

DIFFERENTIATION AND DEDIFFERENTIATION: A LATIN AMERICAN APPROACH TO SYSTEMS THEORY

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ABSTRACT

This paper evaluates the use of the concept of dedifferentiation in Neves's and Mascareño's work. These authors assume that *Grundrechte's* findings can be integrated into Luhmann's autopoietic systems theory without any contradictions. However, this is not fully supported by Luhmann's texts. In Neves's work, dedifferentiation arises from corrupt practices and the distortion or breakdown of the separation of powers. In Mascareño's theory, stratificatory and reciprocity networks intervene in the operativity of functional systems, causing the disappointment of expectations. We suggest that theories based on the concept of dedifferentiation ignore the *Ebenendifferenzierung* and wrongly assign all of an organization's operations to a functional system. This omission leads the authors to conclude that interactional or organizational level phenomena result in functional systems undergoing dedifferentiation. According to Bora, dedifferentiation can be defined as a shift in the systemic reference during individual communication episodes.

KEYWORDS

Intervention; Ebenendifferenzierung; Grundrechte als Institution; Corruption; Allopoiesis.

DIFERENCIACIÓN Y DESDIFERENCIACIÓN: UN ABORDAJE LATINOAMERICANO DE LA TEORÍA DE SISTEMAS

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RESUMEN

Este artículo evalúa la utilización del concepto de dediferenciación en la obra de Neves y Mascareño. Estos autores parten del presupuesto de que se pueden interpolar las conclusiones de Grundrechte en la teoría de sistemas autopoieticos de Luhmann sin generar inconsistencias. Sin embargo, esta operación no puede ser justificada por los textos de Luhmann. En los trabajos de Neves, la dediferenciación aparece como la consecuencia de la corrupción y de la distorsión o del cese de la separación de poderes. En las teorizaciones de Mascareño, las redes estratificatorias y de reciprocidad intervienen en la operatividad de los sistemas funcionales causando la frustración de las expectativas. Nuestra hipótesis es que las teorías basadas en el concepto de dediferenciación pasan por alto la diferenciación por niveles (Ebenendifferenzierung) y atribuyen a un sistema funcional todas las operaciones producidas por una organización. Esta omisión lleva a estos autores a pensar que los fenómenos que ocurren en el nivel interaccional u organizacional tienen consecuencias dediferenciadoras para los sistemas funcionales. Siguiendo a Bora, se puede entender por dediferenciación el cambio en la referencia sistémica en episodios comunicativos individuales.

PALABRAS CLAVE

Intervención; Diferenciación por niveles; Derechos fundamentales como institución; Corrupción; Allopoiesis.

INTRODUCTION

In recent decades, the concept of dedifferentiation has gained popularity through Scott Lash's work on postmodernity. Lash argued that modernization involved a process of differentiation, while postmodernization entailed a process of cultural dedifferentiation (1990: IX). Other scholars, such as Urry (2002) and Rojek (1993), have expanded this research program to incorporate research into tourism. In systems theory, Parsons introduced the concept of dedifferentiation within the contexts of socialization (Parsons and Platt 1973), and of macro-social processes (1975; 1978). He depicts dedifferentiation as being linked to regression and anomie, but the terms are not interchangeable. In the ethnic realm, Parsons states that a typical feature of modern society is pluralization, 'by virtue of which the typical individual plays multiple roles, no one of which can adequately characterize his identification as a "social" personality'. (1975: 69) Dedifferentiation here involves using specific criteria as identifying symbols for who a person is. However, it is Luhmann's PhD thesis *Grundrechte als Institution* which served as the main source for Latin American systems theorists who employed the concept of dedifferentiation. In the last few decades, the concept of dedifferentiation has become the centerpiece of some Latin American scholars' attempts to develop a systemic theory that can explain the societal peculiarities of their region. This research program focused on theoretical reflection¹. The two main representatives are Marcelo Neves and Aldo Mascareño, whose respective theories propose different perspectives on the regional order. It is also worth noting that other Latin American scholars have not found it necessary to develop a distinct theoretical framework within systems theory for examining social phenomena in their region, and have avoided using dedifferentiation. This paper aims to assess the employment of the dedifferentiation concept in the work of Neves and Mascareño, as theirs are the most ambitious efforts to comprehend the peculiarities of the structural evolution of the Latin American societal order by using dedifferentiation. The initial step is to reconsider the origins of this concept—Luhmann's *Grundrechte als Institution*—in order to examine how these authors have interpreted this book and how they connect it to Luhmann's more recent works. Our next step is to review the German discussion on this subject in order to obtain some useful definitions of this category, which aids in our comparison and evaluation of Neves's and Mascareño's theoretical efforts. Following that, we focus on analyzing the works of these authors. We have focused our attention on these two authors since there is little evidence of other scholars having presented an alternative

approach to dedifferentiation. Rather, other works seem to be derivatives of Neves's and Mascareño's interpretations.

AUTOPOIETIZING THE GRUNDRECHTE (FUNDAMENTAL RIGHTS)

The concept of dedifferentiation, as applied by Latin American interpreters of systems theory, is derived from *Grundrechte als Institution*, first published in 1965 (Luhmann 1974). Several authors (Neves 1992; 1998; Mascareño 2012a; Ashenden 2006; King and Thornhill 2003; Thornhill 2006) have integrated the findings of that book into the autopoietic framework². In his 1965 work, Luhmann demonstrates how politics extends beyond the limits of its specific function, by assimilating other societal processes and incorporating them into its perspective. The reason for this behavior is that the function of politics—to make binding decisions possible—has no defined limits. In this context, Luhmann assigns fundamental rights the function of safeguarding societal order against the hazards of dedifferentiation that are part of the expansionist tendency of politics.

Neves and Mascareño quote the same passage to refer to the 'danger of dedifferentiation':

According to Luhmann (1999a), the institution of fundamental rights serves to maintain the chances of communication and to develop a functionally differentiated order. The fundamental rights have the function of limiting the centralizing tendency of state bureaucracy, thereby avoiding 'the dangers of dedifferentiation, friction and structural fusion' (Luhmann 1999a: 23). The dangers of dedifferentiation and politicization are, for Luhmann, immanent in the process of differentiation and therefore require corrective and blocking institutions such as the separation of powers, the division of politics and administration, and fundamental rights. If these institutions are aligned asynchronously with the power constellations/structures of politics, they are unable to prevent the politicization of the entire communication system. (Mascareño 2012a: 21)³

Fundamental rights help to develop communication on several differentiated levels. Their function relates to the 'danger of dedifferentiation' (especially 'politicization'), i.e., positively expressed, to the 'preservation of a differentiated order of communication.' (Luhmann 1965: 23–25). (Neves 1998: 67–68)

1 See, for example Zamorano Farías (2003), Nafarrate (2013), Gómez Seguel (2015), and Hernández Arteaga (2018).

2 Ladeur and Ausberg (2008) employ a similar method, although their approach is not entirely systemic. In their book on fundamental rights, the authors reference Luhmann's *Grundrechte* to support the idea of fundamental rights as a barrier to dedifferentiation. However, they fail to provide an interpretation of Luhmann's work or delve into the concept of dedifferentiation, both of which could be valuable in this discussion.

3 This and the following translations from German are mine.

After *Grundrechte als Institution*, Luhmann's interest in the notion of dedifferentiation (or politicization)⁴ wanes, as is clear from its absence in his key texts from the 1970s. From this, it can be concluded that Luhmann quickly abandoned the idea that politics is a constant threat to the stability of functional differentiation and that it invades other functional domains. According to Verschraeger, 'Luhmann argued in 1965 against the background of the Cold War and with the memory of the Nazi regime still fresh' (2002: 272). Thus, the connection between dedifferentiation, fundamental rights, and the expansionist tendencies of politics partially stems from the biographical trauma he experienced.

Fundamental rights also lose their centrality. In *Die Politik der Gesellschaft* (2002: 213), Luhmann interprets them as a response of the state to the differentiation of the political system. Namely, the state reacts through the internal organization of violence (*Gewalt*) (separation and control of powers) and external boundaries (fundamental rights). In *Das Recht der Gesellschaft*, Luhmann distinguishes between fundamental rights, which refer to justiciability, and fundamental values, which relate to the system's self-legitimation (1993: 526; 2004: 446). In this context, fundamental rights are part of the self-description of law. The interpretation presented in *Die Politik der Gesellschaft* aligns more closely with the one offered in *Grundrechte als Institution*, but does not address the expansionist tendencies of politics and dedifferentiation. In contrast, the explanation provided by *Das Recht der Gesellschaft* is closer to the 1965 text; however, it incorporates additional elements such as a reflection on the constitution, the concept of structural coupling, and observer theory. In autopoietic systems theory, fundamental rights are self-descriptive constructs of the autological text known as the constitution. Luhmann no longer views politics as a system with a predisposition to interfere in or to compromise the autonomy of its neighbors. In the end, the concept of dedifferentiation is dismissed.

A quote from *Das Recht der Gesellschaft* may challenge this sketchy explanation: 'See my attempt to interpret human rights⁵ with reference to the functional differentiation of the social system in: Niklas Luhmann, *Grundrechte als Institution: Ein Beitrag zur politischen Soziologie* (Berlin, 1965)' (1993: 60; 2004: 93). Even though the context of this footnote is the analysis of the evolution of law and does not relate to the primary arguments of the 1965 text, it raises the question: To what extent does Luhmann believe his analysis from *Grundrechte* remains applicable in *Das Recht der Gesellschaft*?

4 One can find additional references in *Ausdifferenzierung des Rechts* (1981).

5 In German, Luhmann says *Grundrechte* and not *Menschenrechte*.

He does not express any reservations regarding how the reader ought to interpret the old book given the new theoretical context. Such a self-quotation may suggest a fundamental continuity alongside the significant changes Luhmann introduced into his theory. This is not a straightforward argument, and the authors quoted above do not mention it, as if the interpolation of the *Grundrechte* conclusions into an autopoietic context were evident and unchallenging. Ashenden combines this interpolation with the assumption of ideological or ethical significance in functional differentiation:

However, Luhmann's account of differentiated autopoietic systems is not simply a description of conditions of action within modern society, but an evaluation. It is an evolutionary account on the basis of which de-differentiation constitutes, if not regression, at least a threat. In this way, Luhmann smuggles normative concerns into an otherwise descriptive and analytical social theory. In this context, one might ask whether societies evolve, or whether they have histories. Luhmann's evolutionary schema raises the question of how one might hold onto the historicity of systems of communication in order that analysis does not become static and uncritical. While he emphasizes contingency, Luhmann's account of the differentiation of law and politics threatens to hypostatize these in their modern forms. How is it possible to take seriously the idea of 'contingency' whilst at the same time suggesting that the features of the modern world that Luhmann analyses are necessary? (Ashenden 2006: 144)

The question of regression and its relation to dedifferentiation, which leads Ashenden to ascribe a normative value to the maintenance of functional differentiation, is not supported by any text after *Soziale Systeme*. At the most, one should confine these critical remarks to the 1965 book, where the emphasis on contingency and evolution is not evident.

THE GERMAN DEBATE ON DEDIFFERENTIATION

The German systemic debate on dedifferentiation, which has lasted for about twenty years, does not refer to Luhmann's theses from *Grundrechte*. One of the first texts to initiate the debate is the paper by Buß and Schöps (1979), which places this concept on the same level of abstraction as differentiation and non-differentiation. Dedifferentiation, according to these authors, organizes the highly industrialized society, which implies a transition from differentiation to dedifferentiation. This shift implies that subsystems assume hetero-functions to mitigate the incompatibilities of the subsystems' conflicting goals and to improve society's coordination efforts. From an evolutionary perspective, dedifferentiation is understood as the process that occurs after, or concurrently with, differentiation, and in turn advances the development of societal subsystems.

This means that dedifferentiation will become the primary form of societal differentiation. In principle, this does not entail the complete elimination of societal differentiation, as it is not a regression to an undifferentiated society. If dedifferentiation involves a general breakdown and overlap of the functions performed by the subsystems, it is uncertain whether this process will cease at a specific point or continue until a new undifferentiated society emerges.

Similarly, Gerhards's (1993) definition of dedifferentiation implies the abolition of a permanent difference system-environment and its substitution by a new one. This new distinction involves the fusion of the meaning-rationalities of subsystems, and the penetration of their meaning-orientations, which were previously regarded as systemic hetero-rationalities. Gerhards avoids positioning dedifferentiation as a new form of societal differentiation. He contends that dedifferentiation processes occurring at the systemic level and affecting the basic structure of modern society, are not observable. Therefore, we cannot predict whether society is undergoing, or will undergo, a process of dedifferentiation.

Münch (1995) criticizes Luhmann's systems theory for neglecting the difference between analytical and empirical systems. Münch claimed that there is no such thing as a completely autopoietic political system that operates solely on the basis of a pure logic of power. Conversely, concrete political decision-making processes develop in a field in which the logic of power is combined with a multitude of non-political elements. This means that all societal subsystems live in a permanent state of dedifferentiation. The autopoietic systems theory would only oversimplify and cause a misinterpretation of the actual logic of concrete societal systems.

In contrast to these approaches, other scholars have attempted to demonstrate that these interpretations of dedifferentiation misunderstand Luhmann's theory. Halfmann and Japp's (1981) critical assessment of Buß and Schöps's text indicates that hetero-thematization does not imply dedifferentiation, as dedifferentiation entails a reduction in selectivity levels. In contrast, hetero-thematization suggests an increase in complexity and intensifies the demarcation between system and environment. Only organizations can experience dedifferentiation processes involving critical regressions, because symbolically generalized communication media cannot control their environment. Bora (1999; 2001) explains that interactions and organizations have the potential to change external references, but this does not imply societal dedifferentiation. As a result, we can understand dedifferentiation as a change in the systemic reference in single communication episodes. Here, organizations may choose to consider different viewpoints, or interactions may focus on different

themes. This change in the external reference can be seen when the chain of communication is interrupted, and a new one starts. The interpretation of this shift in focus varies depending on the type of system it refers to. The change in reference at the functional level implies no connection between communicative episodes. In contrast, at the interactional and organizational levels, there is the possibility to change the selection criterion of the communicative connections with some degree of continuity. Organizations' multi-referentiality and multi-programming allow them to change systemic references while continuing their self-reproduction. Continuity at the interactional and organizational levels is experienced as an interruption at the functional level. This means a particular organization stops contributing, with communication, to the reproduction of a certain functional system in order to start to 'feed' another. Münch and others ignore the distinction between interaction, organization, and society (the *Ebenendifferenzierung*). They ascribe communicative episodes or chains of episodes that pertain to organizations or interactions, to functional systems. They fail to observe the discontinuity in functional reference, and consequently conclude that functional systems experience dedifferentiation. They forget the multi-referentiality of organizations, and they metonymically attribute, for example, to law, every single operation that courts perform. Courts also carry out economic, political, etc. operations in addition to being at the center of the legal system.

According to Hayoz's (1995) analysis of the USSR, the Soviet regime cannot be viewed as an example of dedifferentiation, because no regime can restrain communication in various functional domains for an extended period. The 'exploits' of Soviet socialism presuppose functional differentiation, since the integration of different functional domains makes specific operations indistinguishable. Hayoz concluded that the major 'trick' of socialism consisted in the presentation of politically integrated organizational systems as the form of the socialist society. The regime can conceive its 'system' in technical and organizational terms. It can construct and integrate organizations on a large scale, but this does not lead to a permanent breakdown of functional differentiation. From the point of view of world society, Hayoz's claims strengthen the thesis that dedifferentiation is a phenomenon that occurs at an organizational level, yet its effects do not have a direct impact at the functional level.

THE CONCEPT OF DEDIFFERENTIATION IN NEVES'S WORKS

Neves was among the first scholars to apply Luhmann's systems theory to analyze the societal structure of Latin America. As a result, his theses are

a mandatory starting point for any systemic observer interested in the region. Neves's main focus is not describing the societal structure of Latin America, but rather the process of constitutionalization. Appealing to the societal context is necessary to explain and justify the anomalies arising from the process of constitutionalization in the region, when compared to the models of Western Europe and North America. The general sociological framework of Neves's works (especially 1992; 1998) reflects a particular interpretation of Luhmann's systems theory, in which he integrates the theses of *Grundrechte* into the autopoietic theory. In this context, the concept of dedifferentiation is essential in explaining the peculiarities of Latin America. Dedifferentiation may manifest as 'politicization', which is a specific case of dedifferentiation, or more infrequently as 'particularization'. Neves does not offer any precise definition of these categories, which appear to stem directly from Luhmann's *Grundrechte*. Dedifferentiation is the permanent situation that characterizes the societal structure of Latin America, which results from the distortion or cessation of the separation of powers (1992: 55; 1998:72).

This lack of separation of powers causes dedifferentiation. This dedifferentiation between functional systems makes the societal structure of Latin America not complex enough to handle the high complexity of modern society⁶. The institutionalization of the separation of powers would work as a barrier against dedifferentiation.

Another source of dedifferentiation is corruption:

However, a structural systemic corruption may remain specific to an area and not exhibit any tendency towards generalization in the affected functional system. Only when systemic corruption affects the entire subsystem in a generalized manner do the thesis of the functional differentiation, specifically the operative autonomy of the system, become inappropriate and unrealistic. There are indications that systemic corruption originates from a central organization of the corresponding system. Organized corruption has a dedifferentiating effect on both the subsystem and society.

In Latin America, the issue of corruption is not solely about operational or structurally localized 'systemic corruption' within organizations, as seen in the experience of democratic constitutional states in Western Europe and North America (Luhmann 2000: 295–297, 1993: 445, *passim*). The systemic corruption found in Latin American countries tends to be widespread and impacts the primacy of functional differentiation. (2012: 22)

As we can see, a certain level of corruption is not incompatible with functional differentiation and would not lead to dedifferentiating outcomes. Neves

maintains a distinction between functional systems/ organizations and differentiates sectorial corruption from generally organized corruption. In the second case, Neves posits that an internally corrupted organization, located at the center of a functional system, can have dedifferentiating effects on that system and society as a whole. In addition, this would impact the primacy of functional differentiation, we suppose, at a regional level. Setting aside the debate about the primacy of functional differentiation, Neves's reasoning relies on a series of questionable assumptions. The Brazilian legal expert proposes that corruption manifests as interactional systems that are specific to certain areas. Corruption can take over an organization and control its management. Here, it is not completely clear what the expression 'organisierte Korruption' means. Specifically, the question is whether corruption functions as a communication medium that continues to operate at an interactional level, or if the entire organization becomes a criminal entity, transforming from a parliament to a mafia. The third step occurs when corruption takes root in an organization that occupies the center of a functional system and spreads its dedifferentiating effects to other functional systems.

Another important aspect is generalization. It is challenging to distinguish between corruption specific to a particular field and corruption that is widespread. The spatial metaphors are inadequate to handle autopoietic systems theory, and especially interaction systems, because communication does not obey a territorial principle. In addition, it is impossible to determine when corruption has turned into generalized corruption. From a theoretical inquiry, we shift to a statistical one, and the challenge is to determine where to draw the line.

Corruption, along with electoral fraud, undermines the possibility of generalized constitutional legitimation (Neves 1998). This, in turn, leads the legal system to accept unconstitutional compensatory mechanisms of 'casuistic legitimation', including illegal favors, corrupted judgments, patronage relationships, help, and exchange relationships. This is due to the subordination of law to the particularistic interests of those in power and the essential needs of the disadvantaged. According to Neves (1992), the political system in Brazil has very little chance of freeing itself from these conditions. As a result, the administration functions under the obligation of meeting specific needs and interests, which compensates for the lack of universal political support (democratic legitimation). Here, Neves uses the distinction between generalization/particularization, where generalization is associated with the rule of law and a functioning constitution. In contrast, particularization refers to the pressure that groups from above and below exert on the political system to obtain some benefits. Particularization is

6 See also Neves 2007.

associated with a legal system that does not function in accordance with the constitution, and with a political system that 'politicizes' (dedifferentiates) the operations of other systems.

Finally, there are two forms of autocracy:

On this topic refer to Loewenstein (1975: 52 et seq.) who distinguishes between two major types of autocracy: authoritarianism, which concerns the governmental structure, and limits itself to political control of the state, and totalitarianism, which pertains to the entire social order. Authoritarianism directly implies the dedifferentiating superordination of politics over the law. It affects the autonomy of other social systems only if the questioning of political power is within their framework. Totalitarianism aims to the dedifferentiating politicization of every social domain, with the explicit goal of eliminating any manifestation of their respective autonomy. (Neves 1998:93)

Neves suggests that the extent of dedifferentiation which politics imposes on other functional systems differentiates authoritarianism from totalitarianism. In authoritarianism, the legal system is the main casualty, whereas in totalitarianism, politicization permeates every aspect of society. Neves disregards the distinction between organizations and functional systems, assuming that politics, performing those dedifferentiating operations, destroys the operational closure of other systems. These scenarios may well differ from the prevalent corruption issues in Latin America or the politicization of the Brazilian administration.

THE CONCEPT OF DEDIFFERENTIATION IN MASCAREÑO'S WORKS

In several aspects, Mascareño sets himself apart from Neves: Mascareño refutes several of the claims made by Neves, including the challenges to the primacy of functional differentiation caused by dedifferentiation, the allopoiesis of functional systems, and dedifferentiation being a permanent condition in Latin America. Mascareño asserts that dedifferentiation has an episodic nature and its impacts do not apply to the whole society. To understand Mascareño's concept of dedifferentiation, it is necessary to refer to the structuring of the Latin American societal order. The Chilean sociologist distinguishes formal institutional functional differentiation and its subsystems from the informal level, which is characterized by stratificatory and reciprocity networks, containing scripts from earlier forms of differentiation. These two clusters of structures entail different expectations: the functionally differentiated systems develop decentralizing, universalistic expectations of full inclusion, while the stratificatory and reciprocity networks involve centralizing, particularistic structures of expectations.

There is a conflict between the rationalities of decentralization/centralization, universalism/particularism, and inclusion/exclusion underlying these expectations. Functional systems suffer permanent dedifferentiation episodes, resulting in an essentially unstable constellation of expectations, unlike static stratificatory and reciprocity networks. The trajectory of these episodes is evident in the transition from stratificatory and reciprocity networks to institutionalized functional systems. Traditionally, politics has combined with a constellation of power and influence based on those networks to form a conglomerate, leading to continuous interference with other functional systems' processes.

Mascareño (2012a) outlines the history of stratificatory and reciprocity networks as they represent the primary feature of Latin American societal structuration. He argues that from the fifteenth to the eighteenth century there was a primacy of stratificatory differentiation that was linked to the kinship-based plurifunctional structures and networks of segmentary orders, along with the religious dominance of a center/periphery differentiation. The Spanish upper class controlled the administration and created various institutions that served to administer the new territories in the earlier phases of colonization (from 1700 onward). The Habsburgs promoted a state organization based on the identification of positions and individuals, which provided the basis for stratification and reciprocity networks. They centralized functions through the purchase of offices. In this way, positions of power could be attained without professionalization. This was the origin of the oligarchic stratification network that would later take over the leadership of the state with the differentiation of the political system. Subsequently, the emergence of the caudillos and the construction of the nation-state coincided with the consolidation of stratification and reciprocity networks. The caudillos developed a personalized and often violent centralized network.

Mascareño offers two definitions of dedifferentiation that suggest two distinct perspectives. The initial definition takes an expectation-based perspective: 'Thus, dedifferentiation episodes can be defined as the disappointment of a system's expectations that suffer certain selections, which cannot continue to operate in an operationally closed manner.' (2012a: 28)

The subsequent passage elucidates this concept:

First and foremost, dedifferentiation episodes occur when the expectations of inclusion are not met. This is not due to the specific performance of functional systems, but to the corrupted, coercive, and violent operations of institutionalized stratificatory and reciprocity networks. These networks exert a general influence over functionally differentiated systems. (2012a: 23)

Operativity provides another standpoint:

If the concentric institutionalization of functional differentiation presupposes the existence of functional systems, it can be seen as a product of evolution. This means that dedifferentiation episodes should not be interpreted as abnormalities—as in traditional Latin American developmental thinking. They are a particular arrangement of temporally selected social elements and relations that shape Latin America's path to functional differentiation. (2012a: 35)

These perspectives differ in how they define the phenomenon, either by its causes or by its effects. Dedifferentiation episodes result in the disappointment of the expectations regarding decentralization, universalization, and full inclusion of functional systems. Therefore, psychic and social systems (interactions and organizations) are consistently at risk of disappointment in their expectations. Thus, they seldom reap the rewards of functional systems. The third quote directly relates to the system's operativity level. According to Luhmann (1984), elements are the irreducible units of a system. The unity of the difference between elements and relations is what constitutes the complexity of the system. For survival, a system has to select elements that are related to the previous ones. In this paragraph, Mascareño defines these episodes as 'arrangements', suggesting that they are clusters of operations that are closely connected in time rather than individual operations. These operations are communications executed by stratificatory and reciprocity networks:

In evolutionary terms, such networks serve as the functional equivalent of traditional patterns of stratification within a modern context. They attempt to institutionalize group privileges in a particularistic way. Operating at the level of action or interaction, they aim to achieve inclusion goals that benefit network members and exclude others using a mix of positive and negative sanctions. (2012b: 52)

Although the author does not fully specify the nature of these networks, he shows that they operate at an action or interactional level. Thus, networks exhibit characteristics of interaction systems, and their operations modify those of functional systems. Willke (1987) introduces the term 'intervention' for this process of modification that leads to unmet expectations in a functionally differentiated system. According to Willke's definition, intervention is:

A goal-directed communication between psychic and/or social systems that respects the autonomy of the intervened system. A communication is goal-directed if it includes a specific effect on the communication partner in its calculation. The fundamental challenge of goal-directed communication is that it must depend for its effects on an autonomous process of

understanding by the intervened system. The intervened system specifies the criteria under which it is willing to be influenced. But this is not enough. The intervening system cannot ascertain the specific criteria. It can only generate and evaluate assumptions, creating a hypothetical model of the intervened system's mode of operation through successfully tested assumptions. (1987: 333–334).

Willke argues that interventions in autonomous, self-referential systems must take an indirect path of non-hierarchical context-steering to avoid hitting the barriers of the operational closure of the system. This leads to the activation of systems' reflection potential, with the consequence that a reality comes into view of the system. However, it is not the system's existing reality, but a potential one. In this way, the external intervention has taken place, setting the context's parameters. At that point, the possibilities of the intervening system end, because only the system undergoing intervention can implement the effects of the intervention. As a result, the consequences of the intervention rely not so much on the actions of the intervening system, but on the operative modus and the self-organizing rules of the intervened system (Willke 1993). Regarding what Willke designates as the 'civilization of power', he poses the question: If it is possible to intervene in areas such as education, therapy, resocialization, and work relationships, why can't we encourage more civilized interventions between subsystems? We will not attempt to answer that question in this context, as an intervention on an entire functional system is hard to envision, given that functional differentiation occurs on a global scale.

Referring back to dedifferentiation, from Mascareño's perspective, intervening impulses originating from networks and politics lead to dedifferentiation episodes in the functional systems. As stratificatory and reciprocity networks use corruption, coercion, and power as media, we can presume that their interventions are mainly non-civilized. They do not presuppose that functional systems are non-trivial systems, but they try to exert a direct influence by momentarily breaking the operational closure as if they were trivial systems. It is not tenable that all political interventions would be of the same kind. Therefore, we can presume that politics intervenes in both civilized and non-civilized ways.

Thus, intervention is not only a structural coupling, but also a more tangible attempt to modify the state of a system. As shown earlier, dedifferentiation episodes are communication operations. Organizations have the exceptional capacity to communicate outwardly (*nach außen kommunizieren*) (Luhmann 2000), while it is impossible for functional systems to do so. Bora's main point is that dedifferentiation is a problem that can only occur at an organizational level. To be more precise, Mascareño's description should avoid using the metonymy 'organization for system' and change

the systemic reference order to indicate organizations, instead of functional systems. This analysis should focus on how a political organization can cause dedifferentiating effects on other organizations. Although these episodes constantly accumulate, they do not involve or provoke any dedifferentiating consequences on functional systems.

Regarding this point, Mascareño argues that dedifferentiation episodes proliferate in society. One of the effects is the intervention in the decentralizing logic of autonomous subsystems, causing the decoupling of observation, distinction, and indication. The second effect is the stabilization of a concentric institutionalization that comprises autopoietic systems and intervened systems, combining autopoiesis and allopoiesis⁷, linked to centrifugal steering. Considering evolution, Mascareño (2001) posits that variation, selection, and restabilization are externally controlled. As a result, differentiating and dedifferentiating relationships are developed.

In addition, Mascareño (2012) identifies the implications of dedifferentiation across the three dimensions of meaning:

- In the fact dimension, episodes of dedifferentiation involve an interplay between perfect-contingence and fuzzy-contingence distinctions. In this context, dedifferentiation implies the blurring of distinctions.
- In the social dimension, diffuse distinctions result in instability in the intervened system's structures of expectations. The central political institutionalized constellation must further intervene to restore stability.
- In the temporal dimension, diffuse distinctions emerge during the early development of self-reference, resulting in allopoietic episodes within the system.

Dedifferentiation has a profound effect on the operations of the intervened system, rendering Spencer-Brownian laws of form inadequate to describe its operativity. According to Mascareño, the first definition of the *Laws of Form*, which states that 'distinction is perfect contingence' (1972: 1), means that a distinction achieves perfect contingence—assuming that it is not externally guided. Mascareño does not reject the usefulness of Spencer-Brown's logic in describing the concentric social order. However, he questions the capacity of non-central systems to accurately make distinctions during dedifferentiation episodes. As a result, the distinctions become less clear and there is a loss of connection. In this context,

⁷ In his PhD thesis (2001), Mascareño proposed that the concentric order is constituted of autopoietic and allopoietic systems, with the autopoietic systems functioning as the center of society and the allopoietic systems as the periphery.

fuzzy logic is a more suitable option to describe these processes. Now, it is necessary to observe what happens with the communication selections of an intervened system:

If the problem is analyzed using Luhmann's three-part communication scheme of information, utterance and understanding, it becomes clear that during dedifferentiation episodes in a concentrically institutionalized order, external interventions cancel out the first and second selections assumed by differentiated media, namely the selection of information to be communicated and the utterance of that information. It can be inferred that the third selection, understanding, pertains to the conditions of the institutionalized constellation of influence, rather than the conditions of the systems to which the communication is oriented. At the empirical level, this implies that there are communications that are not perceived—communications that are kept confidential in certain cases and obstructed by the primacy of transversal networks in others. (2012: 23–24)

An intervening system inhibits the ability of the intervened system to select information and utter it. The intervening system assumes this capacity and imposes these two selections on the intervened system. The third selection, understanding, presupposes the conditions of the influencing constellation. Later, Mascareño elucidates this issue:

Understanding is not a mere possibility resulting from a new distinction between information and utterance, as the intervened system is not required to understand, but rather accept the enforced intervention. Consequently, someone blocks the subsystems' self-referentiality. (2012: 39)

Hence, the intervening system prevents the intervened system from understanding the communication. 'Understanding' can be taken as involving a complex psychic process. In fact, it only implies the distinction between information and utterance. Moreover, it should be noted that the intervened system's inability to differentiate between information and utterance is not directly related to the forced acceptance of communication. As a result, it is unclear why Mascareño delves into the selectivity of the system when the problem appears to be the mere imposition of communication acceptance. In this context, intervention refers to the coercive acceptance of communication, which is essentially the opposite of what Willke intended with that concept. Mascareño supposes that intervened systems also generate intervened communications. This intervention in selectivity means that systems need to select information regarding external interests.

Returning to the logic of distinction, there is no need to employ fuzzy logic, since, even when accepting Mascareño's reasoning, diffuseness only concerns

the distinction between autopoietic functional systems when approached as an observational scheme. An observer that uses this distinction may find that these dedifferentiation episodes result in the blurring of systems' boundaries. Even if we accept Mascareño's interpretation of intervention, we can explain these episodes using the Spencer-Brownian logic. As a result, the autopoietic functioning of intervened systems is momentarily interrupted due to a form of operational coupling, making an autopoietic system turn into an allopoietic one. To observe this phenomenon, it is necessary to replace the distinction 'autopoietic system X/autopoietic system Y' with 'intervening system X/intervened system Y' (which is related to the distinction 'autopoietic system X/allopoietic system Y'). This observation schema contains clearly defined boundaries. Observing the intervention in the operativity of the intervened system is simple.

Mascareño rejects Spencer-Brownian logic by stating that no external system can steer a 'perfectly continent' operating distinction. But it is only systems that operate, not distinctions. Externally steered systems, presumably referring to intervened/allopoietic systems, are non-autopoietic systems. The definition of 'distinction is perfect continence' merely indicates that there are two sides separated by a boundary. To go from one point to another, one must cross the boundary. Perfect continence, in principle, does not entail autopoiesis or autopoietic systems. Autopoietic systems follow the laws of form, but the logic of form does not arise as a result of the emergence of autopoietic systems. It pre-exists them since, following Spencer-Brown, the first distinction appears from the void, but the void is not a system. Thousands or millions of re-entries from the void were necessary for the emergence of autopoietic systems. Luhmann does not offer an explanation for the world before social systems emerged; however, he considers it as a necessary assumption since his efforts were focused on devising a sociological theory, not a cosmogony.

Our final topic concerns corruption. Mascareño considers corruption to be a form of dedifferentiation which arises because of the impact of stratificatory and reciprocity networks on politics or the public sector. These networks misuse the political infrastructure to pursue their own interests. However, there is no corrupt political system, but rather informal influence on formal procedures. The accumulation of these dedifferentiation episodes causes informal influence to become the communication medium of politics and administration. The outcome produces interference in the system's operative logic. This indicates that dedifferentiation episodes are not strictly limited in duration, but have lasting effects. Thus, politics, which triggers dedifferentiation impulses, is subject to intervention in its logic. Thus, it would be the most

allopoietic system. The unmoved movers of this entire societal order are the stratificatory and reciprocity networks, which, to a certain extent, dominate the functional systems. The final query that remains is how these networks, which are not organizations, can directly intervene in the functional systems' operations and cause dedifferentiation phenomena. Regrettably, Mascareño provides no answers to this question.

DISCUSSION

This paper departs from some non-German scholars' interpretations of Luhmann's work regarding the concept of dedifferentiation. Their understanding of the results implies that we can integrate the conclusions of *Grundrechte* into Luhmann's autopoietic systems theory without any inconsistency. As a result, applying the concept of dedifferentiation would be totally unproblematic. The argument here is that this cannot be fully supported by Luhmann's texts from the autopoietic period, and that the authors fail to provide an explanation for this issue. These scholars take the concept of dedifferentiation for granted and incorporate it into their analyses.

The German discussion of dedifferentiation does not address this point and instead focusses on other issues. The initial usage of this category implies that Luhmann's theory oversimplifies reality since all social fields interconnect. This interpretation concludes the debate by suggesting that Luhmann's theory is founded on false assumptions. The second hypothesis suggests that dedifferentiation will be the form of differentiation that follows functional differentiation. Ironically, these authors contend that dedifferentiating processes occur in the most industrialized countries, making it a sign of modernity or postmodernity. In contrast, Latin American authors (and English authors as well) perceive dedifferentiation as an indication of regression, frequently linked to residual structures prevailing in a stratified society. Although Mascareño claims they do not constitute any pathological condition, these phenomena are still considered undesirable.

Halfmann and Japp, Hayoz, and Bora highlight the importance of the *Ebenendifferenzierung*, which involves distinguishing between the levels of interaction, organizations, and society. It is a common mistake to overlook this differentiation and assign the operations executed by organizations to functional systems, e.g., equating the state with the political system or the courts with the law. This oversight may lead some scholars to believe that events that take place at the interactional or organizational level have dedifferentiating effects on functional systems. The uniqueness of organizations lies in their multi-referentiality and multi-programming, which enable them to switch systemic references while also

reproducing themselves through communication. As a result, this communication continuity at the organizational level causes an interruption at the functional level.

According to Neves's works, dedifferentiation occurs as a result of the distortion or interruption of the separation of powers. Dedifferentiation between functional systems reduces the variation in subsystems, oversimplifying and making it more difficult to manage the high levels of complexity present in modern society. Corruption constitutes the second source of dedifferentiation. Sectorial corruption does not pose a significant threat to the societal structure. However, when corruption organizes itself and infiltrates a central organization of a functional system, it leads to dedifferentiating effects that can have far-reaching consequences for the entire society. The issue lies in the boundary that separates sectorial and generalized corruption, distinguishing between a normal and a dedifferentiated society. Another problem is how corruption, as an interaction system, infiltrates and masters a central organization, thereby impacting the entire functional system. Once again, we encounter the identification between organization and system, which is an unsupported logical leap.

Neves uses the concept of dedifferentiation to describe the situation under which the Brazilian administration operates. It functions under the pressure of upper-class particularistic interests alongside the needs of the lower classes. As a result, the constitution never generalizes, and society remains in a constant state of exception driven by particular impulses. With regard to dedifferentiation, this explanation fails to convey precisely how this process operates, or how the interests and necessities are used to influence the administration, therefore disregarding the rule of law. One can assume that corruption is the means by which rich groups seek to impose their will. Neves does not explain how poor people can also benefit from breaking functional differentiation. In conclusion, Neves's thoughts offer limited insight into the problem of dedifferentiation. Following Luhmann's *Grundrechte*, he concludes that the separation of powers acts as a barrier to prevent dedifferentiating impulses departing from politics. Additionally, corruption is a problem associated with dedifferentiation. Neves deems the relationship to be evident; therefore, he omits an explanation of why corruption incites dedifferentiation.

Dedifferentiation plays an essential role in Mascareño's theory. This concept is characterized by its episodic form, which affects only specific parts of society. These episodes are the result of the operation of certain systems (mainly stratificatory and reciprocity networks), which intervene in the operativity of functional systems, leading to unmet expectations.

Corruption, coercion, and power are the media by which these interventions are carried out. Mascareño's interpretation of intervention differs significantly from Willke's view. According to Mascareño's interpretation of intervention, the intervening systems hinder the ability of the intervened system to select information, utterance, and understanding, imposing the acceptance of communication. From a societal perspective, stratificatory and reciprocity networks intervene in the operative logic of politics through corruption. Politics intervenes in other systems, leading to subsequent episodes of dedifferentiation. The accumulation of these episodes stabilizes a concentric institutionalization consisting of autopoietic, and partly autopoietic and partly allopoietic, systems. As with Neves, the problem of the systemic reference arises from the confusion between organizations and functional systems. On the basis of this highly controversial interpretation of Willke's concept of intervention, we are of the opinion that the analysis is more accurate if we replace the reference to functional systems with the reference to organizations. Thus, stratificatory and reciprocity networks would only dedifferentiate operational processes in organizations. The impact that dedifferentiation episodes can produce on functional systems and functional differentiation is a persistent, unresolved issue. We refute the hypothesis that dedifferentiation processes at an interactional and organizational level directly affect functional systems. We support the idea that functional differentiation occurs on a global scale. There is no national or regional functional differentiation. Thus, it is challenging to envision how particular network operations may impact functional differentiation. Furthermore, Mascareño's concept of intervention raises questions about structural coupling. This intervention concept suggests an operational coupling that breaks down the operational closure. In this sense, Mascareño conceives systems that are both autopoietic and allopoietic. Another question arises as to whether a system possesses the salamander-like ability to regenerate its autopoietic state following each dedifferentiation episode. This is another unanswered question that casts doubt on the validity of Mascareño's theoretical framework.

Putting aside dedifferentiation and its impact on functional differentiation, the characterization of Latin American societal structuration is similar. The region is dominated by particularistic interests that take the form of networks and exert influence on functional systems, organizations, and institutions. Recent versions of this description, like that of Farías Zamorano (2023), affirm the primacy of functional differentiation, reject the concept of dedifferentiation, suggest that clientelistic networks control functional systems, and argue that the functionally differentiated order in the region is based on particularistic and patrimonial logics. There is no empirical evidence supporting this supposed power of networks. A brief review of the literature on clientelism in Argentina reveals that empirical research refutes

the common perception that some politicians win elections only because of clientelism, as no patron can assemble such a huge machine with the necessary personnel and resources to mobilize such a significant mass of voters. In his study of a small town, Torres (2002) attempted to compute the number of clients in the mayor's network and estimated a very generous figure of 630 clients. Despite this, the incumbent won in 1999 by a margin of 1,500 votes. Likewise, Auyero (2001) notes that in the neighborhood under study, the most powerful broker cannot claim more than 100 followers in a population of over 7,000 voters. As Szwarzberg (2015b) pointed out, the impact of these hardcore voters is decisive only in highly contested elections, which was not the case in the previous two examples. Clientelist networks are social systems that rely on reciprocal exchange relationships. According to Weitz-Shapiro (2014), such networks are characterized by individualization, meaning that they are not oriented toward large groups but toward specific individuals. As a result, the influence that such networks may wield on a societal level is expected to be restricted. Therefore, it is prudent to deduce that specific networks, socio-economically classified as rich or poor, would not possess significant power in reality. In any event, assertions about the particularistic nature of the Latin American societal order should be grounded in empirical studies of specific networks.

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