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Colin B. Grant, "Language, Vagueness, and Social Communication"
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Abstract: In his paper, "Language, Vagueness, and Social Communication," Colin B. Grant adopts an interdisciplinary approach to an interrelated complex of language, communication, and society. Grant operates with a modified concept of vagueness as a pragmatic property and attempts to establish a link between pragmatic vagueness and contingency in communication. This communicative contingency takes the form of improbabilities (entropy). Grant observes that the challenge lies in modelling communication as porous networks which nonetheless enable society to function. In this sense, contingency in communication must not be confused with arbitrariness just as cognitive closure cannot be confused with solipsism. This line of argumentation allows us to question and reassess conservative notions of dialogue or intersubjectivity in order to reveal the precariousness of social interaction processes. Cognitive autonomy, contingency in communication, and fictionality are then interrelated in an examination of the highly complex fictionalizations which enable these processes to take place.

Colin B. GRANT

Language, Vagueness, and Social Communication

The principal concern of this paper lies in the construction of a theory of social communication which acknowledges contingency on three levels: language, communication, and society. It operates with a logically loose definition of language vagueness and, in direct relation to this, with what radical constructivists call the cognitive autonomy of social actors. In an attempt to integrate the concepts of vagueness and cognitive closure at the communication level, I propose a theoretical model of "porous communication." I then relate the concept of porous communication to social communication by recognizing the improbability of social consensus as an ontological fact, truth or reality, but also the necessity of agreement as an operational mode of social interaction. Here, real epistemological gains can be achieved in operating with the fictionality or non-correspondence of such constructs of social interaction processes with what is held to be reality or objectivity. In other words, in this theoretical model of social communication based on cognitive closure and semiotic vagueness, the potential for pure solipsism is neutralized by a modeling of interaction processes as improbabilities which are reduced for purposes of social interaction by means of fictions. The notion of the contingency of language immediately challenges an understanding of language as something non-contingent. Non-contingency can be taken for the purposes of my argumentation here to mean stability, determinacy, objectivity, or the idea -- to which many would subscribe at an intuitive level -- that language is an expression, reflection or concretization of something outside it. This "something outside language" is habitually given the name reality, objectivity, or even truth (see Schmidt, *Kognitive Autonomie*). Language is thus held to enter into a relation of correspondence with reality. Moreover, it is held to correspond to a reality which is the common horizon of the acts of all (rational) social actors. And if it fails to correspond, society has a range of pathologies which can be used to exclude the offending speaker from normality: psychosis, autism, schizophrenia, for example. I wish to challenge such a view by relocating language in a much less stable -- and thus less epistemologically conservative -- context. The history of the philosophy of language has provided a variety of elements which can underpin a theory of the contingency of language, although many avenues have been left unexplored. Ferdinand de Saussure's theory of the sign is a case in point. In his *Cours de linguistique générale* (1923), the linguistic sign is conceived as arbitrary. The term arbitrariness does not, however, mean autonomy; rather, it is the connection between signifier and signified that is held to be arbitrary in character. At the same time, the character of a sign is more often governed by rules and conventions which bring the arbitrary sign back into the fold. In the present context it is highly significant that for Saussure the term arbitrary "should *not* suggest that the signifier depends on the free choice of the speaking subject" (Saussure 101; my emphasis).

This notion -- that the arbitrariness of the sign does not induce the freedom of the speaking subject in language construction -- is supported by Saussure's view that the sign is historically rooted as an inheritance (in the pre-texts) of past epochs. Any arbitrariness is thus reigned in, as it were, by the collective psychology of the *masse parlante* (112). A contradiction thus emerges between individual language (*parole*) as an act of volition in which there is "nothing collective" and a conception of social language (*langue*) as a "sum of impressions deposited in each brain" (38). Although there is clear potential for a contingent model of the linguistic sign in the concept of arbitrariness on account of the tension between arbitrariness and language norm, this potential is not exploited. Saussure only succeeds in overcoming the radical consequences of semiotic arbitrariness by means of a dubious appeal to collective psychology and a miraculous implantation of social language in the brain of each individual: "Language is not a function of the speaking subject, it is the product which the individual registers passively" (30). The concept of mass psychology may appeal to our intuitive vision of language as social interaction, but a more radical approach to arbitrariness is thereby foreclosed. The relation between free language construction and social orientation (see Schmidt, *Kognitive Autonomie*) can be modeled in other terms which recognize the autonomy (a kind of radical arbitrariness) of the speaker as a social actor without recourse to a metaphysical psychologism born of a fear of anarchy. Further, W.V. Quine

acknowledges in his *Methods of Logic* the central status of contingency in language in starting from the productive hypothesis that it is inaccurate to say that truth is a matter of correspondence to reality. Language is a case of "systematic ambiguity" (1) and the relation between utterance and reality "devious" (2). Quine nevertheless clings to the concepts of correspondence and world objectivity. Here, too, then, ambiguity is cushioned by the possibility of objectivity. The indeterminacy of our experience -- the contingency without which there can be no autonomy -- is offset by the fact that our statements about reality are brought into a relation with experience as a corporate body and not as individual experience. How can this corporate body be reconciled with a radical concept of arbitrariness?

In his article, "Language Strata," Friedrich Waismann urges that "a speaker may, on the spur of a moment, place a word in a new collocation, thus giving rise to a new meaning -- a process over which there is little control" (12), appears to suggest a potentially more radical concept of the arbitrariness of meaning formation and the instability of context. However, rather than viewing arbitrariness as a generalized and inescapable linguistic fact, Waismann follows conventional wisdom in seeing poetry (in this case, that of Hugo von Hofmannsthal) as a privileged realm of the "multiplicity of meaning," "indefiniteness," and "strange suggestiveness": "Often, as we contemplate the word, we hesitate in our perceptive awareness between the particular reality which it symbolizes and a higher reality, and this in a flash leads up to the great and the sublime" (14). Thus, although Waismann is prepared to accept that meaning is difficult to control, and speakers are free to manipulate language, suggestive and polysemic literary language paradoxically points to a higher reality of eternal values -- a higher reality invoked as a *deus ex machina* to save the errant subject. The question remains as to whether this oscillation between particular and higher reality can be abstracted into the metaphysical concept of the sublime. There are clear contradictions in Waismann's thoughts on language. If, for example, language possesses an "open texture" or "loosely knitted structure" as he argues, how then can that looseness be controlled? How can such looseness be made to make the quantum leap to a higher reality? How can Waismann, despite these radical insights and questions, maintain a conservative attitude to the nature of the relation between language and reality in which first person utterances "are the points in which knowledge makes direct contact with reality" (25)? If our words are "blurred" (21), if it is impossible to say whether "this orange colour [is] precisely halfway between red and yellow," then we cannot know if a higher reality is being reached and our grasp of reality is irreducibly blurred, or vague. However, if Waismann's concepts are disabused of their metaphysical claims, his insights become clearer and much more radical. If all modes of expression in the history of man are seen as purely arbitrary, even the most precise definition contains an element of arbitrariness (Waismann, *Introduction to Mathematical Thinking* 166). His concept of arbitrariness can be made useful for a consideration of contingency at the communication (pragmatic and semiotic) level. If users of language use arbitrary language in a blurred way, then their communication, in which arbitrariness is made even more contingent must somehow converge if society is to function. Notwithstanding the *prima facie*, intuitive claim that there is an inherent contradiction between arbitrariness and convergence, Waismann's concept of convergent arbitrariness, laid out in his *Introduction to Mathematical Thinking*, can be made useful in formal terms for a theory of social interaction based on the contingency of communication and the vagueness of its elements (languages). In other words, the myth that arbitrariness (or autonomy) and convergence (or society) are mutually exclusive can be debunked when we accept that the absence of one form of order logically conditions the emergence of another form of order. As George Spencer Brown argues, "It is a mathematical contradiction to say that a sequence has no pattern; at most, we can say that it does not display all those laws which one might look for. The concept of coincidence only makes sense in relation to an observer; whenever two observers look for different forms of pattern they must share an opinion as to what sequence is to be considered coincidental" (qtd. in Watzlawick 69). Thus, just as arbitrariness or coincidence can be logically ordered, so, too, vagueness need not be seen as an atrophied form of an originally precise language. For example, declarations of love often elicit (the desired) confirmation that such

sentiment is mutual. Whether that mutuality is questioned is another issue; in fact, for the sake of the stability of a relationship, the mutuality is imputed as a (functional) fiction.

Contingency -- in the form of arbitrariness or indeterminacy -- is a concept which replaces the relation with reality (allo-reference) with a relation with the self (self-reference). It can only be truly acknowledged with its cognitive and social implications if the contexts in which speech acts as socially codified language offers occur are seen as something altogether more variable and less stable than is often assumed. Arbitrariness need not imply anarchy, but might be seen as a specific pattern or form which can interact with another specific pattern by means of operational fictions in the process of communication. The gain to be made in adopting some conception of arbitrariness derives from the abandonment of the "metaphysical adequacy of grammar" (in Max Black's sense of the term). If language, grammar and utterance are no longer seen in terms of correspondence, "the conception of an 'ideal language,' perfectly conforming to the nature of reality, is a will o' the wisp that leads nowhere except into futility" (Black, *The Labyrinth of Language* 48-49). Thus language can be seen, in terms similar to those worked out by Waismann, as an "open system," disabused of correspondence pretensions, and "opening the door to mendacity" (Black, *The Labyrinth of Language* 48-49). It is Black who overcomes the negative view of vagueness as the "existence of objects concerning which it is intrinsically impossible to say either that the symbol in question does, or does not, apply" (Black qtd. in Williamson, *Vagueness* 73; see also Keefe and Smith). The concept of vagueness is closely related to the lack of determination of language which is cognitively determined (by a similar lack of determination) and as such can be imported into social communication theory at an appropriately abstract level as porosity ("higher-order vagueness corresponds to contingency in which worlds are possible" (Williamson, "On the Structure of Higher-Order Vagueness" 128). The convergence of such absence of determination in language and cognition is a necessary precondition for social construction and occurs at a communication/discourse level in operational fictions which preclude pure solipsism and stabilize vagueness.

Vagueness is to language what porosity is to communication, meaning that boundaries -- both definitional and social-systemic -- remain inevitably porous; consider R.M. Sainsbury's remark that "almost all concepts lack boundaries" (252). Vagueness relates to language meaning -- semantics -- at a logical level of definition whereas porosity relates to language use at the pragmatic level of social communication. Porosity does not signify logical vagueness but the use of fuzzy signs for someone. If language is vague, then communication, based on language, is porous, or "infinitely iterable" (Derrida 61). Bertrand Russell argues that "in dealing with highly abstract matters it is much easier to grasp the symbols (usually words) than it is to grasp what they stand for" (61) and warns against the "fallacy of verbalism" in which things are conflated with their names. Verbalism can be avoided without recourse to metaphysics by establishing a link between fuzzy language and fuzzy signs, i.e. communication. Thus, Russell's view that vagueness is a "characteristic of its relation to that which is known, not a characteristic of the occurrence itself" (62) is insightful. This is the paradox of contingency: non-relation, non-correspondence, non-identity, non-equivalence, non-dialogue, non-intersubjectivity and non-interaction are relational concepts. In his *Philosophische Grammatik*, Wittgenstein defines grammar as a series of agreements in which meaning is constituted through relations and not effects. Any language rule, therefore, is not constructed according to an external telos, but follows the relational connections of the speakers: "Let us draw the analogy language -- table. The table does not demand that it always be used in the same way. It is crossed, like a field, by various paths. The entrance can be on any side. The route is different every time" (94; unless indicated otherwise, all translations are mine).

In his defense of an epistemic concept of vagueness, Williamson dismisses the objection that the connection between use and meaning should be severed: "our use leaves not a line, but a smear" ("On the Structure of Higher-Order Vagueness" 273) and although it is impossible to define the distinction between the two, he upholds the distinction, arguing that "full understanding" is possible and that "to know what a word means is to be completely inducted into a practice that does in fact determine a complete intension" ("On the Structure of Higher-Order Vagueness" 276). It can be argued that such a logically idealized concept of meaning signifies little in terms of social

communication. Where meaning is conceived as a complete induction into practice, the inescapable vagueness of language is neutralized. Meaning is thus stabilized in a potentially static way at variance with the oscillations and negotiations of communication processes at a more pragmatic level of theoretical extension. Induction is in fact nothing more than an operational or functional fiction designed to stabilize proximate use of different speakers and if language is semiotically porous, then communication is a contingent enterprise (see Grant, *Functions and Fictions of Communication*; "Discursive Democracy"). It is this contingency, or improbability, which guarantees freedom in the form of what has been referred to in information theory as an entropic dynamic: "In the limiting case where one probability is unity (certainty) and all the others zero (impossibility), then H [information] is zero (no uncertainty at all -- no freedom of choice -- no information)" (Shannon and Weaver 15). Entropy is to be seen as a positive quality that asserts a language user's autonomy. In other words, statement A will never be received as statement A by the receiver, isomorphism is impossible, metaphysical notions of dialogue can be rightly seen as chimerical, and the stability of the transmission model, binary dialogue and intersubjectivity can be overcome. In order to recapitulate, there is an interrelated progression from vagueness in language to autonomy in cognition to porosity in communication and operational fictions of society. Entropy -- the improbabilities in communication and maximization of information -- means that society builds on a socially constructive concept of vagueness in which logical purity recedes and communication comes to the fore. Society may, of course, impose constraints and keep entropy -- that is improbability, or information gain -- to a minimum (see Luhmann, *Macht*). By dropping the onerous claim to correspondence or objectivity it is now possible to shift attention from correspondence and truth to difference and functionality. As we shall see, language users bring about a convergence in arbitrariness by operating with fictions in the wider sense -- i.e. socially functional constructions -- since, as Wittgenstein said, language, as a sign system, always appeals to a "live being" (192).

Radical constructivist insights can be made useful in the context of a theory of the interweaving of fiction and sociality because they problematize premises inherited by the human and social sciences from certain Enlightenment rationality theories (such as identity, intersubjectivity and correspondence or consensus) (for material of and about radical constructivism, see Riegler <<http://www.univie.ac.at/constructivism>>). By placing emphasis on the inescapable contingency (entropy, cognitive autonomy) of knowing and perceiving, reality can be conceptualized as a construction without recourse to static ontologies. Contingency of perception (close to the concepts of agonistics and morphogenesis as in Lyotard), which constructivists are at pains to see as socially functional, means the end of the knowability of objective realities as something external to man. A theory of porosity in social communication must go beyond the postmodernist *jouissance* of pure contingency for contingency's sake in the development of a theory of functional contingency. Rather than simply positing paralogy without rules, a constructivist theory of porosity should consider language contingency and, improbably, social communication in terms of the irreducible non-correspondence of fuzzy signs -- be it with 'reality' or the worlds constructed by other speakers. Reality is perception-dependent, or, in cybernetic terms, observer-dependent and therefore contingent. The dependency of observations, perceptions, and thus any reality constructions on the observer, is accompanied by certain radical corollaries set out by Ernst von Glasersfeld in his *Declaration to the American Society for Cybernetics* delivered in 1983: "The epistemological implications of the concept of self-reference gain an even greater sphere of influence in the cybernetic approach to the philosophy of science. Here, there is a direct conflict with one of the basic dogmas of traditional science: the belief that scientific descriptions and explanations should or even can bring us closer to the structure of "objective" reality, to a reality which exists as such, independently of any observer. Cybernetics, with its basic concepts of self-regulation, autonomy and the informally closed character of cognitive organisms, encourages a different perspective. From this perspective, reality is an interactive concept since the observer and the observed constitute a mutually dependent pair. ... Objectivity is the illusion of the subject that it is possible to observe without him. The invocation of objectivity is the abnegation of responsibility, hence its popularity" (Glasersfeld qtd. in Schmidt,

"Modernisierung, Kontingenz, Medien" 12). While not retracting anything about the fundamental self-regulation and self-reference of reality construction/perception, Glasersfeld is careful to conceptualize autonomy in the realm of interactive social functionality. By means of operative fictions of collective knowledge, the (contingent) cognitive autonomy of social actors is communalized (in the sense proposed by Schmidt [e.g., "Media Societies"]). Observer and observed form a mutually dependent pair; "reality" is interactive since self-regulation can only take place in an environment.

In his approach to a metadisciplinary theory of knowing, Glasersfeld describes knowledge as being characterized by two distinct operations: action and result. His epistemology problematizes the Platonic dichotomy between knowledge (any cognitive operation means fictionalization) and being. This means that entities such as truth, reality and objectivity are no longer contemplated as static *a priori*-s, but as functionally necessary fictions which enable the interaction of cognitively autonomous actors. Operational fictions depend fundamentally on the viability of cognitive experience in which viability should be seen as an accommodation to the world which does not disturb our stability. Truth -- and history, reality and objectivity -- thus also becomes a relational concept and not an objective law. Having established a new epistemological premise about cognition and, as a consequence, reconceptualized communication in terms of improbabilities, the task is now to ask how contingency acts in a socially functional way. Peter Hejl's concept of synreferentiality -- similar to Husserl's "functional community of perception" (122) -- appears to offer a way out of the apparent aporias of pure autonomy and self-reference. It fulfils two functions: firstly, it acknowledges the self-referential operations of communication and, implicitly, the cognitive closure of the "subject." Secondly, it also accepts the existence of a realm above cognitively closed actors. This realm, which is not metaphysical, but metacommunicational, is populated by self-referential communications which can be accessed by actors as if they were a shared reality -- in a non-ontological sense. This is where the media as synreferential generators play a key role: "Understanding can be theoretically modelled in terms of what communication attributes to or requires of cognition on the occasion of the processing of media offers, or in terms of what consciousness presupposes as *modus operandi* of communicators during communication. Both communication and cognition cannot do without this imputation. In this respect understanding is something like a useful fiction (in Vaihinger's use of the word): "We presuppose understanding in order to assume that communication is reasonable, because we assume that other people 'think'" (Schmidt, "The Myth of Autopoiesis" 322). This (fictionally) transcendent realm seems to take a step back from the brink of any "epistemological solipsism" in a way curiously reminiscent of Husserl's horizon of expectation. The gain is to be made in opening up inquiry to 'our' multiple fictions and their dramatizations in everyday life, in not painting the media, as specially mediatized forms of communication, as distortions of reality, but as differentiated fictions. In this case, the following conclusions can be reached: 1) vagueness is vague only in relation to the environment of the actor, 2) in cognitive terms, non-correspondence translates into autonomy and self-reference, 3) in discourse or communication terms, vagueness and autonomy can be conceptualized as porosity, and 4) in social terms, language vagueness, cognitive autonomy and communicative porosity are articulated by operational fictions. Alternatively, as Glasersfeld argues, "The subjective element remains unavoidable because the semantic link which connects acoustic images with meanings must be actively constructed by each individual speaker" (219). Two basic factors can be held to account for the improbabilities in communication: communication takes place between social actors, that is, communicators, whose cognitive systems are closed. These communicators use languages which are vague. To achieve communication, let alone agreement or consensus, implies reaching a consensus across cognitive closure and by means of languages which are used idiosyncratically by these cognitively closed actors. Correspondence, equivalence, intersubjectivity, and dialogue may be myths, and yet agreement is necessary. Thus, it can be said that commonality is fictional but in a cognitively enriched sense, i.e., functional.

The foregoing must now be related to theories of communication at a social level. Here, any attempt to camouflage vagueness, cognitive closure and communicational porosity by recourse to

an originary dialogue or intersubjectivity, must rely on metaphysics. Even Luckmann and Linell's attempt to introduce greater empirical plausibility into their dialogue concept (see Luckmann and Linell) amounts to a reluctance to acknowledge porosity in communication and closure in cognition. Much more coherent and epistemologically daring is Luhmann's theory of asymmetry and related critique of the dialogical interaction paradigm, according to which inequality cannot be forced into a model of compatibility: "The semantic of interaction laid down in the eighteenth century is concerned with a person-to-person relation. At the same time, it interprets itself as a model of society" (*Gesellschaftsstruktur und Semantik* 153). In fact, the interaction ideal of the Enlightenment is the self-interpretation of a small group of thinkers who idealized forms of direct interaction and social "reality." As Luhmann argues, the principle of reciprocity enshrined in the semantic of interaction is actually economically incompatible where "an understanding of interpersonally enriched reciprocity is no longer compatible with functional needs and forces the retreat of interaction theory into commonality" (*Gesellschaftsstruktur und Semantik* 122). Luhmann thus sees the survival of theories of dialogism and intersubjectivity as a reflection of a consciousness of imperfection/perfectibility, based on the rationality paradigm, and which is not prepared to accept the consequences of insights into cognitive self-reference. The reciprocal principle of interaction (and the confluence of social ideal and cognitive freedom it contains) finds its counterpart in the concept of the public sphere, not coincidentally introduced by Kant. The public sphere performs several key functions for Kant: it is a democratic realm in which rational practices communicate and contest power; and it is a meeting place for rational subjects who together form a public opinion. It can either be interpreted as a topography or guiding democratic principle, or, conversely, following Luhmann, as a (necessarily fictional) self-thematization of bourgeois society at this time. Given the porosity of communication (and this means polycontextuality as in Derrida and Luhmann), to describe the public sphere as a place is therefore to ignore its fictional status and to disregard the noise factor in communication (see Shannon and Weaver). With the eclipse of the universalistic discourses (of liberation, emancipation or reason), communication inevitably loses its transcendent horizon of reference. As a result, communication becomes "agonistic" in so far as communicative acts assume pragmatic-functional positions in a non-static communication process subject to noise which provokes instability. Transparency and stability yield to blind spots; identification (homology) is replaced by difference, while legitimacy is to be gained not in a consensual *discours*, but in dissent (see Lyotard xxv, 61).

Despite the empirical evidence of the ruptures and instabilities in communications, some (e.g., Habermas) continue to hold the view that rational lifeworld energies presuppose consensus, however improbable and infrequent this may actually be. In advancing this argument, Habermas does not, however, lose sight of countervailing tendencies outlined in various ways by Derrida, Lyotard, Foucault, and Luhmann. Whereas the lifeworld depends on the (presumed) rationality of intersubjective communicative reciprocity, the system depends on performativity and self-referentiality. Systems logic does not completely colonize lifeworld energies. Attempts made by the system to interfere in lifeworld spheres such as cultural tradition, social integration or education, inevitably conflict with the communicative rationality of these spheres -- which have become differentiated from other spheres in the process of specialization. A further differentiation can be noted in the case of culture which, in achieving autonomy, has also become separated from the hermeneutics of everyday life (this differentiation may also explain why Habermas neglects so consistently so-called pathological forms of communication). More recently, he has also redoubled his criticisms of Adorno's negative aesthetics. Adorno had offered two perspectives on the role of art in society: either it can sustain the link between artistic autonomy and everyday practice, or art can become the negation of society and communication, retain its autonomy and lose its effectiveness. Habermas insists that there is a connection between differentiated aesthetic communication and everyday practice which derives from the fact that the radicality of the artistic experience can be capable of compensating for the pauperization of everyday life wrought by the procedures of a system based on rationalization: "The negativity of art can be seen in the fact that it resists assimilation into the habitual or pre-interpreted; but triviality can only be broken by a

negativity which remains in contact with the lifeworld and releases forces for renewal in a communication threatened by entropy ("Replik" 552).

In his *Theory of Communicative Action*, Habermas elaborates a complex theory of social action which links social cohesion to communicative consensus. Cohesion and consensus coalesce to generate a lifeworld which, although constantly under attack from the system, still offers an overarching horizon of references from which social actors derive their social bearings. Thus Habermas succeeds in uniting social actions and communicative practices: both are linked by rationality. On an epistemological level, therefore, Habermas's *Theory of Communicative Action* derives from a hermeneutic of rationalism. But this hermeneutic is in itself insufficient to describe the core elements of social cohesion, speech acts. Since communicative speech acts are, by definition, rational for Habermas, the linguistic basis of his theory must be a form of universal pragmatics. Universal pragmatics seeks to reconstruct the ideal conditions of speech acts rooted in the inherent rationality of communicative action. The type "communicative action" is a non-parasitic type of action, a type distinct from jokes, irony, pathologies or fictions. Since these parasitic, or volatile forms of communication are filtered out of the type "communicative action," it follows that the latter must be characterized by stability and transparency and is threatened by what Habermas terms "entropy." Stability and transparency are inherent in the validity pretensions of a given communicative speech act (that it be true, authentic and correct), referred to as the illocutionary binding force of that act. It is at this stage clear that the notion of the norm can be seen to enact a crucial function in universal pragmatics. For this reason, the Habermasian concept of language games (which Wittgenstein set out in the *Philosophische Grammatik*) is not based on parody but on homology and the quest for understanding: "Irrespective of the cultural background, all participants know intuitively too well that a consensus based on conviction is not possible without symmetrical relations between the participants in communication ... relations of reciprocal recognition, the reciprocal assumption of the stance of the other, reciprocal imputed willingness to see one's own traditions with the eyes of an outsider and to learn from each other, etc." (Habermas, *Wahrheit und Rechtfertigung* 332).

Discourse norms are also central to the concept of discourse introduced by Michel Foucault in his *The Order of Discourse*. Of course, Foucault does not seek an immaculate language in the form of a universal formal pragmatics: discourses are temporally and spatially legitimated languages linked to power and accordingly ruled by procedures of exclusion. In this model of internal and external exclusion procedures (or norms), Foucault must also assume stability: discourse is ruled by prohibitions, oppositions, manicheisms and disciplines, commentaries and author-functions. Since he was not to conceive of volatile language until *The History of Sexuality*, Foucault must proceed from an ineluctable norm, defined by power. There is, in conclusion, little difference between Habermas and Foucault on the question of the norm. The difference lies in the conception of rationality: for Habermas rationality is an emancipatory force, for Foucault it is a disciplinary force. Both assume stability and offer apologetic treatment of counterfactual ideals or power complexes. There is thus no space for a dynamic theory of porosity in these stabilized models. Further, it is well known that Lyotard argued that Habermas's reduction of communicative interaction to the search for consensus "does violence to the heterogeneity of language games" (Lyotard xxv). While Lyotard is right in arguing that communication is far less immaculate than the theory of communicative action suggests, his enshrinement of strategic games tends to ignore the possibility of "common knowledge" and the operations of the media in articulating this and similar fictions. The modification would reside in reconceptualizing the system as a much less stable phenomenon which is, in itself, contingent on communication.

There might by now be a nagging doubt in the reader's mind that to see language and cognition as contingent and coupled only by fictions is to open the door to anarchy, solipsism, relativism, and social atomism. This need not be so. As we have seen, both Foucault and Habermas proceed from the principle that rational communication is organized and thus restricts entropy. Habermas attributes to rational lifeworld communicative practices the capacity for communicative renewal despite the threat of entropy. Entropy is seen here as the antinomy of rational inclusive communication and as something which can be avoided. However, entropy is an

inherent characteristic of any communication system since the removal of improbability would result in pure statistical regularity or redundancy and no information. Given the cognitive uniqueness (and that means freedom) of each actor, this is, to say the least, improbable. Any control must therefore take place at the cost of a reduction of the very freedom that entropy guarantees. Intuition dictates that our perceptions maintain a noise-free contact with external reality, enabling us to make copies of that reality. Perception, as an act of cognition, is however a self-referential process. Gerhard Roth defines it as a neurological process in a closed organ (the brain), in which direct contact with external reality is precluded. The environment of external "reality" merely transmits electrical impulses which are incapable of penetrating the brain. In neurological terms, data processing is independent of outside reality to the extent that the language of the nervous system is independent of "meaning" (see Roth; see also Schmidt, *Kognitive Autonomie*). Habermas's overarching social-theoretical aim is valid, but it is achieved by neglecting the fact that it is the "shuffledness" (Shannon and Weaver 12) of communication which offers the warranty for autonomy. One danger would lie in taking such shuffledness (or fictionality as a prime example of this) as an absolute and thereby failing to carry out the second step which recasts the examination of fictionality in terms of its (social) functionality. Entropy, as a guarantee of cognitive autonomy, is part of the factual dynamics of communication. It remains to be seen how this entropy can be brought into the fold as functional communication without denying freedom. Schmidt, in his *Kognitive Autonomie und soziale Orientierung*, is at pains not to disconnect cognitive autonomy from the social realm and refers to social orientation as the pragmatic ecology without which a cognitive system would become involuted and dysfunctional. The equivalent of such an environment in communication theory could be the concept of context. The mutually dependent *modi operandi* of cognitive autonomy and social orientation mean that reality constructions on the cognitive level somehow interact with reality constructions on the social level. In alternative terms, fictionality on a self-referential level interacts with fictionality on a hetero-referential level. In this way, fictions, characterized by entropy, contingency and autonomy, become functional in the communication of socially relevant codifications. According to Hejl, "a group of individuals who have a) elaborated the same reality construction and, in addition, a group of actions attributed to this and b) who interact with reference to this reality construction" constitute a social system (191). However, any notion of identical realities is implausible if the principle of cognitive autonomy is taken seriously. In place of identity, functional similarity -- and that means fictions -- would be a more appropriate term. The contingency of our "life reality" (Glaserfeld) is not necessarily a synonym for alienation for there is arguably a paradoxical community of contingency in the sense that all actors are equally susceptible to risk at a system level and thus contingency at a cognitive level. It could be argued that contingency is a very important component of our shared experiences (see Habermas, *Wahrheit und Rechtfertigung*). A specific case reveals the extent to which systems are contingent upon communications (in their interactions with their environments) and contingent in communications (they are the only media available for such interactions). Given this double contingency of communication (see Grant, "Discursive Democracy"), the legal system, for example, is as susceptible to noise as any other agency that is dependent on communication. In this way, the legal system can be viewed as being provisionally closed in its operations but essentially porous (see Grant, *Kritik der Dialogizität* 5).

The only way in which social actors can gain purchase over the legal system, or indeed any other, is by participation in essentially porous communication. This conceptualization has two advantages: it neither relies on the counterfactual normativity developed in Habermas (i.e., universal communicative rationality), nor on an excessively ontological concept of systemic closure as laid out by Luhmann. Instead, the concept of operational fictions seeks to remain sensitive to social and subjective construction and to heighten theoretical awareness of the precariousness of social orders. This potentially heightened awareness of the fictionality of social construction has the potential to make us take subjective constructions more seriously, identify abuses of power, and wonder at the remarkably intricate interpersonal networks of social interaction.

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