

The Welfare System and the Social Lifeworld

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*Paradox and Agency
in the Policy Process*

By

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Cambridge
Scholars
Publishing



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This book first published 2019

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

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ISBN (10): 1-5275-3720-X
ISBN (13): 978-1-5275-3720-0

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PART ONE

SOCIAL WELFARE AS AN AUTPOIETIC SYSTEM

INTRODUCTION

This book is about describing and understanding the complex system properties of the modern welfare state and its citizen facing relationships. It will present an analysis of the encounter between the welfare state, seen as a complex *social sub-system* of law and politics, and what is described by Habermas (1987) as the *social lifeworld* within which people create meaning and a sense of social solidarity as they interact in accordance with their everyday negotiated sense of natural justice and lay morality. Often the citizen's meaning system does not connect with the regulatory protocols of the street-level bureaucracies with which they must deal. The gatekeepers to the myriad of health and welfare services, the local government and charitable organisations that deal with their housing problems, the lawyers who mediate their relationship with the courts and the policemen and women who watch over the public disorder in their communities, appear to many people to adhere to rules and regulations divorced from "common sense". The main issue here is that the welfare state gives rise to conflicting expectations about its purpose and role in modern complex societies. Is it a mechanism for institutionalising social solidarity; promoting the virtues of altruism and other-regarding social values through the design of compassionate social policies which seek to enhance and deepen the quality of social relationships between citizens? Or, is it a self-reproducing legal and political *system* which operates in accordance with its own internal logic, independently of the human agents who try to steer it towards benign social outcomes? There is a view which has been dominant in British social policy analysis since the inception of the modern incarnation of the welfare state in the middle of the 20th century that whatever failings the system has, it remains a modern, progressive and enlightened project. At the centre of this book is a doubt about whether that is an appropriate way to look at the welfare state in the 21st century. Today we live in a global world in which economic markets, scientific knowledge and communication are truly international and can impact on a nation state's perceived interests and sense of economic competitiveness with an immediacy that was unknown in the middle of the 20th century. In response to these changes, the role of the state has been shifting and after nearly four decades of neo-liberalism, and a global financial crisis from 2008 onwards, there has been a discernible reduction

in welfare support in almost all western societies. The optimistic and progressive pursuit of a just social order is struggling for survival in the midst of growing inequality and social divisions in what has become an era of austerity.

In considering whether the optimistic view of the welfare state remains credible, and by way of introducing the key themes to be discussed in the following pages, it is worth bearing in mind the observations made by filmmaker Ken Loach on the present-day welfare system. The film “I, Daniel Blake” tells the story of an unemployed 59-year-old widower’s encounter with the welfare benefits system as he seeks unemployment and living support allowances while he recovers from a heart attack at work. Despite the fact that Daniel’s cardiologist deems him to be unfit to return to work, the regulations governing the administration of welfare benefits require those seeking assistance on the grounds of ill-health to undergo a capability assessment. As the film opens Daniel is being asked a series of general questions about his ability to lift his arms, put a hat on, press a button, convey simple messages to another and whether he has any particular problems evacuating his bowels. Daniel protests that he has answered all of those types of questions in the 52-page form he completed in advance of the interview and pleads for the assessor to focus on his heart condition. He is told that he must be cooperative and answer verbally all the questions that he has already provided written answers to. He is being assessed not by someone who is a qualified doctor or nurse with the competence to assess his serious medical condition but by someone who describes herself as a “fully trained healthcare professional” who works for the private company appointed by the Department for Work and Pensions to undertake health assessments. It transpires that on the completion of the ‘health assessment’ Daniel is deemed to be fit for work and denied unemployment and support allowance. His doctor is not contacted about the decision. As a consequence of this outcome, Daniel must look for work and take all necessary steps to make himself ready to take any employment opportunities offered to him. The remainder of the film revolves around Daniel’s attempt to have his case properly re-assessed at an appeal hearing. However, a lifetime working as a joiner means that Daniel is not equipped with the IT skills essential to negotiate the online world of information and forms necessary for him to complete the appropriate paperwork to make a successful application. It is the help and support of his friends and acquaintances rather than the welfare bureaucracy which facilitates Daniel’s appeal.

There are a number of issues which arise from this award-winning film which resonate with the themes to be analysed in this book. First Daniel’s

experience of his encounter with the health care professional left him with a sense that he was dealing with a *system* rather than a logical and rationally acting individual who could empathise with the human being in front of them. The “healthcare professional” in the film is intent on ticking boxes rather than focusing on the real health condition that debilitates Daniel because that is all that she was trained to do. Later in the film there are glimpses of sympathy for Daniel’s plight from one of the administrative staff in the Work and Pensions office who offers advice about the best way to negotiate the system in order to obtain an appeal hearing but when that act of kindness is observed by a supervisor the worker is called into the manager’s office, presumably to be reminded of the need to retain a professional approach to her work; one which is detached and is devoid of any caring, sympathetic or empathising display. Rules, regulation and the determination of eligibility rather than care and support seem to be what the welfare *system* delivers.

Second, and on the other side of the encounter with the welfare state, the film captures the social solidarity and sense of lay morality of ordinary people who share Daniel’s experience. An incident in the Work and Pensions office elicits outrage from the waiting claimants at the way in which a young woman and her children are being treated by the officials. Led by Daniel, they protest at her treatment and voluntarily agree to allow the young woman to jump the queue in order that her problem can be resolved speedily. That flouting of the order and discipline required of those making claims on the welfare system leads to Daniel and the young woman being escorted out of the office by security staff. The close relationship between Daniel and the young woman and her children that follows leads to a mutually supportive friendship. Daniel assists with her DIY and together they venture to the local charity run food bank where sympathetic and supportive volunteers mitigate the sense of humiliation felt by those having to rely on charity to feed themselves. And eventually, when, after weeks of fruitless job searching and administrative reprimands, Daniel expresses his frustration with the slowness and ineffectiveness of the welfare benefits system by spray painting a demand for a date to have his appeal heard on the outside wall of the Work and Pensions office, the passing crowds cheer support for him. It seems that the everyday hardship of the unemployed and unsupported living in an austere post-industrial society can generate an informal sense of interdependence and a sense of injustice.

The operational reality of the welfare state is very different, therefore, from the idealistic project which historically has underpinned the notion of a progressive and supportive system of institutionalised solidarity. The

welfare system has often been portrayed, and justified, on the basis that it irons out the inequities and injustices of living in a liberal capitalist society and that it provides the best expression of enlightenment values that have been incubated in Western cultures. In fact, the welfare state is, and always has been, a bureaucratic *system* designed to ration help and support to the most vulnerable in society. It has always been premised on the view that its primary purpose is to provide incentives to work rather than to meet social need. It was designed to assess eligibility to receive benefits and channel claimants into work pathways deemed by the *system* to be appropriate rather than those considered desirable by claimants. And it can be merciless in its dealings with those who seek its help without understanding the grammar of the bureaucratic imperatives which underpin the modern welfare system in a post-industrial society.

The encounter between system and social lifeworld is evident in the narrative which drives Loach's film. It is a story which portrays human beings, whether administrative bureaucrats working inside the system or claimants searching for the safety net that the system is supposed to provide, as spirited, opinionated and conscious of the restraints that surround their lives but left feeling largely ineffectual at steering bureaucracies in a different direction: the *system* does what it does and the human actors must do the best they can to negotiate their way through.

System Integration and Social Integration

The problematic at the centre of present-day sociology is exactly the same as that portrayed in the film "I, Daniel Blake": to understand the relationship between the structures which shape and buffer human behaviour, and the actions that human beings take to change the restrictive contours of their lives. Sociological theory has conceptualised this issue in terms of two distinguishable levels of analysis: *system integration* which relates to the orderly/disorderly relationship between the institutions and organisations of a society and *social integration* which relates to the cooperative/conflictual relationships between people in society. A key task, therefore, of sociological analysis has been to understand better how the system, which operates at a macro level in society, can be influenced and steered by the everyday social actions of individuals living in a democratic society.

There has been a social policy strand to this debate. The welfare state from the 1950s onwards was certainly understood to be a progressive institution designed by enlightened social and political action to ameliorate the abject poverty of those suffering under an unforgiving capitalist

system, but it was also viewed sceptically by those on the left of politics who were impatient with the gradualism of this modernist project. They tended to view the institutions of the welfare state as a depoliticising *system* that pacified the poor by sapping their political radicalism and socialising them into acceptance of a mixed economy in which state socialism and market capitalism reached an accommodation. The system level problem of ensuring social stability was tackled through the project of institutionalising social solidarity through the creation of a welfare bureaucracy and the design of compassionate social policy, particularly in the fields of health, housing and social security. It represents the social policy variant of the *system* and *social* integration problem. It was very much in tune with functional notions about mopping up and eliminating residual social problems which might lead to social conflict. Enlightened policy makers such as William Beveridge, and academic theorists of the welfare state such as Richard Titmuss and T.H. Marshall, envisioned the welfare state project as widening and consolidating democracy by giving to everyone, particularly the less well-off, the substantive use powers of good health, education and housing in order to embrace their citizenship fully. Meanwhile the ideal picture was completed by macro economic theorists such as John Maynard Keynes who provided the theory of state and economy that would make everything work (see Offer, 2006). This was the culmination of the enlightenment values and practices begun in the late 19th century; it was a vision of a society created by people choosing to place fairness and compassion at the forefront of their conduct. While there was an understanding of the necessity for the state to organise welfare in the form of a bureaucratic *system*, the architects of that system were, with hindsight, too sanguine about its beneficence.

At the centre of this vision of an enlightened state bureaucracy was an overly simplistic understanding of how social systems work and of the capacity of human beings to control, steer and change those very complex social systems. The predominant mode of thinking about the welfare state is to see it as an *allopoeitic* system which is maintained by an input-output relationship with its environments, which in the case of the welfare *system* is understood to be primarily groups of people organised into various publics pursuing their economic, political, industrial, employment, party or electoral interests. The complementary theory of Parliamentary democracy that accompanies this model lays emphasis on the importance of converting that organised political pressure into social policies which Parliament transforms in to law. Legislative actions from Parliament into the welfare *system* are assumed to lead inexorably to outputs which are implemented exactly as intended by the Parliamentarians who designed

the policies. This way of conceptualising the *system* as being primarily driven by human agency encapsulates the common assumption in society and the media about how the political process works. The problem with it is that it conflates actions focused on the *political and policy process* with matters of *policy outcome and implementation*. Making law and interpreting law are processes anchored inside two distinct and differentiated social systems: politics and law. The analysis offered in this book will suggest that this conceptual confusion must be clarified in order to establish what social systems do and to identify the limits of human action in changing what social systems do. There are a number of policy sites where we can examine these issues. One site where we can see this problem in a transparent way is inside the street-level bureaucracies where the face-to-face encounter between ordinary people and the welfare *system* takes place. It is through these interactions that policy is implemented, and discretionary decisions are taken or avoided, which materially effect people's lives. I will examine these issues in chapter three. Another site is the professional relationship between social work and social care practitioners and their clients which will be discussed in part two of the book.

While the debates about the 'the two sociologies' of structure and action, *system* and *social integration*, may seem rather dated today, the issues which stimulated them have not gone away and sociological theory remains exercised about the relationship between the macro level analysis of social and political institutions and the micro level analysis of human beings and how they might steer and change those macro institutional systems. The perspective being offered in this book suggests that there is a productive reciprocity between Luhmann's systems theory and Habermas's theory of discourse and the social lifeworld: Habermas's sociological writing on the social lifeworld can complement Luhmann's systems theory because of his conceptualisation of the political public sphere as an institutional space in civil society which enables public opinion formation to take place. This process creates "noise" which is aimed at the key social systems of society. This, as will become clear as the argument of the book unfolds, fills a gap in what Luhmann describes as the "system environment" for law and politics.

Another major sociologist to be discussed in this book is Norbert Elias. He spent time in his later life at the same University as Luhmann in Bielefeld, and I have wondered whether they met and talked about their work. I believe there is productive synergy in their respective theories, although I am unaware of anyone else sharing my view. Both Luhmann and Elias have been interpreted as offering "central theories" of society,

stimulating research in organisational theory, law, public administration and politics in the case of Luhmann (see Brans and Rossbach, 1997; Bakken and Hernes, 2003; Moeller, 2012, 2006; Mathias and Hilkermeier, 2015; King and Thornhill, 2003) and in the case of Elias, sport, medicine, crime and violence, to name only a few of a large number of topics, (see Loyal and Quilley, 2004; Wouters, 2007; Fletcher, 1997; Dunning and Hughes, 2013). Both theorists combined an interest in connecting macro-level theory to empirical observation in an illuminating way that might be characterised as offering sociology a “central theory” which can guide empirical research.

Dunning and Hughes (2013) observe on Elias’s work:

Elias stressed the need for *central* theories that is for theories based on meticulous, detailed and sensitive empirical observation couched at a level of synthesis sufficiently high to be applicable to a range of topics yet sufficiently down to earth to be clearly related to and relevant regarding the real-life experiences of humans. (Dunning and Hughes, 2013, 77)

So, despite their different sociological starting points, the work of Luhmann combined with the insights of Habermas and Elias will be placed in the analytical mix of this book because all three have a great deal to say about the relationship between the welfare *system* and the social lifeworld.

The Paradox of the Welfare State

Underlying the analysis offered in the book is an assumption that all institutions and all institutional systems engage in identity construction. In practice this tends to mean that *systems*, organisations and institutions operate as if the “ideal” image of their functioning which they project represents the “totality” of their purpose: the contradictions, malfunctions, the *paradoxical* aspects, of their operations remain undeclared or hidden until some disturbance uncovers them. Legal systems supposedly deliver justice but the paradox remains that they often deliver what is perceived to be injustice; political systems supposedly deliver efficient decision making based on a democratic mandate but they can also deliver what is perceived as undemocratic decision making; and welfare systems are supposedly constituted to deliver economic support to meet social need but often deliver assistance that is overly bureaucratic to access and is designed to coerce those in need into work rather than addressing their often complex social hardships. The analysis which evolves will draw on the notion of paradox which is a key part of Niklas Luhmann’s system’s theory.

Sometimes it will be explicit but at other times less so. I will describe Luhmann's system theory more fully in chapters one and two, but it is necessary to sketch out some key aspects of his theory now as an introduction to the perspective being presented.

Unlike the allopoietic system described earlier, in which a social system receives inputs from its environment which are transformed by the internal parts of the system leading to outputs in a "mechanical way", Luhmann's theory views all social systems as operationally closed and *autopoietic*: they reproduce the internal parts of the system themselves and are not changed or transformed by inputs to the system from outside; they *select* from their environments only what is *meaningful* for the system's ongoing functional purpose. Luhmann argued forcefully that autopoietic social systems are not theoretical models; they are ontological and describe how social systems actually work in the real world. A key point to be underlined about his perspective on social systems is that because they are closed, they demarcate their boundaries from other systems. For example, Luhmann argued that all social systems operate on a binary code determined by their sphere of interest, so law is organised by the code legal/illegal; politics by the code government/opposition, or power/no power; science by the code true/false and welfare by eligible/not eligible. Holub (1991) has a helpful way of clarifying the boundary issue in Luhmann's autopoietic theory.

Social systems are defined by their relationship to meaning. Luhmann's contention is that social systems (and psychic systems)¹ reduce the complexity of their environment through recourse to meaning. So the boundaries of a social system are not defined physically, but by the border of what is meaningful and what is not. (Holub, 1991, 109)

These systems cannot be changed, steered or transformed by inputs from their environments (unless by force or violence) but instead *systems* respond to the complexity of their environments by reducing it through processes of selecting only the information, or communications, which are *meaningful* for the system². Systems adjust their internal complexity to

¹ *Psychic systems* equate with one aspect of human beings. This notion will be described more fully in chapter one. The complexity of the human body is acknowledged by Luhmann and he distinguishes between three autopoietic systems: the biological (body), the psychic (consciousness) and the social (communication).

² An interesting way to think about human beings as being autopoietic *psychic systems* can be found in education. John Dewey, Paulo Friere and Jacques Rousseau all, in their different ways, emphasised the human being as an active

construct their view of their environment and make sense of it in terms that the system can process or handle. Consequently, social systems are not constituted by the sum of their parts but operate in accordance with their own logic and sphere of interest. Luhmann was quite clear about this: only by being able to evolve greater internal complexity and the capacity to reduce external complexity (the “irritation” or “noise” aimed at the system from its environments) can a social system survive. For example, a political system which fails to deal with increasingly complex decision-making tasks will ultimately atrophy and processes of de-differentiation will set in leading to what Luhmann called “inclusivity overload”. The state becomes ungovernable because issues which have their origins in other social systems such as the legal, economic, financial, education or scientific systems come to be seen as requiring resolution only by the state. In those circumstances the liberal-democratic structure of society may transform into a statist social formation: system boundaries differentiating politics, law, or economics may erode. I will return to this issue in chapter 1 and in relation to Brexit in the concluding chapter.

In a society based on a structure of differentiated social systems, therefore, law deals only with matters that are formulated in a legal format and which seek a decision about whether matters brought to it are lawful or unlawful. The determination of legality is made on the basis of existing precedents that the legal system itself has created not on the basis of morality, fairness or justice. A specific point to be underlined at this point in relation to law which illustrates the key principles being advanced by Luhmann’s systems theory, is that actions can be legal while also occasionally being unjust and morally reprehensible: legal interpretation, argumentation and judges rules are all formulated *within* the legal system and are not subject to outside interference, although Habermas argues against Luhmann in his discourse theory of law which addresses the particular issue of how to make law and politics more subject to normative control and regulation, an issue to be discussed in part 2 of the book.

Another example of the separateness of autopoietic systems within society can be seen in government. Politics has as its primary purpose the task of making political decisions and statutory laws which will secure binding agreement from the electorate. However, while the political system makes laws it does not interpret law, that is a matter for the legal system, nor does it implement policy, that is a matter for the many health, welfare and other professionals and agencies working in their fields of

interest and who are often referred to as street-level bureaucrats. The political system makes decisions based on formal parliamentary processes and procedures established in law which allow many executive commands to be carried out without formal reference to the electorate. Indeed, despite a great deal of public debate about the Brexit vote in 2016, and the widespread acceptance that somehow it was a binding vote on the Government to implement, the Referendum was in fact only discretionary and could have been ignored by government and Parliament. It is this “other side” of systems that we can understand as “paradox”. Modern complex societies of the west are “differentiated societies” consisting of a separation of powers between institutional complexes and clearly demarcated spheres of interest occupied by a number of sub-systems of society; they do not have a central steering authority sitting at the top of society because, as I have indicated, they operate as autonomous centres of authority differentiated from other sub-systems in society which also possess authority and power in their sphere of interest. The central political issue for liberal democratic societies, according to Luhmann, is to avoid society becoming de-differentiated. To summarise and reinforce this point, de-differentiation may occur in circumstances where the legal system loses autonomy and becomes subject to political direction, or the legal system loses its capacity to decide when political authority is acting unlawfully, and where the market economy loses its capacity to operate on the basis of freely entered financial transactions but instead has prices and incomes controlled by *political* rather than *market* decisions. And, of course, a troubling example illustrating de-differentiation can be found in Nazi political history where the state determined what aspects of science were true and which were considered false. Many nation states in the world are not differentiated in the sense described by Luhmann and there were periods in western history where the separation of powers was either deliberately overridden as in times of war, or when social unrest created sufficient chaos to threaten processes of de-differentiation, such as during general strikes or other political moments variously documented as “fiscal crises of the state” (O’Connor, 1973), “government overload” (King 1975) and “legitimation crisis” (Habermas, 1976).

The welfare state is being treated here as a complex sub-system of the political system. Decisions about social policy are made through the political system but they are also filtered through the legal system and the economic system (a fuller description of the policy process will be made in chapters 2 and 3 in the book). Whilst the welfare system exists to meet social need and provide a social safety net to support individuals and families in times of severe hardship, it does this on the basis of

determining eligibility and, through its administrative practices, managing people's incentives to find work when unemployed, often targeting benefits on particular behaviours deemed desirable by policymakers. As a complex social system the operation of the welfare state adopts various semantic devices to manage its identity as a moral, caring and fair bureaucratic system but reverts to other mechanisms to conceal the other side of the "paradox" when, as depicted in the film "I, Daniel Blake", its practices cannot be justified as either moral or fair. At that point the focus is on procedure, form filling, interviewing protocols and appellant processes which are brought into play when the system's paradox risks "rising to the surface of their operations" (King: 195, 316). The primary objective of administrative devices is to convey the appearance of an efficient bureaucratic system operating with fairness but in reality, they also act to conceal the very unsympathetic posture which such administrative practices usher into the system. For example, the Work and Pensions Select Committee Report on benefit sanctions published on the 6th November 2018 criticised the system's "pointlessly cruel" imposition of sanctions on benefit claimants. Some examples referred to in the report illustrate the system's unbending adherence to the literal interpretation of its own regulations. Luke was sanctioned for failing to show "good reason for missing his appointment" at the jobcentre although he had been admitted to hospital with severe epileptic seizures; another claimant described the stupidity as well as cruelty of the system, reporting that "you apply for three jobs one week and three jobs the following Sunday and Monday. Because the job centre week starts on a Tuesday it treats this as applying for six jobs in one week and none the following week. You are sanctioned for 13 weeks for failing to apply for three jobs each week". Jen, a wheelchair user forced to sleep in a college library for an entire year, including through her exams, was wrongly sanctioned for failing to attend a jobcentre appointment. The jobcentre had told her that it was acceptable to miss an appointment if it clashed with an A-level exam, but she still had her benefits stopped for almost a year. The phenomenon of street-level bureaucracy, which focuses on the interaction between the welfare system and the citizen claimant, will be discussed more fully in chapter 3.

A final issue to be introduced at this point in the book is whether there is any place in the formulation and implementation of policy for lay morality to enter the world of the autopoietic social systems. Part 2 of the book will address this issue by examining the relationship between the *welfare system* and *social lifeworld* on two levels. First through Habermas's discourse theory of law which confronts at a theoretical level what some may regard as the rather pessimistic anti-humanist vision of

society offered by Luhmann (although I will reject this view of his theory in chapter one). And second at the micro level of “emotion work” inside public facing occupations, particularly in the fields of social work practice and social care. It is at the point of interface between *system* and *the individual* that, in the terms of systems theory, complexity is increased by “noise” from the system’s environment occupied by people who create pressure on the internal structures and boundaries of systems. Within autopoietic systems people are the environment for the systems; bureaucrats are part of the environment for the bureaucratic system they work in; claimants are the environment of the welfare system and it is people who cause disturbance in the orderly operation of autopoietic systems. And ultimately the big question which all those who continue to support the idea of the welfare state must address is whether there is space for the exercise of compassion and altruism to find expression in the 21st century version of a classic enlightenment institution. This is a large paradoxical question to be answered.

Outline of the Book

The first chapter addresses a key issue for those who may be coming to autopoietic systems theory unfamiliar with its most challenging aspects. It is generally accepted by both critics and followers of Luhmann’s perspective that the absence of human beings, or at least the decentred position of people in his perspective, sets an unnecessary limitation on sociological analysis. The argument advanced in chapter 1 is that human beings are not absent from autopoietic systems theory rather they are present everywhere: operating as *psychic systems*, people migrate between all the social sub-systems of society, engaging with them and creating “noise” which the social systems of society must quieten. Luhmann’s analysis of the development of semantics and human rights are his particular way of acknowledging the presence of human beings in a complex differentiated society. However, he rejects the anthropomorphism which is a defining characteristic of the enlightenment thinking which pervades modern social science because he wished to develop a truly scientific theory of society. The argument of this book suggests that the “facticity” of society’s systems and institutions is something which exists and confronts people as a constraint which imposes limits on their actions. Systems are not steered by human agents in a direct way as is too often suggested by political and policy analysis today. Only by moving away from a view which starts all sociological analysis looking through the lens of the human subject can we grasp this insight. The work of Norbert Elias

is introduced in chapter 1 to demonstrate that there are points of articulation between his theory of the civilising process and Luhmann's theory of social evolution despite their apparent differences. Elias describes how social relationships are bound together in *figurations* which are constantly transforming as power in society changes and he recognises that the orderly pacification of society by the civilising process can be reversed in particular socio-economic circumstances leading to de-civilising tendencies taking root in social arrangements. In a not too dissimilar way Luhmann describes processes of *structural coupling* between the social systems of highly differentiated societies while also acknowledging that there are tendencies in modern society which can erode the boundaries between discrete function systems which can lead to processes of de-differentiation setting in.

Chapter 2 examines the relationship between the economic system and the lifeworld through a discussion of two emerging forces in contemporary welfare politics. First financialisation is introduced to illustrate the process of the privatisation of welfare as a policy strategy in a post-welfare state era. The growth of financial intermediaries in the private pensions market is penetrating the social lifeworld as more and more people discover that their retirement futures are tied to the financial markets rather than to the institutionalised solidarity of the welfare state. Second the "civil society strategy", which has been a feature of government policy since the global financial crash in the period between 2008 to 2010, is discussed. The early incarnation of the civil society strategy, better known as "the Big Society" launched by the Conservative/Liberal Coalition government, remains in place, albeit that Brexit has rather overshadowed its evolution. Key aspects of autopoietic theory are explained and illustrated through examining these key policy developments.

Chapter 3 introduces the research on street-level bureaucracies pioneered by Michael Lipsky. The purpose of focusing attention on the client processing interaction in policy implementation is to understand the constraints imposed on individual social actors as workers and as claimants by the welfare *system*. In order to appreciate the autopoietic character of frontline benefit offices, the organisational theory of Karl Weick is described. However, I will argue that Weick's perspective is insufficient to be able to make the connections between the micro level analysis of street-level organisations and the broader welfare *system* which is structurally coupled to the political and legal systems without bringing in Luhmann's perspective on systems theory.

Chapter 4 introduces the substantive theory of discourse ethics offered by Habermas. While there are clear normative differences between

Luhmann and Habermas which they have debated over the years, by the time of Luhmann's death in 1998, Habermas had begun to incorporate a great deal of systems theory into his thinking. The key text which this chapter draws on is Habermas's *Between Facts and Norms* which recognises the facticity of the legal system and its autopoietic nature. The argument advanced by Habermas is that the law provides an essential bridge between the lifeworld and the systems of society. Through this understanding he introduces the argument that lay normativity should be influential in shaping the kind of law and political decision making that operates in modern complex societies. Precisely how that can be achieved while remaining attached to the theory of discourse ethics becomes problematic for Habermas. The political public sphere has been an enduring conception of his critical theory over many decades and it remains an important idea in politics when considering how the politics of civil society and the lifeworld articulates with a societal structure of autonomous autopoietic systems. The chapter closes by bringing into the analysis the important role played by the modern mass media system in creating and structuring public opinion formation.

Chapter 5 turns attention to the relationship between *system* and *human emotion*. The work of Elias on the history of human nature which he outlines in his theory of the civilising process is brought back in to the analysis. The value of Elias's theory is that it chronicles the way in which self-control and empathy for the "other" has developed as an integral aspect of the pacification of modern society. The sociological analyses offered by David Riesman on "other directedness", Stefan Mestrovic on "postemotionalism" and Arlie Hochschild on "emotion work" are used to examine the impact of *social systems* on the control and display of human emotion in the field of professional social work. The chapter ends with a discussion of the role played by the legal system in rescuing social work from its practice paradoxes.

Chapter 6 draws the analysis to a close by considering the virtues which historically have shaped philosophical debate about the welfare state and its purpose. Welfare state theory, particularly in the post-1945 period of social and economic reconstruction, has tended to return to consider the "first principles" of enlightenment political economy and philosophy to find a language to describe the modern welfare state. Consistent with this approach, Richard Titmuss, often presented as the "doyen" of British social policy, captured what was distinctive about the British welfare *system* by using the idea and imagery of a "gift relationship". This enlightened notion of a gift to a stranger without any expectation of reciprocity was described fully in his comparative study of

blood donation in the USA and the UK. The thrust of what is argued in this chapter is that in considering the place of compassion and altruism in modern societies, only the welfare *system* can provide an organised and sustained display of compassion and altruism because it does not have to rely on the random presence of virtuous individuals. While compassion and altruism are undoubtedly qualities engendered in the social lifeworld, and important aspects of the inter-relationship between people in their communities and in society at large, the enabling effect of a welfare *system* which embodies compassionate principles in the design of social policy is very important.

Chapter 7 draws out the main themes of the analysis. However, it was written at a time when British society was being torn apart by the Brexit debate. At the time this book is being sent to the publisher, Theresa May had secured a delay for Brexit from the EU until the 31 October 2019 and engaged in fruitless discussions with the Labour Party to find a compromised “way forward”. The Government of Boris Johnson seems intent on working towards a “no deal” exit from the EU. An opportunity to leave the reader with an illustration of what Luhmann would have described as the de-differentiation of the political system has been grasped. As the book closes, the Brexit debacle is described in terms that Luhmann might have understood.

CHAPTER ONE

SOCIOLOGICAL THEORY AND THE CHALLENGES OF WELFARE POLICY TODAY

The central aim of this chapter and the one that follows is to outline some sociological concepts key to understanding Luhmann's systems theory in a little more detail, but more than that, to suggest how they can be helpful in understanding the interactions which the individual may have with the bureaucratic systems of present-day society. The complex problems emerging in all modern societies in the fields of politics, law and social welfare, particularly in the West, need to be understood with some measure of realism and appreciation of the limits of human agency in changing the way the institutions and organisations of society operate. I believe Luhmann's systems theory can provide a level of pragmatic understanding lacking in many fields of contemporary sociological theory considered more mainstream or possibly relevant, if popularity is the measure of relevance. Whilst this chapter will concentrate on the systems level of the analysis through discussion of Luhmann's key ideas, part 2 of the book will focus more specifically on the social lifeworld through the work of Habermas. However, inevitably there will be glimpses of that part of the argument in the first part of the book because the purpose is to use the work of Luhmann constructively with other theorists, especially Habermas and Elias.

The Semantics of the Enlightenment and Luhmann's Anti-Humanism

Beyond his substantive interest in setting out a detailed account of how social systems are structured, operate and develop, Luhmann had an additional interest in the relationship between social structures and semantics. In this project he describes how the language used in society to describe *itself* changes as social structures change. In some circumstances there is a lag between societal change and the language generally employed to describe that transformation while in other circumstances the

semantics of the time act as the forerunner for change.¹ For example, in what seems a very untypical book for Luhmann to have written, *Love as Passion* (1986), he points to the ways in which the semantics used throughout society to express romantic emotions brings about change in intimate relationships. In some senses this is similar to Foucault's use of discourse to focus on the transformative power of language and narrative: the more people that talk more often about a phenomenon in the same way can have a significant effect on how an institution or a social practice is popularly perceived because language makes things visible by naming them. Semantics can, therefore, lead rather than fall behind social revolution. Historically, the semantics of love gradually emerged in a significant way in the Victorian period, producing a system of connectivity between two people based on emotion rather than on economics or social status, as was common in the 18th and early 19th century. However, Luhmann makes this observation too.

In other cases it (*semantics*) constitutes ideas, concepts, or words that became obsolete a long time ago and thus obscures the radicalism of structural change (for instance, the continuation of the concept of *societas civilis*, or, civil society until the end of the eighteenth century, or, if one should take the semantics seriously, until today)...These and other tricks can lead to an overestimation of continuity and an underestimation of change, especially to the eighteenth century. (Luhmann, 1986, 8)

Applying Luhmann's understanding of the social role played by language to the world of politics and social policy raises some interesting issues. The way the policy agenda of contemporary welfare politics is depicted points to the continuing use of enlightenment language to describe the purpose and expectations about the present-day welfare state. Irrespective of when we date the origins of the welfare state, the lexicon of social policy concepts, principles and values has barely changed since the 17th century. It remains a mixture of punitive conservative rhetoric and liberal wishful thinking. We talk about the institutionalising of social solidarity and altruism of the modern welfare state as if the principles of universalism and social justice continue to shape contemporary social policies. Meanwhile we conveniently overlook the influence of concepts and principles which have their origin in the Elizabethan Poor Law Act of 1601, especially the emphasis on "correcting" indolent behaviour. The principles of just deserts, less eligibility (whereby relief should not be at a

¹ The mechanism whereby society gains a sense of itself as a totality is through the mass media system, particularly through the conduit of public opinion formation. This will be described more fully in chapter 4.

higher level than the earnings of the lowest paid productive worker) and so on, are generally accepted to be “moral principles” which remain current even though we now live in an austere post-industrial society scarred by precarious employment patterns beyond the ability of the individual to control. Despite the structural changes to economy and society of the past 70 years, the language of the enlightenment, which talks of social citizenship, compassion and human dignity for all, continues to flourish, vying with anti-modern conservatism anchored in neo-liberal free market economics which seeks to undermine state welfare provision. In the words of Luhmann quoted above “these and other tricks can lead to an overestimation of continuity and an underestimation of change”.

The semantics of the enlightenment is fundamentally anthropocentric in that it places human beings at the centre of all that is creative in society. Moeller (2012), discussing Luhmann’s “radical anti-humanism”, laments that the reception of his systems theory in North America has been less than enthusiastic because of the continuing widespread acceptance of the principles and values of the “old European Enlightenment tradition” expressed daily through the frequent citing of the American Declaration of Independence in schools, in government offices and political forums: declarations which proclaim that it is self-evident that all men are created equal with inherent and unalienable rights of life, liberty and the pursuit of happiness. Moeller (2012, 20) suggests that enlightenment values in the American context are nothing more than “harking back to the puritan individualism of European Protocapitalism”. There appears, therefore, to be a very limited appetite in America for a sociological perspective which seems to eliminate people from social analysis. The rejection of humanism in his sociological project is crucial to understanding Luhmann’s work but it needs to be explained more fully and it does not mean accepting the non-existence of people, their bodies or their consciousness.

The term used in clinical psychology for an inability to identify and describe emotions in the self is *alexithymia*. Stenner (2004) discusses whether this term could be applied to Luhmann’s systems theory, partly because there is an absence of “messy” human beings displaying emotions or being driven to action by moral and ethical principles. The rejection of enlightenment values which centred on the individual and issues of their happiness, liberty and personal fulfilment is not an ideological stance taken by Luhmann but rather a logical necessity if the complexities of modern society are to be explained. Following Talcott Parsons, Luhmann argued that the social is not reducible to biological, psychological or cultural facts.

One of Luhmann's main concerns was to avoid the mistake of attempting to ground, legitimate, explain and understand social systems by way of psychological arguments about the essence of the human being...this was the principal mistake of the Enlightenment, which strove to deduce the nature of society from the logic of supposedly essential human rationality. (Stenner, 2004, 182)

Stenner goes on to recognise that Luhmann wanted to develop a scientific understanding of the evolution of society "in terms of an internal logic proper to social systems themselves, not psychic systems". The difficulty that this presents for many is that the human body, the person, the individual, seems to disappear into a post-human world of autonomous social systems. It appears at first glance to be a social world of impersonal communications where human agency has no place. That is not the view taken in this book.

Luhmann does not so much ignore human beings as recognise the particular difficulty they present for social analysis because of their complexity as the bearers of three autopoietic systems: the biological (body), the psychic (consciousness) and the social (communication) (see Moeller, 2006, 79-98). As a sociologist he acknowledges, but leaves aside, the biological system of human beings and instead focuses on the coupling between the human being's psychic system and the social systems with which they interact and exist as system and environment for each other. Luhmann acknowledged that psychic systems are a necessary precondition of social systems, or put another way, without people social systems would not exist and without social systems people would not exist. However, that relationship between human beings and social systems places human beings *outside the social systems they interact with*. As Peter Gilgen, Luhmann's translator observes:

...Luhmann's insistence on placing human beings in the environment of social systems (rather than inside them) should not be taken as a sign of misanthropic or anti-human tendencies on the part of systems theory...On the contrary, human beings...are better off if their processes are not determined by society. The alternative would be the total social engineering of bodies and psyches, which is not only unrealistic but also undesirable. (Luhmann, 2013, xi)

Francis Halsall (2012) offers a particularly positive reading of Luhmann's perspective consistent with that described above. He observes that "the body can migrate between different systems", creating "noise" and complexity which social systems must quieten. Halsall's fundamental argument is that rather than being absent from social systems, human

beings have a transcendent status which finds them operating both in and across different social systems. Human beings as the bearers of psychic systems, to use Luhmann's terminology, construct the realities of the social systems they encounter inside their psychic system and engage in "sensemaking"² as they attempt to reduce the complexity in those environments on a daily basis. As was alluded to in the introduction in reference to the film "I, Daniel Blake", the central character Daniel draws on his *own* socio-cultural "toolkit" to make sense of the benefits system in terms that he can understand. This is not the generalised culture loathed by Luhmann, which floats across society and somehow embeds itself in the political, educational, media and artistic institutions of society, but a reference to a phenomenology of the lived experience which an individual learns from his social lifeworld; the common sense of fairness acquired from his everyday experiences at work and living in his community; existing outside the social systems he interacts with but making demands of them (irritating them) as he negotiates his journey between one system and another (see Swidler, 1986; Duncan, 1999; Charlesworth, 2000). However, even though we are focusing on Daniel Blake, the key to understanding Luhmann's view of the place of the human being in systems theory is to acknowledge that human beings are not the central agents of social systems, creating them, steering them and transforming them, and as such their sociological significance is *decentred* and the individual as the bearer of a psychic system becomes another system of society *structurally coupling* with the many social sub-systems within society (Luhmann, 1992). This particularly unusual idea is described well by King and Thornhill (2005)

Luhmann proposes the concept of structural coupling, first, to account for the continuing relationship between people, as conscious (or psychic) systems and social systems, consisting of communications. Although people clearly do not constitute social systems, they exist in the environment of these systems just as social systems exist in the environment of conscious systems...There is no causal relationship between the two; society does not cause consciousness to occur, neither do people consciously create and manage society...The relationship between the two is rather one of constant irritation with the one reacting to the other, *but always on its own terms* (italics added) (King and Thornhill, 2005, 32-33)

² The term 'sensemaking' is one which organisational theorist Karl Weick employed to describe the interactional relationships and processes at the micro-level of organisational research. This work will be discussed more fully in chapter 3 and 4.

Luhmann's perspective, therefore, does not exclude people from sociological analysis but focuses more precisely on the processes of their engagement in society and the limits imposed on the individual by the logic of the social sub-systems of society. I will return to this problem complex in Luhmann's sociological theory in chapter 3 where I will discuss the role of human beings as agents who create "irritation" for the welfare system both as clients of the system and as employees inside street-level bureaucracies.

The Differentiation of Society and Human Rights

To underline the place of the individual in Luhmann's systems theory, we must acknowledge the pivotal importance he placed on the development of human rights in the evolution of modernity and the differentiated society. However, as with all of Luhmann's words, it is important to understand how precisely he intends them to be interpreted in the context of his systems perspective. For example, it would be wrong for anyone to buy a copy of Luhmann's *Love as Passion* thinking it was a manual about intimate relationships or a guide to romantic feelings. It is a book about the changing *function* of romantic semantics in the context of social structural change. Similarly his discussion of human rights must be understood first in terms of the functional purpose served by them historically in terms of the differentiation of modern society, and second in terms of their function for the individual negotiating their relationships with the many social sub-systems created by the evolution of society into a more complex differentiated structure of organisational sub-systems.

The structural principle underpinning the organisation of social formations changed over time from primitive simple social structures to the complex arrangement of social systems today. Pre-Modern societies, for example, were organised around clans, families or tribes and Luhmann, as with many other sociologists and anthropologists, described this structure as *segmentary differentiation*: there was little or no interdependence between clans and families and they tended to accept what Durkheim called a central and all-powerful deity and value system, or strong *collective conscience*. There was no political organisation and their rules and laws were derived from archaic religion based on myths and magic. In the middle ages societies were organised around systems of *hierarchical or stratificatory differentiation*: the feudal nexus was one where movement between strata was impossible and stability was maintained by a system of reciprocal duties and obligations which were considered to have been established by God rather than Man. Modern