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Rethinking postnational integration.
Regional integration processes from a system theory perspective.

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Political transition in post-national contexts.

Facing the winding evolution of the late modern society and the increasing of regional integration processes around the world –particularly the European one-, our aim consists in developing an analytical perspective able to perceive and describe global trend of political system based on the particular Niklas Luhmann’s system theory. Taking into account the contemporary political context, where complexity seems to carry political decisions outside the national state borders; where conservative reactions seem to push the idea of sovereignty back to traditional modern and national constructions, we would build our particular theoretical perspective on regional integration not denying the influence of Nation-state institutions but adding post-national decisional structures in politics crossed by global irritations phenomena.

In order to do that (observe and describe giving an innovative framework for an innovative diagnosis), we would like to expose the useful features of many system notions such as anti-regionalization, methodological anti-humanism, operational constructivism or the very specificity of the political system; and to add some postluhmannian concepts such as new constitutionalism or multilevel governance. From then we would try to give a theoretical openness to solve some conceptual paralysis of Luhmann’s political theory. We have to point that clear, to stress that we are not trying to give a normative advice to the whole world-society, we are trying to keep a methodological coherence not exposing a normative formula, not giving lessons about the steps to give to find political solutions, but building an innovative conceptual perspective for a future diagnosis that could solve some theoretical problems we could find in other approaches.
Our research does not look for giving a formula to citizens and politicians to follow in order to solve current problems. We think that the place as observer we would like to take is more modest than the place took by normative theoreticians, we cannot give a description about the whole reality nor the future, we would like to give just a point of view that accepts that every theoretical structure should include the possibility of constant and dynamical changes (paradox of the *stability of changes*). We think that taking a system perspective as a theoretical framework would help us to perceive and to project in a theoretical level an observation about limitations of the societal observer. In such point it is necessary being clear that our point of view would not be a political project itself but a theoretical perspective in order to give a theoretical diagnosis in order to provide a new tool to observe the contemporary political reality.

Taking into account problematic cores in contemporary politics and the theoretical framework we are working on, our main hypothesis focus on the fact that it is needed a reinterpretation on political regional integration. Such reinterpretation, up to us, should expose an antihumanist perspective with non-substantial representation of politics as homogeneity; where there is no place for ontology or determinism; and that consider politics as a multileveled and post-national structure. Our previous researches focused on the European Union process, but we aim to expose a theoretical structure for regional integration in general. Anyway in the case of the EU we would affirm that Europe became a self-reference and a reference for other regional structures around the world in the context of globalization of world-society. In any case we cannot talk about one singular Europe but a multicultural plural Europe founded in Robert Schumann or Jean Monnet’s discourses where Europe was thought as a plurality of peoples, as a unity of diversity.

Unity in and made by diversity, expressed in the very paradox *unitas multiplex*, where totality is not denying its parts and where difference is a part of a plural reference. We are not thinking any regional integration as an addition of particular national members that should keep individualities, but as a construction of a new plural phenomenon. Regional integration processes would not be thought as the creation of new mega-nations. Facing complex problems, a theoretical perspective must obtain more complexity to avoid reductionism and to give the openness to multiple structures of observation of multilevel regional integration phenomenon.

**Political system theory. Studying regional integration**

First of all we would like to explain reasons of our research selection; why system theory framework and why the observation of regional integration processes, those we define as post-national. First of all we thought about the necessity of a theory able to analyze modern
evolution processes, remaining open to the addition of new theoretical elements that could unlock some obstacles that other theories cannot. On one hand, system theory, as an anti-territorial approach, tries to escape from theoretical Nation-state limitations; and, on the other hand, system theory, as an anti-humanist perspective, tries to put the ‘enlightenment individual’ away from the very perception of society. In some other words, system theory avoids State-centrism as well as anthropocentrism in order to give an explanation of social phenomena in general and political facts in particular.

It is essential for us the very concept of world-society as the biggest social system that cannot be reduced to a simple explanation and a particular observation. Each observer can just give a particular, internal and partial judgment about the whole social system. Inside the world-society system we would find many functional differentiated social systems that could explain the world from a partial perspective. Economical system can explain the economical aspects of society, the system Religion can explain religious functioning, education system educational operations, etc. As far as each of those systems cannot observe the whole reality, they cannot see reactions from other systems to their own irritations. They cannot predict the future and they do not know what will arrive once they had sent information to the environment.

This theoretical framework could help us to formulate a theoretical proposal structurally opened to permanent renovations in the evolution of society. Once introduced a first step regarding post-national phenomena, we must say that society is, in this point, a world-society, and this allows system theory observes social facts in a particular, global, polycontextural and multilevel way. Possibilities given by Niklas Luhmann’s system theory and the introduction of notions made by Luhmann’s followers are essential for us. We think that we witness a transitional moment in politics, and a transitional moment in concepts to observe it. Traditional State-centered institutions seem to be in trouble as far as they cannot entirely face to essential functions they used to fulfill. Globalization and new paradigm institutions and centers of power distribution push theories to adopt new paradigm of interpretation on society.

We must say it clearly; Luhmann has never developed a specific analysis on this topic (Luhmann died in 1998) but he had developed a vast and very complex theoretical basis that tried to explain the form (not the substance) of the functioning of modern society in general with his super-theory. It goes without saying that our modern society is a world-society. We took as a basis some of Niklas Luhmann’s texts as Die Weltgesellschaft (Luhmann, 2009 : 63 y ss; y Luhmann, 2006 : 108 y ss.), Europa als Problem der Weltgesellschaft (Luhmann, 1994 : 3-7), Die Politik der Gesellschaft (Luhmann, 2000) o Teoría Política en el Estado de Bienestar (Luhmann, 1993), taking into account that our aim is to expand this theory to a post-national level. Many social scientists think that this theory has a strongly positive analytical element: it is not stopped by traditional levels, territory or individuality. This is a multilevel theory in itself.
Once introduced those reasons to work on such approach, we would like to recognize that this theory could find some difficulties to avoid obstacles imposed by the relation between territoriality, conception of world-society and political system. There is probably an absence of theoretical development by Luhmann itself that we would like to carry on. We have to say that Luhmann’s Die Politik der Gesellschaft was published as an unfinished postmortem work by André Kieserling. In front of complexity of politics and lacks of theoretical development, our exposition thinks the complex situation of conceptual transition reconfiguration in parallel to real political transitional facts (mainly about political coupling with legal system). There are elements that irritate each other and redefine their own references and roles: National-States, regional integration processes and the configuration of a world-society, a unity in diversity. Our objective as theoreticians is far from trying to dream a normative arrangement between all citizens around the world, our contribution is meant to be a theoretical structure that could help to formulate an innovative diagnosis recognizing limitations and openness in order to solve them.

**Post-national integration**

In order to talk about post-national integration, we would take one of the more brilliant Niklas Luhmann’s followers, Poul Kjaer, who has developed a theorization on societal constitutionalism reformulating a big amount of notions exposed by other system theoreticians. Beyond the fact that Kjaer defines itself as non-luhmannian, we would say that the German sociologist had provided an epistemological basis for the Danish thinker. Kjaer retakes many elements from luhmannian’s lenses on reality, and therefore he is giving an innovative step on societal constitution that takes distance from National parameters.

As we have already exposed, following Kjaer, our main aim is to propose a framework to describe a transitional process where politics seems to abandon territorial limitations, it seems to leave territoriality behind. In that sense we state that determined physical boundaries (Mercosur, UE, etc.) have functional differentiated determinations that are indirectly depending on national authorities. Constitutional perspectives are -as Kjaer’s one-, for example, focusing on boundaries shared by the political system and the legal system, not depending exclusively on national State paradigm (not denying Nation-State existence). System theory’s perspective is meant to be exclusively descriptive, in such sense observer is not creating restrictions of reality but selecting limits of their own observation. Reality differentiates itself selecting borders; we are just second-order observer of those limitations.
In the particular case of Europe, for example, the EU takes itself as a reference and its particular political structures articulated with its national members’ structures. European institutions are proposing measures as directives that members should consider to translate to their own internal institutions. In that sense, we could talk about European irritation on national structures, that is not refusing the Nation-States’ existence, but exposing that politics could happen in different levels. Economical system, legal system, scientific system, etc. operate in the same way but with their own semantic. Each of those processes could be defined as integrative construction. When we talk about 28’s Europe today, we are talking tacitly about past references as EEC (European Economic Community), ECSC (European Coal and Steel Community), Euratom, 27’s Europe. Institutions have been created and developed as socially deterritorialized (in national terms). In our research work we would affirm that it is always a matter of self-reference that observer should leave in hands of the institutional processes of social systems.

In the same time EU case expose an important phase for political integration constructions around the world. Going back to Kjaer’s theoretical proposal (Kjaer: 2007, 369), we should mention three main elements appearing in contemporary political integration observed through system lenses.

- EU integration process restricts the autonomy of political and legal national systems (degrees of freedom reduction "einschränkung der Freiheitsgrade"- Luhmann: 1995, 584). As Stefan Lange say it: system phenomenon is the resonance and constructive structural coupling responsible of freedom reduction as far as it concerns an over-integration (Lange: 2003, 166).

- In a certain way EU can be adjusted to luhmannian definition of the State in the sense that political and legal system operate in segmented plural configuration and are coupled between themselves through the constitutional frame (Luhmann: 2000).

- EU seems to find itself in an intermediate position between States and world-society (Luhmann: 1994).

We are to think that a necessary analysis, after a methodological deterritorialisation, must employ a post-national conceptual reterritorialisation. This reterritorialisation should be thought as a gradual process where functional differentiation becomes autonomous and where territorial differentiation becomes dependent functional paradigm. As a theoretical framework focus on reality, here should be considered an organizational differentiation articulating both functional and territorial differentiations. Functional differentiation supremacy is due to modern evolution where there is no monological explanation on every aspect of the social life. We cannot explain society through unidimensional reasons (God or human being). Economy reproduces economical logic, religion reproduces religious semantic, etc. Politics can be explained tanks to political semantic. From system theory
approach politics takes a new postnational sense which is not exclusively centered on Nation-state semantic. Territory is closely linked to the very concept of Nation-state. Nowadays political functioning seems to go from governing to governance, to be legitimated by processes and not by substantial unities. Contemporary transition put into question classical notions such as territory and produces a reformulation of theoretical corpus on politics.

Politics has a very particular place in functionalist and system theories such as luhmannian one. In system words, there is an essential phenomenon: political system has not found a world deterritorialised institution adapted to contemporary evolution process. There would be specificity in thinking regional aspects through coupling between politics and other social systems. When politics gives a directive on university organization in EU, member States have to approve or refuse this particular directive. If they accept it, politics lost national territorially specificity through the adaptation in going further on regional functional integration. Nation-state loosing the exclusivity of political system exposes a domination of functional differentiation on territorial differentiation in late modern society.

There is no world-state, and it would be impossible to expand a national structure to achieve a global level. Global politics would create new innovative institutions not following classical terms (as an *agregatio corporum*). In this sense we would like to emphasize the importance of conceptual structures developed on networks in contemporary world. Luhmann’s defines Politics as a system with a specific functional semantic and a code that divides between government and opposition in the framework of non-hierarchical democratic alternative. This definition as such is an important basis for us, but it could find important obstacles in order to explain contemporary society. Semantic structure of politics in Luhmann, does not allow us to observe what happen in reality where national political institutions and decision making processes are strongly influenced by transnational institutional coupling with economy, religion, etc. For Luhmann there is just government and opposition, we must add institutions or agencies playing important roles on politics that do not have predominance in luhmannian political structures.

Back to the regional integration, punctually focusing on EU, global functional differentiation allows us to thin that politics is capable of being observed in terms of territoriality, the very concept of transition could really help us to redefine deterritorialized politics. Modern society is functionally differentiated, political systems and subsystems observe themselves and develop themselves introducing the idea of difference in contrast with Westphalian national political structures. In the end, *world-society* allows us to observe this phenomenon of unity in and from multiplicity. Up to us the most important fact of late modernity is the phenomenon of *difference*. There is no unity that could explain the meaning and the sense of the whole world which is hypercomplex. Transition would mean in this point the movement from traditional Nation-state institutions to the political configuration at regional transnational level. Our distinction is a second-order observation
of a systemic self-reference in politics, we keep this distinction as a valid analytical instrument.

**On territoriality and anti-territoriality**

Niklas Luhmann’s system theory is based on two main denials when observing social facts: it is anti-humanist and anti-territorial. Anti-territoriality is founded on the development of a specific kind of functional social differentiation that shows the trend of society’s evolution at a global level. Functional systems have a trend to universalization and they should not be thought as limited by territorial borders (Nation-state for instance). Based on that configuration we can easily perceive that economy is observed as global, religion as well, family, education, etc. Social system’s structures have particular roles where they keep their own semantic, their own operational logic of re-production.

In that sense, EU integration process for instance, shows itself as self-referent. This hypercomplex process configures political system, legal system, economical system, etc. through structural couplings. We recognize that some of social systems have a stronger tendency to be global (economy, religion, etc.). Such systems are coupled with political and legal system in order to be regulated and brought to a certain territoriality that is not anymore exclusively centered on Nation-state institutions. Anti-territoriality is closely linked to globalization of world-society in a phase where we can perceive crisis of States and increasing of regional segmentations. That is what we call societal re-signification as a post-national regionalization.

Inclusivity (potential universality) means that functional differentiation of subsystems can achieve a world level but not as a monoculture: plural universality. Around the world there are regions and people that could be reach or poor but share their belonging to the same economical system. Having said that, integration processes through couplings with other social systems develops new references trespassing traditional political frontiers taking new specific roles in the world-society system. There is, for instance, a global economical system with ‘inserted’ institutions and organizations that have a particular reference at a regional level (commercial rules in Mercosur, same currency in Europe, etc.) when coupled to political system or legal system.

Regional integration processes are, up to us, post-national, and give a new signification to other kind of differentiation. Territorial differentiation appears to be an internal type of distinction exceeded by functional differentiation. If functional differentiation is autonomous and has a global trend, territorial differentiation is heteronomous and internal. In politics this relation becomes more complex than in other social systems. Some
institutions, agencies or organizations active in politics bring a brand new sense and relation between themselves and territories through structural couplings.

There are still obstacles that system theory should confront in order to give a more accurate perspective of observation on politics and law. We think that stress the autonomy of functional differentiation of society could help to expose this theory as an innovative approach on new political configuration. We do not mean at all the extinction of Nation-states, but its loss of exclusivity, centrality and uniqueness. State’s institutions are intrinsically assigned to a national territory, new politics questions seems to trespass its frontiers. An exposition a non-State-centered political theory is based on transitional aspects of politics.

EU reference, for instance, shows a particular phase of the new political segmentation we were talking about. Policies, directives and making-decision processes are meant to be at European level. Policies in Europe are brought though structural couplings (EU policies on ecology, EU policies on economy, EU policies on high education, etc.). EU decision-making processes focus on European popular demands. Those policies are meant to be ready for a physical space expansion that trespass national borders but that depends on dynamical regional borders.

**Nation-State loss of centrality**

As far as we consider that there is a loss of centrality in politics by the Nation-state, system theory appears as an advantageous perspective. System theory would allow us to observe several processes that could develop themselves together but at different levels. Globalization of world-society and regional post-national integration, both phenomena go by the hand of the loss of centrality of the Nation-state. We can profit of system theory and functional differentiation advantages because both bring into question International Relations theories and Nation centered perspective. Both approaches focus exclusively on Nation-state institution and seem to find obstacles when analyzing phenomena that trespass traditional logics, such as global influences on society.

System theoreticians bring into question the usefulness of Nation-centered conceptual elements: What is a *Nation* in the context of a complex globalization process? There is not an easy answer to that. Then, what is *inter-national*? Answer could be even harder to be given. As far as Nation-state seems to be de-centered, theoretical traditions focused on the exclusivity of this national institution could be modified. On the other hand, system observation focused on regional decision-making processes, allows us to describe crisis, demands, solutions arise in the late modernity trespassing national borders. As we have
already said, territorial segmentations seem to lose autonomy in front of functional differentiation.

Other of the well-known system theoreticians, David Easton (Easton, 1974) gives a predominant role to politics in society. Up to the American political scientist political system is central to assign values to the rest of social systems. On the other hand, we could state that political system is placed in the differentiation between State and society, Staat y Gesellschaft, but arising demands bring into question the ability of the Nation-state in order to give assertive answers. Nation-state policies seem to lose centrality and supremacy (against Habermas’ point of view as well – Habermas: 1991). There is no process of de-politicization nor the end of politics and the end of history; this means for us that regional decisions provide a structural basis for the development of policies able to understand society at a self-description level (Kjaer: 2007, 375). Political system is hierarchically equal to other social systems.

There is no de-politicization; there is a process of an alternative regional politicization. There is a change, a transition between different references and description of what is politics and how politics is reproducing itself and when something is political. A scientific observation of a transitional moment should take seriously into account that conceptual structures would need to be modified and open to new paradigms (further than Nation-state). Regional political systems are not communicating the same things that Nation-states used to communicate. This problematic situation linked to a transformation of paradigms (from national to post-national) brings two more particular issues: i) normative insistence on democracy as a European expansion of the Nation-state paradigm seems to wrong; as a diagnosis a regional formulation on European democracy seems to be more suitable in our context. ii) the very notion of people that was the substantial guideline for decision-making processes in democratic National-states, would find many troubles when thinking the case of the regional integration of peoples in plural.

Even thinking about traditional territories of Nations, it is hard to think about populations that could be thought as a cultural unity. Obviously it is even harder when we imagine enlarged areas as the European Union for example. Policies on aspects of society at a regional post-national level are not focused on a construction that should represent a singular and exclusive community. Political directives on certain aspects of society should not observe European community as a fixed unity that could make European policies integration more totalitarian. Post-national policies seem to be vague and dark for citizens that cannot find a strong identity representing the physical space of the EU or the Mercosur.

Introducing figures such as transition or reconfiguration we would talk as well about common elements between these post-national structures and those traditional Nation-state architectures. Many post-national notion reformulate traditional notions from State centered paradigm. In EU, for instance, there is the idea of citizenship that stands on distinction
between public and private; adoption of symbolic elements such as an anthem or a flag, etc. On the other hand, EU is a process in the framework of a globalization of world-society’s process. EU is a territorial post-national integration process that is internal in relation to the globalization. Development of a new notion on citizenry gains a special relevance. A redefinition of the idea of *citizenry* would allow us to think about a different institution but complementing the traditional idea of citizenship belonging to Westphalian State model.

New conception of EU citizenry, for example, does not replace the traditional notion of citizenship or national elements, but it reformulates them in quantity (enlargement of physical expansion –territory- that determines the belonging of citizenship) and in quality (there is a new reference segmentation of politics founded on functional differentiation). As a prove it is enough to say that there is always citizenship but the meaning of legitimacy seems to be changing as far as global influences are trespassing frontiers growing up demands that regional processes should answer. A citizen of an EU member country is not leaving it national citizenship in order to become European; both are supplementary citizenships respecting couplings between political and legal systems. On the other hand, to become an EU citizen, a person must be a citizen of a member country (no matter which one of the 28 member-countries of the EU). Up to 1992’s Maastricht treaty (that valid from 1993) a European citizenship would acquire a supplementary character to the original national citizenship (article 20).

In the European structure coexist many different political and legal cultures that produce complex decisions through institutions validated by member States of the EU. Then those European directives have to be “translated” into different national countries where they have to be introduced. In this case we can see that regulations are not just State-centered; there are regional directives and rule citizen’s lives developed in the space of the 28 member countries of EU. In such transitional path what translation means is how politics and law rule different aspects of EU life in each particular context. Up to us, this transitional process exposes a new functional configuration of society where politics and law are not seen as exclusively national-centered.

**Post-national transition of politics.**

Every national configuration in the classical sense seems to be in transition from the center in politics to an internal segmentation of functional differentiation. Systems that are territorially determined (among national borders) seem to lose centrality and autonomy by the functional differentiation phenomenon in late modern society. Post-national entities such as finance, taxes, banks, could force national institutions’ behavior. Directives on
education for example, such as Bologna process, could give a sense of what a post-national policy on education is, and how it could affect national higher education plans.

Some regulatory directives affect national political institutions at a global level. In some regions in the world we can see arising new kind of directives, suggestions, orders, rules, etc. following such post-national path. Theoretical instruments proposed by system theory show the accompaniment of political and legal system through couplings with other functionally differentiated social systems trespassing frontiers at a post-national level. As we have already said, we can see arising regulations about economy, finance, commerce, health, higher education, etc.

In any case, regional integration processes is a sign of the real reconfiguration of politics in the contemporary late modernity, where Nation-states seem to lose autonomy and territorial differentiation being internalized in relation with functional differentiation. National autodetermination paradigm seems to find more and more obstacles in order to expose the autonomy of its institutions in the context of the configuration of world-society. Integration processes have a sense of radicalization, intensification and multiplication of modernity (becoming plural: coexisting modernities) and not a break with the very idea of modern world. Post-modern theoreticians have well give radical critics on modern linearity, but late modern world is closely linked to modern’s functional differentiation. Traditional frontiers seem to be undermined by functional differentiation and physical borders become obsolete. State-centered political perspectives show some limitations to describe reality. A transition to a new paradigm of analysis would be for us the answer to those obstacles. There are institutions, agencies, organizations taking important reference in front of State-centered elements in politics.

We have already said something about practical impossibility of taking a collective of peoples as a unity. The idea of unique people that looks like putting together demos and ethos seems to be at least an anachronism. Try to represent a substantial unity in regional integration processes appears is a wrong task we think. It is the transitional time to project a new idea of plurality of peoples, redefine identity’s conception, leaving away the traditional idea of substantial identity, going to the conception of differences. When talking about political representation, we think about legitimacy that could be found on system’s procedures more than in individualities of world-citizens.

Regional integration processes, generate a transitional movement trespassing borders with an internal level of national territorial segmentations. EU, for instance, seems to be one of the more graphical cases. Poul Kjaer says that EU is far more than a State; EU is a conglomeration of many differentiated perspectives. This ensemble of perspectives should stabilizes horizontally interests of many perspectives (recognizing always its partiality) and institutionalize the transference between socials systems crossing though frontiers.
We must admit that the current state of regional integrations lacks still of a structural coherence (internal and/or external) and of a necessary elasticity, enough to think about fix institutions in such a highly transforming context. In the punctual case of EU, institutionalization process of law and policies, even with obstacles, is still going ahead with multidimensional references. We point to formulate a theory able to explain this phenomenon. This fact could undermine, positively, continuous internal tensions to set momentary convergences between many forms of rationality through decisions-making dynamic and continuous production (Kjaer: 2007, 378).

**Coupling; European case**

At first, European integration began in the sense of making war impossible. This regional shared path was able to facilitate the transfer of sovereignty centers from national to post-national structures. This transition was encouraged by social systems other than political or legal though structural couplings with other social systems inclined to leave national segmentation forms behind. Functional de-territorialized systems demand regulation from political and legal institutions further than Nation-state, so they are held by institutions that re-territorialized politics in a regional way creating common references policies. We perceive three main points to show this framework:

1- In accordance with EU integration process, regulation forms are developed coupled with other social subsystems and they are substantially different to Nation-state centered kind of regulations. European regulation would have objectives through couplings between particular European policies and specific aspects of EU society such as finance, education, currency, migration laws, etc. Those couplings operate in specific ways fitted to procedures network at many levels (departmental, regional, national, regional, etc.) of legitimacy. They become more and more complex compared to traditional representation that looked for unity in society.

2- EU regulatory measures express a kind of loss of hierarchy when de-centralizing Nation-state in political distribution of the medium power. This new reconfiguration of politics exceeds hierarchical and corporatist structures of the Welfare Nation-state. Political production of norms ruling nowadays economy, undergoes changes in making-decision processes at regional level. We focus on a change of configuration where certain elements of the political system are not leading other social systems functioning but they have multiple and multidirectional irritations form on side to the other. On the other hand there are regulatory measures in which political systems had to show the ability to leave national-state centrism to reach a regional level (Euro currency stabilization in EU for instance).
3- Structural coupling in regional integration can reduce a multiple reference of particularities into one particular and plural, at once, reference. It creates a new reference which is plural at the same time. “Political and legal integration in Europe reduces cognitive resources necessary to assure compatibility” (Kjaer: 2007, 373). In this particular example, Europe becomes a reference for its system reproduction itself, its subsystems and its environment as well.

As far as our researches were developed in EU, we have seen a big amount of problematical questions and theoretical oppositions (liberals, theoreticians of ethics, communitarianists, communicative action theoreticians, postmodernists, etc). Our anti-humanist choice in order to give a better instrument of interpretation of social facts, keeps a profile that separates, as much as we can, our personality from affective and engaged actions in politics. We are not tying to give a political project in which one we are engaged, we are trying to set a helpful framework for a new diagnosis on politics in contemporary society. In any case we stand that system theory is able to give an innovative interpretation frame for interpretation of world society.

We recognize epistemological contradictions trying to set a political project though the system perspective. That is why we are not giving a formula to solve societal problems, but we are just giving a framework that would be useful setting a new diagnosis on contemporary world society. Numerous elements show us the necessity of a new paradigm to describe new realities. The inexistence of a unique people to be represented, the expansion and changes about the notion of citizenship, self-reference of systems trespassing Nation-state borders, new roles of transnational political institutions, create new kind of regulations or directives where legitimacy is not anymore based on the same political main actor. We could even mention the arising of new regional binding directives in politics that Nation-states have to rule.

Most of binding decision un EU point to produce a decrease of negative externalities, reducing asymmetries between functional differentiated social systems, recognizing contingency –impossibility of a full observation of reality-. Since then we could perceive a next step towards a positive integration, when EU political system functions as an engine regulating risks due to a high level of complexity. The particularity of EU is that in some political structures politician tries to assure convergence between different kinds of rationality, legal cultures and particular policies reproduced inside the member countries.

Anything is for good in society and debates about efficiency of binding decisions procedures would be valid and open, not just in Europe, but –we hope- in each regional integration process around the world, even if they have they own references and their own temporalities. Kjaer emphasizes that the European political system acts in a context of high complexity as a coordinator between diverse functionally differentiated social systems. We
think this phenomenon as a context in which political system must operate through couplings of multiple and dynamic structures open to environmental irritation.

Multiple structural couplings is one of the theoretical elements we think should be developed in order to understand the high level of complexity in late modernity and the multiplicity of perspectives facing each new phenomenon. Those multiple couplings between social systems could explain a convergence of differences and stability in front of always progressing processes without a previous determination. This theory tries to move away from instrumental actions model, system theory is an open constructivism where everything would be possible and anything would be necessary as it is. There is no ontological limitation, distinctions between system and environment is never fixed, they are always contingent, and each observation depends just on the actor that observes. System is always introducing new contingency with each new selection. The main problem is not to expose ontologically what is a system, but when there is a system. The main element in this theory is the distinction between system and environment, the form and not the substance.

**Between member States and European Union.**

Up to this point we would not just take Poul Kjaer’s analysis but also Matthias Albert theory of World-society or Günther Teubner innovative perspective of constitutionalism. Those post-luhmannian thinkers have analyzed post-national relations and global and complex context for new constitutional projects in world-society (financial crisis, social State collapses, etc.). Taking into account system theory perspective in general and structural coupling concept in particular, we would like to remark two useful theoretical elements:

- The new form of globalization appeared in the second half of the XXth century, with the reduction of distances through the acceleration of communication at a global level (considerably in the last fifteen years).
- The erosion of the traditional class structure (and social struggle) that shows global economy affecting traditional institutions, and the need for new forms of regulation in order to stabilize social elements of conflict at a post-national level (then regional).

Both elements, among many others, have undermined hierarchical abilities of traditional institutions and class struggle instrument (Marxism) to give answer facing contemporary welfare demands of stabilization (usually linked to Nation-state). Evolution of European integration process, would partially explain a development of policies undermining national instruments through the negative and positive integration we have mentioned above.
We would like to emphasize that as far as reality is uncertain, our innovative theoretical proposal provides openness transition forms. In this sense, politics in the context of new regional integration processes, where none of them are similar, should be seen from innovative perspectives. Real and new intertwined connections between different levels of integration leads us to talk about a world functionally differentiated society that needs new theoretical frameworks in order to observe it.

EU as such is a union between member States that, in the context of the configuration of a world-society, seems to show a high level of self-comprehension of the phenomenon of the need of integration (even if we cannot talk about equality between members at all). This fact can be shown through several examples of European directives adapted by its members to each particular context where they will be applied. Up to us, regional integration creates its own subject that is not just the simple addition of members (agregatio corporum). We are looking for conceptual elements that could think a new essence of the regional integration phenomenon. Even in moment of crisis we could think about a disharmonic equilibrium of internal, national and transnational levels of regulation.

This equilibrium of disharmonic elements could be seen in different ways depending on the context. Anyway, beyond the ups and down of politics, regional integration path (in negative and in positive sense) creates a self-reference and a hetero-reference of flexible borders that deserves to be observed in its own specificity. Interpretation of European directives should show at least the fact of a unity of a myriad of interpretations; unity from multiplicity respecting the post-national spirit of the normative directive radically different from national law. Nation-states have a margin of action and a time allowed for adapt the directive taking into account their national particularities.

We think this procedure as regional two-steps integration: negative integration where member States undermine national autonomy though the production of European policies; and a positive integration where Europe produces itself its own European form of regulation on different aspects of the specific European space (migration for example). The second step of positive integration, in politics and law, gives other subsystems the possibility of transnational couplings that complements traditional national regulations. There is no pre-determination and there is no tendency that would be without obstacles. Integration processes work through the structural coupling of social systems and thanks to irritations coming from the environment. Member States lose their centrality but they keep important thanks to their interaction with other political agencies, international non-governmental organization and European institutions, etc.

Any partial system can appreciate neither the whole reality nor the future in itself. That is why we have underlined the future as completely uncertain, and the progress as a transition. The main paradox here for us is the fact that the just one thing that keeps permanent is the change itself. System makes selection among environmental irritations in order to
reproduce themselves. A European social system shows the autonomy of the articulation among functional, territorial and organizational differentiations. In such articulation the functional differentiation is autonomous. There is a European tendency which is no lineal at all, but it keeps its form of reproduction of European plural society.

Loss of centrality of segmentary forms of territorial differentiation inside Europe (in relation with many traditional political institutions) has implications on the status and role of the European political system regarding member States. European political system has a clear but changing reference always producing a new configuration assuring a convergence between many functionally differentiated and territorially heteronomous systems.

If politics and law are coupled in a constitutional frame, reconfiguration process of both subsystems is producing new forms of legal and political directives. The refused project of a Constitution for Europe has been recreated under the shape of the Treaty of Lisbon. Then we would talk about the impossibility of recreating traditional institutions for an expanded territory, at a supranational level -vg. Constitution has a traditional meaning very closely linked to the Nation-state structure. If political and legal systems coupled are creating a constitutional frame, then this constitutional at a regional level would have to be exposed under a new shape. The new idea of societal constitutionalism has to see with a multiplication and dissemination of centers of power trespassing national borders. As far as a new form of constitutionalism linked to a multilevel network on power distribution centers, the juridical pyramid elaborated by Hans Kelsen is kept just for Nation-states.

Reconfiguration process for both legal and political systems in EU integration shows that European legal system seems to have preponderance over national structures of law and that European political system is based on an extensive regulatory and bureaucratic machinery that unbuilds traditional political hierarchies. Both systems must be observed as autonomous phenomena anyway. European political system developed a form of common policies and legal system has developed its own legal order and independent sources of authority across the EU.

Last but not least, EU seems to be a complex paradoxical structure that produces and acts as a stabilization mechanism of a multiplicity of elements such as divergences, different political and legal cultures, in the middle of the globalization of world-society. We propose to think about a conceptual transition as an opening for next researches, a new theoretical configuration in order to observe a new configuration of politics. World seems hyper-complex and we think that system theory on political system needs to be still revised and reformulated towards a comprehensive theory of politics at a global level. We are often talking about EU integration because, up to us, is the most developed regional political system and represents a complex structure that tries to give regional answer to regional demands in front of traditional Nation-state loss of centrality.
Final remarks: European governance structure

For now the last conceptual element we would like to introduce to the system theory framework is the notion of governance that continues a path of a diffusion of center of distribution of the medium power and the loss of Nation-state centrality. The articulation of diverse differentiation structures establishes networks where distribution of communication media trespass national physical frontier. Those new structures could be described as post-national multilevel governance. Post-national structures of governance would allow us to observe and describe processes where politics trespass traditional limitations. Power distribution centers, influence and pressure groups expose clearly the need of new conceptual structures to understand nowadays’ politics in front of the loss of centrality by the Nation-state.

Governance structures provide a useful and conceptual instrument to observe and describe new structures of political integration trespassing traditional borders. Traditional government is one very important element in this new governance structure but not the exclusive political institution. Governance is, so to speak, a dynamical establishment of a more flexible structure based on reinforcing non-national political organizations and agencies. Reconfiguration of politics at a post-national level would show an open structure able to recognize obstacles that traditional structures cannot. Regional governance structures seem to point mainly to the stabilization of relations between EU itself and its member States.

Taking into account those facts, we must recognize that traditional governmental structures keep an important role on late modernity society, such as bureaucratic administration, governments, governmental organizations and institutions. Anyway new spaces of political negotiations are arising, new institutions are created in order to regulate them and new theoretical frameworks would be necessary to observe them, to describe them, to create innovative and specific theoretical frameworks. Poul Kjaer stands that EU has not developed yet a structure able to reproduce the form of Nation-state at a superior level, but a complex structure characterized by a reciprocal relation between government and governance (Kjaer: 2007, 378). De-centralizing governance at a regional level could be understood as a kind of structure that replaces the centrality of Nation-state in form and some aspects due to regional development of institutions in politics on different domains where traditional States cannot give satisfactory answer to arising demands. As it is well-known Nation-states are permeable to demands that have to see more with globalization of other social systems than with deficits in national politics. Different post-national rationalities must be stabilized through new functionally differentiated governance
structures. Production and distribution of the medium *power* can be observed from multilevel governance perspective. Decisional competences with new dynamics exceeding traditional theories could be observed through the lenses of multilevel governance as well. Multilevel and non-hierarchical governance structures could be thought as autonomous structures where political system is not the center of the whole society and Nation-state is not the center of politics. Regional integration processes around the world seem to expose the transitional period where politics would formulate new institutions in order to give answers to popular demands that exceed Nation-state and traditional institutions’ abilities. Up to us this makes necessary a theoretical reformulation that we are to expose, in order to give an innovative diagnosis on contemporary politics.
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