub-systems in the political system autonomy and makes the production of power autopoetic.

5 THE LIBERAL READING OF LUHMANN ON THE CRISIS OF THE WELFARE STATE

According to Luhmann, the crisis of the welfare state is caused by the political system, which during elections makes many promises to the citizens, expecting their votes in return. It hypertrophies the political system. The welfare state colonizes and instrumentalizes the public administration, which is overloaded with tasks related to providing social assistance, which is, achieving and maintaining a social minimum for social agents. Thus politics focuses on the strictly executive functions of the state and there is an overloading of the complexly differentiated plural systems of communication that make modern politics plural and democratic. The welfare state erodes functional differentiation at two levels. It threatens the differentiation between the constitutional state and society (Schmidt 2016: 274). The welfare state undertakes activities and obligations that excessively influence the development of society, threatening its autonomy. In order to do this, the welfare state takes on a financial burden that it is unable to bear. In these processes, the state is juridified and bureaucratized. At the second level, the welfare state threatens the functional differentiation of the political system and makes a connection between political parties and public administration (King, Thornhill 2003: 81). The promises of inclusivity made by political parties come at a cost through the welfare state and ultimately overburden the economic system that is unable to fulfill the promises made by politicians. According to Luhmann, the welfare state has structural limitations and the political use of law and money cannot compensate for this, because they operate according to a different logic than that of the welfare state. The role of the political system is limited to determining the goals of political inclusion to be achieved. But law and

economics, which should achieve the goals, operate on a different logic. They do not have the necessary efficiency to fulfill the politically assigned goals (Borch 2011: 119). As a result, this state of affairs undermines the credibility of the political system that makes promises that it cannot keep. The second consequence is inefficient use of financial resources and over-indebtedness of the state. Luhmann's recommendation here is conservative and it boils down to reducing the role of politics in general, and in particular in the realm of the welfare state.

Table 2, Comparison of the relationship of Luhmann's theory of functional differentiation and liberalism to the welfare state

	Liberalism	Functional differentiation theory
Attitude towards the welfare state	Criticism of the welfare state due to ineffective disposal of financial resources, juridification, bureaucratization of the state	Criticism of the welfare state due to inefficient disposal of resources, juridification, bureaucratization of the state, atrophy of the political system, de-differentiation
Attitude towards the state	A critical attitude towards the state with an insistence on a small state	A critical attitude towards the state with an insistence on a small state
Attitude towards the economic system	The economy should be autonomous from politics	The economy should be autonomous from politics
Attitude towards interventionism	A critical attitude towards the interference of politics in the economy	A critical attitude towards the intervention of the political system in the welfare state
Measures to be taken	Cutting back on the welfare state	Cutting back on the welfare state

The welfare state for Luhmann is excessive taxation of the state by politics. This determination of the welfare state has two consequences (Luhmann 1993: 21). First, politics is getting dangerously close to the state, with the state beginning to assume responsibility for solving a number of political issues. Second, the welfare state has become so extensively inclusive that there is a risk of de-differentiation between politics/welfare state and other social systems (King, Thornhill 2003: 79) The extensive inclusiveness of the welfare state is a problem for a hypertrophied political system. The politics promises every system and every member of society that there will be a benefit from its functioning and that the quantity and quality of that benefit will constantly grow. Thus, everyone must profit from the progress of medicine, economy, and education. Many opt-in requests are not adequately met, or the

systems that are supposed to enable the services, refuse to do so. The inability of systems to produce sufficient benefits for every member of society as promised by politics causes the crisis of legitimacy of contemporary politics. The welfare state was supposed to be the guarantor that the political system would compensate for the shortcomings of the other systems in providing benefits to the members of society. Political parties, especially progressive ones, have stimulated expectations that the welfare state has unlimited possibilities to deliver benefits to citizens. Hence, more and more requests for inclusion arise, and it is obvious that the requests cannot grow indefinitely.

The crisis of the welfare state was solved by reducing it. Initially, in the 1980s and 1990s, the predominantly conservative parties across Europe began to pursue a restrictive, rather than expansionist, economic policy. The British conservatives were the leader of such policies. Soon, the socialist and social-democratic parties started to lead a similar type of policies. The executive branch began to declare a limitation in meeting the demands of the public through welfare policies due to a lack of resources for it. Luhmann is of the opinion that it should not be only a temporary policy, but that restrictiveness should be a permanent feature of politics in society.

6 INTERVENTIONISM

Just as liberalism holds that the market economy is self-regulating, that it is governed by the impersonal forces of supply and demand, and that any external intervention only disturbs the balance that the system naturally created, Luhmann holds that social systems are self-regulating, that external intervention in any of the systems it only disturbs the internal balance of forces and has negative consequences for the system. The welfare state for example is an external intervention in the economic system. Through the injection of legal regulation and money are aimed at achieving a greater degree of social justice. The efficiency of spending money has an internal limitation, because it does not follow economic logic. Through the injection of external resources (money), the aim is to improve the social status of the citizens. Attempting to improve the status of the unemployed in society by giving them monthly donations is, for Luhmann, the same as by giving therapeutic measures, giving pills to try to change the way criminals think and behave and to convinced them not to commit crimes anymore (Borch 2011: 119). Luhmann believed that society cannot change people's thinking and behavior. They can do it themselves and use the opportunities that open up to them in given situations. Besides, changing people's behavior is one of the most dangerous goals that politics can set. It indicates elements of paternalism and authoritarianism in politics. The attempt to change the status and behavior of people through the injection of money and legal regulation, according to Luhmann, has elements of paternalism. Apart from that, these processes overburden the economic and legal system. Economically speaking - the welfare state costs too much and creates inflationary tendencies. Legally speaking - the segments of life in which social agents had autonomy in

making decisions and shaping their lives, such as caring for their children, for adult family members, are burdened with intensive legal regulation. On this issue, Luhmann's opinion coincides with that of Habermas (1984: 340) who points to the increasing colonization of the lifeworld by power, money and law based on the principles of instrumental rationality.

Luhmann's position on interventionism became radicalized over time. Namely, until the mid-1980s, he considered that the functional differentiation and complexity of modern society are serious obstacles that prevent the success of political leadership, but it is essentially not impossible. Later Luhmann's position became radicalized and he denied any possibility of rational realization of social goals through interventionist policies.

Politicians had the perception that, in addition to the politics, they could also intervene in other social systems, for example in the economy. But this perception is far from the realities according to which social systems function. Objective sociological and political analysis should distance itself from illusion of politicians. The reasons why politicians and politics cannot intervene in other systems is that there is no hierarchy of social systems, so politics is not at the top from where it can command other systems. The systems also do not have a common language with which they can reach mutual understanding. For example, the price-based language of economics differs from the power-based language of politics. According to Luhmann, problems usually arise when using the language of power to try to solve economic problems or when using the language of the economy to intervene in politics, so votes are bought, instead of convincing the voters of the correctness of someone's politics to get their vote. The experiences with the countries of Eastern and Central Europe show that politics can achieve its goals in the short term by interfering in the economy, but this makes the economic system ineffective and destroys society in the long term.

Social systems are closed to the inside and have their own logic of functioning, ie. own code of communication and through mutual cooperation they adapt to each other. For example, through mutual cooperation, the scientific system can notice that raising certain research questions can get more financial resources from the economy, just as the economy can notice that the implementation of certain technological innovations in certain segments can increase the productivity and profitability of companies. But although they cooperate and adapt to each other, both systems function according to their own logic and each of them is indifferent to the logic of functioning of the other system. Luhmann's skepticism towards policy interventionism earned him much criticism. Critics felt that Luhmann did not understand the basis of contemporary politics. They believed that the purpose of political interventions was not to replace or suppress the self-referential codes of the economy or any other social system. Luhmann's answer to his critics is that in the short term policy interventions may achieve certain results, but the long term result of policy interference in other subsystems is uncertain.

7 THE CRITIQUE OF LUHMANN'S THEORETICAL APPROACH

The key criticism of Luhmann's theoretical opus, which followed him from the 1970s, and for which representatives of the Frankfurt School criticized him, is that his theory is liberal and reactionary. It preserves the system, and does not require its changes (Borch 2011: 120). Habermas, for example, considered that the autopoetics of social systems tends towards autism and encapsulation of systems in their own shells (Rodger 2019: 83). As time passed, it seemed more and more that the representatives of the Frankfurt School correctly assessed the direction in which Luhmann's theoretical oeuvre was moving. Namely, Luhmann's theory did not build a platform for social criticism. It turned out that Luhmann does not use functionalism as a descriptive-analytical concept, but as a basis from which to promote a minimal state. Regarding this issue, Zima (2023) believes that the critical potential and inherent qualities of Luhmann's theory are underestimated due to the fact that it is viewed from the perspective of other theories, such as critical theory, so it is judged whether the theory of functional differentiation contributes to the fulfillment of the goals of critical theory, which functional differentiation theory does not set itself as a goal.

It is quite clear that Luhmann's theory relativizes the criticisms of modern society that come along three lines, firstly that it is capitalist, secondly that it is shaped by civil religion and thirdly that it is dominated by politics. Regarding the first question, the theory of functional differentiation indicates that the economy (which functions according to the rules of the freedom of the market) is only one of the systems, but in essence, from the point of view of the economy, it is indisputable that economic system in modern society functions on the basis of the principles of the market economy, and Luhmann has no objection to that fact. On the contrary, it seems that he tries to interpolate the principles on which the market economy functions at the level of the functions that are produced by social systems. On the question of whether the modern society is capitalist, Luhmann correctly assesses that the economic system is capitalist, but it is not the only and most significant characteristic of the modern society. Second, similarly to the economy, society in the sphere of culture is shaped by "civil religion", but civil religion is not able to produce values that exceed the codes of culture as system, so the influence of civil religion in modern society is very limited. Third, modern society is not dominated by the political system, but when the systems do not function internally, the functioning of one causes problems for other systems, or there is a misunderstanding between the systems, politics resolves the situation by making collectively binding decisions. The fact that it intervenes in the relations between two systems indicates that politics, however, functionally is not completely on the same level as the other systems. Luhmann defined politics in terms of what is not politics, that is, in terms of the unstructured environment. Hence the remarks that Luhmann's vision of politics is dichotomous, binary, antagonistic and to some extent anti-pluralistic. Such objections to the conceptualization of politics seem untenable, especially given the fact that the autonomous differentiation of politics is only one element of a broader multi-systemic differentiation dynamic in which there are many social systems. Luhmann's claim that the basic function of the political system is to make collectively binding decisions that unify and legitimize the political system in relation to the unstructured social environment was interpreted as a sign of decisionism in Luhmann's political theory (Thornhill 2007 A: 501).

REFERENCES

[1] Borch Christian (2011) Niklass Luhmann; London: Routledge

[2] Chodat Robert (2008) Worldly Acts and Sentient Things: The Persistence of Agency From Stain to Delillo; Ithaca: Cornell University Press

[3] Foucault Michel (1989) The History of Sexuality, Vol. 3: The Care of the Self; London: Vintage

[4] Habermas Jürgen (1984) The Theory of Communicative Action Vol.1: Reason and Rationalization of Society; Boston: Beacon Press

[5] King Michael, Thornhill Chris (2003) Niklas Lehmann's Theory of Politics and Law; New York: Palgrave Macmillan

[6] Luhmann Niklas (1993) Risk: A Sociological Theory, trans. B. Rhodes (New York: Aldine de Gruyter

[7] Luhmann Niklas (1990) Political Theory in the Welfare State; Berlin: De Gruyter

[8] Marturana R. Humberto, Varela J. Francisco (1980) Autopoiesis and Cognition: The Realization of the Living; Dordrecht: D. Reidel Publishing Company

[9] Musschanga W. Albert (2001) "The Many Faces of Individualism" In The Many Faces of Individualism; Harskamp van Anton, Musschenga W. Albert (eds.), Leuven: Peeters

[10] Olsson Mats-Olov (2005) "Schools of System Thinking – Development Trends in Systems Methodology" In System Approaches and Their Application: Examples for Sweden; Olsson Mats-Olov, Sjostedt Gunnar (eds.); New York: Kluwer Academic Publishers

[11] Rawls John (2003) Critical Assessment of Leading Political Philosophers; London: Routledge

[12] Rodger J. Johan (2019) The Welfare System and the Social Lifeworld: Paradox and Agency in the Policy Process; Newcastle: Cambridge Scholar Publishing

[13] Schmidt F.K. Johannes (2016) "The Issue of the Constitution in Luhmann's Card Index System. Reading the Traces" In Sociology of Constructions: A Paradoxical Perspective; Febbrajo Alberto, Corsi Giancarlo (eds.); London: Routledge

[14] Schutz Alfred, Luckmann Thomas (1989) The Structures of the Life-World; Evanston: Northwestern University Press

[15] Schutz Alfred, Wagner Helmut (1970) Alfred Schutz on Phenomenology and Social Relations; Chicago: University of Chicago Press

[16] Thornhill Chris (2007 A) Niklas Luhmann, Carl Schmitt and the Modern Form of the Political; European Journal of Social Theory; Vol. 10, No.4; pp. 499–522

[17] Thornhill Chris (2007 B) "Berlin: Untrusted Center of the Law" In Law and the City; Philoppopoulos-Mihalopoulos Andreas (ed.); London: Routledge

[18] Wolfe Cary (1998) Critical Environments: Postmodern Theory and the Pragmatics of the "Outside"'; Minneapolis: University of Minnesota Press

[19] Zima V. Peter (2023) Discourse and Power: An Introduction to Critical Narratology: Who Narrates Whom?; New York: Routledge

IJSER