Double Symmetry in Niklas Luhmann's Moral Communication

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Introduction

This research conceptually investigates Niklas Luhmann's moral theory through a case study. Luhmann's sociological theory was titled "Sozialtechnologie" during a debate with Jürgen Habermas. This theory is portrayed as being amoral as the goodness of morality is not emphasized. However, Luhmann makes numerous references to morality, as evident in "Die Moral der Gesellschaft" (Luhmann, 2008). Further, in "Gesellschaftsstruktur und Semantik" (Luhmann, 1989) and "Die Gesellschaft der Gesellschaft" (Luhmann, 1997, 2012, 2013), he explicates the particular characteristics of morality in modern society. Despite the general belief that a moral tone was more prominent in pre-modern societies, he describes how morality is widely discussed in modern society through "Die Realität der Massenmedien" (Luhmann, 1996), "Die Religion der Gesellschaft" (Luhmann, 2000), and "Ökologische Kommunikation" (Luhmann, 1986). Hence, morality has an integral role in Luhmann's sociology. Nevertheless, his discussion of morality has not received much attention.

This disregard might be due to two features of Luhmann's moral theory. The first is that morality is frequently treated as a means of communication, not as a form of norms and rules or an individual's psychological state as in the conventional definition. Second, Luhmann highlights symmetry as a prerequisite for moral communication. Luhmann's moral theory is innovative with regards to the first feature but appears to be rather traditional in the second. This contradictory characteristic may have made it difficult to consistently understand it.

This paper will review (1) Luhmann's theory of moral communication (2) while focusing on symmetry conditions in light of Nassehi's criticism, to clarify issues regarding this concept. Then, (3) Luhmann's symmetry condition will be reconstructed as a concept containing double meaning via a case study in Japan. (4) Correspondingly, interesting situations and characteristics of moral communication, such as "inflation" (Luhmann, 1997, pp. 404, 1044), the "polemogene" (Luhmann, 1997, p. 404, 2000, p. 181), and ubiquity (Luhmann, 1989, p. 434, 1997, p. 1044) of moral communication, shall be interpreted more consistently. Furthermore, (5) this study contributes by re-describing the current state of morality and showing how it is associated with Luhmann's theory of society.

Definition of moral communication

There are two main differences between Luhmann's and the traditional sociological theory of morality. First, he considers the concept of morality as a specific kind of communication rather than a norm. Luhmann believed that morality could be discussed within a framework wherein social systems were analogous to communication systems. In his social systems theory, morality is not considered as a specific human characteristic (i.e., ethos), nor is it defined as a particular (i.e., internal) belief, norm, or other experience of rules concerning human behavior. Luhmann stated that morality is not a psychological state and a moral concept can only be realistically relevant through the concept of communication. In other words, it is always communication that is distinguished as moral in a particular way that needs to be discussed, together with the effects of such "identification on mental and social systems" (Luhmann, 1989, p. 361).

As Nassehi notes, traditional sociological theories of morality have tended to analyze "what is moral and what is immoral," whereas Luhmann's sociological analysis of morality is based on the distinction between "what is morally significant and indifferent communication" (Nassehi, 2001, p. 27). Rather than observing what deviates from morality in contemporary society, these differences enable a sociological analysis of morality. David Émile Durkheim once argued in "Le suicide" (1930) that this sociological analysis should be conducted scientifically but his attempt failed. Hence, Luhmann argues that it should be conducted without becoming "a pawn of morality when we think we have embarked on a scientific inquiry" (Luhmann, 1989, p. 359).

Luhmann defines morality as "a special form of communication that carries with it indications of approval or disapproval" (Luhmann, 1991, p. 84, 2008, p. 256). These judgments are expressed as praise or blame and are mostly communicated indirectly (Luhmann, 1989, p. 361) based on the distinction between "good and bad (gut und schlecht)" or "good and evil (gut und böse)" (Luhmann, 2008, p. 96), which is the moral code (Luhmann, 1989, p. 359). The praise/blame takes the form of references with "regards to the whole person of people participating in the communication" (Luhmann, 1991, p. 84, 2008, p. 257). Notably, the evaluation/expression of person is irrelevant to internal feelings, regarded only as "the meaning used in communication" or "the meaning that functions in communication" (Luhmann, 1989, p. 365).

In moral communication, approvals or disapprovals are not conditioned beforehand and are expressed or implied only when confronted with a situation. The sphere of morality is thus empirically defined; however, if some conditions (i.e., conditioned by law, political culture, racism, or personal taste) are moralized, the repercussions can be communicated. Luhmann gives an example that if a guest finds a bust of Bismarck in a person's house, the owner's repute would be damaged (Luhmann, 1991, p. 84, 2008, p. 257). In this case, the presence of a bust of Bismarck in a house is a condition for approving or disapproving the owner.

Moreover, this moral code is independent of other codes, such as the code of law, which distinguishes between legal and illegal, or the code of science, which differentiates between truth and falsehood (Luhmann, 1991, pp. 85–86, 2008, p. 259). Unlike the codes of functional systems, a moral code does not consist of a functional system and its use is not limited to a particular system. "Morality is a mode of communication that pervades society as a whole" (Luhmann, 1989, p. 434). Regardless of the value assigned to the communication with other codes, the conditions for approval and disapproval are not unified within society even though moral judgments can be implied for communications belonging to any system. "Morality can no longer serve to integrate the society with regard to its optimum state. ... Where the incongruence of all codes among themselves and with the moral code becomes apparent" (Luhmann, 1997, pp. 403–404, 2012, pp. 243–244). Therefore, morality and conditions for approval/disapproval become apparent when communication commences (Luhmann, 2000, p. 179).

In summary, morality is communication that expresses approval and disapproval based on the good/bad distinction and is applied to the person as a whole. This concept is independent of other codes and is not limited in terms of its application.

Symmetry of moral communication

Luhmann outlined symmetry as a requirement for such moral communication. First, all moral communication is symmetrical because what is presupposed as morality is valid on both sides

(Luhmann, 1989, p. 366). The conditions for approving/disapproving the alter via communication (e.g., placing a bust of Bismarck in the house) also happen to be the conditions for approving or disapproving the ego. Hence, symmetry is also called "self-bindingness" (Luhmann, 1989, p. 366). Luhmann refers to it as follows:

When others are judged morally, the same conditions are inevitably communicated as applicable to the one expressing the judgment. Whether "imperative" or "categorical," self-binding is implied in moral communication. A person who wants to be free from moral binding cannot impose it on others. Either other modes of communication must be chosen or communication should be initiated ambiguously, highlighting any misunderstandings and correcting them when necessary. (Luhmann, 1989, pp. 366–367 emphasis added)

Besides, Luhmann mentions that moral communication necessitates the same respect/disrespect conditions for both ego and alter (Luhmann, 2012, p. 239). As Nassehi refers to this nature as a "symmetry condition," this name has been adopted in this paper well (i.e., the self-binding nature of moral communication). Luhmann mentions this symmetry condition in several places such as:

When morality is discussed, the conditions of approval or disapproval must be identical between the ego and the alter. The ego is subject to the conditions it presents for the alter; therefore, moral communication generates constraints. Even when one merely tries to constrain the behavior of others, s/he also constrain him/herself by trying to do so. In morality, the relationship between *two* distinctions always plays an important role (i.e., the relationship between the distinctions of *ego and alter* and of *approval and disapproval*). The latter distinction is employed to neutralize the former. ... By expressing the difference between approval and disapproval, the conditions for determining them are conveyed as the *same* (Luhmann, 1989, pp. 361–362).

In moral communication, a good evaluation of job performance does not imply approval since appreciation does not mean that the same performance should be achieved by the assessor. Besides, the evaluation might not necessarily refer to the "whole person" getting the achievement:

I understand by morality a special form of communication that carries with it indications of approval or disapproval. It is not a question of good or bad achievements in specific respects, for example, as an astronaut, musician, researcher, or football player, but of the whole person insofar as s/he is esteemed as a participant in communication (Luhmann, 1991, p. 84, 2008, pp. 256–257).

This symmetrical (i.e., self-binding) nature of moral communication, along with the reference to the whole person, has been an important issue in the examination of Luhmann's theory. For instance, Nassehi (2001) criticized the need to employ the symmetry condition as a prerequisite for moral communication. Groddeck (2011) also mentions this condition during the analysis of corporate value communication.

Indeed, this reference to moral communication's symmetry condition seems more appropriate to Habermas's moral theory (1995, pp. 174–176), which is based on consensus and agreement. It also seems to contradict Luhmann's "inflationary" and "polemogenic" characterization of morality in modern society.

However, this study attempts to demonstrate the following aspects: [a] What Luhmann refers to as symmetry in moral communication is in fact a complex of two symmetries. [b] It is the interaction between these two symmetries that facilitates the inflationary and polemogenic characteristics of morality. In this sense, if there were no symmetries, neither inflation nor a controversial characteristic

would emerge. [c] This double symmetry comprises a counterfactual assumption, stating "if I were in the same position," between the ego and the other, which is the object of approval and disapproval. [d] To maintain the identity of the counterfactual assumption with the ego in reality, reference to persons involved in moral communication is essential, making the ubiquity of the moral code possible.

Nassehi's criticism and issues regarding moral communication

Nassehi not only acknowledges the significance of Luhmann's theory but criticizes it as well, highlighting:

Strangely enough, Luhmann associates it with the conditions of symmetry wherein the conditions of approval and disapproval must be identical for the ego and the other. However, this seems to be only one of the special cases. For now, for me, I would call any expression of approval or disapproval a *moral communication*. However, the consequences are distinguished by whether the ego and the alter are morally symmetrical. That is, only in such a case does morality produces what sociology assumes as a social constraint. Since those who force others to approve or disapprove are, after all, subject to the same conditions of proof of approval and disapproval, the resulting situation generates social reciprocity (Nassehi, 2001, pp. 27–28).

Nassehi disagrees with Luhmann and claims that consequences determine whether moral communication is based on symmetrical conditions. Hence, it can be asymmetrical, but social constraints are produced only when moral conditions apply to both sides. This criticism contains several notable points of contention.

The first point is the meaning of "symmetry" in moral communication. Moral statements, whether demanding goodness or repelling evilness, are difficult to respond to because they do not evaluate a partial action or response but a whole person (Luhmann, 2008, p. 257). Still, it is possible to respond to such utterances in the form of rejection (Luhmann, 2008, p. 268). In such a case, even when an individual is morally correct and understood, is the communication deemed moral? This notion raises the question of what is at stake in "symmetry" (Nassehi, 2001, p. 28).

The second question inquires whether the symmetry condition is satisfied when the recipient of the praise/blame is not present at that moment (i.e., the communication is not operated as an interaction). This aspect serves as a point of contention with regards to the passage where Nassehi mentions the production of social mutuality as a condition for moral communication to be symmetrical. For example, through mass media and social networking services, people who are not active participants still offer praise and condemnation. How should the moral statements of these people be viewed? It is unrealistic to think that such references are not moral communication just because face-to-face interactions are not involved. Even if people are not involved in a given event, they can still make moral judgments. Rather, moral comments are prevalent in the form of condemnation from people who are generally not directly involved.

Therefore, whether self-binding is implied to people who make accusatory comments anonymously must be established. Moral judgments made by anonymous people can be assumed to be a form of praise for achievement, which is not applied to the whole person, and others can be accused irrespective of whether the condition applies to them. In this case, as Nassehi argues, it may be more consistent to think that moral communication can be asymmetrical or symmetrical, but it is distinguished by the production of social constraints. In such a case, this exchange would not be labeled as "moral communication," as per Luhmann's definition, because such communications do not refer

to a person as a whole.

The third point refers to the meaning of constraints (or binding). According to Nassehi, the creation of a "social constraint" or "social reciprocity" depicts a pattern of consequences related to moral communication (Nassehi 2001, 28). Although this social constraint is different from Luhmann's constraints (i.e., self-binding), it is unclear what kind of situation it refers to. Luhmann's self-binding is a presentation of the conditions through communication, while Nassehi depicts a state produced as a result of communication.

To examine the above points, I examine the "Neighbor Lawsuit" in Japan as a case study. This case not only illustrates the inflationary and contentious nature of moral communication, but also the independence and ubiquity of moral codes that work across boundaries of functional systems. This case is a typical example of how morality is used in modern society, and Nassehi's criticism seems to be rather applicable. In other words, a condemnation that does not seem to imply self-bindingness produces a consequence that can be called a social constraint. Therefore, testing the empirical validity of Luhmann's theory of morality is vital.

An overview of the "Neighbor Lawsuit"

In May 1977, an incident occurred wherein child A, who was three years and four months old at the time, drowned in a reservoir near a housing complex in Suzuka City, Mie Prefecture, Japan. During the afternoon, A's mother tried to take her child, who was playing with a neighbor's child B, to the store, but A refused. B's father, who was watching, said, "That's fine," and A's mother conceded. At that time, she requested B's mother to look after child A. However, A drowned in a pond where irrigation water for agriculture was stored a few hours later. As a result, A's parents filed a lawsuit against B's parents in December of the same year, claiming compensation for damages caused by A's death, partly due to miscommunication. In 1979, they additionally sued the national government, Mie Prefecture, and the construction company that had extracted the sand from the reservoir due to mismanagement (Kojima *et al.*, 1989, pp. 4–5).

In February 1983, the Tsu District Court was heavily criticized when they ruled that the plaintiffs had partially won the case. Notably, the evening newspapers published articles under negative headlines on the same day, such as "Throwing Cold Water on Neighborhood Relations," "Judgment Harsh on Neighboring Couple for Drowning Infant in Their Care," and "Judgment Harsh on Neighbor's Good Will." The repercussions of the case were immense, as misfortune during a routine event developed into a court case. The plaintiffs were reportedly inundated with letters and phone calls all day long, with accusations and threats. Moreover, the case started to substantially impact the professional and personal lives of the plaintiffs and their relatives (Kojima *et al.*, 1989, pp. 14–15).

Consequently, the plaintiffs tried to withdraw from the trial, even though the first trial judgment had already been issued; however, the defendants did not respond immediately. Since withdrawal requires the consent of both the plaintiff and the defendant, the case could not be withdrawn. When mass media reported this event, the plaintiffs received encouragement and praise, and the defendants were overwhelmed with criticism. Afterward, the defendants dropped the case, and the trial itself was withdrawn. The Ministry of Justice issued an unusual statement in April 1984, saying that the situation was "extremely regrettable from the viewpoint of human rights protection" (Kojima *et al.*, 1989, p. 15-16) because the right to a trial was violated. This summary outlines the case known as the "Neighbor

Lawsuit" (Kato, 1983; Kojima *et al.*, 1989, pp. 3–16).

A fatality case being brought to court is not remarkable; yet, external influences on the legal system, such as the condemnation and termination of employment of those involved in the plaintiffs' case, forced the withdrawal of the case[1]. Correspondingly, this case deserves to be perceived as an example of moral communication.

Basic analysis of the case

The accusations and threats directed at the plaintiff are considered moral communication. According to the plaintiff's lawyer, the accusations and threats were mostly anonymous, whether by telephone, letter, or other means. Many statements included profanities, such as "bastard," "what are you going to do with the money," "damn," "unpatriotic," "(you are a) demon," and "die" (Kojima *et al.*, 1989, p. 14). These accusations revealed fear and rejection. The notion that any misfortune while a child is under the care of a neighbor, which is an extension of daily life, could lead to a lawsuit, was considered unacceptable. Alternatively, another condemnation expressed that claiming compensation in such cases was inexcusable.

Such accusations led to the withdrawal of the trial, denoting two crucial elements. Firstly, it meant that people had to be cautious when accepting to take care of other peoples' children as they might go to court in case of a mishap. Secondly, it is better for those who ask others to look after their child to refrain from suing in court even if the child loses his or her life due to the carelessness of a neighbor (Kojima *et al.*, 1989, pp. 35–36). The unusual opinion issued by the Ministry of Justice was based on the concern that the public should not refrain from bringing cases to court.

With such a case, the symmetry condition of moral communication in Luhmann's moral theory can be reviewed. There were many accusations from anonymous people, but did the self-binding and symmetrical nature of moral communication hold amid such accusations?

Reviewing the symmetry condition

This case study will be used to examine the aforementioned theoretical issues. The definition of symmetry was the first issue, which is considered an implication of moral communication. The second issue is whether the implication of symmetry in moral communication is maintained even when praised/blamed through the mass media. The third issue is the meaning of the binding. Each of these issues is interrelated; therefore, it is difficult to solve them individually, and using actual examples would be more worthwhile.

In the aforementioned case, the plaintiff or the defendant was unable to communicate with the anonymous people hurling accusations. However, communication had been established since their messages were acknowledged by both the plaintiff and the defendant.

According to Nassehi's perception of moral communication, this incident produced social reciprocity (i.e., the third issue). There are two kinds of social mutuality here. The first is social reciprocity between the plaintiff and the defendant, which is reflected in the fact that the case was dropped. This reflects social mutuality in interaction. The second is the social reciprocity indirectly suggested by people's reaction to the incident, which fostered the understanding that both the person leaving the child in the care of a neighbor and the person taking care of the child must exercise reasonable care, and that failure to do so can be morally reprehensible. This understanding spread to the viewers of the mass media who were not directly involved in the incident, which refers to sharing

of conditions that could be morally reprehensible through the mass media. Thus, from the perspective of Nassehi's formulation, which judges whether moral communication is symmetrical or not according to whether social reciprocity is produced, it can be said that symmetry may be maintained even in communication through the media (i.e., second issue). To reiterate, in Nassehi's argument, symmetry is defined as the ego and the alter participating in communication being subject to the same conditions (i.e., first issue). Still, this formulation raises the following question: In this case, the verdict of the first trial was reported in the mass media, which attracted wide attention and resulted in the withdrawal of the case and the formation of social mutuality. If the trial had proceeded without any changes, would the accusations made by anonymous people be considered asymmetrical moral communication? It seems that with such a formulation, it may be difficult to conduct an analysis consistently.

Therefore, Luhmann's theoretical argument would be examined further. As mentioned before, in Luhmann's theory, moral communication expresses approval/disapproval in communication, wherein the conditions of morality are presented (i.e., first issue). Symmetry is assumed to exist even in communication through mass media. Otherwise, moral communication would not be possible except through interaction (i.e., second issue). In such a case, moral communication, wherein respect/disrespect is presented to the alter, is taken to apply the same conditions on the ego, expressing the concept of self-binding (i.e., the third issue).

Such a theoretical formulation is criticized because there are situations where self-binding and symmetry through communication do not seem to be implied (e.g., accusations of anonymous people). Nassehi's criticism of Luhmann may also be derived from this point; however, it does not guarantee consistent analysis. To reconsider Luhmann's theory, Nassehi's criticisms and doubts can be rephrased as follows: can the implications of the self-binding nature of moral communication be intact in any case? If so, in what cases? As empirical examples, anonymous accusations may seem asymmetrical in some sense, unlike face-to-face accusations or allegations made by identifiable individuals. Anonymous accusations tend to be extremely inconsiderate, particularly because the accuser does not feel threatened. Perhaps Nassehi was aware of this point when he questioned the constancy of the implications concerning self-bindingness. Since self-binding itself is empirically unobservable, he may have redefined the presence or absence of observable constraints of social mutuality as a condition of symmetry for moral communication. Thus, the interpretation of cases wherein the implication of self-binding is compromised needs to be reconsidered.

Double symmetry
Symmetries of the hypothetical/symmetry of the condition

Notably, the asymmetry between the ego and the alter is due to the asymmetry in *the position of the individual* who is considered to be participating in moral communication. For those who are uninvolved in the process, the implications of self-imposed constraints remain unknown unless inquired critically. Not everyone will encounter an incident wherein a child dies in their care. However, *moral statements shall emerge nonetheless, such as "you should not sue in such situations," as accusers would imagine themselves being in similar situations without knowing whether or not they would experience one.*

Thus, it is better to think that the symmetry proposed by Luhmann has two meanings. First, the **symmetry of the moral conditions** whereby the moral conditions presented are the same as ego and

alter, which Luhmann originally suggests. Second, **the symmetry of the hypothetical** whereby those participating in the communication imagine themselves in the same situation or position.

The duality of the hypothetical symmetry and its effects

Hypothetical symmetry is worth considering since it allows for symmetry in moral communication with imagination, even if the situation of each individual is different. Hence, it is also a condition for the ubiquity of the moral code. This supposition is necessary to enable people in any position or situation to show approval/disapproval for others under the conditions of their morality. If this assumption is not valid, moral communication is not possible when one does not correspond to the event or condition that is being referred to.

In a functionally differentiated society, moral codes are virtually useless if they cannot be used for people in different positions. If there were no suppositions, such as "if I were in the same position as you," then expressions of moral approval/disapproval would end with a single phrase: "You are different from me so do not judge me." This statement itself can be used as a refutation of the actual expression of moral communication; still, the failure of the entire moral code is not evident. Rather, the fact that this statement can be made empirically proves that communication is based on hypothetical symmetry. In the case mentioned above, even if one does not have a child, the plaintiff could be blamed under the assumption: "if I had a child, and the child died in the care of an acquaintance."

Furthermore, this hypothetical symmetry *does not assure the symmetry of the presented moral conditions*. This seemingly self-evident fact is central because the uncertainty of the assumption that "if I were in the same position as you" opens the possibility of undermining the implications of the speaker's self-bindingness. It permits an individual to imagine the circumstances of other people while over-praising or blaming them because it is not the case or because it is expected not to be the case. If it had been Nassehi, he would have called such situation asymmetric moral communication. If it had been a face-to-face communication, the plaintiff's parents might have raised objections, such as "Have you ever similarly lost a child?" or "Do you think you are in the same position as us?" The parents might even ask, "If you were in the same position, would you not prosecute carelessness?" Anonymous accusations make it impossible to ask such questions, which would be possible in face-to-face communication, emphasizing that hypothetical symmetry is only virtual or fictitious. Such allegations strengthen the suspicion that there might be no implications of self-bindingness in moral communication. The anonymous accusers can be perceived as pretending to pay a minimum price for moral communication. Hence, anonymous accusations are sometimes thought to be asymmetrical or immoral to those who observe them and indicate the inappropriate use of moral code.

It is important to note that *this problem is not related to anonymity*. The same is true for moral communication. The suspicion regarding the asymmetry of communication is stressed in the case of anonymity. When an individual communicates using a moral code, it is impossible to discern whether the implications of self-bindingness are undermined or not through observations or consequences of communication, and can only be questioned or confirmed through communication. For example, "Are you saying that from my point of view?"; "If you were in the same situation, would you have done the same?" The ability to question responses is proof of the hypothetical symmetry of morality because the uncertainty of whether the "symmetry of the condition presented" can be guaranteed in practice is itself derived from the symmetry of the hypothetical that allows for the ubiquity of moral codes.

How symmetry relates to society

Bridging the ego and the alter by moral communication

The hypothetical symmetry discovered in the previous section was necessary as a premise of the moral code because of the differences in individual positions (i.e., the asymmetry of reality between people). In this section, implications of this discovery in terms of Luhmann's systems theory are examined.

If the shift from a hierarchical to a functionally differentiated society is considered, as projected by Luhmann (1995, 1997), it can be stated that behind this (a) hypothetical symmetry and (b) real asymmetry lies (c) symmetry as a potential possibility. In a hierarchical society, virtue and respect are attached to a higher hierarchy, as each hierarchical group has certain morals and manners. In a modern, functionally differentiated society, these attachments are stripped away, creating a situation wherein anyone can be "respected" or "despised" in terms of moral approval/disapproval (Luhmann, 1989, pp. 415–416)[2]. Without this (c) symmetry as a potential possibility, the credibility of (a) virtual symmetry would not be established because moral communication can bind ego and alter, even if it is based on the uncertainty of self-binding implications.

(a) Hypothetical symmetry: symmetry that allows us to assume "if I were in your position," even if the positions and situations were different.

(b) Real asymmetry: the actual social position and situation of each individual are different.

(c) Symmetry as potential: the fact that each individual is potentially an equal and interchangeable individual (Luhmann, 2013, p. 264). The potential interchangeability of each individual's position is because society is no longer hierarchical. Unlike hierarchical societies, where honor corresponds to high rank, morality no longer corresponds to status, so everyone has the potential to be worthy of respect.

From the perspective of social evolution, moral communication is established by the overlapping of three layers. Therefore, what Luhmann calls "self-binding" (1989, p. 366) is polysemantic in reality. It is true that if the discussion is followed carefully, symmetry can be implied as a condition of moral communication. Yet, as a description of the operational form of moral communication, Luhmann's description may be rudimentary.

If this three-layered structure is taken into account, it becomes easier to understand the meaning of Luhmann's other descriptions of moral communication. For instance, he states:

This distinction distinguishes ego/alter relations according to whether respect or disrespect is expressed, and it withdraws their expression from arbitrariness, conditioning it in a way that applies to both sides in the same sense (or at least claims to do so), *making moral communication suitable for bridging the existential difference between ego and alter* (1989, p. 363 emphasis added).

"Bridging the existential difference between the ego and alter" means that the moral code can be used to (a) hypothetically place individuals in the other person's position despite the existence of (b) the asymmetry of reality based on (c) the symmetry of possibility. However, (b) the asymmetry, in reality, does not disappear, which is probably why he would have used the phrase "suitable for bridging" instead of just "bridging."

A functionally differentiated society must abandon unification through morality (Luhmann, 1989,

2008). Nonetheless, moral communication can assign approval or disapproval to others and demand that they submit to the same conditions based on hypothetical imagination. The moral code makes this form of communication possible, and "suitable for bridging" refers to the viability of communication.

In "The Society of Society," this notion is expressed as:

The form of the medium is defined by its concern not with recognizing the particular skills or achievements of specialists but with including people per se in societal communication… It is also indispensable to take double contingency into account and, for bridging purposes, to proclaim the same respect/disrespect conditions for both ego and alter from whatever side (Luhmann, 1997, p. 397, 2012, p. 239).

Therefore, whether social constraints are empirically produced through moral communication is irrelevant. The theoretical implication of self-binding cannot be denied, even if it is unobservable whether both sides are subject to the same conditions because existential differences do not disappear despite social binding. Otherwise, it is stated:

In morality, the relation between two distinctions always plays an important role, that is, the relation between the distinction between self and other, and the distinction between respect and contempt. The latter distinction is used to neutralize (neutralisieren) the former distinction, or perhaps to distract from the former distinction (Luhmann, 1989, pp. 361–362 German added).

Therefore, the distinction of approval/disapproval neutralizes the ego/alter distinction. Here, communication via a moral code refers to the ego and the alter, which are (b) different in reality, as if they were temporarily on the same footing due to (a) a virtual symmetry in the context of (c) potential symmetry. Therefore, the possibility of communication allows talking about (c) and (a) in a way that increases their credibility and, at the same time, erases the difference between (b). The latter part, "to distract from the former distinction," refers to this aspect as well.

Characteristics of the ubiquity of moral codes

While reviewing the definition of moral codes at the beginning of this paper, several characteristics were highlighted. Particularly, the ubiquity of moral codes distinguishes them from other codes (Luhmann, 1989, 1997). This characteristic is not unique to moral codes but to any communication media, as they can be applied to any subject. However, the fact that it can be used without forming a system is an inherent feature of only moral codes when compared to other functional systems. Luhmann argues that moral codes do not form a system (1989, p. 434). Why is it possible to use code without going through a system? The reason is that modern society is based on symmetry whereby (c) potentially everyone can be approved/disapproved and (b) individuals with different positions, in reality, can (a) hypothetically imagine themselves in the position of others. Thus, the moral code cannot form a system because it goes through the three-layered structure of (a)–(b)–(c), and the ubiquity of the moral code, as Luhmann calls it, can be interpreted as a multilayered structure.

Discussion and Conclusion

This research examines the symmetry condition as a core issue of Luhmann's moral communication theory. In conclusion, this paper has shown that the symmetry condition mentioned by Luhmann has a double meaning. First, the symmetry condition suggests that the same conditions apply to the self and others when making moral judgments. Luhmann claims that the symmetry between ego

and alter is valid even if the ego is not necessarily aware of it. Such self-bindingness permits people to make binding and original moral judgments about others, independent of legal codes and organizational rules. Moral codes differ from other codes in this regard; however, people are not in the same position or situation when making such judgments about others. Individuals can bind others based on implied symmetry and self-bindingness even if they are not experiencing a similar situation.

Therefore, the symmetry condition regarding moral communication needs clarification to show why the aforementioned constraint or judgment is possible. Even if the ego and the alter are placed in different social positions and situations, they can still hypothetically assume each other's position based on "if I were in your position." Likewise, a modern society can and shall continue to issue moral judgments based on assumptions. The second symmetry, wherein the ego and the alter can be on an equal footing with each other no matter how different the situations, is termed "hypothetical symmetry" in this paper.

According to the concept of human rights, equality of people is assumed in modern society. However, the symmetry that makes moral communication possible is only an ad hoc and context-dependent assumption of symmetry as long as communication persists. As no system is formed, it differs from the code of other systems and is therefore unstable, but it often has the power to stop their operation of the code.

In today's society, moral communication may spiral out of control and even be fatal. However, criticizing the outburst of the masses and exchanging blame by isolating only one aspect of such a phenomenon will be superficial. What this study has revealed is that the very condition that makes moral communication possible enables people to communicate respectfully or contemptuously with others without any special qualification. Such an analysis can serve as a theoretical underpinning for the analysis of today's phenomena.

Note

1. Although the first trial court did not recognize the formation of a contract with B's parents to take care of A, it ordered them to pay a total of about 5 million yen and dismissed other claims on the grounds that they had neglected what was considered a general duty of care (Kojima *et al.*, 1989, pp. 4-5,). This penalty is not high for a fatality case, but it shows that earlier accusations from anonymous people were not related to money (i.e., the severity of the punishment) but rather with bringing the case to court.

2. For the point that the functional differentiation of society has made everyone potentially respectable, see (Münch 1995, chap.9). These discussions are also closely related to Luhmann's description of subjectification/individualization and the inclusion of an individual in a total society (see, for example, "The Society of Society" chap.5, section 13 [Luhmann 2013, 263ff]).

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