System Theory in the Study of Legal Development
Some comments on the contribution of Niklas Luhmann

Maria Wallenberg Bondesson

This article has its origin in an ongoing study of the long-term development of laws and legal codes with a social systems perspective. This study is, in turn, a part of a larger study of long-term cultural development in general, where law has turned out to be both a suitable – and hitherto neglected – topic (Jarrick & Wallenberg Bondesson 2011).

Here, I will first briefly present my topic of research and the role of a social systems perspective in a study of this kind. This will be followed by a short discussion of systems theory in general, especially concerning the question of open and closed systems. This will then lead to the main part of the article, where I discuss one particular systems perspective on law and legal development: that of German sociologist Niklas Luhmann, whose work is relevant and interesting for several reasons. Other systems theorists have dealt with the subject of law, but Luhmann’s writings on law are especially extensive and in-depth. His writings on law are also a part of a general theory of society, making them even more interesting in this context. Finally, several of the topics which were central to the workshop that inspired the present volume, like the questions of individual initiatives, the relationship between structure and agency, such things as inertia and triggering as well as the potential for generalizations and predictions of human behaviour and historical development, were also central to Luhmann’s theories.

My presentation and evaluation of Luhmann’s theories here is primarily based on Law as a Social System (2004, in original Das Recht der Gesellschaft, published in 1993). This is Luhmann’s last monograph
on law (he died in 1998), and his theories of law should be considered to be most developed here. Specifically concerning the issue of legal evolution, I have, however, also considered *A Sociological Theory of Law* (Luhmann 1985), since it is somewhat more detailed on this than the later text. However, limitations on space prevent a full account of the development of Luhmann’s theories over time: the main concern of this article is the author’s later, synthetic writings on law.

**Long-term development in law – a neglected topic**

Humans have, throughout history, developed a wide range of societal institutions. Within the legal sphere, we have courts, laws and jurisprudence. Of these legal institutions, it is laws which can be followed furthest back in time – documentation of court proceedings and the reasoning of legal scholars are generally more recent than the first extant law codes. More precisely, written law has existed for at least 4000 years. The oldest legal codes extant are the Sumerian legal codes of *Ur Namma* and *Lipit Ishtar*, which date from the period around 2000 BC. These are, however, only preserved in fragments. The *Code of Hammurabi*,

![Fig. 1. Upper part of the famous diorite stele with the text of the code of Hammurabi. It was taken as war booty by the king of Elam in the twelfth century BC, and was found in the Elamite capital of Susa at the beginning of the twentieth century. It is now kept in the Louvre. Image from Wikipedia Commons.](image-url)
from about 1760 BC, is the first code which has been more completely preserved (Fig. 1). These codes have been translated into English by Martha T. Roth (1997). The laws of Ur Namma and Lipit Ishtar were the prelude to a series of extensive legislative developments in the Near East. In addition to Hammurabi’s code, they were to be followed by the Laws of Eshunna (which are usually dated to about 1770 BC), the Hittite Laws (from about 1650-1500 BC), the Neobabylonian Laws (of ca 700 BC), and – of course – by Biblical and Islamic law (for English translations and datings of the Babylonian and Hittite codes, see Roth 1997). Other regions that have had continuous periods of legislative activity are, for instance, China and, in Europe, France (Fig. 2).

Fig. 2. A page from a manuscript of an eighth-century copy of the Salic law. The first written version of the Salic law is normally dated to about AD 500. Later, the legislation of the subsequent Merovingian and Carolingian kings (the so called ‘capitularies’) was added to these original laws. This code, and the capitularies following it, is one series of codes which is analyzed in the legal codes project at the Centre for the Study of Cultural Evolution. Image from Wikipedia Commons.
Concerning China, the first completely preserved code of law is the *Tang Code*, i.e. the code of the Tang dynasty of c. AD 618–907, which can be dated to either AD 653 or AD 737 (Johnson 1979, 1997; Head & Wang 2005:105-36). Prior to this, both the Chin and the Han dynasties (221 BC – AD 220), and many of the following dynasties, had produced legal codes, although none has been preserved in full. The *Tang Code* was, among others, to be followed by the codes of the Song, Yuan, Ming and Ching dynasties, of the tenth-, thirteenth-, fourteenth- and seventeenth centuries respectively (Head & Wang 2005).

![Fig. 3. Extract from the Early Westrogothic law (Äldre Västgötalagen). This Swedish medieval provincial code was put in writing in the thirteenth century. Such codes were replaced by the national legislation of King Magnus Eriksson in the middle of the fourteenth century. The Swedish king, Christoffer of Bavaria, also produced a national code in the fifteenth century. Finally, all medieval codes were replaced by the Swedish National Code of 1734, which, although it has been changed substantially, is still in force in Sweden. Image after Beckman 1924.](image-url)
System Theory in the Study of Legal Development

Such codes – or, more correctly, such *series of codes* – give us a unique opportunity to study the long-term development of a human institution and to discuss the mechanisms behind this development. This is, however, an opportunity which has not yet been used to any great extent – comparative, cross-cultural studies of the long-term development of legislation are still rare. In the legal codes project at the *Centre for the Study of Cultural Evolution* (Stockholm University), we use such series of codes to analyze the variations over time and between cultures of such things as: 1) the types of human actions regulated in legal codes; 2) the punishments or other consequences prescribed by such codes; 3) the prevalence of such principles as equality or inequality before the law; 4) the principles of sanction (such as retaliation or reformation); and, 5) the overall form of law, i.e. is law centred on obligations or rights, is it casuistic or systematic etc.? As part of this study, we have created databases with information on these issues, some of which allow statistical analyses. As far as we are aware, this specific type of large-scale data collection relating to legal sources has never before been attempted. However, this area of study suffers not only from a lack of empirical data. Another consequence of the lack of long-term studies of legal development is that theoretical discussion on these matters has been neglected.

*Systems theory in the study of legal development*

A primary observation in the study of long-term legal development is that a very large number of factors are involved in the processes of creation and change of written law. Legislation is, it seems, involved in a constant interaction with other sectors of society (politics, religion, economy etc). Specifically the connections between law and politics are often stressed (see, for instance, theories on the forms of punishment prevalent in different types of states, in Spitzer 1975, 1979). However, at the same time as we are talking about how the legal system interacts with the environment, it must also be recognized that there are obstacles involved here, too. Norms and other phenomena which have originated in other sectors of society do not just flow – unproblematically – into the legal sector. How can all these aspects be considered at the same time? How can this be analyzed without the risk of losing important aspects of the development?
Adopting a systems perspective might be a solution to this problem. All of this could reasonably be incorporated into a systems perspective: we talk about boundaries of different systems and/or sub-systems, as well as interactions (or the like) between these (Fig. 4). However, there are, of course, many takes on what a systems perspective could – or should – imply. Systems theory, in general, has been developed by, among many others, Kenneth D. Bailey, Ludwig von Bertalanffy, Shmuel Eisenstadt, Talcott Parsons and Colin Renfrew (see, for instance, Parsons 1951; Renfrew 1972, 1984; Bailey 1994). A significantly smaller number of scholars have considered what a systems perspective would imply in the case of law (but see Parsons 1964; Friedman 1975; and on Max Weber: Rheinstein 1966). However, as already mentioned, Niklas Luhmann’s writings on this issue stand out in many ways. Anyone interested in a systems perspective on law must at least consider his theories.

The concepts of open and closed systems have been central to systems theory since early in its history. Early systems theorist Ludwig von Bertalanffy did, for instance, discuss open and closed systems in a very basic sense (for instance Bertalanffy 1975 [1955/1956]). Some earlier systems theorists predominantly stressed the openness of systems
and sub-systems (see also Teubner 1993:13; Luhmann 2004:79). In his famous study on cultural development in the Cyclades and the Aegean in the third millennium BC Colin Renfrew does, for instance, emphasize the processes of positive and negative feedback between systems as well as what he calls the ‘multiplier effect’ (Renfrew 1972). Lawrence M. Friedman also speaks about the in– and output of law and stresses that ‘[t]he legal system is not insulated or isolated; it depends absolutely on inputs from outside’ (Friedman 1975:15). However, he also acknowledges some more ‘closed’ aspects of law in general, as well as the potential differences concerning this between cultures and times. Thus, he discerns four types of legal system, on the basis of whether innovation is accepted or not, and whether ‘the canon of legal propositions’ – or of legal reasoning – is open or closed. One of these types of law is customary law, where ‘the canons of reasoning’ is open, but innovation is basically denied (Friedman 1975:237-47).

However, although Friedman offers interesting insights into the functioning of the legal system, he is unfortunately sometimes too vague or imprecise in his use of concepts. In the context of the discussion referred above, on legal reasoning, he does for instance state that ‘[a]ny system which does not draw this line, which has no distinction between “legal” and other propositions, is an open system’ (Friedman 1975:237, cf. 245-6). Here, it seems to me, the issues of whether a system is open or closed, and the issue of what constitutes a system in the first place, has been confused. In other words, with this description Friedman is in danger of making the legal system so open that it can be questioned if it constitutes a separate system at all. Or, at least, more information would be needed on Friedman’s understanding of the concepts he uses here.

The perspective of Niklas Luhmann – normative closure, cognitive openness

Luhmann’s take on this issue, is that systems are both open and closed: they are operationally closed, but cognitively open. I will soon (try to) describe what he means by this, as well as describe some other central parts of his theory of law as a social system. First, however, it is necessary to stress that Luhmann’s main topic is modern society. But he has also discussed the processes leading up to what he calls ‘the functional differentiation’ of modern society (for instance Luhmann 2004:165,
Matters of Scale

As Richard Nobles and David Schiff put it in their introduction to the English translation of Das Recht der Gesellschaft (original edition 1993):

Luhmann does not present a new history of law, but seeks to evaluate law’s history using evolutionary theory. In so doing, he also wishes to show the connections between law’s history, as analysed as through evolutionary theory, and the legal system as an operationally closed system, reproducing itself through its own elements. This requires him to show how law has evolved into a closed system, and the contribution which law, as a closed system, has made to its own evolution (Nobles & Schiff 2004:24).

Thus, there are grounds to discuss Luhmann’s theories also in a context where processes are in focus. Lack of space prevents any fuller description/presentation of his perspective – or that of other systems theorists – here. What will be offered is only a condensed presentation of some aspects of his theories, followed by some reflections on these, from my specific perspective.

How, then, does Luhmann describe the workings of systems and the processes of creation of autonomous sub-systems in society? To begin with, Luhmann’s systems are systems of communications (and thus not of actions or human interaction – more on this below). Human beings are generally conspicuously absent in his theories, but I will disregard this for the time being. Communication, furthermore, has a very specific meaning in Luhmann’s work – not everything which we would call ‘communication’ qualifies as communication in his sense. Thus he distinguishes the communications of the subsystems from more general and informal social interaction. What he is interested in is primarily the former: the types of communications which are the means of creating and maintaining the different sub-systems of society (see for instance Lee 2000:320-5; Luhmann 2004:73, 89; Nobles & Schiff 2004:6-9; King & Thornhill 2005:7-8, 11-2).

Luhmann envisions modern society as consisting of complex sub-systems, which have differentiated themselves as a response to increased complexity in society in general. Aside from law, other such subsystems are politics, religion, art, science etc. (see Luhmann 2004:88, 94, 155, 364, 368, 370; Nobles & Schiff 2004:37-40; King & Thornhill 2005:17-8). After differentiation such sub-systems maintain themselves
as autopoietic (self-distinguishing/self-creating and self-reproducing) systems. All such systems have in common that they themselves decide what belongs to them and operates by way of a binary coding (containing a positive and a negative value) and conditional programmes, which gives structure to the coding (Luhmann 2004:76-141, 173-210; Nobles & Schiff 2004:17-21). Specific for these systems are, however, their function and their specific forms of closure, binary coding and programmes (for instance Nobles & Schiff 2004:9, 39). Concerning the former, Luhmann claims that the function of law is to ‘bring about certainty of expectation, especially in anticipation of unavoidable disappointment’ (Luhmann 2004:164). In other words, it is to stabilize normative expectations or ‘to maintain normative expectations in the face of disappointment’ (Nobles & Schiff 2004:9). All other things, which have been claimed as functions of law (by themselves or in different mixes), such as conflict resolution and behavioural control, are instead ‘possible performances of law’. Thus law might actually resolve conflicts etc., and other subsystems of society might rely on this, but this is not the essential, or overarching, function of the legal system (Luhmann 2004:167-72, 382 (quote p. 168); Nobles & Schiff 2004:13-7).

Luhmann terms the specific form of operational closure of the legal system ‘normative closure’. This basically means that legal norms are created, maintained and communicated internally (and only internally) through the binary coding specific to the legal system: legal/illegal (Luhmann 2004:93, 109), or, in other translations, lawful/unlawful or law/non-law (King & Thornhill 2005:23-5), and the programmes connected to this coding: the system observes its own coding, and in this process creates conditional programmes guiding future coding (Luhmann 2004:84-5, 109, 192-3; Nobles & Schiff 2004:17). Autopoietic systems (the legal system, the political system etc.) thus ‘owe their structures to the sequence of their operations and from there evolve in a direction of bifurcation and diversification’ (Luhmann 2004:85). Normative closure, however, works alongside the already mentioned cognitive openness of the system: the legal system perceives things in the form of the distinction of facts/norms. Norms, as already mentioned, only exist within the system, while everything from the outside (the communications of other systems, general social interaction etc.) can only be perceived as facts (Luhmann 2004:117-8, 120; Nobles &
There are, thus, two types of distinctions involved in the processes of the separation and creation of the legal system. As Luhmann puts it:

‘A communication is not unlawful, rather it is an impossible one, if it does not fit into the coding legal/illegal. The communication is simply not attributed to the legal system but is seen as a fact in its environment’ (Luhmann 2004:120).

According to its own needs, the legal system can then use these facts in its (internal) creation of norms/law. Or, as Nobles and Schiff put it: ‘Law does not respond to its entire environment. It responds only to that part of its environment that is selected by its norms’ (Nobles & Schiff 2004:10). It then interprets these facts only in its own terms – nothing else is possible, since the legal system has no understanding of the workings/coding processes of other systems (Luhmann 2004:90, 381; Nobles & Schiff 2004:37, 41; King & Thornhill 2005:10). Luhmann also describes another type of interaction (although he would not use the term) between systems/the legal system and their/its environment: structural coupling (as opposed to the operative couplings which occur inside the respective systems). These are described as features outside a system, which the system regularly – or structurally – relies on, such as ways of measuring time and money (Luhmann 2004:382). Such couplings occur through one system irritating another. As Daniel Lee puts it, in an interesting review of Luhmann’s later works:

One system may irritate another by observing a part of its activity and strategically interfering with its operations. Structural couplings emerge as a system struggles to find a way to cope with a recurring source of environmental irritation. An effective coupling communicates information about the environment in a self-referential manner’ (Lee 2000:328)

In this context, Luhmann (2004:80) also specifically stresses that he does not deny that there are causal links between different systems or that systems in many ways depend on each other: rather, he stresses that operational closure must be separated from causal closure.

**Luhmann on legal evolution**

The concept of structural coupling is very closely related to Luhmann’s discussions on the evolutionary development of law. Generally he speaks about evolution in Darwinian terms, as a process including variation,
selection and stabilization (Luhmann 2004:230-1, 243). One specific evolutionary development, then, is the differentiation of the legal system from the rest of society. To begin with, a crucial step in the historical process of the differentiation of the legal system is identified:

the unseating of the *ad hoc* and *ad hominem* arguments, which was achieved by one means or another. This prevented social structures outside the law – above all, of course, class-related status and familiar relationships, friendships, and patronage – from having an excessively direct influence on the administration of justice. More than anywhere else, the forms of permissible argumentation and their limitations, however formalistic and traditionalistic, reveal the differentiation of the legal system. [...] The specification of the way in which arguments refer to legal materials in the legal system is the true carrier of the evolution of the legal system and the breakthrough to an autonomous legal culture, which can then even be differentiated from morals, common sense, and the everyday use of words (Luhmann 2004:248).

Furthermore, Luhmann’s description of the relationship between law and politics – which is one of the structural effects of this differentiation – is interesting. He describes this relationship as ‘reciprocal and parasitical’:

The political system benefits from the difference between legal and illegal being coded and administered elsewhere, namely in the legal system. Conversely the legal system benefits from having peace, a clear differentiation of authority, and with it the enforceability of decisions, secured elsewhere, namely in the political system. In this context parasitical, then, merely means the possibility of growing out of an external difference (Luhmann 2004:371).

This process is described as involving both reduction and increase in complexity, and also both reduction and facilitation of the influence of different systems on each other. It is the combination of the binary coding, which substantially restricts/limits the possible responses to communication and the responses to facts from the environment, the programmes, which complements the coding and allows more flexibility, and the phenomena of structural coupling, which makes this the case (Luhmann 2004:88, 94, 219, 242, 267-8, 317; Nobles & Schiff 2004:7-8, 43). ‘[T]he selective but operative coupling and the recursive network of the autopoietic reproduction step in as the substitute for [...] a complete match between the system and its environment’ (Luhmann 2004:88).
Another example of Luhmann’s combination of systems theory with evolutionary theory is also relevant here: his description of the further development of law, after it has differentiated from society. In this context he describes law as a ‘historical machine’, meaning that ‘each autopoietic operation changes the system, changes the state of the machine, and so creates changed conditions for all further operation’ (Luhmann 2004:91). He also speaks about ‘the textual sediments’ of the legal system (Luhmann 2004:84). Thus, in one sense, the step-by-step development of law is emphasized. In another sense, however, he stresses that evolution not is to be considered ‘a gradual, continuous, seamless increase in complexity but a mode for structural change that is altogether compatible with erratic radical changes (‘catastrophes’) and with long periods of stagnation (‘stasis’)’ (Luhmann 2004:233; see also Nobles & Schiff 2004:28-9).

Reception and criticism

Luhmann’s theories and reasonings have had a mixed reception. Some scholars have been mainly positive. For instance, in a review of Luhmann’s Social Systems (1995), Stephan Fuchs terms him ‘the only true genius in the social sciences alive today’, and argues that his work ‘completely reinvents sociology and destroys its most cherished dogmas’ (Fuchs 1997:117). John Bednarz Jr. has also expressed appreciation for Luhmann’s use of the concept autopoiesis, and finds the way his theory accounts for both the open and closed aspects of systems promising (Bednarz 1987:443-4). Others have not been as unequivocally positive to Luhmann’s theoretical stance. Richard Münch, in a review of A Sociological Theory of Law (1985), finds Luhmann’s systems theory approach ‘full of detailed and surprising insights’, and comments on ‘Luhmann’s formidable ability to cast completely new light on old questions’ and to ‘[provoke] not only new answers but also new questions’ (Münch 1987:1221-2). However, Münch also expresses doubts concerning the scope of the theory. To begin with, he addresses the question of whether Luhmann’s approach implies a loss of information, compared to ‘traditional sociological approaches’ (which is an issue I will return to below). Secondly, he argues that Luhmann’s approach lacks the ability to account for ‘historical development’, as distinct from ‘the evolutionary upgrading of systems’ (Münch 1987:1223).
Law as an autopoietic system – some comments

In this, I think, Münch is completely right. Much of the criticism of Luhmann has centred on his disinterest in human beings in general (whether as individuals or as collectives) and his neglect of the concepts of human agency, initiative and intention in particular (Münch 1987: 223; Kögler 1997; King & Thornhill 2005:2, 4, 204). It is clear that individuals are almost completely absent in Luhmann’s descriptions of the social systems where most other sociologists etc. have found a place for them. Furthermore, even if he does address the problem of the individual’s place in society, it is clearly a peripheral issue to him. Luhmann defends his approach in basically the following way: the individual does not really belong to any of the differentiated, functioning systems in modern society. He is fragmented between so many systems that he can no longer be considered even to be a part of society: ‘The individual leaves the world in order to look at it. He does not belong to any [social system] in particular, but depends on their interdependence’ (Luhmann 1986:319, quoted from King & Thornhill 2005:6). He also questions the possibility of generalizing about human behaviour: ‘There are now approximately five billion psychological systems. It has to be asked which of these five billion is intended’ (Luhmann 1990:78, quoted from King & Thornhill 2005:6).

In this, I think Luhmann goes much too far. The reductionism of his theory is, for instance, very clearly visible in an elucidation of his views by Michael King and Chris Thornhill, which very closely follows Luhmann’s own way of writing: “The generalization of media of communication [...] become the nuclei for the development of subsystems. These subsystems together “solve the problem of double contingency through transmission of reduced complexity”’ (King & Thornhill 2005:17-8). In the same way Luhmann describes how a system ‘reacts only to its own internal states’, how law ‘musters’ the (mechanism of) a constitution, and discusses ‘how a system can develop its ability to be irritated, how it can realize that there is something wrong’ (Luhmann 2004:383, 407, 468). In all these quotes things happen without any reference to human beings. Here we have to ask – along with Richard Münch – if there are situations, phenomena or processes which really cannot be studied/understood with an approach like this? Or situations, phenomena or processes where Luhmann’s theoretical perspective would make us miss important insights? I think there are. His theory is highly abstract, but still seems to be less inclusive. In
my specific area of research, it seems, for instance, that his approach is unable to account for the processes of the systematization of law in a more complete way.

To be understood in a fuller way, the ‘problems’ Luhmann writes about (see above, on differentiation, and Luhmann 1985:126, 130; Luhmann 2004:384), must be seen as perceived by someone. That is, in no case can the phenomenon of systematization in law be separated from the human beings with intentions which are acting in the legal system. Of course, this does not mean that there are any straightforward paths between intentions and goals. For instance, those who want to increase the efficiency of the legal system might have a particular goal in mind, but this might not always be what actually happens or this might not be the only thing that happens, since the abilities of people to predict what will happen when they act in society are always (more or less) limited. But still, even if the factors involved are sometimes too many, and too intricately intertwined, to allow for a causal analysis, there are also times we can really determine a credible causal relationship in such situations, with the help of such concepts as needs, intentions, interests, power resources and the interaction of agency and structure. Thus, Luhmann’s approach seems to me to be a classical case of where too much old theory is discarded.

This brings me to a second problem with Luhmann’s works: his lack of temporal and geographical concretion and the deficiencies in his description of the process leading to functional differentiation. As already mentioned, he describes modern society as functionally differentiated, and one such differentiated sub-system is law. According to Luhmann, functional differentiation was preceded by segmentary differentiation, where society was built on families and tribes and where each such unit had to provide for all functions of society (see, for instance, Luhmann 1985:109-10). Segmentary differentiation was then followed by centre-periphery differentiation and by stratified societies, which finally gave way to functional differentiation. However, he is generally vague about when, more exactly, functional differentiation can be considered to have been completed or when and where in human history it has been more or less pronounced. He also speaks about degrees of this type of differentiation, of functional differentiation in incomplete stages (for instance Luhmann 1985:103-47; Luhmann 2004:160, 194, 230-273, esp. 247) without it becoming altogether clear how a society of such a type would work. Clues as to his interpretation
of this process and of the role of law in such societies are scattered through his works, but unfortunately, when viewed together, they provide a somewhat confusing picture.

Another question which must be posed concerning Luhmann’s theories is how much of his theoretical renewal is _substance_ and how much is _form_. In other words, is Luhmann always really saying something different, or is he only innovative or different in the way he says it? And if he is saying something different, are his theories logically consistent and can they really be maintained in closer contact with empirical research? Here it is specifically relevant to return to Luhmann’s concepts of communication and structural coupling. As already mentioned, he insists that no communication is possible between different subsystems of society or between the consciousness of human beings and subsystems. The interaction between systems, and between human consciousness and society and the subsystems of society, is instead labelled ‘structural coupling’ (as described above).

However, both Luhmann and some of the interpreters/advocates of his theories seem to have difficulties keeping up this distinction. Concerning the structural coupling between human consciousness and society, King and Thornhill describes this as ‘each remains separate and distinct with no _direct_ [my emphasis] communication between them being possible’ (King & Thornhill 2005:12). When different parts of Luhmann’s theories are placed side by side, his distinctions seem to be in danger of dissolving. It has to be questioned if the specific type of autonomy of systems which he insists upon, including the concepts of irritation and structural coupling and the concept of the creation/construction of both system and environment by the system itself (see above, also Lee 2000: 320; King & Thornhill 2005:20), really is logically consistent with such statements as ‘[t]he political system benefits from the difference between legal and illegal being coded and administered elsewhere’ (Luhmann 2004:371), that society ‘depends on the legal system in the event of a conflict’ (Luhmann 2004:169), or that constitutions may create ‘more possibilities for the political system to use the law for the implementation of politics’ (Luhmann 2004:404).

Thus, both from an operational and a logical point of view, there are problems associated with Luhmann’s approach. However, his work also has important merits. His analyses of single topics are very comprehensive and in-depth at the same time as aiming for synthesis.
This has allowed him to elucidate important problem areas within the area of systems theory – and in social theory in general. In fact, in his formulations of such problems as the relationship between system and environment and of the character of legal development, Luhmann can definitely be said to have taken the discussion within these areas a step further. But that does not mean that one has to accept Luhmann’s solutions to these problems.

References


Matters of Scale

