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Contingency Theoretical Functionalism and the Problem of Functional Differentiation

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1. Introduction

The approximately 150-year-old functionalistic way of thinking has always had a very dizzy position in sociology. On the one hand, since the birth of the discipline, functionalism has been an essential part of sociological thinking. This holds true especially for the analysis of macro level phenomena, including society as a whole with its structural characteristics and developmental tendencies. On the other hand since the birth of the discipline, functionalism has also been a target of harsh criticism, a kind of mirror against which other theoretical traditions have formulated their specific viewpoints and sharpened their theoretical arsenals. One reason for the criticism has been a specific characteristic of functionalistic theories, namely, that since Comte's theorizing, biology-based evolutionary and physiological analogies and thought structures have been an important factor in these theories. This is still a case, as demonstrated by the functionalistic theories from Talcott Parsons (Henderson, 1928:17), blood circulation and its stabilizing mechanisms) to Niklas Luhmann (Varela and Maturana (1980), self-organizing systems), which search their inspiration partly from biological theories. In addition, most of the discussion concerning functional analysis as a method has been going on in the 'interfaces' of biology and sociology (see, for example, Ariew, et al., 2002).

The stubbornness of functionalism partly relates to the birth of sociology as a discipline. From the middle of the 19th century onwards, the new discipline tried to justify its independency by showing that its object of research – society – was a distinctive object on its own. The founding fathers of the discipline, above all Auguste Comte, Herbert Spencer and Emile Durkheim, conceptualized society as analogous with the biological organism as a whole differentiated in parts, with each specialized part taking care of its specific task so that together they comprised a functioning unity. According to their views, neither the relationships between the different institutions of society nor the dynamics of change in the whole were reducible to the goal-directed actions and intentions of individuals, nor could they be explained on the grounds of their biological constitution with its specific traits. They operated according to their own laws, which also made it necessary to develop distinct theoretical models and research methods specific to society as a functioning unity (Heilbron, 1995:270-71; Kangas, 2006:24,252). In addition, the meaning of these new models and methods was not only theoretical but also practical. They were related to the social mission of the new discipline. Firstly, to demonstrate that there is, after all, order in the world,

although it seems to have disappeared along with ongoing industrialism with its incessant social tumults and the thriving utilitarian individualism caused by it. Secondly, by doing so, the task was to encourage confidence in the possibilities of humans to bring about order and mould their social world according to their wishes and needs.

The above-mentioned model of social differentiation based on the analogy with a biological organism is in sociology called the 'decomposition paradigm' of social differentiation on the grounds that social change in this model is conceptualized as similar to the development of an organism from an undifferentiated embryo to the fully matured form composed of functionally differentiated parts, each specialized in different tasks necessary for the survival of the organism. The concept of function in this model has a two-fold meaning: structural and dynamical. From the structural point of view, the concept of function directs attention to the different parts and their relationships and to their respective tasks in the whole. From the dynamical point of view, the concept of function allows one to see the processes of change as the unfolding of functional differentiation, as the development of an entity from unspecific and undifferentiated, different functions merging 'homogeneity' to fully developed, in specialized tasks differentiated 'heterogeneity', to use Herbert Spencer's vocabulary (Maynz, 1988:14; Stichweh, 1994; Tyrell, 1998:129-34; Stichweh, 2007:534). Hartmann Tyrell (1998:125) has quite justifiably claimed that the differentiation problematic in sociology has been so tightly interwoven with the organism -optics that even the significance of this bond is mostly left unnoticed in sociology. This claim is also tenable for the method of functionalism, the functional analysis. It is still understood predominantly and rather straightforwardly through the organism metaphor, as will be shown below.

Although the 'biologically' inspired theorizing of the founding fathers nowadays seems very outdated, then it was a very modern strand of thought, because the former substance - centered thought was substituted by thinking in relational terms. The reference of the concepts was no longer in the preconceptually existing 'ontic' entities; the concepts with their references take on meaning in accordance with the reciprocal relations they are set to. As Ernst Cassirer (1990 [1910]:403), one of the first who thematized the change happening, says in his early book *Substanzbegriff und Funktionsbegriff*: 'In this way we don't recognize things but we recognize materially (gegenständlich) by during the flow of the same kind of experience contents setting certain kind of limitations and by fixing certain durable elements and reciprocal connections'. In mathematical notation this is expressed by the formula ' $y=f(x)$ ', in which both the abandonment of ontological and epistemological 'constants' and the dependency of all values on operations come to the fore. This means that the only constant in functionalism is uncertainty in terms of the observation and its objects, and consequently in terms of knowledge *per se*, as Armin Nassehi (2008a:91) says. Functionalism is so clearly part of the breakthrough of modern science, in which the status of scientific knowledge radically changed as the view of relativity of all knowledge, its dependency on language and observations and the resulting uncertainty gained a stronger hold.

2. The early critique of functionalism

The indisputable connection with the spirit of the times however did not do much to smooth functionalism's way; it has been an object of harsh criticism from the beginning on. It could be claimed with good reason that the main points of criticism, which have been repeated in critiques ever since, were already formulated in 'anti-sociological' writings (Merz-Benz and

Wagner, 2001) at the turn of the twentieth century. For Wilhelm Dilthey (1923 [1883]:90, 105-9) the differentiation theory à la Comte and Spencer, built upon an analogy with the biological organism, or conceptualized through 'bioteleology' as Hartmann Tyrell (1998:131) characterizes it, was nothing but a form progressive philosophy of history. According to its theory of the phases of history, it believed it had found not only the real telos of historical changes, but also the scientific devices to control and assist the development of societies. According to Dilthey (1923 [1883]:104-9) the conceptual apparatus and methods of the late 19th century human sciences (Geisteswissenschaften) had already outdated theories based on 'naturalistic metaphysics', as he in one connection characterizes them.

Also Max Weber (1988 [1922]:1-145, 291-383) dissociates himself from all kind of 'collectivistic' and 'organic' speculations, as well from the holism-related thinking of the German historical school and the doctrines of sociology (1985 [1922]:1-11). Society as a concept had for Weber no such comparable theoretical status as it had and still has in the differentiation theories based on the decomposition paradigm, in which society is both the benefiter of the outputs of function systems and the guarantor of the integration of these specialized subsystems (Parsons, 1966; Tyrell, 1994). Nor does Weber allow functionalism as method the same kind of significance it has in the decomposition paradigm –as a way of analyzing or explaining social phenomena on the basis of their supposed tasks or accomplishments. Functional descriptions alone, according to Weber, are insufficient as explanations, although as heuristic or preliminary questions they could at best direct attention to an analysis of social action relevant to the phenomena requiring explanation. As Weber insisted, however, an adequate sociological explanation of social phenomena is possible only on the basis of an 'interpretative' understanding of social action. Consistently with his rejection of functionalism, and of the progressivism the decomposition paradigm implies, Weber mainly refrains from using the concept of differentiation in his writings. On those few occasions he that does, the differentiation thematic is attached to the different life spheres (Lebensordnungen) in their specificity and their peculiar ways of rationalizing and, as Tyrell (1994:394-96; 1998:142-43) points out, not to the society as a whole, which is interpreted as a carrier of the differentiation process.

Both of the above-mentioned critiques, Dilthey's argument about the decomposition paradigmatic differentiation theory as a new form of a teleological philosophy of history; and Weber's insistence on the heuristic nature of functional considerations and the need to replace them in the last instance with explanations based on the action and interactions of individuals, recur again and again in the critiques of functionalism. The presumption of the goal directness of the historical processes of metamorphosis of societies, together with the supposition of the unilinearity of the processes of change in different societies, are the standard targets of criticism of functional theories, and of one of their offspring: modernization theories (see, for example, Elster, 1978:187-225; Berger, 1996). The claims of the insufficiency of the functionalistic argumentations and the need to replace them by explanations based on the action frame of reference are also recurrent themes in the critiques (see, for example, Giddens, 1984:293-97; Schwinn, 2003).

One interesting aspect of Dilthey's and Weber's theorizing, which is of great importance in the following argumentation, needs to be noted here. Due to his 'society abstinence' and reluctance to speak about differentiation, it often passes unnoticed that Weber's theory (together with Georg Simmel's differentiation vision, left out here) nevertheless belongs to

the 'family' of differentiation theories, especially to the form of differentiation theory that was explicitly spelled out by Wilhelm Dilthey. Hartman Tyrell (1998:138-45) is one of the few who has paid attention to this continuum. He has argued that parallel to Dilthey, who understood differentiation not as a differentiation of society but as processes happening in society via the constitution of different cultural systems (including law, art, religion), Weber speaks about the rise of different kinds of incommensurable life orders (*Lebensordnungen*), each following their own kind of logic and ways of rationalization. Accordingly, as Weber (1988 [1920-1921]) spells out in the famous 'Zwischenbetrachtung' in his sociological studies on religion, their reciprocal relationships are not only supportive of each other as is often presumed in the decomposition paradigm, but vary from beneficial via indifferent to openly conflicting.

Therefore, the question of the processes of differentiation is not about the partition of society into different task-specific subsystems, vis-à-vis the division of labour in organizations. It is about the constitution of different cultural systems, each of them having their own peculiar relevance criterion for processing meaning and the logic of development based on it, not reducible to intentions of individuals or their acts of giving meaning. Cultural systems are, as Dilthey (1923 [1883]:45) in one connection says, in regard to individual acts of meaning giving second order concepts. There is remarkable similarity here to the way Niklas Luhmann outlines social systems in his theory. For Luhmann the subsystems of society are second order phenomena; they are based on second order observation, that is, each subsystem of society processes communicative meanings according to its own specific code (true/false, legal/illegal etc.) and rules (theories, laws etc.). The subsystems and their borders are so constituted and maintained in the self-referential process of recursive making and remaking of connections between respective differently specified events, communicative operations; the different systemic networking processes have a sort of 'Eigenlogik' in respect to each other and to individuals' psychic processing of communicative meanings (Luhmann, 1984:148-90; 1997:743-88). Taking into consideration the similarities in the approach to differentiation in these theories, Hartmann Tyrell's (1998) and Alois Hahn's (1999) assertions that there is a clear continuum from Dilthey and Weber to Luhmann seems to be well grounded. Tyrell (1998:145) even defines it to be a specific German tradition of differentiation theory with no equivalents elsewhere, and claims (1994:395) that Luhmann's way of characterizing modern society as 'polycontextural', as a 'society without a top or centre', would have come to Dilthey and Weber as no surprise.

3. On the later history of functionalistic thinking

Critique directed at functionalism from the very beginning did not in any case slow down its rise to becoming the reigning paradigm in the social sciences. Although it is not possible to speak about a uniform theory, the period until the mid-20th century, when Talcott Parsons formulated his structural-functionalistic theory based on the concept of the functional necessities of society, which is a certain kind of systematization and codification of the tradition, was a time of functionalism's triumphal march in anthropology (for example Malinowski, Levi-Strauss, Radcliffe-Brown) as well as in sociology. Illustrative of the tradition's significance is that Kingsley Davis in his presidential address to the American Sociological Association's annual meeting in 1959 states that speaking of functional analysis as a special method of its own is misleading. And Davis claims (1959:757), referring to the

structural-functional theory, that leaving terminological matters aside, functional analysis is what all sociologists actually do, whether they admit it or not, because it is synonymous with sociological analysis, alternatives to it being reductionist anti-theoretical empiricism and ideological or moralistic thinking in the disguise of sociology. However, the tides were changing, and against the Davis' credo and manifesto, functionalism fell under heavy criticism, the object of which was especially functionalism in the form Talcott Parsons had given it in his structural-functionalistic phase. Functionalism was gradually marginalized up to the point, where Anthony Giddens (1977:96) at the end of 70's could assert that functionalism was no longer worthy of being a serious discussion partner.

Giddens's judgment of the death of functionalism was premature. Parsons' functionalistic heritage lives on as can be seen from the numerous writings of neofunctionalistic theorists, who have not only reworked it to answer the criticism, but also extended the analysis from its former reference point of the nation state to an analysis of wider globalization processes (see, for example, Alexander, 1998; Münch, 2001). Functionalism also pops up in places where it could least be expected to be found, namely in the tradition of critical theory à la Jürgen Habermas (1981), where it has a central place in his systems concept, so much so that he tries to present it under the subtitle 'A critique of functionalist reason'. In that part of Habermas's theory, the influence of one of his main contestants, Niklas Luhmann's brand of functionalism is clearly discernible. There are good reasons to argue that Luhmann, and the systems theoretical sociology inaugurated by him, has done the most in recent theoretical discussion to bring functionalism, both as a method analysis and as a substantial theory of society, to the fore again.

However, an interesting point to note concerning Luhmann's theory is that as a differentiation theory of society, it is connected to a tradition of thinking that is deeply hostile to functionalism, both as a method and theory, as was pointed out in the above discussion concerning the 'German tradition' of differentiation theory. Two questions concerning Luhmann's theory follow from this. Firstly, the abandonment of the decomposition paradigm means that Luhmann is compelled to frame the idea of functional analysis differently, both in terms of its starting points and in terms of its usage; but how does Luhmann do it? Secondly, if functional analysis is disengaged from the decomposition paradigm, is it any longer possible to speak about functional differentiation, or has the terminology plainly become misleading in this context? Luhmann offers his functionalism and concept of functional analysis as a remedy to the problems of functionalism we discuss later, but what is the price to be paid for this reformulation and what are its advantages?

4. What is functional analysis and for what?

To give a short description of the basic premises of functional analysis is to say that the main interest of functional analysis is on the effects or consequences of the phenomena, quite the contrary to causal observations, where attention is on preceding events and factors as explanations and reasons for the existence of a phenomenon under consideration. To count as a functional relation, inference from effects to the existence of a phenomenon requires that two further conditions be fulfilled. Firstly, the consequences, which are of main interest in functional analysis, should not be based on the conscious intentions to bring them about. That is, they should not be the results of goal-directed actions that specifically aim at bringing into being the phenomenon because of its longed for effects, even if social

phenomena are in the last instance always based on the actions and interactions of individuals. If the condition is not met, the function in question belongs to the category of manifest functions, to use Robert Merton's (1968:105, 114-18) classic vocabulary. This form of functional analysis causes no problems because the existence of the phenomenon under consideration is ultimately explained by the intentional action of individuals. The question then is a reduction of an explanation to a normal intentional explanation, to a form that Wolfgang Stegmüller (1983:642) calls 'genuine material teleology', on the grounds that the explanation in the last instance is reducible to a common causal explanation, if the reasons or intentions of action are interpreted as motives, as effective causes of actions. Secondly, not every type of accidental phenomenon with its consequences counts as functions, only those with some kind of peculiar hidden goal directness, 'Zweckmäßigkeit ohne Zweck': it almost seems as if they have some kind of 'social call' to which they respond by solving some of the existence problems of the social arrangement they become part of. Merton (1968:105) calls these non-intentional but non-accidental phenomena-consequences – relations latent functions, and considers these the most interesting in sociology, because studying them brings knowledge of the 'reasons' of being of different constituents of society and of their veiled relations in social arrangements.

Functional analysis in the form that Merton (1968:106) has given it is rather easy to accept, because he does not think that functional analysis can alone offer a sufficient explanation for the existence of the phenomena under scrutiny. Quite the contrary, he insists on finding the specific social mechanisms which bring about the social institutions satisfying the presumed functional 'needs' attributed to the object of research. In spite of this specification and its merits, Merton's way of doing functional analysis is not without problems. His argumentation in some connections has certain tautological nuances which result from inferring functionality from the existence of a phenomenon, instead of defining the 'needs' of the object independently of phenomena characterized as functional, and thus breaking the tautological circle. Functional analysis becomes problematic when all caution, so characteristic of Merton's analysis, is given up and functional analysis is rather straightforwardly interpreted as explaining the existence of phenomenon by showing how it responds to the existential exigencies of the object under scrutiny and in so doing helps its survival (see, for example, Hempel, 1965:308; Giddens, 1984:295). This ambition of giving an explanation was one of the main reasons for the bad reputation of functional analysis. In the wave of neopositivist critique it was close to becoming extinct as a special approach or as a special methodology of functionalistic tradition, as the title of the one recent book on the subject, *Soziologischer Funktionalismus. Zur Methodologie einer Theorietradition*, edited by Jens Jerkowitz and Carsten Stark (2003), defines it.

The neopositivist critique of functionalism is valid also regarding the main tradition of functionalism in modern sociology, namely Talcott Parsons' theory. Parsons (1949) introduced his theory as an analytical conceptual framework for studying the essential prerequisites of social order, not as an explanatory theory. He was neither very interested in methodological questions and there are very few scattered remarks on functionalism as a method in his writings (see, for example, 1951:29). Parsons' theory, however, is not as far from being an explanatory theory as he thinks. If a social system is defined as a boundary holding system with four basic predefined functional prerequisites, as in Parsons' AGIL-scheme, and if differentiation is conceptualized as adaptive upgrading, that is, differentiation as structuration of the social system along the lines of functional

prerequisites (see e.g. Parsons, 1964; 1966:5-29), then the theory seems to offer an explanatory 'top-down logic' (Nassehi, 2008a:93) that explains the events in the social world together with the direction of changes irrespective of the intentions and goals of individuals, the actors being thus reduced to 'judgmental doves', as a popular Parson critique in the '60s declared (Garfinkel, 1987).

5. From functional explanation to functional analysis

It is time to summarize the discussion concerning the basic characteristics and problematic of functional researching. The classical formulation of the basic model of functional explanation as well as the analysis of problematic related to it stems from Carl Hempel. On the assumption that functional analysis aims at giving an explanation to the existence of a phenomenon, Hempel (1965:310; see also Cummins, 1975) has studied whether the functional claims can validly be formulated in the form of a deductive-nomological syllogism. Supposing that we are interested in explaining the occurrence of a trait *i* in a system *s* (at a certain time *t*). Is the following inference valid as an explanation for the existence of an item *i*?

- a. At *t*, *s* functions adequately in a setting of kind *c* (characterized by specific internal and external conditions).
- b. *s* functions adequately in a setting kind *c* if a certain necessary condition, *n*, is satisfied.
- c. If trait *i* were present in *s*, then, as an effect, condition *n* would be satisfied.
- d. Hence, at *t*, trait *i* is present in *s*.

The answer is a simple and plain no. Even if we leave aside the problems related to the inverse causation, an explanation from effects to the existence of a phenomenon, there abundant problems related to the model. To begin with, the syllogism is not logically valid; claim (d) does not follow from the premises, because some alternative functionally equivalent trait *j* would perfectly well be sufficient to fulfill the condition *n*. And secondly, if the condition (c) is made stricter by claiming that the presence of a trait *i* is functionally indispensable for the satisfaction of *n*, we have a logically valid inference that unfortunately is empirically useless or simply wrong, because the trait *i* almost always has either empirically existent or at least imaginable functionally equivalent substitutes.

Hempel's (1965:318-25; see also Stegmüller, 1983:687-706) critique of functional analysis, especially of the empirical application of the method, may be summarized as concentrating on the following aspects. Talk about the functional requirements or needs of a system, as well as the obligation of noting their possible functional equivalents, presupposes that the criteria delimiting the system, its borders, state, ways of functioning and possible tendencies of change related to these have been defined as precisely as possible. Without this kind of specification of the system in question, including the empirical operationalization of the respective functional concepts, there is the risk of the analysis becoming tautological by inferring functionality from the existence of a phenomenon and explaining its existence thereof. And the menace of deforming the analysis by imposing researcher's own ideals and values as ideals or descriptions of the adequate way of functioning of systems, is always present. In addition, as Hempel states, if satisfying the specification level needed for functional analysis, even in the case of biological systems, is hard to achieve, the problems multiply when it comes to applying functional analysis to social systems.

The numerous critical discussions since concerning the application of functional analysis and systems theoretical models in social sciences have shown how right Hempel was in his judgment. Recurrent themes in these discussions concern: the difficulties of defining the borders of social systems as well as specifying the criteria for social change; accusations of conservatism, of justifying the present social structure, the status quo, as the best possible form; and accusations of positioning the developmental path leading to present state of society as an universal and unilinear model of social structural changes. Hempel's concluding judgment is that at best functional analysis has only heuristic meaning; it is possible to use it as a scheme in assessing the system likeness of an object, especially regarding its self-regulatory mechanisms related to the environment.

Ernst Nagel (1972:68-9; see also Cummins, 1975:743-45), another prominent neopositivist philosopher of science, starts his analysis of functional explanation from the supposition that it aims at giving an explanation to the existence of the object under scrutiny. Nagel (1979 [1961]:421-24) moves the focus of functional analysis from the self-preservation of a system in an environment to an examination of the inner constitution of complex wholes; to the study of the features, relationships and operations of different parts of the system as far as they are distinctive to the typical ways functioning of an entity. His final judgement concerning the capacity of functional analysis to yield an explanation to the existence of phenomena, both in natural sciences and especially in social sciences, is as critical as Hempel's.

However, Nagel's analysis was a kind of watershed in the discussion concerning functional analysis, because he delineates two alternative ways to understand the purpose of the method. One possibility is to continue the attempts to find unfailing grounds for the assertion that functional analysis is a distinct and genuine form of explanation of its own. The other possibility is to give up the ambition of offering explanations entirely and instead tie up the functional approach to an analysis of the ways complex unities function. The former choice is presented by different selectionist neo-teleological approaches, which try to show that in the context of evolution theory functional explanations are completely valid. According to them, the existence of a trait or feature is justifiably explainable on the basis of the evolutionary advantages it offers to its carriers in the selection processes happening at the level of population (see e.g. Wright, 1973; Neander, 1991; Milligan, 2002). The latter form of functional analysis is put forward by Robert Cummins (1975, 2002). He criticises neo-teleologists for merging two different independent forms of explanations: the explanation for the existence of a phenomenon and the explanation of the function of a phenomenon, together. By so doing they trivialize natural selection by jumping over the messy history of a trait coming into being, the process being insensitive to the function in question. Cummins disengages functional analysis altogether from the task of giving an explanation for the presence of a trait and confines it solely to an analysis of the inner composition of the whole, and its capacities to perform such-and-such things under consideration. A corollary of this is that items or traits have no absolute functions, but the effects are always perspective-related and connected to the capacities or dispositions of the system, which are of interest at the given time. Cummins' sort of functionalism has with good reason been labelled as pragmatist and observation-relative (see e.g. Milligan, 2002; Wortmann, 2007). According to it, functional analysis has an important role in evolution research, but functionality is not the principle behind the series of changes happening in evolution.

6. Niklas Luhmann's contingency functionalism

Independently of Robert Cummins above mentioned work, this is the direction Niklas Luhmann has developed his own account of functional analysis. Luhmann (1970b) criticized earlier sociological discussion for not making a clear enough distinction between functionalism as a substantial theory of society and functionalism as a research method. If the list of necessary functions, derived from the study of society as a system and its presumed requirements of existence and model of evolutionary changes, is rejected, and instead the research starts from the premise that forms of differentiation are but historically conditioned structural shapes of societies and accomplishments of evolution, not its goals (see, for example, Luhmann, 1997:413-516), the question of a functional method has to be framed in a new way. According to Luhmann the key to this remodeling can already be found in the early functional studies: the question of explaining the phenomenon on the grounds of its task (such as Malinowski's analysis of certain kind of rituals and forms of magic as adaptation mechanisms, the existence of which is based on the relief they offer in situations causing emotional stress in a social community) is, in fact a question of the problem and its solution. This more general formulation also opens up the possibility of determining alternative solutions to the problem. For Luhmann, functional analysis is primarily a 'regulative principle', through which the search is made to find for existence of a phenomenon a relevant 'reference problem' as well as possible functionally equivalent alternative solutions. Accordingly, Luhmann (1970a; 1984:83-91) calls his method equivalent functionalism. The existence of functional equivalents is not for Luhmann, as it was for neo-positivists Hempel and Nagel, part of the problems connected with functional analysis, but part of the solution, the price of which is giving up the idea of functional analysis as an explanatory method in a strict sense. Instead of giving an account of the genesis of a social phenomenon, functional analysis directs the attention to the question of how, among many functionally equivalent alternatives, this particular way of solving the problem is maintained and reproduced in a social setting (Luhmann, 1970a:27). This had already been pointed out by Robert Merton (1968:127). For Luhmann, the greatest achievement of the earlier functionalist tradition was the handling of this problem/problem solving scheme, however implicitly it was done.

Luhmann (1970a; 1984:83-91) thus considers functional analysis to be an independent method reducible neither to causal analysis nor to teleological explanation, and characterizes it as a comparative method. Through finding and constructing functional equivalent solutions to a reference problem, which could be posited either on the side of causes or on the side of effects depending on the study (1970a:17) it aims at demolishing the self-evidence that often characterizes social institutions and by so doing opens up social order for the study of its constitutive conditions. In addition, methods alienating purpose also allows insight into equivalent problem solutions behind the seemingly very different social phenomena, as is the case, for instance, in functional subsystems of society according to Luhmann's (1997:42) analysis. In a way, Luhmann's scheme of analysis (social phenomena/solution -> problem delineation) inverts functional analysis top-down. The starting points of analysis are not the aprioristically defined system problems, but solutions to which relevant problems are then delineated, the purpose being to delimit other kinds of solutions to the problems and by so doing to show the contingent character of the existent solution, that is, social phenomena (see e.g. Schneider, 2009:64-5). Not allowing variation on the side of the reference problems, but instead, reifying (originally empirically defined)

problems as the sole problems (as Parsons does with respect to AGIL -schema) has, according to Nassehi (2008a:93-4; 2008b:13), been the main reason for the bad reputation of functionalism. It is from this impasse that Luhmann hopes to save functional analysis.

It could be claimed that Luhmann's approach and method of functional analysis satisfy the criteria defining the 'new empiricism', set forward in recent discussion by authors demanding a new kind of orientation, 'aposteriorist non-normative analysis' (Lash, 2009) or 'descriptive assemblage' (Mike Savage, 2009) in empirical research. As the 'new empiricism' demands, Luhmann's analysis does not start from aprioristic, value-related presumptions and normative ideals concerning social order and social change directing research at the outset. Neither does it aim at producing a 'deep model' of social life with all the suppositions concerning the essential causal factors and main variables (class, gender, national community and so on) to be taken into account as *explanans*. In this respect Luhmann operates with what Bruno Latour (2009:51) calls a 'flat concept of society', a way of outlining society, free of the above mentioned starting points and suppositions.

Functional analysis as method and system theory as substantial theory of the social world are anyhow closely connected in Luhmann's (1970b:38; see also Schneider, 2009:52-71) sociological oeuvre. This is the point where Luhmann departs from Merton, whose definition of functional analysis he accepted to a great extent. He steps on the side of Parsons because Merton was reluctant to define a whole in respect to something is said to be functional (Stephen P. Savage, 1981:139-42). For Luhmann the horizon of possible problems and solutions opened up by the application of functional analysis are always relative to the system under investigation. In addition, reduction in the number of the alternative problems opened up and their functionally equivalent solutions is only possible by taking into account the system relative limitations, constraints occurring from the state, the composition and ways of functioning of a system under consideration.

In the Luhmannian tradition of systems thinking, the substantial theory is about the existence and reproduction of operative and dynamic social systems composed of networks of communication episodes, emerging and continuing in time from one event to the next, forming an emergent system not reducible to the psychic processing of communication (Luhmann, 1995). The lasting fundamental problem concerning the system's constitution and maintenance, which at the same time is the most general theoretical and theory technical reference problem of the theory in question, is the control of the ever present contingency related to the linking of communicative episodes in time (Nassehi, 2007:170; 2008b:377-94; Luhmann, 2010:29). Luhmann uses the concept of structure as the most general answer to this problem. The function of structures is to make possible autopoiesis, self-reproduction of the systems, by making certain kinds of linkages between communicative episodes possible, and expected, as they at the same time bar other ways of linking communicative episodes (Luhmann, 1984:377-94).

This is the point where the abstract theory of social systems and the method related to it, functional analysis, need to be integrated with empirical observation. There are no aprioristic answers to be found to the question of how communication is structured and to which problems they are answers, neither from the (implicit) rationality structures of language and communication (Habermas), nor from the list of necessary functions to be derived from the presumed conditions for the existence of social systems (Parsons). The

problems, as Nassehi (2007:170) aptly emphasizes, are first of all practical problems related to the continuance of communication, or more commonly expressed, problems of linking actions to each other in real time, in the contexts of interaction, organization as well as society. On an abstract level, functional analysis may be used to define and characterize the different types of systems having their own kind of logic of connectivity; interaction, organization and society in their theoretical specificity (see e.g. Luhmann, 1997:813-47). In regard to empirical research this means that one has to take into account that communication happens often, if not always, at the intersection of different types of systems and contexts, formed by the differentiation of society into various functional subsystems, each structuring communication in its own way. In its 'thickest' form communication occurs as interaction in organizational contexts, where, in addition to the two mentioned systems, interaction and organization with their different logics of connectivity, the resources (and restrictions) coming from functional subsystems (scientific knowledge, economic resources, legal norms and so on) have an enormous conditioning role.

As an example of this kind of 'polycontextural' (Vogd, 2009:107) or 'multisystem inclusiveness' (Stichweh, 2000:16) Armin Nassehi (2008a:97) gives an illustration of decision making in a medical context. While making a decision, a doctor has to take into account at the same time the specific interaction context and its demands, the decision-making structure of the organization with the time limits it sets, scientific medical knowledge related to the case in question, legal and normative regulation, and economic resources, to mention some. From the point of view of functional analysis, this means that understanding the specific logic of connectivity of communication episodes requires that several different communication contexts in their specificity have to be taken into consideration at the same time. Different contexts with their specific logic of connectivity both open up and restrict possibilities for networking communication episodes. The formulation of reference problems and making of the solutions or their insolubleness presuppose in empirical analysis an understanding and attention to the logic of working of different kind of simultaneously existing and communication conditioning contexts and their respective reference problems, to put it into words of Luhmannian functional analysis.

Formulated more generally with the help of the three dimensions meaning (fact, time and social dimension) differentiated by Luhmann (1984:111-35), functional analysis requires that in analyzing the way the fundamental contingency (that is the degrees of freedom related to all the possible ways of linking communicative events to each other), is conditioned, one has to take into account at the same time very different kinds of systems. Both the restrictions and possibilities related to relevant factually differently orientated functional subsystems (legal system, political system, economy and so on), limitations and allowances entailed by organizations working with different time horizons, and the opportunities and hindrances coming from different interaction contexts each defining the inclusion criteria its own way (see e.g. Saake and Nassehi, 2007). In different contexts of communication the same kind of problems are solved, but they are not solved in the same way; and how this is done in one context affects to various degrees other contexts as well (see, for example, Nassehi, 2008a:102).

To sum up the above discussion, the reference problems of functional analysis are not presumed or aprioristically defined system problems. The *raison d'être* of functional analysis is, as Luhmann (1970a:19-20; 1984:84) says, seeing the society as a 'problem system', in which the different ways of structuring communication are analyzed as problem

solutions, with attention paid at the same time to the fact that solutions are dependent on how and by which problem definitions and structures problems are solved elsewhere in a system.

7. The differentiation of society and its functionality

Luhmann's remodeled version of functional analysis constructed around the concept of contingency is quite defensible and elegant. It offers promising ways to handle situations where analyzed phenomena are at the intersection of many systems, and part of this contextualization procedure is also the societal positioning of a phenomenon by way of theoretical specification of the structural specifics of modern society (see e.g. Nassehi, 2006:375-468; Vogd, 2009). However, behind the differentiation processes there is no 'immament' teleology to be found, which would, in relation to the survival imperatives of society, mould the process to increasingly effective forms of division and organization of labour (see, for example, Tyrell, 1978). Instead, the differentiation process is conceptualized as an evolvment of different kind of contexts structuring communication in their own different ways, with no scripts behind the process. These contexts are 'thickenings' of communication, the function of which is to make the acceptance of respective communicative offers more probable, and thus the continuation of interaction more likely (Nassehi, 2002:455).

In the differentiation process, generalized symbolic media such as money, power, truth, justice and so on, have an essential role to play, because it is their function especially, as Luhmann (1997:316) says, to increase the prospects of getting the communicative offers accepted, particularly in situations where the always present possibility of outright rejection or questioning is more probable. For example, money as a generalized media of exchange results in more effective bargaining by making it both easier and quicker. The episode is simplified by paying a required amount of money for the item of trade without having to dedicate time to discussing the commensurateness of values of the objects of exchange. In the same way, justice or legal order with its code legal/illegal simplifies social interaction by absorbing social conflicts into its procedures and normative regulations, leaving the participants no choice but to accept the legal decision (Luhmann, 1993a, 1996; 1997:332-58). Accordingly the differentiation of society happens as an evolvment of different 'connection routines' of communication, facilitated by the generalized symbolic media, which in relation to each other, appear as indifferent system contexts. Therefore, transactions mediated by money cumulate to economy, scientific allegations chain to form a scientific subsystem, art structures a system through art works referring to former works and anticipating next. Indifference in this connection means that the elements of different subsystems are not transferable from one system to another; thus e.g. money is not a scientific truth, a piece of art work is not a justified legal decision. However many linkages, structural and operational couplings there may be between the systems, they do not merge (Luhmann, 1997:359-96; Nassehi, 2004).

Luhmann's differentiation theory is by no means without its problems. It is difficult for many subsystems of society, such as art, health care and education to find a code or generalized symbolic media of their own, or choose between the many possible candidates (Luhmann, 1997:407-408; see also for example, Sevänen, 2008; Stollberg, 2009). This is a

problem, which I will not go into. It is only a reminder that Luhmann's theory is more like toolbox, a 'distancing' way to approach social phenomena rather than a readymade theory.

In this connection, two aspects already mentioned in the foregoing discussion related to Luhmann's differentiation conception are of interest. Firstly, the process happens not as the differentiation *of* society but as processes *in* society by way of forming different kinds of separate communication –'thickening' contexts. To underline this difference, Luhmann (1997:595-609) refers to this process with the concept of 'Ausdifferenzierung' instead of 'Differenzierung' (differentiation) and defines it as a replication of the system/environment distinction inside the system, which is itself based on this distinction; in this case, communication being distinguished from its environment. This is strongly reminiscent of the 'German' branch of differentiation theory in which the process is seen as cultivating different kinds of separate and selective ways of linking communications and meaning, whether they be called cultural systems (Dilthey) or life orders (Weber), each having their own peculiar logic of connectivity or rationality. In this respect, Luhmann's theory is what comes to differentiation of society, but a variation of this 'old theme'. Secondly, in contrast to that postulated in theories of functional prerequisites of the existence of society, Luhmann's theory has no aprioristic or necessary reasons for the existence of differentiation in the form that it has taken in modern western societies. It is an end effect of a historical (and an evolutionary) process, where among the many problems and their different solutions arising in daily practice (variation), some are chosen (selection) and have an effect in the long run (restabilization), and even beyond the limits of the narrow interactive contexts of their origin, to formulate it with the help of the tripartite structure of the basic mechanisms of evolutionary change (Luhmann, 1997:456-97).

The process being cut out of all the necessity and teleology, the reasons for society having the structural shape it has in modern (western) societies are only to be found on the basis of 'hard' historical-reconstructive work (Luhmann, 1976:291; 1997:358). In this respect, the evolutionary mechanism behind the process of (macro level) changes in society are more like speciation, the isolation of a group and its formation into a reproductive community closed to itself and finally bringing about a new species, than adaptation, selection and reproduction of the specific traits of biological or social systems on the basis of the evolutionary advantages the trait, that is, the function offers to its carriers. This was recently hinted at by Rudolf Stichweh (2007:532-36). Whereas in the latter case functionality is behind the selection mechanism adapting the system to its environment, the former process has nothing to do with functionality in this sense. Using functionalist terminology in this (adaptionists) sense may be completely misleading what comes to (speciationist) macro-evolutionary level of system formation. Its sphere of validity is below that level explaining changes in, for example, institutional structure or forms of practice on the basis of adaptive advantages. As Hendrik Wortmann (2007:105) succinctly formulates, functions are established in systems, not the other way round.

Nevertheless, Wortmann misses the point by reducing Luhmann's form of functional analysis to a form of 'typological essentialism', content to classify empirical phenomena into different functional circles, defined more or less from an outside perspective. He (2007:104) fails to notice of the dynamism in Luhmann's functionalism which comes from the speciationist way of delineating the differentiation process, and which not only makes 'fine-grained' empirical analysis possible, but in the full meaning of the word, necessary.

Luhmann's functional analysis is not restricted to analysis of dispositional abilities of a unit together with classification of social phenomena accordingly. As Stichweh (2007:534; see also Milligan, 2010:264) points out, Luhmann has a keen interest in 'genealogical' aspect of differentiation, interpreted as a genesis of a new system via a new a new system/environment -distinction. Luhmann was not altogether free of the need to find some kind of an aprioristic foundation for the evolutionary process of change. However, both of these 'ventures', the attempt to give an account of generalized symbolic media via the concept of double contingency and the problematic of causal attribution related to it (1997:332-38), as well the attempt to anchor them to different ways of taking into account the corporeality of human existence via the concept of symbiotic symbols (1997:378-82), have remained more or less sketches. Luhmann (1984:406-9) in some connections also hints at using differentiation theory with the idea of functional orientation as a key to interpret evolution, as Wortmann (2007:99-100) claims in his earlier mentioned criticism. However, already Luhmann's most important concept related to differentiation (Ausdifferenzierung), contradicts this kind of straightforward configuration of differentiation and evolution theories.

In Luhmann's theory, the modern form of differentiation loses the necessity it has, for example, in Parsons' theory in the sense of 'adaptive upgrading', as being the most effective way of reducing complexity related to the environment and thus having apparent life supporting effects for the existence of society. The modern form of differentiation, or 'open access society' as it has recently been called (North, et al., 2009), characterized by institutional separation and individual freedom, undeniably has some 'evolutionary advantages' over other more closed forms of society. This stems from its flexibility and resulting ability to react rather rapidly to different changes occurring in society and its environment. Nevertheless, this is only a partial truth because, as Luhmann (1986) has argued, modern society seems in fact to be jeopardizing its 'material' conditions of existence because of environmental problems, to which it is unable to respond precisely just because of its form of differentiation. In addition, attributing some kind of necessity to the modern form of differentiation would be at grave odds with the theory like Luhmann's (1992:93-129), which defines contingency to be the 'Eigenvalue' of modern society.

This raises the question, which Hartmann Tyrell (1998:144) also points at, namely, is it any more possible to speak about functional differentiation in connection with Luhmann's theory with its reformulated functional analysis? Johannes Berger (2003:221) answers this question negatively by claiming that the concept of functional differentiation is strictly speaking, incompatible with Luhmann's autopoietic, 'emergence paradigmatic' theory of constitution of social systems via communication. Berger has made his case, because defining the subsystems as at the same time autopoietic, self-referential and self-producing systems and as functional subsystems is somehow a *contradiction in adjecto*. An autopoietic system has, by definition, no other 'purposes' besides autopoiesis itself, regeneration itself. Autopoiesis, as Luhmann (1993a:553) says, is in no way an existence warrant or progress concept: it belongs to the same group as the chaos and catastrophe theories. Binding it to other purposes makes it, by definition, an allopoietic system, that is, a system directed from outside. As a corollary, if the systems are autopoietic, their development and reciprocal relations are, by nature, more than anything else the results of an historical process characterized by chance and contingency. This reasoning seem to support Andreas Reckwitz's (2003:67) conclusion that in the later phase, when the concept of autopoiesis

comes to play an important role in Luhmann's analysis, the subsystems of society in a strict sense lose their status as *functional* subsystems.

There is still one possibility to argue on behalf of the functionality of the subsystems, which is weaker but in a sense tangential to justification based on functional prerequisites of the existence of society. Even if function analysis is above all a scheme of observation and not the principle guiding the formation of different subsystems, the latter is not a totally excluded possibility. One special feature of systems composed of communication episodes is that they are, especially since the development of writing, able to take themselves as targets of a kind of 'second order observation' and form descriptions of themselves from the point of view of their respective 'leading difference' (true/not true, legal/illegal and so on) constituting their specific point of reference (that is, function) to the social system as a whole (Luhmann, 1982; 1984:404-11, 593-616; 1990:479; 1997:757). This process, in which the distinction of system and environment is put to productive use inside the systems, also allows a new form of rationality, systems rationality, as a surrogate for the unified rationality coming into being, for instance, through the Habermasian discourses and public deliberation. Maybe this concept of rationality, by which rationality is decomposed to different subsystemic rationalities and defined by the degree they are able to take into account their effects on their social and natural environments, and rebound thereof (Luhmann, 1984:617-46; see also Kneer, 1992) in their own descriptions and workings, offers a way to justify the talk about functional subsystems. One could say that subsystems, no matter how they have come into being in first the place, are functional insofar as they are oriented at least to some degree in accordance with rationality defined in this way.

The concept of self-description is not without its problems (Kieselring, 2000; Bonacker, 2003:266-75), for instance, belong theories related to different functional spheres such as economic theories or legal theories to the respective functional subsystem or to the subsystem of science. If the former is the case, that seems to blur the distinction between the subsystems; if the latter is the case, the question seems to be one of external descriptions (*Fremdbeschreibung*) rather than of self-descriptions. It seems unquestionable that descriptions have effects, and often quite unexpected ones on the functioning of systems. The financial crisis, the aftermaths of which we now are living, has shown this. It was partly caused by new financial instruments developed in the chambers of economics departments at different universities. However, to have an effect on these theories by widening their horizons from narrow 'substantial' topics specific to their fields to take into account the wider context (society) is, as the reception of Luhmann's own theory in the different branches of social sciences and humanities has shown, extremely difficult (see, for example, de Berg and Schmidt, 2000). In addition, we should not forget, to use Loet Leydesdorff's (2009) vocabulary, that social systems are socially distributed systems, in which operations linking communication happen at the same time in countless interactive and organizational contexts and with very different premises and anticipations of the future. This feature makes the subsystems rather insensitive to any kind of guidance, however self-reflective that may be. As Armin Nassehi (2007:170) points out, functional subsystems are constituted by operations but do not have the capability to do operations. As modern society itself (Luhmann, 1992:126), the subsystems are without a 'centre or top' thus mirroring society in their own structures.

The problems related to this conception do not end here. The vocabulary of functionality in this sense awakens the perennial problem of defining the reference unit in respect to which something may be said to be functional. To this problem Luhmann's answers are no more valid than those given when Hempel launched his criticism of functionalism (Schwinn, 2001:58-91). This problematic has even been exacerbated in modern global conditions, where the nation-state society, the reference point of Luhmann's analysis notwithstanding the contrary assertions (Stichweh, 2007:528-30), has lost its standing, and the western form of modernity has given way to multiple modernities, each defining and configuring the subsystems in their own special way. The horizon of society dissolves into multiple horizons (Nassehi, 2006:425-437), as does the rationality built on (theoretical) subsystemic self-reflection, leaving no common denominator.

The two above-discussed possibilities, the first coming close to the idea of functional prerequisites but ruled out by the basic premises of the theory that builds on the concept of contingency; the second taking the concept of reflection as its pillar but being at least unconvincing in its substantiation, seem to fail. What then would be the reference point (problem) that allows to us to speak of functionality, or as Luhmann (1997:163) in one connection says, of 'the advantages of the full actualization of functional differentiation', in regard to the modern (western) form of differentiation of society? One possibility is to argue that its functionality relates to some normative ideal, which the modern form of differentiation of society helps to bring to fruition. This interpretation is not so far-fetched, as it at first sight might appear, not in terms of the tradition of functionalistic differentiation thought nor even in the case of Luhmann's theory, as strange as this claim might sound nowadays. Several theorists, as Hans Joas (2008:207) states, have seen in differentiation theory a way to resist totalitarian aspirations, and it has been used to explain the coming into being of totalitarian regimes by way of a retarded or inhibited differentiation process. Alternatively, differentiation that happens too quickly has also been seen as having the same effect. Talcott Parsons (1966 [1942]-a, 1966 [1942]-b) accounts for appearance of Nazi-regime, according to which the rapid changes in factors such as the economy, technology, administration and culture caused an upheaval to which the integrative subsystem of society was unable to react at the same tempo. It left the society in a state of anomie, to use Durkheim's expression, susceptible 'to free floating aggression' and a coup de état by the Nazis, and lead to dedifferentiation of society by putting politics at the head. This kind of theorizing is not at all unfamiliar to Luhmann, rather the other way round. His first book accentuating differentiation theory *Grundrechte als Institution* concerning the function of basic and human rights as institutions, analyzed these rights as kind of repairing and blocking mechanism. Their function is to prevent to political systems' inherent tendency to extend their grip into every corner of society, thus heading to the dedifferentiation that happened e.g. in Nazi-totalitarianism (Luhmann, 1965:135; see also Verschraegen, 2002; Tyrell, 2006:298-99; Mascareño and Chernilo, 2009:86; Thornhill, 2009).

This kind of contrafactual use of functional analysis aiming at explicating the conditions of possibility of the coming into being or flourishing of social phenomena such as democracy, is a valid and interesting type of analysis on its own (see e.g. Giddens, 1977). However, in regard to Luhmann's analysis and how he profiles it in later phases, it is troublesome in two respects. Firstly, it is contrary to his expressed intention to offer a detached analysis of society without binding it to any specific value assertion, ideals or norms, all of which have

become more or less disputable in modern society (Luhmann, 1997:43). Secondly, it would reduce the historical interest on the formation of subsystems to a kind of reconstruction of a gradual historical realization of the normative ideal à la Immanuel Kant's (1993 [1784]) 'Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht'.

There is still one possibility left to argue for the functionality of subsystems in a weaker sense also in this context of the 'German' type of differentiation theory. This is related to the fact that subsystems are the 'thickenings' of communication, effective ways of reducing contingency with the society-wide relevance discussed earlier; in this respect, they have become necessary, since they are very hard to replace effectually and extensively with other mechanisms reducing contingency (Nassehi, 2004:102). They are further cemented in society because subsystems are highly dependent on each other and connected to each other by different mechanisms of operational and structural couplings. The subsystem of economy, for example, is dependent on the predictability of its social environment, the subsystem of law creates with its legal decisions, and vice versa, legal organizations are unable to work without the resources coming from the economic subsystem. Necessity, which in this connection justifies the talk about functionality, is not the necessity of earlier functional theories, which relates to the functional exigencies of the existence and development of society, but necessity in a much weaker sense. It is related to the fact that certain 'problem solutions' with society-wide significance also have far reaching effects on problem formations in other contexts of communication, including leaving their imprints on the set of possible solutions to the problems (Luhmann, 1970a:20-21). Necessity in this relative sense is a consequence (of differentiation) rather than a cause and relates to the 'de-arbitration' (to use Peter Fuchs' (2003:206) expression) of the problem construction and solution.

Luhmann's theory is not a predication of the 'end of history' (Stark, 2003:234, 244), according to which the development of society has reached its final form or destination, a state of solicitation after which there can only be quantitative changes, not the coming into being of new subsystems, not to speak of the radical changes in the differentiation principle itself. The theory does not exclude these possibilities; quite the contrary. Luhmann (1984:162-63) draws a parallel between his form of functional analysis and Edmunds Husserl's phenomenological reduction by claiming that the driving force behind the analysis is pure analytical interest, as it was for Husserl, which demands that all other possible interests or fixed points of approach are bracketed off to whatsoever they may relate to: justification, criticism, improvement and so on. Reference to Husserl in this connection is not incidental, so significant has Husserl's influence been to Luhmann's system theory and sociology overall (Srubar, 1989; Knudsen, 2006; Nassehi, 2007). Luhmann (1993b: 258-59) sums up the guiding principle of his sociology, the programme of 'sociological enlightenment', in his farewell lecture in Bielefeld by pointing out that the purpose of sociology is not to steer society, but to inform it by opening up new ways of seeing things through showing the contingent nature of existing arrangements.

However, as sociological questions it is also interested in the persistence of different ways of conditioning contingency. In addition, it asks us to pay attention to the effects, negative as well as positive depending on the point of view, which changes in the differentiation of society are likely to bring about – be they in the form of development of new kinds of subsystems, changes in configurations of how the subsystems relate to each other, or

through radical change in differentiation principle in the mode of dedifferentiation, or completely new ways to organize society. In this respect too, as Luhmann (1970c) stated in the characterization of his sociological intentions already at the beginning of his career, his theory aims purely at sociological enlightenment.

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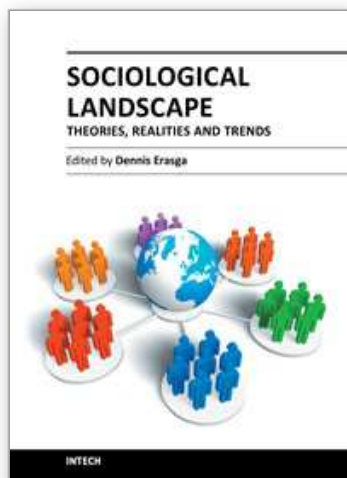
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