Towards a Sociology of Ethics and Morality:

A Comparison between

Jürgen Habermas and Niklas Luhmann

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TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

Tables and Figures

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This thesis cannot be finished, or only appears as a draft, without my supervisor and friends.

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The three years of the postgraduate studies are doubtlessly worthwhile. Of course, it brings me a hard time but I can endure because of these touching lines:

"sociology is justified by the belief that it is better to be conscious than unconscious and that consciousness is a condition of freedom. To attain a greater measure of awareness, and with it of freedom, entails a certain amount of suffering and even risk."

Peter L. Berger, *Invitation to Sociology*, p. 175.

Enlightenment and freedom are not free lunches; the expense of convicting to a meaningful and

spiritual vocation will inevitably sacrifice certain mundane wealth and comfort. But vocation as such is still inadequate to support my pursuit of sociology; why I can persist to writing theory, which is usually construed as "useless", for three years, or even for the future time, is because of the full support and encouragement of my family—especially my brothers—and my dear girl friend, Miss Janice Mak. Without their considerations, whether I can endure the low tides of my postgraduate studies is a big question, such that this thesis is dedicated to Janice and my family.

Abstract

This thesis purports to understand the possibilities of sociology of ethics and morality through a theoretical interpretation and comparison of Jürgen Habermas and Niklas Luhmann, and thereby seeks to constitute a new sub-discipline within sociology. Thus an intense abstraction of the elements of sociology of ethics and morality from their general sociology is undertaken in order to collect the building blocks, and followed by a comparison on their theories to provide a deeper understanding and to prelude an establishment of a new theory.

After a detailed interpretation and comparison of Habermas's discourse ethics and Luhmann's code of the moral, four tendencies of sociology of ethics and morality are induced: 1. the cancellation of the dichotomy of fact and value that embraced by classical sociologists in Habermas's and Luhmann's theories become the methodology; 2. along with the sublation of the philosophy of consciousness, the subject matters of ethics and morality in sociology have changed from action as the attribution centre to communication; 3. following this vein, at an ontological level, relation instead of unit becomes the underlying dynamic of social life; 4. the level of analysis prefers formal rather than substantive levels, in which Habermas's procedural ethics retains traces of substantive content in the tenet of formalism, yet Luhmann's moral code completely formalizes and functionalizes ethics and morality.

Besides these tendencies, divergence appears at the point of conception of social order. For Habermas, a normal social order is as such a moral order, and yet a non-normative social order is yielded by Luhmann's adoption of the "order from noise principle" from cybernetics. Despite of this different understanding of morality at the level of social order, their convergence is indicated as well. Both the reflectivity of Habermas's communicative action and rational discourse, as well as Luhmann's self-referential and reflexive observations, highlight the prospect of sociology of ethics and morality: whatever a normative or non-normative perspective is adopted, reflectivity and reflexivity should be the core principle of sociology of ethics and morality, insofar as classical approaches are inadequate to understand contemporary moral complexity.

論文摘要

本文旨在透過對尤根・哈伯馬斯及尼可拉斯・盧曼社會學理論的詮釋及比較，理解倫理及道德社會學的可能性，從而建構新的社會學分支。由此，倫理及道德社會學的建構元素均從二者的普遍社會學裡抽取出來，再予以比較，以求取更深刻的理解及作為建構新理論的前奏。

對哈伯馬斯的話語倫理學及盧曼的道德符碼作詳細詮釋及比較後，歸納出倫理及道德社會學的四個趨勢：一、取消古典社會學裡的事實與價值之二元對立作為其方法學；二、隨著揚棄意識哲學，倫理及道德社會學之研究對象由作為歸屬中心的行動轉化為溝通；三、與此同時，在本體論層面而言，關係取代同一的實體成為社會生活的背後動力；四、其分析層次偏向形式而非實質：其中話語倫理學雖然偏向形式主義，然而保留了部份的實質內容；相較之下盧曼則貫徹始終地將倫理及道德形式化及功能化。

除此以外，二者之倫理及道德社會學在理解社會秩序方面發生歧異。對哈伯馬斯而言，正常的社會秩序本身即是道德秩序；而盧曼則從控制學中借取「干擾中產生秩序」的原則以對社會秩序作非規範性的理解。然而，在歧異之餘二者亦有趨同之處。哈伯馬斯的溝通行動及理性話語之間的反省性，與盧曼的自我指涉性及自反性的觀察均指示出倫理及道德社會學的前景：正因為古典社會學不足以理解當代的道德複雜性，故此無論規範性還是非規範性的倫理及道德社會學，反省性及自反性都必然是其核心原理。

Introduction

I. The Problem: A Brief Introduction

I.a. Research Problems

It is not easy to map out the problematic of this thesis, which is as such a possibly elusive and controversial attempt to define the so-called "sociology of ethics and morality". Understanding the problem from its research question may help to ease for the time being the suspicion on the validity of the problematization. The main question can be split into two parts: methodological and theoretical. For the former, questions are raised regarding the long been taken for granted understanding of the moral phenomenon in sociology. Deeply influenced by positivistic science in its early years and subverted radically to another subjectivist dismissal of methodology by postmodernism in its recent development, the possibility of a sociological conceptualization of ethics and morality is, to say the least, only loosely thematized and problematized.

The crux of the matter is that, from the perspective of ethics and morality, how can sociology be relevant to moral phenomena and social ethics? While viewed from sociology, the complexity of ethics and morality that constituted by moral sentiment, emotional feelings, political motivations, philosophical justification of goodness, and so forth would increase the difficulty of understanding. Both sides are reluctant to concede the lack of communication and understanding of each other, let alone any modification of their own positions. As a result, unproductive unilateral theoretical inquiries emerged and suffused the field—for example, positivistic approaches are proned to objectify morality to be social facts, and hermeneutic theories are likely to entrap moral phenomenon to the endless interpretation process.

In addition to the methodological problem, lights should be shed on the theoretical

perplexity involved, which is closely related to the impoverished theoretical research in the field. Much attention is given to reason instead of morality in the theoretical discourse of modernity, thus the crucial relations between morality, social order, enlightenment, and the relevant concepts thus derived—meaning, value, communication, etc.—are rarely clarified. To theorize sociology of ethics and morality, therefore, cannot eschew the obligation to revisit and review the intermingled sociological foundations, which will in turn condition the direction of conceptualization. All these would, perhaps, indirectly realize the goal of this thesis: *to understand the possibilities of sociology of ethics and morality through a theoretical interpretation and comparison of Habermas's and Luhmann's theories.*

I.b. The Subject Matters

Before entering the core issue of this thesis, some effort spent on definition are indispensable. Ethics and morality are understood normatively by relating to their philosophical and political tradition. Yet, as the subject matter of sociology, ethics and morality would be conceived neutrally without the entanglement of ideological influence and disputes on definitions of good life. What interests sociology of ethics and morality is their formation of discourse, effects in communication, social meaning of moral action, and their structural relation to particular socio-historical context. These value-neutral sociological approaches are generally undertaken by the field and will be employed for this thesis.

To achieve this goal, the general sociologies of Jürgen Habermas and Niklas Luhmann are introduced as exemplars to uncover the potential and orientation of a contemporary sociology of ethics and morality. To note, the main theme of this thesis is not a comprehensive comparison between their theories, but rather focuses upon the constitution of a theoretical framework of sociology of ethics and morality, by way of the complementarity of their theories. In short, after some paragraphs be given to explicate Habermasian and Luhmannian

2

theories, analysis and abstraction of their peculiar formulation of sociology of ethics and morality will be undertaken to be the empirical basis of metatheoretical comparison.

I.c. Conceptualization of the Subject Matters

Conceptualization is the first step to thematize the problematic of this thesis. It is noteworthy that numerous sociological inquiries to ethics and morality are supported by historical researches in order to legitimize the empirical validity of the inquiries as such (e.g. Bellah et al. 1985; Putnam 2000). The surveying of historical data can also suffice to constitute a socio-historical discourse (cf. Marske 1996). This is not to say that this approach is totally invalid for this sub-discipline. Nevertheless, an integral theoretical framework is here prioritized. Reflections on the history of ethics and morality can concretely map out the socio-transformation of the latter. Whereas the weakness of this approach precisely appears also at this point—that is, emphases on the concrete historical data will at the same time overlook the integrity of abstract theory, which is definitely the groundwork of the former. Accomplishment of the latter would be achieved through the conceptualization that can go beyond historical description of the semantic of ethics and morality.

The general definition of ethics and morality are usually distinguished from value *per se*, albeit they are one kind of values in the broad sense, in their specifically presupposing the orientation to goodness and disdain for evil. Ethics and morality have intense (even more intense than value as such) regulative functions by motivating as well as sanctioning particular deviated deeds. Furthermore, these two terms have different meanings; morality tends to depict the normative evaluation of particular intention, process, and consequence of an action, whereas ethics is as such a theoretical reflection on morality (Lee 1928). In sociology, ethics is a general term describing the collective value orientation of a particular

social group that defines "goodness" according to particular context (cf. Garner 1994, p. 17), for example Max Weber's protestant ethics differs from morality, which requires attribution from individual conscience and proclaims a universal and objective essence (ibid.). Above all, ethics is defined with a certain extent of relative and descriptive feature and morality inevitably entails normative action orientations based on the basic conviction of the doctrines denoting the universal goodness.

More specifically, a higher level of theoretical reflection on moral phenomenon is achieved by the sociology of ethics and morality, instead of merely clinging to the universal moral ideal, ideological conflicts or political propagandas of philosophic and political ethics. From a sociological perspective, ethics and morality are not confined to any *particular* social system—either intellectual system with metaphysical thinking or political system with the primacy of polity—but are abstracted to a more general and synthetic societal level that can overview each operation and consequences in every particular social subsystem.[1] This explains the necessity to resort to the general sociology of Habermas and Luhmann, as well as to call for a theoretical comparison on them.

This argument can be further justified by referring to the inadequacies of philosophical and political conceptualizations of ethics and morality. Moral philosophy seeks to understand and justify the necessity of moral practices, and thereby adjudicate the meaning of and the way to a good life (cf. Weinstein and Weinstein 1992, pp. 137-141). In addition, political ethics furthers the practice of collective action regulation by the implementation of rules and laws, combined with philosophical ethics, to draw the boundary of right/wrong action.[2] In short, justification and regulation of action are two underlying principal functions of

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[1] Refer to Luhmann's systems theory, ethics and morality are semantics that wandering around social systems, and every social system is illegitimate to proclaim the overwhelming societal representation. See section 2.1.

[2] One could refer to Aristotle's *Politics* that in the very beginning politics is subordinated to philosophy, and both of them have a similar goal—to pursue a good life by artificial regulations on the collective behaviour.

philosophical and political ethics respectively. However, these two functions can readily degenerate into metaphysics and ideology, by the temptations of self-contained theoretical systems. A sociological reflection based on the survey of the socio-historical conditions can probably further the discussion on the taken-for-granted side of ethics and morality, as well as evade from the blind spots of philosophical and political ethics, i.e. an *unreflective* pursue of implementation of moral ideal. In other words, sociology reflects on *every* social phenomenon including ideology and metaphysical thinking, thus by definition one cannot confuse sociology of ethics and morality with its subject matter (ethics and morality in society). Despite the advantages of sociology, one should also be awared of the temptation of sociologism that subordinates all irreducible complexity of other knowledge systems under sociology, such that metatheoretical reflections on *both* the nature of sociology and ethics and morality should be adopted to extricate from one-sided foundationalist thinking.

Conceptualization of sociology of ethics and morality does not end at the point of indirect discrimination of sociology from other disciplines. Several repercussions emerge to confront the problem of moral inquiry in social sciences. Despite their anti-positivistic position, their conclusion is that power mediates between social science and ethics indeed, which may seduce scientific inquiries to justify the extant powers since we always take the possibility of complicity in social conformity for granted, namely, we are blind to the imbalance power of interpretation between sociology *and* ethics and morality (Haan et al. 1983, pp. 4-5). As such the primacy of social sciences as a self-critical and self-aware knowledge is emphasized, and through the *reflexivity* of the social sciences, an appropriate relationship between sociology and moral inquiry can thus be reestablished.[3] Based on this perspective, empiricist approach is being criticized for their limitation on the justification of "oughtness", and similarly the deconstructionists' indifferent and cynical attitude toward the

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[3] More details on the reflexivity and the sociology of ethics and morality will be shown in section 3.9.

radical relativism and historicism is also under judgment (ibid., p. 15), albeit Haan et. al concede that deconstructionism indeed provides alternatives to the hegemony of empiricism.

Haan et. al's own limitations are also recognized by themselves. One of the problems is that whether a social science (and sociology in specific) with moral inquiry can be called a science in a more exact understanding of "science" (ibid., p. 8). This problem pervades also to general theoretical concepts, such as fact/value, rational/non-rational, and moral/non-moral, which need more elucidations.[4] Another puzzle is that, albeit all contributors of that book have provided some perspectives for this theme, "on the whole they are modest in their claims and offer no grandiose solutions, [and they] prefer to open dialogues rather than to dictate answers" (Haan et al. 1983, p. 9). Yet, as a reference, their endeavors have actually reopened the discourse of sociology of ethics and morality at both theoretical and application levels.

I.d. The Orientation of the Research: Habermas, Luhmann, and Theory

Recalling the above argument, this thesis adopts a theoretical exploration of sociology of ethics and morality by selecting Habermas and Luhmann as the intellectual exemplars, instead of conducting qualitative or quantitative researches. This theoretical approach is justified by several reasons. First of all is a methodological matter.[5] Quantitative researches with the routine statistical correlations tend to produce *pure* descriptive ethics (Stiver 1996), which are mainly positivistic and can rarely explore the underlying meaning and value of ethics and morality at both social and personal levels; while qualitative researches easily slipped to the expressions of subjective moral preferences. Both ways have their own shortcoming on methodology, but more important is that empirical researches are incapable to reflect on the validity of the method they use. Since the methodological polemics stemmed from positivist

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[4] See section 3.6.

[5] Also see section II.b.

6

and hermeneutic positions are not yet resolved at the research level, metatheoretical reflection on sociology has priority over the practice of extant methodologies. Only thus can the methodology of sociology of ethics and morality be more plausible, and discourse of Habermasian and Luhmannian theories would complement in this respect.

The above methodological problems can be illustrated by several prominent literatures within the field. Ethics and morality are conceptualized as the manifested civil religion of the Americans in Robert Bellah et. al.'s eloquent research (1985), undertook by both qualitative and quantitative methods. In the book the contemporary conditions of the ethics of the Americans were mapped out and the functions of ethics and morality in the form of civil religion are captured. Similar to their research, arguing social capital as the crucial resources for communities' well-being, Robert Putnam claims that the moral sentiment embedded in the inter-personal relationships is declining in the United States (2000). Both Bellah et al. and Putnam rely on the empirical research conducted in a fixed temporal period of the United States, which is the commonest way for sociological researches with ethics and morality as the subject matters. Yet, the problem lies here is that the concept of ethics and morality as such are not carefully examined before undertaking empirical research, which may cause the problem of different research results not due to the different context but different *concepts*.

Another approach concerns the importance of normative elements in the social sciences and the limits of rational thinking (Etzioni 1988), however, this conclusion may not help a lot to understand the concept of ethics and morality in social science as such. Actually, as early as in the 19th century, Adam Smith had already avowed the crucial position of moral sentiment in the economic and social world at large (Smith 1976). Rather, the radical thinking of Zygmunt Bauman supersedes Etzioni's reduced scope of the relations between rationality and irrationality in social science, and probes into the nature of sociology as such to reexamine the consequence of taking ethics and morality as the subject matters of sociology. Ethics   and

morality conceived by Bauman are the irreducible elements of human life (1989), that is, sociology only selectively reduces the formal and functional sides of ethics and morality, which will eventually denature the core sentimental elements of ethics and morality, that subsumed to be one of rational attributes of human actions. The establishment of the holocaust during World War II is the evidence of these theoretical manipulations of ethics and morality. In the holocaust, the logistic of killing Jews effectively undermined the moral reason of the Nazis, in which ethics and morality are detached from the care of the others and then become the deed of rules observance. In this way Bauman radically excludes the possibility of understanding ethics and morality authentically in sociology, and furthermore de-evaluates the importance of a rigorous sociology. This biased conception, of course, does not become the consensus within the field, but it draws our attention to the priority of re-conceptualizing ethics and morality in sociology.

The second reason bases on practical concern. If one agreed with Parsons's analytical realism, then empirical researches should be undertaken only *after* the constitution of a *mature* theoretical framework (Parsons 1937). Since the objective of this thesis is to revisit and to clarify the not yet firmly established sub-discipline of sociology, a mature theoretical framework is practically precedent to empirical research if no framework is founded.[6]

The third reason relates to the objective of this thesis. What we are concern here is the properties, orientations, and possible ways to establish a rigid sociology of ethics and morality. In other words, *current sociological researches are not suffice to understand ethics and morality comprehensively, and this thesis attempts to improve this situation.* As shown in section II.b., empirical researches in this sub-discipline are still inadequate to generate a

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[6] It is not to say that the empirical researches are meaningless for the sociology of ethics and morality, but these works are in essence the *application* of the theoretical frameworks of the sociology of ethics and morality. Besides, some attempts to inquire ethics and morality from sociological perspectives are fruitful for the particular context only (e.g. Bellah et al. 1985, Hunt 2003), and yet they are inadequate to constitute a theoretical framework.

relatively satisfactory theoretical foundation for the *raison d'etre* of the sociology of ethics and morality, as long as they are confined by the conventional conceptions of ethics and morality to be either social facts or personal judgments.

However, one may challenge that why this thesis focuses on Habermas and Luhmann but not other theorists, such as Weber and Durkheim. It is no doubt that two contrasting conceptions of society formulated by Durkheim and Weber—from the collectivist perspective and the individualist perspective—are basically the groundwork of sociology, nevertheless, new constellation of contemporary societies have undergone drastic transformation. And even if their theories are still significant, much refinements are still required to comprehend complex societies. Fortunately, their arguments have been inherited yet with revisions in both Habermasian and Luhmannian theory: Durkheimian vision on social integration is assimilated into Habermas's theory of communicative action, but at the same time Durkheim's functionalism based on the biological metaphor is best developed and exemplified in Luhmann's systems theory.[7] Likewise, Weber's analysis of the dissociation of value spheres is squarely fitted to Luhmann's code of the moral, namely, ethics and morality were differentiated out of most social systems and become marginal nowadays. Weber's commitment to subjective meaning is also redeemed by Habermas by providing lifeworld as a rational and moral foundation.

All these are going to show that, though indirectly, Habermas and Luhmann are selected among others not *merely* because of their prominent status and reputation amid general sociologists, nor *merely* because of they are rivals for the definition of sociology which may be convenient for a theoretical comparison, but more fundamentally, *it is because of their developments and elaborations of the sociological tradition in contemporary social context,*

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[7] Although Luhmann begins his theory with a biological metaphor, he further develops systems theory by introducing cybernetics and protologic, which is different from Durkheim's and Parsons's formulations (Bailey 1998).

which are indeed articulating the discussion of ethics and morality to a more general theoretical level, instead of remaining on the piecemeal explanations of moral phenomena. Recalling the objective of this thesis, the heart of the matter is to inquire the possible outlooks of the sociology of ethics and morality rather than to explicate moral phenomena from a given sociological perspective, and that is why after comparing Habermas's and Luhmann's sociology of ethics and morality, a metatheoretical reflection is introduced to uplift the level of analysis of this thesis to reveal the constitution of the sub-discipline.[8]

In detail, the metatheoretical reflections on, first Habermas's and Luhmann's theory (Part II), and specifically on the sociology of ethics and morality (section 3.9) are undertaken. Metatheory is thereby introduced to the context for the sake of resolving the theoretical polemics to pursue a deeper understanding on the related themes, and at the same time keeping a distance from immediate normative judgments and the unreflected, far-fetched theoretical syntheses—or worse, ideological self-justifications.[9] Metatheorizing as a means for the comprehensive and authentic understanding of theories would help the readers to extricate from the conventional dichotomy of morality/immorality and hence their understanding on morality and immorality is upgraded.[10] This can be possible owing to the amoral nature of reflection (theory) which precedes moral judgment (practice), yet, it is not to claim naively that everyone is able to reflect on ethics and morality sociologically before one makes a moral judgment. But the sociologists, who are obliged to understand and explain moral phenomena in society, should be awared of the ideological consequences of an unreflected moral judgment.

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[8] It can be referred to the metatheorizing process from "*metatheorizing as a means of attaining a deeper understanding of theory*" to "*metatheorizing as a prelude to theory development*" (Ritzer 1991, p.6). Also see section III.a. for more details.

[9] Regarding to the possibilities of metatheorizing, see Ritzer 1992a, 1992b; Turner 1990.

[10] Cf. Chan 2002, pp. 511-516. From a metatheoretical perspective, as Chan elaborated, the boundaries and possibilities of morality are linked up with the concept of enlightenment and sacred, in which morality is understood amorally, namely through the process of theorization by reflecting on the possibilities of morality

To support the above arguments, a quick glance over Habermas's and Luhmann's sociology of ethics and morality is of course not superfluous. We can firstly look at discourse ethics, which cannot be separated from the theory of communicative action for its validity. Discourse ethics as a procedural ethics seemingly provides the third way out of the formal/substantive and contemplative/critical distinctions that haunting sociology, as it delineates the foundational conditions for ethical activities—intersubjective discourse—on the one hand, and resolves the tension between observer/participant, qua one should participate in order to observe, on the other hand. One way or another, procedural ethics as the corollary of the theory of communicative action extricates itself from the impasse of the moral theories in the philosophy of consciousness, which cannot mediate between subject and object solely through self-centered consciousness. Contributed to this problem, discourse ethics restores the possibility of the moral discourse by analyzing the linguistic structure that allows the intersubjective participation to bridge the gap between specific ethical life (*Sittlichkeit*) and universal morality (*Moralität*).

To clarify, the goal of discourse ethics is to map out the basic conditions of the moral cognition and thereby grounds on procedural ethics to resolve moral problems (Habermas 1990a).[11] Transformed by discourse ethics, therefore, individualistic perspectives endowed with Kantian and social contractarian monological ethics are eradicated, and the normative rightness can thereby be justified and evaluated intersubjectively and dialogically as long as participants are linguistically competent.[12] All these—mediation between subjectivity and objectivity, ethical life and morality—can be accomplished due to the new conception

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as such without any moral judgments.

[11] Commentators also agree on this point: "I believe that Habermas's discourse ethics can best be interpreted as a detailed explication of the *conditions* that need to be met in order to treat equals as equal in the context of a discourse" (Murphy 1994, p. 134. Italics added).

[12] Immanuel Kant and social contractarians regard moral individual as the basic unit of the moral deliberation and thus ethics emerges from their interactions, either in the form of the universalization of categorical imperatives, or by agreements on the contract that secures every individual's interest.

communicative rationality is formulated by the theory of communicative action.

By contrast, the coupling of reason and morality is not Luhmann's cup of tea. Rather, it is the pure basic forms of the existence of society that interests him, in which moral, ethics, and value are totally abstracted from their substantive contents and only serve as an operative function of systemic self-reproduction.[13] As such ethics and morality are translated into the unusual forms by relating them to the binary schematism—as the "code of the moral"—to reduce social complexity, as well as to enforce anticipating power in the inter-personal interactions. This peculiar approach to understand morality may provide an alternative description on our contemporary moral predicament, which requires us to put our pre-reflexive assumptions—especially the humanistic one—into "brackets" and then contemplates the moral phenomenon, particularly on the mechanism of our moral action *per se*. To this extent, the goal of a "scientific" sociology is more or less fulfilled by its lucid explication of the social phenomenon at its clearest and most fundamental level which definitely precedes any further judgments and preferences (cf. Bendarz 1984a, 1984b; Paul 2001).

In this morally neutral sociological theory,[14] the moral content and its social function proposed by Habermas—consensus formation—have little significance. Instead, following the scientific approaches the basic characters and formation of "Ethics" and "Moral" as well as their social effects are the heart of the matter.[15] Through binary schematism ethics and

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[13] Luhmann tries to reconstruct sociology by delineating ontological foundations of society. In this regard, sociology is a self-description of contemporary society that based on its ontological presuppositions of society as the autopoietic systems. In so doing, we can call his sociology a "social ontology".

[14] Moral, morality, immorality, amorality, and de-moralization have different meanings. "Moral" is generally denoted as the matter of moral issues in a neutral sense; "morality" is usually contrasted to immorality with normative judgment on good or bad and right or wrong; "amorality" describes a non-moral incident that could not be evaluated by morality; and finally, "de-moralization" gets rid of the moral coloring of an incident.

[15] Luhmann discerns "Moral" (*Moral*) and "Morality" (*Moralität*) by virtue of the latter is embedded in the moral theory with normative preference; the former, on the contrary, is relatively value-neutral which is appropriate for distinguishing two modes of operation of the moral code—esteem and disesteem (Luhmann 1991, 1993b, 1996b; especially on translator's note (1993b, p. 996)).

morality are transformed into the moral code that expresses an attitude toward another person mediated by the binary form of esteem/disesteem. Moreover, both sides of the code have equal chance to be operative, and the preference of the code selection has no invariant principle (e.g. norms and culture). In this regard, every moral judgment is therefore merely a personal judgment without any indispensable universal moral values—whether justice, goodness, and generosity. As we can foresee, the operation of moral codes will engender conflict as well as consent with equal chance, such that morality and goodness are readily dissociated, and thereby the conventional conceptions of morality in sociology are deconstructed ruthlessly.

An *amoral social order*, comparing to Habermas's *normative discursive order*, is hereby projected by systems theory. This divergence will demonstrate various possible forms of a sociology of ethics and morality—moral and amoral,[16] which are definitely constructive to the formation of sociology of ethics and morality.

I.e. Outline of the Research Result

Then what is the result of this theoretical inquiry? The result of this research can be summarized herein, while justifications as well as elaborations are left to the following chapters. After revisiting Habermas's discourse ethics and the theory of communicative action, as well as Luhmann's code of the moral and systems theory, four tendencies and one conclusive perspective of the sociology of ethics and morality are noticed. These are: first, the controversy of the conceptualizations of ethics and morality from the side of facticity or value are no longer a problem in Habermas's and Luhmann's theories. For Habermas, the way to conceptualize fact via assertoric claims and value via normative claims are commonly

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[16] See section 3.4.

grounded by communicative action, as both of them are only one among three aspects of communicative action. Besides, morality construed as fact or value is not fundamental enough in systems theory. Rather, operations based on distinction and the logic of binary schematism grounds all facts and values since facts are constructed by self-reference and values are semantic means to facilitate self-referential operations.

Second, the centre of attribution of ethics and morality is no longer rested on action. Theories based on action, as illustrated by Habermas, are unable to extricate from the philosophy of consciousness (Habermas 1987a, p. 339), and the only way out is to shift from the paradigm of theories of action to the paradigm of theories of communication. By way of linguistic communication, subjective interests are mediated through procedure of justice, and moral consensus is thereby formed intersubjectively; and similarly, morality as binary code channels selections of communication to continue further moral communications.

The third tendency is closely related to the second one. The implication lies in the change of paradigm is that the conventional conception of ethics and morality as a concrete unity of action is obsolete and incapable to explain complex moral situation in contemporary world. The principle of identity that makes unity of moral action possible is now discovered to be too narrow, inasmuch as this whole set of thinking—to conceive morality, or broadly speaking, the world by identification—will inevitably identify one side (the side of unity) and exclude the other side (e.g. identify moral action should be good and immoral action should be bad). In other words, identity thinking based on unity will evade the problem of complexity of the other side and thus, according to Habermas, the opposition of subject (the unity) and object (the derivative) can never be resolved. And indeed the increasingly complex communicative situations do not allow for much theorizing based on unity. Hence a discursive procedure which extends from action and operation as a de-centered relation are among the outcomes of Habermas's and Luhmann's theories. Relation is a bridge of difference that can

mediate various communicative unities, such that they do not talk about "moral action" but "moral communication" or "discourse ethics".

The last tendency is derived from the previous trends. Substantive sociology of ethics and morality has lost its plausibility, and it is replaced by formal sociology in terms of procedure and pure form. However, Habermas's case shows that the constituents of procedural ethics—pragmatics (which is analytical) and communicative practices (which is normative)—reserve certain substantive content of morality within the tenet of formal sociology. Yet Luhmann's pure form of morality excludes any substantive elements can be exemplified as the radical end of formal sociology.

Table 1   A Comparison on Moral Order

	Normality	Abnormality	Redemptive Mechanisms	The Relation between Reason and Morality	Conceptions of Social Order
Durkheim	Normal division of labour	Anomie (caused by the failure of social solidarity)	Moral education, occupational group, coercion and obligation	Coupled	Normative
Weber	Coupling of value rationality and goal rationality	Bureaucratization of the world (caused by the overriding of goal rationality over value rationality)	Maturity of Manhood which embodies both ethics of conviction and responsibility	Decoupled, mutually exclusive	Normative
Habermas	Consensus mediated by communicative action	Problematization of the extant consensus	Rational discourse	Coupled reflexively	Normative
Luhmann	De-paradoxized and de-tautologized communication	Communication encounters paradox and/or tautology	Reflexive communication with de-paradoxization and de-tautologization by semantics, time, action, conflict, etc.	Irrelevant, except that both serve for system operations	Non-normative

What these tendencies indicated is the basic form of society, which has already

highlighted in Durkheimian sociology, i.e. normality of social order (see table 1). In general sociology, social order is the crux of the matter for the formation of society, and ethics and morality are construed as moral order that maintain or reproduce the continued modes of social life. Under this premise, Durkheim and Habermas conceptualized *moral as normal*, whereas on the contrary, Weber and Luhmann deem *normal as both immoral and amoral* respectively. Habermas and Luhmann, though avows normality differently, understand moral order in a value-neutral sense. What is normal is as such moral owing to the unproblematized communicative consensus continues the normality of everyday life, but the moral (or normal) situation demonstrated here does not prescribe any action orientation or substantive values. The case is clearer in Luhmann's amoral and non-normative social order, in which ethics and morality are merely one of the means to reduce complexity. In short, indicated by these four tendencies, normality constituted by ethics and morality is understood by its formality and emphasis on relation. These metatheoretical inquiries help us to understand the possible frameworks and themes of the sociology of ethics and morality.

Finally, these four tendencies and the general theme of normality identified by analyzing Habermasian and Luhmannian sociology of ethics and morality points to the prospect of the sub-discipline—the reflexive sociology of ethics and morality. To epitomize, reflexivity appears on both theory and methodology. On the side of theory, ethics and morality are no longer construed as invariant substantive action attributed to particular actor; instead, what defines ethics and morality is by the dynamic emergence of moral communications. During (moral) communication one has to *reflect* on one's (own) validity claim or one's further connectivity, yet the *recursivity* of communication enables *reflexivity* at the moments of shifting between communicative action and rational discourse in Habermas's theory, and between first-order and second-order observations in Luhmann's theory.[17]

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[17] According to Ulrich Beck's usage, reflection entails consciousness and reflexivity is undertaken unconsciously. See more in Concluding Reflections.

II. The Context

II.a. Ethics and Morality in Modern Society

Before entering the theoretical comparison between Habermas and Luhmann, the context of the problem should be illustrated to substantiate the development of the problematic. To begin with, we can take a glance on the situation of ethics and morality in modern society, which is a transitional stage that mediates between pre-modern religious ethics and (post)modern reflexive ethics.

Weber is one of the first sociologists who studied the modern situation of ethics and morality. According to his rationalization and modernization thesis, the holistic worldview provided by religious belief in Western societies has become disenchanted, in which ethics and morality that once supported by religion have now lost their grounds. This problem can be attributed to the historical development.[18] In pre-modern societies, ethical rules were largely regulated in accord with the natural order, myth, or totemic meaning in order to secure group solidarity in terms of conformity. Ethics was intertwined with magic by embodying an inexpressible, mystical, and overwhelming power; no discussion on it is allowed. As a social institution, ethics and morality were incarnated in religion and law with the function of social sanctions and the motivation of obligatory actions. That is to say, they motivated obligation via internalization of norms (internal mechanism) and sanctioned through punishment (external mechanism).[19]

The turning point appeared in the age of reason, in which morality had already differentiated out of religion insofar as society became more and more complex, and

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[18] The following elaborations mainly refer to Schluchter's reconstruction of Weberian developmental history by different sociological perspectives (including Lawrence Kohlberg, Habermas, Luhmann, Durkheim, and Robert Bellah) (Schluchter 1981, chap. IV.1.; 1996, chap. 2)

[19] One can compare Durkheim's analysis (1972, chap. 3 & 4) with Michael Foucault's genealogy of discipline.

eventually internalized in human agency. Of course, both the internal and external perspectives of morality remained intact in the Enlightenment, but the crucial difference is that human being is *autonomous* to choose between moral and immoral action in modern society. Therefore, the contingent character of morality that underpins social order became significant, and precisely at this point sociology was established to provide a theoretical reflection on this contingent society. In this regard, moral principles were devised by practical reason—allegedly by the exemplary of the Enlightenment: Immanuel Kant—which characterized the age of reason with the faith that human rationality should couple with morality to foster social progress.[20] However, as what classical sociologists had already recognized, the advancement of science is not necessarily beneficial to moral perfection; rather, moral values are decoupled with the undermined religious sphere and yet cannot find another institutional underpinning. Value rationality—represented the attempts to rationalize ethical values—eventually fails to counterbalance against strategic rationality, as long as the former cannot attain sufficient institutional significance, while the latter have become anchored firmly in most social spheres. More importantly, the former is irrational *per se* in the latter's eyes, and thus value rationality is largely excluded from the process of social rationalization, as diagnosed by Weber (Weber 1968, p. 26). Above all, the collapse of ethics and morality and consequently their retreat from the societal level to the individual level leads to the contemporary predicament of moral relativism.

Of course we are now already accustomed to the social relativism, and perhaps even justified it with liberalist ideas, but moral vacuum at the social level, in fact, could lead to detrimental social consequences. As already mapped out by the classical sociologists, separation of reason and morality give rise to social pathologies since social members are unable to control, predict and adapt to the social environments with comprehensive

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[20] One of the prominent figures is Immanuel Kant, who bases his ethical reflection on human *Reason* (Kant 1996).

consideration. Suffused with strategic rationality, the qualities of the ends of actions are out of

consideration, only the most effective means is channeled by reason. By this one-sided amoral

reason,[21] social anomie, loss of meaning, and alienation thereby emerged with the

discrepancy between social relations and human volition. Moreover, these situations become

worsened as long as modernization intensifies the contradiction between reason and morality,

and eventually entrapped in the paradox of Enlightenment—modern barbarism concomitant

with rationalization exemplified in the two World Wars. Ironically enough, the original goal of

rationalization is to emancipate human being from their self-incurred intellectual minority, but

it is in turn followed by an administered society imprisoning human freedom (cf. Horkheimer

and Adorno 1972). Unfortunately, both rationalism embraced by modern social theorists and

irrationalism as partaken by postmodernists cannot extricate from this paradox either. Under

this predicament ethics and morality marginalized by strategic rationality lose their potential

for social redemption, and eventually become either subjective and relativistic moral

condemnation, or recede to be the ideological apparatus of social movements and

authoritarian maneuvers.

II.b. Ethics and Morality in Sociology

In this regard, sociology as a discipline that reflects on society cannot eschew these

modern amoralized situations.[22] In its very meaning, sociology was established to

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[21] "Amoral" in this thesis is defined as "anti-moral". "[T]he amoralist does not reject *ethics*, because ethics is no more than a set of conventions, practices, and habits that people promote and follow (or the *study* of those conventions, practices, and habits). What the amoralist denies is *morality*, which is to say that the amoralist denies moralists' distinctive (but not yet examined) beliefs about the objectivity and prescriptively of rules, prohibitions, virtues, vices, rights, and duties." (Garner 1994, p. 17)

[22] Since the beginning of the last century, sociologists had already notified the significance of the relations between sociology and ethics: "The task of sociology is to study social life in all its manifold forms of manifestation. Ethical ideals and ethical endeavors, therefore, are objects of sociological research. They are working factors in social development, while they are themselves effects and symptoms of social conditions, results of social development." (Höffding 1905, p. 672). Also, one can refer to Henry Sidgwick's concern on

comprehend the enormous increase of social complexity, and more importantly, the objective

ontic being of the world had been conferred from God and kingship to community and society.

In other words, the representation of collectivity is disenchanted and depersonalized, yet

remained uncontrollable and unpredictable as much as God and Kingship. Ironically, this

collective representation which is opaque and authoritative for us is eventually our collective

construction. At the same time, personal moral virtues are no longer manifested in the form of

metaphysical ideas but realized at the social level, which call for a theoretical reflection out of

the metaphysical explanations on the one hand, and distinguished from the political or

psychological approaches on the other, with different kinds of subject matters—neither the

state nor individual psyche, but society in general. Thus classical sociologists responded to

these questions—how can we conceptualize ethics and morality at the social level and what

will they like—seriously by devising moral agendas and descriptions of moral situation to

redeem, if one can, the Enlightenment ideal: the coupling of reason and morality. Here comes

Durkheim and Weber who ground their diagnosis of ethics and morality in two

aspects—theory and method—on their general theoretical systems.

II.b.1. Durkheim and Weber: Conception of Ethics and Morality

For Durkheim, society constituted by objective social facts is something totally different

from individual consciousness, albeit the former can only be realized by individuals

(Durkheim 1964, pp. 38-39). Similarly, ethics and morality are conceived as objective social

artifacts, and like other natural facts ethics and morality can only be understood by scientific

methods. Added with historical analysis, morality embedded in the social solidarity had

already undergone a transformation from mechanical solidarity in pre-modern society to

organic solidarity in modern society. In the latter, morality is generated in the form of the

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the relation between the newly established sociology and the ethical theory (Sidgwick 1899).

division of labour, in which individuals are specialized to as well as interdependent upon each other (ibid., p. 85). Furthermore, characterized with two defining elements, moral action should be composed of obligation and desirability (Durkheim 1953, p. 45). One is obliged to act towards goodness merely because of the sanctions enacted by the moral rules *together with* the culture internalized in the course of socialization. Also, moral rules are attractive and desirable because they specify moral ideals that individuals aspired towards. At that moment "we feel that we dominate and transcend ourselves [...] we feel a sui generis pleasure in carrying out our duty simply because it is our duty" (ibid.). In this regard, ethics and morality bridged the sacredness that leads to the sense of transcendence which Durkheim called "collective effervescence". In other words, morality is rudimentarily embodied in the religiosity in which this duality (obligation and desirability) is also displayed in the demarcation of sacred and profane in society (ibid., pp. 36, 69), therefore morality gains binding and bonding power by denoting the sacredness through confirmative orientations. In this way, one can say that society for Durkheim is primarily a moral community and social order is, in fact, a *moral order*. This analogy helps us to understand morality sociologically insofar as Durkheim relentlessly distinguishes sociology from philosophy, and sociology of morality from moral philosophy.

Also, one should not overlook the significance of Durkheim's moral agenda, which relegates morality to the division of labour and is thus actualized in occupational groups and moral educations. *Normal* division of labour gives rise to *normal* organic solidarity and thus certain level of morality can be secured, and moral education internalizes not only norms but moral values that nourish the orientation to sacredness. Social order is thereby redeemed despite the incessant social differentiation and social fragmentation through the functionality of the structure of division of labour, the internalizing mechanism, binding and bonding forces of morality, and its collective orientation to sacredness. It is not difficult to reveal Durkheim's

optimism towards the Enlightenment ideal; he believes that the decline of moral solidarity in modern society can be redeemed by positive science, as long as the social division of labour becomes perfect and individual members are neatly integrated into the functional social relations. In short, Durkheim expects much of science as a means and goal for ethics and morality in modern society, both as a methodology and a substantive theory—the science of morality, which may recover the mediation of reason and morality.

Max Weber conceives ethics in a different manner. If Durkheim is interested in the duality of morality that attracts and disciplines individual in order to maintain societal order, then Weber will construe ethics as a *group ethos* influencing *life order* that undergone transformations in the course of history. As the embodiment of life order, ethics is related to religion in the pre-modern society as a theodicy, basis of action and worldview by classifying them into magic ethics, ethics of norms, ethics of principles and ethics of reflexive principle (Schluchter 1981, p. 52). From traditional society to modern society, ethics has changed from the magic ethic to the ethic of principles (ethic of conviction) and then the ethic of reflexive principle (ethic of responsibility); the underlying mechanism is that reason as the evolutionary outcome is developed to answer the questions on theodicy, and thereby fosters the rationalization process of ethics and religion (cf. Schluchter 1981, pp. 43ff; Weber 1968, pp. 437ff; Tenbruck 1980).

Besides historical analysis, the effect of ethics—ethics of conviction and ethics of responsibility—as the ethos of the time (*Zeitgeist*) in shaping modern society is illustrated by Weber. In his renowned research of the Protestant ethic and the spirit of capitalism, Protestant ethic provides the inner-worldly ascetic *worldview* that has affinity with capitalism. Ethics is, in a neutral sense, an ideal that has social effect by regulating collective normative orientations, but not the action as such is ethical. However, at the individual level, Protestant ethic is largely preoccupied with the ethic of conviction to regulate personal life order.

Another kind of ethic concerning personal virtue, which is emphasized in Weber's discussion on domination and politics, is ethic of responsibility (Weber 1946, p. 115). Both ethic of conviction and ethic of responsibility are essential for not only politicians, but all modern men who are not "specialists without spirit, sensualist without heart" (Weber 1976, p. 182), and dare to face modern society with the force of calling. Once again, Weber denies the separation of conviction and responsibility, because these two qualities of ethics are both indispensable for one's maturity and personality—in making judgments according to the demands of the days, and balancing conviction with senses of proportion (Weber 1946, p. 127).

Modernity in Weber's diagnosis is somewhat bleak and dark, yet mature modern men can find their way through embodiment of ethics. Thus, ethics for Weber does not merely apply to the historical descriptions or to be the explanans of societal transfiguration, but ethics also have normative relevance. In this respect, Weber demonstrates that a sociological analysis of ethics can be both objective and value-relevant, which means that the scope of inquiry is widened by extricating from the dichotomy of objectivity and subjectivity in the methodology of social sciences. It can be possible since ethics as an abstracted and collective ideal that fosters and directs action orientations of social members provides a vantage point for sociologists to incorporate normative characteristics of social members objectively.

As we have seen, different from Durkheim, ethics and morality are conceptualized in two different ways from Weber's perspective: on the one hand ethics is objectively investigated by undertaking historical analysis of the change of life order through causal explanation, in which ethics is merely a descriptive attribute of a particular collective action orientation. On the other hand, from a normative perspective, individual and personal ethics should be empowered to make modern bureaucratic society acceptable.[23] Besides the objective

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[23] For Weber, normal social life is composed of the tension between personal ethics and immoral, or amoral, bureaucratic society. Unlike Durkheim, who clearly demarcated the normal division of labour (moral) and the anomic situations (abnormal and immoral), the moral ideal of Weberian sociology is the coupling between

observation on the group ethics, meaning and idea of social actors that are highlighted in directing action orientation cannot be understood by means of positivistic observation that Durkheim undertakes. In this respect, sympathetic understanding as an interpretive method is undertaken at the micro level to conceptualize the subjective meaning and idea—including ethics and morality—and thus integrates with causal explanations at the macro level. After all, we can see that, in Weber's perspective, whether ethics and morality at the social level can be comprehensively understood is largely depended on the quality of the sociologist—his capability to integrate sympathetic understanding and causal explanation—which is, in effect, a vulnerable wish. However, it is consistent to Weber's diagnosis of modernity, which is full of tension between objective social structure and subjective personal value. A brief summary of Durkheim's and Weber's conception of ethics and morality is shown in Table 2.

Table 2   **Summary of Durkheim's and Weber's Conception of Ethics and Morality**

	Durkheim	**Weber**
Conceptions of ethics and morality	Objective	Mainly subjective
Functions of ethics and morality	Social integration	Building of personality and group ethos
Diagnoses of ethics and morality in modern society	Division of labour, occupational groups, moral education	Moral relativism, group ethics, ideological apparatus, social conflicts
Methodology	Causal explanation	Causal explanation and sympathetic understanding
The relation between reason and morality	Coupled	Decoupled
The conception of normality	Normal as moral	Normal as immoral

personal ethics mediated by value rationality and societal mechanics mediated by instrumental rationality. The last hope that Weber proposed is the maturity of modern men, who can resolve, or endure, the tension between individual and society by his/her own personal ethics. Hence, we can see that the normal/sacred distinction highlighted by Weber is still bounded at personal levels, which can be resorted to the Romanticism and Nietzschean tradition.

II.b.2. Successions and Revisions of Durkheim's and Weber's Perspectives

Durkheim's and Weber's endeavours encourage and nourish numerous attempts on the conceptualization of ethics and morality amid sociologists. However, admittedly, their shortcomings are also inherited in the development of the field, as divided into two sides focusing on *fact/value* from the perspective of *objectivism/subjectivism*. Following Durkheim, mainstream sociologists portray morality as an objective and empirical social fact with important implications. Morality as a social fact exerts normative effects on individuals unilaterally, and this implies that collective morality would override individual morality by the pressure of social conformity. Because of the irreducibility of individuality to scientific facts, individual will become the dependent variable of the society. Moreover, morality is significant for sociologists only if it is a social fact, which presupposes that individual moral experiences are not considered, or at least regarded as insignificant, at the social level.[24] In so doing, empirical analysis and causal explanation are justified to be the methodology, and it actually would justify the presupposition of dividing social and individual moralities and the preference of the societal side by circular argument. Thus, with the aid of natural sciences, sociologists often unravel (moral) fact and (moral) value into two distinguished aspects of social reality and then discard the side of value. This can be explained by the pursuit of *scientific* objectivity in the sociological inquiries, in which values are presumed to be the relative and subjective attributes of social reality. According to this positivistic interpretation, value is not an empirical social fact, but rather, the *appendage* that is attributed to the particular actor. Durkheim embarks on his "science of morality" from this assumption and proposes that objective morality has to be isolated from individual intervention, because "it is external to the individual conscience and constrains the individual" (Davydova and Sharrock

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[24] Durkheim expresses his conception of ethics explicitly: "...our idea of ethics derives from the observable manifestation of the rules that are functioning under our eyes and reproduces this schematically." (Durkheim 1972. p. 89).

2003, p. 359). Hence, the science of morality conceives substantive contents as given facts and explains their causes and functions amid the society just as other social facts.

In this regard, Parsons evaluates Durkheim's science of morality and reveals its difficulties. First of all is the problem of relativism. Since "on a positivistic and at the same time sociological basis it becomes impossible to transcend the relativity of actual and historic codes of ethics" (Parsons 1937, p. 371). Secondly, it is unable to distinguish clearly between fact and ideal (ibid.). Thirdly, Durkheim tends to identify the moral with the social, that is, equates morality with norms. It gets into trouble in suspicion of promoting social conformity when the personal attribution to the formation of norm is overridden by internalization of norms. Despite these criticisms, however, science of morality is regarded by Parsons a feasible and valid approach if it has further amendments. As long as an ideal is an element of social action, Parsons suggests that normative elements in sociological research have to be handled as factual elements, "otherwise they would not be observable and would have to be denied a place in a body of scientific knowledge" (ibid., p. 397). Hence, ethics and morality are absorbed into his AGIL analytical systems to be the cultural system fulfilling an integrative function (Parsons 1977, p. 355). Through this functionalization of ethics and morality the problem of objectifying ethics and morality of those positivists can be resolved—and hence further developed by Luhmann. Yet, along with the development of the discipline, one can see that *ethics and morality had been gradually distanced from the normative side and being conceptualized to become neutral components of society*. It can be construed as the progress and maturity of sociology insofar as it obtains specific methodology and ontology different from philosophy.

Durkheimian science of morality emphasizes social functions of ethics and morality instead of effects on the individual value orientation, in which sociological interpretation is perhaps over-emphasized. Against this tendency of sociologism, Bauman ruthlessly criticizes

this line of explanation that construes moral phenomena as non-moral institutions with binding forces (Bauman 1989, p. 170). Conversely, moral phenomena, according to his affinity with postmodernism, should be closely related to the moral institutions, otherwise immoral social consequences could probably occur (Bauman 1989). In this light, he agrees with Parsons's critique on Durkheim about social conformity, but in turn runs into extreme to assert that in sociological theory "moral behaviour becomes synonymous with social conformity and obedience to the norms observed by the majority" (ibid., p. 175). Ethics and morality in sociology, in Bauman's eyes, assume moral relativism, and thereby suspicious of leading to the Holocaust. By introducing Emmanuel Levinas's phenomenology of Other, Bauman relinquishes the social nature of morality with the assertion that the essence of morality is an unconditional responsibility for the other as a human being, which is totally freed from the considerations of reciprocity which may unintentionally slip into the social conformity (Davydova and Sharrock 2003, p. 362; Bauman 1993). For him, ethics and morality only have secondary significance in sociology, because the essence of morality is fundamentally subjective or intersubjective, but can never be an objective social fact that scientific sociology pursues.

This line of argument is the corollary of Weber's waver between ethics emanated from the embodiment of personal and subjective moral experience through constructing life order, which can be revealed only by interpretation, and a societal and objective function for the social development, which can be conceptualized by way of scientific observation and logical deduction. While Weber attempts to articulate both ends dynamically by means of emphasizing the personal quality of a researcher with value-neutrality as well as value-relevance (cf. Chan 2002, pp. 191-192)—which needs to coordinate idea with historical factors—other sociologists would readily be tempted to unlock the vulnerable linkage between these two ends and focus on one aspect, inasmuch as the personal domain cannot be

readily integrated into the social domain without any tension or conflict.[25]

The above biases are common in the discourse of fact/value distinction. Nevertheless, some theorists challenge the validity of the distinction as such, and Peter Winch is the one *par excellence*. In fact, the sociological tradition constructed by Durkheim and Weber is revised through the reflections on the distinction between natural science and cultural science. In other words, this metatheoretical reflection on sociology and ethics and morality *per se* questions the nature of social phenomena, deep into the ontological foundation of society. Winch avows that moral conduct can transgress the limitation of the reflective-rational (scientific) and habitual-irrational (cultural) dichotomy through incessant reflections. In effect, "moral conduct is reflective by virtue of being meaningful, of being the product of understanding. It also intrinsically involves a possibility of an alternative" (ibid., p. 366). In so doing, moral conduct is not merely an irrational habitual behavior which is opaque for any theoretical and rational observation, but becomes the blind spot of the scientific sociology that is incapable to understand meaning. In short, any observation of the social world, "as far as they produce meaningful descriptions, involve[s] a strong element of evaluation" (ibid., p. 367). The fact/value distinction has, so to speak, already presupposed the separation between natural science and cultural science, which will eventually impede deeper understanding of the social world as well as the construction of sociology of ethics and morality.

To use Weberian distinction between formal rationality and substantive rationality can reveal the underlying problematics of sociology of ethics and morality: from an objectivist perspective, ethics and morality are objective manifestations of the social actors' value

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[25] To add, the controversies on the status of idea in Weberian sociology have not yet settled. One may focus on Weber's developmental history (Schluchter 1981); one may concern the development of idea in the religious rationalization (Tenbruck 1980); one may emphasize the life order and the humanistic ultimate concerns (Hennies 1983), and one may try to balance idea with other factors (Bendix 1977). In this thesis I prefer to Schluchter's interpretation that construes Weber's oeuvre as a schematic theoretical project to map out the developmental history of the West, and ethics is one of the factors that can furnish historical variants for societal configuration (cf. Schluchter 1981, pp. 39ff; 1996, pp. 95ff).

preferences which can materialize as facts; from a subjectivist perspective, ethics and morality are subjective individualistic internal realization processes of value which can precede any social constraint, *á la* Bauman. This antinomy entraps sociologists in the circulation of the fact and value opposition which are incapable to comprehend moral phenomenon comprehensively. Breakthrough is awaited for any theory which can supersede this unproductive distinction, and Habermas and Luhmann are two successful exemplars.

II.b.3. Habermas's and Luhmann's Breakthrough

Although there are differences between the conception of ethics and morality of Habermas and Luhmann, both of them uncover the full complexity of ethics and morality by eliminating the fact/value distinction. The crux of the matter is that this unproductive distinction is based on the antinomy between subject and object, which is actually the remnant of the obsolete philosophy of subjective consciousness.[26] Habermas's discourse ethics and theory of communicative action transforms subject-object relationship into intersubjective discourse by grounding all social activities on linguistic communications. Through this can one conceive and understand an action only by communication, which is basically intersubjective. For sociology of ethics and morality, thus, participation and observation—that pertain to subjectivism and objectivism respectively—are synthesized in communicative action and rational discourse, since *participation and observation are two sides of the same coin*—one cannot understand the others without revealing one's own validity claims.[27]

More radically, subject-object relationship is discarded and replaced with system-environment relationship in Luhmann's systems theory. Fact and value are subordinated to the more fundamental systemic operations, in which fact and value are

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[26] See section 3.1.

[27] See section 1.1.1.

systemic constructions and systemic semantics respectively. The result of this change of paradigm clarifies the methodology of Luhmannian sociology of ethics and morality by two orders of observation. One can operate with only one order of observation but not other, that is, conversely, one cannot be both observing and observes how oneself is being observed at the same time. For sociology of ethics and morality—as a sub-subsystem of science which aims at knowledge production—second-order observation is preferable and observation of observation not only can observe the factual characteristics of moral phenomenon, but the value and meaning of morality can also be thematized via binary schematism and drawing distinctions. In short, participation versus observation is basically an erroneous opposition for sociology, given that sociology is used to produce knowledge rather than practice directly.

Both Habermas and Luhmann notice that contemporary society is distinguished from the postwar modernity by its *unprecedented complexity*, and thus a more general theoretical framework is required to supersede the obsolete philosophy of consciousness. Agreeing with Weber's diagnosis of modernization, ethics and morality, in Luhmann's theorization, are abstracted to be their purest operative form at the social level, and left with substantive contents at the personal level.[28] Hence a de-moralized society against the Enlightenment ideal is anticipated by Luhmann in order to depict a precise description of society—of course not the only one but one among many descriptions (Luhmann 1988). Above all, from the problematic of fact/value dilemma we can see the transformation of paradigms from substantive and unified action into formal and relational communication. Complexity generated in contemporary society infringes the boundary of pattern maintenance of Parsons's static system. Instead, dynamic *re*production of normality and social order, whether in the forms of *reflexive* rational discourse or communication, is more appropriate for sociology of

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[28] Notably, Luhmann defines the nature of the social different from the mainstream sociology, including Habermas's one. "Social" here does not preordain with an anthropocentric definition that based on humanity, but merely refers to the probability of communications. More details will be shown in section 2.2.

ethics and morality.

III. The Framework

III.a. The Use of Metatheory

Metatheory is employed for this thesis as a theoretical framework for the sake of resolving the theoretical disputes to pursue a deeper understanding on the related themes (Part I & II), and at the same time abstinent to the immediate normative judgments and the unreflected ideological self-justifications. Besides interpretation of the general sociology of Habermas and Luhmann, the extracted elements of the sociology of ethics and morality implied in their theories are compared for the sake to anticipate the development of the sociology of ethics and morality (Part II). At this metatheoretical level, similarities and differences are thematized, and therefore the prospect of sociology of ethics and morality can be mapped out (Concluding Reflections). All these theoretical interpretation and comparison can be undertaken inasmuch as metatheorizing seeks to a comprehensive and authentic understanding of theories, which can extricate the readers from the conventional dichotomy of morality/immorality and hence their understanding on morality and immorality is upgraded. In this case, metatheory is especially applicable owing to its amoral nature of reflection which precedes moral judgment. Yet, it is not to claim naively that everyone must reflect on ethics and morality sociologically before a moral judgment is made. Hence, the function of metatheory is to provide a vantage point to observe sociology as such, and this is one of the roles of the intellectuals to refrain from ideologies, especially when ethics and morality are the subject matters of the theoretical reflection.

According to George Ritzer, metatheorization of the fundamental ground for sociology of ethics and morality is worthwhile 1. to provide a deeper understanding of sociology as such,

and 2. to prelude to the development of new theoretical perspectives, and perhaps 3. to overarch sharply contrasting theories (Ritzer 1990, p. 4). All these can only be achieved by metatheorizing, which can discern the normative agenda implied by social ethics from an analytical understanding of the character, possibility, and condition of sociology of ethics and morality (ibid.). Metatheoretical reflections that examine their special understanding of crucial sociological concepts and reflect on their conceptions of society, social implications and the nature of sociology will elucidate the underlying assumptions, presuppositions, and predispositions (Furhrman and Snizek 1990, p. 26), and will state the intellectual, societal, and historical contexts of theory (Tiryakian 1992, p. 74).

To clarify, metatheorization employed by this thesis does not recede to any transcendental position that overviews two sociologists objectively from an outside or *a priori* position, inasmuch as "meta" means "to come after" (Turner 1990, p. 38). Metatheorizing does not necessarily give rise to a (transcendental) synthetic conclusion, so far as each particular sociological theory has their irreducible specific context, presuppositions and theoretical orientations. Rather, a relatively descriptive and conceptual delineation and analytical investigation on their theoretical foundations and their theory of society is sufficed. Yet, this approach should not be subjected to criticisms of sheer relativism in that sociology as such does not aim at a monolithic unity of all theories but fosters interactions between theoretical discourses—as analogous to the concept of ecological diversity. In so doing, the range of possibilities of sociology of ethics and morality is thus drawn by reflecting on the possible outcomes of two general theoretical systems. Certainly, as Ritzer and Turner suggested, metatheorizing can produce new theory (Ritzer 1990, p. 4; Turner 1990, p. 38); yet here this task will be left to the concluding chapter to sum up the sociology of ethics and morality.

The meaning of metatheorizing employed herein is not squarely transplanted from

Ritzer's denotation. Instead of excluding metasociology with the reason of anti-transcendent synthesis of theories, a broader meaning of metasociology that simply reflects *sociology as such*—somehow finds its connection to the reflexive sociology and the sociology of sociology—is assimilated in this thesis (cf. Chan 2002, chap. 5. and 6.IV).[29] And reflection via this conception of metasociology does not necessarily contradict the functions of metatheory suggested by Ritzer—to understand extant theories, to create new theory, and to overarch extant theories.[30] Unlike Ritzer's incomprehensive review of metasociology (Ritzer 1991, p. 14. n. 8), according to Chan's splendid elucidation (Chan 2002, p. 348. n. 21), sociological metatheorizing aims at abstracting from the value presupposition of a particular theory for the sake of a broader and deeper exploration of the vision endowed with sociology. While, additionally, metatheorizing is so-called "meta-" in that the value presupposition of a particular *sociologist* should be refrained from the theorization process. It does not amount to the regression from social reality and then plays intellectual games; rather, the interferences from reality are neutralized in metatheory and a more realistic picture is thus provided.

III.c. The Limitation of this thesis

Some readers may find that the approaches adopted by this thesis—general sociology, theory, even metatheorizing—cannot directly answer everyday perplexity regarding moral phenomenon, and inadequate to undertake empirical social researches. I have to admit that the applicability of this thesis may not be squarely fitted to current social researches, especially

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[29] The difference between metasociology and sociological metatheorizing is construed by George Ritzer as merely the different levels of specificity within sociology: "To my mind, metasociology in general, and metatheorizing in particular, are parts of sociology, subareas within the larger field." And remarkably metasociology is conceived by Ritzer and Turner to transcend the extant theories, which may *not* be the case if the subject matter of their metatheorizing is interchanged with metasociology, that is, a totalistic reflection on *sociology* at the abstract level, see Chan 2002, part 3.

[30] All three functions of metatheory are demonstrated in Fiske and Shweder (1986).

the discrepancy between the methodology I used here and the qualitative and quantitative methods popularly employed in mainstream empirical sociology. Nevertheless, I have to draw a boundary for this thesis, that is, to reiterate, a reflection on sociology of ethics and morality via using Habermas and Luhmann as exemplars. In other words, the goal of this thesis is to review and thereby reconstruct the possibility of sociology of ethics and morality in the contemporary amoralized society. While the linkage of this thesis to application is not yet completely built up, but at least a blueprint of the sub-discipline is tentatively drafted for those who are interested in this problem, and advice to the current sociological literatures which involved in ethics and morality are briefly given in the conclusion.

Part I. Habermas and Luhmann as the Exemplars of Sociological Inquiries of Ethics and Morality

Habermas's and Luhmann's theories are the subject matters of this part. Their sociology of ethics and morality—though they have never claim exactly what specific sociological perspectives are used to conceptualize ethics and morality in their theories—are extracted from their general sociology. What this part seeks to accomplish is to link up the fragments of discourse on ethics and morality in their general theory and attempts to construct a whole picture about their sociology of ethics and morality. Further, this allows for comparison in the next part be undertaken to draw research results.

Although discourse ethics has little apparent linkage with the code of the moral, the result of inquiring two theoretical edifices is that ethics and morality therein are closely related to the problem of social order, and specifically moral order. Discourse ethics as a reflective form of communicative action recovers moral order (in a *value-neutral* sense) by rational discourse that can redeem validity claims rationally and morally.[1] Similar to Durkheim, what is normal is moral as well (see table 2). The sociological meaning of discourse ethics, but not its philosophical or political interpretations, illustrates the normal state of social life which is not a pregiven automated patterning, but is instead a collective endeavour that requires our participations.

However, ethics and morality in Luhmann's sociology do not have such privileges.

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[1] While discourse ethics inevitably grounds on the communicative action within the lifeworld, it leans on the argumentative discourse rather than the communicative action. In fact, as Habermas noticed (cf. Habermas 1990a, pp. 100-101), discourse ethics, to a certain extent, calls for a higher standard of rational self-reflection but not a taken-for-granted communication. In most situations the latter resolves disagreements in light of authority, norms, or commonly defined situations rather than overt argumentations (cf. Rehg 1994, pp. 34-35).

Rather than an overarching position for social integration, such as Parsons's value consensus, Durkheim's social solidarities are engendered from normal division of labour, and Habermas's discourse ethics, ethics and morality for Luhmann are subordinated to systemic operations and become semantics for complexity reduction. In so doing, social order is amoralized in Luhmann's general sociology, in which other semantics, e.g. risk, anxiety, and intimacy, can replace morality at both the social and inter-human levels. More important is that social order is self-produced according to the order from noise principle, and therefore no additional *a priori* institution (e.g. value consensus) is needed to impose upon the situation of double contingency, in that order is emerged from noise (below) but not from prescribed patterns (above). In short, what is normal is not a matter of moral or immoral, but amoral; and ethics and morality are not the explanans of social order but an *a posteriori* explanandum.

Chapter 1: Habermas's Discourse Ethics and The Theory of Communicative Action

To respond to the predicament of the subject-oriented social theory, two different approaches are developed to expound from the Cartesian pursuit of the first philosophy that ontologizes subject to be the elemental unity of society. We are going to see that, together with ethics and morality as the social phenomena, substantive and concrete social units are gradually de-substantiated by formal procedures and then deconstructed by systemic abstractions into form. We certainly do not aim at prescribing any evolutionary development in sociology by merely comparing Habermas and Luhmann, but rather postulate that in order to understand ethics and moral phenomena in the contemporary society, theories—as an intellectual construction for a general understanding of reality on the one hand, and reflects societal condition as a description on the other hand—concerning substantive content and concrete unity are no longer convincing in this regard. Based on these postulates, the contemporary complex society inevitably can be handled only with a sociology formulating on the dynamic social relations but not the static and concrete social units, in this way social relations are interpreted differently in terms of communicative actions mediated linguistically among social actors, and in terms of communications dovetailed by system selections. As such ethics and morality in sociology go beyond the limitations of facticity and subjective ideation by attributing to substantive units, and then developed into communicative procedures and sheer communications. Hence, this chapter begins with Habermas's linguistic approach to see how can ethics and morality be incorporated into sociological discourses.

1.1. Discourse Ethics

Discourse ethics is not designed specifically for sociology. It involves discussions on moral philosophy and political ethics that increases the difficulty to extract appropriate sociological insights. However, the philosophical and political origins of Habermas's general theory are indeed influential to the construction of discourse ethics, thus discussions in this chapter will inevitably involve other aspects of discourse ethics. But, conversely, this theoretical complex highlights the peculiar *totalistic* nature of discourse ethics, which is closely related to his theoretical origins, e.g. critical theory, Max Weber, pragmatics, etc. Hence this chapter would like to discern different aspects of discourse ethics, and at the same time correlates their contributions to Habermas's sociology of ethics and morality; also, this chapter demonstrates the transition of Habermas's philosophical interest on ethics and morality to a sociological one.

To begin the discussion, first and foremost, the salient overtone of *reconstructing* and continuing the legacy of Critical Theory—partook by Max Horkheimer, Theodor Adorno, and Herbert Marcuse—of discourse ethics should be highlighted (Wiggershaus 1994, pp. 636ff).[1] This legacy is closely related to the continuation of the project of Enlightenment to provide practical direction for social life by the coupling of rationality and morality. For Habermas, the Frankfurt School theorists' relentless critiques of the purposive-oriented rationality prevalent in modern society are still bounded to the conditions of the philosophy of subjective consciousness, exemplified in the aesthetic mimesis, which have already exhausted the potential of both the critical and self-negation power of the consciousness (Habermas 1984,

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[1] The aim to construct the theory of communicative action by Habermas is, of course, not for the theory as such, notwithstanding, to solve the aporias of the social theories that all fail to extricate from the deadlock of the "dialectic of enlightenment", either by means of immanent critiques (*á la* the Frankfurt School) or by irrationality which undermines the foundation of rationality (*á la* postmodernists). In this regard, the theory of communicative action seeks to supersede both of them by embarking on the critique of society that suffused with the functionalist reason (Habermas 1987a, pp. 374ff).

pp. 389-390). Following Weberian diagnosis of the societal rationalization, into which formidable purposive rationality penetrates almost ubiquitously the subjective consciousness and the objective social reality, the only way out suggested by Frankfurt theorists is to discard purposive rationality and replace with negative dialectics to eschew the entwinement of reason and myth at the outset of the Enlightenment.[2] Negative thinking instead of positive pursuit of identity is the indirect strategy to subvert social suppressions of the capitalistic machine; however, the concomitant skepticism and moral relativism undermine the normative societal structure as well as the possibility of positive social reconstructions. It signifies the apex of the philosophy of subject and then stuck into the impasse of post-modern thinking, and yet the situation after this negative theorization has not gotten worse (Habermas 1984, pp. 386ff; 1987b, pp. 106ff).

The only way out of this aporias is to reconstruct social theory with the long ignored fundamental linguistic competence of language—as dialogue was once the heart of human essence in Socrates's eyes—and pragmatism to pursue the authentic framework of human praxis in practical discourses (Bernstein 1988, pp. 196-197). Even the rationality achieved by aesthetic mimesis can only be released in communicative action through the communication of the authenticity of subjective expressions (ibid., p. 390). In short, the theory of communicative action is a new hope to reflect on the development of societal rationalization and this sort out the possibilities to evade from the paradoxical predicament, and likewise, the ethical competence of everyday life action is rehabilitated by communications and discourses among linguistically competent speakers. Under this background discourse ethics should not

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[2] Refer to the thesis of the "dialectics of Enlightenment", the entwinement of myth and enlightenment shows that rationality as the myth of enlightenment could be easily slipped into a modern barbarism, as the goal of an action is replaced by the means and thus reason shrinks into the purposive rationality. Echoed with Weber's paradox of societal rationalization—instrumental rationality overrides value rationality and thus neutralizes the substantive content of an action—the critical theorists extend Weberian thesis by exhausting the philosophy of consciousness in the way of negation of negation without any hope of a synthesis, and as a result the negation power of a subject is self-undermined. Cf. Horkheimer and Adorno's *Dialectic of*

be a *sheer* philosophical ethics that pursuing the completion of the theoretical system, but rather a socially-relevant metaethics that can contribute to the conceptualization of sociology of ethics and morality.

1.1.1. Discourse Ethics as the Sociology of Ethics and Morality

Discourse ethics as a sociology of ethics and morality should not be confined to the philosophical ethics, as long as its sociological relevance is identified to distinguish it from other ethical theories. Characterized by the discursive procedure, discourse ethics is a *"sociologized" Kantian ethics* by virtue of the *intersubjective participations* which is essentially social.[3] To distinguish this meaning of "sociologization" from the social ethics, one needs to focus at the methodology and analytical level of discourse ethics, in which a new light of rational understanding of the meaning of action is shed via the analysis of the linguistic components of communicative action. Discourse ethics aims at a higher level of understanding of ethics and morality in society, instead of a general description and then an *ad hoc* normative judgment, which cannot be grounded on social philosophy unless the sociological concept of action, meaning, and understanding are introduced.

Enlightenment (1972) and Adorno's *Negative Dialectics* (1973).

[3] Kantian ethics has long been imputed as a self-centered elitist moral idealization, that is, a deduction of the universal moral principle by intellectual self-reflection and justification of a moral maxim as the ultimate ground of morality. Empty formalism and incapability to cope with moral virtues are two detrimental problems of this line of argument; yet more importantly, it more or less justifies the elitist enactment of moral rules for the public by the reason of their virtuosity. Hence Kantian ethics cannot discriminate the Nazi's racial extermination to be immoral as long as the massacres are justified to be moral by Nazis' own conscience with the disguise of racism and nationalism. In this light discourse ethics allows intersubjective participation and forms the consensus by considering, and at most includes, all affected. Therefore a true collective will formation instead of an elitist moral imagination is actualized, and in the progress of discourse the social contexts of participants are brought along with them for discussion, together with everyone's lifeworld. That is why we can say that discourse ethics is a "sociologized" Kantian ethics in terms of entailing and considering social conditions. Under this sociologization, analysis and normative concern can be assimilated in the sociology of ethics and morality, and this synthesis also extends to mediate individual subjective viewpoints (e.g. rational choice theory) with collective action systems (e.g. Parsons) by constant communicative practices.

Unsurprisingly, the methodology of sociology of ethics and morality depends heavily on the ideas of the preceding sociologists. Understanding meaning as the basic element to coordinate interactions in social life is neither subsumed to the positivistic nor the hermeneutic tenets, whereas the meaning of moral action can be understood only if one participates and observes simultaneously during discourse (Habermas 1984, p. 132). That is, understanding is possible only if one joined in discussion and raised claims explicitly to reveal the underlying meaning (cf. Habermas 1984, chap. I.4.). Pure participation in action situation in an ethnomethodological approach is unable to obtain objective and general meaning of social and moral phenomena. Likewise, an objective and external observation in a positivistic attitude is also incapable to penetrate the actor's subjective meaning and thus restore the authenticity as well. Only by participating in *rational discourse* can both advantages be synthesized. Therefore the fact/value distinction along the discussion on ethics and morality in sociology is resolved by the common ground of fact and value—communicative action. The presupposition of the antinomy of subject/object in the philosophy of consciousness is transcended by pragmatic structure, in which both fact and value are communicative results instead of being pre-established state of affair or subjective meaning.

Besides this new breakthrough in sociology, the philosophical aspect of discourse ethics contributes much to the formalization of ethics and morality. Discourse ethics relies much on the formalistic, universalist, deontological, and cognitivist position of deontology,[4] yet the

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[4] Discourse ethics is deontological because "moral judgments serve to explain how conflicts of action can be settled on the basis of rationally motivated agreements [and] to justify actions in terms of valid norms and to justify the validity of norms in terms of principles worthy of recognition" (Habermas 1990a, p. 196), which is contrasted to the consequentialist ethics which justify action and validity by the measure of success. Discourse ethics is formal because the formal rule that explains "how something is looked at from the moral point of view" (ibid., p. 198), but do not evaluate by fuzzy contexts. And formal ethics provides principles of universalization only at the expense of separating moral judgments from examinations and justifications of needs and interests (Warren 1995, pp. 178-179). Discourse ethics is cognitive insofar as "normative rightness must be regarded as a claim to validity that is analogous to a truth claim" (Habermas 1990a, p. 197), but do

residues of the philosophy of consciousness—monological deliberations on morality stemmed from the human conscience—are further revised by intersubjective discourse, and thereby a justification procedure of validity claims lies in discourse substitutes the monological self-enactment of moral maxims (Habermas 1990a, pp. 196-198). To revisit Kantian cognitivism is not to return to the abstract contemplation of ethics and morality, rather, Kant's conception of Enlightenment that closely related to his deontology can be realized unless the difficulties of the philosophy of subject is superseded by language. And the realization of the Enlightenment ideal, as overtly avowed in Habermas's writings, by recovering the coupling of reason and morality is apparently the normative telos of social theories.

Yet, different from most moral philosophies, *analysis* of the linguistic structure underlies moral phenomena in modern society is emphasized as well. In fact, what brings Habermas's theory to fame is its excellent synthesis of both normative concern and analytical rigor into a novel *normative and analytical social theory of ethics and morality* without entrapped into the conventional misrecognition of the absolute dichotomy between normative and analytical theories. It can be done in that *language as such is an analytical yet normative structure* characterizing our social life via communication, and precisely at this point, reason and morality can be integrated in communicative action, instead of depends on the integrative capacity of the solitary practical reason postulated by Kant. Only thus can Habermas's theoretical project be called the continuation of Kantian Enlightenment ideal.

Indication of the authentic conceptualization of moral phenomena, in addition to an appropriate method of probing, requires clarification of the basic unit of morality—value, which involves *political* meaning as well. Habermas's participative observation definitely opens a third way for the rivalry of value universalism, as represented by liberalism, and

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not relinquish the factual character of morality. And finally, discourse ethics is universal because the moral principle itself is universally valid, in contrast to the contextualists' perspective that moral validity solely underpins by its context and tradition.

value contextualism, as represented by communitarianism. Participative observation demands sociologists to join in a discourse by asking, defending, justifying, and describing one's validity claims linguistically, in which substantive values are sublimed to a universal level as a result of consensus. That is to say, communitarians' claim to the irreducible context and liberals' claim to the necessity of generality and universality is mediated by practical discourse—not about the meaning of semantics nor the structure of syntax, but the use of language according to *particular situation* that can be eventually articulated and deliberated to bcome a mutual understanding, namely, *consensus.*[5] In this way, ethics and morality are not particular private values or abstract ideal indifferent to everyday life; discourse ethics is in fact a *practical procedure of justice* based on the pragmatics of everyday life language.

In so doing the distinctiveness of Habermasian sociology of ethics and morality can be demonstrated by distinguishing its sociological aspect from moral philosophy and political ethics. Unlike philosophy, discourse ethics pinpoints that ethics and morality are not independent and isolated to social situations, as long as under the condition of modernity the illusion of value pluralism pervades and any claim to moral universality is ruthlessly challenged. According to this situation, discourse ethics is more flexible than moral philosophy in that sociological analysis of everyday language is undertaken to supplement the loose linkage between theory and dynamic social reality in philosophy. Moreover, sociological analysis distances discourse ethics from strong normative claims—but not non-normative like Luhmannian theory—*vis-à-vis* normative ethics, by virtue of the analytical elements in his rational reconstruction that lies in the theory of communicative action. Thus, discourse ethics can be safely called a sociology of ethics and morality resides at

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[5] Under this meaning, universality of discourse ethics is a *situational universality*, that is, a particular consensus is universal for those effected but do not necessarily have identical effect for others who stay out of that particular discourse. Most communitarians missed this point and mistakenly disavow the transcendental universality which is not prescribed in discourse ethics.

the metatheoretical level.[6]

However, the relation between discourse ethics and political ethics is equivocal. Realization of discourse ethics in the way of deliberative democracy entails both ethics and politics,[7] in which ethics and morality are disengaged from its substantive contents, such as collective sacredness and private transcendental experience, but merely functions to be a conflict resolution mechanism for politics (cf. Cronin 1993, p. xii; Rehg 1996, p. xvi). In this respect, consensus generated by the just procedure rather than compromises based on strategic self-interests is expected by Habermas, and only thus can action be called "moral"—concerning the general interest instead of personal preference.

To respond to these intertwinements between Habermas's sociology of ethics and morality with other disciplines, the totalistic character of discourse ethics should be clarified to explain its multi-purpose nature, that is, it can by no means arbitrarily separated into distinctive political ethics, sociology of ethics and morality, and moral theory. What we can do, at most, is to accentuate its correlation to sociology with the supplementary social theoretical orientations to politics and philosophy, and to state the purposes of discourse ethics may help to conclude its multi-facet formulations.

One of its purposes concerning *sociology*, which have already been alluded to in his theory of communicative action, is that to supply "Critical Theory with foundations in a

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[6] The rational reconstruction of the linguistic basis in the theory of communicative action aims at mapping out the pre-theoretical knowledge of the existential condition of human activities (Habermas 1979, pp. 8ff; Bernstein 1985, pp. 16ff.). Against Chambers's incomplete understanding of the reconstructive nature lies in the theory of communicative action and discourse ethics (Chambers 1995, p. 233), neither descriptive nor normative, but a metatheoretical reflection is more appropriate to denote Habermasian sociology of ethics and morality.

[7] The concept of lifeworld underpins morality and justice in both ethics and politics, provided that "...discourse succeeds in establishing the authority of a rule or norm, then the resolved issue moves, as it were, from politics to the background of 'lifeworld' understandings that we share and take for granted. This is why politics has the peculiar quality of demanding moral competencies of individuals—one dimension of autonomy—without having moral foundations." (Warren 1995, p. 177).

concept of rationality broad enough to escape the paradoxes endured by the earlier Frankfurt School" (Rehg 1996, p. 21), and thus a rational and ethical grounding for social critique is supplied with. Related to *moral philosophy*, another purpose is to recover moral objectivity in a post-traditional world by justifying Kantian principle of universalization argumentatively (cf. Habermas 1990a, p. 44). The third purpose is inferred from the second one, yet with *political* meaning, namely to resolve value conflicts by formulating a normative procedure which can, at least minimally, articulate individual interests and thereby transcends them into collective interest incarnated in a consensus.

Despite the entwinements of discourse ethics and moral philosophy and political theory, the social functions of discourse ethics should be accentuated to sharpen its sociological significance. Social integration and social order that once had been maintained by morality, in the form of social solidarity, becomes marginal and thus loses its integrative function, as Weber correctly presented. However, for Habermas, this is only the consequence of the monological philosophy of consciousness that undermines the coupling of reason and morality. In fact, the integrative function of morality can be redeemed so long as it undergoes a linguistic transformation by the theory of communicative action, and thereby social conflicts based on different value spheres can be settled *peacefully* under the overwhelming consensus generated by rational discourse. This message is always overlooked in critiques against Habermas, in which societal plurality instead of unanimous consensus increases by the mediation of discourse:

> The transitory unity that is generated in the porous and refracted intersubjectivity of a linguistically mediated consensus not only supports but furthers and accelerates the *pluralization of forms of life* and the *individualization of lifestyles*. More discourse means more *contradiction and difference*. The more abstract the agreements become, the more diverse the disagreements with which we can *nonviolently* live. (Habermas 1982, p. 140. Italics added).

In this way the paradox of rationalization can be resolved rationally and morally, and as we

have seen, ethics and morality are understood and functioned as a conflict resolution mechanism. Recalling the argument posed at the beginning of this chapter, Habermas's procedural transformation is a significant step to generalize and universalize moral phenomena with a paradigmatic change from theory of units to theory of relations, and from the substantive to the formal. Of course it is not an explanatory claim that misplaces the concreteness of reality, but a descriptive and analytical statement for the observable tendency in sociology, how it relates to the nature of sociology which will be elucidated in section 3.7.

1.1.2. The Logic of Discourse Ethics

Discourse ethics, *vis-à-vis* Kantian categorical imperative, enacts moral rules as well as validates moral norms from the discursive procedure based on intersubjectivity, but not depends on the practical reason of a person who follows a maxim to universalize a moral norm (cf. Kant 1996, pp. 82, 380). In short, discourse ethics, in terms of moral philosophy, is *a procedure of validation* in place of Kantian practical reason that rest on individual conscience, by transforming solitary human conscience as the evaluation criterion into the intersubjective procedure. In this way, discourse ethics goes beyond subjective ethics which remains entangled with the paradox of the philosophy of consciousness.[8]

This paradigmatic transformation from the monological enactment of universal moral

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[8] The deficit of the subjective ethics can be summarized as follows: by virtue of the practical reason embodied in any rational human being, conscientious individuals can envisage universally valid moral norms by following maxims. That is to say, "act only according to that maxim by which you can at the same time will that it should become a universal law" (Habermas 1990a, p. 197). It is fundamentally flaw in that no prominent objective structure can secure the universality of that moral law. What one adjudicates as moral does not necessarily coincident to the others; thus Kant in fact exaggerated the will power and reasoning power of the individual one-sidedly and was faithful to the potential of every mundane person, which may consequently subject to moral decisionism. In short, Habermas accuses the reduction of morality into the individual intention implied in Kantian morality, and only discourse ethics, according to his saying, can mediate intention avowed by deontology with consequence avowed by consequentialist through intersubjectivity.

rules into the dialogical argumentation based on intersubjectivity can be clearly demonstrated in Habermas's reformulation of the moral principle, that is, the criterion for generalizing maxims of action via rational discourse, into his two principles: the principle of universalization (U) and the principle of discourse ethics (D):

> (U) *All* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone's* interests (and these consequences are preferred to those of known alternative possibilities for regulation) (Habermas 1990a, p. 65).

> (D) Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity *as participants in a practical discourse* (ibid., p. 66).

More clarifications are needed; (U) is the condition for every valid norm but not embodied with any normative claims (ibid., p. 65), in other words, it is neutral in its own right. (U) sets up the impartial procedure for all ethical deliberations to yield a general consensus—in the sense that morality is upheld by everyone's consent—and it can be enacted via rational argumentation among those affected by that enacted norm. However, (D) has already contained the distinctive idea of an ethics of discourse; it presupposes that, we can justify our choice of a particular norm by arguing and vindicating the validity claims (ibid., p. 66).[9]

Habermas proceeds to vindicate that (U) is possible and necessary in the moral argumentation by resorting to the validity of the universal (or formal) pragmatics (ibid., p. 82).[10] Moreover, Apel's transcendental pragmatics helps discourse ethics to draw the criteria of entering a moral discourse, as long as "any subject capable of speech and action necessarily makes substantive normative presuppositions as soon as the subject engages in any discourse with the intention of critically examining a hypothetical claim to validity" (ibid., p. 85). In this vein, any speaker, in his/her very beginning, must presuppose "the structure of their communication rules out all external or internal coercion other than the force of the better

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[9] See section 1.2.2.
[10] See section 1.2.2.

argument and thereby also neutralizes all motives other than that of the cooperative search for truth" (ibid., pp. 88-89). Otherwise, the speaker will be caught up in the performative self-contradiction,[11] namely one has to presuppose the structure of argumentation in advance to any objection of discourse ethics, otherwise one becomes self-contradictory insofar as one criticizes what enable oneself to criticize.

However, despite (U) as the structure of argumentation that requires every locutors to assume in advance, it needs additional conditions for the success of argumentation, no matter how ideal and counterfactual they are. On the one hand, everyone should understand what are his/her real interests, and on the other hand it requires an equal opportunity to express these interests. Obviously, ideal speech situation as the counterfactual presupposition is formulated to guarantee argumentation processes.[12]

To elaborate the logic of discourse ethics, William Rehg ingeniously and concisely formulates a detailed derivation of (U) in ten steps to clarify the logic of discourse ethics. Rehg, at first, explicates the assumptions in the derivation of (U). In the first place is to specify the *precondition* of entering a discourse:

> We understand what it means to discuss hypothetically whether norms of action ought to be adopted (Rehg 1991, p. 36).

And then we begin to assume that social norms have an effect of social coordination in two ways:

> (1) A social norm is to be understood as a shared behavioural expectation whose general observance:
>
> (a) has the immediate consequence of coordinating action in potential conflict situations by regulating the satisfaction of the relevant interests of those involved (in light of a value or values the norm defines as having priority for all);

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[11] See section 1.2.5.

[12] Ideal speech situation is a necessary idealizing state for the rational discourse. See section 1.2.5.

(b) has the further consequences and side-effects of contributing to (or at least not hindering) the formation of a specific social order (ibid., pp. 36-37, 40).[13]

Next, we assume the members of a community, though sometimes counterfactually, aim at arriving at a norm through argumentation:

(2) The members of a pluralistic group strive to arrive at a norm (regulating potential interest conflicts) through argument, i.e. on the basis of good reasons (ibid., p. 40).

(2) is crucial for discourse ethics. This assumption bridges Kantian deontological ethics to dialogical discourse ethics, that is, practical *reason* is articulated and assimilated to practical *discourse*. Besides, the condition for a rational argument requires further assumption:

(3) Assume that if a group strives to arrive at a norm through argument, they commit themselves to a discourse which:

(a) is open to all competent speakers on the issue;

(b) gives each participant equal chances to raise and question claims, and to express his or her needs and interests; and

(c) is subject to no internal or external coercions (ibid., p. 41).

It is not difficult to notice that (3a, 3b, 3c) are closely amounted to the ideal speech situation (Habermas 1984, p. 26; 1993, p. 56). After postulating these assumptions, a *hypothetical* thesis (4) can thus be drawn from (1, 2, 3):

(4) The members of this group strive for a norm supportable by reasons which each affected person can accept as good, i.e. reasons surviving after each has been free to question them (1, 2, 3) (ibid.).

A key advance is marked by (4); the formal universality in (3a) is boiled down to the more substantive situation. The specific situations for a rational discourse are here identified by (4) and the conclusion is rationally and discursively drawn if the formal conditions (1, 2, 3) are all fulfilled. It vindicates the criticisms of empty formalism of a rational argumentation

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[13] We can recourse to (U) which states that the consequences of the acting of that norm require all persons who entail in the enactment to accept (Habermas 1990a, p. 66).

process, and yet without entrapped into the contextualist self-limitation on the incommensurability of contexts. However, one must note that (U) actually grounds on two premises beyond the pragmatic rules of the argument to avoid performative self-contradiction, that is, the semantic of social norm (1) and a description of the modern pluralistic situation (2).[14]

After these four steps of derivation, (U) is substantiated by (5):

(5) One can accept a norm on the basis of good reasons if, and only if, one is rationally convinced that the norm's general observance:

(a) coordinates action according to a value with priority for all;

(b) has acceptable consequences for social order (ibid.)

As we can see, (5) is the substantive version of (1) and (4), to which (5) corresponds the ideal generation of norms with observance to (1, 2, 3). After that, (5) is elaborated by (6) to illuminate the standard of evaluation in a discourse:

(6) One is rationally convinced that a value has priority for all if, and only if, one rationally holds that an orientation according to that value may be expected of oneself by others, and of others by oneself (i.e. reciprocal behavioural orientation) (ibid.)

Hence we can see that intersubjectivity takes effect in the evaluation in the way of reciprocal orientations, which can be referred to Mead's notion of "generalized other" (Habermas 1984, pp. 37-40). But this mutual orientation would be at stake if not secured by (7):

(7) One rationally holds a reciprocal behavioural orientation only if one supposes that one's perception of the interests of both oneself and of others is not distorted by the language, conceptual framework, or notion of social order one holds, i.e. that such perception is mediated by an appropriate language, etc (Rehg 1991, p. 42).[15]

(6) and (7) refer to the condition of the lifeworld certainty—for actors to normally

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[14] Habermas does not deny that discourse ethics is an ethics closely related to the modern democratic society (cf. Habermas 1998, pp. 39-41).

[15] This thesis can be founded in Habermas's vindication of the ideal speech situation (Habermas 2001, pp. 97ff).

communicate in the lifeworld—and this certainty is buttressed by the tacitly accepted validity claims. As such one can assume that the communication is undistorted by resorting to the norms that are observed generally:

(8) One can suppose one's perception of interests undistorted only if one can convince others, in terms *they* consider appropriate, that the norm's general observances:

(a) coordinates action according to an interest-regulating value having priority for all;

(b) has acceptable consequences for social order (3, 5, 6, 7) (Rehg 1991, p. 42).

The intersubjectively enacted consensus appears again, insofar as this perception of values and interests is guided by a norm which survives a dialogical give and take. The crucial turn appears here as we can see in (8) that the logic of discourse ethics turns back upon itself, in that *one* must suppose a rational conviction on the part of the *others* (ibid.). In other words, what holds for oneself in (6), (7), and (8) must likewise hold for the others (ibid., p. 43). As such the subject of evaluation in (6) and (7) at this moment becomes precisely those "others" (the original addressees) (ibid.). Thus we can conclude that:

(9) One can suppose their terms appropriate only if one is convinced that those terms do not distort their perceptions of interests, both theirs and one's own, i.e. only if they can show to one, in one's own terms, that the norm's general observance

(a) coordinates action according to an interest-regulating value having priority for all;

(b) has acceptable consequences for social order (6, 7, 8) (ibid.)

Last but not least, we can draw our conclusion of the logical derivation as:

(10) A norm is reached on the basis of good reasons, and a rational consensus thereby attained, if and only if

(a) each of those affected can convince the others, in terms they hold appropriate for the perception of both their own and others' interests, that the norm's general observance (i) coordinates action according to a value having priority for all and (ii) is compatible with social order, and

(b) each can be convinced by all, in terms one considers appropriate, that the norm's general observance (i) coordinates action according to a value having priority for all and (ii) is

compatible with social order (ibid.).

To conclude, the acceptance of "the consequences and the side effects" denoted in (U) purports that 1. the intersubjectively deliberated value has a priority for all participants, on the one hand; and 2. the enactment and observance of a norm have further consequences which are compatible with an acceptable social order (Rehg 1991, p. 43)—the conviction overtly explicated in discourse ethics and the theory of communicative action—on the other hand. At the same time, one should be reminded that 3. the moral point of view conventionally endowed with individual subject is now *decentered*, and then *reintegrated* in the course of rational argumentation—the fusion of the lifeworlds—implies that rational argumentation is not a logical circle but a constant *progressive* coordination of discursive practice undertaken by concrete individuals.[16] In this respect, though rational subject is no longer the point of reference in the enactment of moral norms, we have to discern that interests, values, and needs are nevertheless essentially stemmed from the respect of individual, albeit the definition of these "goods" are intersubjectively adjudicated in the lifeworld (Habermas 1987a, pp. 135ff).[17]

For this intersubjective domain of ethical deliberation, two theoretical implications are salient. On the one hand, individuals are allowed to decide their own interest and need voluntarily through discourse ethics, inasmuch as only procedures are stipulated formally in this *procedural ethics*, while the "inputs" and "output" contents of the ethical discourse are depend on the context and the subjective preference of the participants. On the other hand, this voluntary action is secured insofar as the individual needs and interests are transformed into the intersubjectively normative arguments underpinned by a mutual consent. This *dual character of moral reciprocity* is proclaimed by Habermas in terms of the inseparability of the

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[16] That is, a re-structuring or reproducing the consensus and norms—somehow similar to Anthony Giddens's structuration process.

[17] It replies the communitarians' criticisms on the ultimate status of the definition of good as a "hypergood" (Taylor 1989, p. 63). Also see section 1.1.3.

principles of *justice and solidarity* (Habermas 1990b; Rehg 1991, p. 44). The principle of solidarity is vividly demonstrated in (10b) as far as the moral objectivity claimed by each individual must be submitted to the intersubjective validation. As such the principle of justice is expressed in (10a) by which a valid consensus, that is, a *just* norm, can only be enacted by each individual who has equal and open rights to allege their own position in light of their interests (Rehg 1991, p. 44). In short, rational conviction must be something we arrive at together in a more or less similar direction, but this direction is also a rationally justified direction result from the intersubjective discourse.[18] More importantly, besides the philosophical significance of discourse ethics, the principles of justice and solidarity correspond to the process of *individuation and sociation*, which are the conditions for social integration and the very possibility of social and moral order. In this way the political significance of discourse ethics as a conflict resolving apparatus is all together superseded.[19]

1.1.3. Morality and Ethical Life: From Philosophy and Politics to Sociology

It is without doubt that discourse ethics is very much entangled with moral philosophy, and as shown in the preceding sections, discourse ethics provides an overwhelming universalist perspective to mediate two ends of moral universalism and virtue ethics. Yet, formalism of universal ethics gets a new transformation from solitary maxim examination to dialogical communicative situation, which is significant to reveal the successfulness of

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[18] Some communitarians claim that insofar as every actor has their own telos for their action, this telos can only be derived from the context and tradition, but not from the formal procedure (Kelly 1990, p. 70; MacIntyre 1981, p. 139). As Habermas reiterated, certainly action as a whole must be teleological (Habermas 1984, p. 101), but one should question the foundation of their own tradition and context, which are originally created intersubjectively via communicative actions. That is to say, "there are *tradition-dependent* moral principles which are nonetheless justified by discourse ethics so that they are able to transcend their tradition" (Kelly 1994, p. 73. Italics added).

[19] Certainly, its application is cultural-dependent and somehow Eurocentric—since the theory is formulated on the ground of Western conceptions of democracy, individuality, justice and rights—and yet at the international level discourse ethics, at least, poses the direction of a possible way to yield a consensus peacefully.

proceduralism over either Kant's relatively empty formalism and virtue ethics. Conversely, the disputes between universalist and contextualist can as well have resort to the polemic of modernity versus postmodernity. In this regard, three levels of practical reason designed by Habermas would provide a socio-political framework for mediation between plural values. Also, this framework depicts the possible condition of justice and solidarity, which are the two underlying dynamics of a normative social (moral) order.

Inasmuch as discourse ethics as a procedural ethics is indeed a *metaethics* that does not imply and prompt any normative action (Habermas 1993, p. 14),[20] it can contribute to the sociology of ethics and morality by reflecting and observing ethics and morality through communicative rationality. As a result, the moral *procedure* of universalism and the discursive *practical* discourses correspond to the communitarianism are mediated (cf. Bernstein 1988, pp. 226-228).

The most prominent philosophical significance of discourse ethics is to assimilate universalist and communitarian ethics. As such discrimination of discourse ethics (as a theory of argumentative justice) from the virtue ethics (that concerns the goods of life) should be clarified. The following paragraphs review the definition of ethics (or ethical life according to Hegel, *Sittlichkeit*) and morality (*Moralität*) reformulated in discourse ethics and the differentiation of practical reason into three dimensions—morality, ethical life, and pragmatic—is elucidated (ibid., pp. 7-8).[21]

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[20] Habermas saliently contends against the critique on the incapability of motivation of the moral action by claiming that discourse ethics is "a *purely cognitive undertaking* and as such cannot compensate for the uncoupling of moral judgment from the concrete motives that inform actions." (Habermas 1993, p. 14. Italics added). However, his *normative orientation* that relevant to the entire project of the theory of communicative action should not be overlooked. See section 1.1.1.

[21] The disputes on the relations between morality and ethics, or precisely, on the priority of morality and ethics have long been polemic in the history of moral philosophy: beginning from Hegel's objection to Kantian morality and to contemporary debates between liberal-rationalist (e.g. John Rawls) and communitarians (e.g. Charles Taylor) as well as neo-Aristotelian (e.g. Alasdair MacIntyre). Habermas in this regard can be considered to be a liberal-rationalist, with which a rational procedure for moral deliberations and thus a collective will formation are demonstrated—actually he follows what Kant embarks on (Habermas 1990a, pp.

Table 3   Dimensions and Features of Practical Reason

Levels of Practical reason / Features	Pragmatic discourse	Ethical-existential discourse	Moral-practical discourse
Area of Concern	Empirical, rational choice	Hermeneutical clarification of an individual's self-understanding, clinical questions of a happy or not-failed life	To clarify legitimate behavioral expectations in response to interpersonal conflicts, the justification and application of norms that stipulate reciprocal rights and duties
Ideal State	Suitable technology or a realizable program of action	Correct conduct of life, the realization of a personal life project	An agreement concerning the just resolution of a conflict in the realm of norm-regulated action
Applications	Technical and strategic directions for action	Clinical advice	Moral judgments
Dimensions of "ought-ness"	Arbitrary choice of a subject who makes intelligent decisions on the basis of contingent attitudes and preferences that form his point of departure	Striving for self-realization and thus to the *resoluteness* of an individual who has committed himself to an authentic life	Ought is directed to the *free will* of a person who acts in accordance with self-given laws
Arena for Rationality	The faculty of rational choice does not extend to the interests and value orientations themselves but presupposes them as given	Operates within the horizon of a life history	It is autonomous in the sense that it is completely open to determination by moral insights; Only a will that is guided by moral insight, and hence is completely rational, can be called autonomous
Sources of Validity	From empirical knowledge only, do not relate to the addressee	From the context of specific life history	Only those norms proposed that express a common interest of all affected can win justified assent
Relations between Reason and Will	No internal relation; only related through subjective goal determinations and preferences	Reason and the will condition one another reciprocally, though the latter remains embedded in the life-historical context thematized	The autonomous will is completely internal to reason

Source: Habermas 1993, pp. 8-13.

Some clarifications for this table have to be made. In the category of rationality, instrumental rationality is adopted in pragmatic discourses to resolve practical and technical

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196ff). Yet Habermas distinguishes himself from Rawls by way of which discourse ethics embarks on the dialogical and intersubjective moral discourses, whereas Rawls remains entangled in the monological self-contemplation of the universal moral norms which is still under the shadow of Kant. See Cohen (2002) and Murphy (1994) for more details.

problem in daily life, such that ends are already given, and only the means is available for rational examination. Ethical-existential (or simply ethical) discourses, by the way, refer to the self-reflective interpretation of individual interests and needs by rationally reflect on one's life course. And finally, moral discourse relies on the communicative rationality and thereby universalizes and transcends particular contexts.

On the dimension of subjectivity and intersubjectivity, pragmatic discourse and ethical discourse remained egocentric and monological in contrast to the moral discourse. In other words, moral discourse should be universal and intersubjective, in that the moral point of view is defined as the consideration of all affected by a discourse. Egocentric perspective is being transcended in this regard because the consideration of the other cannot be performed by solitary actor only, though speakers in discourse with one another deliberate and act upon the moral norm according to a maxim (Habermas 1993, p. 6).[22]

In so doing, the moral point of view emerges "as soon as my actions affect the interests of others and lead to conflicts that should be regulated in an impartial manner" (ibid., p. 5). In other words, justice as morality has to be distinguished from ethics. A call for justice initiates the moral discourse, whereas the pursuit of personal telos of life through a self-reflection is the question of the ethical life, as long as personal ethos does not infringe the others' personal welfare and well-being (ibid., p. 6). Hence we can say that *morality is identified with justice and goodness with ethical life* in discourse ethics, and their corresponding concepts of *norms* and *values* are thereby justified,[23] and it is important insofar as morality is formalized and

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[22] Kantian monological ethics confers the power of moral deliberation on the subject only, as shown in his 'Groundwork of the Metaphysics of Morals': "act as if the maxim of your action were to become by your will a universal law of nature" (Kant 1996, p. 73); also one "is subject only to laws given by himself but still universal" (ibid., 82).

[23] Habermas demonstrates the contrast between norms and values in four points:
    Norms and values therefore differ, first, in their references to obligatory rule-following versus teleological action; second, in the binary versus graduated coding of their validity claims; third, in their absolute versus relative bindingness; and fourth, in the coherence criteria that systems of norms and systems of values must respectively satisfy. The fact that norms and values differ in these logical properties yields significant

universalized to yield its sociological meaning.

Besides, ethical life is not necessarily egocentric, if it is linked up with intersubjectivity. The boundary of ego can be transgressed by ethical life insofar as one's identity, life history, and interests are all related to the framework of an intersubjectively shared form of life *vis-à-vis* other's maxims (ibid.). Therefore, morality and ethical life intersect on the plane of maxim—actually it is the core of value—because it ramifies two kinds of question that are directed to them distinctively. For ethical life the question of whether a maxim is good for me is asked, and private consideration is adopted in this regard; whereas the question of whether I can will that a maxim should be followed by everyone as a general law is raised in morality, which has already extended the discourse to others (ibid., p. 7). If the maxims (or generally speaking, value) conflicts with one another, morality instead of ethical life will obtain a higher priority because the preference is given to universality and generality that can integrate maxims by the principle of justice. That is to say, obviously, the problem of distribution—that relates to the political justice—is more important than the problem of self-fulfillment, since more participants are involved in the former problem and it is the prerequisite to resolve the latter question.

Likewise, the dialogically generated consensus through morality discerns itself from the monological strategic compromise, though the latter is commonly adopted for conflict resolutions. Needless to say, morality is not the only means to resolve value conflicts, but we can call it moral as long as the point of departure is not from self-interest but from the interest

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differences for their application as well (Habermas 1996, p. 255)

From these definitions, the differences between norms and values, and between moral claims and ethical claims are elucidated. Although both claims imply oughtness and imperative, the moral claims—following Kant—are essentially grounded on the deontology and its duality—following Durkheim—are manifested; nevertheless ethical claims are teleological that orient to realize goods and values (Habermas 1996, p. 255; Rehg 1994, p. 94). As such norms are in the binary form of valid or invalid, while values are allocated in a hierarchical stratum.

for all.[24] Therefore the utilitarian sense of ethics is essentially immoral in this light, likewise the communitarian ethics that confined in the individual deliberation and realization of virtues within a particular community failed to arrive at moral claims. Rather, *enforced* in-group solidarity and inter-groups conflict are resulted, such that an ethics instead of morality is more pertinent to their virtue-based communal solidarity.

Furthermore, in Habermas's conception, values enter into moral discourse as materials (Rehg 1994, p. 101). Moral norms, similar to other norms, can never be an empty formal norm with absolutely neutral rules of procedure. In this respect, moral norms and ethical values intermesh in application and yet remain separated *analytically*.[25] That is why we call three *dimensions* of practical reason but not three *kinds* of practical reason. Conversely, however, while we attempt to justify a norm among others, one must at least have a sense of goodness, both to him and to other's (see postulate (4), p. 48), insofar as moral norms by definition are yielded intersubjectively, in which a certain extent of sympathetic understanding of the other's needs is necessary.[26] Following this vein, various ethical values and definitions of a good life can be articulated by morality, and thereby can be transcended and universalized by the argumentative procedure.

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[24] It forecasts the shift of Habermas's formulation from morality to law: "[legal] regulations touch not only on moral questions in the narrow sense, but also on pragmatic and ethical questions, and on forming *compromises* among conflicting interest." (Habermas 1998, p. 256. Italics added). At this point, the further development of discourse ethics indicates the change of interest of Habermas from the justification of the condition of procedural ethics to the *institutionalization* of the procedure of justice. Of course, these developments have reached out the boundary of this thesis.

[25] Habermas may distinguish them in the way that justice pertains to "those structural aspects of the good life that can be distinguished from the concrete totality of specific forms of life." (Habermas 1990a, p. 203), and "the necessary conditions for such a life." (Habermas 1985, p. 215; 1982, pp. 262-263). Nevertheless, these delineations are still equivocal, such that we can infer that the distinction is only analytically separated.

[26] Prejudice, inclinations, and perspectives are inevitable yet essential for every understanding of meaning in social life. Cf. Philosophical hermeneutics, especially on Gadamer's conception of understanding meaning (cf. Habermas 1988, pp. 162ff; Gadamer 1994). We can also see Habermas's vindication and insistence of the situational universality of an intersubjective discourse: "If the actors do not bring with them, and into *their* discourse, *their* individual life-histories, *their* identities, *their* needs and wants, *their* traditions, memberships, and so forth, practical discourse would at once be robbed of all content." (Habermas 1991, p. 255).

Conversely, the tensions between formal and substantive in moral and ethical claims are salient. Moral claims cannot and do not oblige to illustrate its substantive content; instead, the formal justice of the procedure is their concern. Therefore, speakers are mediated through formal procedures in the moral claims which are independent of the materials. Whereas ethical claims, as long as it pursues individual (group) values monologically, must reflect upon itself for the sake of adjudicating its telos (Rehg 1994, p. 95). While ethical discourses move *within* particular life history and tradition with all materials it needs, moral discourses nevertheless assimilate these materials to discover and create potential connections and commonalities *across* different self-understandings of the participants by the formal independent procedure with minimal materials entailed (ibid.).

Regarding to Habermas's three levels of practical reason, there are three reasons to justify the priority of morality. Firstly, the perpetuation of social order formed by communicative rationality is the most basic as well as ultimate condition for any further moral argumentations and ethical evaluations, insofar as value conflicts can no longer be settled on the obsolete metaphysical basis (cf. Rehg 1994, p. 99). Secondly, the definitions of the good are rudimentarily intersubjective and communicative insofar as mutual recognition on that particular good is the very starting point of consensus. Morality, so to speak, is essentially the *condition* for individual pursuit of goodness. Even if we strategically resolve value conflicts by compromise, it must still refer, at least indirectly, to moral consideration that governs the *fairness* of the compromise (Habermas 1996, p. 108). In other words, in the same vein as Durkheim's social explanation of signing contracts, compromise has its moral grounding—fairness—to enable strategic communications. Thirdly, combined with previous arguments, different conceptions of good life and identities can arise only if social cooperation is established to a certain extent, or certain expectations (i.e. validity claims) are formed that can resort from previous norms and consensus. That is to say, the tacit

background of expectation and conviction to cooperation exist precedent to further pursuit of goodness. More importantly, if these expectations are violated and disrupted at any rate, explicit discursive amendments must be undertaken to secure other technical or value pursuits (cf. Habermas 1990a, pp. 199-202; 1990b, pp. 243-247).

To accentuate the synthetic and totalistic nature of discourse ethics, its philosophical, political, and sociological meanings are discerned. Discourse ethics as cognitive analysis and justification of morality and as sheer procedure for collective will formation cannot extend to *decide* what constitutes goodness of a human life, whereas it can only direct and instruct particular goods to become a collectively and rationally motivated pursuit of good life *based* on the principle of impartially (Habermas 1990a, pp. 196-197). As such, morality shifts from the misconstrued role of active enactment of moral action to the correctly assigned role of passive delimitation of the pursuits of individual happiness, in the way of articulating the others' pursuits of happiness to be a condition for one's particular pursuit.

In this way discourse ethics (as a political ethics) can be conceived as a *regulative procedure* for various conflictive value positions affecting one another, as Habermas would term it as the "generalized values" or "abstract basic values" (Habermas 1987b, pp. 344-345). In this way, value does not juxtapose with ethical values at the same level, nor a "metavalue" in the sense that overrides other values from the top of the value hierarchy, but a "metavalue" that motivates the *universalization* of interests, goods, and needs.

Thus, the voluntarism posed in Parsonian theory is hereby assimilated in this metavalue by way of participants raise challenges and justifications for the others' validity claims, as well as vindicate against criticisms by redeeming validity through rational justifications. As such social order built up not *only* by the suffusion of the division of labour, which may eventually fall into the necessity of reciprocity of functions in systems, but also constitute of interactive practical discourses in which meaning and lifeworld are neatly integrated.

The above intertwinement of different aspects of discourse ethics also appears in question of justice and solidarity. Habermas prompts that discourse ethics has the integrative power to ground justice and the common good (Habermas 1990a, p. 202). As we have already explained (postulate (10)), the principle of universalization is endowed with solidarity as the outcome. In derivation (10b) we can find the principle of solidarity demanding the submission of each individual's claim to moral objectivity to the intersubjective testing (Rehg 1991, p. 44). However, this form of solidarity is rather a "weak form" inasmuch as discourse ethics requires participants to evaluate norms out of one's own conscience, but at the same time transcends them as an intersubjective endeavour (Rehg 1994, p. 107).[27] As such solidarity is the "reversed side" of the same coin of justice, but not something additional to the latter (Habermas 1990b, p. 244; Rehg 1994, p. 107). This solidarity generated by discourse ethics "socializes" participants—in contrast to justice which "individualizes" speakers in the discourse—by forming the tacit elements of the moral discourse: individual autonomy, concern for the welfare of the individual, and concern for the integrity of the shared lifeworld (Rehg 1994, p. 107; cf. Habermas 1990a, p. 200).

1.2. The Theory of Communicative Action: The Sociological Foundation of Discourse Ethics

The sociological meaning of discourse ethics can be emphasized to extract pertinent sociological elements to construct Habermas's sociology of ethics and morality. Following previous sections, it is not difficult to note the redemptive character of discourse ethics. For this section, what discourse ethics seeks to redeem is in fact the tacit communicative situation conducted by communicative action and backed up by shared lifeworlds. In this respect,

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[27] By contrast, the "rigor form" of the solidarity can be anticipated as the completely internalized conviction to the collective values. Unlike its counterpart, no further rational justification on this coincidence is needed.

discourse ethics can be construed as a *conscious* and *reflective* redemption, yet if it is conceived at the societal level, Habermas believes that communicative action and discourse ethics are two interdependent elements of an *unconscious reflexive* process, since the discourse situation constituted by universal pragmatics is endowed with the potential of reason and morality. It does not mean that discourse ethics is one of the autonomous recursive systems of ethics, but this reflexive process requires certain empirical conditions to initiate. However, the idealizing tendency of discourse ethics engraved in pragmatics will never be lost even if social reality cannot provide sufficient underpinnings, and thus it is modest to say that Habermasian sociology of ethics and morality in fact anticipates a normative moral order—an order maintained by coupling of reason and morality (see table 1 in introduction).

Besides its theoretical aspect, the features and methodology of discourse ethics can be traced back to the theory of communicative action as a general theory of society. In fact, discourse ethics is only one stream of it as long as it rests on one of the three discursive justificatory claims to validity, that is, normative rightness claim. The dichotomy of fact/value is bridged up by means of allocating them into different validity claims in everyday discourses, thus fact and value have a common grounding and normative claims hereby shares objectivity with science. The implication of the grounding given by communicative action points to the core yet often neglected human activity in everyday life—communication. Neither semiotic nor structuralist approaches is adopted by Habermas, instead, pragmatics is introduced to reconstruct the underlying rational element of our speech acts and illustrates our condition of social life. And in a broader sense, the dynamic of social life could not bypass lifeworld, through which moral order is thereby maintained.

1.2.1. The Paradox of Rationalization and the Paradigmatic Change

Everything begins with the problem of philosophy of consciousness. Weberian rationalization thesis that shared in the philosophy of consciousness inherits to Horkheimer and Adorno's dialectic of enlightenment, in which the hope to emancipation is likely annihilated owing to the entwining dialectics of myth and enlightenment. According to Habermas, they have exhausted the potential of the philosophy of consciousness and the only way out is to discard their foundation (Habermas 1987a, p. 339; 1987b, pp. 295-296). Under the framework of the philosophy of language, Weber is fundamentally erroneous to say that value spheres must conflict with each other and only the purposive rationality can be the ideal type of rationality. This one-sided understanding of the rational action ignores the communicative type of action that prevails in everyday life. In other words, Weber is blinded to the two separated levels of fact and value, formal and substantive.[28] Besides, while the particular contents of the value spheres conflict with each other, universal and formal standards of value secured by argumentative redemption of validity claims is still possible (Habermas 1984, p. 249). Moreover, the particularity of substantive conflictive values and coordinates action mediated by purposive rationality can be transcended by procedural rationality and thus understanding instead of success is the inner telos (ibid.). In short, purposive rationalization is merely one but not *the only one* possibility.[29]

The philosophy of consciousness begins in the purification of consciousness by

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[28] We can, precisely, say that Weber conceptualizes the formal/substantive distinction *merely* as the objective/subjective distinction, but cannot coordinate and synthesize these two ends into a broader meaning of rationality. In this regard, Habermas reconstructs rationality by introducing formal pragmatics as the linguistic basis of social life (Habermas 1987b, pp. 322-323). See section 1.2.2. for more details.

[29] Habermas demarcates the "logic of the developmental possibilities" from the "dynamics of worldview development" (Habermas 1984, p. 195). The former refers to the evolutionary logic of social differentiation and social rationalization; particularly he specifies the rationalization of the lifeworld as such. This logic of rationalization is universal and irreversible. On the contrary, the latter denotes the historical trajectory of rationalization, in which the systemic rationalization is insurmountable and the colonization of lifeworld is witnessed. This kind of rationalization is historically specific. Weber only discovers the dynamic of development but neglects the developmental logic (ibid., pp. 194-198, 220-222).

self-reflection in Cartesian philosophy, exemplified in the famous slogan "I think therefore I am". Self-consciousness is in this light the basic reference point of the world, that is, the world exists by virtue of the perception of the self. Segregation of subject and object is the corollary as the basic cognitive and ontological framework, and reconciliation of both sides is conceived from either the perception of subject (Subjective Idealism) or the incorporation of subject into object (e.g. Hegel's "absolute Spirit") (Habermas 1987b, pp. 21-23). Nothing but Reason is the only agent and capacity of subject to mediate with the objective world constituted by the physical environment and the social environment (i.e. other people). According to the Cartesian-Kantian Rationalist tradition, Reason is fragmentized and confined to the cognitive domain; and subjectivity endowed with reasoning power has tried to provide a substantive foundation for other spheres, e.g. belief, morality, and art (ibid., p. 19).[30] This postulation of the principle of subjectivity and the structure of self-consciousness residing in reason are suffice to be the source of normative orientations is sharply criticized by Hegel (ibid., p. 20). Such that in his *Phenomenology of Mind* Hegel gives us his basic principle of self-estrangement to explain the dialectics of Reason—that a rational being through its deliberation must generate its estranged other, thus breaking the bad faith of reason that can encompass freedom, reflection, and unification of subject-object at the same time by the incessant dialectical processes. Subjectivity, therefore, is transformed into the realization of dialectics that oriented to the absolute, and, after all, reaches the absolute Spirit embodied in pure Reason.

The underlying intention of evading from the Cartesian-Kantian notion of Reason, which is demonstrated in French Revolution, is that humanistic Reason has long been accompanied with terror (ibid., p. viii). The development of the philosophy of consciousness after Hegel

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[30] Kant's attempt can also be shown in the chronology of his publication of three "Critiques": *The Critique of Pure Reason* (1781) (truth and belief), *The Critique of Practical Reason* (1788) (morality), and *The Critique of Judgment* (1790) (aesthetics).

follows the track of anti-rationalism, which repudiates the metanarrative of a "universal", "abstract", and "a priori" Reason, exemplified in Nietzsche, Horkheimer and Adorno, Heidegger, Derrida, and Foucault—all of them seek to evade from the entwinement of Reason and terror (ibid., p. ix). Ethics and morality are hereby sterile as long as they incur to the complicity to conflict advocators (as pluralistic incommensurable values and cultural traditions). For those anti-rationalists, rationalization and Enlightenment—or simply speaking, reason and morality—cannot bring us a better future of emancipation but even a darker winter with totalistic repression.

Numerous attempts seek to disentangle from either Rationalist or irrationalist approaches, for example, Dieter Henrich's formulation of subjectivity aims at extricate from the self-referential vicious circulation of self-consciousness by assuming an ego-less consciousness. However, he failed by virtue of fading into mysticism and objectivism without solving the paradox of self-referential subjectivity (Habermas 1984, pp. 394-395). Any form of self-reference of subjectivity, including Luhmannian autopoietic systems, cannot eschew the paradox unless another "dialectical synthesis" in everyday life (ibid., pp. 396-397). Rehabilitation of Reason can be achieved not in the way of reviving any form of value-oriented rationality resting on individual conscience, but instead an *intersubjective sense of rationality mediated by language*; and actually this normative orientation underlies Habermas's whole theoretical project.

1.2.2. Universal Pragmatics: The Foundation of Moral Order

In addition to the normative aspect of discourse ethics, another no less, or even more important side—analytical reconstruction of the human condition linguistically, that is, as "a reconstruction of everyday institutions underlying the impartial judgment of moral conflicts

of action" (Habermas 1990a, p. 119)—has to be seriously considered. Universalization of the *cognitive* conditions of every social action is grounded on the universal pragmatics as a reconstructive science (Warren 1995, p. 180), in which argumentations can be undertaken rationally according to the justification and redemptions of validity claims with a scientific status—"to elucidate the depth grammar and rules of 'pre-theoretical knowledge'." (Bernstein 1985, p. 16).

Elaborated from Habermas's standpoint, the quasi-transcendental theory of language is the most feasible and desirable way to supersede the philosophy of consciousness which ultimately leads to social pathologies.[31] This transcendental argument for retaining rationality without concomitant with the self-preservation of self-consciousness is based on the idea that "the possibility of unconstrained rational consensus is something presupposed by the most fundamental use of language: its use to arrive at what he calls 'reaching understanding'" (Wood 1994, p. 237; Habermas 1979, p. 1).[32] This transcendental power of language transcends the particularity of self-preservative subjectivities in light of universal pragmatics as the mediation between subjectivity and intersubjectivity—in which that latter is identified

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[31] Language is so-called "quasi-transcendental" because Habermas claims that language is the ultimate and universal basis for action, as well as "*a priori*" in the sense that the structure of language exists before any particular individual born. However, language is transcendental in the sense of a situational universality instead of K.-O. Apel's *a priori* structure of language, which is still resided in the tenet of the transcendental philosophy (cf. Habermas 1979, pp. 21-25). Differences between them can be enumerated: 1. universal pragmatics concerns language rather than self-consciousness which is pertained to the transcendental philosophy; 2. universal pragmatics is empirically grounded on the observable linguistic competence of speakers, yet self-consciousness relies on the intuitive intellection; 3. universal pragmatics does not claim to provide an *a priori* knowledge, whereas self-consciousness proclaims its *a priori* status (cf. ibid., p. 24).

[32] We have to specify what does "reaching understanding" means. Habermas explicitly explains that reaching understanding in fact is a process of reaching agreement between speaking and acting subjects. This agreement is not a *de facto* accordance but a rationally motivated consent to the content of an utterance. In short, it is an agreement among speakers with different interests and cultural backgrounds that based on the *common convictions* (Habermas 1984, p. 287). As Habermas explained: "Coming to an understanding [*Verständigung*] means that participants in communication reach an agreement [*Einigung*] concerning the validity of an utterance; agreement [*Einverständnis*] is the intersubjective recognition of the validity claim the speaker raises for it." (Habermas 1987a, p.120). Consensus, in this regard, is not a political or practical consensus but a *cognitive* consensus (Warren 1995, p. 180). More discussion on it will be shown in section 3.2.2.

with the social and the collective.

The significance of reaching understanding has to be clarified. Understanding via communication is actually the *cognitive and normative conditions of social life*. Without understanding, actions cannot be coordinated because of the perplexed interactional situation. Therefore, only through reaching understanding can meanings be mediated and social life be possible. This is the cognitive condition. Regarding its contribution to the normative condition of social life, reaching understanding prescribes a *normal* social life, which is as such rational and moral. Rational and moral social life are construed value-neutrally, in which what constitutes the criteria of reason and morality are open for discussion, but the *normal form* of social life, according to Habermas's theory, should be the outcome of the coupling between reason and morality, and that the fundamental condition that enables the appearance of social order is reaching understanding as well.

Back to the discussion of language, not all types of language, but only pragmatics, are considered to be the justificatory foundation of moral universality. Simply speaking, universal pragmatics is a formal analysis of the use of language *performatively*. It differs from the analysis of syntactic structures (syntax of a particular sentence) and the semantic meaning (meaning of the words), in the way of an analysis of speech acts or utterances (Habermas 1979, p. 7). It aims at providing "an explicit description of the rules that a competent speaker must master in order to form grammatical sentences and to utter them in an acceptable way" (ibid., p. 26). Under this meaning, these pragmatic rules are *universal* for all human beings as long as one can manage the use of language, which means a "general and unavoidable presuppositions of communication" (ibid., p. 23). The rational element of speech acts, which constitutes communicative action, appears at the formal level of the *argumentative redemption* of validity claims (Habermas 1984, p. 249).[33] Hence, subjective speakers uttering

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[33] Four types of validity claims that reside in the formal pragmatics insofar as speakers utter speech acts; they

speech acts that oriented to understanding obtain an "illocutionary force" to coordinate interpersonal relationships.

Each illocutionary speech act represents a "universal-pragmatic category of meaning" (Habermas 1979, p. 44). This linguistically-constructed meaning directs speakers to argue with the acceptability of validity claims in each speech act, and thus orients them to reach understanding by rational justification and rational doubt to the validity of speech. In short, *the goal of a speech act is to be accepted by the hearer*. Habermas refers to J. L. Austin's analysis of pragmatics to discern three kinds of speech—locutionary, illocutionary, and perlocutionary—to indicate different kind of linguistic coordination of the objective, intersubjective (or social), and subjective formal worlds relations.[34] Once the speech is performed, it is already endowed with an effect of action by denoting a truth claim, rightness claim, or sincerity claim. In short, all speech acts have a cognitive and a communicative dimension.

An illocutionary act can be called successful if both parties of a communication reach an understanding *and* accept each one's validity claim (ibid., pp. 290-291). In so doing, the

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are: 1. claim to comprehensibility; 2. claim to truth; 3. claim to the normatively right; 4. claim to truthfulness (or sincerity). All refer to the precondition of understanding a speech act, whichever it is comprehensible, describes a true state of affair, speaks appropriately in certain situation, or expresses one's authentic subjective feeling (Habermas 1979, pp. 2-5). Habermas in his later works reduces four validity claims to three types, by assuming that comprehensibility is the precondition of communication (Habermas 1984, pp. 10, 39). Moreover, the validity claims of speech acts are in principle open to criticisms because they are grounded on the formal world-concepts, that is, the validity claims correspond to different worlds—the objective world, the intersubjective social world, and the subjective world respectively (ibid., p. 50). All three worlds and validity claims are related to the world *simultaneously* by stressing any one of them *thematically* (Habermas 1987a, 120). Thus language via validity claims which obtain both normative and factual characters is able to connect to the factual reality (ibid.), and that different formal world-concepts only act as the references conferred by speakers, insofar as they communicates in the lifeworld, but not connote that three types of real world other than the lifeworld (ibid., pp. 125-127).

[34] These arguments are summarized in figure 16, p. 329 (1984). Locutionary speech depicts the content of a prepositional sentence, thus expresses a state of affair which refers to the objective world that can be evaluated by the true/false description of a particular affair (Habermas 1984, p. 288). Illocutionary act, however, means that a speaker performs an action in saying something, for example, "I hereby promise (or command, or confess) you that p" (ibid., p. 289).

validity claims of the utterance are measured against the understood norms stemming from the lifeworlds—which is the commonly presupposed criterion shared by the speaker and the hearer (Wood 1994, p. 239). In most situations, both partners accept the validity claims in everyday life *tacitly*, in that we understand the speech of the others and respond to him/her with another utterance without any doubt to his/her validity.[35] This taken for granted consensual communication will perpetuate unless a challenge to the validity claim is raised, and then the consensual situation would be hereby bracketed, suspended, and disrupted, leading to a rational discourse for the sake of resuming the consensual status (cf. Habermas 1990a, pp. 201-202).[36] Above all, the ethical implications underlying rational discourse and communicative action become salient, in that "argumentation is a reflective form of communicative action and the structures of action oriented toward reaching an understanding always presuppose those very relationships of reciprocity and mutual recognition around which all moral ideals revolve in everyday life no less than in philosophical ethics."

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[35] Münch provides an excellent example to demonstrate the mechanism of communicative action (Münch 1994, pp. 242ff). A football fan wants to re-enter the stadium through the main gate after went outside for a while without his ticket. The gate official tries to stop him, unless he can present his ticket. Therefore the fan and the official interact in different possible manners, and the best possible way is that the official knows the fan and thus allows him to access directly, in which the silent mutual understanding of communication is demonstrated. If it is not the case, then the fan needs to persuade the official for the permission to access. The fan may justify his re-entry by saying that he does not have a ticket in hand because he left it in the bag on the seat. The official may (or may not) suspect the fan's sincerity and ask for more justifications. Then the fan says he just went out for a while and hope that the official recognizes him. This claim also opens the possibilities of being accepted or rejected. In this light, the communication goes on by way of argumentation based on the rational justification of each one's validity claim. Indeed, the fan can use another means rather than persuasion to achieve his goal, for example, to beat the official or to bribe him; however, this surrender of rational discourse will only lead to conflict and suppression. Yet, this situation remains entangled in the paradoxical situation of rationalization, and an unstable basis for ongoing interaction is resulted (Cronin 1993, p. xxix). Likewise, the fan may perform strategically to deceive the official; however, Habermas would argue that the strategic action that based on the perlocutionary speech act also requires reaching understanding as the *precondition* of coordinating speaker's and hearer's actions: "not only do illocutions appear in strategic action contexts, but perlocutions appear in contexts of communicative action as well" (Habermas 1984, p. 331).

[36] Ciaran Cronin neatly summarizes the relationship between communicative action and discourse: "Habermas describes discourse as a *reflective form* of communicative action—only in discourse is the issue of validity thematized in a universalistic manner that transcends the limits of a particular community" (Cronin 1993, p. xxix. Italics added).

(Habermas 1990a, p. 130).[37]

Alternative communicative means, however, are also possible insofar as the speaker intends to impose an effect *upon* the hearer through perlocutionary speech acts, and orients to success as long as the hearer acts according to the speaker's perlocution (Habermas 1984, pp. 289ff). In this respect, perlocutionary act indicates the integration of speech acts into contexts of strategic interaction (ibid., p. 292), and this is a special class of strategic action, contra communicative action, that employs illocutionary act as the means of action coordination (ibid., p. 293). Even strategic action cannot be exempted from the stipulation of universal pragmatics in that strategic actors find their basis on mutual recognition to coordinate actions in the course of strategic maneuvers and compromises. Again, the cognitive and reconstructive characters of universal pragmatics are recapitulated to be the condition of any possible communication.

To conclude, universal pragmatics finds its significance in the theory of communicative action as 1. it identifies the unavoidable presuppositions in communication, whether strategically or communicatively performed; 2. "it is not concerned with the pragmatics of particular speech situations but with a general "species" competence" (Fultner 2001, p. ix); and 3. it reconstructs the formal rather than substantive conditions of reaching mutual understanding (ibid.),[38] namely, procedural collective will formation transcending particular

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[37] In so doing, the possibility of a redemption of validity claims, which is equivalent to the conditions for the validity of an utterance, can only be secured by the rational justification. Moral correctness can thus be defined concisely as "that we could redeem this claim in an ideal conversation. To put this in another way, to believe something is right is to believe that we have good reasons to hold this position." (Chambers 1995, p. 233). Therefore, in a rational discourse, both partners are motivated to reach an understanding and agreement. In reality, of course, limitations on rational discourses exists all the times, however, "the presence of distorted communication patterns does not constitute an argument against the universal pragmatic[s]" (Benhabib 1994, p. 293), in that the theoretical logic and its application are clearly demarcated with the reason of which discourse ethics is merely a metaethics without any strict normative prescriptions, and reaching understanding and agreement are only the "condition for arguing about this or that fact or norm or procedure; otherwise we would have no cognitive basis for arguing at all." (Warren 1995, p. 180).

[38] While communicative action are performed procedurally and formally, nevertheless, compare to the semantic

and substantive individual interest by the *binding and bonding* force of speech acts, which is the indispensable foundation of social and moral order. That is to say, everyday taken for granted consensus has already embodied ethical life and rational discourse as a theory of justice is in itself moral—moral in this regard is also to be understood neutrally.

1.2.3. Communicative Rationality and the Lifeworld: The Redemption of Moral Order

Precisely point out by Strong and Sposito, "[the] theory of communicative action makes the case that rationality is a relevant moral *social* concept." (Strong and Sposito 1995, p. 263). This link is achieved by understanding meaning through communicative rationality, as mentioned in section 1.2.2. Understanding the meaning of social action without the flaws of positivism and hermeneutics—reduce human agency into objective social facts and relative subjectivity respectively—is mediated specifically by pragmatics. Literally and in fact theoretically, language and practice entailed in pragmatics are the crux to communicative rationality. Understanding the meaning of a social action intellectually does not exhaust all its content; in fact, the horizon mediated by language includes the element of *praxis*, as shown in Gadamer's formulation, which is the core of understanding meaning via communicative action (Bernstein 1988, p. 224). Yet, the rich phenomenological understanding of the dialogue, conversation, and questioning rooted in Gadamer's philosophical hermeneutics nourish the theory of communicative action, and yet the latter is supplemented with a rational redeeming mechanism. In so doing, arguments can be rationally criticized and justified, such that moral actions are subjected to rational argumentation. During rational discursive process, objectivity and subjectivity are organically integrated in the discursive practice, and this is, in fact, the

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theory which concerns sentences rather than utterances, we can see that Habermas concurs to the pragmatic theory of meaning in place of the semantic theory which is completely abstracted from contexts of usage (Habermas 1992, pp. 57ff. Here comes the profound contrast between Habermas's theory that based on the formal procedure yet related to the substantive contents indirectly by pragmatics, and Luhmann's theory that

methodological foundation of the Habermasian sociology of ethics and morality.

Methodological advancement of Habermas's sociology has to resort to the problem of understanding meaning again. Since lucid explications of action rarely appear in everyday life, the meaning of social action is unlikely to be exhausted by social observer (Habermas 1984, pp. 112ff). The crux is that the observer—as a social actor—is symbolically and socially structured indeed, therefore one cannot evade from the situation of "double hermeneutic" (ibid., p. 110)[39]—that is, subjective meaning is contingent and opaque to the others and thus rational understanding becomes an empty word as long as both participants and observers are situated in the commonly shared lifeworld, in which any observation will actually participate in the construction of the action situation. Conventional conception of rationality is thereby undermined by the fact that practice is a holistic unity mediated by language, so that transformation of the concept of rationality is called for. Validity claims as a shared linguistic structure locating connecting points for rational deliberation composed the main skeleton of the rational redemption in Habermas's universal pragmatics. In communicative rationality, the linguistic competence of every participant is assumed, and the overall *direction* of a rational discourse is guided by ideal speech situation, in which only the force of reasoning is admitted as the yardstick of rational and moral evaluation. Subjective meaning is thus evaluated objectively—based on the rational justification and redemption of the validity claims—such that the underlying subjective meaning of moral action should be examined discursively.

In this way, the ethical component of the communicative rationality becomes salient. Communicative action and rational discourse are conducted in a consensual, or according to Habermas, moral yet rational manner. Not only in its analytical sense, but also in its

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based on the *pure* form of semantic structures and systemic operations. See section 3.2.1.

[39] Observer can understand an object only by interpretation, and it can be possible because in the communicative process one "must be able in principle to participate in their production; and participation presupposes that one belongs" (Habermas 1984, p. 108).

normative sense, rationality and morality are closely coupled in his theory of communicative action as a reconstructive science and as the exit from the paradox of modernization. Certainly, Habermas's theoretical strategies based on linguistic practice successfully overcomes the unproductive dichotomy of objectivism and relativism by probing into the real situation (Bernstein 1988, pp. 233ff), however, someone may question that only focus on practice will readily confine rationality to the *presence* of the locuter. To reply to this criticism, another mechanism to buttress the potentiality of rational discourse is necessary. Simply speaking, the reproduction of lifeworld nourishing culture and meaning supplements communicative rationality for the perpetuation of social order. As mentioned above, the interchange between communicative action and rational discourse appears at the point of doubting another one's validity claim(s) (see figure 1 below); unlike rational action theorists, non-rational elements of the social life—culture and meaning in the lifeworld—rather than rational calculation coordinates social actions in the form of solidarity.[40]

Figure 1   The Relation between Rational Discourse and the Lifeworld
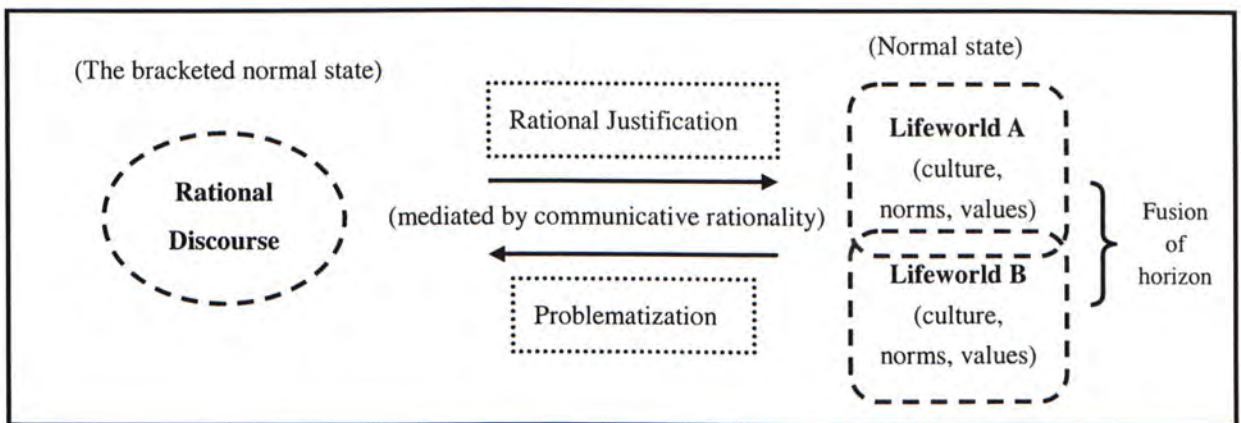
Following this vein, as the ultimate horizon of the possible (including normative) human

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[40] Individuation and sociation as the elementary constituents of social life are delegated by rational discourse (as a theory of justice) and communicative action (as a theory of solidarity) respectively. According to Habermas, "identity is produced through *socialization*, that is, through the fact that the growing child first of all integrates itself into a specific social system by appropriating symbolic generalities; it is later secured and developed through *individuation*, that is, precisely through a growing independence in relation to social systems." (Habermas 1979, p. 74).

actions, lifeworld has different levels of meaning. One of them is to be construed as a moving horizon in a phenomenological sense—as in the case of Gadamer—that is linguistically constituted and structured (Habermas 1987a, pp. 119, 123). Nobody can step out of this horizon as it is always at their back (ibid., p.125), because we act against the background of the linguistically structured culture and norms, and "there are no completely unfamiliar situations" (ibid.).[41] We cannot imagine that we come across with a completely unintelligible situation culturally, normatively, or linguistically. In this way, another level of lifeworld is highlighted in light of this *pre-interpreted* and *pre-reflective* linguistic and cultural domain (ibid.)—as "a culturally transmitted and linguistically organized stock of interpretive patterns" (ibid., p. 124)—in which the interpretive patterns are invisible to the participants if their validity are not challenged (ibid., pp. 121, 124). In short, "the lifeworld appears as a reservoir of taken-for-granted, of unshaken convictions that participants in communication draw upon in cooperative processes of interpretation" (ibid., p. 124). Metaphorically speaking, lifeworld is the ultimate *motherland* for the possible rational evaluations in the discourse. Validity claims are linked with the lifeworld by communicative rationality in the sense of "reasonableness"—concerning the *criticizable* and *groundable* validity claims evaluate by the practical rationality (Habermas 1984, pp. 8-22)—rather than sheer rationality focusing on intellectual calculation. "Reasonableness" embraces the mutual consent that transcends the substantive content by an intersubjective formal procedure, and as a result particularities are universalized and transcended without precluding the contextual significance. Rather, a sheer

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[41] The range of application of Habermas's theory is delimited to the social with the presupposition of an established social world. On the contrary, the complete unfamiliar situation to the observer, for example, a new borne baby, is included in Luhmann's theory. Habermas, certainly, would not treat baby as a social actor, however, in Luhmann's case, communication of a baby (as a autopoietic system and more importantly, it is treated as an alter ego) can be coordinated to the others (as other autopoietic systems) to resolve double contingency and resulting in the emergence of social system. This fundamental difference finds its cause in the conception of action/communication coordination: norms embedded in the lifeworld are essential for action coordination in Habermas's theory, but only pure cognitive and behavioral coordination of expectation are the essence of communication in Luhmann's theory.

theoretical or intellectual rationality leans heavily on formal calculation will succumb to the substantive context of an empty formalism, in that pure reason can readily become an irrelevant self-contained pure form to the social reality. In sum:

> The lifeworld is, so to speak, the *transcendental* site where speaker and hearer meet, where they can reciprocally raise claims that their utterances fit the world (objective, social, or subjective),[42] and where they can criticize and confirm those validity claims, settle their disagreements, and arrive at agreements (Habermas 1987a, p.126. Italics added). [43]

1.2.4. Communicative Action and Strategic Action: The Possibility of Immorality

Recalling Habermas's concern on the normality of social order, in which only the coupling of reason and morality by communicative rationality can be called normal, immoral order represented by immorality of social life is all other categories apart from reason and morality; for example, instrumental rationality (rational but immoral), and moralism (moral but irrational).[44] Yet, similar to Durkheim, abnormal social life can be explained by the theory of communicative action, and more importantly, Habermas claims that even immoral action—that is, strategic action—cannot eschew the cognitive and normative condition of social life. As such, Habermas's sociology of ethics and morality is normative in the sense

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[42] These three worlds are merely formal world-concepts as a reference of different types of action (Habermas 1987a, p. 125-126). Teleological action refers to the objective world, normatively regulated action refers to the social world, and dramaturgical action refers to the subjective world (cf. Habermas 1984, pp. 87-94; Habermas 1987a, p. 127). They are the frameworks, or categorial scaffold, to classify and denote the action situations in the lifeworld, but not empirical discrete worlds separate from the lifeworld (Habermas 1987a, p. 125).

[43] A shared common lifeworld emerges when participants open their own meaning reference during interaction, and at the same time the exchange of meaning via communication enables the fusion of lifeworlds. That is, conversely, if no interaction is happened, or more basically, no encounter, then no shared lifeworld would be happened at the level of interaction. Of course, by definition, all human beings with linguistic competence resides in the lifeworld, but people can keep himself in solitude that isolated from the everyday communications, that means the fusion of lifeworlds is not a necessity. It clarifies Habermas's inclination to social theory instead of philosophy, in that the theory of communicative action does not, and cannot, be an *imperative* utopian vision, but formulates the communicative condition which is dependent to the interaction between human volition and social circumstances.

[44] See table 4.

that it contends with functionalist rationality and social bureaucratization by acclaiming the moral orientation of communicative action; whereas it is non-normative as well at the societal level, in that the normality of social life includes both morality and immorality is as such moral.

To explore the immorality of social life, Habermas revises Weber's typology of action in light of subsuming strategic action stemmed from perlocutionary act in one category, and contrasts it to communicative action constituted by illocutionary acts.[45] Strategic action aims at influencing the decisions of a rational actor by utterances through perlocutions (Habermas 1984, p. 285), whereas communicative action coordinates actors not through the egocentric calculations of success, but instead via action oriented to reaching understanding (ibid., pp. 285-286). One should note that Habermas's usage of different types of action, as Münch and Berger correctly point out, *strictly* remains *analytical* in character (Münch 1994, p. 241). In normal everyday life, "two types of action are intermingled as aspects of concrete action, with one or the other taking the lead" (ibid.). "Just as communicative action contains teleological components, so teleological action contains communicative ones. One can communicate successfully and succeed communicatively" (Berger 1994, p. 182), which depends on which perspective is taken at the particular level of analysis. Ernst Tugendhat, notwithstanding, suspects the validity of using teleological/non-teleological distinction to distinguish two types of action, and concludes that consensus-oriented communicative action should be subordinated under the broader realm of teleological action (Tugendhat 2002, pp. 219-222). This subversion overlooks the significance of communicative action and in turn cancels the consensus-formation character of communicative action and returns to the Weberian strategic

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[45] Allen W. Wood argues that Habermas's differentiation between communicative action and strategic action that analogous to the distinction between illocutionary and perlocutionary is too far-fetched, because perlocutionary in Austin's terminology does not necessarily points to the success-orientation (Wood 1994, pp. 242-246). However, we can still claim that Habermas's reconstruction of the typology of action remains significance, because even though perlocutionary action does not *necessarily* identify to strategic action, but it still covers most strategic actions that mediated linguistically.

action. As already regarded in the theory of communicative action, Habermas pinpoints that "the teleological structure is fundamental to *all* concepts of action [...] But only the strategic model of action *rests content* with an explication of the features of action oriented directly to success" (Habermas 1984, p. 101). Hence, as both Münch and Berger have noticed, the analytical distinction between two types of action has already implied. This distinction is crucial inasmuch as strategic action induced (systematically) distorted communication in which true consensus is impeded by the concealed deceptions and leads to communication pathologies manifested in the lifeworld (cf. Habermas 1987a, p. 143).[46]

These pathologies can only be redeemed by the consensual-oriented communicative action by virtue of "communicative action takes place within a lifeworld that remains at the backs of participants in communication. It is present to them only in the *prereflective* form of taken-for-granted background assumptions and naively mastered skills" (Habermas 1984, p. 335. Italics added). As McCarthy neatly concluded in his introduction to Habermas's book, communicative action does not only mediate between meaning and validity in everyday life immanently by means of mutual understanding of the norms, but as such readily transcends local context and thus can be indefinitely criticized, vindicated, and revised (Habermas 1987b, pp. xvi-xvii).[47] Constant reflections in practices characterized Habermasian sociology of ethics and morality, in which practical reflectivity endowed in communicative action and rational discourse does not prescribe a path to collective goodness, instead, a more conservative and passive strategy is reserved, namely *accountability and redemption.*

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[46] Even strategic action can be divided into two types that depend on their different consequences. Systematically distorted communication, akin to the ideology in the Marxian perspective, arises from the unconscious deception, whereas strategic speech engenders what one consciously deceives and thereby manipulates the hearer (Habermas 1984, p. 333).

[47] Here Habermas contributes to the rational interpretation in social sciences by adding rational criticism in the hermeneutical interpretation. In contrast to Gadamer's philosophical hermeneutics (Gadamer 1994), the theory of communicative action excels hermeneutical circular understanding in light of allowing rational criticisms based on validity claims without being entrapped in the unreflective reproduction of meaning as such (Habermas 1988, pp. 171ff).

Enlightenment, according to Habermas, should not be a social agenda like Rationalism and state socialism.[48] Rather, momentary reformations, refinements, criticisms, and redemptions are more appropriate to understand the authentic meaning of Enlightenment—to transform from self-incurred constraint into *self*-engendered emancipation.[49]

The possibility of immoral action explains the current immoral situation (or too moralized by foundationalism) of capitalist societies, in which social order is still viable even ethics and morality are marginalized. To note, Habermas never denies that strategic action is incapable of coordinating interactions, but what cannot be confused is that the foundation of normal social order should be rested on communicative action rather than strategic action. And so long as the people would like to make their claims by reason, the possibility of Enlightenment could not be totally discarded.

1.2.5. Ideal Speech Situation: The Unavoidable Cognitive and Normative Condition of Social Life

Discussions on the theory of communicative action are completed at the point of ideal speech situation, which describes the *unavoidable* presuppositions and *formal* conditions of argumentation (Habermas 1993, p. 56). That is, ideal speech situation is the criteria and yardstick to adjudicate whether the generated consensus is moral or not. Only those discourses with an idealizing *tendency* can be called moral discourse, However, idealizing here does not necessarily embrace any sense of value preference, but merely as a functionally irreplaceable prerequisite of rational discourse (ibid.). To add on the point of idealization, the

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[48] According to Habermas, the possibilities of the existing socialism are exhausted, but the socialism-as-critique remains a source of hope (Habermas 1987a, pp. 374-403).

[49] Emancipation should not be imposed from outside, but in fact has already endowed in our linguistic competence. This understanding of Enlightenment may be more relevant to the pluralistic situation of modern societies.

meaning of ideal herein represents not the utopian social harmony, but on the one hand, an ideal re-balancing of lifeworld and system; and on the other hand, as a formal condition of social life, given that the well being of humanity are irreducible to any societal systems and bureaucracies. Without the idealizing of speech situation, communication would only be subordinated to power and money, such that authentic human interest for individual and for all would be suppressed.

Ideal speech situation is assigned the role of guardian of moral order because it is a counterfactual formal situation for those endowed with linguistic competence, and thus enable reflexive argumentation in the discourse. A discourse, as one type of communications, can be construed as rational and moral if the following requirements are fulfilled in an ongoing communication: 1. Everybody can raise statements with equal rights without temporal, factual, and social constraint to a large extent; 2. Everybody can question and criticize statements with equal rights; 3. The acceptance of a statement can only be justified by reasons in the course of argumentation; 4. Of two competing statements, the one that can be justified by better arguments will be accepted; 5. As long as everybody agrees with a statement under conditions 1, 2, 3, and 4, a statement is taken as valid (cf. Habermas 1984, p. 26; 1993, p. 56; Münch 1994, p. 247). If a statement is generated from this ideal form of communication, then we can say that it is a true statement with consensual truthfulness, normatively rightness, and authenticity. To reiterate, this idealizing tendency is not a utopian imagination, as misrecognized by most critics (e.g. Benhabib 1994), but an intuitively endowed rational competence for everybody:

> Every speaker knows intuitively that an alleged argument is not a serious one if the appropriate conditions are violated—for example, if certain individuals are not allowed to participate, issues or contributions are suppressed, agreement or disagreement is manipulated by insinuations or by threat of sanctions, and the like (Habermas 1993, p. 56).

Also, idealization is not a rare activity in knowledge production, for example, "[P]hysical

measuring operations also rest on the counterfactual assumption that we can approximate ideal quantities to an arbitrary degree of exactitude." (ibid., p. 55). Hence, if our communications does not actually fulfill the assumed condition, as if a perfectly level plane would never exist, we have acted under a *counterfactual presupposition* (ibid.); otherwise no scientific principle can be found, and actually, we act with these presuppositions without serious consonance of ideal situations.

Counterfactual presupposition is, whether consciously assumed or not, our conditions for the possibility of speech and interaction (Habermas 1993, pp. 55-56); otherwise, we would be paralyzed in the "performative self-contradiction", so to speak, one would be self-defeating to speak against our possible condition which enables us to raise this objection *per se* (Habermas 1990a, pp. 80-81). "[T]he point is [...] that if we want to enter into argumentation," even if we would like to *argue against* the plausibility of ideal speech situation, "we must make these presuppositions of argumentation *as a matter of fact*, despite the fact that they have an ideal content to which we can only approximate in reality" (Habermas 1993, p. 164).[50] Therefore we cannot avoid these presuppositions *"performatively"* when we engage in any discussion, unless we choose not to speak; and that is why Habermas's discourse theory is based on pragmatics rather than semantics, which reflects the pragmatic condition of participation in any discourse—a *self-reflective practices*—instead of sheer analysis of meaning.

To summarize, ideal speech situation as such can be understood as the model of ideal communication, as well as the condition of the possibility of linguistic communication, and a *necessary* but not *sufficient* condition for the attainment of a rationally motivated consensus on the controversial validity claims.[51] Privilege status is given to ideal speech situation in that

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[50] Cf. Habermas 1990a, pp. 77ff. Habermas criticizes the moral relativists who fall into the performative self-contradiction, insofar as they unavoidably prescribe certain presuppositions to the activities they are engaging in.

[51] We must be careful on this point: ideal speech situation is *necessary* for communication and thereby engenders rationally motivated consensus in an approximation; however, it is not a *sufficient* condition for the

even though "[r]ational discourses have an improbable character...[but] [a]t the same time, they constitute an irreducible order and cannot be replaced by functional equivalents" (Habermas 1993, p. 56).[52] Only discourse with idealizing tendency is able to generate a moral consensus that secure interests of all concerned; otherwise authority and power would distort the rights to question validity claims and strategically control the consensus without any rational reflection. Also, its *institutionalization* in contemporary societies—that is, actualized in positive law—helps to prove the validity of discourse ethics insofar as the ideal speech situation is to a very large extent realized in the legal systems of Western societies.

1.3. Concluding Remarks

So far the normative and analytical elements of ethics and morality in Habermas's theory of communicative action and discourse ethics are extracted modestly, in which methodology and substantive theory are two prominent aspects of his sociology of ethics and morality. Regarding his methodology, emphases are shed on the elimination of the false dichotomy between fact and value, objectivism and subjectivism. In fact, objectivist and subjectivist perspectives are the communicative outcomes. In other words, both perspectives are two sides of the same coin, which cannot be *empirically* separated as long as we understand social

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consensus-building, as Seyla Benhabib and Agnes Heller argued (Benhabib 1994, pp. 301-302; Heller 1994, p. 281). They claim that, in effect, cultural traditions and socio-political norms are pregiven for every individual before they enter into a discourse. Yet, Benhabib and Heller miss the point that, as what Habermas formulated, values and norms of individual and society are encompassed in the lifeworld that allow changes according to the learning process. Also, they criticize the vicious circularity of the ideal speech situation as long as it is engendered from values and norms, but at the same time challenge that very values and norms. If one construes values and norms stem from the lifeworld are relatively fixed and unchangeable, then their critique may be relevant. Unfortunately, lifeworld itself is a hermeneutic horizon of meaning, in which knowledge, values, and norms are accumulated on the one hand, and reflections on them by sliding to another position is possible on the other (cf. Habermas 1987a, pp. 119-136; 1993, pp. 164-165).

[52] According to Münch's clarification on the status of ideal speech situation in the theory of communicative action, "[t]he truth of the theory does not depend on whether or not the conditions of the ideal speech situation really exist, with nothing but rational discourse influencing the development of knowledge." (Münch 1994, p. 252).

phenomenon through communication.

Reaching understanding, as the crux of the matter, distinguishes sociology of ethics and morality from philosophical and political ethics. Neither justification of moral formalism and universalism, or as a conflict resolving mechanism (section 1.1.3.) can fulfill the requirement of sociology. The moral order of normal social life, rather, is what concerns sociology. Through a formal procedure of discourse, normative concern of the aporias of modern society and analytical understanding of the structure of pragmatics are assimilated under the flag of moral order. Lifeworld consensus and its problematization requires rational discourse to restore the normality of social life, in which reason and morality are modestly coupled, yet the possibility of social plurality is secured as well. The whole process is reflective and reflexive. Speakers with adequate linguistic competence are free to raise challenges against one's validity claims and reflection on the discursive situation is thus undertaken. Also, the reflexivity of rational discourse is embedded in language and its actualization does not necessarily rely on conscious problematization, but generally realized in unconscious everyday discourses—the feeling of unreasonable claims has already anticipate rational justification.

As a concluding remark, the most common question about whether Habermas is a promoter and idealist of social harmony can be clarified by a deeper interpretation on his understanding of moral order. Criticisms usually and inexorably dismiss Habermas's idealization by teasing with that "given enough time, given interlocutors of goodwill, and given a constraint-free environment, everyone would come to the same conclusion as we have." (Chambers 1995, p. 233). Yet, as already explained above, and as contends by Habermas, discourse ethics does "not regard the fully transparent society as an ideal." (Habermas 1982, p. 235). Reaching understanding and consensus formation is rather a cognitive condition for all argumentation instead of political and practical anticipation. To

project a possibility of discursive responses to, and negotiation of, conflicts does not signify the monolithic consensual society, which goes against the democratic ideals (Warren 1995, p. 181).

However, elaborations and appraisals on institutionalization of morality in law may increase the plausibility of discourse ethics by explicating the institutionalized legal system as the arena of rational discourse (Habermas 1996). To epitomize, Habermas's development of the sociology of law from his groundwork of ethics in fact provides another complementary picture for the mediation between social integration and system integration. Legitimation yielded by rational discourse in the legal system would consolidate the plausibility of rational discourse by articulating moral reasoning with other social institutions (e.g. administration, legal system, political decision making, etc.). Through this legal procedure the participants set limits to one another and thus discourse can perform a corrective function to the self-referential institutions reside in system (Münch 1994, pp. 268-269). In addition, the scope of application of Habermas's theory can be expanded from the moral universal level of practical reason to all three levels of practical reason through the institutionalization of morality.

Chapter 2:   Luhmann's The Code of the Moral and Systems Theory

2.1. The Code of the Moral

Luhmann's sociology of ethics and morality gives us another picture of morality which is stemmed from his unique yet peculiar social epistemology and ontology. Methodologically, the fact and value distinction as based on the philosophy of consciousness becomes sterile in that subject is deconstructed herein and replaced by an observing system, and that social reality—as it is real for particular system—is self-constructed by observing system and value is formalized to be a system function, that is, to reduce complexity. In this way ethics and morality at the social level are understood as system functions and moral phenomenon is captured by systemic observation.

Following this vein, for the substantive theory ethics and morality are marginalized in contemporary society inasmuch as their overwhelming primacy and overarching control of social actions are replaced by systemic explanations of social behaviours. Grounded on the distinction of system and environment, ethics and morality as the attributes of human psyche are excluded from social arena and are allocated to psychic systems. Morality appears at the social level so long as moral communication is initiated for whatever reason, in which the form of moral communication rather than the substantive content of morality is considered. In short, ethics and morality are further formalized—that Habermas still reserve a place for speakers in discourse—and totally detached from their content, and this formalization has important implication. Hence the primacy and foundational meaning of ethics and morality in society are exploited and thus their overwhelming integrative function of society is deprived

(Luhmann 1993a, p. 1004; 1995, p. 235).

Marginalization of ethics and morality implies the de-moralization of social order. By virtue of the systemic operations, it is sufficed to reproduce social order alone, ethical elements of consensus, norms, culture, and value that embraced by Durkheim, Parsons, Habermas, and other humanistic theorists thus lost their grounds. Normal and abnormal social order are maintained and redeemed by communication only—which is amoral and non-normative in its own right—but not exclusive to normative means in any rates. Under this amoralization and non-normative conception of social order, ethics and morality remain viable only if they are functional to communication, and this indeterminacy of ethics and morality may help us to understand moral phenomenon comprehensively—that all moral, immoral, and even amoral social communications are explained.

Some details of Luhmann's approach to sociology of ethics and morality can be listed to provide a prima facie of his peculiar theoretical formulations.

First, similar to Habermas, Luhmann gives us *nothing about moral theory*, neither devising how to facilitate and promote social "goodness", as in philosophical ethics,[1] nor taking ethics and morality as presumed social values for maintaining social order, as in Parsonian sociology. Rather, ethics and morality become one of the observed codes and communicative semantics to manage societal complexity.

Second, in this respect, their social integrating functions become somehow obsolete in modern society, insofar as the de-centering process of functional differentiation of society deconstructs transcendental moral consensus and ethical societal norms. While ethics and morality are still attractive in contemporary society, value conflicts would be the result of partisan maneuvers of moral codes to defend oneself against the other parties, instead of

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[1] "We *cannot* and *do not* want to pursue the possibilities of the construction of ethical theories here any longer." (Luhmann 1989, p. 141. Italics added).

relying on one-sided belief on goodness.

As such, consensus formation is no longer the major function of ethics and morality in the way of integrating different members in society, rather, complexity reduction in light of incorporating or excluding the others by moral appraisals and reproaches is the general form of moral communication.[2] In other words, ethics and morality are not necessarily "good" by projecting a consensus, rather, they may provoke *conflict* as long as rival groups retain their value as "moral" or "ethical" (Luhmann 1989, p. 140), as exemplified in the conflict of civilization or everyday moral condemnations.

Hence the code of the moral explicates the *dual codes* of the moral—good/bad, good/evil, moral/immoral, esteem/disesteem (or respect/disrespect in other translations)—which are equally true and possible, and their values depend on particular historical and social context (Luhmann 1995, pp. 156-157)—unlike Habermas's discourse ethics—instead of a universally applicable doctrine or imperative.

2.1.1. The Code of the Moral as the Sociology of Ethics and Morality

The value-free theorization of ethics and morality briefly demonstrated above begins with laws of form, as a pure logic, to conceptualize the world. Luhmann's obsession to the *logical* universality configures the formation of systems theory, by using the concept of *protological* observation,[3] autopoiesis,[4] and system/environment distinction to comprehend

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[2] Complexity is the overloaded realization of the possibilities in the world (Luhmann 1979, p. 6), it implies unmanageability, disturbance and instability because the unpredictable forthcoming events that may probably impede the following operations. Precisely, by the fact that each element is impossible to connect with every element, those elements without connection would become idle, or perhaps worse, would become noise that inhibits further connections. In other words, complexity would lead to the incapability of connection between elements with relations, and thereby the need of the reduction of complexity is called for, which could in turn enforce selection (Luhmann 1990, p. 81). In this way, the selectivity of elements constructs an order out of noise and thus the coordination of operations becomes possible.

[3] Protologic is the original foundation of logic which grounds every logical deductions (Clam 2000, p. 68). Here

not only the social world, but also *the world* as such. In so doing, social order is reproduced by the self-referential systems but not ethics, morality, or value consensus as conceived by action theories. In addition, the conception of "order" has undergone drastic revision from static and normative *patterning and maintenance* of social actions in Parsonian sociology to the uncertain, contingent, and non-normative communicative relations that focusing on *reproduction* in Luhmann's systems theory (Bailey 1998, p.142). The integrative function contributed to the maintenance of social order is thus conferred to the system emergences, rather than relied on ethics and morality. Therefore normality of social life is as such non-normative when ethics and morality are only part of functions of social communication.

Discussion on the form of ethics and morality can begin with the moral code. Codification and form of ethics and morality into binary schematism of esteem/disesteem are considered herein, but not their substantive connotation, e.g. moral experience and moral feeling. This kind of formalism is different from procedural ethics, in which formality of the latter is retained for the sake of the universal justification of morality, while the functional forms of ethics and morality in moral communication are observed to gain knowledge on moral phenomenon,[5] which is in fact an amoral purpose. Thus we can say that ethics and morality are *"functionalized"* to be one type of social communications in systems theory, which could be possible only by virtue of the abstraction from its content. Certain indifferent distance from moralization should be adopted to isolate from the results of communication, whether they are good or bad.

In this regard, analyzing moral code would eschew the seduction of moralization, unlike those *social* theorists undertaking theorization with moral concern. Sociological

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Luhmann refers to Herbert Spencer Brown's "law of form" (Spencer Brown 1969). See section 2.2.2.

[4] But there are challenges to this innovative yet vulnerable introduction (cf. Wagner 1997, 1998; Mingers 2002; King and Thornhill 2003b; Joas 1996; Viskovatoff 1999).

[5] To note, communications in systems theory indicate the formation of social systems, since social systems use communications as their sole system operation. See section 2.2.4.

understanding of morality, according to Luhmann, should be abstinent to moral practice because the application of moral code would be easily confused with other codes in communication. For instance, the misuse of morality in political system—as moral-political values—by confusing powerful authority with what is good, and identifying powerless civil subversions with what is bad, or vice versa, would destroy the normal functioning of the political system. In so doing, objective understanding of morality is not possible owing to the interference of personal moral judgment and preference. It is not difficult to imagine that Luhmann incisively opposes critical theorists' Marxian critique to modern society, who embarks on a detrimentally incorrect premise that would blind them to the real world—in that they one-sidedly presume the goodness of morality. This deficiency can only be recovered by strictly adherence to the sociological observation that repudiates from any normative preference, and this belief guides the formation of the non-normative sociology of ethics and morality.

Also, sociology as a reflexive knowledge production system—a subsystem under science system—a "moral supercooling" is needed to produce knowledge on the one hand (Luhmann 1987, p. 118; quoted by Rasch and Knodt 1994, p. 6), and to scrutinize the operation of moral code to prevent moralization by ethics on the other hand. Literal to its conventional meaning, Ethics as a knowledge built on reflections of morality herein performs guardian function to delimit the application of morality, lest moralization to contaminate other social systems. Above all, sociology of ethics and morality under systemic interpretation alerts us to the tendency of reducing to social ideology and one-sided understanding of morality in the humanistic ethics. Only by sociological reflection, as a second-order observation, can help us to uncover the "truth" about ethics and morality, which is the *only goal* of sociology of ethics and morality.[6]

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[6] The system of the sociology of ethics and morality is the sub-system of sociology, and the sub-sub-system of the system of social science, and the sub-sub-sub-system of science which is one of the social systems that

The amoralization of ethics and morality in sociology is furthered by the methodology of systems theory. Luhmann's methodology for his sociology of ethics and morality clings to first-order observation and second-order observation for the sake of a higher level of observation on social phenomenon.[7] This can be achieved by distinguishing two levels of observations, in which observer observes one side of the binary schema in the first-order observation and observes the distinction of the binary schema drawn in the second-order observation. Two approaches are thus applicable to understand morality; but for a relatively comprehensive understanding, only second-order observation can accomplish this goal. Esteem and disesteem are employed to participate in moral communication as the first-order operation; however, the sociology of ethics and morality rests on the second-order observation, in which the unity of the esteem/disesteem distinction is observed in this regard. Unlike discourse ethics, if one stays at the first-order level, one cannot enter the second-order observation at the same time, yet can only shift in between them in different time and situations. Participation in *or* observation of ethics and morality are two contradistinctive levels of methodological practice, rather than the unity of participation *and* observation in discourse ethics, which would not yield any productive knowledge in Luhmann's eyes. This pursuit of knowledge not only abstract the function of morality in social communications, but more radically builds up an isolated observation distance to eradicate any residue of ethical elements in sociological theorization.

However, these claims seemingly violate our common understanding of social life, in that moral evaluations embedded in human conscience cannot be readily detached from social

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constitutes society.

[7] Observation, in its very meaning, is the basic analytical operation of systems. First-order observation means that system (the observer) observes a particular side of the binary code, e.g. legal in the legal/illegal distinction, and then communicates with this side. Second-order observer observes what the first-order observer observes, that is, observes how can first-order observation observe legal in the legal/illegal distinction. Simply speaking, the second-order observer observes what the first-order observer cannot observe, i.e. its very distinction that one depends on for any observation. Hence the second-order observer seems can observe more by

practices, and it is indubitably true that morality still haunts everyday interactions. Yet all these arguments are convincing only if human subjects are assumed to be the sole constituent of society. In the case of systems theory, the *de-substantiated* systems with their communications—rather than human subject—underpin all social phenomena including ethics and morality.[8] This *post-anthropocentric* turn is plausible enough because personal systems are clearly cut off from social systems, not in the sense of *structural* separation—which is impossible as long as society contains human being—but in the sense of mutually excluding *operations*.[9] Inasmuch as systems are self-referential in operation, personal systems would only be the intervening environmental noise from the perspective of social systems. Morality as a substantive moral action can therefore enter the social level only if it is thematized in communication. As such it is not difficult to imagine that Luhmann is sometimes called anti-humanistic theorist in that human agency is excluded from social domains.

A few points have to be noted as a short conclusion for this section. Formal abstraction and indifferent scientific and logical analysis are the main features of Luhmannian sociology of ethics and morality, which is backed up with the ontological presupposition of system in place of human subject. Claimed to refrain from any normative presupposition, only observation of observation yields knowledge, and thereby the pure form of morality is revealed.

"debunking" the code as such, and only by this can knowledge be built up.

[8] Subject has long been the basic unit of society, which is in itself a substantive ontic unity. However, subject in this regard is deconstructed and its role is relegated to the observing system, thus the subject/object relationship is replaced by the system/environment relationship. See section 3.1.

[9] See section 2.2.3.

2.1.2. Features of the Code of the Moral

As mentioned above, morality as the integrative value of society in the past is now in doubt. Under systems theory, morality becomes the binary schematism for overarching social interpenetration as well as interhuman interpenetration (Luhmann 1995, p. 234).[10] That is to say, to be the means to coordinate two types of interpenetration instead of integrating different function systems under the title of "society" is contemporary situation of morality, because conflict is anticipated in moral communications as well as consensus (ibid., p. 235). Morality has long been conceived as the major way to engender consensus, but most of us rarely acknowledge the other side of morality. Distinguishing morality from immorality must involve evaluation by the distinction of esteem/disesteem, accusing someone as immoral will irritate the others' dissent. Hence reaching consensus by morality is only part of it, but following binary schematism, consensus as the result of moral evaluation should be accompanied with conflict; otherwise moral evaluation loses its meaning by losing contrast.

The dethroned morality is assimilated as merely one type of communications, which has no privilege than other types of communications, and only in moral issues would communication connect to moral code. This poignant result can be retraced to the history of morality in Western society. From the outset, morality was intertwined with religion to perform social integrative function.[11] Whereas in the course of evolution society is transfigured from segmental to hierarchical differentiation and then to functional differentiation, in which religion and morality become more and more far apart. By late sixteenth century, morality was independent of religion and theology (Luhmann 1991, p. 82), and then transformed into a humanistic social integrative value. From that utilitarian and

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[10] Luhmann describes the relations between systems as "interpenetration". It can be defined as systems reciprocally make their own complexity available for the construction of another system (Luhmann 1995. p. 213). See section 2.2.5.

[11] For more details on the evolution of morality and law, one can refer to Schluchter's reconstruction of Weber's developmental history (Schluchter 1981, chap. IV & V).

deontology representing two tenets of ethical reflection commenced on the nature of morality from the standpoint of human nature (Luhmann 1995, pp. 237-238). Since then social sciences try to correlate moral phenomena to their particular subject matters: economics, sociology, political science, and legal studies.[12] In the eighteenth century, law acquired its independency from morality, in which the former is conferred with the external constraint and the latter retained the internal constraint (Luhmann 1996, p. 34). This separation represents the furthering of systems autonomy in the way of liberation from the moral constraints in jurisprudence. Human freedom is thereby protected by law in which the possibility of being unreason and immoral is widely opened (ibid.).[13] As long as different social systems acquire their autonomy by specific operative binary coding, ethics and morality as a normative value are expelled from them and only formal moral codes are left. The code of the moral precisely denotes the codification of morality in order to be functional during communication, and after the coding process only form persist, and the rest are left in the environment.

Concerning its function in social communications, moral code assists to mediate between social and interhuman interpenetration since it "is a *symbolic generalization* that reduces the full reflexive *complexity* of doubly contingent ego/alter relations to expressions of esteem" (ibid.), such that the interpenetrating relations can be generalized by symbols of esteem or disesteem, for example, verbal appraisal, enacting moral rules, giving merit publicly, approval of behaviour with positive reaction, and so on, to reduce the contingent relation at both social and interhuman levels. Connectivity of communications, therefore, can be facilitated in that "[e]steem [is] a generalized recognition and evaluation which honors the fact that others accord with the expectations one believes must be assumed for social relations to continue."

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[12] Adam Smith, Auguste Comte, and Durkheim, to name a few, tried to ground ethics in the economic system, science system, and social system respectively.

[13] This can be paralleled by Weber's avowal of the pluralistic social arena of the modern world, as well as Durkheim's endeavour for the reestablishment of modern morality by means of consolidating organic solidarity of the occupational groups and internalizing these norms through moral education.

(ibid.). Thus, "[t]he foundation of morality [lies] in the communicative requirement to attain and maintain personal [esteem]" (Neckel and Wolf 1994, p. 80), esteem in this regard is the generative principle of all morality (ibid.).[14]

Esteem and disesteem in the code of the moral are understood as the *semantic* of morality that changes in socio-historical evolution, in which the binary *form* instead of substance or content of morality is considered (Luhmann 1994a, p. 30).[15] Shared with the same mechanism with other binary codes of other function systems, moral code has dual character of assignment of esteem/disesteem to the other person (Luhmann 1996, p. 30). Provided that all participants involved would consent on the usage of the code, even if the criteria (or program) of esteem/disesteem distinction is relative to different coupling persons, the form remains invariant. Not all communications entail moral code, it is employed to ascribe the other to be good or bad only when dispute arises (or one want to initiate a dispute). Like other binary codes, moral code operates in a universal yet specific manner. On the one hand it has already exhausted all possibilities that can be *interpreted in moral terms*: only good or bad, esteem or disesteem, but no other (ibid., p. 31). On the other hand moral code emerges specifically in context, that is, it correlates to the disputing persons. Hence codes are invariant, yet programs—the criteria and contextual element for evaluation—are various and change historically, and through this the structure of the societal system changes as well (ibid.).

As long as morality is indeterminate, moralist may prescribe their act as good when applying moral code upon the others, namely, arbitrarily legitimating one's distinction on

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[14] Recalling the non-foundationalist theory abided by Luhmann, esteem is construed as the connecting points between two kinds of interpenetration that mediates personal with social systems. However, esteem as a historically dependent semantic that attributed to the whole person cannot be readily assimilated into the universal form of autopoietic operations. See Neckel and Wolf (1994) and Sixel (1983).

[15] The meaning of "form" here we used is referred to Spencer Brown's laws of form (Spencer Brown 1969), also see section 2.2.2.

good or bad is good *per se*, e.g. I believe, for whatever reason, my moral reproach to you is morally good and right. But, in fact, someone, e.g. Marquis de Sade may consider morality, together with its form, are bad as such—moral evaluation as such is immoral! (Luhmann 1993a, p. 996). Nevertheless, if we conceive moral code in terms of laws of form, then we must concede that there is no logical justification to assert that distinguishing between good or bad is as such good or bad. Moral code, thus, can only be a distinction, like all other forms of distinction and binary codes, rudimentarily grounds on a paradox (Luhmann 1996, p. 30).[16] That is to say, distinguishing good/bad (as distinction) cannot be decided to be good/bad (as unity). Applying the code to itself leads to paradox that blocks further observations (Luhmann 1989, p. 140).

Paradox of the moral code also appears in its application. To mention again, drawing moral code does not necessarily lead to a peaceful consensus; quite the contrary, in most of the cases conflict would be the result. Actually it can be understood by common sense: moral code is applied exclusively to the whole person by imposing esteem/disesteem to the others (Luhmann 1991, p. 84), which may provoke the constitution or destruction of the integrity of self-identity, that is, the others personality is being praised or devaluated in the form of appraisal, respect, insult, disdain, or disesteem.[17] Together with that loving/hating distinction—loving of good and hating of bad—is the polemic origin of morality (Luhmann 1989, p. 140), application of morality would more or less give rise to acute conflict and probably resolve by other more guaranteed communications to terminate the dispute: violence or law (cf. Luhmann 1991, p. 86; 1996b, p. 34).

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[16] Distinction as such is paradoxical because one can only observe by drawing distinctions without consideration of the rationale of the distinction being drawn. For example, one can distinguish goodness by indicating what is bad, but one cannot reflect on why this indication is like this but not otherwise. In the simplest form of a distinction, A= -A is paradoxical, and A=A is tautological. Hence one can see that *we cannot escape either paradox or tautology, as A only has two forms (A, -A)*. Cf. Luhmann 1988.

[17] This conceptualization of morality as an esteem-giving communication can be compared to critical theory's similar conception, despite Axel Honneth's deviation from the "orthodox critical theorists" (Honneth 1995),

Regarding to the invariance of moral code but variant programs, flexibility is set in: "Nobody can avoid the moral implications of his or her own statements but everybody can choose the [programs] that favour their own interests and opinions" (Luhmann 1996, p. 31). Only thus can the consistency in form and variety in content be explained in the course of social transformations. In the past, the most common program that was used in moral code is value, whether transcendental or utilitarianistic ones. The popularity of values to be the program can be explained by several reasons, one is that: 1. they are indisputable and able to elude from the explicit communication (ibid.). Anyone in moral communication can resort to his/her own value(s) and worldview which cannot be readily challenged and dissuaded.[18] Moreover, 2. values can be, and usually are, taken for granted and "this taken-for-grantedness can also be taken for granted" (ibid.). In other words, values can be communicated inconspicuously, because "value denotes preferences the validity of which can safely be assumed in social communication without having to face disagreement" (Luhmann 1988, p. 32). In modern pluralism, we always take value expression as merely the expression of personal preference and adhere to the principle of inviolability of personal integrity, and this delay the potential to acute conflict. 3. added with the custom that we seldom totally disclose our own value to prevent criticisms, and "since sufficiently general values [—for example, mutual tolerance, mutual indifference—] are easy to find, the latency of values can also be tactically to suppress disagreement" (ibid., p. 33), values becomes the excellent program to connect communication without further ado.

Following this vein, interpretation instead of argumentation on values is commonly undertaken in moral communication (Luhmann 1988, p. 33). During interpretation another

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which shows that morality can be built up on struggle and conflict besides consensus.

[18] Of course one can try to change the other's value by persuasion, violence, or other sanctions (e.g. norms, law, rules), but on the one hand, value in its very definition cannot be readily altered by persuasive rhetoric. On the other hand, violence and other sanctions in turn will terminate moral communication and direct to another kind of communications (cf. figure 3). In so doing, either agrees to that value, or establishes another value for one's own interest and opinion, that is, adopts another program, will be the only reactions.

one's observation is being observed without reflecting to the observer's own observation, namely, the observing observer observes the others' value by taking his own value as the criteria of evaluation. This limitation of observation—one cannot observe one's rationale of drawing distinction when one is commencing on that distinction—makes value to be a good "blind spot" for systems to observe and act (ibid., p. 32). This blind spot facilitates communication inasmuch as it decides nothing, and seems to succeed but actually fails to allocate the values of "good" and "bad" to concrete behaviors (Luhmann 1996, p. 32). In this way values blind value judgment from the fact of indeterminacy of decision and maintain taken-for-grantedness for further communication in light of producing a semantic camouflage for the unresolved conflicts.

Paradoxically, if the above arguments are justified, then morality and moral code as such cannot make any moral judgment (Luhmann 1989, p. 140), since moral judgment requires certain detachment to the moral code which is impossible as long as observation remains at the first-order cybernetic level. In other words, one uses good or bad to esteem or disesteem other people cannot at the same time decide one's own decision is correct or not. Only in the second-order observation can observer observes how one observe the others by moral communication, but in the meanwhile one cannot perform moral communication because esteem/disesteem distinction is not the code being communicated. In short, participation in moral communication pertains to the first-order observation, and reflections on the unity of the moral code, that is, observing good/bad as a unity, is a second-order observation (ibid., p. 141; Luhmann 1993a, p. 1008).

Two observation levels are significant in Luhmannian sociology of ethics and morality in that ethics functions to be the second-order reflecting mechanism upon morality to delimit the operation of moral code in communications. Similar to the conventional definition of ethics—primarily as an academic theory concerning the justification of moral judgment

(Luhmann 1994a, p. 30)—ethics in systems theory enables observers to observe two sides of the moral code simultaneously, and thereby make a judgment on coding and its program. Through this can the paradox of moral code—the coexistence of good and bad—be resolved in light of observing the unity of moral code—the *distinction* of good and bad (Luhmann 1989, p. 141). Nonetheless, ethics as an observation can observe the paradox of morality by virtue of its unreflective character on its own blind spot. Ethics like moral code cannot explain its unity by selecting one side but not the other, such that the unity of ethics is itself a paradox in much the same way.

Thus Luhmann argues that by no means the paradox of ethics and moral can be *totally resolved*; rather, ironically, this irresolvability enables the functioning of ethics and morality. The reason is simple, because only the irresolvable paradox leaves traces for connection, therefore we should not aim at resolve paradox by elimination, which will eradicate the distinction altogether and no more observation is possible. Instead, de-paradoxicization of the paradox performed by the second-order observation is a more practical and productive solution, by which paradox is concealed and deactivated the system's delimitation.[19] Only thus can moral communication continue with ethical reflection and further reflection and so on.

As indicated by Luhmann, this formalization of ethics and morality makes them no longer the central dynamic of modern society. In a functionally differentiated society, morality cannot be readily integrated into *any* one of the function systems as there is no meta-code for the whole society (Luhmann 1996, p. 35). As long as function systems close their boundaries by operating their specific binary code exclusively—as if the binary code of economic systems cannot be functioned in political systems—moral code fails to enter any social systems and thus wander around the environments of social systems.

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[19] See section 2.2.2.

However, the retreat of morality from the central position of society does not amount to the "decline" or "collapse" of morality. Rather, moral code and its values as a semantic should be redefined according to different socio-historical context. In other words, its withdrawal from other social systems is demanded and sanctioned by itself (Luhmann 1994a, p. 29). Imagine the opposite case by our common sense, it is definitely immoral if we equate moral code to any system, such as to regard holding political office to be morally good, and not holding political office to be morally bad in political system; or attributing legality to what is moral and illegality to what is immoral. Therefore, morality is an intruder, or a disturbance factor, from the perspective of social systems (Luhmann 1995, p. 240), in the way of intervening functional operations of social systems by fusing two untransferable types of code, which will annihilate the binary coding and the abnormality of system operations as a result—morality loses its meaning of being moral, and legality loses its meaning of being legal.

In this regard Luhmann proclaims the *higher amorality* of social systems in which all of them isolate itself from morality in order to maintain their purity of operation (Luhmann 1991, p. 86). Although moral integration should be renounced for the sake of the normal functioning of the social systems, nevertheless, it does not mean that morality resigns from society totally. Moral inclusion, especially by means of values, prevails as before—illustrated by various group ethics embraced by different religious groups, for example—but the idea of moral integration of the social system is relinquished (ibid.). In sum, morality is no longer the emanation of the transcendental reason, the mystical ontic "nature", or inviolable "Humanity". The distinctive characteristic of the code of the moral is its amorality, which can go beyond entanglement with the complexity of the "moral consciousness" internalized in the psychic system which is essentially impenetrable, and additionally reduces complexity by the emergence of moral communication that operates on the manageable binary code.

As such morality breaks from its conventional image of peaceful consensus and its maintenance of social order by unanimity value conformity. One remarkable point, agreed by Habermas as well,[20] is that moral communication rarely emerges in normal cases, yet most likely appears in pathological or dangerous situation in order to reinstall social communication by conflict (Luhmann 1991, p. 84).[21] Similar to Habermas's discourse ethics, only in the situation of dissent will morality be the focus of communication, that is, moral communication emerges to mediate between contradictory personal evaluations. Despite the similarity between Luhmann and Habermas, reaching understanding is not the *inner telos* of moral communication, because full understanding will immediately terminate any connectivity of communication;[22] nothing can be talked about when full mutual understanding is reached since the complexity would be exhausted and thus any possibility of further communication would be annihilated, that is, no further reference point.

To conclude, sociology of ethics and morality, according to Luhmann, does not aim at *replacing* (philosophic) Ethics, but seek to substitute *normative* and *anthropocentric* moral-social theories that resort to the human nature and then leave the complexity of it unexplained (Luhmann 1995, p. 236). Variation of different programs of the moral code should gain attention in the course of the socio-historical evolution, instead of static, artificial construction of the moral ideal cut off from the social reality. (ibid., p. 238). From that one can observe the displacement of themes in relation to morality, but not replacing philosophic ethics to enact moral rules and their applications. To reiterate, the possibility of Ethics is not totally precluded by Luhmann, but for a sociological research, a productive survey on ethics

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[20] Comparing Habermas's distinction between communication and rational discourse to Luhmann's moral communication will highlight the similarity between them. Also see their convergence on the concept of trust in section 2.2.5.

[21] Conflict has a function to recover and introduce innovations into communication in order to enhance connectivity. Thus, conflict has a latent function to save social communications in emergency (cf. Luhmann 1995, chap. 9).

[22] Communication actually functions as a means to seek information, thus a full understanding will in turn

and morality by Ethics can be yielded only insofar as the subject matters are reformulated in a non-paradoxical manner, which is hitherto impossible—owing to Ethics operates on good/bad distinction (Luhmann 1989, p. 142). Before this paradoxical situation can be prevented, sociology can only adopt its second-order observation of ethics and morality by ways of elucidating its emergence, and transformations, with an amoral observation, by means of which useful scientific knowledge can be produced.

2.2. Systems Theory: Approaching a Non-normative Social Order

Legitimation of the code of the moral comes from systems theory, with which specific terminologies and theoretical logic are provided. It is undeniable that Luhmann's systems theory is too complex for this thesis and thus, using the logic of systems theory itself, concepts which are relevant to sociology of ethics and morality are extracted and systemically constructed within the system of discourse of *this* thesis. Therefore, elaborations will begin with the ground and problematic of systems theory, that is, complexity and its resolution—binary schematism (section 2.2.1.). Binary coding follows the theory of observation, which is the epistemological and ontological foundation of systems theory (section 2.2.2.). However, problems occur when the question about the underlying dynamic of systemic operations is raised, which will uncover the fundamental irony of binary code—paradox and tautology. In fact, paradox and tautology are two pure forms of self-reference that makes operation blocked or looped. With de-paradoxization and de-tautologization self-reference becomes productive and thus the ontological ground of social life is thereby justified—recursive reproduction of social order (section 2.2.2.). This recursivity gives rise to the distinction of system/environment and its autopoietic operation, in which society is further clarified and ethics and morality are further relegated to the

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terminate its functioning. See more details in section 2.2.4.

environment of social systems—psychic systems (section 2.2.3.). Under this new conception of society, its constituents—communication—and derivative—action—are interpreted radically apart from current action theories and Parsons's structural functionalism (section 2.2.4.). All these finally converge on the point of the emergence of order, which can be explained by the order from noise principle that examined through double contingency and interpenetration (section 2.2.5.). This reflexive and amoral social order replaces obsolete pattern maintenance in Parsons's social systems by the concept of autopoiesis. In this regard order is emerged from below, which is different from Parsonian theory that prescribes normative culture, norms, (moral) values etc. to preserve established patterns, and it may be unsurprising that Luhmann's sociology of ethics and morality is absolutely amoral, which is consistent with his general sociology.

2.2.1. Complexity and Binary Schematism: The Basic Settings of the World

Witnessed by anyone living in contemporary society, social differentiation has already been realized and the ever-increasing social complexity creates the problem of social order, which is in fact the *leitmotif* of Luhmann's general sociology. While Luhmann has avowed his theory a "presuppositioness" theory, apart from the mainstream sociologies which take certain presuppositions of humanity, norms, and interest, he nevertheless still presupposes the indubitability of the unmanageable complexity of our world (Luhmann 1979, p. 5). Two major advantages of taking complexity as a fundamental problem are given.[23] One of them is that complexity has no boundary, such that it is not a system (ibid.), which means there is no unmanageable environment outside, and implies that complexity is the "non-foundationalist foundation"—as a horizon—of systems theory. To become a basis of formulating a general

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[23] For the background of introducing complexity into social theory, Medd gives a brief yet concise elucidation (Medd 2002, pp. 71-76).

theory, or even a "supertheory" (Luhmann 1995, pp. 4-5), system with boundary is incapable to fulfill the task assigned by virtue of the fact that there must be things outside the boundary. Thus the best way of theorization is to ground a boundless horizon that nourishes all beings—whether actual or potential, past or future, ego or alter—in the same world. As such Luhmann takes the "world" as the widest *ontological* horizon with complexity as its content, and hereby the problems of existence and maintenance of system becomes the dynamic that steer the elaboration of the theoretical logic.[24]

Another reason supporting the presupposition of complexity is that a high degree of abstraction and universality is required by complexity which can effectively break the traditional demarcations of different systems and social science disciplines that impede a general and universal theorization (Luhmann 1979, p. 5). The innovation of systems theory is that communication and operation endowed with difference is employed and grounded on the basis of binary schematism. Complexity can thus be organized and reduced through the binary channeling of selections.[25]

Complexity becomes the heart of the matter in systems theory, as well as the code of the moral when it is related to the contingent social interaction in everyday life.[26] Complexity exists by virtue of the intransparency of the consciousness of the interactive partners

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[24] In addition, existence, maintenance and reproduction (the perpetuation of existence) is somewhat metaphorical to biology that concerns life and continuation of life by maintenance and reproduction, but they only differentiates at the point of autopoiesis (production and reproduction) that underpins existence (the reproduced state) and maintenance (continuation of autopoiesis). Hence it is not difficult to imagine that for a biological organism *there is no intrinsic value of ethics and morality*, but only existence or non-existence, dead or alive is the matter. That is why Habermas criticized Luhmann by which receding to not "metaphysical" but "metabiological" (Habermas 1987b, pp. 372-373).

[25] Complexity is Luhmann's theoretical presupposition that different from the mainstream sociologists, however, it has already been thematized in scientific theories, for example, general systems theory (Bertalanffy 1973) chaos theory and thermodynamics (Prigongine 1984), cybernetics (von Foerster 1981), and biology (Maturana and Varela 1980; Maturana 1981), and thus Luhmann's pursuits of the scientific enterprise are revealed by his introduction of the concepts from natural sciences. Cf. Medd 2002.

[26] Simply speaking, contingency is defined as the occurrences that are neither necessary nor impossible (Luhmann 1998, p. 45). It can be further defined by "the negation of necessity and impossibility" (ibid.).

(Luhmann 1979, p. 7). Unpredictability of the alter yields the unbearable risk when we act against someone who we cannot, to a large extent, predict the others' action. Social occurrences are contingent because of every event that does happen could have been otherwise, that is, could not have taken place, and infinite possibilities of "otherwise" awaited for actualization. Thus it is impossible to say impossible as far as impossibility is not impossible but just not yet actualized. In everyday practices, expectations can be fulfilled or disappointed, and action coordination becomes improbable unless this contingency is reduced to a manageable extent. In this respect Talcott Parsons and Edward Shils propose the necessity of the value consensus embodied in social norms that can arrange social complexity generated by different intentions and interests, and thus ethics and morality are hereby entailed to be the integrative means for social order (Parsons and Shils 1951, pp. 3-29). This normative solution irritates Luhmann in that the rationale of existence of norms precedent to anything else is still in question, such that he formulates an alternative to this normative solution and probes directly into the true kernel of the matter—double contingency—without resorting to norms, culture, or extramundane being (Luhmann 1976).[27] Elimination of the contingency indicates the probability of ordering, and the emergence of system, *without resort to any preceding ordered patterns*, can only be rested on a random base, and the principle of "order out of noise" is thereby employed by Luhmann to be the ultimate ground of his sociology (Luhmann 1995, p. 105).[28]

This non-normative resolution of the problem of complexity is characterized by binary schematism. Similar to binary oppositions shared by the structuralists, binary dichotomy is used as the scheme for systemic operation in every selection of one side. Under this scheme, moral code is thus the functional form of morality in which esteem or disesteem are the selections in the course of the communication process. Binary schematism is crucial for

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[27] More details will be illustrated in section 2.2.5.

[28] See section 2.2.5.

systems theory in that morality with enormous complex intrinsic value can be abstracted to the relatively reduced social level, or precisely, the manageable moral communication emerges from (at least) two interacting psychic systems. In short, binary schematism is a complexity reduction mechanism vital to all systemic operations, inasmuch as code provides channel for selection, and basically selection constitutes the system and indirectly construct the world.[29]

Let us draw some crucial features of binary schematism, which enable the complexity handling in a way of differentiating things into a binary manner—as "positive"/ "negation of the positive" in its purest form. Firstly, binary schematism (or simply binary code) functions to resolve tautologies and paradoxes encounter by any system—tautologies and paradoxes emerge from the *unity* of a system, either in the form of circular argument (e.g. legal is legal) or self-contradiction (one cannot legally maintain that one is legal). Fortunately, binary codes that rest on the principle of *difference* (the difference of legal and illegal) can help directing operations into either one side of it without raising the question of the unity of the code itself (Luhmann 1989, p. 37), such that law as a social system uses legal/illegal as its binary codes to process complexity. Everything can enter into, or precisely, being perceived by, this system insofar as it can be translated into either legal or illegal.[30] Things cannot pass through this translating process is excluded out of the system to be an environmental noise irrelevant to the system. Hence the system can use this difference to steer its operations by allowing the progression of selections.

Second, codes are totalizing constructions (ibid., p. 38). For the system which uses particular code, the world (from the perspective of that system) is divided into two sides. This

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[29] The existence of the world is relative to a particular system, as the world is a world for an observer what one observes. This radical constructivism will be briefly explained in section 2.2.3.

[30] The difference between how do information "enter" and "being perceived" is related to the nature of systemic operation, in which that particular information is allowed to enter insofar as the system actively "creates" that piece of information. Simply speaking, autopoietic system creates information for its own use.

distinction is exhaustive that the marked side and the unmarked side compose the world. Thus every system with different binary codes perceives the world in its own way, and no omniscient observing system can transcend or emerge out of its binary codes.

Third, two sides of the code are equally valid for access; neither one side is necessary or more probable than the other one because the distinction itself is neutral.

Fourth, codes are valid insofar as, e.g. in social system, communication chooses their domain of application (ibid.). One talk about a social issue from the perspective of legal/illegal has readily entered into legal system, and if the topic is shifted to the power holder or opposing parties, then political system emerges in this discourse without any trace of legal system, such that every system is characterized with non-transferable binary codes.

Fifth, code is different from the criteria for correct operations (programming) (ibid., p. 40). The different between codes and programs is that, the codes denote system closure—every value refers to this code but no other—whereas programming of the system defines the correct and suitable operations of system's codes. For example, legal system confines all communication along legal/illegal as its binary code, whereas its programming defines what is a valid legal norm, that is, for a correct handling of the values "legal" or "illegal" (ibid., pp. 47-48). For moral code, esteem and disesteem are the coding, but whether the attribution of the code to particular person is suitable or not, or in other words, will that attribution be followed by conflict or consensus, resulting in further moral communication or terminates moral discourse, is the matter of programming.

Sixth, by the difference between code and program the combination of closure and openness in the same system is possible (ibid., p. 40). Codes leads to system closure, whereas program makes the entry of the external data possible, that is, to fix the conditions under

which one or the other value is posited.[31]

Seventh, binary codes exclude the third value that will lead to paradoxes or tautologies by reintroducing the unity of the code or assigning irrelevant codes to spoil normal operations. For example, legal system can only operate on legal/illegal, but operation blockage as a result when using legal (1st value)/illegal (2nd value)/legal *and* illegal (3rd value); or legal/illegal/suffering (the 3rd irrelevant value) (ibid., p. 41).[32]

The last feature is that, eighth, binary codes signify the bifurcation of operations and lead to the constitution of a historically irreversible structure of complexity (ibid.), such as the construction of the written rules and laws that are independent to particular legal system.

The prevalence of binary codes in society implies the fact that society is to a large extent differentiated functionally. Only self-referential meaning systems uses binary codes, that means binary codes do not exhaust all communication, inasmuch as binary codes are an *evolutionary achievement* of societal differentiation (Luhmann 1989, pp. 38, 44).[33] Hence in this way systems theory should not be criticized by alleging an intellectualistic and ahistorical theoretical system. Evolution, in fact, is the crux of the matter in Luhmann's sociology to enhance its sensitivity to history and empirical reality, as well as to pave the way for the de-subjectivation of his theory (cf. Schwanitz 1996, p. 490).[34]

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[31] In other words, program introduces the possibility of definition and re-definition of the codes, which requires external input of information at its structural level but not at the operation level. Hence system is characterized with the operational closure by self-reference and structural openness as complexity "interchange".

[32] It can be simplified in these logical representations: binary codes operate in light of A/-A, but neither by A/-A/A and -A, nor by A/-A/B.

[33] They are exemplified as: religion with the code of immanence/transcendence; law with the code of legal/illegal; politics with the code of having power/having no power, or holding office/opposition; economy with the code of payable/un-payable; science with the code of truth/not-truth; art with the code of beauty/not-beauty; mass media with the code of information/not-information (King and Thronhill 2003a, p. 23).

[34] "Evolution is a subjectless process set in motion by difference, in this case the difference between system and environment." (Schwanitz 1996, p. 490).

For any social issue, each system with its specific binary codes and programs operates self-referentially, as well as interpenetrates with each other and cooperatively organizes complexity for their own goods. Thus, society is no longer primarily organized with cultural/moral/normative integration but operated with their structures coupled by interpenetration and along binary schematization to reproduce the enforced selectivity and thus connectivity. Hence it is crucial that neither structures nor norms constitutes systems, but the binary code and programs build up the framework of operation of the systems (King and Thornhill 2003a, p. 23)—because only code enables a system to undertake self-reference and other-reference, and only program can fill the code with content (Luhmann, 2000, pp. 55-56).

2.2.2. The Theory of Observation and Self-Reference: The Epistemological and Ontological Foundation of Systems Theory

More clarifications of the logic of binary coding in systemic operations will be delineated with reference to the epistemological and ontological foundation of systems theory—the theory of observation and self-reference. Both of them replace the traditional foundationalist epistemology and ontology by a non-foundational one with avowing the primacy of relations between elements over the essence of substantive unities.[35] From the perspective of the theory of observation, unity comes after difference as demonstrated in the Fichtian problem of self (Rasch 2002, pp. 4ff): the self is being comprehended insofar as the category "non-self" can be drawn against the self to make a self/non-self distinction, in this

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[35] Traditional ontology presupposes the "being" as a unity and "processes" are the attributes of "being". The world is constituted of the unified elements and their interrelated processes in time produce "events" that compose historicity. The distinction between subject/object is one of the prominent features of this essentialism. However, focus on deconstruction (Derrida) and power relations (Foucault) have uncovered the long concealed fact that essences are relative to the context, whether in social, political, or historical one, in which relations drawn therein define the "essence", such as the "essence" of female under patriarchal societies.

way the "essence" of self can only be contrasted by indication of "non-self", thus every attempt to comprehend the self will only be entrapped in the infinite regression of categorization, yet the self still cannot be found. Therefore what is being comprehended in the first place is rather the distinction that indicates the relationship between two sides than the identification of either on of the sides.[36] As the theoretical and ontological foundation, the theory of observation does not pursue "Totality" that emphasized by the traditional philosophers. Difference instead of unity actually creates the scheme of the world by systemic operations. Ironically, this world created by the relation of difference can be called totalistic and universal, because both sides of the system/environment distinction are considered, instead of the obsolete subject/object distinction in the classical sociologies. Any traces of egoism in the philosophy of consciousness are eradicated hereby from a different approach—not via intersubjectivity advocated by the theory of communicative action, but through observation one is totally open to the possibilities of the world. Under this paradigmatic change ethics and morality rest on the substantive unities to be the attribution centre in the past are no longer valid in Luhmannian sociology. Instead, their social functions are being abstracted into two orders of observation, on which ethics as a second-order observation reflects the limitation, application, and efficacy of the morality observed on the first-order.

Additionally, the corresponding epistemology uncovers the underlying operations beneath the code of the moral by asking a question: "How can understanding and knowledge thereby build up?" which could be answered by Mathematician George Spencer-Brown's logic of form: *draw a distinction*! (Spencer Brown 1969, p. 3). A distinction, however

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[36] By using Spencer-Brown's example, to conceive a circle one should drawn a boundary on paper that separates what is included and identified as a circle and what is not:

The line marks what is a circle and what is its environment (i.e. the rest of the paper). Thus, distinction has to be drawn before anything can be understood (Spencer Brown 1969, pp. 3-4).

arbitrary, demarcates two states, which are essentially equal from any perspective. To begin with, the side we indicate to be the subject of observation and operation is called the marked state (ibid., p. 4). What make our comprehension possible are in fact the observations with which the indication of the marked state and the distinction drawn are unified (Andersen 2003, p. 65). To give a simple example, one's comprehends of an apple must at the same time draw the distinction regarding what *is* apple and what *is* not apple, and thus the apple is *inferred*, but not actually probing into the essence of the apple. If one cannot draw the distinction, then apparently one cannot comprehend anything, and the world presented to her is a flux of events.

The theoretical overtone lies here is that not only does cognition need distinction, any operation can be possible insofar as observation—an operation of distinction with indication—is undertaken. As mentioned before, not the essence of a matter defines its attributes (relations), but the relation formulates its properties. In much the same way, the ontic being no longer retrieves its *raison d'etre* from another level of ontic being, however, selective processes in operations delimit the possibility of the event—the range of possibility of the "being"—emerged by drawing distinctions. This radical constructivism may be too incisive and irritating to mainstream philosophers, but Luhmann would defend that their obsession to the teleology is self-deceptive by eschewing the fact that difference and thereby the consequence of uncertainty are logically preceding to unity and certainty. In this respect difference rather than unity becomes the common ground for Luhmann's (social) ontology and epistemology, which can be reflected in his theory of observation.

The meaning of observation does not limit in a mere perceptive sense, yet a broader logical denotation is employed. To define, observation is "any kind of operation that makes a distinction so as to designate one (but not the other) side" (Luhmann 1998, p. 47), and functions to handle and manage distinctions (Luhmann 1995, pp. 36, 178). The underlying

binary schematism of observation follows the *protologic* of the operations resorting to Aristotle's logic—the logic of contradiction and exclusion of the middle (Clam 2000, p. 68).[37] In addition, Heinz von Foerster's second-order cybernetics explores the depth of interpretation of observation to conceptualize reflection theoretically, which is then assimilated in systems theory and one of its application can be illustrated in the code of the moral. Second-order observation is distinguished from the first-order one in way of using distinctions as the schema to indicate and distinguish what is being observed. However, first-order observation is blind to its *rationale* for drawing such particular distinction. Once an observer notifies this problem,[38] observation hereby shifts to the second-order, in which observer observes the blind spot—the distinction itself—of the first-order observation. The mode of operation is exactly the same in both orders—base on binary schematism and the laws of form—thus there is no implication of any kind of *metalanguage* superior to the first-order operation (Luhmann 1998, p. 49; 2002, p. 114). However, second-order observation as an operation observing other's (or even self-) observation, can become first-order once it is being observed. Regressions of order are possible inasmuch as every observation is endowed with a blind spot of observation that, paradoxically, enable it to observe. In short, no "third"-order observation because observations are stratified into analytical level but not queued in the sequential position.

Though second-order observation is another first-order observation once being observed, it is both more and less than the first-order one. In Luhmann's tricky language,

> it is less because it observes *only* observers and nothing else. It is more because it not only sees (= distinguishes) its object but also sees what the object sees and sees how it sees what it sees,

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[37] The logic of contradiction can be simply represented in the formula: $A \neq -A$; and the exclusion of the middle means that the third value in the distinction is excluded: in a two value logic ($A/-A$), the distinction ($/$) of both sides is excluded in that it rests on another order of logic (second-order logic). In fact, these two formal logics are the result of the protologic, as Luhmann acclaims, tautology ($A = A$) and paradox ($A = -A$).

[38] Observer can be all kind of systems, not only confines to the human consciousness. For example, a thermostat is also an observer observing its environment (temperature).

and perhaps even sees what it does not see and sees that it does not see that it does not see what it does not see." (Luhmann 2002, pp. 114-115).

Hence one can see "everything" at the level of second-order observation in the sense that it observes what observer sees *as well as* what observer does not see, and the sum of the observed results constitute the whole set of the world. The crucial consequence implied herein is that complexity can thus be reduced by confining the area of operation to the marked state and leaves the other irrelevant state out of consideration (Spencer Brown 1969, p. 5)(see figure 2), in which the expulsion of moral complexity into the environment by social systems is justified. The unmarked state in this regard is not the residual category which should be discarded, rather, it functions as the potential possibilities for further observations and hence the source of *connectivity*. That is to say, the information value of the selected and indicated side will soon be consumed after that selection is actualized, thus recurrent generation of information via continuous observation and selection is vital for system operations; even if the regenerated information is actually identical with the previous one, re-selection and observation should still be performed. Yet one can only operate and comprehend exactly the marked state but not the unmarked state, otherwise the assigned unmarked state will turn into the marked state by this "perception of unmarked state". Above all, blind spot is ineluctable yet welcomed inasmuch as it is the very possibility of observation; it can be eluded instead of eliminated through second-order observation, and therefore more knowledge is yielded while at the same time high level of complexity can be managed.

Figure 2   **The Distinction, the Marked State, and the Unmarked State**

Step 1	Step 2	Step 3	Step 4
No operation because no distinction is drawn.	Draw a distinction. But still have no operation because the distinction drawn is symmetrical.	Indicate one side as the marked state to asymmetrize the distinction.	Therefore the other side is the unmarked state that *inferred* from the marked state.
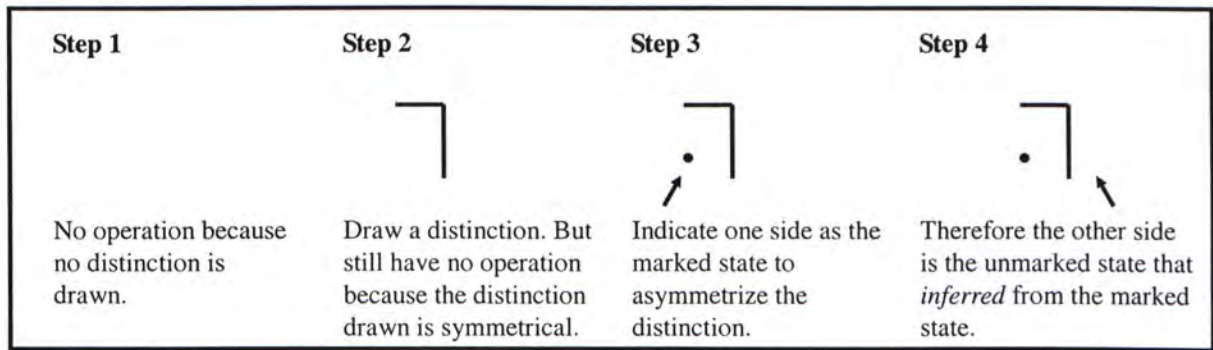
One of the epistemological and ontological implications of the second-order observation is that, as mentioned above, complexity is being reduced and increased at the same time. In so doing, further distinction based on the previous distinction is drawn to cope with further complexity engendered—a *self-referential* process as such. Another crucial break from traditional epistemology and ontology is the repudiation of totality, which is underpinned by the primacy of unity and identity, and replaced with difference. Observer moves from one observation to another observation but still cannot reach the unmarked state to totalize the world (Luhmann 2002, p. 85), since, paradoxically, any distinction demarcates unmarked state from marked state, in which the unmarked side remains unknown because of its "unmarked-ness", or in Derrida's terminology, "diffrance", that defers forever.[39] Substantive unification of both sides of the distinction can never be achieved from the perspective of the theory of difference, but only the inferred form can be deemed universal. To speak of the formality of observation does not necessarily recede to intellectualism and neglect social reality, rather, Luhmann would claim that the theory of observation reveals the truth of social existence: everything has their negative counterpart, realized as the unmarked state that can only be comprehended by second-order observation. Hence the code of the moral, though deconstructs our beliefs of ethics and morality, opens the way to acquire deeper understanding

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[39] For more details, see "Deconstruction as Second-Order Observing." (Luhmann 2002, chap. 4).

and more knowledge of the complicated moral phenomenon via systemic reduction of complexity.

Cautious reader may notice that the theory of observation with binary code will give rise to serious problems, that is, tautology and paradox. Identification of one side, if not embark on Fichtian infinite regression, is simply what it is—a tautology; and except tautology self-identification by referring to the both sides of distinction at the same time incurs to paradox. Tautology means a distinction that does not distinguish. It explicitly negates the difference that it distinguishes (Luhmann 1988, p. 34). That is to say, it distinguishes itself not from identifying its negation but the negation of its negation (-(-A)), and A = A is thus a typical pure logical formulation of tautology: A can only be A because it is A. Observations in this regard is thus inclusively circulated by means of a pure circular argument and incapability to identify further "knowledge" from its original point. In a similar way, blockage set up by paradox when both sides of the distinction are true at the same time (A = A and -A), therefore operation is trapped in the excluded middle point inasmuch as one side canceling another side of distinction, and no further indication and operation are allowed because of the total indeterminacy (Luhmann 1995, p. 33).

Following Luhmannian systemic ontology, everything in the world, including society, basically operates by way of observation, and thus tautology and paradox that symmetrize both sides should be prevented in observations. Because tautology makes no other-reference and paradox makes two equal other-references that in turn cancels each other. That is to say, two equal other-references re-symmetrize the distinction and therefore terminate further operation. Certain relieving mechanisms are undertaken to eschew this, paradoxically enough, ineluctable indeterminacy. This indeterminacy is caused by that no particular justification is preordained for choosing this side but not that one (i.e. no indication), therefore *asymmetrization* in a way enables indication of the marked state with excluding unmarked

state the other side is the strategies that Luhmann employs to de-tautologize and de-paradoxize.[40]

Various means can be used to accomplish this task: time, values, ideologies, anxieties, risks, and so forth (cf. Luhmann 1988). All of them suspend the indeterminacy to a certain extent by concealing its prime distinction. For example, time can move observation to a higher level of observation by observing the unity of distinction through the retrospective and prospective observation by the distinction of past/future (Luhmann 1995, p. 42; González-Díaz 2004, p. 15). Values and ideologies—in which ethics and morality is one of the representations—are rather old means that offer specific descriptions (or identification) of society and foster particular programs for action (Luhmann 1988, p. 32). By taking certain values and ideologies, the other side of that value and ideology are deemed untouchable and unthinkable (e.g. evil in moral theory), thus blinding oneself to observe according to particular way. However, once they are being challenged, another set of values and ideologies can be used to "debunk" the previous description. In this way, the validities of values and ideologies cannot be questioned but can only be interpreted (ibid., p. 33). In modern or even post-modern society, all values and ideologies are facing ruthless challenges, since their impotency to provide a holistic description of society was exposed, hence another de-tautologization and de-paradoxization strategies are urged. Anxiety and risk are thus the next popular functional equivalences to take this role because they "cannot be disputed, refuted, or cured" yet no body can escape from it,[41] and thus can effectively "[block] insight into the problems of tautology and paradox" (ibid.).

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[40] De-tautologization and de-paradoxization do not amount to *resolve* tautology and paradox. Instead, they are not resolvable since all observations depend on drawing differences and "observation cannot observe itself" (Luhmann 1993b, p. 15). As such the tautological and paradoxical situation can only be evaded by "deceiving" the observing system for a while, that is, without questioning the rationale of drawing such difference—does not observe the observed subject matter at the second-order level.

[41] See Beck 1992. More details in Luhmann's conception of risk communication, see Luhmann 1993b. Also refer to section 3.6.5.

Note that tautology and paradox, in fact, operate on self-reference which provides with circularity; notwithstanding, only pure self-reference would lead to tautology and paradox, other than these are the indispensable mechanism of the system operations. Because self-reference is the mode of basal operation of observation—in fact observer can only be a system in advance to indicate itself from the environment by drawing a distinction (boundary) to differentiate the gradient of complexity (Luhmann 1995, p. 176).[42] In this vein, complexity can be managed insofar as events are connected selectively with specific "order" according to the systemic observations. Selections are indeterminate but not arbitrary, as they are connected to the selectivity of previous observation, which implies that *selection enables selection as such—a self-referential operation.* Asymmetry of distinction breaks the indeterminacy of the two equal sides and simultaneously creates connectivity of the further operations, which is different from the circular operation that wavers between two sides in tautology and paradox.[43]

In a nutshell, self-reference makes existence possible, inasmuch as every existence persists temporally by incessant self-reproduction of the operations to maintain their continual existence. Everything exists and can be maintained because they find their way of continuation, and binary schematism assists connectivity by selecting next event from one's own perspective. For example a cell lives insofar as it can maintain its operation by maintaining its cell membrane, and by refining its homeostatic balance, by controlling the information from the environment, etc.[44] Through self-reference complexity would not be

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[42] More details of self-reference will be elucidated in the section 2.2.3.

[43] In fact, the asymmetry of distinction takes effect when we conceive the wavering between two sides of a distinction—discriminating two sides, at least, on the temporal dimension: first at this side and then at the other side. That is to say, once an event can be thought of, imagined, anticipated, conceived has already presumed the operation of asymmetry; otherwise we cannot even think of them in that we are stuck in the paradox and tautology.
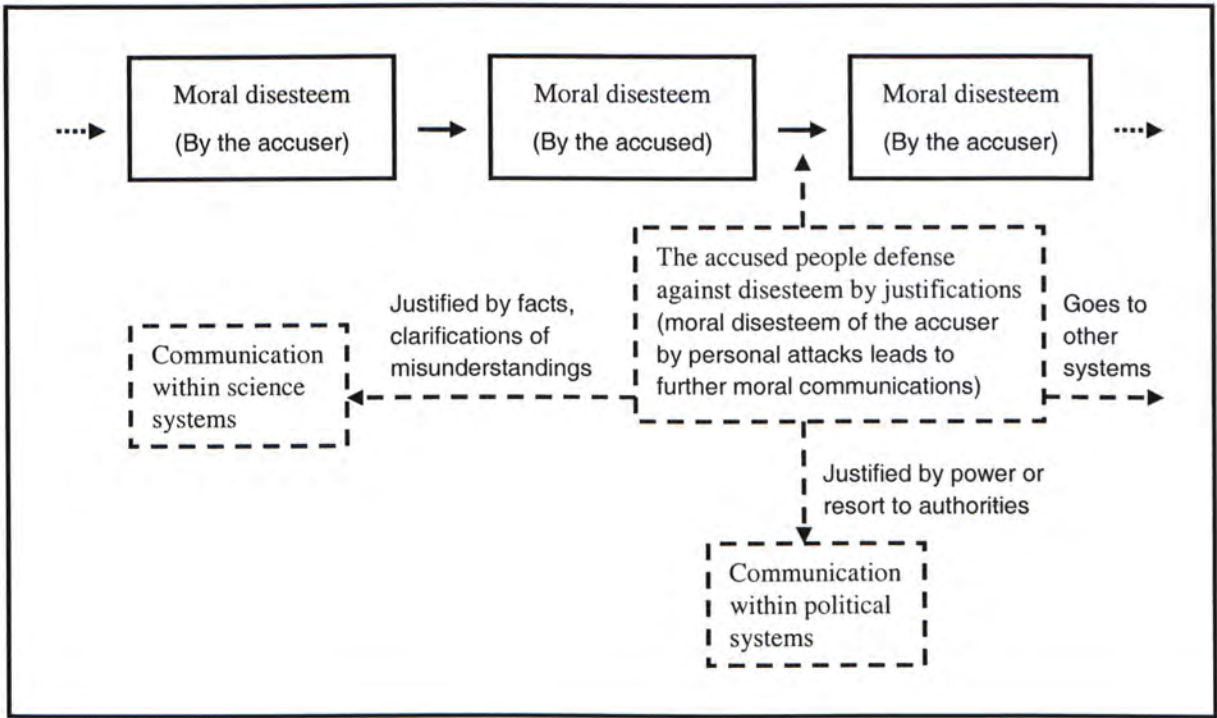
[44] Self-referential *operation*, but not self-referential *structure*, is what Luhmann pinpoints. For example, a cell is self-referential (or autopoietic in the biological term) in its operation; namely, its systemic operations are independent to its environment. But structurally a cell cannot be totally independent from the environment

eliminated, but reduced and organized by complexity (Luhmann 1995, p. 26). In short, complexity reduces (by focusing on the marked state) and produces (that a new unmarked state is demarcated) complexity for further complexity reduction at the same time.

In so doing ethics and morality as one kind of values in society follows this mode of operation, functioning as a semantic for asymmetrization by discriminating what is normal and desirable to exclude deviance, evil, and immorality which are deserved for punishment in pre-modern society and disesteem in modern society. While the semantic of morality (i.e. the moral code) changes in society, its mode of operation—observation and self-reference—nevertheless remains the same. Esteem and disesteem are connected to further esteem and disesteem in moral communication by observing one's personality as a whole is appraisable or not, and then reacts to the moral accusations with different kinds of communication: either defend against accusation via rational justification (falls into scientific communication: esteem/disesteem follows by truth/non-truth), or disdaining the other (remains in moral communication: esteem/disesteem follows by esteem/disesteem), or silence (aims at ceasing moral communication: esteem/disesteem follows by indeterminacy) (see figure 3).

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which is the horizon for information, materials and resources, etc. However, structure is the result of self-reference, for example, the structure of cell membrane is the self-referential outcome of the operation of growth and development but not the self-reference of the structure of membrane. In the similar way, the structure of expectation during interaction is the outcome of constant communications built up by memory that resides in the psychic system, but they are not in itself self-referential.

Figure 3   **The Self-reference of Moral Communication**

| Moral disesteem (By the accuser) | → | Moral disesteem (By the accused) | → | Moral disesteem (By the accuser) | ····▶ |

Justified by facts, clarifications of misunderstandings

Communication within science systems

The accused people defense against disesteem by justifications (moral disesteem of the accuser by personal attacks leads to further moral communications)

Goes to other systems

Justified by power or resort to authorities

Communication within political systems

2.2.3. System/Environment Distinction and Autopoiesis: A New Conception of System

Ethics and morality are *not* social systems, rather, they are the residues of the social differentiation excluded from social systems with communicative value, and this explains the aporias situation of morality in modern society. Overwhelming ethics and morality pertains to pre-modern hierarchical society differentiated along the hierarchy of value. And ethics and morality as values are semantics of communication to describe society, but not in itself a self-contained system in that the crucial defining element—system boundary—is absent.

In Luhmannian sociology, system, from the outset, is not defined as an ontological entity such as what traditional ontology prescribes (especially Aristotelian ontology); nor merely conceived as an analytical concept in a whole-part relation that sociologists generally used (such as Durkheim and Parsons) (cf. Luhmann 1995, p. 18). Self-referential system distinguishes itself from all of the above with a basal distinction—the system boundary, which is absent in ethics and morality—that situates between system and environment, in which

117

system neither subsumes nor penetrates by its environment. System, in this regard, is not an open system that allows information from environment to enter *directly* into it and then produces the processed product to environment, nor a closed system that blocks all influences from the environment with a totally closed boundary. System relates to its environment by a special mechanism that—based on self-reference—enables both system closure *and* system openness simultaneously. This mechanism has long been invented for defining *life* in biology, namely, autopoiesis (Luhmann 1990, p. 1).

> Autopoietic systems, to use Humberto Maturana's own wordings,
>
> "are systems that are defined as unities as networks of productions of components that *recursively*, through their interactions, generate and realize the network that produces them and constitute, in the space in which they exist, the boundaries of the network as components that participate in the realization of the network" (Maturana 1981, p. 21 quoted from Luhmann 1990, p. 1. Italics added).[45]

Autopoiesis can be understood by resorting to its etymology from Greek, namely, self-production.[46] Self-production here means all elements as units used for systemic activities are produced by the system itself. Direct control from other systems or environment, as in totally open systems, is not the case for autopoietic systems. However, autopoiesis does not amount to totally self-sufficient closure that *isolates* and *separates* system from its environment, nor amounts to the total transparency that is *dependent* upon its environment. Instead, autopoietic system maintains its *independence* by closure of operation and still

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[45] Humberto Maturana and Francisco Varela introduced autopoiesis as early as in 1973 with a rather mechanical definition: "An autopoietic machine is a machine organized (defined as a unity) as a network of processes of production (transformation and destruction) of components which: (i) through their interactions and transformations continuously regenerate and realize the network of processes (relations) that produced them; and (ii) constitute it (the machine) as a concrete unity in space in which they (the components) exist by specifying the topological domain of its realization as such a network." (Maturana and Varela [1973]1980, p. 78). And "the space defined by an autopoietic system is self-contained and cannot be described by using dimensions that define another space. When we refer to our interactions with a concrete autopoietic system, however, we project this system on the space of our manipulations and make a description of this projection." (ibid., p. 89)

[46] In Greek, autopoiesis means: auto – αυτό for self and poiesis – ποίησις for creation or production.

dependent on its environment by way of structural openness at the same time (Luhmann 1995, p. 127). In so doing, the boundary of an autopoietic system is essentially open and permeable into which information (strictly speaking, complexity) can enter the system from its environment. Yet, the criteria for selection of information are still conferred to the system alone by means of thematization along its own binary coding (see Luhmann 1995, p. 127).[47]

Luhmann provides an example to illustrate this peculiar feature of autopoiesis: just as the eye can only *see* the environment, but cannot *operate* within it, and that is why the eye can see (Luhmann 1995, p. 410). Simply speaking, the eye as an autopoietic system can perform its operation and processing only if it is independent from its environment, but not *operatively* embeds into it. Thus "seeing" as an operation presupposes that the eye as a system closes its boundary against its environment. In this sense the eye is an operatively closed but structurally open system—it can see all, infinite, visible things by its own rule of selection.

The crucial status of environment can be shown in the system/environment distinction that gives identity through difference. To define, environment is a negative correlate of system, simply "something else" (ibid.). These "something else" are not a system as long as environment is boundless, so it cannot operate nor process any information, and that is why environment should be more complex than system—as the latter contains organized complexity. As mentioned above, environment is the result of the distinction that differentiated a particular system, thus other systems are immediately become environment from that system's perspective. To give an example, other autopoietic systems such as psychic systems, organisms, and machines are the environment from the perspective of social systems.

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[47] Compared to a totally closed system, which precludes all in-and-out information between system and its environment, autopoietic system allows elements to pass through its boundary but with specific manipulation imposed upon the entered elements, or in other words, the system creates those elements actively by incorporating them into the system's internal environment. It can be analogous to a cell, which defines itself by a *selectively permeable* cell membrane. Also refer to Wagner's interrogation on Luhmann's biological metaphor on system differentiation for more details (Wagner 1998).

The former are incapable to operate from the eyes of social systems, because only communication can be entitled as operation in this respect. Other operations, for example, consciousness and life, are irrelevant in this system (social systems)/environment (non-social systems) distinction.[48]The system/environment distinction is essential for everything to be possible in a functionally differentiated modern world by managing relevant and useful information for continuing system operations, and this is the way we contact with the world by constructing reality from our perspectives. Thus, systems theory does not serve merely an *epistemology*, but as a whole provides an ontological foundation of society (section 2.2.2.).

Based on autopoiesis, the world under the systems theoretical perspective is different from the traditional "whole-part" conception. Actually, autopoiesis covers all self-referential systems, whether they are living or nonliving, to constitute our world with different modes of reproduction and organization (Luhmann 1990, p. 2). See figure 4:

Figure 4   Autopoietic Systems
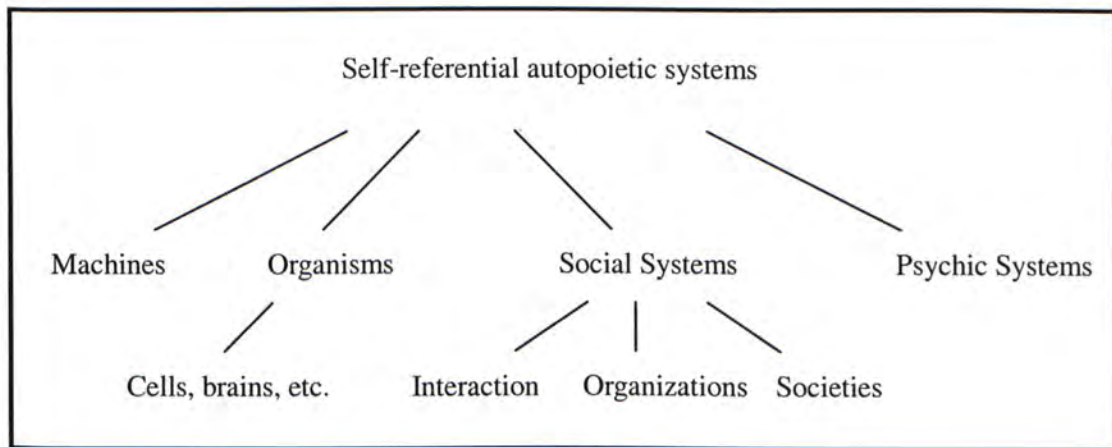
Sources: Luhmann 1990, p. 2; 1995, p. 2.

Among all autopoietic systems, Luhmann accentuates the functions of social systems and

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[48] This logic applies to all system/environment differences and thus complexity is hereby reduced by excluding irrelevant information. For instance, using Luhmann's own example, a political party does not interested in knowing whether its members brush their teeth in the morning, afternoon, or evening, or why leaves are green, or why suns are capable of remaining in a state of equilibrium (Luhmann 1995, p. 127).

psychic systems that constitute sociality together. Social systems emerge so long as events are being communicated. In a similar way, psychic systems emerge when one is conscious of something.[49] They are self-referentially closed to each other, such that changes of the system status can only be made self-referentially. Even if a communication, for instance, reproach by your mother actually relates to you and most likely would alter your state of consciousness; whereas you can still consciously isolate from it with an indifferent attitude. You can also verbally comply with your mother's requirement but in fact you are daydreaming. All these could happen because of the mechanism of autopoiesis. In this light we can see that Luhmann's introduction of the concept of autopoiesis sheds a new light on system-environment relation, to which system no longer passively adapts to its environment, instead, systemic selections *actively translate the environment for its own good.*

For Luhmann, as well as for sociology, most of the time we only concern about psychic systems and social systems, and leave organisms and machines as "asocial" things aside. Yet, all autopoietic systems are equal rather than allocated in a hierarchical order. For a runner in a competition, his body can be steered to its limit consciously, at this time psychic system seems to take control over organic systems. However, this asymmetrical relation can be easily reversed when his leg twitches. Relativistic de-centered systemic operations preclude any claims to center, end, or telos (cf. Luhmann 1995, p. 439), yet systems relates to other systems through system/environment distinction, in which from the perspective of system all other systems merely fused to become the inconceivable environment (ibid., p. 181).

In the broadest sense, system/environment distinction theorizes not only *society* but the

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[49] Here we talk about "something" in a phenomenological meaning, it includes intentionality, or intentional act (*noesis*) that brings our consciousness connected with the "thing" intended (*noema*). This intended thing can neither be confined to empirical things but also can be imagined idea, fantasy, or even nothingness (Cf. Zahavi 2003). And Luhmann may imply that phenomenology remains confined to the inquiry of psychic systems yet incapable to extend to social systems through a weak linkage of "intersubjectivity" proposed by Husserl.

world. This ontology based on difference seeks to show that every existence in the world exists by identifying its environment via distinction and thereby regains system identity. Recalling the arguments in the beginning of this section, it is not difficult to understand that ethics and morality can be comfortably marginalized in systems theory, insofar as the primary concern at the level of the world is existence or not-existence, being dead or alive, but not narrowly confined to order/disorder and moral/immoral, which has only secondary importance.

2.2.4. Communication and Action: An Amoral Interpretation

Functionalization and amoralization of ethics and morality can best be exemplified in the discussion on communication and action. Moral action in conventional ethical theory is generally related to action consequences (as the objective moral fact) and intention (as the subjective moral conviction and meaning) that ground upon human consciousness; and this approach actually orients to the essence of human nature since consciousness is the sole attribution centre of action. But this whole set of ontology of action is by no means valid under the system theoretical approach. Certainly communication and action are the attribution points of ethics and morality—much the same as discourse ethics—but systemic functioning deprives moral action of its substantive content, and then reduces it into functions during operation. In other words, realization of morality in the social realm will be construed as moral communication without consideration of its substantive, intrinsic and transcendental meaning.

Under system theoretical interpretation, the meaning of communication is different from general understanding. In other communication theories (figure 5), the metaphor of transmission is generally adopted to describe communication process, in which sender gives

out something—whether action consequence, influence, signal, or message—to the receiver. As such communication is ontologized and materialized to a thing-like medium between sender and receiver. The identity of what is transmitted is also exaggerated, namely, information given and received are conceived as identical (Luhmann 1995, p. 139). This superficial common sense neglects the deferred and deviated meaning created by other possibilities of misunderstanding and intended misunderstanding (e.g. deception), which would violate the principle of difference in systems theory. Besides, the reduction of the communication process into two-part constitution in the conventional metaphor is subjected to revision: sender utters and receiver receives (ibid., p. 140), which has mistaken communication as an intermittent and *ad hoc* occurrence. Repudiation of this metaphor depends on the fundamental conception of communication that it is a selection process and a selective occurrence instead of transmissible ontic beings. Selection herein links up communication with complexity to be the steering media of a social system.

Figure 5   Communication Model Adopted from Shannon and Weaver (1949)

Source: http://plato.stanford.edu/entries/information-semantic/figure3.jpg
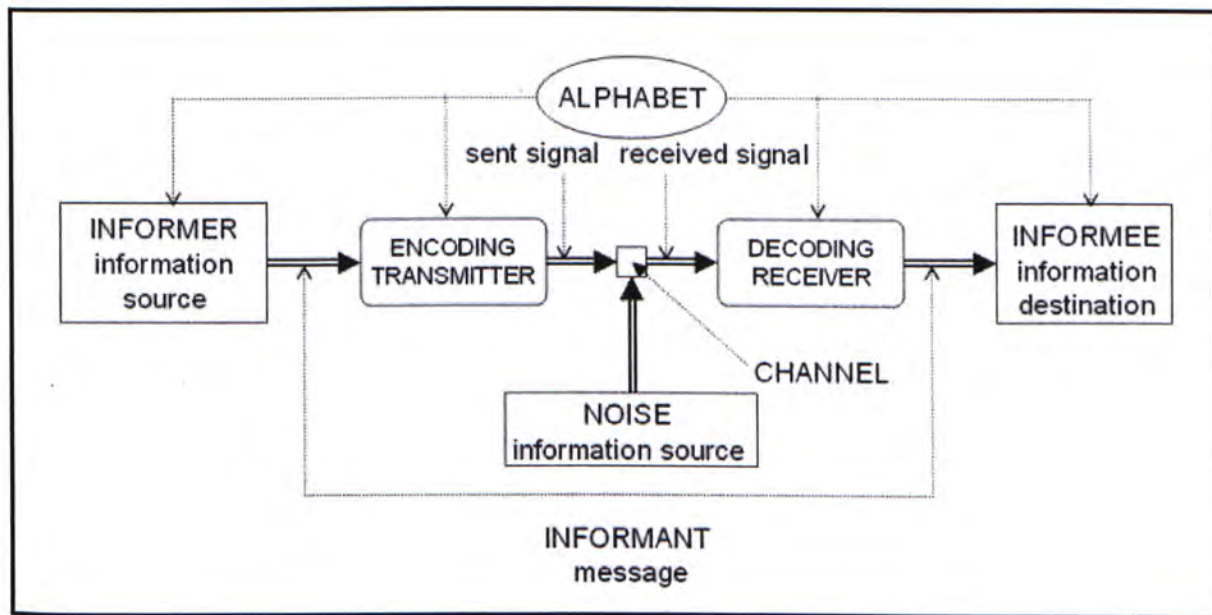
It is not difficult to understand that communication is a self-referential selection of

information for a social system. What is uttered in a communication, therefore, is not merely something being selected, but also a selection (Luhmann 1995, p. 140). In so doing, communication cannot be conceived as a two-part intermittent process; instead a three-part *continuous* selection process is employed by virtue of the necessity of reproduction of connectivity in every self-referential operation. The importance of selectivity in this respect, therefore, should be included in addition to the sender and receiver in the communication process. Selectivity steers communication forward by attracting further communication to secure connectivity, such that communication is not a one-shot and *ad hoc* occurrence that rests on the actor's intention, action, or reaction; whereas communication communicates further communications by incessant *understanding of meaning*. But one should not confuse "communicative act" (action) with communication in systems theory as the former is not the basal self-reference of the social systems, but a secondary reduction mechanism (i.e. action).

To clarify, communication process is constituted by three parts: information, utterance, and understanding (Luhmann 1995, p. 147).[50] Any mere cognition and perception can be called communication only if these three parts can be distinguished and recombined together (ibid.);[51] otherwise that particular operation remains a simple cognition. To give an example, a boy asks his girlfriend which movie they are going to watch, and she replies: "whatever!" The boy, first of all, has to deal with that information as an environmental complexity that implies specific semantic and concern with true/false and relevant/irrelevant distinctions. At

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[50] To define, "[an] utterance is chosen from various *behaviors*; information is chosen from various *facts*; and communication combines the two into one event." (Luhmann 2002, p. 181. Italics added) In addition, understanding is the difference drawn to distinguish factual and behavioral elements, and then recombines them into a unity, namely, communication.

[51] Details between perception and communication, psychic systems and social systems will be discussed in section 2.2.5. Nevertheless, one can anticipate by common sense that the mind as a psychic system can transform sheer perception into communication only with utterance, that is, such as one sees a tree and this perception is transformed into communication when one speak of "I see a tree there". Of course, merely pointing by finger can be *conceived* as a communication as well; the crux of the matter is whether that information is thematized in a communicative process—being uttered and understood. See Luhmann 2002, pp. 169-181.

the same time, the way she conveys this information—whether in a serious manner or dissatisfied manner, that she really has no idea, or covertly she has no interest on that movie—are closely observed. Utterance or action in this light only occupies part of the communication. Finally, the boy understands what she means—no matter he really got the "true meaning" underlying her intention or not—by successfully grasping the difference between the informational value of its content and the way of the utterance, and then the communication process is finished (Luhmann 2002, p. 157). Further replies would continue the communication process and seek to clarify, understand, and connect to other communications.

Information stays in the environment before codification by system (e.g. ego). Ego decides what is relevant for one's communication and what is irrelevant that leaves outside system. Utterance provides information with a codified form (in most situation it is linguistically constituted) to indicate the information. And understanding of the difference between information and utterance completes the communication process as long as the difference is "observed, expected, understood, and used as the basis for connecting with further behaviour" (Luhmann 1995, p. 141). Both ego and alter observe the difference between information and utterance, appropriate what alter does, and use it to steer communication. In addition, both of them observe and draw difference to grasp informational value for their own operations, anticipate the other's anticipation, and continue communication. Hence, communication connects ego and alter by manipulating informational value for each side and thereby reproduces communication and social systems.

The situation becomes more complicated when communication will be concomitant upon alter's acceptance or rejection of that communication. While accept/reject does not belong to the realm of communication (ibid., pp. 147-148), nevertheless, accept/reject links alter's reaction and thus generates connectivity for communication to communicate with. When

one's proposal is being rejected by alter, one has to communicate on why alter rejects. In this while the rejection itself becomes the theme of communication, and perhaps connects to persuasion, explanation, or retreat. In short, *only communication communicates communication*, but not action or anything else constitutes communication.[52] *The primacy of action over communication in conventional social theory is reversed in this regard*, and it can be possible inasmuch as the self-reference of communication cut off itself from the anthropocentric thinking, that is, even animals communicate in a similar mechanism. The overtone herein implies that systems theory concerning social systems is not merely limited to human society, but all other societies as well. Therefore, again, ethics and morality as human attributes occupy only a marginal position in this de-anthropocentric systems theory.

A further step to the de-anthropocentricize and de-normalized society is completed by formulating the pre-linguistic feature of communication (Luhmann 1995, p. 151). Differentiated from the conventional communication theories, utterance does not necessarily imply linguistic utterance.[53] Even a laugh, a questioning look, dressing, absence, or deviation from expectations can be communicative utterance, so long as one understands it, whether by inference, instinctive articulation, or logical deduction (ibid.). It is not language that enables us to differentiate among things, as what semiotics and structuralists avow, rather, *communication based on difference*—in differentiating information and utterance—*in the course of evolution makes language possible* (ibid.), and that language becomes functional for the reflexive communication. Language is reflexive because it was developed to thematize what is being communicated (ibid., p. 153; 1995, p. 161), which will help to resolve the improbability of communication (Luhmann 1990, pp. 86ff). Hence *the essence of*

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[52] Additionally, communication can be observed, elucidated, and expounded by communication only. Other than that is merely a cognition or percept which resides in the psychic system by means of consciousness.

[53] Habermas agrees with that communication does not delimit to language, yet he argues that most of the communications are undertaken linguistically. A comparison between Habermas and Luhmann's conception of language will be shown in section 3.2.1.

communication is actually its selectivity based on difference (Luhmann 1995, p. 154), in which understanding is needed for connection only, but not seek to any form of consensus like discourse ethics. Furthermore, misunderstanding in fact would lead to further communication, inasmuch as misunderstanding urges more communication to clarify the situation or just direct the communication to the misled way. In any case, understanding is the point of connection for further connection, as well as linkage to expectations, or developed into operational codes (ibid., pp. 153-154). In their purest form, all of them pertain to the *selection of selection*, only different in terms of forms and functions. That is to say, what does matter is whether the codes of different selections—consistency/inconsistency of information, the sincerity/nonsincerity of utterance, the correctness/noncorrectness of understanding, and the validity/nonvalidity of reactions—constitute selectivity in the course of communication.

In this vein, communication cannot be conceived as action, nor be processed as a chain of actions, such as what action theorists formulated (Luhmann 1995, p. 164). Communication has a broader scope of selection than utterance (action), and this selectivity enables a high level management of complexity for social systems. Compared to psychic systems formed by consciousness, social systems do not invite consciousness to be their basal processing as what conventional action theorists do—to link up action with intention and subjective values in psychic system. Because consciousness is solitary and not attributed to alter—as its environment and other-reference—nor anything social, therefore one may be entangled with difficulties to define sociality merely by action.

Despite these difficulties, action is indispensable for social system, because communication cannot be observed directly, but only be inferred (Luhmann 1995, p. 164). During observation between ego and alter, communication must be concretized to form an action system, in that communication is symmetrical insofar as every selection reserves its openness by the possibility of reversal, whereas action is *asymmetrical* by the way of

condensation of communication to provide temporal fixed points for connection (ibid., p. 165).[54] Simply speaking, once an action is performed, it cannot be reversed and thus events are determined, and complexity is hereby reduced. In so doing, action comes about only if selections can be attributed to systems, that is, selections are related to *systems* but not to their *environment*, which implies that "addressees for further communication are thereby established as points of connection for further action" (ibid., p. 166). And in this sense action is merely a meaning attribution of communication that orients to system, and without its own independent ground pace action theories' concept.

To give an example, a soccer player in a match has already embedded in the context of communication if he is going to participate—do not ignore the possibility of daydreaming during the match, which is orient to other communications or individual consciousness but not the interaction situation. When he encounters the rival team player taking hold of the ball, communication is hereby built up through linguistic or behavioral information acquirement. The mode of information perceived is examined (i.e. utterance) and understood, thus communication is completed. Yet, this flux of communication can be, though not necessarily, condensed to action when communication is attributed to the communicative system (i.e. to defensed against the rivalry, or to get the ball, etc.) but not the environment (e.g. look at the audiences on the stage) (figure 6). Actions are intermittent and *ad hoc* but communication is coordinated once they are retrieved, for example, by reading a book written by another already dead thousand years ago.

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[54] Action can be non-communicative, yet it can be constituted socially "in two different contexts: as information (or a theme of communication) or as the act of utterance. In other words, there is noncommunicative action about which communication merely informs itself. But even its social relevance is mediated by communication." (Luhmann 1995, p. 165). Action is relevant to communication when the utterance is interpreted as an action, "and only thus does action become a necessary component of the self-reproduction of the system from one moment to the next. Therefore it is not false, only one-sided, for a communication system to interpret itself as an action system. Only by action does communication become fixed at a point in time as a simple event." (ibid.).

Figure 6   The Relation between Communication and Action
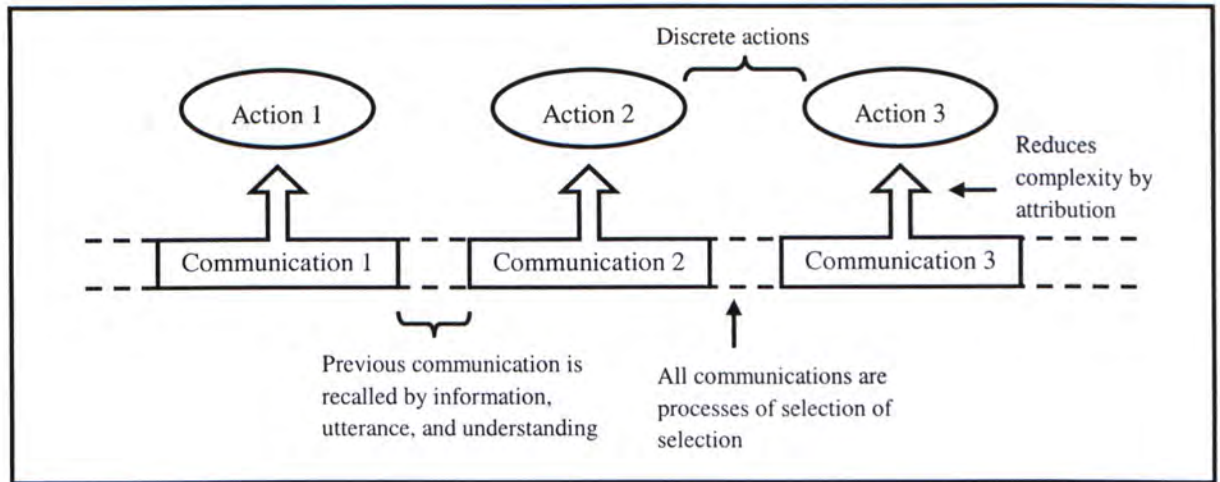
Reference to system enables self-description and self-observation of the system—an essential constituting mechanism for social system—and action is more comprehensible than communication for self-description by its *irreversibility*. In addition, action describes social systems with specific determination to simplify and reduce complexity. Individual actions within social systems aim at produce supporting points for further connective actions, and this self-referential reproduction asymmetrize the selections made by communication by irreversibility of action. Owing to this integrative mechanism of action and communication, social system is thereby constituted.

The implication for sociology of ethics and morality under this conception of action and communication is far-reaching. Ethics and morality can no longer rest on the substantive concrete action inasmuch as communication rather than action is the foundation of social systems, and only by means of abstraction can ethics and morality be significant at the social level. In other words, *moral relationship* (moral communication) is apparently more important than *intrinsic moral value* embedded in moral action, because value is only one of the semantic means to realize moral action (as an unity condensed and attributed by communication) based on the moral relationship (as an difference). In this way, functional explanation of moral relationships replaces causal explanations of moral action that

corresponds to the decentered morality under modern condition.[55]

2.2.5. Double Contingency and Interpenetration: From Patterned Moral Order to Reflexive Amoral Order

This is to be the last section for introducing the background of the code of the moral, the reasons of why ethics and morality is formalized, functionalized, and marginalized are fully explained by the concept of double contingency and interpretation, in which social order is re-interpreted and autonomies and binding forces between systems are explained. Simply speaking, double contingency and interpenetration concern the emergence and maintenance of social order, through which social system derives the resolution of double contingency between two opaque psychic systems without any guidance of norms or values. Furthermore, systems relate to other systems as their environment in light of utilizing environmental complexity as the binding and bonding force in between systems. In this way, complexity management is handled by (social) systems emergence from the intransparent psychic systems *from below* but not relies on the overarching normative cultural and moral values imposed *from above*. In other words, social order no longer guaranteed by moral values, which means a non-normative order besides moral order is possible. Normativity is precluded at social level because social system in effect curtails its *operative linkage* from psychic systems operationally—though both social and psychic systems have the relation of emergence, they operate autopoietically—which prevents systemic operations from the intervention of the humanistic ethical concern. In so doing the formalization and functionalization of ethics and morality is thus completed in light of repudiating substantive moral values in participation of

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[55] "[T]his concept of action does not provide an adequate causal explanation of behavior because it ignores the psychic." (Luhmann 1995, p. 166). Thus, it is not surprising that systems theory as another theoretical paradigm would prefer to build up different presuppositions, methodologies, logics of explanation, and even ontologies.

systemic operation, yet assimilating the communicative function of the moral code for interhuman interpenetration. Ethics and morality must persist, but merely as semantic codes realized as personal value preferences, condemnations, strategies, construction of expectation structure, or even enhancement of self-esteem at the social level.

First of all, the problem of order has to be resorted to the problem of double contingency. Double contingency is defined to be an indeterminate situation that ego—as a self-referential system—acts in relation to alter's (also a self-referential system) action and expectation, in which these expectations would influence ego's own calculation of action, given that ego wants to act with its own determination, and vice versa. This indeterminacy created in interactions becomes a problem of social order because action coordination, which is crucial to order emergence, seems to be improbable under the situation that ego and alter cannot predict the other's action precisely.

This problem, nevertheless, is understood by systems theory as a condition for emergence of social system from psychic systems by the principle of "order from noise". This is new to sociologists because most of them, and Parsons *par excellence*,[56] embark on the problem of double contingency through action theory by investigating the underlying conditioning mechanism of action coordination. In addition, action orientations are ineluctably guided by value consensus that directs everyday interactions (Luhmann 1995, p. 104). Luhmann concedes that double contingency should relate to action, but in a different way (Luhmann 1995, pp. 103ff). Undoubtedly, Parsons's solution is not the only convincing explanation for resolving double contingency. An alternative yet more subtle explanation without confining to value consensus is suggested in systems theory that there are functional equivalents, such as temporal dimension, can break indeterminate situation of interaction

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[56] Parsons thereby assumes normatively that the consensus stemmed from a shared symbolic system provides action orientations to complement the contingent indeterminacy (Parsons and Shils 1951, p. 16).

(ibid.). More than this, value consensus is *a posteriori* achievement of the resolution of double contingency, but ironically at the same time value consensus is asserted *a priori* in Parsonian theory, making it unable to explain why and how social order emerges at the moment of social encounter (ibid., p. 123).[57] The "order from noise" principle as an alternative to Parsonian and others' solution, without any prerequisite of value consensus, is thereby introduced (ibid., p. 105).[58]

That order emerges from noise can be exemplified in the construction of social system, which is in itself an embodiment of ordered operations. When two systems *encounter* each other, and as long as both are complex autopoietic system, both will experience the endless open possibilities of *meaning determination* that elude assessment from the outside (Luhmann 1995, p. 106). Here ego/alter on the social dimension are assigned to be the observing and being observed psychic systems simultaneously (ibid., p. 109). Thus alter is considered to be an unpredictable autopoietic system and thereby becomes the environmental noise to the system (ego), whereas ego's action has to correspond to alter's action only because of their encounter—even being indifferent and silent to each other are forms of response, and these situations can be interpreted as a social communication as well, in that social meaning is selected and interpreted even in silence. Moreover, ego conceives alter as an altered ego that can deliberate and calculate as much as him/herself, thus both of them try to sort out the connecting point of action to determine their own action and reaction. In other words, the situation of double contingency only requires *minimal reciprocal observation and expectation* to initiate communication and thereby to constitute order (ibid., p. 108). Yet, owing to the fact

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[57] Luhmann reviews the formulation of the problem of social order in the Enlightenment: utilitarian's enactment of social contract, such as Thomas Hobbes; and in the beginning of the establishment of sociology, Durkheim and Weber's solution by means of value consensus, civil religion, or legitimacy. All of them are prescribing certain *a priori* assumption without further reflection (or in Luhmann's concept, self-observation) (see Luhmann 1995, pp. 123-124; Münch 1994, p. 276).

[58] Hence, value consensus is not the preceding explanans of the problem of double contingency; on the contrary, it is the explanandum of the system emergent from double contingency.

that both autopoietic systems are reluctant to be directly interpreted, which may subordinate one side to the other's calculation and determination, no action will happen if this situation persists.

The crux of the matter of the "order from noise" principle is that double contingency as such is the bridge between order and noise, inasmuch as double contingency is *partly of noise and partly of order* (Münch 1994, p. 277). The indeterminacy of action coordination is the noise that double contingency herein experiences, and in effect this noise is produced by two "black boxes-like" psychic systems which contain infinite open possibilities. However, an order can emerge from noise in that the complexity generated by psychic systems, as the environmental noise, can be conditioned with the emergence of social system, as the emerged order. In other words, the complexity of psychic systems as the information constructs social systems structurally, but of course, to reiterate, the latter's operation is independent from psychic systems (Luhmann 1995, p. 110). The reason behind is that since the pursuit of certainty by calculating or predicting alter's behaviour is not the goal of social system, *control but not elimination* of the uncertainty from its environment is adequate—and necessary in that connectivity has to be reproduced—for the emergence of social order (ibid.). In this light, system formation constrains and structures infinite possibilities and thereby autopoietically reproduces action out of action and condenses complexity by connections of selection and further connections. In other words, ego and alter remain opaque to each other, as they are autopoietic autonomous systems embodied with open possibilities, yet an autopoietic system can still emerge from them to secure operations by action attributions, as well as by order maintenance.

In addition to the moment of experiencing double contingency, every self-commitment will acquire informational and connective values for the action of others (Luhmann 1995, p. 116). Given that both are autopoietic systems, every accident, every impulse, and every error

is productive (ibid.). Because for any system experiencing double contingency, any possible connection will be readily selected for system functioning. Moreover, every system experiences double contingency *and* one knows that the other systems also have this identical experience, such that every system can expect that alter also seeks to find connection points as well. Therefore the *convergence of experience of double contingency* becomes possible and the probability for order increases.[59]

Interpenetration explains the paradox of co-existence of independent autopoietic systems and coordination between these systems. During interpenetration process, systems relate to each relevant system(s) by system/environment distinction, in which other systems as environment providing complexity for one's own system formation. Similar to the way that social systems retrieve information from psychic systems, systems are mutually independent at the operational level, but dependent on each other to be their environment complexity for structural formation.

For psychic and social systems, there are two kinds of interpenetrations: social interpenetration and interhuman interpenetration. Social interpenetration can be resorted to the conventional understanding of "individual and society" in the humanistic tradition. From this perspective, human nature, or humanity, is construed as the source of emergence of society by constituting the social order (Luhmann 1995, pp. 210-211). Thus a group of good people implies the formation of a good community and then signifies to a good society, in which ethics and morality are the coordinating factor, embodied as norms or values, between

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[59] To give an example, when two strangers come across on a road, any signal of alter's movement will be immediately connected to ego's action, and vice versa, to generate further reaction. When alter seems to tilt his body to the left, ego will conceive this signal and respond by walking to the right side. When two competitors encounter each other in a taekwondo match, any bodily movement, gesture, tempo, and so forth will be strictly observed by both sides. If one's intention is revealed, then one's action would probably be determined by alter in that alter conceives one's action and connects his/her own reaction to it *for the sake to win over the other.* And here one can say that Luhmann grounds his coordination of expectation on *strategic rationality* rather than value rationality or communicative rationality.

individual and society. This "Old-European" conception of interpenetration of humanity and society inevitably leads to conformism and at the same time ignores the fact that *social order is still viable even in the non-conformist (pluralistic) and non-normative modes of interpenetration*. Moreover, from this humanistic understanding one cannot clearly specify which part belongs to individual and which part pertains to society, but merely enmeshes them without comprehensive deliberation. Systems theory, in this respect, aims at clarifying the situation by reducing all of them into autopoietic systems under the distinction of system/environment.

Generally, interpenetration can be defined as systems reciprocally make their own complexity available for constructing another system (Luhmann 1995, p. 213), thus the complexity of one system is functional to another system (Luhmann 2002, p. 182). So long as systems can maintain their autopoiesis, that is, by closing its operation circuit, can thus interpenetration be possible (Luhmann 1995, p. 219). Because if systems lose their autopoiesis, then the system/environment distinction can no longer be drawn, and observation and meaning attribution will be eliminated altogether. Nevertheless, even if systems closed their operations to each other, the complexity generated from this autopoiesis from the perspective of alter would disturb, stimulate, and irritate (but not determine) one's operation (Luhmann 2002, pp. 176-177). Interpenetration, or in another term, structural coupling,[60] is possible because of the reciprocal irritations and initiations of the emergence of systems. In other words, both systems *co-determine* in each case of interpenetrating systems (Luhmann 1995, p. 213).

Management of noise herein becomes the underlying dynamic of interpenetration. Each

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[60] Structural coupling is a technical term in biological theories, which has similar meaning to interpenetration in this respect. See Lee 2000, pp. 328ff. It explains how two or more systems can co-evolve, that is, to co-alternate around particular issues or ideas (King and Thornhill 2003a, p. 32). Luhmann gives an example for it: "Walking presupposes the gravitational forces of the earth within very narrow limits, but gravitation does not contribute any steps to the movement of bodies." (Luhmann 1992, p. 1432).

system creates sufficient noise to initiate another system, for example, social system "comes into being on the basis of the noise that psychic systems create in their attempts to communicate" (Luhmann 1995, p. 214). This noise creates the pressure to select a meaning and hence builds up the structure of expectation, and then the systems emerge. Different from the traditional meaning of interpenetration which exhibits the exchange of media (e.g. Parsonian systems theory)(Parsons 1977, p. 181), autopoietic systems only share elements at the level of operation, but not an inter-systemic transmission of elements in a give and take manner. As such interpenetrating systems condition each other in light of maintaining their own self-reference, on the one hand, and create the pressure of system formation for other systems, on the other hand. Thus for example, life and consciousness are the preconditions of social systems formation (ibid., p. 218), yet the later operates by its own means (i.e. communication) and refuses to take the media of organic (i.e. life) or psychic systems (i.e. consciousness) into operation.

If human agency is represented by consciousness in psychic systems, then exclusion of human agency from social operations is not too surprising. Communication and its attributing action, instead of human individual or subject, are the sole constituents of social systems, and only communication can communicate (Luhmann 2002, p. 169). This self-referential operation applies to psychic systems as well: consciousness constitutes psychic systems, and only consciousness can be conscious of this. Even if one can think of communication and one can, too, report about perceptions, the principle demonstrated above is not violated. Everything can be operated by psychic systems with consciousness by conscious of something, as well as everything can be talked (communicated) about (ibid., pp. 169-170, 177). Hence, the autonomy of human agency reserved in system can be further clarified and thus the infinite possibility of symbolic variations through communication is explained.

Following this vein, autonomy and the infinite possibility of symbolic interpretation are

the main features and social implications of interpenetration, in which the humanistic understanding of the linear relations between individual and society is subverted. For social systems and communication, human being composed of psychic systems and organic systems is indispensable for meaning attribution, that is, communication needs human being to utter messages to reproduce communication. Hence, human being resides in the environment of social systems does not necessarily mean that human being is insignificant (Luhmann 1995, p.212), but only clarify the fact that human being cannot participate into the *operation* of autopoietic social systems.

In this way, *freedom* and *autonomy* obtain a new meaning in the situation that one system can determine whichever information and irritation are significant for its own good, and human autonomy is thus realized by the autopoiesis of psychic systems.[61] Likewise, symbolic operations in communication are out of individual control, nor are they ascertained by communicative partners. Written text of the past, for example, opens infinite possibilities to the future interpreters and no unequivocally fixed final conclusion of interpretation is possible, because of the fact that blind spots creep into every observation and every actualized communication is surrounded by infinite potentialities. Interpenetration of psychic and social systems conditions each system with materials for perception and communication respectively, and their mutual independency provides spaces for the realization of human agency and communication possibilities.

Based on the autonomy and mutual conditioning of interpenetrating systems, binding forces between systems are not exerted by any "supernorm" or "supersystem" (Luhmann 2002, p. 179). "Binding comes about by selection, specifically, by selections that eliminate

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[61] For instance, human beings are able to reject any socially imposed norms and rules because they are autonomous in this sense. Hence asceticism is intelligible under this meaning, in which psychic system determines itself without any direct intrusion of the complexity of organic systems. Of course, organic systems irritate psychic systems by signals of health condition and bodily feeling; however, radically, psychic systems can choose to starve unto death to achieve total autonomy.

(more or less securely) other possibilities" (Luhmann 1995, p. 223).[62] This emergence of bindings is largely *accidental and context-dependent*, without any prescription of norm, culture, or (moral) value. While the structure of expectation would be built in the course of communication, at every moment the particular selection is free to change the situation. In the same vein, binding force emerges so long as systems interpenetrate, which implies that social binding is not necessary all the time—for instance psychic system can still be active without communication (Luhmann 2002, p. 171).[63] This non-normative interpretation of social binding forces, to a certain extent, extricates the discourse of social order from the entanglement between subjectivism and objectivism, structure and agency, by subsuming all relations to the basic distinction of system/environment, and formalized and functionalized ethics and morality are thus exiled at the margin of social systems.

Ethics and morality bind us not only at the social level in everyday life, but direct our actions during interaction. Correspondingly, another type of interpenetration, interhuman interpenetration, is special for us to replace ethics and morality at the micro level—it is intimacy. "Intimacy comes into being when more and more domains of personal experience and bodily behavior become accessible and relevant to another human being and vice versa" (Luhmann 1995, p. 224). While alter's activities are not determined by ego, they are relevant, or too relevant for ego to couple his/her action with these activities, if only because they are intimate with each other. In addition, human being identifies who is more relevant by the relation of intimacy, which also implies that he/she has to handle much more complexity attributed from that person than others, and thus friend/enemy, stranger/non-stranger, and

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[62] Time performs an important role in the creation of binding force, to which each receiving system in the interpenetration makes selections according the constraint of time, as long as events needs connection temporally for the constitution of sequence and order, such that the binding force emerges by virtue of the enforced selection.

[63] However, *social* communication can hardly come about without the participation of the mind, in that communication needs human being to utter message and to be the direction of the attribution of communication. Hence the relationship between communication and mind is asymmetrical (Luhmann 2002, p.

beloved/hate are used to identify appropriate communications. One loves not because one seeks to gain control over the other, to be praised, or becomes docile in order to avoid conflict, but because one pursues a *special meaning* which *only* lies in the interpenetration itself, not in the individual performances but *in the complexity of that unique other* (Luhmann 1995, p. 224; 1986a, p. 175). Only through intimacy can this special meaning as embedded in the complexity of the other, in the form of love, be retrieved. More importantly, this special meaning is a new kind of emergent reality that rests on the relationship but does not belong to anyone (Luhmann 1995, p. 225). As such the meaning via loving disappears as soon as the intimate relationship, which is the achievement of interhuman interpenetration, breakdown.

In this way, intimacy replaces ethics and morality to bind human beings at the *individual* level by substitute the concordant to value consensus with the emergent meaning. The latter has an advantage over ethics and morality when confronting highly differentiated society, in which unanimous conformity can rarely be achieved and deviances pervade instead. This interhuman interpenetration has higher capacity to cope with the complexity of alter without limitation to moral/immoral person, as long as morality as a social semantic gradually resigns from the social arena of modernity.

2.3. Concluding Remarks

The decline of moral consensus in contemporary complex society is witnessed and the prevalence of amorality in different kind of social system seems agrees with Luhmann's observation. Sociology of ethics and morality extracted from systems theory is shaped with its marginal, functional, non-normative, and formal characteristics. Referring to the arguments in the beginning of this section, not only the substantive values of ethics and morality are being

171).

functionalized and formalized in order to survive in social systems, but also their integrating and coordinating functions are substituted by another functional equivalent at both social and individual level. What remains under systemic theorization is their communicative function specifically attributed to the whole person during evaluation, and their influences to society become regional and *ad hoc*, given that social order does not amount to moral order in this regard.

Numerous critiques are raised against Luhmann's peculiar sociology, yet only those related to this thesis are tackled. One of the prominent critiques is on the normativity of social reality, in which Luhmann's relatively descriptive argument on systemic operations without normative concern perhaps do not correspond to the social reality which is not non-normative indeed.[64]

Another inexorable critique on the internal logic of the code of the moral is notified. Esteem is as such a historical variant and this particular moral phenomenon is inappropriate to demarcate morality into the universal binary code of esteem/disesteem.[65]

The application of autopoiesis is as well doubtful since system codes usually intrude to other social systems in reality, for example, the prevalence of economic code with the logic of

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[64] In fact, "societal reality does not really allow us to take a purely observing position." (Blühdorn 2000, p. 349). Pure observation in real life expresses an indifference attitude which is as such worthwhile to observe, and this "pseudo-purity" of the observing position conceal its relevant to the lifeworld we embedded in at every moment.

[65] Ethics and morality in systems theory are grounded on the concept of respect that calls for a mutual agreement to coordinate expectations (Neckel and Wolf 1994, p. 79). Through this, personal systems can be linked up with social systems via two kinds of interpenetration. Problem arises at the point of Luhmann's ignorance to the mediating processes of individuation and sociation by simply erasing these "noises" by autopoiesis. Esteem is a historical-dependent concept that only appears in the modern age as the constituent of individuality, which has long been proved by Durkheim's ethnographical research (Neckel and Wolf 1994, pp. 85ff; Durkheim 1965 pp. 236ff). The prevalence of the concept of esteem must correspond to the social development and mediated by individuation and sociation processes which are blank in the code of the moral. As such the relative convincing formulation can only be reduced to mere function codes that are devoid of any foundation, and also the universality of systems theory should be tuned down to a limited time span, or boils itself down to a sheer reconstructive science mapping out the ideal type of an automated society.

market in most social systems as the characteristic of Capitalistic society.[66] The last—but not the least—critique is on the social implication of his amoralization of society, which may incur to complicity of status quo, advocacy of conservatism, and social technology—all that critical theorists and leftists disavow.[67]

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[66] The binary codes of economic systems have already overflowed with its intrusion to other social systems, which Luhmann ineluctably yet reluctantly conceded (Blühdorn 2000, p. 351). His overestimation of the autonomy of social systems ignore the fact that even in economic systems *morality matters to be the underpinning sentimental elements for forming solidarity*, in which the inclusion of moral values in Japanese organization is one salient and undeniable example (Neckel and Wolf 1994, p. 89).

[67] As early as in 1970s, Habermas had already debated with Luhmann on social theory, and he conceded that systems theory is so delicate on social organizations, but if it were applied to the society, it may reduce sociology to mere social technology (Sixel 1976). In this amoral society, any social practice carries with ethical and moral concern is thus undermined in that intrinsic values of ethics and morality are excluded by the boundaries of social systems, and only the amoralized moral communication mediated by moral code is undertaken. More importantly, self-referential organizations are appraised in systems theory and human agency is deemed the environmental irritation, which may consequently fits the status quo to be indifferent to social protests, and systems theory as a sophistical theory of social technique would readily become complicity to social administration. In other words, ironically, *the debunking power of systems theory against any sense of moralization eventually turns itself into another ideology*, though with the mask of amoral, scientific, and authentic description of the complex society.

Part II. Formation of the Sociology of Ethics and Morality: A Metatheoretical Comparison between Habermas and Luhmann

If part I is the preparatory stage in extracting the elements of ethics and morality in Habermas's and Luhmann's general sociology, then based on these preparations, Chapter 3 in this part aims at comparing and constructing a theoretical framework of sociology of ethics and morality. In this respect metatheorization is introduced to theorize theories without intervention of normative judgments and personal value preferences. Understanding and construction of a theory are two tasks dialectically interwoven in chapter 3, that is to say, understanding their metatheoretical positions implies the beginning of theory construction at the same time. Thus two functions of metatheorization are argued by George Ritzer (1991)—for aiming at a deeper understanding and for anticipating the development of new theoretical perspective—are synthesized in this part.

The result of metatheorizing is fruitful. Four underlying tendencies are surveyed. Firstly, the revision and the advancement of fact and value distinction in Habermas's and Luhmann's theory; secondly, the subject matter of the sociology of ethics and morality shifts from action to communication; thirdly, the unit of analysis changes from unit to relation, and fourthly, the level of analysis moves from substantive to formal. Besides, Habermas's and Luhmann's sociology of ethics and morality converge at the point of recursivity yet diverge at the point of normativity are indicated. Detachment of conventional sociology and philosophy in Habermas's and Luhmann's theories begin with the sublation of Cartesian tradition, in which new lights of conceptualization are shed on subject and individual (section 3.1.). Along this novel understanding of subject and individual, constituents of society—communication and action—are compared and the tendency of reversing the priority between action and

communication is noticed (section 3.2.). Not only moral communication and action are revised, another aspect of ethics and morality—meaning and value—are thematized to show the divergence of Habermas and Luhmann on normativity as well (section 3.3.). Furthermore, these related concepts to ethics and morality can be reflected in different understanding of ethics and morality, and their incommensurable presuppositions based on different ontologies are illustrated (section 3.4.). As such investigations on the external conditions of their theories are called for.

Accordingly, different backgrounds and social concerns—humanism and enlightenment—build up the insurmountable opposition between Habermas and Luhmann (section 3.5.). Both humanistic Enlightenment and anti/post-humanistic enlightenment are plausible and perhaps they precisely map out the possible aspects of society. Hence reflections are shed on their concepts of society (section 3.6.), in which their contradictions and similarities are fully revealed and articulated to the theorizing of the sociology of ethics and morality. In addition, the nature of sociology as the subject matter of reflection will be reflected, which will further the metatheoretical understanding and construction of sociology of ethics and morality (section 3.7.). And lastly, social implications of their sociologies and the possible social consequences of normative and non-normative understandings of social orders are delineated to complete the discussions on sociology (section 3.8.). All these arguments converge at the reflection of the sociology of ethics and morality as such (section 3.9.), and through this a tentative construction of a sociology of ethics and morality is yielded (Concluding Reflections).

Chapter 3:   A Comparison between Habermas and Luhmann

3.1. On Subject and the Individual

Subject and individual are two cornerstones of sociology, as the reference and attribution of action and communication, and thus also as the constituents of society whether from the perspective of action or structure—they only differ at the level of determination. Conventionally speaking, the subject matter of ethics and morality in the philosophical discourses is attributed to individual subject under the ontological background of subject and object, in which ethics and morality are conferred to subjective agency, as in contrast to the objective non-human world. With the paradigmatic transformation from the philosophy of consciousness into the philosophy of language, linguistically competent individual subject and operational system revise or even subvert the preceding ontology of subject.

3.1.1. On Subject

"[U]nder the heading 'subject', modern individual conceives himself as an observer of his observing" (Luhmann 1995, p. xxxix). Subject is, actually, conceived as an observer in systems theory, and modern individuals with their ability to reflect upon themselves undertake observation on self/other and assign this capability as "subjectivity".[1] What irritates Luhmann is that if subject is attributed to the concrete individual, then the term "subject" becomes vague and confusing. What is subject? Does it refer to individual cells, brain, or personal psyche? The concept of the social cannot be rested upon an undefined terminology,

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[1] To add, the psychic system forms individuality but not as such being constituted as a "subject", rather, the subject is being substituted by the observing self-referential system.

as much as an individual which is further derived from the concept of subject. Rather, subject is the derivative of the historical semantics (ibid., p. xl; Luhmann 1998, pp. 23-27). In this regard, subject is no longer the ultimate centre of agency and humanity, let alone "intersubjectivity" in either Husserl's or Habermas's own terms (ibid., xli).

Even if the above polemic are supposed to have been resolved, another problem of "meta-subject" would inevitably arise, as in the theological interpretation of the ultimate god, such as Aristotle's "unmoved mover" and Thomas Aquinas's ultimate "The One". In short, further sociological explanation would be impeded by the problem of infinite regression. Mystical "meta-subject" cannot be observed because she is the transcendental observer, or the problem of observation is ignored as a whole, such that no knowledge can be generated from the unintelligibility of "meta-subject" (Luhmann 1998, pp. 26-27).[2] In so doing, theory built on philosophy of subject, on the one hand, entangles with the problem of observation in that an unobservable observer is unintelligible; and on the other hand, as Habermas argued, the irreconcilable tension between subjective consciousness and its outer objective world will arise (Habermas 1984, pp. 388ff). Based on these points, different reactions are undertaken. Intersubjectivity as a mediator between subject and object, backed by the ultimate horizon of lifeworld, resolves the paradox of the self-preservation of subject; the obsolete concept of subject is then replaced by the observing system/its environment in systems theory to supersede the rudimentarily erroneous presupposition of subject-object relationship (ibid., p. 396).

If we adopt systemic perspective, Habermas's intersubjectivity is actually another version of "meta-subject", in which discourse emanated from individual subjects represents

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[2] Therefore, religion in Luhmann's systems theory functions as a paradox-absorbing mechanism, owing to its resolution of the paradox induced by meta-subject, which can observe the others but cannot be observed by others (Luhmann 1990, chap. 8).

the collective conviction that based on consciousness without any fundamental discrimination from the philosophy of subject, but only differentiated into different degree of generality yet still rests on the presupposition of identity. That is to say, the identity of subjective individuals is presupposed even in the reflective discourse and incapable to comprehend the ever-deferring differences—a point severely criticized by the postmodernists—that underlie subject, which will in turn contradict the idea of the non-exclusion of a public sphere.

It is not difficult to imagine Habermas's reply. The linguistic (pragmatic) structure, which is essentially social, and which becomes the widest horizon, will eradicate any trace of subject or object. That is to say, intersubjective horizon—as a meaning horizon—becomes the end of all teleological regressions in the form of incessant sliding horizon (in a phenomenological sense). Hence it is Luhmann's incapability to deal with language properly by reducing pragmatics into the semantic forms of the generalized symbolic media of communication, in which the transcending power of language is neglected (Habermas 1987b, pp. 379ff). Despite their mutual disagreements, a coincidence on the ever moving "horizon" or "possibility of observation" that can supersede the philosophy of subject is indicated and can be explained by their somewhat shared usage of the phenomenological conception of meaning (section 3.3.1.).

3.1.2. On Human Individual

Human individual as the action attribution centre is reserved in intersubjectivity in Habermas's theorization. That is, intersubjectivity as the mediating platform for the individual and collective sides is only a functional existence but not any form of "meta-subject" or collective subject—actually Hegel's absolute spirit is, instead, the one that Luhmann criticizes. Meaning and value that are realized in ethics and morality are still preserved in human—but

146

not any non-human—institutions, which are only the functional extensions of the human lifeworld. In this regard Habermas's humanistic tendency is explicit.

However, according to Luhmann, concomitant with the deconstruction of subject is the exclusion of the individual from social systems. The complexity of humanity attributed to human individual, such as subjectivity, subjective value orientations, normative preferences, will power, and emotions, have to be reserved in psychic systems because they are mediated by consciousness instead of being communicated directly. Linkage between subjectivity and sociality by extension of consciousness—even in Hegel's "objectivation" of spirit—is no longer convincing and thus individual as the counterpart of society only entails normative preferences, in which autonomous individuals are suppressed by and alienated from society. This humanistic preference as conferred to subjectivity, that is, the "feeling" of voluntary is, in effect, strictly confined in the individual psyche (Luhmann 2002, pp. 176ff), and yet when this "feeling" is being spoken of, explicated, written, gesticulated, and as a whole, communicated, subjectivity as a semantic will then be thematized by communication, and thus through which enters into the social system. Above all, individual (or precisely, individual consciousness) is only the centre of psychic system (Luhmann 1995, p. 109), or broadly speaking, the personal system (organism coupling with psychic system).

The above *operational* exclusion of individual from social systems by no means deny the *empirical* existence of individual within societies (yet without subject as an analytical concept) (Luhmann 1995, p. 256). Individuality is the unique "feeling" of individual which, in fact, signifies the self-reference of a psychic system. While subjective and voluntary actions are being expressed during the coupling between psychic and social systems (actually organic system may also participate when situation involves behaviours), perceptions, feeling, and connecting actions are co-determined insofar as each of them provides environmental

complexity to the others. More precisely, voluntary action during interaction is the *communicative outcome* of interpenetration instead of a direct expression of the psychic system that has long been taken-for-granted as a natural *process* of human activities. Individual only functions as the attribution centre of communication and action, other than this any ontological presupposition of humanity, individual autonomy and personal feelings are precluded. Mainstream sociology is fundamentally flawed insofar as the dichotomy of individual versus society is presupposed, which will delimit and reduce sociology to the psychological or anthropological explanations, and the meaning of the social is further perplexed.

If we accept the *positive* interpretation of the exclusion of human individual from society, one may conclude that only thus can human integrity and autonomy be preserved in contemporary society. That is to say, modernization, for Luhmann, is fundamentally a positive yet contingent outcome of the evolution of societies. Through the functional differentiation the independency of human being and society are largely enhanced, while a weak sense of integration—interpenetration—is still maintained. System boundaries of psychic system protect pluralism of the intransparent human mind, and thus *privacy* in this regard is the last resort for securing human autonomy. Admittedly, a *negative* interpretation is valid as well. Imagine that human individuals and their agency have no direct effect on the social process would eventually come up with the conservative conclusion of the social order, in which the possibility of social change stems from the perspective of human interest would be dismissed and the self-reference of social processing with complicity to status quo is appraised. As long as individual is isolated from collective level, mystification of the collective level in terms of authority or overwhelming systems and structures would be resulted. That is why Luhmann was labeled a neo-conservative who advocates social technocracy (Habermas 1984, pp. 358, 378). Not simply influential at the societal level, but that a purely descriptive methodological

theory will probably be yielded by this top-down cybernetic from society to individual as well (Roberts 1995, p. 87; Holub 1991).

More poignantly, another theoretical contradiction appears when the theoretical logic of systems theory is examined. As Luhmann reminds us, contemporary society is too interpenetrated instead of being too segregated (Luhmann 1997, p. 618, quoted by Lee 2000, p. 328),[3] every system is deeply interpenetrated to acquire functions, thus an incidence in one system will soon spread its effect to all related systems. In other words, local incidences can make societal effects. Hence, under this postulation autonomy is delimited to the *operative* level, in which the mode of operation is freely chosen. But this operational autonomy cannot reach out to the *empirical* autonomy of systems. Following systems theory, the "noise" irritating to other people can be dismissed operationally, but no practical solution is suggested by systems theory to handle noise. In so doing, consciousness is free to react, conceive, understand, interpret, or even indifferent to environmental noises, yet *cannot totally neglect* them. Hence, if we comment from the humanistic perspective, autonomy provided by systems theory is merely a *reduced, passive and negative autonomy* (free from something) in contrast to the humanistic understanding of autonomy—especially the Marxian type—*totalistic, active, and positive freedom* (free to do something).

To conclude, while ethics and morality are mediated by intersubjective discourse, human subjects are still the point of meaning attribution and only thus can the argument of justice becomes intelligible—justice is in essence defined as the commonly committed proper distribution of interests in society—and thus the source of morality remains largely on behalf of individual subject with the complementary intersubjective procedure. Whereas individual

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[3] Therefore, the traditional understanding of integration (mutual determination and condition) is discarded and replaced by a new, yet paradoxical, meaning of minimal integration through the mutual irritation, in which a state of autonomy while at the same time an overly integrated order is maintained (cf. Luhmann 1997, pp. 43, 789, 803).

morality finds its footing in the moral consciousness is in fact a permanent noise for social systems as a seduction of moralization. In so doing individual subject is evacuated from the society and thereby decomposed into various mutually independent systems, in which the substantive grounding of ethics and morality is lost and reduced to the complexity of personal systems, particularly related to the psychical self-identity (Luhmann 1991, p. 84).

Locating in the background of the theory of complexity, anthropocentric and ontologically related terms such as subject and individual are precluded in describing society.[4] This move alternates the meaning of human being and humanity fundamentally. This post-anthropocentric turn does not amount to a devaluation of humanity by excluding human participations in society, but for the sake of clarification of social boundary. As such, a more *comprehensive* picture of humanity can be restored by the way of reserving full complexity of humanity against the reduction of humanity into one-sided goodness by using the distinction of normal/deviant (Blühdorn 2000, p. 347). In systems theory, both sides of the rational/irrational and moral/immoral distinctions drawn by humanistic thinking are conceived (as a second-order observation), whereas humanistic thinking seeks to alter and replace the *otherness* of humanity by subordinating human being under the predominance of collective action and norms. The cost is that individual irrationality and immorality will then be labeled as deviance (by using normal/deviant (Luhmann 1995, p. 322)) and thereby being suppressed and restituted to the positive side of the distinction, as what Ingolfur Blühdorn's suggested, resulting in the ironically argument: cancellation of subject and exclusion of individual from social arena as a non-idealistic conception of individual would revitalize the full complexity of humanity at the formal level, in this way systems theory is even more "humane" than humanistic theory!

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[4] See Luhmann's summary on the history of semantics of being, nature, thought, action, and rationality in which traditional conceptions of human have to be superseded by the second-order cybernetics to bypass the paradox

3.2. On Communication and Action

Mediated by value-oriented action, ethics and morality in sociology conventionally served as a special idea for collective action orientation, in which conformity and collective action become possible. Their dualistic nature—obligation and conviction—has incurred enthusiastic controversies within action theories which cannot be easily settled.[5] Since no predominant discourse, especially in the tenet of action theory, can modestly handle with the complexity of morality, a paradigmatic change from the action-centered and relatively static social theory to a much more dynamic relational sociology that centered on communication is not surprising.

Reversion of the priority between action and communication can be shown in the function of communicative action. It should be reminded that normative consensus is, still, the heart of the matter in the theory of communicative action, so that social integration as the broadest conditional horizon of collective human existence is thus preoccupied, yet in different form comparing to preceding action theories. Not to rely on voluntary rational calculation of interest, nor to beg for the intervention by the mystic "invisible hands" lies in social structures, communicative action and rational discourse shed light on the integrative *relations* rather than integrated *units*. This form of social integration anticipates a corrective

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of the non-observable subject (Luhmann 1998, chap. 2).

[5] One branch of action theory is represented by Durkheim and Parsons, which is characterized by putting ethics and morality a burden of social integration, either in terms of solidarity or normative imperatives (cf. Hagen 2000, p. 30). In other words, integration is stemmed from the external norms. Whereas in another stream, represented by rational choice theory (e.g. James Coleman), the integrative function of ethics and morality is substituted by the rational calculations of a solitary egoistic actor. This approach, following the economic perspective, pinpoints the fact that non-normative and amoral social activities are prevailing in many social spheres by the de-moralizing power of rationality. Emphasized by them, rational action rather than normative action is prioritized amongst social relations and social structure, despite the fact that rational choice theorists would mute in front of the question of social order (ibid., pp. 34-35), resulting in the misleading assertion that sociality is only the result of the coordinated individual rational calculations and thus norms are the secondary products.

mechanism for social order, and sees the reproduction of the lifeworld as a flux of continuation of communicative action akin to Parsons's Latency.

A complete replacement of action by communication as the major constituent of society is illustrated in systems theory. According to Luhmann, communication and action are, in fact, the separated components of social systems, therefore social integration can be maintained without the necessity of the analytical coupling of communication and action—of course, empirically communication and action are closed combined into one "act", in that communicative act as a whole is the constituent of social systems. More fundamentally, integration is *mediated* neither by communication nor by action, but *motivated* by social complexity and coordinated by interpenetration. Social system—as such is an ordered and integrated achievement from communications—persists so long as the connectivity of operations is guaranteed amid the flux of complexity. In this way communication and action are not burdened with the task for social integration in the conventional sense, but merely responsible for constituting its own self-referentially closed social systems. Unlike Habermas's conception of communication and action to which human individual is attributed at both subjective and intersubjective levels, the substantive contents of communication and action are no more significant in this regard, unless the functionalities of the substantive contents are being extracted and employed by systems.

Discussions on communication and action in Habermas's and Luhmann's general theories will come to a conclusion that, according to their different theoretical background, action theory and systems theory obtain contradictory status to which the fundamental conceptions of communication and action are retraced.[6] In Habermas's consideration,

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[6] One may notice that Habermas's action theory, particularly the lifeworld thesis, is similar to the early stage of Parsonian structural functionalism, in which systemic operations find meaning attributions from actors, and Habermas's three worlds coordinated in the lifeworld—culture, society, and person—find their origins in Parsons' four systems scheme of action system: culture, society, personality, and behavioral system (cf.

systems theory should be grounded by action theory under the schema of the lifeworld/system

thesis, in which human actions are sublimed to the intersubjective level through discursive

process, and thereby individual actions are transformed into collective actions.[7] Whereas for

Luhmann, the problem of social order is grounded by the theory of complexity in way of two

guiding questions: how can society exist and persist in the flux of complexity (the problem of

social ontology)? And how can it be conceived (the problem of epistemology)? (section 2.2.1.)

In this regard, only observation of form by the principle of distinction is capable to describe

society in that the mode of operation is abstracted into pure laws of logic. That is to say,

systems theory, in this regard, overrides action theory and thus relational sociology is

exemplified herein.[8]

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advancement from action theory to communication theory is as such an indicator of social

change (Stichweh 2000, pp. 11-12; Leydesdorff 2000; cf. Luhmann 1990, p. 6). If one takes

complexity as the motif or the self-description of society—the ever-lasting geometric growth

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Habermas 1987a, pp. 235ff). Whereas Luhmann's systems theory imitates to the late-Parsonian structural functionalism, specifically both of them rely on cybernetics, in which actor and agency are overridden by systemic processing.

[7] In order to bridge up individual with society, intersubjectivity is transcended from both sides dialectically by becoming the structure higher than the individual—it is not readily alternated by individual consciousness, whereas at the same time retaining collective agency distances from the objective and factual social level. It is disputable whether Habermas can really *fill up* the gap between individual and society or can only *narrow* it. In social reality there are many complexities out of the domain of communicative action, since action that pertains to communication occupies only part of the social life, and it is suspicious that all of them can be either subsumed, or reduced, to lifeworld or system.

[8] According to Luhmann, even if a deconstructive theory is posed by postmodernism—as one type of relational theories—can by no means fulfill the requirement of formulating a productive knowledge of society, precisely because the deconstruction of human subject also reserves the substantive contents of human social life that impedes the post-anthropocentric movement (King and Thornhill 2003a, pp. 156-158; Luhmann 2002, p. 110). Lyotard's refusal to the metanarrative, Foucault's remnant normative concern on human condition exemplified in his critique on Enlightenment, and Derrida's free-floating pursuit of difference and otherness are not qualified to be the theory of society in Luhmann's eyes, which is necessarily universal (metanarrative), precludes the anthropocentric metaphysics (sociality distances itself from humanity), and being consolidated under the law of form (the theory of difference conceptualized under the theory of distinction).

of information and knowledge, what "social" means is thus readily rewritten by computer technology, especially the internet,[9] and the ecological movements—conventional action theory, at least, requires more theoretical development in order to reflect social reality.

3.2.1. The Role of Language in Communication and Action

This paradigmatic transformation from action theory to communication theory began with the linguistic turn in social theory,[10] such that it is not difficult to understand that Habermas's theoretical strategy leans heavily on language. In the form of universal pragmatics, language becomes the very ground to underpin rational and moral potentials in communicative action. Only thus can action, which ultimately attributes merely to human locutors at each level—from individual calculation and conscience to collective rationality and morality—be expounded from the paradox of modernity.[11] Additionally, what all mentioned above can only be achieved by *presuming the basic postulation that people need to understand the substantive meaning of one another.*[12] Through this the lifeworld are unfolded

[9] For the impact of the technological advancement to modern social life, the most prominent theoretical formulation is undertaken by Jean Baudrillard, who has numerous coincidences to Luhmann's arguments. See Sawchuck 1994; Best 1994.

[10] As early as in George Herbert Mead's theory the semiotic importance of language has already been notified and the arbitrariness of everyday language has been revealed by Ludwig Wittgenstein, in which the linguistic structure in place of concrete action becomes the focus of social theory and sociology. For example, structuralism and later on post-structuralism and post-modernism expand the applicability of language in theorizing society. Hence linguistic turn is ineluctably the important source of numerous contemporary social thoughts.

[11] The use of language can reunion reason and morality by connecting itself to the human essences: who are capable to speak, to reflect, and to evaluate. These are what Luhmann strongly disagrees with, in which construing language and humanity as the foundation of sociological theory will eventually fail to analyze and explain societal complexity, because rationality and morality cannot exhaust the social life—e.g. non-linguistic communication, irrational and immoral behaviours. Thus, according to Luhmann, an operational form instead of substantive predicate of rationality and morality can truly universalize the world.

[12] It is, in fact, the core assumption of the theory of communicative action. Without this the whole theory would become untenable because communicative action is *not necessary*, since people have *no emergency* to understand each other.

and meaning are shared on a horizon and, in other words, actions and meaning are coordinated when action or communication orientation are harmonized.

Based on different presuppositions, on the contrary, the importance of language is recognized as a media that enables reflexivity in the course of human evolution (Luhmann 1995, p. 94ff). In particular, as a complement to systemic operations, language is not the common ground of communication and action, rather, it is only a generalizing media of meaning, which is the shared horizon of social systems and psychic systems (ibid., pp. 94ff, 160ff). Compared to the theory of communicative action, the predominant primacy of language is dethroned and thus the claims to a fundamental linguistic structure of human society are undermined in systems theory. The underlying reason is simple: because communication is possible without any intention of utterance, that is, without language (ibid., p. 151). Even a change of gesture—as behavioral information—can be conceived as the source of selection of information and (non-linguistic) utterance and thus being understood from the perspective of alter. In this way, meaning selection does not necessarily depends on language,[13] but undeniably, since language become prevalent in social life as an effective means of communication, everyday operations (e.g. talks about the gesture, interprets the gesture with specific meaning) amidst ever-increasing environmental complexity would eventually mediate by the linguistic communication. Unlike Habermas, nevertheless, what is particularly noteworthy is that the prevalence of linguistic communication is an evolutionary result but not the case of a universal and foundational structure.

The functionality of language is the focus of both Habermas's and Luhmann's general sociologies, as well as their sociology of ethics and morality. What differentiates them is that Habermas as the successor of Enlightenment thinking invites reason and morality as the heart

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[13] *Perceptions* of a particular gesture can be communicated through not by language, yet, alter's *interpretation* on it is most probably processed with language in one's thought.

of the matter of his theory, that is, linguistic communication is functional to the reproduction of the lifeworld—and broadly speaking the moral order—in which reason and morality can best be expressed. The other way round, substantive values attached to language are deprived in systems theory and only its functional form that benefits to connectivity is reserved. Thus, language is not a matter of good or bad, rational or irrational. In short, for *society*, function rather than essence or substantive structure of language is considered.[14]

Yet, more elaborations on Luhmann's avowal are required to reply to the criticisms of the fallacy of misplaced concreteness. That is to say, discourse actualized in social life cannot bypass validity claims. Without examination of the validity claims in discourse would lead to the meaninglessness of communicative situation—as no shared understanding of meaning is possible—and no positive and productive information can be obtained. Hence the functional forms are precise only at the analytical level, but require further refinement to apply at the empirical level. Besides, suspiciously enough, the overarching structure of the universal pragmatics may incur criticism on its being foundationalist (Knodt 1994). Yet, universal *pragmatics* should not be superficially conceived as a pure logical argumentation, which would be readily entrapped in foundationalism, but as such a theorization as well as an orientation to practice—the true meaning of eschewing "*performative* self-contradiction"—that is, a *practical* necessity that no one can escape so long as one speaks.

3.2.2. The Meaning of Understanding in Communication and Action

Disputes extend from language to the meaning of understanding, with the fact that understanding is closely related to language in the sense of being prescribed as the inner *telos*

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[14] Because, as Luhmann argues, functionality and functional explanation can resolve the impasse of the traditional teleological-causal explanation (that either resorts to the transcendental being or incurs to the

of communicative action and systemic communication to coordinate social life. For the former, understanding is the necessary condition for the formation of moral order by fusing horizon, such that the other's intention, interest, and condition for that particular action is conceived as a communicative situation. Furthermore, understanding is inevitably a cognitive condition as well as the normative component of the lifeworld. Through understanding can a new borne baby be individuated via socialization, and by this the vulnerability of human existence can be safely secured by morality—in a value-neutral meaning that functions in communicative action to reproduce the shared lifeworld (Habermas 1990a, p. 199).

For the latter, situation becomes different in systems theory. Habermas's optimistic anticipation of consensus from mutual understanding in discourse is being criticized for the point that it erroneously linking up understanding and consensus with communication, namely, communication aims at and leads to mutual understanding of the locutors (Luhmann 2002, p. 159, 162). Referring to Luhmann's conception of understanding, on the one hand, there is no reason and no motivation to communicate if ego and alter reach mutual understanding—because there is nothing new (ibid.). On the other hand, by the assumption of the intransparency of ego and alter as two distinguished personal systems, mutual understanding of each other consciousness is basically impossible. Once the boundaries between psychic system and social system are drawn, a totalistic understanding is no longer possible—in the sense that we cannot *really* understand another psychic system via the formation of social system, but can only construct a "postulated" or an "imagined" other. In short, understanding must be social, and yet it does not necessarily give rise to consensus. Ironically, more understanding about each other—in other words, one's action is more readily to be expected by others—amount to the situation that one's expectation and action is determined by the others, and therefore any sense of autonomy and voluntary become

vicious circle) by asking different—yet more relevant to the real situations—questions (Bednarz 1984b).

meaningless.

This line of criticism is convincing only if understanding is *identified* with consensus in the theory of communicative action, which is, unfortunately, not the case. Surprisingly enough, Habermas's conception of understanding is closely similar to Luhmann's cognitive understanding in communication, in which the mutual concordance of the meaning of situation is signified, and yet the understood situation does not leap to the state of the unanimous consensus, owing to the range of application is strictly confined to the coordination between the speaker/ego and listener/alter, but no normative values are imposed in the communication situation. Understanding, in fact, in both Habermasian and Luhmannian theory, is the prerequisite of the *cognitive coordination to reproduce social order*, whether the information is conveyed by pragmatics or non-linguistic communication. In short, Luhmann is veiled by his *prima facie* to Habermas's normative orientation and the non-normative (analytical) aspect of the theory of communicative action is thus neglected.

Even the normative aspect of Habermasian theory does not prescribe the end point of consensus and anticipate a social unanimity and conformity (see section 1.3. for similar critiques). What precisely discourse ethics does pinpoint is that the redeeming and justifying procedure opens the possibility to disagreement, and at this point reason and morality are realized in the discursive interactions. Taken for granted consensus is vulnerable to dissent, and discourse ethics as a corrective mechanism seeks not to conformity but mutual recognition, through this a pluralistic yet peaceful co-existence of different values can thereby be maintained.

Recognized by both Habermas and Luhmann, a total transparency can never be possible, but from the perspective of discourse ethics, the horizon of action coordination *visible* for everyone can thereby be widened to allow for more *rational* discussions. In this way the

construction of the social can be rationally controlled, in which *reflexivity* instead of taken for granted common sense is the crux of the matter—*social order is reproduced reflectively and reflexively*. Quite the contrary, from the system theoretical perspective, any possibility of transparency (or shared lifeworld) is excluded by building up system boundaries. Complexity as the content of meaning is the platform of understanding in systemic operations, but complexity as such is a value-neutral fact isolated from reason and morality. Thus reflexivity—but not reflectivity as the latter involves conscious reflection which is the case for psychic system only—and rationality, in this regard, are boiled down to self-reference rather than assigned to any substantive value (Luhmann 1995, pp. 443ff). In sum, what differentiates Habermas's and Luhmann's conceptions is that understanding in discourse ethics is coordinated by language and therefore applicable to human society only; whereas understanding in the code of the moral refrains from any anthropocentric presuppositions and thereby applicable to all kind of societies, including non-human societies that are mediated non-linguistically.

At last, a conclusion can be drawn from their emphasis on the status of communication in sociology. With the aid of linguistic turn and theory of complexity, Habermas and Luhmann find the way out of the philosophy of consciousness, and thereby communication, which is closely related to the structure of language and a de-substantiated selection process, is emphasized to replace the intricate problems stem from action, e.g. entrapped in subject/object and agency/structure distinctions. Hence focus should be shifted from action as a relatively concrete and fix attribution center to a more flexible communicative relation, by which the trend of transferring from concrete social unit to fluid social relation is once again illustrated.

3.3. On Meaning and Value

Sociology of ethics and morality should entangle with meaning and value at any rates, which will then dovetail with the preceding discussions on individual and subject, in that meaning and value, according to Habermas, are adopted for mediation and the substantive contents of lifeworld and thus normal social order is maintained. Meaning provides lifeworld with the foundation for the reproduction of cultural, social, and personality domains, and value provides orientation for social actors to perform communicative action.

Meaning and value are understood differently in systems theory. Complexity characterized meaning as the incessant selections and connection between selections, that is, a horizon of complexity for systems to operate and to draw boundaries. This sheer horizon for selections is the result of a phenomenological conception of meaning, and together with that self-reference of meaning-selection process, their linkages to human subjectivity are curtailed. Following this de-anthropocentric conception of meaning, value does not confined to any substantive reference as well. Rather, it is reduced to its pure form as the thematization of situation—i.e. semantics—such that expectations are symbolized in a form merely for communication reference (Luhmann 1995, pp. 317ff).

3.3.1. On Meaning

To define the meaning of meaning perhaps is already polemic. A clear-cut *sociological* interpretation on meaning is adopted instead of *philosophical and psychological explanations*, inasmuch as the social realm is qualitatively different from a sheer intellectual theorization (to use system theoretical terms, philosophy under science system) and individual psyche (psychology under system of social science). In this respect, meaning is an interpretation

process of symbols, which becomes the collective representation in Durkheim's sociological vision, and endorsed as the realization of the life forms that are self-interpreted by actors subjectively in Weber's sociology. Yet, common to most social theories is that meaning is attributed to human actor, even if actors are not the ultimate explanans of society in structuralist and system approaches.[15] This anthropocentric interpretation of meaning, likewise, is also inherited in the theory of communicative action which partly embraced Weberian interpretive sociology, partly shared Durkheim and Mead's conception of communication (Habermas 1987a, pp. 11-22), and partly inherited the Marxist, or specifically Critical Theorist, approach to the phenomenon of alienation. In short, in Habermasian theory, subjective, symbolic and humanistic conception of meaning (stemmed from Weber, Durkheim and Mead, and Marx respectively) are synthesized, and added with a value-neutral phenomenological conception of meaning that underlies lifeworld.

More details of meaning in Habermasian theory can be reviewed by its functions. Meaning, in one aspect, is related to action via the mediation of understanding (Habermas 1984, pp. 102ff), provided that meaning is social when it undergoes interpretation of one's own action—in effect a Weberian perspective. Construing meaning in this perspective assumes that actors can interact precisely because of their capability to interpret the others' meaning of action, and thus capable to react as well. Hence meaning is conceived as the common platform and the connecting points for interacting partners insofar as their lifeworlds can merge and thus resulting a deeper understanding.

Another aspect is that meaning is related to the subjective value of the actor, an action is

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[15] For example, Claude Levi-Strauss agrees with Durkheim that meaning is attached on symbols which is organized by the linguistic structure of the human mind. Also, Foucault remains link up the fragmentized meaning with human being in the form of ethics, particularly to the body and irrationality of the human mind. Only Derrida totally extracts meaning out of the human subject and then confers it to the text, in which the meaning of the text can never be fully conceptualized and unified in the totality.

meaningful if particular subjective value can be actualized. Once again, value realization is mediated, most likely, by communication, in that actualization of subjective value in most of the cases is correlated to the social world, such that meaning is subjective *as well as intersubjective*. In so doing, humanistic and philosophical meaning which are largely attributed to individual subject are thus transformed—via language—into sociological theorization to delegate the meaning (re)production in social relations. Heretofore we can sum up that meaning in the theory of communicative action is not only *humanistic*, but also *normative* and *functional*—for the sake of maintaining social integration (i.e. the reproduction of the lifeworld) and normal functioning of social interactions (social normality).

In the conceptualization of meaning in lifeworld will be uncovered the convergence of Habermas and Luhmann, regarding on the point that meaning is featured with a phenomenological horizon, of which the lifeworld (Habermas 1987b, p. 119) and the world are composed (Luhmann 1995, p. 69). Meaning, as well as value, in their phenomenological concepts (Sokolowski 2000, pp. 97-102), is not a consumable and exhaustive substance. Rather, they are *orientations* of action or selection that enables subject to understand one's objective world, such that particular action or selection can be called "meaningful". "Meaningful" is thus a process of information acquiring via action, experience, and communication, or in system theoretical terms, a consequence of selection with connection to further selection in psychic and social systems. In so doing, "meaningfulness" means that something has already actualized—self-actualized or the actualization of being selected—however infinite potentialities await for future actualization. This value-neutral interpretation of meaning is the defining feature of lifeworld, in which everyone cannot step out of it because of the horizon moves along actualizing meaning (Habermas 1987a, p. 126). In much the same way, it features the world that complexity is mediated by meaning to couple system/environment relation for psychic and social systems (Luhmann 1995, p. 59).

This two-folded understanding of meaning—value-neutral and value-laden—is employed by Habermas as the basic structure of the lifeworld. Further, encountering value-oriented meaning (value-laden meaning) is unavoidable (value-neutral horizon) for every social member, so long as participation in social life linguistically has crossed the threshold of the social, and that certain normative preferences are brought along with participation. Contrary to this argument of normative necessity of social life, the normative part of meaning is construed as superfluous owing to the fact that pre-linguistic communicative situations are valid for social life (see section 2.2.4.), and grounding social life on language is disqualified to be a general theory of society, let alone a rigorous sociology.[16] The latter answered the question on motivation of selection in which chains of selection of complexity is furthered self-referentially (Luhmann 1995, p. 61). By virtue of the fact that meaning is indestructible—the "used", actualized meaning will only fade into to potential, and actually *it is selection that creates meaning* by defining what will be actualized and what will be remained potential—hence it is not an ontic substance that can be eliminated forever—by turning "existed" into "non-existed"—and the meaning horizon as a "whole" could not be lost—the dismissal of the thesis of "loss of meaning".[17]

3.3.2. On Value

Two interrelated conceptions of value appear in Habermas's theory: one is in the analytical and value-neutral sense, and another is in the normative and value-relevant sense

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[16] Meaning as a condition to organize complexity enables selection, and vice versa—selection creates meaning—by which complexity can be effectively reduced yet increased simultaneously. To note, complexity as such is an amoral fact that refrains from a normative understanding of meaning.

[17] The horizon of meaning is "totalistic" in the sense that horizon has unlimited possibilities and "infinite boundary"—in fact it is paradoxical because infinity is defined by boundary-less (boundary marks off finite denotations).

(Habermas 1990a, p. 201). Similar to Parsons's voluntaristic theory of action, normative orientation as the component of unit act guides action orientation but does not predestine any particular direction—neither good nor bad, ethical nor unethical, moral nor immoral. Value as illustrated here is understood analytically, in terms of the object of understanding for coupling concomitant actions in the interactional situation. Any substantive value is not invoked herein.

Additionally, another conception of value guides the direction of Habermas's theoretical endeavour in the overall rebalancing of lifeworld and system, resolving the paradox of modernity, and providing a blueprint of a non-pathological society would be the value-relevance of his theory.[18] To epitomize, discourse ethics is a value-relevant theory owing to its strictly abstinence to normative moral theory, which is the main feature of a procedural ethics.[19] Actually, even a sheer value-neutral theory as a social activity cannot be curtailed from its social consequence.[20] However, lastly, the relation between ethics and morality and moral order is both analytical and normative—in a value-neutral and value-relevant sense though. Ethics and morality are functional necessities of social (moral) order, as explained in section 1.1.1., yet, this linkage is based on his normative presupposition of a humanistic conception of the coupling of reason and morality. Hence, the holistic formation of Habermas's sociology of ethics and morality refuses any rash classification that may degrade its theoretical depth.

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[18] Admittedly, as elucidated above, Habermas's social analysis should not be decoupled with the normative side of his theory, since they are interdependent to each other, and a specific goal is required to assign meaning to the analysis as such.

[19] Procedural ethics "differentiates *normative* statements about the hypothetical justice of actions and norms from *evaluative* statements about subjective preference that we articulate in preference to what our notion of the good life happens to be" (Habermas 1990a, p. 204).

[20] Social theorization as one kind of social activities (intellectual activities) is ineluctably embedded in the social context, and that is the subject matter of the "sociology of knowledge", the "sociology of sociology", and here, "metatheory". In so doing, even if systems theory is only one of the descriptions of society, it cannot evade from criticism of becoming a political propaganda, though unintentionally (Miller 1994; Neckel & Wolf 1994; for Luhmann's defense, see Luhmann 1994a).

According to these classifications, value-free is what Luhmann construed as the defining element of a scientifically rigorous sociology. However, what interest us is that the humanistic conception of value as such is undermined in systems theory and then functionalized into three forms.

First, value is neither understood as a media of any privileged social system, such as economic system in the mid-nineteenth century, nor confined to the normative domain, such as moral philosophy or even in Weberian conception of ethics. Rather, value is only a form or a program—as construed in natural science and mathematical science—that emerges to be the criteria of the code of operation (section 2.1.2.). Both good and bad are values, so are as radicals and conservatives.

Second, value is functionalized for the sake of intensification and coordination of expectations (Luhmann 1995, p. 317). Via this an observing system can be readily observed other systems (as environment) with the criteria of specific value. In so doing expectation coordination is assisted by value to reduce unexpected situations, such as the functions of norms, role, and program that provide a pre-established context of communication to delimit and facilitate connections of communications and actions. In short, value is *functional* to the connectivity of communication systems, but not *normatively* directing any substantive orientation of that specific communication.

Third, in its *content*, value is in fact a semantic that provides a description of the society in the early Nineteenth Century in the form of moral integration (Luhmann 1993a, 1996a, p. 65). By using the value of "good" to determine the communication and action orientations of the whole society, and by assigning consensus and conformity to be the prime values for social integration, other possible forms of social integration are blocked and condemned as pathological and deviant to asymmetrize the indeterminate distinctions. However, in

modernization process, the predominant totality of value splits into contradistinctive value spheres and retreats from the core of society. Different social systems have their own rules, values, codes, programs, and media of communication—of course, the underlying presumption is that modern society cannot return back to pre-modern society in the tides of rationalization.[21] In so doing, value rises to fame in the age of Enlightenment as a semantic devise for the humanistic self-reflecting mechanism,[22] and especially welcomed by radical social upheavals to rehabilitate social and moral order when the foundation of social integration is shaken, such as the transition from traditional society to modern society. Yet, it is noteworthy that not the functional differentiation of society gives rise to the differentiation of semantics, but conversely, the former is the *consequence* of the latter. In short, "media codes can be conceived of as catalysts which necessarily bring about a differentiation of complex social systems" ((Luhmann 1986, p. 6). Value, viewed from the evolutionary perspective, is no longer a yardstick or Archimedean point of communication and action—unlike the nostalgic avowals of communitarians—but functions as the semantic media and the blind spot, albeit already obsolete, to de-paradoxize the indeterminacy of social complexity.

To put it in the broader social context, however, value preference implicitly ingrained in systems theory cannot evade from the entwinement in value-relevance related to the current socio-historical context. As demonstrated by King and Thornhill (2003a, pp. 163ff), most

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[21] It is noteworthy to argue against the criticisms on the determinism lies in Luhmannian evolutionary theory. If one examines systems theory seriously, it, in fact, does not postulate any pattern of unidirectional societal development (Beyer 1984, p. xlii; Luhmann 1982, pp. 251-254), inasmuch as evolution is historically contingent by the fact that every actualized social event has infinite potentialities to become another one, and that Luhmann's three types of societal differentiation (segmental, stratification and functional differentiation) appear simultaneously in every society at any time, and yet with different priorities.

[22] In the pre-enlightened societies, semantics of religion are suffced to stabilize selection and thus evolution can proceed. Only in the age of Enlightenment can men themselves become their own object of reflection and thus objective values are relativized into the fragmented social spheres.

academic debates in post-war Germany are related to political radicalism on the legitimacy of the state, as exemplified in Critical Theory, and the other side is conservatism, represented by Arnold Gehlen and Helmut Schelsky (ibid., pp. 167-169). While humanistic values of humanity, individual autonomy, and political liberalism succeeded from Western Rationalism are generally shared by the radicals, collective solidarity and anti-humanistic power of institution and state are, nevertheless, embraced by the conservatives. To simply impute the loss of humanity to the enormous growth of organizations cannot resolve any complex social issues. Rather, as suggested by Luhmann, only by discerning humanity from the predisposed Humanity can the relationship between individual and society be clarified. The value-neutral humanity—featured by individual autonomy—is not completely eradicated, depersonalization in modern societies is only a necessary consequence of societal differentiation process, and thus personal domain is further differentiated to deepen the inwardness of individual self-identity.

By this *prima facie* Luhmann is obviously abided by the conservative value that human volition is subordinated to the supra-individual constructs in society, and yet systems theory, in fact, goes beyond the old-fashioned social conservatism that construing modern men are entrapped in alienation, exhausted in the devoid of meaning, and lost in anomie with traces of pessimism. According to Luhmann, *society and individuals* are increasingly autonomous from the outset of modernization, and the impetus provided by functional differentiation compartmentalizes and functionalizes social spheres and mutually *independent* to each other at the operation level—interpenetration—to engender complexity. This independency obtained by differentiation does not necessarily amount to the negative side of modernization, such as those critical theorists who mourn the passing of "good old times". In this vein, if society is sick, it is only because of the project of *enlightenment* that renounces immaturity of

the minority of humanity, as what Kant avows, has not yet been finished (Kant 1996, p. 17).[23]

Under the sober analysis from the non-normative perspective, value is then formalized and functionalized under the scope of scientific terminology that should be devoid of substantive content. Yet, if one were deconstructive enough, science, value, and worldview as such are one of the ideologies, or in other words, one of the many self-descriptions that end up with tautology and paradox (Luhmann 1988, pp. 28ff). Thus, logical universality as an inner *telos* of every general theory, that both Luhmann and Habermas pursue, will more or less be the remnant of Western Rationalism.[24] This implicit value lies behind Luhmann's systems theory (i.e. the pursuit of universality is an ideology of Modernity being criticized by postmodernists), and perhaps, according to the tautological and paradoxical nature of value foundations, the theorization of systems theory would be impeded owing to the irresolvable blind spot that systems theory cannot reflect by itself—the *blind spot* that is unobservable by first-order observation (Luhmann 1988, pp. 32ff). That is to say, systems theory is entrapped in its own logic that interrupts further theoretical operations, in that systems theory *can and cannot* observe its very constitutive value will end up with paradox. And that particular value foundation can have no other-reference insofar as it is not the construction of its effect, thus to denote that value will lead to tautology as well—the nature of that value is that value. What is implied here is that systems theory requires other-reference which is not constructed by it, or in other words, a universal systems theory calls for another reference that would paradoxically

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[23] To clarify, the enlightenment with small latter "e" is distinguished from the enlightenment with capital letter "E", in which normative and historical inferences are renounced. Instead, only a self-empowerment by the incessant extrication from one's minority and immaturity is precisely what enlightenment means. See section 3.5.

[24] While analysis of pragmatics is a means to pursue the scientific status in Habermas's theory, the hermeneutical understanding of meaning should be highlighted as well. Hence his project aims at bridging science with hermeneutics, together with critical elements for practices. To what extent it can successfully mediate all three components is a controversial methodological issue. See Joas's critique on Habermas's far-fetch integration of hermeneutics (2002).

impede its universal conceptualization which is another paradox (universal and counter-universal at the same time)! And Habermas's theory perhaps can supplement to Luhmann's self-contained social ontology.

Whatever Habermas and Luhmann have notified their deeply seated ideologies, reflexive mechanisms endowed in their theories can handle these paradoxes and tautologies reflexively. Rational discourse enables speakers to challenge one's own blind spot, and collective rationality via communicative action is thus introduced to restore a clearer understanding of that blind spot, which means paradoxes and tautologies are resolved as long as their self-references are exposed. In much the same way, the infinite possibilities of second-order observations draws distinctions to contrast the blind spot with other-references, which may expose and explore the blindness of blind spot. Both approaches resolve blind spots and reconstruct the social structure reflexively—consensus mediated by communicative action and self-referential communications—at the same time. Moral communication, in a similar way, are examined and restructured reflexively in their sociology of ethics and morality.

3.4. On Ethics and Morality

Discussions on ethics and morality at the metatheoretical level involve investigation of the theoretical foundations, therefore a groundwork of their sociology of ethics and morality should be undertaken, in which their presuppositions, methodologies, the subject matters and their level of analysis are reviewed. On this ground, sometimes metatheory may be distanced to ethics and morality, but it actually goes beyond the superficial phenomenon of ethics and morality and probing into the core, which can consolidate the understanding of moral phenomenon from Habermas's and Luhmann's sociology of ethics and morality.

3.4.1. Presuppositions

Particularities of Habermasian and Luhmannian sociology of ethics and morality can be traced back to their theoretical presuppositions to reveal their root of incommensurable theoretical conclusion. Based on the following presuppositions and deductions, in Luhmann's case, conflicts as well as consensus are in equal weighting in morality: first of all, there are two forms of moral communication, esteem and disesteem. Second, everyone has their own value, self-conception, self-identity that are not easily changed as long as maintenance of the integrity of personality is important for every person (cf. Luhmann 1991, p. 86). Third, moral condemnation and appraisal are attributed to the whole person, thus evaluation of that person's *personality and thus influencing one's self-identity* (Luhmann 1989, p. 140). Paradoxically, the fourth point is that morality should entail *condemnation and appraisal*, in that if no deviation from the normal—whether good or bad—is drawn, then morality as a communication can no longer be identified. Normality is subsumed to be the taken-for-grantedness and yet morality emerges when disturbance of normality occurs. The fifth presupposition is that for the sake of securing one's integrity and self-esteem, one will *fight back when these values and conceptions are being offended* (Luhmann 1991, p. 86).

If these five presuppositions are plausible and justified, then the conclusion that both conflict and consensus are the cases of morality can be deduced. Emphasis of conflict instead of consensus is prominent in the code of the moral—even though moral appraisals ineluctably occur as well—in that Luhmann would like to demystify the one-sided goodness of morality by illustrating the conflict situations provoked: conflict occurs insofar as esteem or disesteem imposed upon one's personality will affect the connecting point in interpersonal relations, that is, unlike value-neutral evaluation of one's technique by normative-free procedure, [25]

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[25] Discourse ethics seeks to ground morality on this cognitive and scientific procedure with a value-neutral attitude, yet this procedure cannot evade from the normative evaluations. Even scientific procedure would be

De-evaluation of personality will affect the attribution of *trust* of the others. The consequence is that the complexity of an issue is reduced by ignoring these complexities. For example, appraising a politician will increase his/her trustworthiness and being construed as good person, in which his/her political impotence or incapability in other aspects is neglected. Thus moral communication usually involves moralization of a person (but not a system) and the structure of expectation is built up to facilitate selections during moral communications.[26]

To probe deeper, the range of selection of communication and action are delimited by the structure of expectation and therefore a moral people (e.g. a priest) are usually burdened with great pressure of being moral. Once this established structure of expectation specific to morality is broken down, because the codes are assigned to personality that is construed as stable and fix, the cost will be very high in that distrust attached with morality has enduring effects—another structure of expectation based on distrust is built up at the same time! Therefore people always defend against being assigned to immorality by the code of disesteem to protect their trustworthiness and reputation, which are crucial for their complexity handling.

Self-reference of moral code is thus illustrated when one defends against the assigned immorality.[27] At the side of accuser, moral accusation should be retained and defended against any refutation, in that one's original accusation would become morally wrong and thus one's reputation would then be annihilated.

Thus moral communication as such is a risky endeavour, and further rational discourse will only increase complexity or leads to other kinds of communication. This explains why

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accused as complicity to the status quo or facilitates manipulation in organizations, thus embracement of a particular ethical position is ineluctable.

[26] For more details about the relation between norms, values, and trust, see Jalava 2003.

[27] See figure 3 in chapter 2.

moral communications in everyday practice are rarely examined, rather, morality grounds on incommensurable values is often the case. Conflict in this regard does not obscure communication. Instead, further communications are connected by conflict in way of building up points of dissent (Luhmann 1995, p. 388). Hence, conversely, consensus attained would impede further communication by closing the differences in discourse. Viewed from another way, consensus engendered by morality will consolidate the couplings of speakers by virtue of the integration of the structure of expectation. In-group and out-group members are easily indicated by their specific mode of communication, e.g. slang, custom, manners, etc., and suspicion of out-group members can thus be understood as due to the enormous complexity that impedes inter-group communications. As such inter-group communication—especially between two groups with high solidarity—is prone to conflicts instead of consensus. However, insurmountable environmental complexity signifies infinite information, and that is why "cultural exchange" or "intercultural discourse" are popular nowadays because these information give rise in system/environmental contacts are beneficial to the participants.

The abovementioned formulations based on the premise of complexity reduction do not persuade Habermas, who grounds discourse ethics on other humanistic presuppositions. First of all, even though Habermas has never explicitly claimed, in discourse ethics human beings are assumed to be conscientious and capable to discern what is morally good from morally bad, and they *prefer the former and reject the latter*. This foundational assumption bridges the gap between theory and practice; without it sheer cognitive condition of social action is no longer convincing in that practically moral orientation is ambiguous. Second, from the theory of communicative action, *this preference of morally good is articulated to communicative rationality* embodied in one of the validity claims. Third, corresponding to the second premise, human beings are rational beings and, most importantly, *the teleological direction of communicative rationality*—as a means of calculation of appropriateness (*phronesis*)—*is in*

itself morally good (Günther 1993, p. 33). And finally, even if the social reality does not correspond to his theory, another meaning of morality—*the moral order of social life*—cannot be denied because, as presupposed in the first premise, people pursue good life instead of bad life, and *only through discourse ethics can robust lifeworld and thus normal social order be maintained.*

Examining these four assumptions would map out the importance of reason in Habermasian theory. Certainly, communicative rationality draws from the intersubjective discourse can transcend yet coordinate subjective interests to objective and collective interests. However, the heavy dependence on human reason—even though understood intersubjectively—would put the theory as a whole at stake: in case humanity is deconstructed as a fragmentized concept to replace the obsolete pursuit of totality embodied by human subjectivity. In spite of the risk of this premise of Enlightenment thinking, communicative rationality links up with morality by referring to normative claims in discourse, through which the principle of universalization (U) and principle of discourse (D) are entailed in response to practical evaluations. Observance to these principles are motivated by two predominant premises that lie in Habermas's general sociology, one is that linguistically competent actors are endowed with communicative rationality, another one is that actors are cultivated within the pre-established lifeworld to acquire norms and culture that constitute the criteria for evaluation in simple communication (tacit mutual agreement). All these demonstrate the empirical condition for moral communication—in the form of rational discourse—in everyday life, but do not anticipate any practical necessity for moral discourse.[28]

Their different presuppositions of ethics and morality give rise to incommensurable

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[28] We can, at most, emphasize that one *can* be moral via discourse ethics yet inappropriate to assert that one *should* be moral, which is apodictical and will lead to the dismissal of individual volition, motivation and individual autonomy by reducing morality from the reflexive principled ethics to the law ethics (see Schluchter 1981, pp. 48ff), as well as from the sociology of ethics and morality to the normative ethics.

sociologies of ethics and morality, which can be explained by their different conceptions of humanism and enlightenment.[29] Presupposition of preservation of self-identity as the starting point of moral communication combines with self-referential communication would result in an egoistic (or system-oriented) perspective. Moral code is used amorally for one's own good to maintain, construct and defend the structure of expectation. In this regard not only humanity is not the concern (rather than self-reference of system), but, reason and morality are also decoupled and falling out of consideration. Contrary to this is Habermas's humanistic standpoint by presupposing the normativity of human being and social life, and aided with communicative rationality, reason and morality can rest on a common ground. Human social world is the arena of application of discourse ethics, other than this are out of the boundary of sociology. Based on these presuppositions their methodology and subject matters are, again, contradiction to each other.

3.4.2. Methodologies

Corresponding to the sublation of the obsolete antinomy of fact and value that is based on the theory of communicative action and systems theory, the methodologies of the sociology of ethics and morality have different outlooks which are closely related to their substantive theory. To epitomize their differences, several sociological perspectives (Durkheim, Weber, Parsons and Bauman) on ethics and morality are borrowed to obtain a metatheoretical perspective by locating their theories in different lines of theoretical logic.

Figure 7, 8, and 9 have summarized Habermas and Luhmann's methodology of the sociology of ethics and morality. In figure 2 and 3, Bauman, Weber, and Habermas cling to hermeneutic and allege the importance of participation to retrieve authentic social meaning,

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[29] See section 3.5. for more details.

whereas Luhmann, Parsons, and Durkheim are subordinated to the tenet of positivism that maintains certain distance from participation.[30]

Figure 7   **Participative practice—Contemplative observation Continuum**
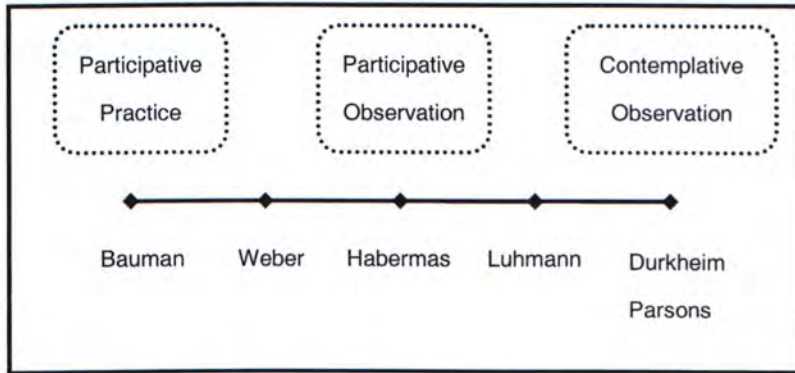
Although Habermas prefers hermeneutics to science—especially positivism,[31] yet scientific objectivity can be retained via participative observation (Habermas 1984, p. 130). On the one hand an objective social observing distance can be maintained by a social researcher inasmuch as language can be objectified and investigated scientifically, e.g. in discourse analysis. Also, objectivity is in fact an intersubjective agreement and does not have any transcendental meaning (cf. Bernstein 1988, pp. 182ff). On the other hand social researcher acts within his lifeworld and one can only understand the subject matter—other human actors—via communication, to which validity claims and rules of discourse are stipulated. Most notably, in the case of ethics and morality, understanding and evaluation of a particular moral phenomenon require understanding and then objectivation communicatively. By communicative action and rational discourse, the actor's intention, motivation, meaning, value, and rational deliberation can be understood by inquiring their validity claims. This whole inquiring process as such involves no particular value that affects its objectivity, in that understanding meaning by checking one's validity claims is a value-neutral process. Yet

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[30] To note, Parsons's relationship to positivism is complex (Tiryakian 1992, p. 71), thus these figures are drafted for clarification in a relatively simplified way for the ease of comparison only.

[31] See his participation in the positivistic dispute in the 1960s (Adorno et al. 1976).

further (moral) actions initiated are out of the range of discourse ethics, insofar as discourse ethics can, at most, be a theory of justification—a metaetheory inquiring mechanism of morality—instead of a theory of judgment—a normative ethics stipulating moral principles.

Abstracting from the contents of morality, ethics in systems theory is a second-order observation without any normative prescription aims at observing and delimiting the operation of moral code within interpersonal relationship and, at last, the structure of expectation in interpersonal communications is thereby influenced (cf. Krohn 1999). In so doing, sociology of ethics and morality is not about *how to participate in a moral communication*, such as resolving conflict by discourse ethics, but to observe how is one side of the code selected and how the receiver responds to it, namely, how to observe moral code under the scrutiny of ethics indifferently.

Distanced from the extreme end of contemplative observation, moreover, Luhmann prefers to hold a modest attitude towards observation, in that any second-order observation can be another first-order observation from another observation. [32] As long as no transcendental position is convincing in modern society (Luhmann 1998), *no* dialectical synthesis is available in a post-metaphysical world. Only different perspectives—first or second order observations—but not different meta-positions in the hierarchy of observation are possible. *Reflexivity* in the course of observation is maintained self-referentially instead of subordination to the transcendental meta-position in this regard (Beyer 1984, p. xxiv; Luhmann 1995, pp. 448ff).

[32] He proclaims that only participation is possible for observation because there is no transcendental ground for pure "objective" observation; however, compare to Habermas, his abstinent position immunes from social practice gains him a contemplative and intellectualistic image.

Figure 8   **Hermeneutic—Scientific Continuum**
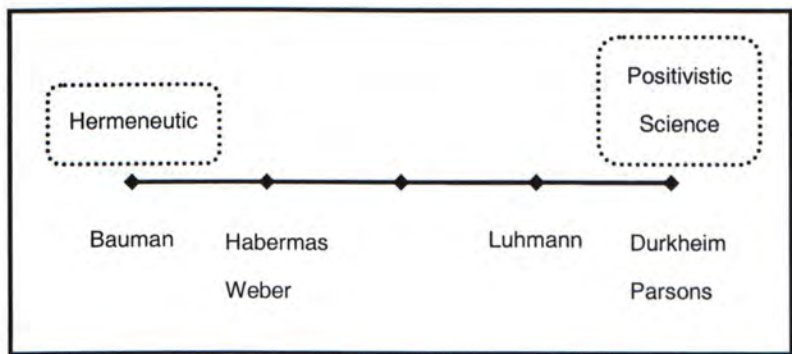
Participation and observation are concepts closely related to the definition of "science" in sociology. Hermeneutics seeks to understand meaning with the cost of scientific generality, while positivistic science induces enduring patterns of social phenomena without much concern on subjective meaning. Habermas, Weber, and Bauman are situated in the hermeneutic side as shown in figure 8, the former two are relatively less extreme than the latter in that objective causal explanations are integrated differently into their interpretive sociology to explain macro social phenomenon. From the other way round, Luhmann, Parsons, and Durkheim all allege scientific rigor by introducing different perspectives of pure science into sociology—all are broadly inspired by biology, yet Luhmann and Parson are also inspired by cybernetics. However, "science" is not the same for all of them. Compared to Parsons's and Durkheim's affinities to the positivistic science, to which the facticity of society is presupposed, Luhmann prefers constructive science which conceives social reality as a systemically constructed reality. According to Fuchs, Durkheim and Parsons are empiricist who take factual social phenomena as the unity of analysis, which is different from Luhmann who is a sociologist of scientific knowledge (SSK) that reflects upon the foundational of science as such (Fuchs 1992).

Figure 9   **Value-laden—Value-neutral Continuum**
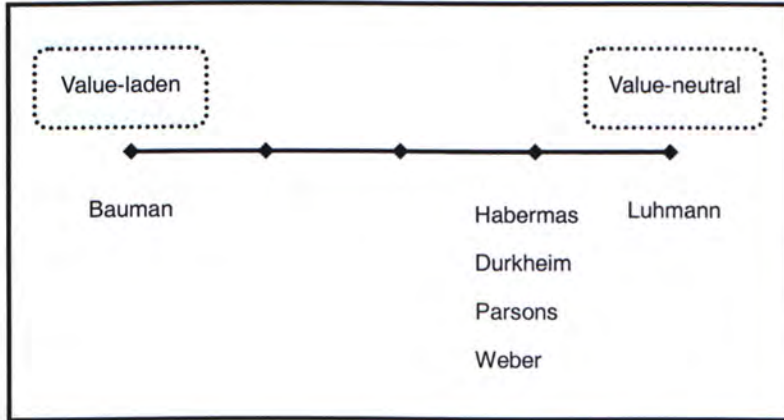
Hermeneutics and positivism can be further demarcated by their different attitudes to value (figure 9). The criterion asserted herein follows Weber's methodology in which the attitude towards research and its relevance are discerned (Weber 1949, 1968). Except Bauman, who aims at reconstructing sociology into a practical social theory (Bauman 1989), all of them concur with the principle of value-neutrality in social research. And yet, value-neutrality for Habermas should not be understood without complement to his normative value-relevance, same as other sociologists. It does not mean that his analytical research only serves to be a verification of his theoretical practice, but the two approaches are integrated as a totality. However, as a theory of society the value-neutral theorization of moral order makes him more prone to the side of value-neutrality.

Remarkably, in Luhmann's case value-neutrality is strictly observed and his value-relevance is seldom revealed, but, in fact, no theory can escape from value-relevance as long as sociology is one kind of social activities. Yet, formalization and neutralization of the conception of value as such make it more complex to discern its value-neutrality and/or value-free. Hence Luhmann's sociology of ethics and morality is value-neutral (as claimed by himself), value-relevant and value-free (as observed from other theories).

To epitomize, both Habermas and Luhmann agree that participation and observation are

essential for a methodology in sociology, because social phenomena are constituted not only by factual and observable events, but altogether with implicit subjective meaning and the underlying form of operation. The main difference between them is that participation and observation should be dialectically synthesized in rational discourse, and yet, from Luhmannian perspective, they should be strictly demarcated in the code of the moral by virtue of different orders of observation. All these arguments find their roots in their theoretical background that mechanical separation between participation (with value) and observation (of fact) is strongly opposed by Habermas as long as communication as a concrete practice is undertaken. In the case of Luhmann, two orders of observation are discerned based on the epistemological and logical necessity to avoid paradoxical and tautological situations. In this respect, Habermas's methodology seeks to mediate between theory and practice by coordinating meaning interpretation and scientific objectivity based on the *objectivity of pragmatics*, whereas Luhmann's formalistic methodology signifies the tendency of formalism in sociology.

3.4.3. The Subject Matters and Their Level of Analysis

Closely related to methodology, the subject matters and their level of analysis obtain theoretical importance by Habermas's and Luhmann's peculiar theoretical approaches. Among different descriptions of the subject matter of sociology, substance and form are the most general concepts as a metatheoretical orientation and conception of the social world and sociology. Substantive content of social action or social structure are regarded as the basic reference point in substantive sociology, with which hermeneutic and interpretive sociology coincided; whereas social facts that reflecting the objective social patterns are traditionally assigned to formal sociology, and particularly undertaken by the positivists and structuralists.

Figure 10   Substantive—Formal Continuum
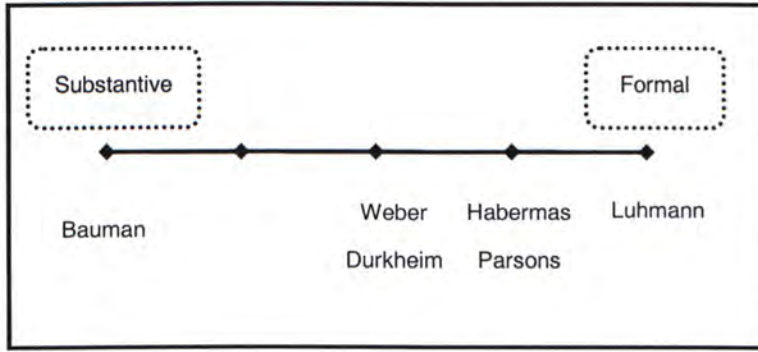
With reference to figure 10, division is drawn by the criteria of the characters—formal and substantive—of the subject matter in sociology. Bauman is the exemplar of the extreme in substantive sociology, who construes society only from its material aspect, and any attempt in sociological abstraction is repudiated, as reflected by his sympathetic attitude to humanistic postmodernism. As mentioned in the introduction, Durkheim and Weber remain in substantive sociology which construes society from the point of meaning and solidarities. Needless to say, their formal sides on bureaucracy and social facts should not be overlooked. For Parsons, who concedes to the voluntarism of action theory, however, does not necessarily oppose formalized form of social action, due to the fact that action can be subsumed to general social system as the underlying source of information and attribution centre. Yet the implicit normative orientation of Parsons's theory, that is, realization of reason and morality in modernity by system operations, brings him from the extreme formal position to relatively substantive side.

Similar to Parsons's subject matter, but accomplishes this enlightenment ideal via another critical theorization characterized the relation between Habermas and Luhmann.[33] To reiterate, pragmatics as the centre of Habermas's theory coordinates both the substantive and

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[33] Do not forget that the subtitle of *The Theory of Communicative Action* Volume Two (1987a) is "Lifeworld and System: A Critique of Functionalist Reason".

formal side of social action. However, the emphasis of the proceduralism and formalism entitles him in the tenet of formalism.[34]

What stays at pure formalism without compromises is Luhmann. Accordingly, only a theory with a high level of abstraction from the unorganized social complexity is sufficed to be called a real sociological research, in that only explanations by pure forms can provide a universal and general knowledge about social reality. The underlying logic is that pure form of social event is codified to binary code permits further upgrading *vis-à-vis* environmental complexity by increasing connectivity. Put it in a simpler way, form as such is a reduced concept with higher explanatory power (more control) but fewer material contents (less information)—the common cybernetic foundation shared by Luhmann and Parsons becomes salient (cf. Parsons 1966). What differentiates them is the predominant self-reference mechanism in all systemic operations. In other words, the subject matter of the sociology of ethics and morality is purified by formal abstraction—as a moral code in communication—in which moral feelings, experiences, and other agonistic factors that largely related to psychic operation are too complex for social systems.

Indubitably, social complexity resulting in societal differentiation is not overlooked in discourse ethics, and yet a different starting point brings Habermas away from systems theory. That is, complexity in moral phenomenon in its very formation should be mediated linguistically, and through participation in discourse and communication can morality be thematized—and thus moral order can be reproduced. Any observing distance out of

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[34] In fact this tendency of formalization lurks in sociology beginning from Durkheim, Weber, Parsons, and accelerats by Habermas and Luhmann, in which ethics and morality are conceptualized from the viewpoint of society instead of an individual perspective. For instance, in Durkheim's investigation on social solidarity, moral integration can still be asserted in the form of the division of labor, but ethics and morality in Weber's project on the Protestant ethics are only boiled down to the collective value orientation (life orders influenced by ideas). And later only the integrative function of moral/cultural value as functional prerequisite is retained in Parsons's AGIL framework.

discourse would impede the understanding of meaning, inasmuch as understanding cannot be undertaken without communication. Although abstract procedure is at the core of his theory, emphasis on practice has not been discarded. In other words, the *theoretical (analytical)* level and *practical (empirical)* levels of Habermasian sociology of ethics and morality should be clearly discerned to avoid any entanglement of the fallacy of misplaced concreteness.

Figure 11   Individual level—Societal level Continuum
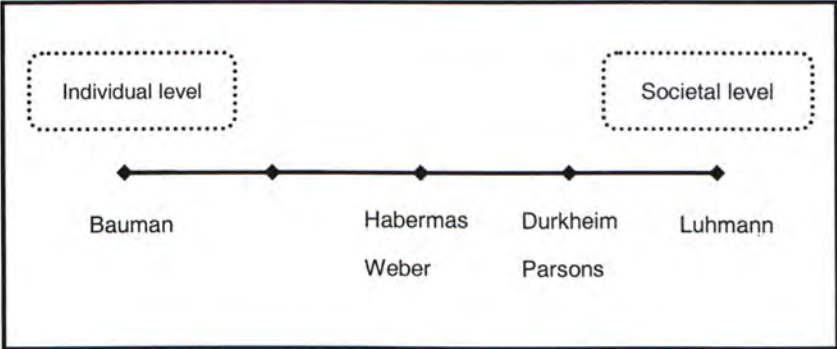
The dichotomy of the substantive and formal has always been linked up with different levels of analyses in sociology. One of the most controversial analytical level lies in the continuum of individual and society (figure 11), which is the foundational axis in nearly all sociological theories. Although most of them attempt to bridge these two ends by traversing the two levels by the concept of duality of structure (Giddens), institutionalization of action (Parsons), and habitus (Pierre Bourdieu), and so on, the continuum has not yet been completely relinquished in mainstream sociology. Hence we can modestly allocate the above-mentioned theories to different positions in this continuum.

The reason of putting Habermas in the individualist tenet—compared to those functionalists—does not identify his theory with Bauman's *theoretical individualism*. This notwithstanding, inter*subjectivity* inevitably relies on individual subjects which are the source of discourse. Furthermore, even though the range of his theory cannot be fully covered by *methodological individualism*, the reservation of subject and individual as the voluntary

centre in intersubjective discourse of morality brings him to a relatively individualist position.

From the other way round, at the extreme of societal level, individual is undermined as mere environmental noise that is ambiguous in the eyes of social systems. In much the same way, individual morality is only a flux of noise intervening systemic operations. If Durkheim and Parsons still reserve a place for individual as the indispensable constituent of society, then Luhmann has ruthlessly annihilated any possibility of the individual in sociology by replacing agency with self-referential communications.

Comparisons on the subject matters and the level of analysis of Habermas's and Luhmann's sociology of ethics and morality do not end at this point, because the intricate relation between substantive and formal are not only pertain to the concepts of ethics and morality, while the subject matters of sociology of ethics and morality can be fully explicated if *sociology* as such is reflected accordingly. This metatheoretical requirement also appears at the levels of analysis. To understand the relationship between individual and society could not leave the discussion of society behind—as individual is thematized in section 3.1. In so doing, a more accurate and specific focus on meta-reflection on sociology is called for, which may in turn able to overarch particularities from a general level of theorization.

3.4.4. Concluding Remarks

Through metatheoretical reflections on Habermas's and Luhmann's sociology of ethics and morality, the general tendency of developing this sub-discipline is uncovered to a large extent. Refrained from individualist perspective, the predominance of society is underlined and thus concomitant with the transformation from consciousness-dependent to communication-dependent sociology. In this way the dynamic of society gradually shifted

from action to communication to cope with increasing complexity, and similarly substantive units are replaced by formal relations to obtain a more general theory of society without delimitation of concrete unitary action—actualized action observes itself as a self-contained unity, yet communication implies actualized and potential communication attributions, whether in terms of linguistic or self-referential communication.

3.5. On Humanism and Enlightenment

Recalling the arguments in the preceding section (section 3.4.1.), the irreconcilability of Habermas's and Luhmann's theories can be explained by their different theoretical starting points on conceiving the relation between man and society in the way of humanism versus anti- or post-humanism. Generally speaking, Habermasian theory is assigned to the humanistic tenet owing to the priority of theoretical preoccupations given to the substantive content of culture, values, interest, subjective preference, subjective meaning, intention, and interpretation rather than structure and system. According to the general understanding of humanism—simply be defined as the respect of the dignity and worth of all human being, and particularly in a form of anti-positivism in sociology (Marshall 1998, pp. 289-290)—the view that human individuals can be reduced to unanimous monads that are deprived of their substantive differences in their biased culture, values, interest, etc. are strongly opposed. Thus humanistic sociology has already adopted interpretive and hermeneutical sociology as methodology, and adopted critical sociology as its corresponding theory for social practices. Critique is necessary, according to Habermas, since social developments that leads to a pathological consequence—automated self-referential society has already escaped from human control—is detrimental to human dignity, self-determination, and meaning construction, which are the core for reproducing lifeworld.

Juxtaposing humanistic sociology with its counterpart—anti-humanism—as exemplified in Nietzsche, scientific positivism, system theories, structuralism and post-structuralism, to name a few, who argue against the preoccupation of subject as the centre of the world and the attributions of all social mechanisms to human agency. Thus, obviously, emphases on social operations and structure are the main features of anti-humanism. As such, sociality is comprised of the underlying social structure or systemic processing, instead of human consciousness. However, attempts to mediate between humanism and anti-humanism are undertaken, as if the automation and self-maintenance of systems are stressed in late Parsonian theory, whereas the last resort of human agency, though in a formal sense, is reserved to be the material for social systems (Habermas 1987a, pp. 251-256).

Yet, this kind of mediation is completely renounced in Luhmannian systems theory owing to the fact that erroneously presupposed antinomies—subject/object, individual/society, agency/structure—should not entangle sociology anymore, and a more radical, yet precise and correct, theoretical scheme by forming system/environment relationship between social systems and psychic systems should be employed. Under this systemic schema, the autonomy of systems is extremely exaggerated—from each system's own perspective their own world and environment are *created* by themselves. In so doing, human agency, which contains humanistic values of identity, integrity, autonomy of consciousness, is then reduced to be the unmanageable complexity excluded outside of social systems theoretically and analytically. In this way Luhmannian systems theory can be classified as a *methodological anti-humanism*—a de-anthropocentric *sociology*:[35] The existence of human agency is reserved,[36] however, only

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[35] Luhmannian theory is a methodological anti-humanistic because "the disposition of *normative antihumanism*, such as those that mark the world of Arnold Gehlen, are almost completely absent." (Habermas 1987b, pp. 378, 422. Italics added). Methodological anti-humanism does not neglect human agency, but at the level of sociological theory human agency is analytically excluded as the environmental noise.

[36] By the fact that human agency exists outside social systems, together with that system boundaries are exclusively closed to each another, society can *never* comprehend human agency *authentically* by *direct*

in psychic systems, in which by system/environment distinction, society is not constituted of human agency, but self-constituted by communication.

Figure 12   **Humanistic—Anti-humanistic Continuum**
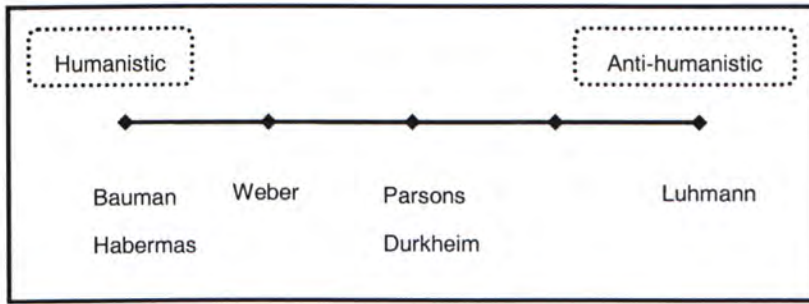
Again, the theoretical schema employed in previous chapter is applicable for this comparison (figure 12). To put Habermas and Luhmann in context, except Luhmann, all are more or less humanistic, for example, even Parsons would reserve human agency in his early stage, and the humanistic and moral ideal for the Third Republic are embraced by Durkheim (cf. Bellah 1973). In this regard, critiques raised against the impersonal invasion of human agency from society will entitle sociologists to be claimed as humanistic. Likewise, albeit unlike those Marxian endeavours, concerns on the condition of modern man and decomposition of human integrity in Weberian sociology assign Weber a humanistic sociologist.

The peculiar picture that Luhmann stands alone in the tenet of anti-humanism can be explained at the ontological level. The presupposition of the ontological existence of "*Subject*", which is deconstructed and repudiated by Luhmann, as the ultimate reference point of conceiving reality colors most mainstream sociologists (Luhmann 1994b, p. 135) (section 3.1.1.). Contrary to this, the underlying distinction that Habermas employed for his reasoned subject in rational discourse is ultimately a moral distinction; only thus can critical potential

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observation, and yet can only *infer* the subject matter by its own binary schematism. Thus, similar to the conclusion drawn by Husserl (Zahavi 2003, pp. 17ff), the theory of correspondence that commonly abided by

be released from an analytical communication theory (cf. Blühdorn 2000, p. 348). It can be traced back to the Enlightenment beliefs that everyone is equipped with their own reasoning power, which should infer to morality as a result, to emancipate themselves from their own minority (Kant 1996). What can be derived from this understanding of enlightenment would be self-reflective on forms, regardless of the substantive contents—reason and morality.[37]

Based on their contrasting positions on humanism, the closely related concepts of enlightenment are sharply opposed to each other. "Old-European Enlightenment" embraced by Habermas has implied the capability of self-emancipation from any unnecessary constraint by means of developing reason and morality (Luhmann 1998, p. 31). Specifically, a society is enlightened insofar as three levels of integration of the lifeworld are satisfied by means of incessant undertaking of communicative action, and thus the counterpart of lifeworld—system—can be balanced with and being controlled. Social pathologies—anomie, loss of meaning, and alienation—are thus eliminated and solidarity as well as plurality are thereby maintained, which is the ideal state that Durkheim, Parsons, and both liberals and communitarians envisaged.

As mentioned in the above, however, enlightenment can be construed in a non-rational and/or non-moral way as well (section 3.6.4.).[38] Reason and morality can be, and should be, in Luhmann's framework, separated in which the former is a self-reference circularity of systemic calculations, and the latter is differentiated into form (i.e. the code of the moral) and substantive content (i.e. moralization). Without this coupling of reason and morality, the

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traditional epistemologies is outdated in this regard.

[37] That is to say, enlightenment can actually be a pure reflexivity in a de-rationalized and de-moralized form, see reflexive modernization that Ulrich Beck proposed (Beck 1992). Additionally, the meaning of enlightenment should not be confined to the Western historical terminology, see Chan 2002, chap.1.

[38] Although Chan (2002) did not incorporate Luhmann's conception of enlightenment into his typology of enlightenment, Luhmannian enlightenment could be nevertheless placed in the category of non-rational and non-moral (cf. ibid., pp. 227ff).

utopian vision that has long been endowed with enlightenment repudiated, but purified to be a state of deeper understanding comparing to the unreflected perplexed state. As such reasoning has to be circulated by way of constant self-reflection (Luhmann 1995, p. 455), and moral code has to be observed by ethics to generate knowledge of morality. Simply speaking, what implied in this non-normative, or cognitive, enlightenment is that second-order observation as such amounts to (sociological) enlightenment in that *it can observe what being observed cannot observe* (Luhmann 1988). This cognitive and epistemological enlightenment, indeed, may fit the original meaning of enlightenment, that is, to extricate "from his self-incurred minority" (Kant 1996, p. 17), with the fact that "minority" as a blind spot of every observation is what one cannot observe. As such enlightenment is accomplished since morality is observed by ethics (second-order observation of morality), and reason is self-reflected rationally (second-order observation of rationality) (Luhmann 1995, p. 455).

This system theoretical understanding will inevitably imply a narrower definition of the enlightenment. That is to say, enlightenment is delimited to be *sociological* but not *social*, and thus it will *only be worthwhile for those systems sociologists*. However, Habermasian enlightenment is comparatively more progressive than Luhmannian one when we consider at the social level. Although the former burdens with old-European tradition, it makes for *societal and collective enlightenment*, despite the content of coordinating individual and society, reason and morality. Even if Habermas's project of Enlightenment may never be finished, his theory is much more constructive than postulating intellectual self-reflections.

Of course it is dangerous if the enlightenment project is too radical and practical, which may readily slipped into ideology; yet, one should be reminded that obsession to theoretical universality is as well another ideology that may lead to political indifferences and promotes administration of society (section 3.8.). Yet, the tag of "sheer intellectualism" should not be

placed upon Luhmann, since systems theory does not serve for intellectual games that curtail any reference to social reality, rather, it aims at providing a precise description of contemporary societies. Through the explication of Habermas's normative project of Enlightenment and Luhmann's non-moral and non-rational enlightenment, the range of the possible states of being enlightened is thus further explored: enlightenment can be endowed *with or without* morality!

3.6. On Society

3.6.1. Identity and Difference

Conception of modern society can be shown in their views on identity and difference as the description of social order. Although discourse ethics is clearly defined as a procedural ethics for pluralistic social situations, totality and identity that are essential for social solidarity, inasmuch as social order with communicative action is the *normal* case, yet discursive procedures are only redeeming mechanism of *abnormal* state (i.e. communication disrupted and/or distorted). Those identity formations are undertaken by way of socialization of the lifeworld, and the pre-established culture and social norms are, in fact, the platform of discourse. Differences between interest groups and individuals are the defining features of modern society, as Habermas conceded, yet discourse ethics as a procedure for moral integration articulates different identities and thereby a collectively convicted consensus is yielded.[39]

Universalization of difference, on the contrary, is proved by the theory of observation, in

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[39] Moral integration in this respect is somewhat different from Durkheimian moral order by virtue of the latter appears in the functioning of divided labours in terms of the organic solidarity; rather, Habermas relies heavily on the discursive process to counterbalance the overly self-referential function systems. See Table 1.

which any center and hierarchy are deconstructed and thus totality is not possible. Inasmuch as social order no longer relies on value center, institution, or authority, moral integration is only an imagined fantasy that is unable to cope with societal complexity. In such a de-centered and amoralized society, no particular system is hierarchically superior to others by way of, for instance in Parsonian theory, a cybernetic hierarchy between cultural system and behavioral system. The only difference that leads to unequal relationship is system/environment—the only center of operation. The function of maintaining social order, therefore, has to be relegated to other differentiated systems, such as the totalizing function of morality—sacredness, integration, and justice—had already transferred to religion, politics, and law. And now these social subsystems are independent from the influence of substantive morality via the maturity of binary schematism. In so doing morality becomes one of the interferences owing to its sheer effect of moralization (Luhmann 1995, p. 240).

Based on the theory of observation, certain blind spots lie underneath distinctions make the world possible. As such a totalized concept of society can only be *ideally anticipated*, but cannot be grasped empirically. According to Habermas, however, the everyday language we are using conveys meaning and the invisible lifeworld. Only via communicative action can people overlap their particular lifeworld and thereby the formation of the social is possible. And that lifeworld situation, as the ultimate horizon for human condition, obtains the highest priority by virtue of constituting the basic foundation of our everyday life. As such lifeworld characterizes social life of *human being*, while Luhmann's systemic operations can be applied to all autopoietic systems, in which amoralization of morality is not only possible but also desirable for systemic autonomy.

3.6.2. The Constitution of Social Order

The polemic of identity and difference as the foundation of social dynamic is extended to the basic question of the constitution of social order. A hierarchical relationship between individual and society is overtly reserved in Habermasian sociology, and a de-centered relativistic social configuration is emphasized in Luhmannian sociology at the same rate.

According to Habermas, a hierarchical flow of information and control is directed in between individual and intersubjective social levels via communicative action and institutional systemic controls. Neither individual nor society is the *sole* determinants of the other in this interactional modal, notwithstanding the fact that three constitutive levels of the society are integrated in parallel: individual, lifeworld, and society.

On the contrary, according to Luhmann's systems theory, society has no *fixed* center, but do not has *no* center, since center is still visible in contemporary times in the way that every system is the center *vis-à-vis* their environment. Thus we can say that contemporary society is a multi-centered society, while performing functions without hierarchical order. Unlike Durkheim, Parsons and Habermas, who agree on the functional differentiation of modern societies, hence, certain center is postulated to build up structural patterns for maintaining social order, and culture and value are regarded as the highest hierarchical order of function systems. Luhmann disagrees with them because the problem of order is no longer relegated to hierarchical values, namely, no authority or center is needed for social planning, patterning, and control. But every function system, as they are the center in *their* worldview, encounters one another in a doubly contingent situation to create certain order without involving third parties. In short, because the solution of the problem of social order goes beyond traditional solution by integrative values and replaced with inter-systemic emergence, functional differentiation therefore can be consistent to its concomitant consequence of a

decentered—but not centreless—society. In addition, from this systemic conception of society, postmodernists' failure on explaining social order and thereby recede to nihilism is prevented. As such relativism of systems theory is possible without undermining the maintenance of social order; in other words, direction of control is no longer unilateral in terms of individual versus society, nor bilateral in terms of reciprocal determination of individual and society, but emerges contingently in *ad hoc*.

3.6.3. Lifeworld and System

Hierarchical thinking is also exemplified in Habermas's conception of lifeworld. In the course of societal evolution, as illustrated in the theory of communicative action, system emerges from lifeworld to take up the function of coping with the ever-increasing complexity of societal differentiation (Habermas 1987a). Media (such as money and power) developed to facilitate exchanges out of human determination in system (such as market and state), that is, complex situations created by human participation are bypassed and the burden of lifeworld is thus relieved. In this respect, Habermas agrees with Luhmann, to a certain extent, that impersonal systems are indispensable. Yet bifurcations appear precisely at the point of the relative significance between lifeworld and system. Lifeworld is the motherland of system by providing with meaning attribution and thus bridging human volition and collective interests to the institutional and impersonal systems.[40] According to this lifeworld perspective, pathology emerges when the linkage of meaning is broken down and system is exiled to become self-referential. In other words, what Luhmann celebrates—the autonomy of function

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[40] Unlike Parsons, who links up human agency to system by functional performances under the framework of pattern variables, a substantive platform for the reproduction of everyday life on cultural, social, and personality aspects, namely, lifeworld is formulated by Habermas, in which a clear boundary between lifeworld and system is discerned. Only through this can a "critique of functionalist reason" be commenced from the lifeworld perspective (Habermas 1987a).

systems as a result of autopoiesis—is precisely what Habermas ruthlessly criticizes.

In this respect, lifeworld is hierarchically superimposed on system, yet in the case of system theory every system is relative to one another, therefore describing modern society by normal/deviance or moral/immoral distinction is only one of the descriptions—a normative one without any preordained necessity—and therefore the primacy and immediacy of lifeworld are dismissed and lifeworld as a whole is fragmentized into different systems, since meaning in systems theory is "de-normalized" and boiled down to be the operational horizon of psychic systems and social systems.

To go even deeper, whether lifeworld exists or not is by no means the core problem that Habermas noted. More poignantly, the central problem is that even if lifeworld exists, whether lifeworld is *significant vis-à-vis* the system is polemical. For Habermas it is a theoretical necessity for the anchorage of system on lifeworld via meaning attribution process (Habermas 1987a, pp. 172ff). Whereas the dynamics of the linguistically constituted lifeworld has already been *overridden* by systemic logic, and the anthropological and philosophical meanings embedded in the lifeworld are not the matter for social systems so long as they have not been communicated.

3.6.4. Rationality, Morality, and Normality

The comparison of the conception of lifeworld and system leads to the controversial question of whether humanity—as embodied in lifeworld—is the last resort of sociality. In other words, can reason and morality, particularly the latter one, be secured as the highest hierarchical status in modern societies. According to Habermas, language endowed with the potential of reason and morality that "installed" in human being constitutes both lifeworld

directly and conditions system indirectly. Humanity with reason and morality as the content is reserved in the lifeworld, which is potent *vis-à-vis* the system. Whereas the only primacy in systems theory is the autopoiesis of systems, any further elaboration of humanity, reason, or morality are secondary derivatives of the self-reference of systems.

To recapitulate the dispute, a typology of rationality and morality is drafted to illustrate the contrasting positions on the conception of society, which is closely articulated to the conceptual framework of enlightenment to underpin social order (table 1).[41]

Table 4   **A Typology of Rationality and Morality**

	Rational	Non-rational
Moral	Durkheim, Parsons, Habermas	Weber, Bauman
Non-moral		Luhmann

According to the table, the ideal of Enlightenment is inherited by Habermas, Parsons, and Durkheim, who avow the rationally guided moral integration of a society, albeit in different form and means. Yet, decoupling of reason and morality is neatly demonstrated by the postmodernist position of Bauman, who construes rationality as the suppression of personality and individual freedom. Instead of a sober and indifferent theorization of the society by rigid sociology, moralization via social theory is preferable. Similar to Bauman, Weber grounds social order on a non-rational approach to enlightenment. Personal ethics and maturity are the last vantage point *vis-à-vis* societal bureaucratization, and rationality in this regard is prevailing in social reality, but the ideal of an enlightened society can only be realized via non-rational and moral ways. In sum, the meaning and functions of morality are conceived in different ways at the axis of morality. Though they converge at the point that

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[41] This table is borrowed from Chan's typology of enlightenment, in which different approaches to enlightenment by either at individual or collective levels are defined. Herein a simplified version is employed to draw the possibility of the formation of society along two central axes.

morality in any aspect—individual, subjective, collective and intersubjective—is crucial for the constitution of moral order, and thus morality in this light is understood non-normatively but according to its social function.

Besides the axis of morality, non-moral dimension are embraced by Luhmann. Social order is more prone to be de-moralized by impeding any substantive sense of morality in systems theory. Moreover, the concept of reason is also translated into systemic terms of recursivity that subordinated to systemic self-reference (Luhmann 1995, p. 477). In so doing, as mentioned above (section 2.2.2.), based on Luhmann's peculiar social ontology and epistemology, self-reference replaces rationality and morality to reproduce social order. Hence, this pure non-normative understanding of ordering—as shown in his order from noise principle—grounds that justifies Luhmann's controversial de-anthropocentric sociology.

To conclude, one may be confused with that Habermas's enlightenment generated through normative control, rational calculation, and prediction (Chan 2002, 1.III.ii), however, may not observe empirical reality of contemporary society, in that social order persists even when morality is frequently violated. The crux of the matter lies in Habermas's conception of normal state as closely articulated to moral. In short, *normal is moral*; because that one feels normal is already the *outcome* of communicative action which is as such moral in a value-neutral sense. Only in the abnormal case would a rational redemption of normal state be called for, that is, morality in Habermas's sociology of ethics and morality can be understood non-normatively, and thus normality as morality marks the *human condition* as such.

Yet, all of the above are transformed in system theoretical terms. Norms in systems theory only function as the supplementary structure of expectations of communication and action, but do not have any *a priori* transcendence and universality in society. Actually, the attachment of norms to society is only an Old-European presupposition (Luhmann 1995, p.

325). More radically, social life is possible without norms (ibid., pp. 325-236)! The only premise of social systems is autopoiesis, which is much more fundamental than norms or social contract—that supersedes action theoretical formulation of the Hobbesian problem of social order (ibid., p. 326). As such any normativity attached to norms, values, ethics, or morality is precluded. This postulation is supported by the developmental tendency of functional differentiation, in which cognition is differentiated from norms to specialize for truth questions.[42] Consequently, the upgrading of social order is illustrated in its cognitive coordination via the expectations of action and communication, in which the connectivity is fostered beyond the narrow range of normative expectations (ibid., pp. 322-324).

3.6.5. Descriptions of Modern Society

According to their conceptions of society, contemporary society is thematized differently, in which the probable descriptions of social life in general and morality in particular are reflected. Stemmed from the Marxist tradition, a normative alert of social crisis created by the derailed modernization process is warned by Habermas, whereas a relatively non-normative description of a risk society is claimed by Luhmann (cf. Luhmann 1984).

Along the normative array of Habermas's theory of communicative action, as long as the lifeworld is the centre of society based on humanity, its colonization amounts to the collapse of humanity, and resulting in societal dehumanization and demoralization (cf. Habermas 1987a, p. 143; 1975, part II).[43] As such critiques against the functionalist reason stemmed

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[42] The turning point appeared in David Hume's critique of the human reason, and thus the truth question is differentiated from the moral question. The theory of communicative action aims at resolving this problem by altering the traditional conception of truth and morality to communicative rationality and discourse ethics that grounded on the same basic pragmatic structure (cf. Habermas 1979).

[43] In the preface of *Legitimation Crisis*, Habermas wrote down his endeavour in that book: "The application of the Marxian theory of crisis to the altered reality of 'advanced capitalism' leads to difficulties. This fact has

from system are immediately called for to recover the well-being of the lifeworld. Contradiction becomes more acute and irresolvable in terms of the conquest of individual interest and subordination under systemic efficiency. Not only at the level of individual personality that meaning has been lost, but crisis has penetrated into the social and cultural domains, and the feasible solution, according to Habermas, is to re-harmonize and re-balance the relationship between lifeworld and system by means of communicative action (Habermas 1987a).[44]

Unlike Habermasian normative description, risk is conceived as an ever-existing phenomenon of contemporary complex society (Luhmann 1993b). Risk, particularly ecological risk, brings us to the awareness of our uncontrollable and unpredictable environment. In this respect, reduction mechanism to handle risky communications is urged, lest the disconnection of communication when trust cannot be built up for information exchange. Provided the enormous complexity and uncertainty in the social realm, norms, values, and familiarity that pertain to relative small groups are now playing only a peripheral role in today's society (Jalava 2003, p. 186). Trust is, instead, an excellent way to absorb complexity (Luhmann 1979, p. 20). However, trust as a system theoretical communication presupposes a situation of risk, and that only in unfamiliar situations can trust becomes significant (Jalava 2003, p. 174). Contra Habermas's reliance on familiarity and communicative rationality, the decline of familiarity as a result of modernization and

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given rise to interesting attempts to conceive of old theorems in new ways, or, alternatively, to develop new crisis theorems in their place." (Habermas 1975, p. xxv).

[44] To note, the broader context of the paradox of modernity is largely related to the rise of capitalism. In Marxian terms, the central problem is the suppression of human potential in the capitalistic labour process, and thus different solutions besides the orthodox materialist Marxism are proposed to recover humanity by different form of revolt: that by ideological hegemony (Gramsci), by the advocacy of class consciousness (Lukacs), by a totalistic cultural critique (Frankfurt School), by the critiques on everyday life (Lefebvre, Situationist International), or in this case, by the rehabilitation of interaction in Habermas's early development and recovery of communicative action in his latter stage.

differentiation cannot be redeemed by any normative means—whether authentic communication or critique of pathology. Rather, the more fundamental mechanism of trust is employed to cope with contingent situations by reducing complexity (Luhmann 1979, pp. 42-43).

Comparisons between Habermas's and Luhmann's descriptions of modern society can be drawn on the point of trust and familiarity.[45] During the resolution of double contingency, trust is built up to be a structure of expectation to assist the formation of social system. Social relations without trust cannot support a long-term stabilization of social system inasmuch as trust is a strategy that considerably extends one's potential range of action, by the way of permitting unsure premises to be incorporated into the certainty value of one's own system (Luhmann 1995, p. 128). That is, trust can reduce complexity by means of providing guarantee to outweigh the uncertainty of particular event (cf. Luhmann 1979, pp. 24-31). Under this formulation, trust can also be converted to distrust insofar as communicative results are not in accord with the expectations and the guarantee thereby broken down. Distrust is, therefore, a constraining strategy because it needs a relative high level of certainty and particular precaution to any disappointment. The redeeming actions given by distrust thereby absorbs disappointment and unexpected consequences to reestablish system order, thus distrust can be reversed to trust by additional supports, such as law, organization, and moral appraisal which secure certainty.

In fact, the argument hereby asserted finds affinity with the relation between communication and rational discourse in Habermasian theory, only with the difference that Luhmann does not consider the content or normative value of trust—contra the substantive

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[45] Recalling the theory of communicative action, trust is the product of consensus that secures the taken for granted structure for everyday communications. Discourse is entailed only if trust relationship secured by the mutual acceptance of validity claims—that is, familiarity of everyday life—is questioned. See section 1.2.3.

communicative conditions assigned in the validity claims—but merely extracts its functional value with regard to consolidating the structure during double contingency (Luhmann 1979, pp. 24-31). In addition, moral evaluation is closely coordinated with trust, in which moral esteem enhances trust and facilitates connection of expectation (section 2.2.4.). Or one can say, moral esteem or disesteem in fact struggle for trust to increase the chance of action determination upon the others.

To elaborate Habermas's description of a crisis society, it is not difficult to disclose his belief that in order to maintain a robust and "healthy" social order, normative participation via communicative action is called for. In other words, ethics and morality are essential for continuing the project of Enlightenment to extricate out of the *aporias* of Capitalism, and what he suggested is one of the preferable ways of Enlightenment—whatever its ideal—the coordination of reason and morality.

Extrication from this normative solution of social order is intelligible as well. Social order is possible with the help of behavioral expectations, most notably in the form of trust in today's risk society (Jalava 2003; Luhmann 1979). Unlike Beck (1992), who is rather idealistic for the capability of the upgrading of society in risky environment, Luhmann maps out a relatively arbitrary picture of trust in risk society, in which either trust or distrust are available with equal chance. Both sides of distinction have their own potential to be actualized, and trust (similar to familiarity in the theory of communicative action) versus reflexivity (similar to rational discourse) does not necessarily give rise to synthesis, but only slides to another distinction. In so doing, ethics and morality with normative contents are replaced by the value-neutral semantic of trust, risk, and anxiety (Luhmann 1988, pp. 32-33), which are societal semantics with more connecting points in comparison to morality delimited to personal levels.

As such social order is possible even if one encounters totally *unfamiliar* situations without prior guiding norms and situation definitions, insofar as communications and actions can be connected solely by behavioral expectation. That is another reason explaining why systems theory can be applied to non-human domains with exactly the same mechanism as well, for instance, to societies of animals (cf. Luhmann 2002, pp. 191-192).

3.7. The Nature of Sociology

3.7.1. Methodology

Understanding is not only a sheer epistemological matter, according to Habermas, condition of humanity is precisely highlighted by understanding because only human—despite extraterrestrial organisms—require understanding to interpret meaning. To reiterate, recalling Habermas's normative conception of meaning, phenomenological meaning only occupies part of its meaning, yet the social part are not fully explored before the problem of double hermeneutic has been resolved. The uniqueness of social life, therefore, is grounded on the presupposition of the need of understanding in order to live together with a viable mechanism of lifeworld reproduction. That is, social order based on violence and rational calculation cannot resolve the Hobbesian question of social order. In so doing, understanding through participation in lifeworld and observation and reflection via rational discourse is the very method to construct not only the sociology of ethics and morality, but all social activities.

Similarly, Luhmann does not abide by positivist sociology (cf. Fuchs 1992). Understanding is in this regard crucial for the connection of communication as well, yet conceived differently: non-normative conception of understanding and meaning explain social

order from the standpoint of noise. Meaning amounts to the dimensions and forms of complexity—as the outcome and dynamic of selection. Understanding meaning therefore denotes the unity of difference in communication process, as well as a complexity reducing and increasing mechanism. To cope with these fluxes of communication, only second-order observation observing distinctions drawn can unfold further meaning, especially for knowledge construction. Society is a composition of special autopoietic systems characterized by communication, but indeed only one of many autopoietic systems in the world. Thus, the method to conceive the world should be delimited to observation only, if method is defined as the way to gain knowledge.

3.7.2. Sociology and Society

Contradiction of methodologies can be reflected by explicating different approaches to mediate sociology and society. According to Luhmann, sociology within the category of science system functions to provide descriptions of society, that is, sociology as a system of knowledge that can enhance the level of observation on society (Luhmann 1988, p. 35). That is to say, to understand society via observation is the most elementary goal of sociology, and any other partisan judgment and normative critique are superfluous and excluded out of the boundary of sociology—to recede to a less rigid and precise social theories aim not at knowledge production (Luhmann 1994b, pp. 136-137). Any substantive and unmovable Archimedean point of critique embraced by social theories cannot evaluate its own *raison d'etre*, which is indeed the blind spot of a distinction. Additionally, any critique based on certain value or ideology is, in fact, striving for particular purpose but cannot reflect on society authentically. Needless to say, this approach of theoretical indifference would be ruthlessly attacked by Habermas with the criticism of an inadequate understanding of

language (Habermas 1987b, pp. 378ff; Leydesdorff 2000), and sociology providing theories of society seems to be cut off from social practices, which is actually consistent to Luhmann's non-normative sociology.

The involvement of sociology in society is much more positive from Habermas's perspective. Theory and practice are after all two sides of the same coin—the totalistic lifeworld underlying all social activities, including the theorization of society. It should not be misunderstood as a promotion of rash social practices in terms of ideology, nor subordinating sociology under the service of partisans' struggles. Clearly stated by Habermas, his sociology of ethics and morality can only map out the cognitive conditions and justifications of morality, and yet unable to explain how can moral action be motivated (Habermas 1990a, pp. 196-197). What Habermas strongly opposes is the implicit social consequences that are veiled under the avowal of value-neutrality.[46] Sociology as a social activity should be able to reflect on itself sociologically, and critiques are necessary to unveil these ideological theorizations. This critical position explains Habermas incessant disavowal of Luhmann's systems theory as metabiology (Habermas 1987b, pp. 372-373)—to justify its validity self-referentially by introduction of autopoiesis.[47]

Metatheoretical reflection on sociology and its relations to society demonstrates that sociology as a reflection on society should not be confused with policy advisor or social engineering. In much the same way, sociology of ethics and morality are not ethical and moral sociology, hence a clear-cut boundary of sociology—by Habermas's totalization of theory and practice or by Luhmann's self-referentially drawn boundary—is indispensable. To accentuate,

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[46] His attitude does not change since his participation to the positivist dispute in 1960s (Adorno et al. 1976).

[47] Critics raise this question against Luhmann on the possibility of transplanting biological phenomenon to explain society (Joas 1996; Mingers, 2002; Münch 1994; Østerberg 2000; Viskovatoff 1999; Wagner 1997, 1998). Actually, even the original advocator of autopoiesis does not totally agree with Luhmann's usage (Krüll, Luhmann, and Maturana 1988, pp. 88-89).

it is precisely the very particularity of *sociology* of ethics and morality. Abstraction of moral complexity is approved in both discourse ethics and the code of the moral, which is the condition of a general sociology indeed. In this vein, especially for the clarification of the boundary of a newly established sub-discipline, formalization of ethics and morality in terms of procedure and codified form is justified, albeit more observation of the ideological tendency disguised as value-neutral sociology is needed.

3.8. Social Implications

The possibility of sociology degenerating to become social ideology reminds us the social implications of Habermas's and Luhmann's sociology of ethics and morality. Needless to say, both perspectives do not aim at alternate social practices directly, while their value-relevance requires more clarifications to distill the remnants of ideology.

From Habermas's perspective, Luhmann's anti-humanism would imply dangerous social consequences, that is, the advocacy of *technocracy* insofar as differentiated social systems runs self-referentially that isolated from any human participation at social level (Habermas and Luhmann 1971; Roberts 1995, p. 87; Holub 1991),[48] and thereby human interests will be readily subordinated to the social systems with a disguise of the primacy of systemic operations, since autopoiesis and connectivity are prioritized for all social systems. In other words, human agency can "participate" in social systems only by environmental irritations and passively conceived as environmental complexity. Therefore systems theory, which implies social technology with scientific neutrality (Sixel 1976), can easily be manipulated by power holders and authorities because of its being a delicate apparatus, or more poignantly,

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[48] This critique carries along with Habermas from their early debates to the recent disputes (Habermas and Luhmann 1971; Roberts 1995).

complicity to social control, as illustrated in the welcomes from organization theory[49]—in which depersonalization of organization is construed as an advantage for administrators—owing to its ability to manage individual contingent complexity by institutional operations.

Paralysis of the potential of critique stemmed from humanity gives rise to amoralization of contemporary society. A highly amoral and differentiated society is projected by the moral minimalism of Luhmann with weak value integration—[50] for example, (paradoxically enough) the value of pluralism and relativism—and highly autonomous yet indifferent social systems. Moreover, social structures are temporal, without any substantive underpinning except the mechanism for (cognitive and behavioral) expectation of expectations (Luhmann 1995 pp. 143, 305). The scenario may not be the war of "all against all" as envisaged by Thomas Hobbes, yet social members have to split their own personality—a *social schizophrenia* (!)—in order to accommodate the dramatic schism of psychic systems and social systems in everyday life. Mediating mechanism of two systems is largely preoccupied by complexity which is out of personal control and regard, people in this, according to Habermas's criticism (Habermas 1987a, pp. 153ff), experiences radical alienation not only from one's own labour and product, but poignantly from the outer environment as a whole—perhaps it can be analogized to Leibnizian metaphysics of monad.[51] This novel social monadology, at this time, relegates the ultimate control from God to complexity, in which interpenetration as a de-anthropocentric means is sufficed to handle complexity, including those complexity

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[49] See numerous repercussions from the literatures in organization studies (Seidl and Becker 2005; Bakkan and Hernes 2003; and the special issue in *Organization*, 2006, volume 13, no. 1, "Special Issue on Niklas Luhmann and Organization Studies.").

[50] The most basic condition of sociality is an encounter between at least two people, that is, in Luhmann's terms, the situation of double contingency.

[51] Briefly speaking, monads are the ultimate elements of the universe. Monads are the substantial forms of being with the following properties: they are eternal, indecomposable, individual, subject to their own laws, un-interacting, and each of them reflect the entire universe in a pre-established state of harmony.

stemmed from humanity, by confer them to the environment of social systems.

If amoralization of society incurs to ideology of individual autonomy—personal systems are autonomous owing to their autopoiesis, then critiques on moralization of society implied in Habermas's sociology will be imaginable. Emphasis on coupling of reason and morality may colour his sociology of ethics and morality with naïve optimism, inasmuch as societal consensus is rare and rational discourses are seldom actualised perfectly. Distorted communications and mediation of power and money, rather, appear to be the observable prevalence. Even though Habermas's sociology of ethics and morality is strictly discern from moral philosophy, the totalistic character of discourse ethics would readily mislead to a normative ethics, and the relatively equivocal attitude towards critical theory and philosophy may incur to ideological activism as well.

However, we cannot simply conclude that discourse ethics is merely a social ideology of utopianism, since the sociological elements that discourse ethics abstracted—in terms of reproduction of social and moral order—discern its unique synthesis of normative and non-normative understanding of ethics and morality. One should not isolate value-relevance of the practice from value-neutrality of analysis in his theory, as long as ethics should not be understood at the sheer cognitive level, as what G. E. Moore (1966) did, rather, participation has the primacy for every social interaction which is at the outset the constituent of the social.

Moreover, systems theory is not only a value-free analytical theory for theory construction *per se*, but on the one hand, what Luhmann describes is certainly the "real" picture of social reality. On the other hand, from the perspective of the sociology of knowledge, this theory leads to political amoralization and paralysis of social movements (Neckel and Wolf 1994). In short, his theory as such has moral implications and moral practices, which needs more observations and delimitation to sociological knowledge only,

otherwise it *may be reduced to one of the social ideologies that provides another novel yet fanciful descriptions of society.* However, ineluctably, one can ask in retrospect that whether pure formal transformation is the necessary condition to transcend from common-sense and individual viewpoint. It seems that individual (or personal) level and societal level should be clearly demarcated for the establishment of sociology—not only for the sociology of ethics and morality *per se*.

3.9. Concluding Remarks: Metatheoretical Reflections on the Sociology of Ethics and Morality

Metatheorizing employed for this thesis is significant because it clarifies the particularity of sociology of ethics and morality by discerning philosophical sociology that tends to metaphysicize ethics and morality, as well as prone to pursue universal foundation for further normative critiques (Weinstein and Weinstein 1992, pp. 137-139). It is not to say that metatheory in sociology is totally relative and value-free, instead, it requires situating sociology within socio-historical context that provides empirical underpinnings for any sociological theory. Hence multiplicity in place of monolithic grounding is considered in metatheory, and this pluralism resorts to empirically plural social contexts.

Metatheoretical positions of their sociology of ethics and morality can be summarized in table 5. Some remarks on this table are needed. Fact and value dichotomy as the basic conception and starting point of the methodology of sociology in the past is now superseded by grounding the antinomy on communicative action and social communication. In so doing fact and value are actually mediated by communicative rationality, according to Habermas, and are functional constructs of systemic communication.

Table 5   **Summary of the Metatheoretical Positions of Habermas and Luhmann**

Habermas	Luhmann
Fact and value are grounded on communicative action	Fact and value are grounded on communication
Communicative action	Social communication
Formal procedure assimilated with substantive meaning and values	Formal systemic relations based on pure forms
Reflective and Reflexive	Reflexive and self-referential
Normative Sociology	Non-normative Sociology
Humanism	Methodological Anti-Humanism
Interpretative and Hermeneutics	Descriptive and Scientific
Cultural Science; anti-positivistic	Biological Science; post-positivistic
Enlightenment Reason	Post-Enlightenment; sociological enlightenment

Their commonality on the primacy of communication over action at the social level is the result of superseding the philosophy of consciousness. Action is retained in Habermas's theory inasmuch as human volition that incarnates in action are irreducible units of sociality, while social relations conducted by communication are prioritized at the operational level. To exaggerate, what is social is communication, such that action in this regard is the attributed communication. Hence the tendency of transformation from action to communication is clearly revealed.

Compatible to these transformations is the change of subject matters and levels of analysis from substantive to formal and from unit to relation. Both of them recognize the functional requirements of formal relation and procedures in that contemporary society encounters unprecedented social complexity and classical sociologies, including Parsons, are

unable to cope with it. New social configuration calls for new knowledge on society, and moral phenomenon hereby are deprived of their substantive content, which are unproductive for sociological theorizing, are thus transformed into procedure of justice and moral code.

Convergence and divergence of their position appear at the point of recursivity and normativity. Communicative action, rational discourse, and self-referential communication are reflective, reflexive, and recursive toward ethics and morality. Normality of social life is construed as moral from Habermas's perspective, in which normal and abnormal are mediated by discourse. On the contrary, normal social life is understood non-normatively, and its reproduction is conducted by systemic communications.

These tendencies and comparisons can be explained by their different theoretical presuppositions. One of them is the basic conception of society in terms of humanism or anti-humanism. Habermas emphasizes moral agency of human conscience and just procedure in discourse, which is exemplified in the requirement of attributing meaning from the lifeworld to system. Whereas methodologically anti-humanism embraced by Luhmann excludes human individual out of social systems, yet humanity is in fact reserved in personal systems.

Based on these conceptions of society, the ways to understand the meaning of ethics and morality are diversified as well. Discourse ethics captures meaning via interpretation and participation, with subjective meaning as the last resort of humanity. Whereas systems theory, albeit it discards positivistic science, still abides by natural scientific perspective that aims at a neutral analysis of society and anticipates sociology as a mature science.

The meaning of science is conceived differently by virtue of their opposing presuppositions. Apparently Habermasian humanistic theory brings him to the side of cultural science, which sees cultural reproduction as a vital function of society, and culture as such

obtains complexity that cannot readily be reduced in positivistic framework. From the other way round, different from traditional positivistic sociology, which depends on predictable functional analysis of science, biological science and post-positivistic sciences are introduced as the backbone of systems theory.

These contrasting positions can be summarized in their conceptions of enlightenment. For Habermas, Enlightenment reason as a precious tradition for the hope of societal sublimation is redeemed by the reflectivity and reflexivity of communication and discourse. Full realization of humanity can only be possible under a robust lifeworld that reproduces meaning necessary for social life, yet counter-balanced with systemic mechanisms ground upon human volition. Precisely at this point Luhmann inexorably attacks this normative Enlightenment value in that its own paradox is concealed ideologically, which would preclude any sociological observation by taking the coupling of reason and morality for granted. According to Luhmann, an authentic enlightenment in terms of extrication from self-incurred inferiority can only be accomplished by systems theory, insofar as observation can observe what one cannot observe, and through this recursive observation all possible forms of reason and morality, namely, unreason and immorality, are reflected on and thus a sociological enlightenment that can provide an authentic understanding of society by evading any ideological, political, and metaphysical seductions is yielded.

Concluding Reflections: Prospects for the Sociology of Ethics and Morality

The line running through the thesis indicates the prospects for the sociology of ethics and morality. Four tendencies pertain to different aspects of ethics and morality are highlighted to map out this newly established sub-discipline. For the methodology and epistemology, the contradictions between participation and observation, as well as fact and value are mediated by means of communicative action and social communication. The methodological problems implicit in the philosophy of consciousness, which have impeded understanding on moral phenomena, are thereby superseded by Habermas's and Luhmann's sociologies *vis-à-vis* classical social theories.

In so doing, conceptualization of ethics and morality in sociology obtains new meaning as well. Based on the transformed social ontologies—the philosophy of language and the theory of observation—action as the concrete attribution centre of social activities is gradually replaced by, or at least subordinated to, communication. It is not difficult to understand that, communicative relations, as the basis of social life, is more prone to receive different moral complexity than concrete action, since moral complexity is, in fact, generated by (linguistic) communication manifested in the form of action and communication.

In this way, researches should not delimit themselves to the socio-psychological explanation (such as Bauman) and to the extant quantitative and qualitative methods (such as Bellah et al. and Putnam). Inevitably, these approaches obtain certain significant results, however, the focus of the research may have been already shifted to the moral discourse, in which the use and the meaning of the moral language (i.e. pragmatics and semantics) that

represent the communicative situation can describe the collective social characteristics more precisely.

The level of analysis undergoes changes correspondingly. Formalization of ethics and morality is the approach adopted by both Habermas and Luhmann, inasmuch as substantive analysis of communication would be less productive to understand the general picture of sociology of ethics and morality. Undeniably, substantive meaning and value of discourse participants are crucial for discourse analysis, yet what articulates these particular meanings and values is the procedure of justice. At the extreme of this tendency, according to Luhmann, only forms are relevant to the discipline. That is to say, form is the ground and means to conceive substantive elements—as complexity—by way of systemic self-construction of operation. In short, theoretical abstraction is indispensable for explanation of social complexity, even if moral phenomena are characterized with intense substantive meanings and values.

Divergence of their sociologies of ethics and morality appears at their conception of social order. From Habermas's perspective, social order is possible by virtue of the fact that moral order can be maintained, reproduced, and revised according to human interest. Norms nourished by lifeworld consensus are crucial for the continuation of social life, that is, to perpetuate the "taken-for-grantedness". Additionally, abnormality can be redeemed by rational discourse to bring the problematized abnormal state back to what is normal. Without doubt, this circularity can be distorted by power and money, yet Habermas separates the necessary coupling between theory and reality to reserve the idealizing tendency of his sociology of ethics and morality.

The normative social order that Habermas aspired to does not have the same effect in Luhmann's case. Since autopoiesis and the functional requirements of complexity reduction have already fulfilled the conditions of social order, ethics and morality as the obsolete

semantics and functional codes are thus formalized, functionalized and marginalized in the world of systems. In this way, in this new social ontology reason and morality are not the crux of the matter of social order, such that the dynamic between normal and abnormal state of society is mediated not by reason nor morality but self-referential communications. This non-normative conception of social order may provide a new possibility for sociology of ethics and morality, inasmuch as the marginalization of ethics and morality in contemporary society is witnessed.

Regarding the recursivity of normal and abnormal social order, both Habermas's and Luhmann's sociology of ethics and morality points to the reflexivity of social life.[1] Communicative action and rational discourse are both *reflective* and *reflexive*. By adopting Ulrich Beck's terminology (Beck 1992), reflectivity pertains to *conscious* self-reflection and self-observation. This line of argument can be found in the advocacy of reflectivity by Alvin Gouldner, Anthony Giddens and Pierre Bourdieu, and in this case, only the agent of reflectivity is changed from sociologists and social actors to participants of a discourse. Speakers in discourse consciously doubt the validity claims given and at the same time justify validity claims they give. In this respect, rationality and morality are the means and grounds for argumentation. Nevertheless, *unconscious* reflexivity also constitutes a part of Habermas's theory. Inasmuch as speakers are endowed with linguistic competence, social life continues without consciously avowal of rational discourse. The irritation of "unreasonableness" provokes rational justification reflexively and recursive to-and-fro discussions mediated by communicative action between lifeworlds are undertaken.

For the case of Luhmann, reflexivity is understood in terms of self-reference, in which human consciousness does not pertain to the social systems. Rather, consciousness resides in

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[1] Although Haan et al. have already avowed the reflexive nature of social science to deal with moral issues (Haan et al. 1983), most of them only construe reflexivity as the resolution of the double hermeneutic situation when one inquires moral phenomenon.

the psychic systems should not be confused with social systems, which are mediated by different operations. Thus, social order is reproduced by communication and psychic order is perpetuated by self-referential consciousness. Ethics and morality, in this regard, split into substantive morality (e.g. moral feeling and moral sentiments) which are attributed to psychic system, and the formal side of ethics and morality are functionalized to contribute to the reproduction of social order as one of the functional equivalences to reduce complexity. In short, incessant second-order observations constitute reflexive communication without any normative elements, and this non-normative and reflexive social order perhaps explains the perpetuation of amoral social order.

The goal of this thesis has been achieved to a large extent. The essential elements of a sociology of ethics and morality are abstracted from Habermas's and Luhmann's sociologies, and through a comparison between their theories at a metatheoretical level, four general tendencies of the sociology of ethics and morality, and their convergence and divergence are found. It is too dogmatic to claim that sociology of ethics and morality should follow these perspectives, notwithstanding as a reference point, it is worthwhile to illustrate the possible condition of establishing this new sub-discipline in contemporary society. Modern sociology together with its ontology, perhaps is inadequate to handle the contemporary complex moral situations, and this thesis may contribute to this endeavour to somewhat extent.

Bibliography

Adorno, Theodor W. 1973. *Negative Dialectics*. New York: Continuum.

Adorno, Theodor W. et al. 1976. *The Positivist Dispute in German Sociology*. London: Heinemann.

Andersen, Niels Åkerstrøm. 2003. *Discursive Analytical Strategies: Understanding Foucault, Koselleck, Laclau, Luhmann*. Bristol: Policy Press

Bailey, Kenneth D. 1998. "Structure, Structuration, and Autopoiesis: The Emerging Significance of Recursive Theory." *Current Perspectives in Social Theory* 18:131-154.

Bakkan, Tore, and Tor Hernes (eds.). 2003. *Autopoietic Organization Theory: Drawing on Niklas Luhmann's Social Systems Perspective*. Herndon, VA, USA: Copenhagen Business School Press.

Bauman, Zygmunt. 1989. *Modernity and the Holocaust*. Cambridge: Polity Press.

————. 1993. *Postmodern Ethics*. Oxford: Blackwell.

Beck, Ulrich. 1992. *Risk Society: Towards a New Modernity*. London; Newbury Park, Calif.: Sage Publications.

Bednarz, John, Jr. 1984b. "Functional Method and Phenomenology: The View of Niklas Luhmann." *Human Studies* 7:343-362.

Bellah, Robert. 1973. "Introduction." Pp. ix-lv in *On Morality and Society: Selected Writings*, written by Emile Durkheim. Chicago: University of Chicago Press.

Bellah, Robert. et al. 1985. *Habits of the Heart: Individualism and Commitment in American Life*. Berkeley: University of California Press.

Bendix, Reinhard. 1977. *Max Weber: An Intellectual Portrait*. Berkeley: University of California Press.

Benhabib, Seyla. 1994. "The Methodological Illusions of Modern Political Theory: The Case of Rawls and Habermas." Pp. 285-308 reprinted in Bernstein (ed.) 1994.

Berger, Johannes. 1994. "Review of *Theorie des Kommunikativen Handelns*, 2 vols., by Jürgen Habermas." Pp. 177-189 reprinted in Bernstein (ed.) 1994.

Bernstein, Jay. (ed.). 1994. The Frankfurt School: Critical Assessments. London; New York: Routledge.

Bernstein, Richard J. (ed.). 1985. *Habermas and Modernity*. Cambridge: Polity Press.

————. 1988. *Beyond Objectivism and Relativism: Science, Hermeneutics, and Praxis*. Philadelphia: University of Pennsylvania Press.

Bertalanffy, Ludwig won. 1973. *General System Theory*. New York: George Braziller.

Best, Steven. 1994. "The Commodification of Reality and the Reality of Commodification: Baudrillard, Debord, and Postmodern Theory." Pp. 41-67 in *Baudrillard: A Critical Reader*, edited by Douglas Kellner. Oxford; Cambridge, Mass.: Blackwell.

Beyer, Peter. 1984. "Introduction." Pp. v-liii in *Religious Dogmatics and the Evolution of*

Societies, by Niklas Luhmann. New York: Edwin Mellen Press.

Blühdorn, Ingolfur. 2000. "An Offer One Might Prefer to Refuse: The Systems Theoretical Legacy of Niklas Luhmann." *European Journal of Social Theory* 3:339-354.

Chambers, Simone. 1995. "Discourse and Democratic Practices." Pp. 233-259 in *The Cambridge Companion to Habermas*, edited by Stephen K. White. Cambridge: Cambridge University Press.

Chan, Hoiman. 2002. *Qi Meng Lun: She Hui Xue Yu Zhongguo Wen Hua Qi Meng (On Enlightenment: Sociology and Chinese Enlightenment)*. Hong Kong: Oxford University Press.

Clam, Jean. 2000. "System's Sole Constituent, the Operation: Clarifying a Central Concept of Luhmannian Theory." *Acta Sociologica* 43:63-79.

Cohen, Jean. 2002. "Discourse Ethics and Civil Society." Pp. 207-225 in David M. Rasmussen and James Swindal (eds.) 2002a.

Cronin, Ciaran P. 1993. "Translator's Introduction." Pp. xi-xxxi in Habermas 1993.

Davydova, Irina, and Wes Sharrock. 2003. "The Rise and Fall of the Fact/Value Distinction." *The Sociological Review* 51:357-375.

Durkheim, Emile. 1953. *Sociology and Philosophy*. Glencoe, Ill.: Free Press.

———. 1964. *The Division of Labour in Society*. New York: Free Press.

———. 1965. *The Elementary Forms of Religious Life*. New York: Collier.

———. 1972. *Selected Writings*. Cambridge: Cambridge University Press.

Etzioni, Amitai. 1988. *The Moral Dimension: Toward a New Economics*. New York: Free Press.

Fiske, Donald W., and Richard A. Shweder (eds.). 1986. Metatheory in Social Science: Pluralisms and Subjectivities. Chicago: University of Chicago Press.

Fuchs, Stephan.1992. "Relativism and Reflexivity in the Sociology of Scientific Knowledge. Pp. 151-167 in Ritzer (ed.) 1992a.

Fultner, Barbara. 2001. "Translator's Introduction." Pp. vii-xxiv in Habermas 2001.

Gadamer, Hans-Georg. 1994. *Truth and Method*. New York: Continuum.

Garner, Richard. 1994. *Beyond Morality*. Philadelphia: Temple University Press.

González-Díaz, Emilio. 2004. "Paradox, Time, and De-Paradoxication in Luhmann: No Easy Way Out." *World Futures* 60:15-27.

Günther, Klaus.1993. *The Sense of Appropriateness: Application Discourses in Morality and Law*. Albany: State University of New York Press.

Haan, Norma, Robert N. Bellah, Paul Rabinow and Willian M. Sullivan (eds.). 1983. *Social Science as Moral Inquiry*. New York: Columbia University Press.

Habermas, Jürgen, and Niklas Luhmann. 1971. *Theorie der Gesellschaft oder Sozialtechnologie—Was leistet die Systemforschung? Theorie-Diskussion*. Frankfurt am Main: Suhrkamp.

Habermas, Jürgen. 1975. *Legitimation Crisis*. Boston: Beacon Press.

————. 1979. *Communication and the Evolution of Society*. Boston: Beacon Press.

————. 1982. "A Reply to My Critics." Pp. 219-283 in *Habermas: Critical Debates*, edited by John B. Thompson and David Held. Cambridge: MIT Press.

————. 1984, 1987a. *The Theory of Communicative Action*. 2 volumes. Boston: Beacon Press.

————. 1985. "Questions and Counter-Questions." Pp. 192-216 in Bernstein (ed.)1985.

————. 1987b. *The Philosophical Discourse of Modernity*. Cambridge, MA.: MIT Press.

————. 1988. *On the Logic of the Social Sciences*. Cambridge, MA.: MIT Press.

————. 1990a. *Moral Consciousness and Communicative Action*. Cambridge: Polity Press.

————. 1990b. "Justice and Solidarity: On the Discussion Concerning Stage 6." Pp. 224-251 in *The Moral Domain*, edited by Thomas E. Wren. Cambridge, MA.: MIT Press.

————. 1991. "A Reply." Pp. 214-264 in Axel Honneth and Hans Joas (eds.) 1991.

————. 1992. *Postmetaphysical Thinking*. Cambridge, MA.: MIT Press.

————. 1993. *Justification and Application*. Cambridge, MA.: MIT Press.

————. 1996. *Between Facts and Norms*. Cambridge, MA.: MIT Press.

————. 1998. *The Inclusion of the Other*. Cambridge, MA.: MIT Press.

————. 2001. *On the Pragmatics of Social Interaction*. Cambridge, MA.: MIT Press.

Hagen, Roar. 2000. 'Rational Solidarity and Functional Differentiation." *Acta Sociologica* 43:27-42.

Heller, Agnes. 1994. "The Discourse Ethics of Habermas: Critique and Appraisal." Pp. 273-284 reprinted in Bernstein (ed.) 1994.

Hennies, Wilhelm. 1983. "Max Weber's 'Central Question'." *Economy and Society* 12: 135-180.

Holub, Robert C. 1991. *Jürgen Habermas: Critic in the Public Sphere*. London, New York: Routledge.

Honneth, Axel. 1995. *The Struggle for Recognition: the Moral Grammar of Social Conflicts*. Cambridge, Mass.: Polity Press.

Honneth, Axel, and Hans Joas (eds.). 1991. *Communicative Action: Essays on Jürgen Habermas's "The Theory of Communicative Action."* Cambridge: Polity Press.

Horkheimer, Max and Theodor W. Adorno. 1972. *Dialectic of Enlightenment*. London: Allen Lane.

Höffding, Harald. 1905. "On the Relation between Sociology and Ethics." *The American Journal of Sociology* 10:672-685.

Hunt, Alan. 2003. "From Moral Science to Moral Regulation: Social Theory's Encounter with the Moral Domain." Pp. 364-382 in *Handbook of Historical Sociology*, edited by Gerard Delanty and Engin F. Isin. London: Sage Publications.

Jalava, Janne. 2003. "From Norms to Trust: The Luhmannian Connections between Trust and System." *European Journal of Social Theory* 6:173-190.

Joas, Hans. 1996. *The Creativity of Action*. Cambridge: Polity Press.

————. 2002. "The Unhappy Marriage of Hermeneutics and Functionalism." Pp. 176-200 reprinted in David M. Rasmussen and James Swindal (eds.) 2002.

Kant, Immanuel. 1996. *Practical Philosophy*. New York: Cambridge University Press.

Kelly, Michael. 1990. "MacIntyre, Habermas, and Philosophical Ethics." Pp. 70-93 in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly. Cambridge, MA.: MIT Press.

King, Michael, and Chris Thornhill. 2003a. *Niklas Luhmann's Theory of Politics and Law*. New York: Palgrave Macmillan.

————. 2003b. "Will the real Niklas Luhmann stand up, please'. A reply to John Mingers." *The Sociological Review* 51:276-285.

Knodt, Eva. 1994. "Toward a Non-Foundationalist Epistemology: The Habermas/Luhmann Controversy Revisited." *New German Critique* 81:77-100.

Krohn, Wolfgang. 1999. "Funktionen der Moralkommunikation." *Soziale Systeme* 5:313-318.

Krüll, Marianne, Niklas Luhmann and Humberto R. Maturana. 1988. "Basic Concepts of the Theory of Autopoietic Systems. Nine Questions to Niklas Luhmann and Humberto R. Maturana and their Answers." Pp. 79-104 in *Systemic Therapy: a European Perspective*, edited by Jürgen Hargens. Kent: Borgmann.

Lee, Daniel. 2000. "The Society of Society: The Grand Finale of Niklas Luhmann." *Sociological Theory* 18:320-330.

Lee, Harold N. 1928. "Morals, Morality, and Ethics: Suggested Terminology." *International Journal of Ethics* 38:450-466.

Leydesdorff, Loet. 2000. "Luhmann, Habermas and the Theory of Communication." *Systems Research and Behavioral Science* 17:273-288.

Luhmann, Niklas. 1976. "Generalized Media and the Problem of Contingency." Pp. 507-532 in *Explorations in General Theory in Social Science*, volume 2, edited by Jan J. Loubser et al. New York: The Free Press.

————. 1979. *Trust and Power*. Chichester: Wiley.

————. 1982. *The Differentiation of Society*. New York: Columbia University Press.

————. 1984. "The Self-Description of Society: Crisis Fashion and Sociological Theory." *International Journal of Comparative Sociology* 25:59-72.

————. 1986. *Love as Passion*. Cambridge: Polity Press.

————. 1987. *Archimedes und wir: Interviews*. Berlin: Merve.

————. 1988. "Tautology and Paradox in the Self-Description of Modern Society." *Sociological Theory* 6:21-37.

————. 1989. *Ecological Communication*. Cambridge: Polity Press.

————. 1990. *Essays on Self-Reference*. New York: Columbia University Press.

————. 1991. "Paradigm Lost: On the Ethical Reflection of Morality." *Thesis Eleven* 29:82-94.

————. 1992. "Operational Closure and Structural Coupling: the Differentiation of the Legal System." *Cardozo Law Review* 13:1419-1441.

————. 1993a. "The Code of the Moral." *Cardozo Law Review* 14:995-1009.

————. 1993b. *Risk: A Sociological Theory*. New York: A. de Gruyter.

————. 1994a. "Politicians, Honesty and the Higher Amorality of Politics." *Theory, Culture & Society* 11:25-36.

————. 1994b. " 'What Is the Case?' and 'What Lies Behind It?' The Two Sociologies and The Theory of Society." *Sociological Theory* 12:126-139.

————. 1995. *Social Systems*. Stanford: Stanford University Press.

————. 1996. "The Sociology of the Moral and Ethics." *International Sociology* 11:27-36.

————. 1997. *Die Gesellschaft der Gesellschaft*. Frankfurt am Main: Suhrkamp.

————. 1998. *Observations on Modernity*. Stanford: Stanford University Press.

————. 2002. *Theories of Distinction: Redescribing the Descriptions of Modernity*. Stanford: Stanford University Press.

Marshall, Gordon. (ed.). 1998. *A Dictionary of Sociology*. Oxford: Oxford University Press.

Marske, Charles E. 1996. "Social Capital and Social Morality." *The International Journal of Sociology and Social Policy* 16:102-120.

Maturana, Humberto R. 1981. "Autopoiesis." Pp. 21-30 in *Autopoiesis: A Theory of Living Organization*, edited by Milan Zeleny. New York: North Holland.

Maturana, Humberto R. and Francisco Varela. 1980. *Autopoiesis and Cognition: the Realization of the Living*. Dordecht: D. Reidel Publishing Co.

MacIntyre, Alasdair. 1981. *After Virtue*. Notre Dame, Ind.: University of Notre Dame Press.

Medd, Will. 2002. "Complexity and the Social World." *International Journal of Social Research Methodology* 5:71-81.

Miller, Max. (1994). "Intersystemic Discourse and Co-ordinated Dissent: A Critique of Luhmann's Concept of Ecological Communication." *Theory, Culture & Society* 11:101-121.

Mingers, John. 2002. "Can social systems be autopoietic? Assessing Luhmann's social theory." *The Sociological Review* 50:278-299.

Moore, G. E. 1966. *Ethics*. London: University Press.

Murphy, Thomas F., III. 1994. "Discourse Ethics: Moral Theory or Political Ethic?" *New German Critique* 62:111-135.

Münch, Richard. 1994. *Sociological Theory*. Volume 3. Chicago: Nelson-Hall Publishers.

Neckel, Sighard, and Jürgen Wolf. 1994. "The Fascination of Amorality: Luhmann's Theory of Morality and its Resonances among German Intellectuals." *Theory, Culture & Society* 11:69-99.

Østerberg, Dag. 2000. "Luhmann's General Sociology." *Acta Sociologica* 43:15-25.

Parsons, Talcott. 1937. *The Structure of Social Action*. Glencoe, Ill.: Free Press.

———. 1966. *Societies; Evolutionary and Comparative Perspectives*. Englewood Cliffs, N.J.: Prentice Hall.

———. 1977. *Social Systems and the Evolution of Action Theory*. New York: Free Press.

Parsons, Talcott, and Edward Shils (eds.). 1951. *Toward a General Theory of Action*. Cambridge: Harvard University Press.

Paul, Axel T. 2001. "Organizing Husserl: On the Phenomenological Foundations of Luhmann's Systems Theory." *Journal of Classical Sociology* 1:371-394.

Prigongine, Ilya. 1984. *Order Out of Chaos: Man's New Dialogue with Nature*. Boulder, Colo.: New Science Library.

Putnam, Robert D. 2000. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon & Schuster.

Rasch, William, and Eva M. Knodt. 1994. "Systems Theory and the System of Theory." *New German Critique* 61:3-7.

Rasch, William. 2002. "Introduction: The Self-Positing Society." Pp. 1-30 in Luhmann 2002.

Rasmussen, David M. and James Swindal (eds.). 2002. *Jürgen Habermas*. Volume I. London; Thousand Oaks, Calif.: Sage Publications.

———. 2002a. *Jürgen Habermas*. Volume III. London; Thousand Oaks, Calif.: Sage Publications.

Rehg, William. 1991. "Discourse and the Moral Point of View: Deriving a Dialogical Principle of Universalization." *Inquiry* 34:27-48.

———. 1994. *Insight and Solidarity*. Berkeley: University of California Press.

———. 1996. "Translator's Introduction." Pp. iv-xxxvii in Habermas 1996.

Ritzer, George. 1990. "Metatheorizing in Sociology." *Sociological Forum* 5:3-15.

———. 1991. *Metatheorizing in Sociology*. Lexington, Mass.: Lexington Books.

———. (ed.). 1992a. *Metatheorizing*. Newbury Park, California: Sage Publications.

———. 1992b. "Metatheorizing in Sociology: Explaining the Coming of Age." Pp. 7-26 in Ritzer (ed.) 1992a.

Roberts, David (ed.). 1995. *Reconstructing Theory: Gadamer, Habermas, Luhmann*. Carlton, Vic.: Melbourne University Press.

Sawchuck, Kim. 1994. "Semiotics, Cybernetics, and the Ecstasy of Marketing Communications." Pp. 89-118 in *Baudrillad: A Critical Reader*, edited by Douglas Kellner. Oxford; Cambridge, Mass.: Blackwell.

Schluchter, Wolfgang. 1981. *The Rise of Western Rationalism: Max Weber's Developmental History*. Berkeley: University of California Press.

Schwanitz, Dietrich. 1996. "Systems Theory and the Difference between Communication and Consciousness: An Introduction to a Problem and Its Context." *MLN* 111:488-505.

Seidl, David, and Kai Helge Becker (eds.). 2005. *Niklas Luhmann and Organization Studies*. Malmö: Liber & Copenhagen Business School Press.

Shannon, Claude Elwood, and Warren Weaver. (1949). *The Mathematical Theory of*

Communication. Urbana: University of Illinois Press.

Sidgwick, Henry. 1899. "The Relation of Ethics to Sociology." *International Journal of Ethics* 10:1-21.

Sixel, Friedrich W. 1976. "The Problem of Sense: Habermas v. Luhmann." Pp. 184-204 in *On Critical Theory*, edited by John O'Neill. London: Heinemann.

————. 1983. "Beyond Good and Evil? A Study of Luhmann's Sociology of Morals." *Theory, Culture & Society* 2:35-47.

Smith, Adam. 1976. *The Theory of Moral Sentiments*. Oxford: Clarendon Press.

Sokolowski, Robert. 2000. *Introduction to Phenomenology*. Cambridge: Cambridge University Press.

Spencer Brown, George. 1969. *Laws of Form*. London: George Allen and Unwin.

Stichweh, Rudolf. 2000. "Systems Theory as an Alternative to Action Theory? The Rise of 'Communication' as a Theoretical Option." *Acta Sociologica* 43:5-13.

Stivers, Richard. 1996. "Towards a Sociology of Morality." *The International Journal of Sociology and Social Policy* 16:1-14.

Strong, Tracy B. and Frank Andreas Sposito. 1995. "Habermas's Significant Other." Pp. 263-288 in *The Cambridge Companion to Habermas*, edited by Stephen K. White. Cambridge: Cambridge University Press.

Taylor, Charles. 1989. *Sources of the Self: The Making if the Modern Identity*. Cambridge, MA.: Harvard University Press.

Tenbruck, Friedrich H. 1980. "The Problem of Thematic Unity in the Works of Max Weber." *The British Journal of Sociology* 31:316-351.

Tiryakian, Edward A. 1992. "Pathways to Metatheory: Rethinking the Presuppositions of Macrosociology." Pp. 69-87 in Ritzer (ed.) 1992a.

Tugendhat, Ernst. 2002. "Habermas on Communicative Action." Pp. 216-222 reprinted in David M. Rasmussen and James Swindal (eds.) 2002.

Turner, Jonathan H. 1990. "The Misuse and Use of Metatheory." *Sociological Forum* 5:37-53.

Viskovatoff, Alex. 1999. "Foundations of Niklas Luhmann's Theory of Social Systems." *Philosophy of the Social Sciences* 29:481-516.

Von Foerster, Heinz. 1981. *Observing Systems*. Seaside, CA.: Intersystems.

Wagner, Gerhard. 1997. "The End of Luhmann's Social Systems Theory." *Philosophy of the Social Sciences* 27:387-409.

————. 1998. "Differentiation as Absolute Concept?: Toward the Revision of a Sociological Category." *International Journal of Politics, Culture and Society* 11:451-474.

Warren, Mark E. 1995. "The Self in Discursive Democracy." Pp. 167-200 in *The Cambridge Companion to Habermas*, edited by Stephen K. White. Cambridge: Cambridge University Press.

Weber, Max. 1946. *From Max Weber: Essays in Sociology*. New York: Oxford University

Press.

————. 1949. *The Methodology of the Social Sciences*. New York: Free Press.

————. 1968. *Economy and Society: An Outline of Interpretive Sociology*. New York: Bedminster Press.

————. 1976. *The Protestant Ethic and the Spirit of Capitalism*. New York: Charles Scribbner's Sons.

Weinstein, Deena, and Michael A. Weinstein. 1992. "The Postmodern Discourse of Metatheory." Pp. 135-150 in Ritzer (ed.) 1992a.

Wiggershaus, Rolf. 1994. *The Frankfurt School: Its History, Theories and Political Significance*. Cambridge: Polity Press.

Wood, Allen W. 1994. "Habermas' Defense of Rationalism." Pp. 233-249 reprinted in Bernstein (ed.) 1994.

Zahavi, Dan. 2003. *Husserl's Phenomenology*. Stanford, California: Stanford University Press.