

could be achieved by transposing the integration of inner nature *in toto* to another mode of socialization, that is, by uncoupling it from norms that need justification. I shall discuss this possibility in the final part.

PART III. On the Logic of Legitimation Problems

The theorems on the motivation crisis I have discussed are based on two presuppositions. First, with Freud, Durkheim, and Mead, I start from the position that motivations are shaped through the internalization of symbolically represented structures of expectation. The sociological concept of internalization (Parsons) raises a series of problems at the psychological level. Psychoanalytic concepts for learning mechanisms (object choice, identification, internalization of models) have been partly rendered more precisely by numerous empirical investigations of motive-learning in children, partly supplemented by cognitivist views or replaced by learning theory. I cannot take up this matter here. I shall concentrate instead on the second, and stronger, presupposition: that the values and norms in accordance with which motives are formed have an immanent relation to truth [*Wahrheitsbezug*]. Viewed ontogenetically, this means that motivational development, in Piaget's sense, is tied to a cognitively relevant development of moral consciousness, the stages of which can be reconstructed logically, that is, by concepts of a systematically ordered sequence of norm systems and behavioral controls. To the highest stage of moral consciousness there corresponds a universal morality, which can be traced back to fundamental norms of rational speech. *Vis-à-vis* competing ethics, universal morality makes a claim not only to *empirical* superiority (based on the ontogenetically observable hierarchy of stages of consciousness), but to *systematic* superiority as well (with reference to the discursive redemption of its claim to validity). In the present context, only this *systematic aspect* of the claimed truth relation of factually valid norms and values is of interest.

Max Weber's concept of legitimate authority¹ directs our attention to the connection between belief in the legitimacy of orders [*Ordnungen*] and their potential for justification, on the one hand, and to their factual validity on the other. The basis of legitimacy

reveals "the ultimate grounds of the 'validity' of a domination, in other words . . . those grounds upon which there are based the claims of obedience made by the master against the 'officials' and of both against the ruled."² Because the reproduction of class societies is based on the privileged appropriation of socially produced wealth, all such societies must resolve the problem of distributing the surplus social product inequitably and yet legitimately.³ They do so by means of structural force, that is, by fixing in a system of observed norms the asymmetrical distribution of legitimate chances to satisfy needs. The factual recognition of such norms does not, of course, rest solely on belief in their legitimacy by those affected. It is also based on fear of, and submission to, indirectly threatened sanctions, as well as on simple compliance engendered by the individual's perception of his own powerlessness and the lack of alternatives open to him (that is, by his own fettered imagination). As soon, however, as belief in the legitimacy of an existing order vanishes, the latent force embedded in the system of institutions is released—either as manifest force from above (which is only a temporary possibility) or in the form of expansion of the scope for participation (in which case the key to the distribution of chances to legitimately satisfy needs, that is, the degree of repression, also changes).

Naturally, the legitimacy of a system of domination may be treated sociologically only as the probability that to a relevant degree the appropriate attitudes will exist, and the corresponding practical conduct ensue. It is by no means true that every case of submissiveness to persons in positions of power is primarily (or even at all) oriented to this belief. Loyalty may be hypocritically simulated by individuals or by whole groups on purely opportunistic grounds, or carried out in practice for reasons of material self-interest. Or people may submit from individual weakness and helplessness because there is no acceptable alternative. But these considerations are not decisive for the classification of types of domination. What is important is the fact that in a given case the particular claim to legitimacy is to a significant degree, and according to its type, treated as "valid"; that this fact confirms the position of the persons claiming authority and that it helps to determine the choice of means of its exercise.⁴

In contemporary sociology, the usefulness of the concept of legitimation, which permits a demarcation of types of legitimate authority (in Weber's sense) according to the forms and contents of legitimation, is undisputed. What is controversial is the *relation of legitimation to truth*. This relation to truth must be presumed to exist if one regards as possible a motivation crisis resulting from a systematic scarcity of the resource of "meaning." Non-contingent grounds for a disappearance of legitimacy can, that is, be derived only from an "independent" [*eigensinnigen*]⁵—that is, truth-dependent—evolution of interpretive systems that systematically restricts the adaptive capacity of society.

Chapter 1. Max Weber's Concept of Legitimation

The controversy over the truth-dependency of legitimations was ignited at the sociological level by Max Weber's ambiguous conception of "rational authority," that is, the legally formed and procedurally regulated type of authority characteristic of modern societies.

Experience shows that in no instance does domination voluntarily limit itself to the appeal to material or affectual or ideal motives as a basis for its continuance. In addition every such system attempts to establish and to cultivate the belief in its legitimacy.⁵

Weber even affirms "the generally observable need of any power, or even of any advantage of life, to justify itself."⁶ If belief in legitimacy is conceived as an empirical phenomenon without an immanent relation to truth, the grounds upon which it is explicitly based have only psychological significance. Whether such grounds can sufficiently stabilize a given belief in legitimacy depends on the institutionalized prejudices and observable behavioral dispositions of the group in question. If, on the other hand, every effective belief in legitimacy is assumed to have an immanent relation to truth, the grounds on which it is explicitly based contain a rational validity claim that can be tested and criticized independently of the psychological effect of these grounds. In the first case, only the

motivational function of the justificatory grounds can be the object of investigation. In the second, their motivational function cannot be considered independently of their logical status, that is, of their criticizable claim to *motivate rationally*. This is true even if this claim is, as it usually is, counterfactually raised and stabilized.

For the interpretation of rational authority,⁷ this alternative means that in the first case an authority will be viewed as legitimate if at least two conditions are fulfilled: (a) the normative order must be established positively; and (b) those legally associated must believe in its legality, that is, in the formally correct procedure for the creation and application of laws. The belief in legitimacy thus shrinks to a belief in legality; the appeal to the legal manner in which a decision comes about suffices. In the case of the truth-dependency of belief in legitimacy, however, the appeal to the state's monopoly on the creation and application of laws obviously does not suffice. The procedure itself is under pressure for legitimation. At least *one* further condition must therefore be fulfilled: grounds for the legitimizing force of this formal procedure must be given (for example, that the procedural competency lies with a constitutionally constituted state authority).⁸

The first of the aforementioned positions is represented today by Niklas Luhmann:

The law of a society is positivized when the legitimacy of pure legality is recognized, that is, when law is respected because it is made by responsible decision in accordance with definite rules. Thus, in a central question of human co-existence, arbitrariness becomes an institution.⁹

Luhmann is here following the decisionistic legal theory founded by Carl Schmitt:

The positivization of law means that legitimate legal validity [*Rechtsgeltung*] can be obtained for any given contents, and that this is accomplished through a decision which confers validity upon the law and which can take the validity from it. Positive law is valid by virtue of decisions.¹⁰

The formal rules of procedure suffice as legitimizing premises of

decision and require for their part no further legitimation, for they fulfill their function—to absorb uncertainty—in any case. They connect the uncertainty as to *which* decision will come about with the certainty that *some* decision will come about.¹¹ The abstract imperative validity [*Sollgeltung*] of norms that can do without a material justification beyond the following of correct procedure in their origin and application serves “to stabilize behavioral expectations against disappointment and thereby to guarantee structures.”¹² Normative validity can, of course, fulfill this function only as long as it remains latent and does not enter explicitly into the sense of the “ought” [*Sollens*]: “Social processes for dealing with disappointment and for learning are presupposed in all norming of behavioral expectations. They cannot, however, be reflected in the normed meaning.”¹³ It is meaningless to probe behind the factual belief in legitimacy and the validity claim of norms for criticizable grounds of validity. The fiction that one could do so if necessary belongs to the constituents of reliable counterfactual expectations. These, in turn, can be comprehended only from a functionalist point of view, that is, by treating validity claims as functionally necessary deceptions [*Täuschungen*]. The deception may not, however, be exposed if the belief in legality is not to be shaken.¹⁴

The *second* of the two positions mentioned above is represented by Johannes Winckelmann. He considers formal rationality in Weber's sense an insufficient foundation for legitimation: the belief in legality does not *per se* legitimize. Legal positivism requires, rather, a general consensus grounded in a rational orientation to value [*wertational begründeten*].¹⁵ “The rational value-oriented postulates form the regulative principles for normative positing [*Setzung*] and its concretization. Only that positing is normatively legitimized . . . which keeps within the bounds of the formal legal principles which are set in this way.”¹⁶ Legality can create legitimation when, and only when, grounds can be provided to show that certain formal procedures fulfill material claims to justice under certain institutional boundary conditions. “In principle, the concept of legal authority in Max Weber refers to the rational, and in fact rational *value-oriented*, statutory authority. Only in its degenerate form was this distorted into undignified, value-neutral, purely purposive-rational, formal legal authority.”¹⁷ Winckel-

mann's thesis is questionable from a hermeneutic point of view, because it leads systematically to the conclusion that the rational value-oriented foundations of the belief in legitimacy can be justified [*begründungsfähig*] and criticized. This is incompatible with Max Weber's view of the rationally irresolvable pluralism of competing value systems and beliefs [*Claubensmächte*].¹⁸ This point is not important in the present context. But from a systematic point of view as well, the assumption of basic *material* norms capable of being justified leads to the difficulty that certain normative contents must be theoretically singled-out. Hitherto, philosophical efforts to rehabilitate traditional or—as Winckelmann himself seems inclined—modern natural law, in whatever version, have proved as unavailing as attempts to found a material value ethics (in the sense of Scheler or Nicolai Hartmann). Moreover, there is no need to accept such a burden of proof in order to demonstrate the criticizability of claims to appropriateness. Recourse to the fundamental norms of rational speech, which we presuppose in every discourse (including practical discourses), is sufficient.

In my debate with Luhmann, I derived the belief in legitimacy from a belief in legitimacy that can be justified.

The unobjectionable manner in which a norm comes into being, that is, the legal form of a procedure, guarantees as such only that the authorities which the political system provides for, and which are furnished with certain competencies and recognized as competent within that system, bear the responsibility for valid law. But these authorities are part of a system of authority which must be legitimized as a whole if pure legality is to be able to count as an *indication* of legitimacy. In a fascist regime, for example, the legal form of administrative acts can have at best a masking function. This means that the technical legal form alone, pure legality, will not be able to guarantee recognition in the long run if the system of authority cannot be legitimized independently of the legal form of exercising authority. Luhmann admits "that special grounds are required in order for selection performances which rest only on decisions to be accepted." But he believes that through an institutionalized legal form of proceeding, that is, through procedures, "such additional grounds for the recognition of decisions are created

and, in this sense, the power of decision is produced and legitimized, that is, made independent of concretely exercised force." A procedure can, however, legitimize only indirectly, through reference to authorities which, for their part, must be recognized. Thus, the written bourgeois constitutions contain a catalogue of basic rights, strongly immunized against alteration, which has legitimizing force in so far as, and only in so far as, it is understood in conjunction with an ideology of the system of authority. Moreover, the organs which are responsible for making and applying the laws are in no way legitimated by the legality of their modes of procedure, but likewise by a general interpretation which supports the system of authority as a whole. The bourgeois theories of parliamentarism and of the sovereignty of the people were part of such an ideology. The fundamental misconception of decisionistic legal theory—which is itself subject to the suspicion of ideology—is that the validity of legal norms could be grounded on decisions and only on decisions. But the naive validity claims of norms of action refer in each case (at least implicitly) to the possibility of discursive foundation. If binding decisions are legitimate, that is, if they can be made independently of the concrete exercise of force and of the manifest threat of sanctions, and can be regularly implemented even against the interests of those affected, then they must be considered as the fulfillment of recognized norms. This unconstrained normative validity is based on the supposition that the norm could, if necessary, be justified and defended against critique. And this supposition is itself not automatic. It is the consequence of an interpretation which admits of consensus and which has a justificatory function, in other words, of a world-view which legitimizes authority.¹⁹

The discussion of the relation to truth of belief in legitimacy was sparked by Max Weber's conception of belief in legality. It has led meanwhile to problems concerning the possibility of justifying norms of action and evaluation in general; this problem cannot be resolved by sociological means. If the capacity of practical questions for truth could be disputed, the position I defended would be untenable. I shall, therefore, first establish (Chapters 2 and 3) the *possibility* of justifying [*begründen*] normative-validity claims, that is, of providing rational grounds [*rationalen motiven*] for their recognition. I shall then go on (Chapter 4) to discuss how matters *actually* stand (in our type of society) with respect to the claim to

legitimacy of existing systems of norms: whether the acceptance of binding decisions without grounds has today become routine, or whether functionally requisite motivations are still produced through internalization of norms that need justification.

Chapter 2. The Relation of Practical Questions to Truth

Since Hume the dualism between "is" and "ought," between facts and values, has been thoroughly clarified. It signifies the impossibility of logically deriving prescriptive sentences or value judgments from descriptive sentences or statements.¹ In analytic philosophy this has been the point of departure for a non-cognitivist treatment of practical questions in which we distinguish between empiricist and decisionist lines of argument. They converge in the conviction that moral controversies cannot, in the final analysis, be decided with reason because the value premises from which we infer moral sentences are irrational. The empiricist assumptions are that we employ practical sentences either to express the attitudes and needs of the speaker or to bring about or to manipulate behavioral dispositions in the hearer. In analytic philosophy, primarily semantic and pragmatic investigations of the emotive meaning of moral expressions have been carried out along this line (Stevenson, Monro).² The decisionistic assumptions are that practical sentences belong to an autonomous domain that is subject to a logic different from that governing theoretical-empirical sentences and that connected with belief acts or decisions, rather than experiences. In analytic philosophy, primarily logical investigations—into questions of a deontic logic (von Wright) or, generally, into the formal structure of prescriptive languages (Hare)—have arisen from this line of thought.³

I shall choose as an example an instructive essay of K. H. Ilting, which connects arguments of both types in order to reject the cognitivist claim to justification of practical sentences. By means of language analysis, Ilting attempts to rehabilitate Carl Schmitt's version of the Hobbesian position.⁴ He makes the prior decision—not further grounded—to derive norms from demand sentences

[*Forderungssätzen*] or imperatives. The elementary demand sentence signifies: (a) that the speaker wants something to be the case, and (b) that he wants the hearer to adopt and to actualize the state of affairs desired by him (p. 97). (a) is a definite volition; (b) is a demand [*Aufforderung*]. Ilting draws a further distinction between the thought that the demand contains, the appeal to the will of the hearer to adopt this thought and to act according to it, and, finally, the volitional act of the hearer by which he accepts or refuses the appeal. The decision to follow the imperative of another is neither logically nor causally "effected" by the demand; "Only that can be expected to which the hearer is himself inclined or to which he can be moved by the threat of a greater evil" (p. 99). What use the hearer makes of his choice [*Willkür*] in the face of an imperative depends on empirical motives alone.

If two imperatives are connected on the basis of reciprocity in such a way that both parties agree to accede to each other's demands, we speak of a *contract* [*Vertrag*]. A contract is grounded in a norm that both parties to the contract "recognize."

The recognition of the common norm creates certain behavioral expectations which can make it appear advisable to one of the participants to accomplish something which is in the other's interest. With that, however, the demand that the other for his part now accomplish what has been agreed to ceases to be a mere expectation which he may accept or refuse according to choice (as in the case of an imperative). It becomes a *claim* which he has already previously recognized as a condition of his action (p. 100ff.).

The imperativist construction proposed by Ilting for the reconstruction of systems of norms is favorable to the aims of non-cognitivism. Since the cognitive component of demand sentences (wishes, commands) is limited to the propositional content ("the desired state of affairs," the "thought" which the demand contains), and since volitional acts (decisions, beliefs, attitudes) are motivated only empirically (that is, bring needs and interests into play), as soon as a norm comes into force through the choice [*Willkür*] of the contracting parties, it too can contain nothing that would admit of cognitive support or disputation, that is, of justification or objection.

It would be meaningless to try to "justify" practical sentences otherwise than by reference to the fact of an empirically motivated contractual agreement.

It is no longer meaningful to look for a justification of the mutually recognized contractual norm. Both parties had a sufficient motive to recognize the contractual norm . . . Just as little can one . . . meaningfully demand a justification of the norm that contractual agreements are to be kept (p. 101).

The proposed construction (whose explicit content, incidentally, might be difficult to reconcile with its own status) is to be evaluated in the light of its aim: to explain as completely as possible the meaning and the achievement of norms. But it cannot at all adequately explain *one* central element of the meaning of norms, namely the "ought" or normative validity. A norm has a binding character—therein consists its validity claim. But if only empirical motives (such as inclinations, interests, and fear of sanctions) sustain the agreement, it is impossible to see why a party to the contract should continue to feel bound to the norms when his original motives change. Ilting's construction is unsuitable because it does not permit us to give an account of the decisive *difference between obeying concrete commands and following intersubjectively recognized norms*. Thus, Ilting finds it necessary to introduce the auxiliary hypothesis "that the recognition of a 'fundamental norm' is always presupposed in the recognition of any other norm; the recognition of a norm is to be regarded as an act of the will which might in the future also be brought to bear against the will itself" (p. 103). But what motive could there be for recognizing such a paradoxical fundamental norm? The validity of norms cannot be grounded on an obligation to oneself not to change them, for the original constellation of interests can change at any time, and norms that are made independent of their interest-basis lack, according to Ilting's own construction, any sense of normative regulation at all. If, on the other hand, one wishes to avoid the difficulty of normatively fixing fleeting constellations of interest for an undetermined time and to allow for revisions, then it must be possible to distinguish valid motives for revision. If any given change in

motives is sufficient cause for changing norms, then we cannot plausibly distinguish the validity claim of a norm from the imperative meaning of a demand. If, on the other hand, there can be only empirical motives, one is as good as the other—each is justified by its mere existence. The only motives that can be distinguished from others are those for which we can adduce reasons.

From this reflection, it follows that we cannot explain the validity claim of norms without recourse to rationally motivated agreement or at least to the conviction that consensus on a recommended norm could be brought about *with reasons*. In that case the model of contracting parties who need know only what an imperative means is inadequate. The appropriate model is rather the communication community [*Kommunikationsgemeinschaft*] of those affected, who as participants in a practical discourse test the validity claims of norms and, to the extent that they accept them with reasons, arrive at the conviction that in the given circumstances the proposed norms are "right." The validity claim of norms is grounded not in the irrational volitional acts of the contracting parties, but in the rationally motivated recognition of norms, which may be questioned at any time. The cognitive component of norms is, thus, not limited to the propositional content of the normed behavioral expectations. The normative-validity claim is itself cognitive in the sense of the supposition (however counterfactual) that it could be discursively redeemed—that is, grounded in consensus of the participants through argumentation.

An ethics developed along imperativist lines lacks the proper dimension of possible justification of practical sentences: moral argumentation. As the examples of Max Weber and Karl Popper show, there are certainly positions which leave room for the possibility of moral argument and retain, nevertheless, a decisionistic treatment of the value problematic. The reason for this lies in a narrow concept of rationality that permits only deductive arguments. Since a valid deductive argument can neither produce new information nor contribute anything to the truth-values of its components, moral argumentation is limited to two tasks: analytically testing the consistency of the value premises (or the preference system taken as a basis); and empirically testing the realizabil-

ity of goals selected from value perspectives. This kind of "rational critique of values" in no way changes the irrationality of the choice of the preference system itself.

Hans Albert goes a step further in the metaethical application of the principles of *critical rationalism*.⁵ If—as in critical rationalism—one gives up the idea of justification [*Begründung*] in science, while retaining the fallibilistically interpreted possibility of critical testing, then the renunciation of claims to justification in ethics need not automatically have decisionistic consequences. Because cognitive claims, like practical claims, are subject to rationally motivated evaluation from selected points of view, Albert affirms the possibility of critically testing practical sentences in a somewhat analogous way to that in which theoretical-empirical sentences are tested. Since he involves the "active search for contradictions" in the discussion of value problems, moral argumentation can assume—beyond the tasks of testing the consistency of values and the realizability of goals—the productive task of critically developing values and norms.

Of course, no value judgment can, as we know, be directly deduced from statements of fact. But certain value judgments can, in the light of revised convictions about the facts, prove to be incompatible with certain value convictions which we previously held . . . From the fact that we discover new moral ideas which make previous solutions to moral problems appear questionable, there can indeed result another kind of critique. In the light of such ideas, certain problematic features of these solutions, which have previously gone unnoticed or been taken as self-evident, often first become perceptible. There results in this way a new problem situation, as happens in science with the appearance of new ideas.⁶

In this way, Albert introduces into Popperian criticism the idea already developed in the pragmatist tradition (especially by Dewey) of a rational clarification and critical development of inherited value systems.⁷ To be sure, even this program remains non-cognitivist at its core, because it retains the alternative between decisions, which cannot be rationally motivated, and proofs or justifications, which are possible only through deductive arguments. Even the

"bridge principles" introduced *ad hoc* cannot bridge this gap. The idea developed in critical rationalism of renouncing proof or confirmation in favor of the elimination of untruths cannot vindicate the power of discursively attained, rational consensus against the Weberian pluralism of value systems, gods, and demons. The empiricist and/or decisionist barriers, which immunize the so-called pluralism of values against the efforts of practical reason, cannot be overcome so long as the power of argumentation is sought only in the power of refuting deductive arguments.

In contrast, Peirce and Toulmin have both seen the rationally motivating force of argumentation in the fact that the progress of knowledge takes place through substantial arguments.⁸ The latter are based on logical inferences, but they are not exhausted in deductive systems of statements. Substantial arguments serve to redeem or to criticize validity claims, whether the claims to truth implicit in assertions or the claims to correctness connected with norms (of action and evaluation) or implied in recommendations and warnings. They have the force to convince the participants in a discourse of a validity claim, that is, to *provide rational grounds for* the recognition of validity claims. Substantial arguments are explanations and justifications, that is, pragmatic unities, in which not sentences but speech acts (sentences employed in utterances) are connected. The systematic aspect of their connection has to be clarified within the framework of a logic of discourse.⁹ In theoretical discourses—which serve to ground assertions—consensus is produced according to rules of argumentation different from those obtaining in practical discourses—which serve to justify recommended norms. However, in both cases the goal is the same: a rationally motivated decision about the recognition (or rejection) of validity claims.

What *rationally motivated recognition* of the validity claim of a norm of action means follows from the discursive procedures of motivation. Discourse can be understood as that form of communication that is removed from contexts of experience and action and whose structure assures us: that the bracketed validity claims of assertions, recommendations, or warnings are the exclusive object of discussion; that participants, themes and contributions are not restricted except with reference to the goal of testing the validity

claims in questions; that no force except that of the better argument is exercised; and that, as a result, all motives except that of the cooperative search for truth are excluded. If under these conditions a consensus about the recommendation to accept a norm arises argumentatively, that is, on the basis of hypothetically proposed, alternative justifications, then this consensus expresses a "rational will." Since all those affected have, in principle, at least the chance to participate in the practical deliberation, the "rationality" of the discursively formed will consists in the fact that the reciprocal behavioral expectations raised to normative status afford validity to a *common* interest ascertained *without deception*. The interest is common because the constraint-free consensus permits only what *all* can want; it is free of deception because even the interpretations of needs in which *each individual* must be able to recognize what he wants become the object of discursive will-formation. The discursively formed will may be called "rational" because the formal properties of discourse and of the deliberative situation sufficiently guarantee that a consensus can arise only through appropriately interpreted, *generalizable* interests, by which I mean needs *that can be communicatively shared*. The limits of a decisionistic treatment of practical questions are overcome as soon as argumentation is expected to test the *generalizability* of interests, instead of being resigned to an impenetrable pluralism of apparently ultimate value orientations (or belief-acts or attitudes). It is not the fact of this pluralism that is here disputed, but the assertion that it is impossible to separate by argumentation generalizable interests from those that are and remain particular. Albert mentions, to be sure, various types of more or less contingent "bridge principles." But he does not mention the only principle in which practical reason expresses itself, namely, the principle of universalization.

Only on this principle do cognitivist and non-cognitivist approaches in ethics part ways. In analytic philosophy, the "good-reasons approach" (which begins with the question of the extent to which "better" reasons can be given for action X than for action Y) has led to the renewal of a strategic-utilitarian, contractual morality that distinguishes fundamental duties by the possibility of their universal validity (Grice).¹⁰ Another line of argument goes

back to Kant in order to disconnect the categorical imperative from the context of transcendental philosophy and to reconstruct it, in terms of language analysis, as the "principle of universality" or the "generalization argument" (Baier, Singer).¹¹ The methodical philosophy of the Erlangen School also understands its theory of moral argument as a renewal of the critique of practical reason (Lorenzen, Schwemmer).¹² In the present context, we are interested less in the proposed norming of the language of discussion permitted in the deliberation of practical questions than in the introduction of the "moral principle" that obliges each participant in a practical discourse to transfer his subjective desires into generalizable desires. Thus Lorenzen also speaks of the principle of *transsubjectivity*.

The introduction of maxims of universalization (of whatever type) raises the consequent problem of the circular justification of a principle that, supposedly, first makes possible the justification of norms. Paul Lorenzen admits to a residual decisionistic problematic when he calls the recognition of the moral principle an "act of faith . . . if one defines faith in a negative sense as the acceptance of something which is not justified."¹³ But he removes the arbitrary character of this act of faith insofar as he claims that methodical exercise of the practice of deliberation trains one to a rational attitude. Reason cannot be demonstrated but can, to a certain degree, be inculcated by socialization. Schwemmer gives this interpretation a different turn, if I understand him correctly, in that he has recourse to the prior understanding [*Vorverständnis*] of the intersubjective practice of speaking and acting exercised in unreflected [*naturwüchsigen*] contexts of action, on the one hand, and to the motive arising therein to settle conflicts *without force*, on the other. But methodical philosophy's claim to ultimate foundations makes it necessary for Schwemmer too to stylize a "first" decision:

The moral principle is established on the basis of a common practice which I have here attempted step by step to motivate and to make understandable. In this common action, we have so transformed our desires that we recognized the common transformation of desires as the fulfillment of our original desires (motives) which brought us to take up a common practice in the first place. What is required for

the common establishment of the moral principles is participation in common practice, to this extent a "decision" which is not justified through further speech. And this participation first makes possible rational action which takes account of and understands the desires of others.¹⁴

The difficulties in Schwemmer's construction are analyzed in a work by Looser, Uscher, Maciejewski, and Menne:

A necessary condition for beginning the construction of normed speech is that the individuals who make this beginning already stand in a *common* context of speech and action, and agree therein, through a pre-form [*Vorform*] of "practical deliberation" (*Schwemmer*), to undertake *in common* the construction of a well-founded mode of speech. That this anticipation is achieved under unclarified conditions is shown by the fact that the Erlangen attempt does not conceive itself as a historically identified endeavor which could be understood as the consequence of acquiring and pushing through the principle of resolving practical questions in communication free of force, that is, discursively. Instead, the decision between talk and force is itself still placed in the construction of practical philosophy.¹⁵

The problematic that arises with the introduction of a moral principle is disposed of as soon as one sees that the expectation of discursive redemption of normative-validity claims is already contained in the structure of intersubjectivity and makes specially introduced maxims of universalization superfluous. In taking up a practical discourse, we unavoidably suppose an ideal speech situation that, on the strength of its formal properties, allows consensus only through *generalizable* interests. A cognitivist linguistic ethics [*Sprachethik*] has no need of principles. It is based only on fundamental norms of rational speech that we must always presuppose if we discourse at all. This, if you will, transcendental character of ordinary language, which is also implicitly claimed by the Erlangen School as the basis for the construction of normed speech, can (as I hope to show) be reconstructed in the framework of a universal pragmatic.¹⁶

Chapter 3. The Model of the Suppression of Generalizable Interests

Our excursion into the contemporary discussion of ethics was intended to support the assertion that practical questions admit of truth. If this is so, justifiable norms can be distinguished from norms that merely stabilize relations of force. Insofar as norms express generalizable interests, they are based on a *rational consensus* (or they would find such a consensus if practical discourse could take place). Insofar as norms do not regulate generalizable interests, they are based on force [*Gewalt*]; in the latter context we use the term normative power [*Macht*].

There is, however, one case of normative power that is distinguished by being indirectly justifiable: *compromise*. A normed adjustment between particular interests is called a compromise if it takes place under conditions of a balance of power between the parties involved. The separation of powers is an ordering principle intended to guarantee such a balance of power in the domain of particular interests in order to make compromises possible. Another ordering principle is realized in bourgeois civil law, which delimits autonomous domains of action for the strategic pursuit of individual interests. It presupposes a balance of power between private persons and makes compromises on non-generalizable interests unnecessary. In both cases, universalistic principles that admit of justification are employed—with the proviso, to be sure, that the generalizability of the regulated interests can be denied. This proviso can, in turn, be tested only through discourse. For this reason, separation of powers and democracy are not of equal rank as political-ordering principles.

That democratic will-formation turns into repression if it is not kept within limits by the freedom-guaranteeing principle of the separation of powers, is a theme of the counter-enlightenment that was renewed by Helmut Schelsky in connection with the German federal elections of November, 1972:

According to its oft declared, fundamental political constitution, the Federal Republic represents a harmony of both principles in a liberal-democratic [*freiheitlich-demokratischen*] order. It is perhaps

no accident that the principle of freedom precedes that of democracy in this formula. But if those in power then programmatically announce the priority of "more democracy" in this fundamental order based on principles, then the acceptance of "less freedom" is tacitly, and without admitting it, bound up with that program.¹

The gravity of this dilemma disappears as soon as we see that: (a) separation of powers may legitimately be introduced only where the domains of interests to be regulated cannot be justified discursively and thus require compromises; and that (b) demarcating particular from generalizable interests in a manner that admits of consensus is possible only by means of discursive will-formation. Counter to the Schelsky's diagnosis furthermore, it is the Social Democrats who—with the postulate of "equal rights for labor and capital"—are reclaiming, for example, separation of powers in a domain of interests that was, to be sure, previously removed from discursive will-formation, but in which there is certainly no lack of generalizable interests. Even if a "class-compromise" came about in advanced capitalism under conditions of a balance of power, the justifiability of the compromise would remain questionable as long as it excluded the possibility of discursively testing whether it was in fact a matter, on both sides, of particular interests that did not permit of a rational will and were thus accessible only to compromise.

A compromise can be justified as a compromise only if both conditions are met; a balance of power among the parties involved and the non-generalizability of the negotiated interests exist. If even one of these *general* conditions of *compromise formation* is not fulfilled, we are dealing with a pseudo-compromise [*Scheinkompromiss*]. In complex societies *pseudo-compromises* are an important form of legitimation. But historically they are not the rule. In traditional and liberal-capitalist societies, it is rather the *ideological form* of justification, which either asserts or counterfactually supposes a generalizability of interests, that is dominant. In this case, legitimations consist of interpretations, of narrative presentations or (for example in natural law) of systematized explanations and chains of argument, that have the double function of proving that the validity claims of norm systems are legitimate and of

avoiding thematization and testing of discursive-validity claims. The specific achievement of such ideologies consists in the inconspicuous manner in which communication is systematically limited.² A social theory critical of ideology can, therefore, identify the normative power built into the institutional system of a society only if it starts from the *model of the suppression of generalizable interests* and compares normative structures existing at a given time with the hypothetical state of a system of norms formed, *ceteris paribus*, discursively. Such a counterfactually projected reconstruction—for which P. Lorenzen proposes the procedure of "normative genesis"³—can be guided by the question (justified, in my opinion, by considerations from universal pragmatics): how would the members of a social system, at a given stage in the development of productive forces, have collectively and bindingly interpreted their needs (and which norms would they have accepted as justified) if they could and would have decided on organization of social intercourse through discursive will-formation, with adequate knowledge of the limiting conditions and functional imperatives of their society? ⁴ Of course, the model of the suppression of generalizable interests—which explains at one and the same time the *functional necessity* of the apparent legitimation of domination and the *logical possibility* of undermining normative-validity claims by a critique of ideology—can be made fruitful for social theory only by making empirical assumptions.

We can start from the position that the orientation of action toward institutionalized values is unproblematic only as long as the normatively prescribed distribution of opportunities for the legitimate satisfaction of needs rests on an actual consensus. But as soon as a difference of opinion arises, the "injustice" of the repression of generalizable interests can be recognized in the categories of the interpretive system obtaining at the time. This consciousness of conflicts of interest is, as a rule, sufficient motive for replacing value-oriented action with interest-guided action. The pattern of communicative action gives way then, in politically relevant domains of behavior, to that type of behavior for which the competition for scarce goods supplies the model, that is, strategic action. Thus, I use the term "interests" for needs that are—to the extent of the withdrawal of legitimation and the rising of the

consciousness of conflict—rendered subjective and detached, as it were, from the crystallizations of commonly shared values supported by tradition (and made binding in norms of action).

These assumptions of conflict theory can be connected with the discourse model at two levels. I make the empirical assumption that the interest constellations of the parties involved, which are revealed in cases of conflict, coincide sufficiently with interests that would have to find expression among those involved if they were to enter into practical discourse. Furthermore, I make the methodological assumption that it is meaningful and possible to reconstruct (even for the normal case of norms recognized without conflict) the hidden interest positions of involved individuals or groups by counterfactually imagining [*frigieren*] the limit case of a conflict between the involved parties in which they would be forced to consciously perceive their interests and strategically assert them, instead of satisfying basic interests simply by actualizing institutional values as is normally the case. Marx too had to make these or equivalent assumptions in the analysis of class struggles. He had: (a) to draw a general distinction between particular and general interests; (b) to understand the consciousness of justified and, at the same time, suppressed interests as a sufficient motive for conflict; and (c) to attribute, with reason, interest positions to social groups. The social scientist can only hypothetically project this ascription of interests; indeed a direct confirmation of this hypothesis would be possible only in the form of a practical discourse among the very individuals or groups involved. An indirect confirmation on the basis of observable conflicts is possible to the extent that the ascribed interest positions can be connected with predictions about conflict motivations.

Claus Offe provides an instructive survey of alternative attempts to "establish a critical standard for determining the selectivity of a political system and thereby to avoid the complementary difficulties of systems-theoretic and of behavioristic procedures (which are unable to conceptualize the non-events of suppressed, that is, latent, claims and needs.)"⁵ Three of the alternatives mentioned are, for essential and easily seen reasons, inapplicable.

—"A need potential can be defined *anthropologically*. The totality of unfulfilled needs appears then as a non-fact, as an

indicator of the selectivity of a political system, of its greater or lesser character of domination" (p. 85). None of the drive theories put forward until now, however, has succeeded even in making it plausible that the assumption of an invariant need structure in human beings is both meaningful and empirically testable. Through the example of the most prominent and well-thought-out drive theory, namely, the psychoanalytic, it can be convincingly shown, in my opinion, that theoretical predictions about the range of variation of aggressive and libidinal drive potentials are not possible.⁶

—In the framework of an *objectivistic philosophy of history*, the attribution of interests can be projected on the basis of observable structural features. However, teleological historical constructions acquiesce in a circular structure of proof and, for this reason, cannot make their empirical reference plausible.

Such a method, which only supposedly stands in the succession of Marxist "orthodoxy," runs the danger of raising to a theoretical premise what is to be demonstrated by analysis (the class character of the organizations of political domination) and, at the same time, of reducing to insignificance the historical particularities of the selectivity of a concrete institutional system—whether or not it can be brought into agreement with the dogmatically advanced class concept (p. 86ff.).

—Finally, there is the *normative-analytic* approach, which is dependent upon declared options for more or less conventionally introduced goal states. Social-scientific systems analysis proceeds normatively in this sense, since there is as yet no theory that enables us to make up for the backwards state of social-scientific functionalism in comparison to biocybernetics and to grasp goal states of social systems in a non-arbitrary way.⁷ Normativistically employed systems analysis has a weak empirical content because it can only chance upon causally effective mechanisms from arbitrarily chosen functional points of reference.

Its analytical limitedness is grounded in the circumstance that it cannot distinguish between *systematic* selectivity of an institutional system on the one hand, and merely accidental non-fulfillment of given norms (which could be fulfilled while retaining the selective structures) on the other (p. 86).

The remaining strategies mentioned by Offe are on another level. They can be understood as the search for empirical indicators of suppressed interests.

—One can proceed *immanently* in playing off "claim" and "reality" against one another. This method is commonly employed in the critical literature on constitutional law (constitutional claim versus constitutional reality). It carries with it, however, the burden of proof for the thesis that there is not merely a tendency for the unactualized claim to which the critique refers to be violated, but that this violation is systematic (p. 88).

—One can identify *rules of exclusion* codified in a political system—perhaps in the form of procedural rules of administrative law, civil laws, and penal laws. Such a procedure for analyzing structural selectivity is inadequate in so far as it can hardly be supposed that a social system itself designates in codified form the totality of restrictions effective within it (p. 88).

—A further possibility would be confronting political-administrative processes not with their own or with constitutional pretensions . . . but with the *unintended*, yet *systematically arising* "misunderstandings" and *over-interpretations* which they evoke (p. 89).

(One should not, of course, rely on the political system's making rejected claims sufficiently evident at all times.)

—Finally, one can adopt comparative procedures, identifying the rules of exclusion which distinguish one political system from another with the help of a *ceteris paribus* clause. . . . [But], for one thing, those selectivities which are common to the systems compared do not come into view; for another, conditions which would justify a rigorous application of the *ceteris paribus* clause are scarcely ever met with (p. 87).

These shortcomings in the search for indicators are trivial as long as the theoretical concept for which indicators are sought is lacking. Observed discrepancy between legal norms and legal reality, codified rules of exclusion, discrepancy between actual level of claims and politically permitted level of satisfaction, repressions that become visible in international comparison—all of these phenomena have the same status as other conflict phenomena: they can be called upon in crisis analysis only if they can be ordered in a theoretical system for description and evaluation. A version of the advocacy model based on principles presents itself for this purpose. I do not mean by this the empirical feedback of critique on the goals of conflict groups—goals that are chosen on the basis of pre-theoretical experiences, that is, with partisanship. For the latter formulation would render partisanship immune to demands for foundations. Instead, the advocacy role of the critical theory of society would consist in ascertaining generalizable, though nevertheless suppressed, interests in a representatively simulated discourse between groups that are differentiated (or could be non-arbitrarily differentiated) from one another by articulated, or at least virtual, opposition of interests. A discourse carried through as advocacy can lead only to a hypothetical result.⁸ But pointed indicators for testing such hypotheses can be sought in the above-mentioned dimensions with some hope of success.

Chapter 4. The End of the Individual?

I have sought to prove that practical questions *can* be treated discursively and that it is *possible* for social-scientific analysis to take the relation of norm systems to truth methodically into consideration. It is an open question whether in complex societies motive formation is *actually* still tied to norms that require justification, or whether norm systems have lost their relation to truth.

The previous course of human history confirms the anthropologically informed view of Durkheim, who always conceived *society* as a *moral reality*. Classical sociology never doubted that subjects capable of speaking and acting could develop the unity of their truth.

person only in connection with identity-securing world-views and moral systems. The unity of the person requires the unity-enhancing perspective of a life-world that guarantees order and has both cognitive and moral-practical significance.

The most important function of society is nomization. The anthropological presupposition for this is a human craving for meaning that appears to have the force of instinct. Men are congenitally compelled to impose a meaningful order upon reality. This order, however, presupposes the social enterprise of ordering world-construction. To be separated from society exposes the individual to a multiplicity of dangers with which he is unable to cope by himself, in the extreme case to the danger of immanent extinction. Separation from society also inflicts unbearable psychological tensions upon the individual, tensions that are grounded in the root anthropological fact of sociality. The ultimate danger in the root anthropological fact of sociality. The ultimate danger of such separation, however, is the danger of meaninglessness. This danger is the nightmare par excellence, in which the individual is submerged in a world of disorder, senselessness and madness. Reality and identity are malignantly transformed into meaningless figures of horror. To be in society is to be "sane" precisely in the sense of being shielded from the ultimate "insanity" of such anomic terror. Anomie is unbearable to the point where the individual may seek death in preference to it. Conversely, existence within a nomic world may be sought at the cost of all sorts of sacrifice and suffering—and even at the cost of life itself, if the individual believes that this ultimate sacrifice has nomic significance.¹

The fundamental function of world-maintaining interpretive systems is the avoidance of chaos, that is, the overcoming of contingency. The legitimation of orders of authority and basic norms can be understood as a specialization of this "meaning-giving" function. Religious systems originally connected the moral-practical task of constituting ego- and group-identities (differentiation of the ego *vis-à-vis* the social-reference group on the one hand, and differentiation of the collective *vis-à-vis* the natural and social environment on the other) with the cognitive interpretation of the world (mastery of problems of survival that arise in the confrontation with outer nature) in such a way that the contingencies of an imperfectly controlled environment could be processed simultane-

ously with the fundamental risks of human existence. I am thinking here of crises of the life-cycle and the dangers of socialization, as well as of injuries to moral and physical integrity (guilt and loneliness, sickness and death). The "meaning" promised by religion has always been ambivalent. On the one hand, by promising meaning, it preserved the claim—until now constitutive for the socio-cultural form of life—that men ought not to be satisfied with fictions but only with "truths" when they wish to know why something happens in the way it does, how it happens, and how what they do and ought to do can be justified. On the other hand, promise of meaning has always implied a promise of consolation as well, for proffered interpretations do not simply bring the unsettling contingencies to consciousness but make them bearable as well—even when, and precisely when, they cannot be removed as contingencies.

In primitive stages of social development, the problems of survival—and thus man's experiences of contingency in dealing with outer nature—were so drastic that they had to be counterbalanced by the narrative production of an illusion of order, as can be clearly seen in the content of myth.² With increased control over outer nature, secular knowledge became independent of world-views, which were increasingly restricted to functions of social integration. The sciences eventually established a monopoly on the interpretation of outer nature; they devalued inherited global interpretations and transformed the mode of faith into a scientific attitude that permits only faith in the objectivating sciences. In this domain, contingencies are recognized and, to a large extent, technically mastered and their consequences made bearable. Natural catastrophes are defined as world-wide social events [*Sozialfällige*], and their effects are blunted by large-scale administrative operations. (Interestingly, the consequences of war belong in this category of administered humanity.) On the other hand, with growing complexity in areas of social co-existence, a number of new contingencies have been produced, without a proportionate growth in the ability to master contingencies. Hence, the need for interpretations that overcome contingency and divest not-yet-controlled accidents of their accidental character no longer arises in relation to outer nature; but it is regenerated in an intensified form

The End of the Individual?

by suffering from uncontrolled societal processes. Today the social sciences can no longer take on the functions of world-views. Instead, at the same time that they dissolve the metaphysical illusion of order last produced by the objectivistic philosophy of history, they contribute to an increase in avoidable contingencies; for in their present state they do not produce technical knowledge that society could use for mastering contingency; nor do they have confidence in the ability of strong theoretical strategies to penetrate the multiplicity of *apparent*, nominalistically produced contingencies and make the objective context of social evolution accessible. Considering the risks to individual life that exist, a theory that could interpret away the facticities of loneliness and guilt, sickness and death is, to be sure, not even *conceivable*. Contingencies that are irremovably attached to the bodily and moral constitution of the individual can be raised to consciousness only as contingency. We must, in principle, live disconsolately with them.

Moreover, to the extent that world-views are impoverished, morality too is formalized and detached from substantive interpretations. Practical reason can no longer be founded in the transcendental subject. Communicative ethics appeals now only to fundamental norms of rational speech, an ultimate "fact of reason." Of course, if this is taken to be a simple fact, capable of no further explanation, it is not possible to see why there should still issue from it a normative force that organizes the self-understanding of men and orients their action.

At this point we can return to the question with which we began. If world-views have foundered on the separation of cognitive from socially integrative components, if world-maintaining interpretive systems today belong irretrievably to the past, then what fulfills the moral-practical task of constituting ego- and group-identity? Could a universalistic linguistic ethics no longer connected to cognitive interpretations of nature and society (a) adequately stabilize itself, and (b) structurally secure the identities of individuals and collectives in the framework of a world society? Or is a universal morality without cognitive roots condemned to shrink to a grandiose tautology in which a claim to reason overtaken by evolution now merely opposes the empty affirmation of itself to the objectivistic self-understanding of men? Have changes in the mode of socializa-

tion that affect the socio-cultural form of life perhaps already come about under the rhetorical guise of a universalistic morality that has lost its force? Does the new universal language of systems theory indicate that the "avant garde" have already begun the retreat to particular identities, settling down in the unplanned, nature-like system of world society like the Indians on the reservations of contemporary America? Finally, would such a definitive withdrawal mean the renunciation of the immanent relation of motive-shaping norms to truth?

An affirmative answer to these questions cannot as yet be sufficiently justified with a reference to the developmental logic of world-views. For, in the first place, the repoliticization of the biblical inheritance observable in contemporary theological discussion (Pannenberg, Moltmann, Solle, Metz),³ which goes together with a leveling of this-worldly/other-worldly dichotomy, does not mean atheism in the sense of a liquidation without trace of the idea of God—although the idea of a *personal* God would hardly seem to be salvageable with consistency from *this* critical mass of thought. The idea of God is transformed [*aufgehoben*] into the concept of a *Logos* that determines the community of believers and the real life-context of a self-emancipating society. "God" becomes the name for a communicative structure that forces men, on pain of a loss of their humanity, to go beyond their accidental, empirical nature to encounter one another *indirectly*, that is, across an objective something that they themselves are not.

Secondly, it has in no way been determined that the philosophical impulse to conceive of a demythologized unity of the world cannot also be retained through scientific argumentation. Science can certainly not take over the functions of world-views. But general theories (whether of social development or of nature)⁴ contradict consistent scientific thought less than its positivistic self-misunderstanding. Like the irrecoverably criticized world-views, such theoretical strategies also hold the promise of meaning: the overcoming of contingencies. But, at the same time, they aim at methodically removing from this promise the ambivalence between truth claim and a merely illusory fulfillment. We can no longer avert recognizable contingencies by producing a rationalizing illusion.

The End of the Individual?

The fact that the developmental logic of world-views does not exclude the continuance of a mode of socialization related to-truth may be comforting. Nevertheless, the steering imperatives of highly complex societies could necessitate disconnecting the formation of motives from norms capable of justification and setting aside, as it were, of the detached superstructure of normative structures. If this happened, legitimation problems *per se* would cease to exist. A number of reflections from the history of ideas [*Geistesgeschichte-lichen*] speak for this tendency. I would like to draw attention to them with a few catchphrases.

a) For more than a hundred years, it has been possible to observe the cynicism of a, as it were, self-denying bourgeois consciousness—in philosophy, in a consciousness of the times determined by cultural pessimism, and in political theory. Nietzsche radicalized the experience of the retrenchment of the ideas with which reality could be confronted: "For why has the advent of nihilism become necessary? Because the values we have had hitherto thus draw their final consequence; because nihilism represents the ultimate logical conclusion of our great values and ideas—because we must experience nihilism before we can find out what value these 'values' really had." ⁵ Nietzsche assimilated the historical loss of force of normative validity claims as well as the Darwinian impulses to a naturalistic self-destruction of reason. He replaced the question: "How are synthetic judgments *a priori* possible?" with another: "Why is the belief in such judgments necessary?" "Valuations" take the place of "truths." Theory of knowledge is replaced by a perspectival theory of the affects whose highest principle is "that every belief, every taking-for-true, is necessarily false because there is no true world." ⁶ Nietzsche counted on the shock effect of his revelations; and his heroic style also reveals the pain that cutting the umbilical cord to the universalism of the Enlightenment caused him after all. This ambivalence was echoed in the Nietzsche reception of the twenties, down to Gottfried Benn, Carl Schmitt, Ernst Junger, and Arnold Gehlen. Today the pain has either been reduced to nostalgia or given way to a new innocence—if not precisely to the innocence that Nietzsche once postulated—for which positivism and existentialism have prepared the foundations.

Anyone who still discusses the admissibility of truth in practical questions is, at best, old-fashioned.

b) The revocation of bourgeois ideals can be seen with particular clarity in the retrograde development of democratic theory (which was from the start, of course, presented in both a radical version and a version leading to liberalism).⁷ In reaction to the Marxist critique of bourgeois democracy, Mosca, Pareto and Michels introduced the elite theory of domination as the realistic, scientific antidote to natural-law idealism. Schumpeter and Max Weber gathered these elements into a theory of mass democracy. In their sober pathos is still reflected the sacrifice that a purportedly better insight into a pessimistic anthropology seems to demand. A new generation of outspoken elite theorists already stands beyond cynicism and self-pity. They adopt Tocqueville as an honorable precursor and recommend the new elitism in good conscience as the simple alternative to the dark night of totalitarianism in which all cats are grey. Peter Bachrach has demonstrated an interesting shrinking process in the "theory of democratic rule by elites" as it is presented by authors like Kornhauser, Lipset, Truman, and Dahrendorf.⁸ Democracy, in this view, is no longer determined by the content of a form of life that takes into account the generalizable interests of all individuals. It counts now as only a method for selecting leaders and the accoutrements of leadership. Under "democracy," the conditions under which all legitimate interests can be fulfilled by way of realizing the fundamental interest in self-determination and participation are no longer understood. It is now only a key for the distribution of rewards conforming to the system, that is, a regulator for the satisfaction of private interests. This democracy makes possible *prosperity without freedom*. It is no longer tied to political equality in the sense of an equal distribution of political power, that is, of the chances to exercise power. Political equality now means only the formal right to equal opportunity of access to power, that is, "equal eligibility for election to positions of power." Democracy no longer has the goal of rationalizing authority through the participation of citizens in discursive processes of will-formation. It is intended, instead, to make possible *compromises* between ruling elites. Thus, the sub-

stance of classical democratic theory is finally surrendered. No longer *all* politically consequential decisions, but only those decisions of the government still *defined as political*, are to be subject to the precepts of democratic will-formation. In this way, a pluralism of elites, replacing the self-determination of the people, makes privately exercised social power independent of the pressures of legitimation and immunizes it against the principle of rational formation of will. According to the new theory of authority, the presuppositions of democracy are fulfilled

if (a) the voters can choose between competing elites; (b) the elites do not succeed in making their power hereditary or in blocking the access of new social groups to elite positions; (c) the elites are dependent on the support of shifting coalitions, so that no exclusive form of domination can take over; and (d) the elites which dominate in different social spheres—for example, in business, education and art—can form no common alliance.⁹

c) In all the many symptoms of a destruction of practical reason to be found in the history of ideas—of which I have indicated a few examples—there is expressed a change of position in bourgeois consciousness, which allows of different interpretations. Either we are dealing with a class-specific phenomena of retreat from universalistic demands, claims to autonomy, and expectations of authenticity, that endanger the class compromise in advanced capitalism as soon as they are sued for; or we have to do with a general movement against a culture that has prevailed, in the absence of alternatives (but has become universal in spite of its bourgeois origins), against a form of life fundamental to the history of the species, in which the logic of social reproduction works through norms that admit of truth. The radical interpretation, which sees the mode of socialization of the species placed in question, can be formulated as the thesis of the “end of the individual.”

Michael Landmann's pithy statement, “The three millennia of the individual have come to a close,”¹⁰ can still be understood as an offshoot of a cultural critique that sees only a certain historical formation of the human spirit perishing with the old Europe. But I

am thinking here of those more relentless interpretations that diagnose the death of the form of the bourgeois individual: in this view, the reproduction of highly complex societies necessitates a *transposition at the level of their previous constituents*. With the historical form of the bourgeois individual, there appeared those (still unfulfilled) claims to autonomous ego-organization within the framework of an independent—that is, rationally founded—practice. In these claims was laid out the logic of a general (if undeveloped, nevertheless continuously effective) socialization [*Vergesellschaftung*] through individuation. If this form of reproduction were to be surrendered, together with the imperatives logically embedded in it, the social system could no longer establish its unity through formation of the identities of socially related individuals. The constellations of general and particular would no longer be relevant for the aggregate state of the society.

Horkheimer and Adorno develop this idea as a “dialectic of enlightenment,” which Albrecht Wellmer summarizes as follows:

The external destiny in which men had to become involved for the sake of emancipation from their slavery to nature is at the same time their inner destiny, a destiny which reason suffers at its own hands. In the end, the subjects for whose sake the subjection, reification, and disenchantment of nature were begun are themselves so repressed, reified, and disenchanting in their own eyes, that even their efforts at emancipation result in the opposite—in fortifying the context of delusion in which they are caught. With the overthrow of the animistic world-view, the dialectic of enlightenment had already begun, a dialectic which, in capitalist industrial society, has been driven to the point where “even man has become an anthropomorphism in the eyes of man.”¹¹

This diagnosis agrees—not in its foundation but in its substance—with that of Gehlen and Schelsky. Schelsky's reflection on the self-interpretation of man in scientific civilization leads to the conclusion that the “scientific-technical process of creation” induces a “total cutting off of previous history” and a “change in the identity of man.”

This reflection on “man” is more than merely the moral-ideological reflex of the technical-scientific self-production of man. It is the

documentation of a new self-estrangement of man which came into the world with the new scientific civilization. The danger that the creator is losing himself in his work, the constructor losing himself in his construction, is now the metaphysical temptation of man. Man shrinks back from transferring himself without remainder into self-produced objectivity, into a constructed being, and yet works unceasingly at the continuation of the process of scientific-technical self-objectivation. Whereas man had first understood and deplored the rise of the rational, technical world of labor as a split between himself and the world, as an alienation from an old "animate unity" with the world, the new unity of man with the world, which he has constructed and earned out of spirit, is now becoming a threat to the identity which man had gained precisely in that split. The endurance of the split—Hegel's final demand in the face of the "confusion of the age"—still made possible the identification of man with his old metaphysical subjectivity precisely because it "released" the latter from the world of the beginning labor society. Today that split is historically already vanishing, and the metaphysical homelessness which obtrudes from the new world/man unity is documented in a backwards-looking metaphysical longing, is fixated on the memory of the freedom of subjectivity in the split and alienation from the world.¹²

Schelsky, however, ceases to be consistent when he reverts (formerly, at any rate) to a standpoint transcending the sphere of society¹³ and recommends "continuing metaphysical reflection" as a useful medium through which the threatened individual can escape the forces of objectivation and establish himself again beyond the "limits of the social."

The continuous heightening of reflective consciousness in itself is induced precisely by the technical-scientific objectivation of the achievements of consciousness. It is the form in which the thinking subject strives to keep ahead of its own objectivation, and thus assures itself of its superiority over its own world-process.¹⁴

Schelsky wrote these words ten years before the appearance of *Negative Dialectic*. They fit no one's existence better than Adorno's. But Adorno, more consistently than Schelsky, entertains no illusions about the death of the bourgeois individual. He sees, rather, even in

the "institutionalization of continuing reflection,"¹⁵ a reevaluation of individuality which simply masks its destruction. Under the heading "*Dummer August*," Adorno remarks:

It is still too optimistic to think that the individual is being altogether liquidated. If only it were true that in his conclusive negation, in the abolition of monads through solidarity, there was embedded at the same time the salvation of the individual being that would become a particular precisely only in its relation to the general! The present state of affairs is far removed from this. The disaster transpires not as the radical extinction of what has been, but because what has been historically condemned is dragged along—dead, neutralized, powerless—and pulls ignominiously downwards. In the midst of standardized and administered human units, the individual lives on. He is even placed under protection and gains monopoly value. But he is in truth merely the function of his own uniqueness, a showpiece like the deformed who were stared at with astonishment and mocked by children. Since he no longer leads an independent economic existence, his character falls into contradiction with his objective social role. Precisely for the sake of this contradiction, he is sheltered in a nature preserve, enjoyed in leisurely contemplation.¹⁶

Discussions about the splendor and the poverty of bourgeois subjectivity easily take on a non-binding character because after Hegel we are ill equipped to enter into the dimension of the history of consciousness. This becomes clear in the argumentation of Willms, who seeks to place himself between Gehlen and Luhmann, employing once again a Hegelian figure of thought.¹⁷ He projects the identity-formation of the bourgeois individual onto the level of international relations and equates the splendor of the bourgeois subject with the world-historical generality of an imperialistic power position (of the USA and Europe) that is today being relativized by China and the Third World. The poverty of the bourgeois subject consists, then, in his uncomprehended particularity. If one reads the Hegelian philosophy of right with the eyes of Carl Schmitt, this can be valid. But one has to pose the question of whether the formal structures of linguistic ethics, in which bourgeois humanism interpreted itself from Kant to Hegel and Marx, reflect *nothing* more than a decisionistic presumption of a

monopoly on the definition of humanity—"the history of bourgeois society is the history of those who define who man is"—or whether it is not rather the case that this reduction itself represents one of the long-finished and meanwhile arbitrary melodies of bourgeois self-mutilation to which Adorno attests: "there remains from the critique of bourgeois consciousness only that shrug of the shoulders with which all physicians have manifested their secret understanding with death."¹⁸

d) Until now no one has succeeded in extracting the thesis of the end of the individual from the domain of the malaise and self-experience of intellectuals and made it accessible to empirical test. But subjectivity is not an interior something; for the reflexivity of the person grows in proportion to his externalization. The identity of the ego is a symbolic structure which, with the growing complexity of society, must remove itself centrifugally further and further from its middle point in order to stabilize itself. The person exposes himself to more and more contingencies; he is thrust further and further into an ever-tighter net of reciprocal defenselessness and exposed needs for protection. Thus, since Marx, those socio-structural limitations that restrict the process of individuation and deform the structure of being-with-oneself-in-being-outside-of-oneself [*Ausser-sich-bei-sich-Seins*] (that is, which disturb the precarious balance between externalization and appropriation), has been analyzed under the title of "alienation." "Alienation" has, in the meantime, become the catchword for a *direction in social psychological research*.¹⁹

Etzioni interprets alienation as "unresponsiveness of the world to the actor, which subjects him to forces he neither comprehends nor guides."²⁰ He distinguishes from this a hidden form of alienation—namely, "inauthenticity"—which has, of course, different connotations in the German-speaking world than in the French-speaking world. "A relationship, institution or society is inauthentic if it provides the appearance of responsiveness while the underlying condition is alienating."²¹ This differentiation takes account, firstly, of the fact that in advanced-capitalist societies phenomena of alienation have been detached from manifestations of pauperism. But, above all, this distinction takes account of the remarkable integrative power and elasticity of this society. These qualities are

expressed in the fact that social conflicts can be shifted to the level of psychic problems, that they can be charged to individuals as private matters; and in the fact that mental conflicts that are repoliticized as protest can be shunted aside, made into problems that can be administratively treated, and institutionalized as proof of the extended scope of tolerance. The student protest of recent years provides a good illustration of this mechanism. The essential impulse is directed against the anticipated strategies of absorption; these are supposed to be undermined by imaginative provocations. But by and large this has not succeeded. Instead of releasing the normative power of institutions in the form of open repression (which has *also* happened), the degree of tolerance has increased. The headlines already report on university strikes and citizens' initiatives, regretfully adding "without incident." The new techniques of demonstration have altered little but the level of expectation. Thus there arises a gray area in which the social system can live with the non- (or not-yet-) institutionalized opposition it calls forth without having to solve the problems that are the occasion, ground, or cause of the protests. Blows directed against stone walls bounce off rubber screens.

This metaphorical localization of a domain of phenomena explains nothing. At best, it illustrates that phenomena of alienation are being increasingly replaced by manifestations of inauthenticity. Above all, it is unclear how we are to interpret the inauthenticity whose traces Etzioni pursues in the system of social labor, in the public domain of politics, and in the personality system itself.²² Are we dealing with reactions, uncontrollable in the long run, against the continued violation of normative structures that are at odds with the growing steering needs of the political-economic system? Or are we dealing with the birth pangs of a fundamentally new mode of socialization? It could indeed be the case that both tendencies—the politically released and stimulated social eudaimonism that can be understood according to principles of a strategic-utilitarian ethics, as well as the politically blunted, subculturally released pleonexy that comes to terms with the program of immediate satisfaction in expanded scopes of contingency—find a common denominator in their renunciation of the justification of practice on the basis of norms that admit of truth.

Since I cannot see how this question can be directly decided empirically, I would like to examine it indirectly with the help of Luhmann's theory, which proceeds from the *undiscussed presupposition* that the creation of motivation needed by the system is in no way restricted today by independent [*eigenständigen*] systems of norms that follow a logic of their own, but responds to steering imperatives alone.

Chapter 5. Complexity and Democracy

Luhmann regards a communication theory that analyzes legitimation problems with reference to the discursive redemption of normative-validity claims as "out of step with social reality."¹ He chooses for his initial problem, not the foundation of norms and opinions, that is, the constitution of a rational practice, but the selection pressure of complex systems of action in a world that is contingent, that is, that could also be otherwise.

Habermas sees the subject, just as the intersubjectivity which precedes it, primarily as a potential for foundations admitting of truth. The subjectivity of man consists for him in the possibility of specifying rational grounds in intersubjective communication, or of being able to accommodate oneself to such grounds or to the refutation of one's own grounds. He thereby captures, however, only a derivative aspect—and, moreover, one which seems to me to be historically conditioned and long antiquated—of a much more deeply seated concept of the subject.²

According to Luhmann, the attempt "to tie the inherited claim of Western humanity which bears the title of 'reason' to such a concept of the subject" leads necessarily to a systematic underestimation of the problem of world complexity. "The subject must first be thought of as contingent selectivity."³ Problems of domination and distribution that are posed from the point of view of the class structure of society have become obsolete.⁴ They betray an "old European" perspective in which genuine problems, which appear from the point of view of ranges of alternatives and capacities for decision, are concealed.

"Almost everything could be possible, and I can change almost nothing." This sentence expresses Luhmann's fundamental experience. It *could* be interpreted to mean that, on the one hand, highly complex class societies have, because of their potential for productivity, considerably extended the range of possibilities for controlling the environment and organizing themselves; or that, on the other hand, due to their unplanned, nature-like principle of organization, they are subject to limitations that prevent autonomous utilization of the abstract possibilities and result, moreover, in an excess of self-produced (avoidable) environmental complexity.⁵ In fact, however, Luhmann interprets his experience in the contrary sense: that, with its drastically extended scope of contingency, the social system acquires degrees of freedom which place it under increased pressure of problems and decisions. The structures and states of complex social systems have, at least in the domain of organization and politics, become non-essential [*zufällig*] and thus capable of being practically chosen; but how to decide among alternatives opened up now is a problem that relativizes all others. After Luhmann has distinguished between determinate and indeterminate complexity of system and environment,⁶ the real problem of reduction is no longer the (indeterminate) complexity of the environment. It is rather environmental complexity made determinable by environmental projects relative to the system, that is, the self-overloading of the system with its own capacities for problem resolution. Highly complex social systems must wear themselves out on problems resulting from their growing autonomy, that is, on necessities resulting from their freedom.

As soon as the priority of this problem is established, further steps follow automatically. The problem of world complexity requires an essentialistic and exclusive application of the concept of system. A number of important points follow from this.

1) Complex societies are no longer held together and integrated through normative structures. Their unity is no longer established intersubjectively through communications penetrating the minds of socially related individuals. System integration, treated from a steering perspective, becomes independent of a social integration accessible from life-world perspectives.

2) Man's understanding of self and of the world, detached from

system identity, slips into provincialism to the extent that it remains "old European," that is, oriented to normative claims; or it detaches itself altogether from norm orientations and brings the consciousness of the individual into the same situation as the system; he learns "to project and endure an infinitely open, in the final analysis ontically indeterminate, contingent world and to use it as the basis of all selective experience and action."⁷

3) The reproduction of highly complex societies depends on the differentiated steering system, on the political subsystem. By increasing its capacity to process information and its indifference to other social subsystems, the political system acquires a unique autonomy within the society.

Politics can no longer presuppose its decision basis, but must itself create it. It must accomplish its own legitimation in a situation which is defined as open and structurally indeterminate with respect to the chances of consensus and to the results striven for.⁸

Separating the legitimation system from the administration makes possible the autonomy of decision processes *vis-à-vis* the input of generalized motivations, values, and interests.

4) Since the social system can no longer constitute a world that stamps the identity of subsystems,⁹ the functions of politics can no longer be understood with a glance at the "correct" policy demanded of the administrative system by society.

Reduced to a brief formula, it has to do with the fact that the political system can no longer derive its identity from the society if it is required by the society precisely as a contingent system which could possibly be otherwise. It must, then, identify itself through structural selection in a situation of consciousness no longer comprehensible with old European concepts.¹⁰

Under these conditions it is meaningless to want to increase the reflexivity of the administration by tying it to the society through discursive will-formation and participation.

Decision processes are . . . processes of eliminating other possibilities. They produce more "nays" than "yeas," and the more rationally

they proceed, the more extensively they test other possibilities, the greater becomes their rate of negation. To demand an intensive, engaged participation of all in them would be to make a principle of frustration. Anyone who understands democracy in this way has, in fact, to come to the conclusion that it is incompatible with rationality.¹¹

5) The new systems-theoretic approach brings with it a new linguistic system, claiming universality, that is interpreted *vis-à-vis* competing approaches through a transformation of fundamental classical concepts (such as politics, authority, legitimacy, power, democracy, public opinion, etc.).¹² Each of these systems-theoretic translations is also a critique of the unsuitability of "old European" concept formation, which has become obsolete with the evolutionary step to post-modern society. Because the problem of world complexity has assumed the leading position, the problem of a rational organization of society in conjunction with formation of motives through norms that admit of truth has lost its object.

The unwieldy problem of the relation between *complexity and democracy* can be most easily formulated in a workable manner at the level of planning theory. Planning discussion in the last ten years has,¹³ among other things, led to two opposed types of politics in which are expressed two styles of planning: on the one hand, pluralistic-incrementalist process politics, which limits itself mainly to conditional planning, and, on the other, rational-comprehensive systems politics, which requires mainly program planning.¹⁴ These types can be understood as the respective end points of a scale on which patterns of action and reaction of planning bureaucracies can be delineated. If we add a further dimension, namely participation by members of the social system who are affected by planning, the following types of politics result.

Participation of those affected	Planning Style		
	Incrementalist	Comprehensive	
Not permitted	A	B	
Permitted	C	D	

al questions are interpreted as technical questions are immunized against the latent or suppressed affected that is characteristic of the conflict-avoid- of Type B.

Planning theory marks out one of these types of appropriate for complex societies, namely, comprehensive planning (B). This does not come in the form of recommendation. Rather, Luhmann believes he can reproduce of highly complex societies leaves no of anchoring the required reflexivity of society in an system shielded from parties and the public, instead tically organized public domain. "We can speak of in of administration . . . to the extent that the self reflects on its position in the political system of tifies itself accordingly as contingent, as possibly his thesis is based on (a) a description of the eeen the administration and the other subsystems of isal hypothesis about the observable restrictions on lanning capacity, and (c) a fundamental assumption eory of social evolution.

plex societies, a control center has been differen- inistrative system and has, according to Luhmann, manding position *vis-à-vis* the other social subsys- ious administration has general competency to aring problems that remain unsettled in the society. ot only in the sense of responsibility, but also in its

economic planning theory that interprets these experiences as crisis management comes to the contrary view that the administrative system is dependent on its environment, especially on the inherent dynamics of the economic system. I have sharpened this thesis by viewing the scope of action of the administrative system as limited on two sides: in steering the economic sector, by the parameters of a property order that it cannot change; in creating motivation, by the independent [*eigenstimmig*] development of normative structures that are irreconcilable with the suppression of generalizable interests.

Re b) The two competing descriptions, which emphasize either the autonomy or the dependency of the state apparatus, can be weighed by arguments that achieve, at best, a certain plausibility.¹⁷ But the manner in which one explains the easily observable restrictions on the administrative system's planning capacity depends on which description one adopts. Luhmann traces rationality deficits to the fact that administration has not yet become sufficiently independent of politics.

The chances for that separation of politics from administration lie in a heightening of selection performance, above all in the possibility of varying the premises of administrative action—such as organization, personnel and programs—from political perspectives in the narrower sense, without the variation of structures impairing their structuring function . . . The administration's possession of its own structure means that it has its own possibilities, which need not be

identical with the expectations of the environment; and non-identity with the environment even at the level of possibilities gives the opportunity for self-steering. At the same time, with this separation even of the constitution of possibilities, the risk must be assumed that the problems that the political system solves are not the problems of the society.¹⁸

According to Luhmann, rationality deficits can be eliminated only to the extent that the administration develops an identity independent of the society and understands itself as the authority responsible for the expansion of the horizon of possibility and the collateral thematization of alternatives excluded at that time. As long as the administration remains dependent on inputs from the public domain and party politics, on the one hand, and from those affected and the interested clientele on the other, the self-reflection that strengthens selectivity will be inhibited. Luhmann sees the vanishing point of the non-political differentiation of an administration capable of comprehensive planning in a fusion of science and administration that would, simultaneously, suspend the autonomy of science and undifferentiate the previously separated media of power and truth.

Only the administration *itself* can investigate itself to an extent which could induce political reflection and contribute to reducing that reflection deficit (of the administration). In this sense, "politicalization" amounts, in the final analysis, to linking scientific *self-investigation* to structural selection, a linkage that could place in question the classical differentiation of experience and action, knowledge and decision, truth and power.¹⁹

With this statement Luhmann expresses his version of the end of the individual. The accelerated growth of complexity makes it necessary for society to convert to a form of reproduction that gives up the differentiation between power and truth in favor of a nature-like development withdrawn from reflection.²⁰

At the moment I can see three competing explanations. In the first, in contrast to Luhmann, F. Naschold traces the bottleneck in administrative planning to too great an independence of the administration from political will-formation. He believes that

political steering capacity can be increased only through expanded participation in planning by those affected.²¹ The "adaptation of political steering processes to society" is the only option still open for releasing previously unused resources and energies. (Of course, there is a risk that the extent of participation processes cannot be adequately controlled.) Naschold considers the multifunctional employment of participatory planning, which can serve to manipulate mass loyalty, improve information (by providing early warning and aiding consideration of values), and ease the burdens of the bureaucracy (through self-help organizations). These functions of apparent participation [*Scheinpartizipation*] do expand the administration's control over its environment. But it is not altogether clear whether Naschold believes that participation, in my sense of taking part in discursive will-formation, also signifies a "productive force for heightening the inherent variety of the political system." He does speak of "participation as a means for finding individual and collective identities, and of self-organizability as one precondition for taking part in a pluralistic politics of distribution."²²

As set forth above (Part II, Chapter 5), Offe defends the view that the contradictory steering imperatives of the economic system represent an insuperable limit to rationality for the state in advanced capitalism. The adaptation of political steering processes to society, in the sense of rigorously prepared participatory planning, would remove bottlenecks in administrative planning because it would put an end to those selective class structures that cause cumulative production of avoidable environmental complexity.

Finally, Scharpf is aware of those restrictions that the inherent dynamics of the economic system impose on the state in advanced capitalism. But even a politics unburdened of these restrictions "would be surprised by unforeseen developments, overtaken by the unanticipated consequences of its measures, and frustrated by the counterintuitive results of its planning, if the capacity of its information and decision systems fell behind the requirements."²³ In contrast to Luhmann, Scharpf reckons with a limit to the increase in complexity that is immanent in administration. If one surmounts the segmented decision structure, which is unsuitable to an interdependent problem structure, in favor of comprehensive

planning in centralized decision-structures, policy planning will rapidly arrive at a limit where its capacity for processing information and building consensus is overloaded by the excessive complexity of the problems (which are distinguished by high interdependency).

Even if there were in the decision process no consolidated interests and resistance to change based on power potential . . . the attempt at simultaneous problematization and positively coordinated change of interdependent decision spheres must—beyond a narrowly drawn limit, which needs to be more precisely determined but is certainly disappointing—necessarily end in the frustration of total immobilism.²⁴

Luhmann's assumption of an (in principle) unlimited extension of administrative steering capacity, which makes the administration independent of politics and—through incorporation of the scientific system—the locus of an eccentric self-reflection of society, can scarcely be supported with indicators from the experiential domain of political planning. In fact, systems-logical arguments support the view that participation that does not merely represent a concealed form of manipulation must limit rather than heighten administrative planning capacity. The rationalizing effect of "adapting political steering processes to society" is difficult to determine, for democratization would, on the one hand, dismantle the *avoidable* complexity (unavoidable only in relation to a specific system) that is produced by the uncontrolled, inherent dynamics of the economic process. But, at the same time, it would bring the *unavoidable* (not specific to a system) complexity of generalized discursive processes of will-formation into play. It is probable that the practical rationality of a goal state connected to generalizable interests costs more than it saves in terms of systems rationality. Of course, the balance does not have to be negative, if the limits to complexity, which according to Scharpf's reflections are built into administration, are reached very soon. In this case, *one* complexity that follows unavoidably from the logic of unrestrained communication would be overtaken, as it were, by another complexity, following as unavoidably from the logic of comprehensive planning.

Re: c) Luhmann's option for the type of non-participatory, global, system planning that is realized in a self-reflective administration removed from politics cannot, at the present stage of the planning discussion, be grounded with compelling arguments. Indeed, the empirical evidence that *today* can be marshalled speaks rather against Luhmann's option. In the end, Luhmann does not base his position on planning-theoretic investigations, but on a fundamental assumption about social evolution. In his opinion, problems of the reduction of environmental complexity and of the expansion of system complexity have the commanding position in social evolution, so that only steering capacity decides the level of development of a society. This is in no way a trivial assumption, for it could well be that an evolutionary step in the dimension of world-views and moral systems has to be paid for with an undifferentiation of the steering system; above all, it may be that it can be paid for without risk, that is, without endangering the (altered) continuity of the system. Luhmann does not, as far as I can see, thematize his assumption. Rather, he prejudices it by the choice of his methodological approach.

The choice of a concept of rationality is decisive for the structure of a planning theory. Planning theories conceived in *decision-theoretic terms* [*entscheidungslogisch*] are based on a concept of *the rationality of action* that is taken from the paradigm of purposive-rational choice of alternative means. The model of rational action is suited to theories of rational choice and to planning techniques in areas of strategic action. The limits of the model can be seen, however, in the attempt to develop empirically substantive theories of social systems. The theoretical strategy of choosing the concept of subjective rationality of action means a prior decision for normativistic approaches and for methodological individualism.²⁵

Planning theories laid out in *systems-theoretic terms* are based on a concept of objective rationality that is taken from the paradigm of self-regulated systems. The pattern of *systems rationality* is suited for empirically substantive theories about object domains in which unities that are clearly demarcated from their environment can be identified. Then (but only then) stability or instability can be determined on the basis of a systems maintenance accessible to experience. Since the persistence of societies or of social subsystems

cannot up to now be unproblematically ascertained, the theoretical strategy of choosing the concept of systems rationality results in a decision between (at least) three alternatives: first, to proceed normativistically, that is, to set the limits and goal states of the social systems investigated (examples of this can be found in the research practice of the sociology of organizations,²⁶ but Etzioni's concept of an "active society," which is based on postulated fundamental needs, also belongs in this class);²⁷ second, to proceed radically functionalistically, that is, to search for functional equivalents in a given context from arbitrarily varied points of reference (Luhmann); or, finally, to make the social-scientific application of systems theory dependent on a required theory of social evolution that allows non-conventional determination of levels of development and, therewith, of the limit values of system alterations that threaten identity.²⁸

Finally, planning theories laid out in *communications-theoretic terms*²⁹ are based on a concept of *practical rationality* that can be gained from the paradigm of will-forming discourse (and which can be developed in the form of a consensus theory of truth). (I examined this model in Chapter 3, above.) It is suited to the critical investigation of constellations of interest that are at the basis of normative structures. This procedure of normative genesis must, of course, be connected to the systems-theoretic approach if it is to contribute to a suitable theory of social evolution.

With the choice of a concept of rationality, a prior decision as to the logical status of planning theory is made. Decision-theoretic planning theories are normative-analytic procedures, that is, techniques for planning. Systems-theoretic planning theories can likewise proceed normative-analytically. According to their level of aspiration, they amount either to technical planning aids or to normatively designed theories in which planning is understood as a political process. Luhmann's universal-functional planning theory, which also appears as a systems theory, is conceived as opportunistic in principle and undermines the opposition between empirical-analytic and normative-analytic modes of procedure. Its status can best be characterized as pragmatic: systems research itself is part of a life-process subject to the law of increasing selectivity and reducing complexity. A communicative planning

theory also transcends this opposition, but for other reasons. In addition to descriptive statements about valid norms, on the one hand, and prescriptive statements that concern the choice of norms, on the other hand, it allows critically evaluative statements about the justifiability of (either existing or proposed) norms—that is, about the redeemability of normative-validity claims. Justifiable norms are like true sentences; they are neither facts nor values. The following schema sums up our discussion.

Status of the Theory	Concepts of Rationality		
	Purposive-rationality	Systems-rationality	Practical rationality
Empirical-analytic	—	biocybernetics	—
Normative-analytic	diverse planning techniques	theory of planning as a political process	—
Neither empirical-analytic nor normative-analytic	—	universal functionalism	critical theory of society

With the methodological choice between the universal-functionalist and the critical-reconstructive approaches, the question discussed in Part III of this essay is also implicitly decided: whether the reproduction of social life is still bound to reason and, especially, whether generation of motives is still bound to internalization of norms that have need of justification. If this is no longer the case, reconstruction of historically developed institutions and interpretive systems in accordance with a normative-genetic procedure has lost its object, and crisis theorems can no longer be constructed. Luhmann, of course, cannot allow a "rational" constitution of society in the above sense because systems theory, as a consequence of its conceptual strategy, integrates and subordinates itself to a fundamentally opportunistic life-process. However, one important argument speaks against the research strategy of Luhmann. While critical social theory can founder on a changed

reality, universal functionalism must suppose—that is, prejudice at the analytical level—that this change in the mode of socialization and the “end of the individual” have already come to pass.

Chapter 6. *Partiality for Reason*

The fundamental question of the continued existence of a truth-dependent mode of socialization constitutive of society is, as one can see, not easy to answer. This could lead one to think that it is not at all a theoretically resolvable question, but a practical question: should we rationally *desire* that social identity be formed through the minds of socially related individuals or should it be sacrificed to the problem—real or imagined—of complexity? To pose the question *in this way* is, of course, to answer it. Whether the constituents of a rational form of life should be retained cannot be made the object of a rational will-formation that depends on those very constituents. This requires, in any event, an appeal to the partiality for reason. As partisanship, however, this partiality can be *justified* only so long as alternatives are posed *within* an already accustomed, shared communicative form of life. As soon as an alternative appears that breaks this circuit of predecided intersubjectivity, the only universalizable partiality—the interest in reason itself—becomes particular. Luhmann poses such an alternative: he subordinates, at the methodological level, all areas of interaction steered through discursively redeemable validity claims to systems-rational claims to power and increasing power. Such monopolistic claims of an eccentric administration permit no possibility of appeal; that is, they may not be measured against standards of practical rationality, as was the case even in the *Leviathan*.

This perspective leads “old European” thought into temptation, and not for the first time. One has already accepted his opponent’s point of view if one resigns before the difficulties of enlightenment, and, with the goal of a rational organization of society, withdraws into actionism—that is, if one makes a decisionistic start in the hope that retrospectively, after the successful fact, justifications will be found for the costs that have arisen.¹ Furthermore, the partiality for

reason just as little justifies the retreat to a Marxistically embellished orthodoxy, which today can lead at best to the establishment without argument of sheltered and politically ineffective subcultures. Both paths are forbidden to a practice that binds itself to a rational will, that is, that does not avoid demands for foundations, but demands theoretical clarity about what we do *not* know. Even if we could not know much more today than my argumentation sketch suggests—and that is little enough—this circumstance would not discourage critical attempts to expose the stress limits of advanced capitalism to conspicuous tests; and it would most certainly not paralyze the determination to take up the struggle against the stabilization of a nature-like social system *over* the heads of its citizens, that is, at the price of—so be it!—old European human dignity.