The purpose of this paper is to discuss European integration theory, through the lenses of specific social theories, namely and mainly N. Luhmann’s general systems theory. I intend to use the latter in order to say something meaningful about the former’s evolution. I must clarify from the beginning that I do not contend that it is of great use for understanding European integration, meaning that I do not seek to replace integration theories with Luhmann’s theory. It is not an integration theory.

Why do I refer to the theory of European integration and not only to the latter itself? I just want to emphasize the importance of meta-theoretical thinking. In the history of European integration theory, it is often to observe pessimistic and optimistic phases, usually depending on whether power is delegated from states to supranational institutions. There have been celebrations, when someone’s theory seems to be verified by reality, and declarations of obsolescence of adversary theories, or even for one’s own theories (Haas, 1975). On the other hand, it may be the case that “[w]hile meta-theoretical thinking has an impact on theorizing, it has been absent from the study of European integration” (Christiansen et al., 1999:543).

Reference to general systems theory and similar ones can contribute to the advancement of this kind of thinking. I will demonstrate that it is not a coincidence that the evolution of the new governance approach, historical institutionalism and other approaches in European integration theory corresponds to certain premises of this theory. I explore how and why this is done so. I will also search the points of reference of some of those theories to Luhmann’s theory, and how they have used it to refer to European integration in both theoretical and meta-theoretical terms.

In the first part of the paper, I will present Luhmann’s general systems theory. Then, I am going to refer to the concept of paradoxes in theories and subsequently deparadoxizing. Crude reference is then to be made to certain approaches of complexity and governance theory, which can usefully interact with it. At that point, I will present certain aspects and recent developments of European integration theory. Special attention is to be granted to the development of comparative politics and the new governance theories. After that, I am going to shed light on the rather very few references to general systems theory, made by European integration theorists. It will be no coincidence that it is comparativists and new governance theorists who have referred to Luhmann’s work. Finally, I will argue that the recent developments of theory about the EU correspond to the
meta-theoretical assumptions of general systems theory and I will return to the theoretical implications and possible ways of seeing European integration through general systems theory lenses.

II

Luhmannian systems theory (Luhmann, 1982,1995a) points out that society is composed of functional subsystems, which are normatively and operatively closed but cognitively open. The first means that each functional subsystem, like law, politics, economics, science etc. has its own code of communication. The code is a binary one. The system accepts something in its terms, or it doesn’t. In the cases, above, we have the codes of legal/illegal, government/opposition, have/have nots, true/not true and the corresponding media of communication of law, power, money and truth, respectively. The second means that there is a structural coupling, which allows the systems to coexist within society.

The systems are not composed of elements and relationships, as has been the traditional view. General systems theory considers a system primarily as a system of communication. Communication itself, consists of information, utterance and understanding (or misunderstanding) and as coordinated selectivity the possibility of rejection is ‘necessarily’ built into its process (Luhmann, 1995a:154). While action is the elemental unit of the system’s self-observation, communication is the system’s elemental unit of the system’s self-constitution. The unity of the self-referential system is what binds something to be its unit (p. 175).

What are the consequences of the existence of the code? The communications that use the code of the system are the system. Those which belong to the other side of the binary code and do not follow it are the system’s environment. What is not the system, is the environment of the system. The former can do nothing else than thinking in its terms, with its own media of communication and make distinctions concerning the existence or non-existence of its code. The fact that the communications of the environment do not share the code of the system does not make them a system, neither means that a system can exist without an environment. If it did not have an environment, it would not be a system. Furthermore, the system not only uses the code and a difference in order to distinguish itself from the environment, but it also re-enters this difference, within itself and is functionally differentiated, and that is the case with society first of all.

The maintenance of the system’s own logic is what makes it continue to communicate, and thus being a system, being itself. The maintenance of this internal logic exists internally, within the system and keeps the system normatively and operatively closed and thus able to include the communications that use this common code. The self-production of the system, for the reason that I have just described, is the autopoiesis of the system or else “the neologism to end all neologisms”
But then again, are not (almost, if you prefer) all neologisms supposed to end all the other neologisms? The system cannot do other than use the existence of the code to refer to itself. It self refers. Referring to itself, the system uses the internal logic to produce itself, and that is when autopoiesis takes place.

The importance of Luhmann’s theory lies in four deviations from mainstream social theory (King, Schutz, 1994:262-7). First, Luhmannian thought converts questions of causality into questions of probability and contingency, when causal explanations fail. Second, it makes a distinction between how people think, through the process of conscience, and how they communicate to others, through communication. Thirdly, the theory instead of perceiving functions either as organic images, or as notions of perfection, takes them to be not given but emerging from selections. Forth, the fact that society and its subsystems consist of communications, which are selections, renders the theory sceptical about accepting that society is produced by individual or collective consciousness or that institutions are only the translation of human needs which convert in social form.

An important feature of the theory is the illusion of communication which is created by the fact that several mediums of communications are used, in society. This usage leads to the understanding of the same terms, in different ways within different systems (p.269). Another is contingency. A contingent fact is a fact which is seen as a selection from other possibilities. The concept is applied to the meaning of subjective experience and action. Selectivity and thus contingency are doubled, which means that the selection of one system can depend also upon the selection of another, without having reached a consensus that each will refer to the same term, with the same meaning, since each attributes meaning in reference to itself.

The selectivity of other subjects is selectively available at increasing risks of disappointment and expectations (Luhmann, 1976:208-9, cf. Luhmann, 1993a). Uncertainty is dealt by systems through their creating structures which try to hide uncertainty and to make it appear more certain. A system’s communicating about its own communications offers it a semblance of certainty. Complexity is reproduced unavoidably as a condition of higher system formation and has to be reduced. But this is not without consequences. In an oft quoted phrase, Luhmann (1995a:25) postulates that complexity “means being forced to select; being forced to select means contingency; and contingency means risk”.

III

In order to speak of the deparadoxization of a theory, one has first to refer to the concept of paradox. The theorist observes. What he/she observes is what he/she distinguishes and indicates. He/she cannot indicate what he/she cannot distinguish. Distinguishing without indicating would
render him/her undetermined. The duality of observation as a unity of distinction and indication render observation paradoxical. The theorist “does not see what it does not see” (Luhmann, 1996:258). There are blind spots which he/she cannot see. Only the observer of the observer can see what the first observer does not see, because he/she cannot see. Only the observer can see the blind spot. The arbitrariness of the observation, not least the preference of using a specific definition or not, constitutes a problem for the second (order) observer to observe, a problem which he/she cannot consider as independent of observation (p. 259). The basis of the question of paradox is the problem of internal-external observer. The problem exists as long as the reference of the (internal) system is distinguished from the reference of the (external) environment as such. The paradox is confronted when it is understood that the second type of reference (hetero-reference) is as internal to the system as self-reference. When the paradox is identified and accepted, it is circulated. The theorist withdraws form it, studying the structures and the conditions, which articulate the circularity of observation, in the operations of the system. Empirical reference is not lost, nor is silence necessary (Esposito, 1996:278-9).

Luhmann (1990a:ch7) postulates that the comprehensive self-descriptions of society have become more problematic, under the condition of functional differentiation. A natural and unchallenged representation becomes impossible, and a large amount of contingency arises, which has to be dealt by society. Paradoxes cannot be avoided. However, meaningful self-descriptions of society can be suggested, through self-referential reflection.

There can be a distinction between ‘natural’ and artificial’ restrictions of self-reference, or else between necessary and contingent. The former block insight into the paradoxical problem of self-referential identification. They render the problem invisible. Contingent ones, on the other hand, see it and postulate that the paradox can be resolved. Foundations of societal semantics, which were previously considered as a given, “are suddenly suspected of being contingent, once evolution changes the pattern of social differentiation” (p. 139).

The object of observation, and the observation itself, are deparadoxized, when a necessity of interruption in the processes of self-referential constitution is realised. The distinction can be used in a way that what is assumed by the system as natural and necessary, is interpreted by the observation as artificial and contingent. Society is more and more confronted with the consequences of its structural selections. An interesting feature, then, is the appearance of alternative movements. In my case, I would not like to treat as such only the classic ones environmental or feminist nature, but also the European Movement, possibly epistemic communities, and other ‘by-products’ of functional differentiation. The point is that alternative movements occur within society and not against it. Their secret is that they cannot offer any alternatives. They conceal it from others and
from themselves, and they contribute in this way to the deparadoxization and “apparently, this contribution turns out to be rather productive” (p.141, cf. Luhmann, 1995b).

The theory deals with anxiety. How easy is it possible to reply to someone who says that he is afraid that he is wrong? It is impossible. A person who distrusts, Luhmann suggests, needs information and at the same time he/she narrows down the information which he feels confident he/she can rely on, or as he puts it he/she “becomes more dependent on less information” (Luhmann, 1979: 72). When inconsistencies appear, in one’s unquestioning familiarity, distrust can develop as a result. The expression of anxiety, according to Luhmann, deserves tolerance, if not respect. Anxiety may block insight to the problem of paradox, but on the other hand, it can release communication, leading to the profit of new values. Anxiety has become a public issue, and can function as a way of deparadoxising problems. Let me refer to an example, in a level different from that of theorists.

One could detect the expression of anxiety, in the recent developments in the European Union, both in the continuous efforts for official reforms (inter-governmental conferences) and in the expression of worry for the potential loss of benefits of groups, not scarcely «entire» nations. State administrations have adapted rather successfully to the demands of shared policy making, but not rarely “at the cost of losing the confidence of a rising proportion of their national publics” (Wallace, 1994:75). Anxiety, in Europe, has become a public issue. In that case, could the EU be seen not as a vicious circle but as a productive one? What is the role of observation?

IV

At this moment, I would like to make a brief and crude, and certainly by no means complete, reference to theories which refer to the notions of complexity, governance etc, notions which might prove useful. The first is complex systems theory (Cilliers, 1998:3-5,119-123). Complex systems consist of such a large number of elements that the understanding of the system is made impossible. The interactions between the elements are fairly rich, non-linear, short range, characterised by loops, flows of energy, and framing (determination of the scope of the system by the purpose of the description of the system). They do have a history, but while all these are rather truisms and more or less acknowledged in the case of the EU, probably one specific characteristic is underplayed. That is the ignorance of each element of the behavior of the system as a whole, responding only to locally available information. It is impossible to for everybody to have exactly the same information about anything. Let aside the difference between information and utterance, European complexity cannot be wholly present in only one element. A particular unit cannot contain the consciousness of the whole.

The developments in organization and governance theory could prove useful as well. Governance is understood through further exploration of notions like complexity, dynamics and
Diversity (Kooiman, 1993). Dynamics are related to the change of a system’s state, complexity to relations and diversity to the components. There can be self-organization in a situation of high complexity and dynamics, in a far from balance situation. The latter is not necessarily a danger, as pointed out by recent developments in governance theory, which tend to emphasize the self-organizing and self-referential character of governance (Kickert, 1993a: 201-3). A self-organised network is autonomous, and thus free for more self-governance, and self-responsible (Kickert, 1993b:275).

The growing differentiation of functional subsystems is both a cause and a result of the proliferation of networks (Mayntz, 1993a). New forms of governance, which seem to pose a certain kind of challenge to traditional forms of democracy, are considered more technically effective and flexible than the former (Andersen and Burns, 1992). Complexity and functional differentiation affect governance. This has been become obvious in the case of the EU and crucial questions have to be confronted, for example under the democratic deficit and legitimacy agenda (Jachtenfuchs, 1995, Andersen and Burns, 1996, Wolf, 1999).

While a Luhmannian reasoning would feel sympathetic to the network approach, both pointing in the direction of poly-centricty, it would emphasize the importance of the fact that communications are produced by communications and not by agents. Network theory as well as approaches within autopoiesis theory argue in favour of the second case (Mayntz, 1993b, Mingers, 1995). Instead of emphasizing the autopoietic character of social subsystems, they tend to highlight the special dynamics of modern complex society and the fact that policy fields are highly organized to resist political guidance. In any case, it is pointed out that it is vital to “secure that in the decision making process not only information about the needs and the fears of actors in the policy field is taken into account but also indications of side effects, interdependencies and emerging problems” (Mayntz, 1993b:20).

In the early 80s, W. Wallace described the ‘Community as a political system’ as ‘Less than a federation, more than a regime’ (Wallace, 1983). Around 15 years later, he chose to name his concluding chapter, in a later edition, with the even more elaborate title ‘Government without statehood: The unstable equilibrium’ (Wallace, 1996). The history of European integration theory cannot be presented, with all the necessary details, in this paper. However I chose the example above to demonstrate certain interesting features of this history. It is no secret that the majority of the theories explaining European integration, in the beginning of the EEC and the later developments, belonged to the field of international relations: functionalism, neo-functionalism, realism, neo-realism, inter-governmentalism, regime theory. However, the recent years there has...
developed a significant set of theories, for explaining European integration, which can be given the label of comparative politics and policy analysis, without necessarily making the traditional theories disappear. The development of these approaches has been emphasized by theorists: “along side integration theory, a new body of theoretical literature is developing that deals with what might be termed the “normal” politics of the EU” (Caporaso and Keeler, 1995:56, cf. Caporaso, 1998:342).

Just as in the case of international relations, comparative politics and policy analysis cannot be said to be a coherent body of theories in what it depicts as important, what it describes, what concludes, what prescribes, what wants. On the contrary, it seems that there are affinities between a set of theories within the first field, and another in the second field (Hix, 1994, Hurrel and Menon, 1994, Risse-Kappen, 1996).

In any case, the relevance of comparative politics has increased. An interesting feature of the field of comparative politics is the development of the theories that refuse to regard the emerging European Union as something that can be adequately explained by classic theories of the state. J. Checkel (1999:556) points out that during the last decade, there has been an explosion of works, which get into examining these ‘normal politics’ of the EU, but they conclude that they are not normal, after all. Examples are institutional fusion, policy networks, comitology and informal communication patterns, which are centered upon and generated by European institutions. Nevertheless, these theories would still rather be considered “closer” to this field.

An important approach is new institutionalism which is expressed by scholars like Bulmer (1994, 1998) and Pierson (1996). The former has emphasised the importance of institutions, in the trans-sectoral governance regime, and has pointed out that the examination of policy and issue specific level is important. By his turn, Pierson asserts that gaps emerge in member state control over the evolution of European institutions and public policies. He claims that their policies are transformed by institutional and policy reforms, in unanticipated or undesired ways, pointing out to the partially autonomous actions of European institutions, the restricted time horizons of the political decision makers, unanticipated consequences, and finally shifts in the policy preferences of heads of government. There is also sociological neo-institutionalism (Powell and DiMaggio, 1991) which emphasises the role of ideas, norms, symbols and values.

J. Peterson (1995) conceptualises policy networks, as a tool for analysing European policy making, concluding that what he terms as “meso level” is an important determinant of outcomes in the policy of the EU. The type of decision which is depicted as important is policy-shaping and the dominant actors are the Commission, the committees and Council groups. Recently, negotiation-network approach (Pfetsch, 1998, Lodge, 1998) has developed which emphasises the role of
negotiation in the formation and operation of networks and its importance for the developments in the EU.

The new governance theorists, in general, speak of a system of governance which is multi-level, non hierarchical, deliberative and apolitical, through a complex web of networks. The complexity and unpredictability of the environment renders institutional and structural actors more influential than rational calculations, contributing to the creation of a sui generis phenomenon. Nevertheless, according to a counter argument, when stable and familiar institutional patterns establish, politics could be considered as normal, and then familiar analytical tools could apply (Hix, 1998: 54-5). In any case, multi-level governance is “an attempt to depict complexity as the principle feature of the EU” (Rosamond, 2000:111).

Despite these useful approaches and many others, it is impossible to depict a unique approach, theory or set of theories to enable theorists to fully provide adequate insights in the developments in the Union. For example, J. Richardson claims there cannot be a grand theory, to explain policy making in the EU. Where the epistemic communities approach can be helpful in the analysis of agenda setting, the policy community/ network is more helpful with policy formulation, and while institutional analysis helps understanding policy decision, inter-organizational behaviour and implementation analysis is more adequate for policy implementation. And even then, cross sectoral variations in EU policy styles make reality much more messier (Richardon, 1996a).

VI

Where could Luhmannian reasoning stand in this debate? Before explaining how the evolution of the theory corresponds to Luhmann’s postulations, I will point out the references of integration theorists to him. The new governance agenda favours an institutionalist/ reflexivist line of reasoning instead of rational choice one (Hix, 1998: 46), and can feel comfortable, up to a point, with general systems theory, due to her reflectivist character. The latter would, by its turn, feel comfortable with the preoccupation of this agenda with the complexity of European integration and the emphasis that is given to the notion of contingency. Luhmannian theory stresses exactly the efforts of the system to reduce complexity, under the pressure of contingency, in order to deal with its even more complex environment and can understand the tendency, in recent European integration theory, to distinguish between different policies and their necessary instruments, stemming from the appropriate sub- system. Indeed, regulation is implemented through legal instruments, and is distinguished by subsidization and its economic instruments. Both are distinguished from political rhetoric and its communicative instruments (Brans and Rossbach, 1997: 434-5).
According to Luhmann’s notion of temporality, a system has to face problems of temporal autonomy, requiring its own solutions. The present comes “under pressure”, having to function as a link between the past and the future. The system’s own time differentiation, emerges from a selective mix of future and past events (Luhmann, 1995a:185-186). This concept is depicted by M. Ekengren (1997:80) who finds that “the informant’s time sovereignty” is eroded strongly by the emerging European governance. The agents in decision making and policy making are victims of urgency, strong time pressures and the emergence of the “European system’s” own time.

An interesting use of systems theory is found in Bankowski and Christodoulidis (1998). They use systems theory’s notion of “structural coupling” in order to describe the linkage between the systems which influence each other in a blind way. This means that the systems, within the Union’s level, communicate with each other, by misunderstanding each other. Bear into mind that misunderstanding is still a form of understanding. While communication takes place, the concept of Europe is still perceived and observed by each system, according to its own code. The rationalities differ with each other. This difference is the cause for the “essential” contestability of the concept of Europe. That reminds us of J. Richardson (1996b:283) who, speaking about the implementation of EU policies, once referred to a “dialogue of the deaf”, which seems not to be uncommon in the EU. It seems that the deaf, or blind according to Luhmann’s vocabulary, do not have a dialogue only in the implementation processes but also in general (cf. Puchala, 1972).

From the authors’ reflexive point of view, the European identity’s construction is a reflexive task and as such it cannot be fully understood by the rationality of a single system. The Union remains a multiple Europe which hosts “mutually undercutting and mutually denying identities”(p.354). I.J. Sand (1997a, 1997b), like them, also points out that the different functions of communications communicate about the same item, Europe in our case, but without being able to do so in a coherent way, lacking common rationalities or notions of meaning. The careful reader would notice that she speaks of communication of communications (of agents) and not of communication of agents (cf. Luhmann, 1996:261). This inability is precisely the reason why loops and gaps occur in the institutional patterns. New forms of public right emerge, like expert and knowledge based systems.

Sand refers to the different forms of knowledge of the same phenomena by different sciences, drawing from Luhmannian reasoning (Luhmann, 1993b:III, Sand, 1998: 276). She conceives the EU as a new form of governance in which the institutions are mutually interdependent, reflexive, destabilised and competing. Like Bankowski and Christodoulidis, she attributes importance in the different communicative actions of systems, with different communicative rationalities (p.278), and she finds the combination of the subsystems, in the
European level, productive, albeit without “smooth and coherent processes of communication” (p.279). The interaction between the different social and communicative functions and their rationalities is seen by her as a differentiated process of governance. It is not always a unified form of communication (p.280). Four levels constitute the multi-level governance. These are a variation of legal competencies of the European institutions and the member states, the combination of the relative autonomy and mutual interdependence in the relations between them, the uses of different communicative actions in the national and the international level, and the multiplicity of trajectories in the decision and policy making processes (p.283).

M. Jachtenfuchs (1997) also speaks of “reflexive governance” or “self governance”. He points out that a common conclusion is drawn both by critical discourse theory and social systems theory (Habermas, 1992, Wilke, 1992). Although the first insists that the unity of society can be retained, while the second declares it a lost case, they both agree that hierarchy should be or is replaced by decentralized co-ordination, as the fundamental principle of governance (p.45). He also asserts that the major issue of the theory of European governance is not the overtake of the nation state, by European integration, but the effects of globalization on nation states which could lead to changes of familiar fundamental principles and concepts of political organization (p.49-50). Indeed, European integration theory cannot be isolated from the evolution of the inquiry of social sciences. The integration of globalisation theory with the former can contribute to the avoidance of the “traps of teleology and agent-centrism” (Rosamond, 1995: 404). Further research could be enhanced in this line of reasoning, as long as one realises the possible traps of this integration as well.

Drawing from both Luhmann (1995a) and Willke (1983), Jachtenfuchs claims that the state is demystified, due to both external factors (globalisation) and internal ones (functional differentiation of society). This demystification is the central issue of state theory, today. Nevertheless, the idea of governance beyond the state should not be confused with the idea of governance above the state (p.41). The state need not be replaced by a supra state and, to be fair, it may be not replaced by something “better”. In any case, losing or not having formal authority is different from lacking the actual capacity to act and to satisfy individual political preferences (Kohler-Koch, 1996a). As Hooghe and Marks point out (1997:38) multilevel governance does not mean that “states are on the verge of political extinction”.

Albert (1999:82) too presents as the crucial matter not the decay of the state but its reformation. He also sees in the development of metaphors, such as variable geometry or concentric circles and their substituting over “the United States of Europe”, the decay of the territorial logic of integration and its vocabulary. Concluding and in general, he advances, contrary to strict Luhmannian thought, not vertical integration, but keeping the multiplicity of societal parts in
transborder context. Debordering should not mean a simple disappearance of borderlines, which is not simple after all, but their evolution so as to permit the development of “communal society” and individual responsibility is a key word in this task (p. 92-3).

This interesting common use of Luhmannian and Habermassian reasoning is observed in the case of cultural neo institutionalism of Jachtenfuchs et al. (1998). Departing from both theories’ basic notion of conflicting structures of meaning (theories within the political system, discursive universes) they identify the mechanism of legitimation, which provides meaning to labels and visions of the future Euro-polity. Legitimation is the process through which specific constructions of the legitimacy of a political system are reproduced, ascribing purpose and meaning, through normative orders or else polity-ideas (pp.411-413). They identify four: intergovernmental cooperation, federal state, economic community and network. They, then, compare the acceptance of these models, as labels and ‘heuristic models’, through the dimension of time, party ideology and state context.

Full analysis of their conclusions is not possible, at this point, however, they emphasize that a simple pro/contra dichotomy is inadequate to explain the developments in the EU, advancing an analysis based on a limited number of complex models (p. 433). Although the majority of European integration scholars would agree with that, or at least with the first part of it, I think it is difficult for a politician to present this briefly (let us say in five minutes, and in election campaign around half a minute), meaningfully, coherently and plainly to the public. It is equally difficult for an academic to do the same thing in the case of the politician (probably the time raises to ten minutes), and the business man, and the lawyer, and another scientist, and again the public. Faithful to a typical Luhmannian reasoning, for the time being, I would have doubts to just feel comfortable with the fact that what is needed is only more time, better education, more patience, and simpler transmission of information. The authors assert “we have to deal with deep-seated convictions about the proper political organization of Europe. The different polity-ideas represent fundamental and persistent cleavages among the actors that are engaged in polity-building” (p.434). The normative criteria, for assessing the EU, will remain “extremely” divergent, while it is doubtful whether a problem solving model, stressing offering compensation, is going to be enough and has not been rendered obsolete (pp.434-5).

At this point, I would like to draw my attention to the notion of meaning. If we accept Luhmann’s contention that meaning is a way to experience and to handle enforced selectivity (Luhmann, 1990a:ch.3), what are the consequences of this for the EU? Enforced selectivity means that every operation is a selection and, under this unavoidable condition, meaning becomes “a new and powerful form of coping with complexity”(p.84). Such an approach cannot, unfortunately, help
us deduce either structures or essential variables. For Luhmannian thought the importance of an approach like cultural institutionalism and every other approach cannot lie in such a task, but rather in the taking account of enforced selectivity.

Finally, I would like to bring to the fore an interesting use of Luhmann’s theory by Neunreither (1998), who postulates that the EU could be characterised as a highly complex negotiation system, which can be defined as ‘governance without opposition’. This is a system in which a political opposition, as known in national parliaments, does not exist, as there is no governance, in which an alternative truth is presented, other than the ‘official’ one. He, for this reason, criticizes the theory of regulatory agencies (Majone, 1994), drawing on Luhmann’s binary rationality of the political system of government and opposition (Luhmann, 1989). He points out, however, that a perception of total opposition would not be helpful, because in that case it would undermine the possibility of cooperation (p. 425).

VII

As shown above, there is a mix up of mediums of communications, gradually overlapping territorial boundaries. An important distinction needs to be made between a medium of communication and concerns or interests. The politician is of course interested in law and money, and not only about getting elected. The judge is preoccupied with the political consequences of his/her decisions, the businessman cares about the outcome of the elections, and these cares take place in both national and supranational levels. The significant fact is that, not matter the personal preoccupations, considerations and influences exercised upon, of a judge, a business man, a scientist, a politician, a bureaucrat, and a priest, the law, in all levels, is communicated through the terms of legal and illegal. Politics is still working, nationally, in government/opposition terms, while in the EU case possibly it could be more plausible to speak of rulers/ruled. Everybody cares about money, but the point is that communications through the medium of money are still characterized by their own rationality, which nevertheless had and have to ‘confront’ other rationalities. The other rationalities could not be absent. That is the case with law, for example. We cannot forget “[t]he terrifying vision of autopoiesis” which “is of a system, itself a product of legislation, inevitably perverting or distorting all subsequent legislative endeavours”(Entwistle 1999: 383).

I claim that the development of the European integration theory, especially in the last decades, is exactly linked to this fact. All the rationalities existed in 1952, and they continue existing and being communicated. Complexity results mainly by the fact that an issue, for which a decision is to be made, is a political issue and embedded in particular legal settings, with particular preferences and benefits attached to it (Kohler-Koch, 1996b: 367). Not all of those rationalities were felt as important by practitioners, theorists and peoples at the same time. But they still existed,
despite the fact that the awareness of their existence and their study took time to advance. Why this happened in the case of Europe and the details is exactly what is researched by comparative politics and whatever new emerging agendas, different from classical explanations. Contingency substitutes natural definitions and descriptions. The need of actors, in general, and theorists to reduce complexity, by making selections, still exists.

General systems theory cannot probably offer an actual, detailed account of what is happening in each functional sub-system, in the case of the EU. Specific policy choices cannot be adequately analysed by it, due to its macro-perspective nature (Scharpf, 1997:12). However, the theory has something to say over the fact that the ways of seeing the EU have changed. What is to be seen is many “inevitable” contradictions and simplifications over the images of the Union and the ways people choose to see the Union. What is depicted as the problems and contradictions of one’s sight is the victory of the others. So many diverse things to emphasize, so many complex interconnections, and a messy situation, where differentiated mentalities of functional nature, and not just a cultural or a group one (e.g. inter-national), render communication impossible, that is messy. The paradoxes that exist have to be handled through new insights or through “new bottles for new wines” (Matlary, 1997).

Talking about federalism as well as bargaining was not enough. Then, people had to talk about policy analysis and now other people, as we have already seen, choose to feel comfortable with, or at least propose as a possible perspective (Schmitter, 1996), the emergence of something that is rather so different from anything tried before, that is something rather unique. For many people “[T]he EU needs to be demystified” (Weatherill, 1999:40). What we see is continuous attempts and calls to demystify concepts and images, with other myths that make people feel more comfortable with, than before.

By referring to the concept of deparadoxization of European integration theory, I am emphasizing the result of the need to reduce complexity, to handle it, through making selections. Blind spots of theory or approach A are detected by B. But B cannot see its blinds spots. C can see A’s and B’s but not its own. C points out that there is a messy situation in which A and B and C have to confront. Seeing and emphasizing what A and B can’t, C proposes his/her own solutions to handle the messiness. But then, because C cannot see what he/she cannot see, even C’s proposals will not be enough, but it may be the case that C will get the support of emerging C1 and C2 and C3, and they can develop powerful insights, eventually providing chances to a D producing its own insights, within the same system, as all of them. To put it (very) crudely, comparative politics is C, new governance is C1.
As far as Luhmann’s theory is concerned, the system of the EU is not composed of the subsystems of politics, economics, law etc. Society is composed of those. Yet, the EU can be seen as an autopoietic, self-referential system. It can be seen as a system. It has an environment. It has elements and relations. There is a huge number of elements. The millions of citizens of its members, the tens of thousand of bureaucrats, the thousands of interest groups, the possibly soon, dozens of member states constitute evidence of the huge number of elements, which result in a dramatically huge number of relationships. According to complex systems theory, knowledge of the whole system by certain elements is impossible. Only local information is available to all elements, even experts. Selections of what has to be acknowledged as important are unavoidable. General systems theory would agree with this assumption but it would go even further. It would point out to the self-referentiality of the system which is a pile up of communications. Transaction theory is not enough. As Luhmann (1995a:149-50) claims, in general, it has to be combined with media theory. The latter is better, than exchange and conflict theory, in interpreting transactions, in such a way that value differences are handled and compliance and rejection are dealt with. Nevertheless, behavior contrary to the code, as well as communication which misses the goal of steering behavior, cannot be explained adequately.

The EU as such a system has an environment and has boundaries with it. But, then, it is not a case of a boundary of insiders Vs outsiders, in terms of membership, a boundary which can be geopolitical, institutional/legal, transactional, and cultural (Smith 1996), to put it dialectically, it is not only that. The EU has developed its own internal logic. I do not mean the elements, I do not mean the people, I do not mean the agents. To be sure, certainly, analysis of their behaviour is essential. However, I am emphasizing the importance of the general conditions, under which these agents act. New “magic words” have to be introduced in order not only to understand better what is happening but mainly to make the system feel comfortable with itself and its evolution.

I claim that the development of European integration theory corresponds to the need of finding of such magic words. It cannot be rationality, although the rhetoric is enriched by such a appealing word. It cannot be this word because it cannot be outvote anxiety. As I said above, you cannot say to someone who is afraid or feels anxious that she is irrational. To be sure, you can, but there is a ‘threshold’, after which even rationality looses appeal. A novel terminology has been introduced to handle the situation. As a prominent scholar puts it “our language for talking about politics-especially stable, iterative, “normal” politics- would have to change considerably…What if something qualitatively different were evolving that would blur the distinction between “high” and “law” politics and eventually produce a new form of multi-layered governance without clear lines of
demarcated jurisdiction and identity? How could we identify these emergent properties, and what would we call them?” (Schmitter, 1998:220-1, cf. Diez, 1999).

An anti/pro European distinction has been present in the debate over the developments in the Union. Another debate which seems more plausible is whether one is to submit to the belief that the states more or less have control over what is happening or to emphasize the importance of the creation of gaps in state control. What I have sought to emphasize is another thing, the contention that, even in that debate, “[t]he dialogue between the two camps is essentially one of the deaf” (Jordan, 1997:50, cf. Pollack, 1996:429). Nevertheless it is a productive one. The transformation of governance that takes place in Europe is not so much about the shift of power relations between the national and the supranational level or a sub-national one, but even more about the changes in the understanding of what governance is all about, and changes of governing. As Kohler-Koch puts it (1996b:375) “networks resist central guidance and governing in networks is part of the transformation of governance”.

I see the development of comparative politics and mainly new governance as the ones more eager to find new ‘magic’ words and concepts and those of efficiency or transparency or decentralization have been terms that some people tend to feel comfortable with. Even to the degree that international theory remains relevant, in the case of European integration-in other cases the debate is not so easily resolved- this is considered to happen mainly because of the recent reflections and newest conceptualizations in international relations, and not so much because of the ongoing validity of the traditional problematique of the field (Rosamond, 2000:19, 185).

To be sure, there is always the question what is the relationship of this new language to politics and politicians. Can they present it as something they produced or conceived? How easy is to convince a political system that it is not a state? (Luhmann, 1990b:153-4). Moreover, it could be regarded that "society" is in reality society within the nation state despite Luhmann’s writings on world society. Luhmann (1997) explicitly did not deny the importance of regional particularities, but is one of the many to point out that the latter should not be treated as independent variables. Finally, it can still be argued that institutional networks may be favored by states, like in the case of Germany, providing legitimation to its power and influence (Hall and Paul, 1999: 401). The element of territorial politics cannot be downplayed (Sbragia, 1992). Ironically enough, this downplay has been performed by federalists themselves (p. 278), leading to their disappointment. Let us not commit the same mistake.

VIII

Summarizing, different rationalities have been present, in the case of European integration. New rationalities can emerge, but even then, they will not replace the old ones, yet they will take a
place with them. I am not suggesting that the new governance agenda implies the replacement of old systems with new ones. I just want to emphasize the importance of functional differentiation. I have claimed that its impacts are visible in the developments of the EU and, not surprisingly, the theory as well. Admittedly, I did not provide an account of how exactly it affects governance and I took it more or less as granted. My main purpose was to speak of the theory that has found itself in a quite messy and complex situation having to select important elements and meanings and leaving others relatively aside, attempting to confront the paradoxes of communicating and observing, without desiring to admit doing so. As Luhmann (1990a:17) puts it “our society offers the choice to trust religion or to work off our own paradoxes without becoming aware that this is religion”.

European integration theory has done an excellent job in enabling us analyse what and why is happening in the Union. International relations, comparative politics, “governance without government” (Rosenau, Czempiel, 1992) politics have enabled us to learn a lot about the EU. Many times, the integration process has been understood as a distinction: nationalism Vs Europeanism, supranationalism vs intergovernmentalism, international relations Vs comparative politics, normal politics Vs abnormal politics, rationalism Vs constructivism, statehood Vs beyond statehood and if we agree in favour of the second case then we “fight” whether it is below or above, and if we agree that it is below we “fight” whether it is mainly a political participatory process or a fundamentally economical one and if and if…Of course it is everyone’s hope that the presence of those distinctions and often stark debates concerning them does not renders us-theorists and people-unable to realise how fragile the situation is.

All sides engage in a dialogue with each other, or at least an illusion of dialogue which could declare a “winner”. This development would be quite productive. Of course, this wouldn’t not be the end of the story. Who ever the “winner” is, she usually has to confront other challenges and deal with her own paradoxes. There is a lot more to be found or something else to be constructed, yet this shouldn’t be at the expense of what has already be said or done and should not be without further elaboration of concepts. Despite the good intentions of all sides, it would be disastrous if one side declares unilaterally cooperation for itself, leaving to the others the stigma of irrelevance or anti cooperation. The unintended consequences of this would be disastrous not for epistemology, but for European democracy.

It is interesting to see how the discourse and the agendas of European integration theory will be formulated, after the end of the new inter-governmental conference. Probably, the degree of its success in reaching agreements of significant changes might contribute to the further elaboration of what is the Union, after all, and what is happening. There may a substantial amount of what we will have to say, the way we do it may be a complex one, but at least matters may be somehow clearer.
Someone could argue that an “overwhelming” failure or an “overwhelming” success will make it easier to attribute the labels of “right” and “wrong” to theories, whatever such an attribution means. That would mean that the concept of Europe would not be contested, because, in a way, one vision would be clearly “dominant” (federation, post modern state, regime, group of nation states or whatever). Yet, accusations of one missing blind spots would still be heard. A “middle” scenario would be the “worst” of them all because it would mean that every approach would claim “victory” and the contestability of the concept of Europe would continue. But then again, the middle scenario cannot be repeated many times, because a threshold of disappointment would be passed. Can there be another “middle” Maastricht and especially Amsterdam?

I cannot help not referring to the words of a prominent scholar of European integration: “it is always prudent to remember that the world contains more complexity than any single theory can encompass” (Moravcsik 1999: 672). That is the problem. Handling with complexity enforces the need for selection. Selection is never perfect. So, there is always something rotten everywhere, let us say, for the argument’s shake, in the kingdom of Denmark. There is nor a kingdom neither a republic, in which there is nothing rotten, including the republic of Bielefeld, for all it matters. There is always something rotten in all kingdoms and in all republics, as well as markets, regimes, and networks. Is the primary concern of the emerging system (de)regulating the market or to deal with politics? The EU cannot be neither apolitical nor non economical. I repeat, it cannot be something in which there is nothing rotten.

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