

**EVOLUTION OF THEORY:
THE PRODUCTION OF LUHMANN'S WORK
IN A COMPARATIVE APPROACH**

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This paper presents some results of a comparative analysis of the theoretical work of Foucault, Luhmann, Habermas, and Bourdieu, and puts forward an interpretation and an assessment of Luhmann's work based on this comparison¹. It focuses on theoretical evolution, thus corresponding, according to the suggestion of this session's organizer, to the general theme of the congress: "Law and Society in the 21st Century. Transformations Resistances, Futures". Indeed, the theories of the authors compared understand themselves as developing realities, experiencing transformations, aiming at the future and, in quite different ways, resisting.

First, the comparative approach has to be justified and its methodology briefly explained (I). Secondly, a pattern of evolution will be outlined, that applies to the four authors analysed (II). Thirdly, Luhmann's evolution will be revisited on the basis of this pattern (III). The question then arises: what has theory gained with a theory of theory evolution. In a last section, I shall outline possible outcomes of the observation of the way how theories, in particular Luhmann's theory, change in time (III).

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I.

While comparative work is admittedly a powerful intellectual tool in empirical research, it appears to be more difficult to justify when applied to theories. At first glance, the benefits are obvious. Comparison allows us to gain some distance to the authors analysed; differences between authors may suggest new ways of questioning their ideas. A good knowledge of different contemporary authors helps reading each them individually, by enabling us better to understand the debates between them.

There are, however, different ways of comparing, with different aims and thus deserving different justifications. Let us remind two opposite modalities. The one is the collection of monographs. Examples of this kind of comparison are supplied by readers including several chapters – all written by the same person (e.g. Coser, 1971; Turner, 1986), or by different contributors (Bouretz, 1991; Banakar, Travers, 2002; Buckel *et al.*, 2006) each devoted to one author. The aim is to allow a better understanding of all the compared authors. According to the other, theoretical elements are extracted from the works of different authors and, after assessment of their compatibility and complementarity, re-arranged within the framework of a new theoretical setting. A classic example is the work of Merton on the concept of function (Merton, 1949). This modality is nowadays defended in particular by Jonathan Turner (1988:VII): “assessing existing works, extracting their useful concepts, and combining them in a new way, to produce a synthetic conceptualization”. The aim is to produce a new theoretical proposal. Let us name it here “theoretical re-composition”.

Both of these modalities have their shortcomings. The collection of monographs is said to be of poor theoretical productivity (for the classical formulation of this critique, see Merton, 1968). The comparative potential of monographs, sometimes constructed in fairly different ways, is also questioned; a critique that is actually addressed to empirical rather than to theoretical comparison. The theoretical re-composition is likely to impoverish the heuristic potential of the single elements, by cutting their ties to the theoretical context in which they were originally embedded.

Many theoretical comparisons – several examples are to be found in works recently published in Germany – might be located somewhere in between these two modalities, on the one hand aiming at a new theoretical synthesis; on the other hand trying to give an account of each of the theories compared as a whole (Kneer, 1996; Köhler, 2001; Nassehi, Nollmann, 2004; Nassehi, 2006). Features of this kind of works are, however, their specifically theoretical aim (they are actually connected to the scholarly lecturing of sociological theories), and, related to this, the fact that they give little account of their methodological procedures. In this kind of work, the most productive aim of classical, Merton-style, theoretical re-composition has been lost: to offer tools for the empirical research. However, if we try to extract from the comparison of different authors statements likely to be re-used in field research, we probably will be led to depart significantly from the thought of all of them. If we want, just like the intermediary comparisons here cited, and differently to classical theoretical re-composition, maintain a strong link to these authors, we have to carefully identify what kind of work we are precisely performing, and to carefully justify our procedures, in order to maintain the links between the theoretical elements extracted and the works compared.

In order to briefly define the kind of comparison here undertaken, I would say that its main aim is to strengthen what could be named a “theoretical instance”. It takes seriously two assumptions underlying the works compared. On the one hand, they considered themselves as part of a broader social science business including empirical research; they built upon the results of such empirical research, and they wanted to supply this research with new interpretive and explanatory tools. On the other hand, they did not consider themselves as representing “the sociological Theory” as whole, but as developing a theoretical position among others within – using Bourdieu's terminology – a broader theoretical field. Considering these two assumptions, it makes sense and it is legitimate to establish connections between these works, even beyond the instances of the concrete debates which took place between them (Habermas vs. Luhmann; Habermas vs. Foucault), or beyond the relationship explicitly established by some of them to the work of the others (Bourdieu mentioning, actually in very different terms, all the others). In other words, beyond the works compared, which strongly did benefit from individual creativity, we are working on the level of a less personalized network of concepts and models, fed by individual contributions, and likely to be made more dense by comparatory work, so that it could serve as a solid ground for new

theoretical initiatives, notably related to the carrying out of empirical research or to the reflection on political or professional practice. But it also enables us to revisit the authors compared, and to re-assess their contribution, against the background of a systematically reconstructed theoretical context. This is what we shall try to do with Niklas Luhmann in the present paper.

Regarding the procedures of the research on which this paper is based, the starting point are monographic chapters, dedicated separately to each of the four authors, trying to reconstruct the individual works as a whole, and to understand their internal changes. These monographs are based on a common grid supposed to facilitate the further steps of comparison, including points on the history of the author's thought, on his methods, on his general theoretical proposals, and on his thoughts on the law. Beyond the traditional justifications of this first step, one could argue that theory is a matter, in part, of individual reflexivity (it necessarily involves authors or partners in debates, who necessarily reflect upon these roles while contributing to the theoretical discourse). So the construction of a theoretical network beyond individuals requires an analytical step that considers the theoretical work in its relation to individuals. In a second step, the histories reconstructed are compared. The question is if there are comparable times and transitions that could be analysed across all the authors compared. This is the step that will be presented hereafter (section II). One possible justification for this second step is that, through the analysis of common behaviours in time, we are led to the relation between theories and their historical context. So, just as theory requires reflexivity on their relationship to the world, we carry out an exercise of reflexivity on the relationship between the theoretical network and the world. In a third comparative step, the concepts are considered. The main concepts of the authors compared are located in a grid that attempts to take into account, beyond the logic of the individual works, oppositions, similarities, and complementarities. The results of this comparison are presented in other papers (Guibentif 2007a, 2007b). Its justification is that theory requires a reflexive relationship between theoretical proposals and to the concepts as tools for the dialogue between these proposals. The construction of a conceptual grid is a possible way of implementing this reflection, beyond individual thoughts, on the level of a theoretical network.

II.

A possible way of comparing authors like Foucault, Luhmann, Habermas and Bourdieu is to look at the way their theories change in time. A detailed analysis of their individual intellectual biographies and especially of the evolution of their thought on the law, allows to distinguish changes of three different types. The type of changes most easy to characterize relates to historical events. Such events may catch the attention of the authors and inspire new theoretical developments². A second type of changes relates, conversely, to what is going on within the author's intellectual workshop. The way an author works, and the efforts he or she will undertake to justify this way of working may have an impact on the design of his or her theoretical models. We finally may observe a third type of changes, more difficult to describe in abstract terms, that relates to tensions within the debates in which the authors have been involved.

Before describing the changes to be observed under these three headings, let us outline a very summary description of the general evolution. First, the order is, in the case of the four authors, even if there may be some overlapping, the following: changes due to tensions in the ongoing debates (a); changes due to historical events (b); changes due to the reflection on their own way of working (c). Secondly, there are similarities across the authors in the results of the first two types of changes. On the other hand, they diverge significantly in the course of the changes of the third type. These two points will be shortly commented after the presentation of the concrete changes.

(a) In more concrete terms, one can observe, roughly speaking in the first half part of the career of the authors, a succession of theoretical motives very similar across the four authors. They all start working as social scientists strongly motivated by what could be named a concern about the State. Here there are significant differences between the two nationalities. The French authors are concerned by the overwhelming impact of the state on the social structures. Bourdieu deals mainly with class structures, in his researches notably on the school system (Bourdieu, 1970); Foucault with structures for the exercise of power, in his researches successively on asylums and hospitals, and later on prisons

² In this short paper, we adopt here a simplistic realistic formulation. On a societal scale, "events" are defined precisely by the fact that a new social discourse constructs a new world, a process in which sociological theory may play a role. If we consider authors individually, it is legitimate to assume that they find changes in words and things around them, and, as a result, rearrange their own positioning in the theoretical realm.

(Foucault, 1961, 1975). The attitude of the German authors is more ambivalent. There are obvious historical reasons for admitting that the State can acquire an excessive power within society. But, for the time being, in Post-War Western Germany, the question is also to foster a new State apparatus, likely to warrant the conditions for a democratic political life, and for an effective working of the differentiated social sub-systems. The ambivalence is explicit in Habermas' work on the public sphere (Habermas, 1962); it also lies in the way Luhmann involves himself in the State's reconstruction, notably by joining the Institute for Administrative Sciences in Speyer, and the way he argues in favour of a limitation of the State's power, in works like *Grundrechte als Institution* (Luhmann, 1965).

In the case of these four authors, the concern about the State, beyond their general interest in understanding their time, has also a more specific reason: they aim at understanding the conditions of their own work of researchers in social sciences. They all recognise the fact that they are working within the State. So it is important for them to appreciate precisely to what extent their work is conditioned by this relationship with the State. All of them recognize the strong influence of the State. In the case of the two French authors, this leads to a contradiction between a severe critique of the State on the one hand – see in Foucault (1975) the thesis of the origins of the social sciences in the repressive State apparatus; in Bourdieu (1984), the critique of the links between political and cultural elites – on the other hand their increasing involvement in the State's research apparatus, with their admission to the Collège de France. Foucault will try to overcome this contradiction by invoking the possibility for the subject to develop with him-/herself a relationship that negates the relationship created by the power relations. Bourdieu will solve this problem by recognizing the difference between what he calls the left and the right hand of the state (Bourdieu, 1992). Habermas recognizes from the outset the ambivalence of the State (Habermas, 1962). Luhmann is not that explicit on this point. The fact is that he took advantage of all available means to distance himself from the State's business, first leaving for Harvard, then joining the Speyer institute, and finally joining the sociology department at the University Bielefeld, avoiding to work for sectors of the University where State constraints were stronger (Luhmann, 1991 / 2000).

With the exception of Luhmann, who was already a jurist when he started his career as researcher, these authors met the law in the context of researches addressing the State as a problematic social reality, and as a reality problematic for their own activity of researchers. The evolution we observe in all four works later on goes from a notion of law as a mere element of the State, to a notion of law recognized as a reality of its own right. Law is first tackled as a phenomenon that allows a detailed observation of the State's practices. But as research develops, it appears that the relationship between Law and the State is more complex; that law is in condition to support the State's activities precisely because it has its own history, older than the one of the State; its own formal logic; and its own affinities with moral discourses. The clearest formulation of this shift is to be found in the work of Luhmann (we shall come back to it): law is first discussed, for instance in *Rechtssoziologie* (1972) as a structure of social activities and mainly of the political system. A few years later, it is considered as a functionally differentiated social system of its own (see e.g. Luhmann, 1989). A similar transition is also visible in the work of Bourdieu. While he interviews civil servants with a view to reconstructing the reproductive logic of the state, he finds elements for a theory of the State's legitimation through the recognition of the autonomy of the legal field (Bourdieu, 1991)³. In Habermas' work, the link between Law and Politics remains strong, but increasing attention is paid to the Law's own logic in the course of the preparation of *Between Facts and Norms* (1992), in particular in his paper "Law and Morality" (1988). This evolution is less visible in Foucault's work, where law remains, in any event, a marginal topic. But his lectures on justice, held while he was finalizing *Punishment and Society* (1975), sketch a model of legal experience, based on the motive of the confession, that relates law to social realities historically prior to the State (Foucault, 1974 / 1994).

(b) The main events that have an impact on the thought of the authors compared are: the Students' protests of the 1960's and their late consequences (left terrorism and the States' reaction to it); the crisis of the Welfare State; the End of the Cold War and the process of Globalisation. These events, in spite of their diversity, have convergent effects on sociological theories. The authoritarian reaction of the State towards left terrorism in the late 1970's and the policies started a few years later as a consequence of

³ This was the topic of the Concluding Address presented by Bourdieu at the Law & Society International Meeting in Amsterdam, 1991.

the “Crisis of the Welfare State” both had the effect to loosen the tight relationship between the State and the persons as imagined after World War II and made concrete by the notions of rule of law and human rights. The issue of the “Crisis of the Welfare State” was raised in particular with a view to the negative impact of the State’s activity on the economy. This tension between State’s activity and economy became more acute with the globalization of markets, while public policies continued to be defined and implemented on a national scale. As a result of these evolutions, the law is not anymore a mediating device between States and Citizens. It become a heterogeneous reality, in which three forces try to expand or at least to maintain themselves: the States, with effort of reorganizing their activities on a broader scale on the basis of new forms of international; organizations taking advantage globalization of markets and communication spheres; individuals, using rights in the conflict between them, as well as against States and other organization. Elements of such a picture of law in the late modernity are to be found in the political papers issued by Bourdieu in the late 1990’, notably arguing in favour of a European Social Movement against the impact of europeanization and globalization; in Habermas’ papers on the Post-national constellation (1998; see also among many other papers: Habermas, 2005), and, among other papers, throughout *Die Gesellschaft der Gesellschaft* of Luhmann (1997a; see also 1997b). Foucault only did witness the early stage of these evolutions. But even so, elements of a similar picture might be extracted from some of his last texts, such as an interview on social security (1983) and a petition in favour of boat peoples (1984a).

(c) The third evolution goes from what could be named a “macro-sociological” reflection, to a discussion of the reality of law at the scale of its day to day practice. Worth noting is that the models developed during this stage are closely linked with reflections of the authors about their own scientific practice. Indeed there are two successive reflexive steps: first the analysis of the external conditions of their activity (here discussed under [a]), and later the analysis of what goes on in their own workshop. This analysis of their own scientific practice inspired the construction of a model of legal practice. This seems to confirm Bourdieu’s statement according to which there are deep affinities between codification, in the sense of the legal framing of the practice, and theorizing (Bourdieu: 1983: 105). Another feature of these reflections is that they are partly motivated by the effort of shaping a theoretical offer clearly different from the

one defended by other authors. The individual proposals are presented here in the order in which they are formulated by each author.

In the texts of the last years of Foucault, there are only few references to the legal reality. These few texts, however, consistently outline a notion of the legal reality that emphasizes the way individual subjects experience themselves as subjects in legal procedures (in a short comment on penal procedures [Foucault, 1984b], and in the justification of a political movement promoting the defence of their rights by the citizens⁴). There is a sharp contrast between this notion and earlier conceptions according to which the individual subject was a mere product of power devices. On the other hand, this new understanding of the legal reality is consistent with the turn in Foucault's work towards an approach of our activities as moments in which we experience a relationship with ourselves beyond the playing of the roles we are required to play. This is a reflection that is inspired partly by his need to deal with the constraints he was experiencing as social theorist when facing an academic audience that expected him to play the role of Michel Foucault. As far as relations to other authors are concerned, they play here, as in Foucault work in general, a very limited role. If there is an implicit reference to other theories, it is to naïve Marxist interpretation of power relations. More important is the relationship of Foucault to his own earlier positions, and the way he somehow contradicts himself. What is at stake is, so to speak, to free himself from himself.

In the case of Luhmann, the development that has to be mentioned here is, obviously, the elaboration of the concept of autopoiesis in the early 1980's. Law, just as science, is conceived of as the continued connection between communications of a certain type. Functionally differentiated social systems are from now on observed at the level of their actual operations, as supplying the substance necessary for the next operation being able to produce substance too; and as reproducing the structures needed for the next operation, notably for their identification as operations of a specific system. This concept of the actual reality of systems – strongly inspired by Luhmann immediate experience of the legal and of the scientific business – is formulated against assumptions defended in particular by Habermas, that social reality comes about when a

⁴ *Dits et écrits*, vol. I, 1994, p. 57. Action programme in favour of «Free Defence», written by Michel Foucault, Christian Rivon and Jacques Vergès ; first published in *Actes* 24-25, May 1980.

communication between persons takes place, and that there are possible mediations between differentiated activities.

One model of legal practice outlined by Habermas in *Between Facts and Norms* (1992) could be summarized in the following way: there is a difference between formally institutionalized spheres of debate, and the spontaneous discussions that take place around it. Professional legal practice, if oriented by a procedural legal paradigm, is likely to mediate between these two spheres. Thereby, it contributes to the transformation of communicative into administrative power. The contrast to Luhmann is obvious: what generates communicative power and thereby social integration is the communicative activity involving persons. And the fact that different realms of communication did differentiate from a primitive undifferentiated experience of ourselves acting together with others does not preclude the possibility of new mediating devices between these realms. Here again, there is a correspondence between the arguments concerning the law and arguments concerning Habermas' own activity, at that time as a philosopher. Philosophy too has a role to play between lay experience of the social reality and differentiated scientific discourse.

Pierre Bourdieu puts forward a complete account of his own activity as scientist in *Méditations pascaliennes* (1997). And, significantly, he recognizes at several occasions in that book that his analysis of contemporary scientific activity also applies to the legal practice. In this model of his own activity, Bourdieu re-uses his two main concepts, field and *habitus*. Fields which had developed in the course of modernity did frame a specific kind of *habitus*, allowing people to adopt a distant – *scholastic* – attitude towards social reality. This distance creates the conditions for the production of new knowledge of social reality, and for the application to this reality of categories such as “universality” and “public interest”. The scholastic reason historically produced in these conditions is not the result of any emancipatory project, but of the struggle between specialists over the best capacity to handle criteria of universality. So the maintenance of “scholastic reason” is not a matter of naïve direct promotion, but a matter of institutional design favouring this struggle (what he names *Realpolitik* of reason). On the other hand, however, the same *habitus* that makes “scholastic reason” possible, also makes it very difficult to grasp ordinary practice. Which means that there has to be efforts of creating, within the scientific field, sub-fields where scientists struggle for

reflexivity, and of the borderline of the scientific field, subfields of struggle between academicians and practitioners over the relevant analysis of the social reality, struggles in which ways might be reinvented back to the practice, as far as possible without loosing the potentialities of the scholastic reason. This conception of the scientific activity opposes the one of Luhmann, in the sense that persons are at stake, linked by relations of power; it also opposes Habermas, in the sense that reason is not considered as the possible direct result of the efforts of people engaged in communicative activity, but as a side effect of power plays.

A more detailed analysis of these four theoretical ways of dealing with the legal practice reveals differences between the authors discussed that draw new borderlines, different from the line drawn by their nationality, that played a role in their initial development.

There is a difference in the way the authors discuss their own practice, thus disclosing the way they establish correspondences between legal practice and theoretical practice. Here the two authors that identify themselves as sociologists, Bourdieu and Luhmann, are far more explicit than Foucault and Habermas. These two authors have written about the business of writing, in the case of Foucault, about the work of philosophers, in the case of Habermas. These texts, however, do not refer specifically to their own practice, or only in very brief terms.

There is also a difference in the way the construction of these legal models relates to the analysis of late modernity which is, in many aspects, shared by the authors compared. Let us remember that current times are characterized in their view by the very heterogeneous dynamics that affect the law: State development, organisations' strategies, claims of individual persons. Two authors are seeking, through the models of scientific and legal practice outlined, ways to re-integrate social reality, in particular via a certain type of scientific and legal activity: Habermas, and Bourdieu. The two other authors try, within the current trend, to intensify some of the differentiated dynamics, having in perspective a possible, even if improbable, evolution against the worst consequences of the current trend: Foucault, betting on the subjectivating potential of modern institutional procedures; Luhmann, admitting the possibility of theory as such evolving to a mechanism of structural coupling favouring the self-observation of society by society.

III.

Let us now examine the specificity of Niklas Luhmann's theoretical evolution. It has two distinctive features.

One is that there are no episodes that deserve to be qualified as "breaks" or "turns". No changes comparable to the linguistic turn of Habermas, to the hermeneutic turn of Foucault, or to the way Bourdieu opts for an active political intervention, after years of almost exclusively academic activity. In Luhmann, the pace of changes is regular and slow. One could speak about sustained theoretical development. A good example of this way of evolving is the shift from law as a structure of other functional systems, to law itself as functional system. The general theoretical architecture remains unchanged, as well as the meaning of the main concepts. There is just a new way of qualifying one particular reality: the law. And this new qualification is introduced progressively, without particular emphasis. What is at stake is the coherence of the actual reasoning, not the event of a new qualification. Similar appreciations could be made on the way "action" is replaced by "operation" and "communication" in the general definition of social systems, or on the way society, as world society, is recognized as a social system, comparable to functional systems, interactions, and organizations.

Another feature is that there is no obvious link between historical events and theoretical changes. Nothing comparable to the impact of the 1968 students' revolt or of the 1989 reunification of Germany in the work of Habermas, or to the connection between political commitment and intellectual imagination in the case of Foucault during the 1970's, or of Bourdieu, during the 1990's. However, on the long run, historical changes are somehow mirrored by theoretical rearrangements. The recognition of law as a social system occurred over the period when the State began to withdraw from regulatory intervention. In the last books and papers, increasing attention is paid to globalisation, through the shaping of the notions of law as a globally operating system, and of world society. If there is a narrower link between historical experience and theory, it is on the issue of social exclusion at the periphery of the social system.

These two features may be related to the same cause: the very peculiar mode of theoretical production developed by Luhmann, his famous *Zettelkästen*. As Luhmann recognizes, the major part of his theoretical work consists not of writing papers, but of

expanding his *Zettelkästen* by adding new notes, and by establishing new connections between these new notes and formerly introduced material. So the main mechanism of theoretical evolution has to do with connections between ideas; not mainly between ideas, on the one side, and events in the world out there, on the other side. And this development is a daily process of completing the conceptual files, and not so much a chain of academic and historical experiences of their author.

The strength of Luhmann's theory lies in this mechanism, which warrants continuity in the development of ideas, as well as intellectual autonomy. It lies also in the fact that the theory itself supplies a convincing explanation of the mechanism. The *Zettelkästen* gives materiality to theory as an autopoietic system, an instance that exists by the fact that concepts connect to each other, and by the fact that new connections supply substance for more connections.

One limitation of the theory, however, at least if we focus on its central elements, is that it does not explain in a satisfactory way its own dynamic. How could it be extended to so many domains? How could it be improved in so many aspects?

A first possible answer to this question is: there was intellectual will at work. This will expressed itself in the way Luhmann explicitly planned his writings. This planning took in particular two forms. On the one hand, Luhmann formulated explicitly his theoretical programme in his paper "*Soziologische Aufklärung*" (1967). Even if his later work could not be considered as a simple implementation of this programme, many of the main ideas are indeed introduced in this programmatic paper. On the other hand, this will is revealed by the general architecture of his main publications: there is a clear line drawn between *Soziale Systeme* (1984) and *Die Gesellschaft der Gesellschaft* (1997), by the series of books dedicated to the different functional systems (*Die Wirtschaft der Gesellschaft*, 1988; *Die Wissenschaft der Gesellschaft*, 1990, etc. etc.). It is not easy to find in Luhmann's own theory concepts appropriate to explain the impact of such theoretical planning. Perhaps we better should use concepts such as subjectivity, as developed by Foucault in his last years. Indeed, to plan a work on the long run is to produce an author's identity. The relevance – even if marginal – of identity for Luhmann is revealed by the way he successively constructs and maintains his identity as sociologist. He also plays with his academic identity, in the first lines of *Die*

Gesellschaft der Gesellschaft (1997), summarizing the history of his work, he does it in a rather subjective way:

“When I was admitted at the Sociology Faculty of the Bielefeld University, created 1969, I found myself confronted with the requirement to indicate research projects in which I was involved. The description of my project at that time and since then has been: theory of the society; duration: 30 years; costs: none.”

Actually, the way Luhmann identifies himself in this fragment by negating the relevance of current academic criteria of performance measurement could be read as a rather Foucaultian episode of resistance.

Another mechanism, more likely to be described in a Luhmannian terminology, is the way by which Luhmann produces what he could have named a theoretical medium. That is, a realm of ideas and concepts not strictly, but loosely coupled to each other. The core elements of his work are theoretical statements, formulated in terms that establish strict couplings between different concepts. But Luhmann makes different efforts in order to favour these strict couplings, by establishing loose relations between theoretical elements, loose relations that pave the way to future strict couplings. Such loose couplings are: the relations between entries of his *Zettelkästen*, between ideas presented in different papers of a same collection of articles, between the chapters of his main books⁵. However, if Luhmann has elaborated a sophisticated concept of *medium*, a discussion of the scale that goes from loose to strict coupling is missing, even if the construction of his own work suggests the idea of such a scale). Moreover, it seems difficult, again, to find in his model more than the explanation of the possibility of strict coupling, that is, of theoretical autopoiesis. The fact that this autopoiesis took place for so many years with such an energy remains unexplained. Here an intuition of Habermas could help: the idea according to which force emerges at the interface of subjectivities or of social domains. Establishing loose coupling between the discussion of quite different social phenomena, each of them analysed in strict theoretical terms, Luhmann favours correspondences between different parallel lines of thought (e.g. about the binary code of science and the binary code of law), causing reciprocal inspiration of them.

⁵ About what could be named the loose coupling between chapters of *Social Systems*, see the introduction to that book

Finally, one should not ignore the relevance of debates as impulses for Luhmann's work. Ongoing discussions on autopoiesis encouraged the formulation of the concept of structural coupling. And, in a more personal way, the work of Habermas, beyond the famous Habermas / Luhmann debate (1971), did certainly "irritate" the thoughts of Luhmann. The impact of these external inspirations may be formulated, using his own terminology, in terms of structural coupling. But, again, other authors may here fruitfully be invoked. For instance Bourdieu and his concept of "scientific field", which consistency and productivity is the result of the conflicts between players in the field (about the legal field, in this sense, see Bourdieu, 1986 / 1987).

IV.

What is the concrete usefulness of the above presented exercise of comparative theories?

In general terms, to compare theories allows us better to understand the individual authors compared. More precisely – and some of the above sketched analyses should have offered examples of it – it makes aspects of the works compared more significant. The comparison also makes it easier to approach other authors, beyond the scope of the initial comparative effort, and – I would dare to say – may help us better to understand our own work.

However, there are different ways of carrying out a precise comparison. Here theoretical evolutions were compared. What may we learn more specifically from this kind of comparison is, firstly, how, more precisely, theoretical thought develops. Such knowledge may be helpful for designing training programmes in social theory. To understand how the thoughts of relevant authors were formed throughout their whole career provides a valuable background for approaching the learning process of our students (how they experience the tensions that they meet in the debates they are discovering; how they relate social science scholarship to broader knowledge of the contemporary world, and so on). By teaching us how theoretical evolution relates to evolutions in its historical context, and how it relates to the organizational context in which social sciences are practiced, social theory comparison enables us also to assess

the conditions in which we carry out our researches, and it could inspire the design of strategies aiming at creating conditions more favourable to theoretical development, which is here just another word for sociological imagination. This is a highly relevant question today, now that universities and research bodies, in particular in Europe, are experiencing dramatic changes in the course of the implementation of the Bologna declaration, and of the reshaping of the research markets.

As a conclusion, let us illustrate these possible uses, on the basis of Niklas Luhmann's case. What lessons are to be drawn from his career concerning these questions – how to train our students? how to organize our activities? His theory provides us with several concepts and models highly instrumental for the analysis of the current situation, notably those regarding the relationship between functional systems (here mainly science and education) and organizations (here: universities, research entities, learned societies and so on), or between individuals (researchers, students) and social systems. This body of theory offers actually elements that may inspire rather critical appreciations of these changes. Notably regarding the relationship between science and economy, or the relationship between the operations of the organizations supplying the material conditions of research and education, and the genuinely scientific or pedagogic operations. Luhmann's career and concrete way of working suggests one more lesson: the relevance of the individual for the scientific work. Scientific work has to be, indeed, to a significant extent, individual; an important part of it is carried out having one's own personal production as an object, and part of its results serve only one's own work. In the case of Luhmann, the individual dimension of the work was materialized in particular by the *Zettelkästen*: their contents were only consulted by Luhmann himself, and they were one of the main object of his thought. To make on this last point a short assessment of Luhmann's contribution – according to the invitation of the organizers of the panel in the framework of which this paper is presented, to highlight advantages and/or deficits of Luhmann's theory – Luhmann's notion of the relationship between psychic and social systems may be very useful to understand this relevance of the individual for the development of theories, and to shape the notion of individual that should underpin our conception of the training of young researchers, and of the organization of the research business. Theoretical comparison should have made clear, however, that this notion certainly deserves to be complemented by concepts of other authors such as, considering here only some of those defended by the authors here

compared, subjectivity, habitus, struggle, solidarity, as well as – perhaps – *Lebenswelt*. Moreover, as far as I know, the crucial relationship here at stake is never addressed directly in Luhmann's work, the one between the autopoiesis of theories and the autopoiesis of the their author's psychic system. A relationship that constitutes indeed only a little part of the social reality involved in theoretical production, but a crucial part, at least at the time when Luhmann and the other authors here compared formulated their most influential ideas.

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