# Ancilla Iuris

The longing for places making a difference. Exploring sustainability's islands and niches with Thomas More and Niklas Luhmann

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Lagen des Rechts Constellations of Law Article DOI 10.26031/2024.001 E-ISSN 1661-8610 DOAJ 1661-8610 This essay examines why it is appealing to locate solutions to world problems in small places like community gardens or ecovillages, describe them as islands or niches and associate them with the utopian, especially to transformative research in the context of sustainability. To this end, the essay returns to Thomas More's Utopia and focuses on its builtin paradoxes, paying special attention to the fact that the island of Utopia was artificially created by means of a channel. Employing Niklas Luhmann's notes on utopias, the essay then traces what function the distancing of utopias from the real world has. Finally, drawing on Luhmann's systems theory, it is shown what view these islands and niches allow, and to what one is necessarily blind to from there.

No man is an island, entire of itself; every man is a piece of the continent, a part of the main

John Donne

#### I. THE TRANSFORMATIVE RESEARCHER'S LONGING FOR UTOPIAN ISLANDS

For several years now, scientific sailors have spotted utopian islands emerging from the murky tides of reality. Not too many, perhaps no more than before (for who would be able to count them?), but enough to attract attention. As the mainland is ravaged by pestilences and wars, droughts, fires and floods, what lies on the hazy horizon seems promising enough to justify research trips and get them funded.

These islands are not always explicitly called islands. However, comparable metaphors are widely used, by residents and visitors alike. Particularly in the context of sustainability studies, it is common to conduct empirical research at specific sites and refer to the initiatives under investigation in terms of space. Community gardens, repair cafés, swap meets, community supported agriculture, ecovillages, co-housing projects, etc. are often described as "islands", "oases", "lighthouses", "peninsulas", or, as in our case, "niches". These terms imply difference; the creation of small and special places, set apart from the surrounding world.

The difference is stressed further when these initiatives and their distinctive locations are associated with the utopian. Sometimes this is done explicitly, by deliberately using the term (as in grounded utopia"<sup>1</sup> or "real utopias"<sup>2</sup>) or by referring to them with a neologism stemming from it (as in "ecotopia"<sup>3</sup> or "heterotopia"<sup>4</sup>). Sometimes, this is done implicitly. In transformative research<sup>5</sup>, niches and islands are said to play a crucial role in society's quest for a more sustainable future, and sustainability itself can be described as a form of utopia. Paving the way towards this future or exploring possible ways to get there, these islands and niches are seen as special places that need protection in order to develop their full potential.

#### II. ITINERARY

This essay explores why it is appealing to locate solutions to world problems in small places like community gardens or ecovillages, to ascribe to them metaphors such as "niche" or "island" and to associate them with the utopian, not only, but especially to scientific research that sees itself as transformative. To examine this question, the essay returns, in a first step (sections 3-5), to the source text of the genre, Thomas More's Utopia and focuses on its built-in paradoxes, paying special attention to the fact that the island of Utopia was artificially created by means of a channel, separating what was initially a peninsula from its mainland as well as the dynamics between the two main characters in the dialogue: Thomas More and Raphael Hythlodaeus. In a second step (sections 6-8), employing Niklas Luhmann's notes on utopias, the essay traces how later utopian texts and practical attempts tried to deal with More's paradoxes by also putting space between their utopian projects and the real world, locating them in distant places or times. Thirdly and finally (sections 9-10), these findings are applied to contemporary research in the context of sustainability. Drawing on Luhmann's systems theory, specifically his works on protest and social movements, it is shown what function the distancing of small entities from the rest of the world has, i.e., what view these islands and niches allow, and to what one is necessarily blind to from there.

- 2 Erik Olin Wright, Envisioning Real Utopias (London 2010).
- 3 Ernest Callenbach, The Notebooks and Reports of William Weston (Berkeley 1975).
- 4 Michel Foucault, Of Other Spaces, Diacritics 16/1 (1986), 22-27.
- 5 See Uwe Schneidewind et al., Transformative Science for Sustainability Transitions, in: Brauch et al. (ed.), Handbook on Sustainability Transition and Sustainable Peace (Basel 2016), 123-136.

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<sup>1</sup> Laurence Davis, Grounded Utopia, Utopian Studies 32/3 (2021), 552-581.

#### III. UTOPIA IS AN ISLAND

The prototype of the utopian island is Utopia. First published in 1516 by the English lawyer, statesman and Renaissance humanist Thomas More (1478-1535), it was written in Latin, addressed to an intellectual elite, many of them friends of More and bore a typical, lengthy title, often translated to "a truly golden little book, no less beneficial than entertaining, of a republic's best state and of the new island Utopia". The "and" signals that we are dealing with a "bifocal book"<sup>6</sup>, consisting of two main parts. Book I discusses the question of the "republic's best state", the social and political problems of sixteenth century Europe and the question whether knowledge of "good governance" should be shared with a rather flawed government. Book II then describes the island of Utopia. Even though Utopia quickly became the term for the entire book, "Utopia" originally was only the second part of its title; not a synonym for the "republic's best state", but the name of a place, a toponym.<sup>7</sup>

In Book II, More spares no effort to bring this place to life. His description "set[s] it before our eyes"<sup>8</sup>. Before moving on to explain how the Utopians live and have organized their state, he provides us with the island's topography. We learn that it is "two hundred miles broad [in the middle], and holds almost at the same breadth over a great part of it, but it grows narrower towards both ends. Its figure is not unlike a crescent", with a "great bay" "between its horns", "well secured from winds", with "no great current [...] But the entry into the bay [...] is very dangerous", with a channel "only [known] to the natives; so that if any stranger should enter the bay without one of their pilots he would run great danger of shipwreck. For even they themselves could not pass it safe if some marks that are on the coast did not direct their way."9 For those still having trouble imagining what the island looks like, More provides graphic material. The first edition features a woodcut, showing a map of Utopia.<sup>10</sup> If one has no specialist knowledge of Utopia, one knows at least one thing and that is: Utopia is an island.11

- 7 Richard S. Sylvester, 'Si Hythlodaeo Credimus'. Vision and Revision in Thomas More's Utopia, Soundings 51 (1968), 272-289, 275.
- 8 Peter Giles quoted from Carlo Ginzburg, No Island Is an Island. Four Glances at English Literature in a World Perspective (New York 2000), 1-23, 5.
- 9 Open Utopia, Thomas More (author), ed. by Stephen Duncombe based on a translation by Gilbert Burnet (1684), (Brooklyn 2012), 83.
- 10 Ginzburg, No Island Is an Island, 5.
- 11 Peter Berglar, Die Stunde des Thomas Morus, (Freiburg i. Br. 1978), 194.

#### IV. OR IS IT NOT?

However, the universally known is actually not quite true: Utopia is not an island. Or, at least, it has not always been one. "[T]hey report (and there remains good marks of it to make it credible)", we are told, "that this was no island at first, but a part of the continent."12 Initially a peninsula called Abraxa and connected to the mainland, it was Utopos, the first conqueror of Abraxa, who created the island and "brought the rude and uncivilized inhabitants into such a good government [...] that they now far excel all the rest of mankind."<sup>13</sup> The island's founding is described in detail: "Having soon subdued them, he [Utopos] designed to separate them from the continent, and to bring the sea quite round them. To accomplish this he ordered a deep channel to be dug, fifteen miles long; and that the natives might not think he treated them like slaves, he not only forced the inhabitants, but also his own soldiers, to labour in carrying it on. As he set a vast number of men to work, he, beyond all men's expectations, brought it to a speedy conclusion. And his neighbours, who at first laughed at the folly of the undertaking, no sooner saw it brought to perfection than they were struck with admiration and terror."<sup>14</sup> Utopia's founding act is the separation from the mainland. The conqueror's strategy to secure his new kingdom could be described like this: dig away and rename.

#### V. AN ISLAND THAT EMERGES ONLY TO SINK ONLY TO RISE

For more than 500 years, questions surrounding the meaning of the text and More's intentions have agitated minds and pens alike. Interpretive sailors have approached the island from many different directions. With their ships at anchor, they have lowered their vessels and tried to lay claim to it. The waters are churning from their paddle strokes and you could easily be in danger of being hit by a paddle or hitting someone yourself. The only thing safe to say is that the island has successfully resisted appropriation for half a millennium.

More recent seafarers have taken this characteristic of *Utopia* as their research topic: that it defies clear interpretation.<sup>15</sup> They stress that *Utopia* is rather posing questions than answering them.<sup>16</sup> These approaches concentrate less on what the

- Marina Leslie, Renaissance Utopias and the Problem of History, (Ithaca 1998), 25f.
- 16 Sylvester, 'Si Hythlodaeo Credimus', 276.

<sup>6</sup> Richard J. Schoeck, 'A Nursery of Correct and Useful Institutions'. On Reading More's Utopia as Dialogue, Moreana 6/2 (1969), 19-32, 23.

<sup>12</sup> Open Utopia, 84.

<sup>13</sup> Ibid. 14 Ibid

text means, but on how it was done<sup>17</sup>, shifting the focus from content to form – which immediately raises the question whether one can be separated from the other. These explorers do not seek to set foot on the island, but rather circle around it. Their discoveries resemble each other. There are frequent references to the "double-edged significance"<sup>18</sup> of More's writing, his strategy to create a text of "self-refutation"<sup>19</sup>, "self-fashioning and self-cancellation"<sup>20</sup>, a "*serio ludere*"<sup>21</sup>, full of "puns and paradoxes"<sup>22</sup>, where "meaning suggest themselves but fail to emerge fully."<sup>23</sup>

The example most frequently used to illustrate this is the word "Utopia" itself. More refrained from his first idea to call the island "Nusquama" (which would have meant "nowhere" and only deny its existence). Instead, he opted for the paradox and the more elaborate pun.<sup>24</sup> In 1516, "Utopia" was a neologism. If More's learned friends pronounced it in English (probably even before), they noticed it was also a homophone. The first letter, "u", lies exactly between "ou" and "eu", that is, between "ou-topos" and "eu-topos".<sup>25</sup> Thus, the word can mean nonplace ("ou-topos") or good place ("eu-topos") - or both at the same time. This strategy has been described as forging together a moral meaning and a self-negating one, creating a tension which cannot (and need not) be resolved without loss. This procedure not only ensures that it remains undecidable which meaning is "right", but also encourages us to ask very different questions, questions concerning language's power and ambiguity. It directs our attention on the fact that – despite our urge and efforts to extract it – words do not have one stable, unequivocal meaning.

More himself hints at the pun by means of a poem, declaring that, even though the ancients called the island "Utopia" or "Nowhere", it now deserves to be called "Eutopia" or "Happy Land".<sup>26</sup> This poem, several letters from other humanists commenting on *Utopia*, another poem in Utopian and its Latin translation, the Utopian alphabet, and the map make up the *parerga*<sup>27</sup>, the supplements that "frame More's *Utopia*".<sup>28</sup> These documents try to "certify [its] truthfulness" while simultaneously "suggest[ing] in manifold ways that the whole nar-

- 17 Marina Leslie, Renaissance Utopias, 26.
- 18 James Romm, More's Strategy of Naming in the Utopia, The Sixteenth Century Journal 22/2 (1991), 173-183, 179.
- 19 *Ginzburg*, No Island Is an Island, 7.
- 20 Stephen Greenblatt, At the Table of the Great: More's Self-Fashioning and Self-Cancellation, Renaissance Self-Fashioning: From More to Shakespeare, (Chicago 1980), 11-73.
- 21 Rosalie L. Colie, Paradoxia Epidemica. The Renaissance Tradition of Paradox, (Hamden 1976), 21.
- 22 Elizabeth McCutcheon, Puns, Paradoxes, and Heuristic Inquiry. The "De Servies" Section of More's Utopia, Moreana 52/201-202 (2015), 90-100, 91.
- 23 Romm, More's Strategy, 179.
- 24 Sylvester, 'Si Hythlodaeo Credimus', 273.
- 25 Ibid. The entire paragraph follows Romm's argumentation.
- 26 Ginzburg, No Island Is an Island, 3.
- 27 Sylvester, 'Si Hythlodaeo Credimus', 277.
- 28 *Ginzburg*, No Island Is an Island, 7.

rative was fictitious."<sup>29</sup> Thus, what happens at the level of words, also happens in the work as a whole. More's text is fashioned ambiguously, displaying navigation lights that signal different directions at the same time.

It opens with a foreword in which Thomas More (named like the historic person and author) greets Peter Giles (1486-1533), another real-life person: humanist, printer, clerk in the city of Antwerp, and More's friend. In this letter, More apologizes. He is "almost ashamed" because it took him longer to write the book than Giles might have expected, "[f]or you know well enough that I was already disburdened of all the labour and study belonging to the invention of this work", having "nothing else to do but only to rehearse those things which you and I together heard."<sup>30</sup> This is, of course, a lie. More invented everything. He tells us the exact opposite of what he did.

The text starts with an encounter that could have taken place and then slowly glides into fiction. More claims to have been in Antwerp, where he "by accident" meets his friend Peter Giles in front of a church, "talking with a stranger"<sup>31</sup>. With "his face [...] tanned, [...] a long beard, and his cloak [...] hanging carelessly about him", More mistakes him for a "seaman", only to be corrected by Giles, for the stranger has "not sailed as a seaman, but as a traveler or rather a philosopher". Desiring to see the world, he "divided his estate among his brothers" and accompanied the Italian merchant and explorer Amerigo Vespucci (1451-1512) on "three of his four voyages that are now published." At some point, the stranger asked Vespucci to leave him behind, so he could travel even farther alone, leading him to the island of Utopia. His name is Raphael Hythlodaeus.

What makes the text exciting and the controversy around it a never ceasing one, is the irresolvable tension among its different parts and personae, especially between Raphael Hythlodaeus and Thomas More. Just as *Utopia* is not simply a negation, More and Hythlodaeus are not simply opponents. Their relationship is more complex. "More and Hythlodaeus agree about ends. [...] Yet they disagree sharply on the question of means."32 Whereas Raphael stands for the "new islands", "a complete demolition job on the hierarchical society of Western Europe"<sup>33</sup>, a "system change", so to speak, "More is unwilling to advocate such a tremendous upheaval"<sup>34</sup> and rather represents establishing the better society through reforms within the system. That their views on how to deal with the world's

- 30 Open Utopia, xxxiii.
- 31 This and all other quotes in this paragraph: Ibid., 29.

33 Ibid.

<sup>29</sup> Ibid.

<sup>32</sup> Sylvester, 'Si Hythlodaeo Credimus', 281.

<sup>34</sup> Ibid.

deficits differ greatly from each other is not only made clear by description of their looks (Raphael's being the opposite of the appearance expected in a lawyer), but also by their names. "Raphael" is a healer, a divine messenger. In the book of Tobit, the archangel Raphael is responsible for curing a blind man.<sup>35</sup> "Thomas", on the other hand, is the name of the apostle initially doubting the resurrection of Jesus (blind to something he cannot see), and the classic example of a sceptic.<sup>36</sup>

Furthermore, the paths they have taken in life could not be more different: Raphael has sold all his belongings, cut himself loose from his family obligations and shows no interest in sharing his knowledge with any ruler. His fear of being morally corrupted is far greater than his feeling of responsibility to serve the public good or his need for a job. More, on the other hand, has studied law and works as an adviser at court. He is part of the political and intellectual elite and has to provide for a family. Biographical approaches read this as an expression of More's inner conflicts, of him being "torn between those versions of himself".<sup>37</sup> For the two characters have something in common: The name "Hythlodaeus" suggests he is a "speaker of nonsense" and "Morus", as More latinized his name, simply means "fool".

#### VI. LUHMANN ON BOARD

At this point, it does not seem an obvious step to bring the German sociologist, social theorist and trained lawyer Niklas Luhmann (1927-1998) on board our expedition. Luhmann and his systems theory are not widely known in the English-speaking world. Where he is known, he is considered to be many things, but most certainly not a utopian thinker, nor even a progressive one, but rather an advocate of the status quo. Additionally, Luhmann never dealt systematically with Utopia, leaving just a few remarks in his *Zettelkasten* (slip box). In fact, he did not hold academic engagement with utopian texts in high esteem: "The discussion of utopia lies firmly in the hands of literary scholars and philosophers who deal with old or not so old texts, gnawed at by mice"<sup>38</sup> he wrote it in 1994. Not very subtle. Luhmann, however, is an expert in paradoxes and how they are dealt with. To him, "Utopia, at least in its first publication, was deliberately designed as a paradox. It is a description of a place that is nowhere to be found or, listening to the rhetorical

sense of topos: a place that cannot be found; a memory that remembers nothing."<sup>39</sup>

#### VII. THE MAELSTROM OF PARADOXES, AND WAYS TO BLINDLY NAVIGATE IT

In a rhetorical sense, a paradox is the intentional irritation of the audience; something like "less is more" or, as we are dealing with sustainability here, "more is more". It is meant to be a stimulus for reflection. Sometimes, other definitions are given: "Paradoxes arise when the conditions for the possibility of an operation are at the same time the conditions for its impossibility."<sup>40</sup> This is often illustrated by an example along the lines of "This sentence is false." The statement contradicts what it expressed, combining a self-reference with undecidability. To Luhmann, More's *Utopia* is a paradox "in the sense of a possibility of always communicating the negation of everything that is currently said."<sup>41</sup>

The founding act of the island, the digging of the canal that transforms the peninsula into the "Happy Land" has been described in this way by others, too. "Utopia's coming into being is a paradox," Katharina N. Piechocki writes, "succinctly and effectively encapsulated by the cipher "o": at the moment of its 'insulation' when it becomes representable as a circle (O) – or as a zero (O) – Utopia turns into a 'nihil' and ceases to exist."42 But we still have the map. To Piechocki, the displaying of the map "illustrates the immense power that cartography wields over those who look on a map and too easily forget that before them is the representation of a place, not the place itself"43. Paradoxes comment on their own limitations and are inherently self-critical.<sup>44</sup> Just as More reminds us of the power of language, he reminds us of the power of the things displayed, but also of their limits.

This can be frustrating if we are actually looking for the better place and ways to get there. Stuck between the possibility of a "Happy Land" and the negation of this possibility, we are unsure whether to stay on the mainland or set sail. To Luhmann, however, "[p]aradoxes are a problem for the observer, but not necessarily for the operations of the observing system."<sup>45</sup> Utopia is only ambivalent if you see both meanings at the same time. If you can

40 *Claudio Baraldi et al.*, Paradox (Paradoxie), in: Baraldi et al. (ed.), Unlocking Luhmann (Bielefeld 2021), 167-170, 167.

44 *Colie*, Paradoxia Epidemica, 7.

Elizabeth McCutcheon, Thomas More, Raphael Hythlodaeus, and the Angel Raphael, Studies in English Literature, 1500-1900 9/1, (1969), 21-38.
Sylvester, 'Si Hythlodaeo Credimus', 281.

<sup>37</sup> *Greenblatt*, At the Table of the Great, 127.

<sup>38</sup> Niklas Luhmann, Kapitalismus und Utopie, Merkur 48/540 (1994), 189-198, 189, translation by me. The same goes for footnote 41, 49, 51, 56, 59, 60 and 61.

<sup>39</sup> Ibid.

Niklas Luhmann, Die Politik der Gesellschaft (Frankfurt am Main 2007), 13.

<sup>42</sup> Katharina N. Piechocki, Cartographic Humanism. The Making of Early Modern Europe (Chicago and London 2019), 139.

<sup>43</sup> Ibid.

<sup>45</sup> Baraldi et al., Paradox, 168.

focus on one side of the distinction, the problem disappears. You can either focus on the "ou" (and thereby negate the possibility of fulfilment) or on the "eu" (enthusiastically embrace it, even be absorbed by it). What does the trick, is the ability to disregard, a partial blindness that saves you from being blinded by the dazzling light of the paradox. You will be able to set sail or stay at home, but you will not be able to see what made you decide in the first place.

#### VIII. GAINING DISTANCE TO HAVE A VIEW

Since 1516, utopias have multiplied and diversified. A neologism became a book title, and a book title became the name of a genre.<sup>46</sup> In addition to literary works, utopias are now said to encompass socio-political texts, hopes and dreams of a better life as well as practical attempts to achieve it. "[T]o limit the utopian to the Thomas More variety, or simply to orientate it in that direction", the philosopher Ernst Bloch (1885-1977) is popularly quoted, "would be like trying to reduce electricity to the amber from which it gets its Greek name and in which it was first noticed."47 As for the literary texts, there are those that follow or echo More's formal setup, like "Gulliver's Travels", but most of them do not. They have, consciously or unconsciously, freed themselves of their paradoxical prototype - and lost some of the original's complexity, if you like.

Attempts to systematize utopian literature are legion; the meaning of the term has changed many times, and it has been adopted by many authors, with the most diverse objectives.48 For our rather theory-heavy boat and purpose, it is, however, helpful to stress similarities rather than differences. Unlike transformational research, which studies utopian islands and niches as part of the search for a solution, our approach rather sees them as an expression of a perceived lack, of dissatisfaction, as manifestations of "conflicts in the society of origin"49. Not despite being developed in contrast to their reality, but rather because of it, they provide information on the circumstances of the real world's historical presence. Like More's eponymous book, later utopias, as a rule, criticize the existing reality and offer an alternative. Yet, the narrators mainly assume Raphael's role and leave the Thomas More bit out. But why? Because, so it could be argued, this is a way of dealing with the

initial paradox, for if you follow Luhmann in this, paradoxes cannot be avoided. They cannot be overcome, they can only be unfolded, shifted or made invisible by a distinction.

Renaissance utopias thought of the better society mainly in spatial terms, as a *better place*, locating it on far-away islands, in distant, hard-to-reach places, reflecting Europe's discovery of its "New World". By retelling what is presented as Raphael's account of an actual journey, More situated *Utopia* within this context and the genre of travel literature, lending credibility to it while also making fun of the common reader's appetite for adventure stories.

The historian Reinhard Koselleck (1923-2006) argued that, after most of the face of the earth had been discovered, it was no longer plausible to situate the better place on a distant island.<sup>50</sup> Instead, literature began to project its images of the better society into another dimension: time. This "temporalization of Utopia" had already been done in the past, as in the myth of a Golden Age or the Garden of Eden, but now, the better world was seen to lie in the future. The Enlightenment was a time when intellectuals believed the world to be moving towards reason and, in fact, perfection. But it was not there yet. Today, after, at the latest, the twentieth century has shown utopia's potential for totalitarianism and terror, utopias are often termed as "grounded" or "real", seeming tamed. They appear to be small and practical instead of lofty and largescale, situated in the niches and crevices of what is then termed "mainstream society".

What can we make of this? Some form of insulation, of setting apart, seems to be a prerequisite for criticizing reality and imagining the better society. As if you had to distance yourself from the world in order to see it and to come up with another. To Luhmann's slip box, "[t]he utopian depiction has the sense to put certain problems [of functional differentiation] into perspective [and] to point out 'other' possible solutions (functional equivalents) for the present state and to discuss their conditionality and their consequences. In doing so, however, typically no comprehensive analysis is aimed at (because one's thinking is still oriented towards the ideal of the absence of contradictions), but rather a section of problems that can be coordinated without contradictions is offered; other problems are eliminated, assumed to have been solved, ignored, etc. The 'utopisation', i.e., the temporal and spatial distancing, simultaneously serves the abstraction (and thus the problem limitation) and the justification (or the justification of the renunciation of justification) for the occurrence of 'other' solutions.

<sup>46</sup> Luhmann, Kapitalismus, 189; Lucian Hölscher, Utopie, Utopian Studies 7/2 (1996), 1-65.

<sup>47</sup> Ernst Bloch, The Principle of Hope, Vol. 1 (Cambridge 1995), 15.

<sup>48</sup> Hölscher, Utopie, 1-65.

<sup>49</sup> Nobert Elias, Thomas Morus' Staatskritik. Mit Überlegungen zur Bestimmung des Begriffs Utopie, in: id., Aufsätze und andere Schriften II, (Frankfurt am Main 2006), 118-198, 127.

<sup>50</sup> Reinhard Koselleck, The Temporalization of Utopia, in: id., The Practice of Conceptual History. Timing History, Spacing Concepts (Stanford 2002), 84-99.

Particularly popular problem limitations are the prerequisite of a secure protection against external and internal attacks on the prevailing order (island, absolute consensus, secret police, etc.)". $^{51}$ 

This makes the potential, but also the limits of this form of "utopisation" very clear: It is a way of getting a view of society as a whole by separating oneself from it. In limiting the complexities of the world, one also creates the conditions for setting up a model. But it remains just that: a model, a simplified representation of reality, that only exists under laboratory conditions and can never be a one-toone substitute for reality – at least as long as one is unwilling to extend protection measures. More alludes to this artificiality by going into detail on Utopos' seizure of land, the strict control of access. He lets Hythlodaeus depict the island, but he never reveals how to get there. The exact location of the islands is drowned out by a stranger's loud cough. The dimensions given by More, "two hundred miles broad [in the middle]" do not add up. They "def[y] the rules of mathematics"52.

To some, the separation from the mainland, the form that makes the place a "Happy Land" also makes it, morally speaking, deeply flawed. The utopian bay is not open to everybody; it is "only [known] to the natives [...]." The literary critic and Marxist theorist Fredric Jameson writes that "[t] his act of disjunction and exclusion, which establishes utopia as a genre, is at the same time the source of all that is problematic about it."<sup>53</sup> What the Utopians deem "unpleasant", namely "money" and "violence", they expel and then restore it "beyond the illustrious circle that sustains the utopian polity."<sup>54</sup>

#### IX. RAPHAEL, SEEN THROUGH LUHMANN'S LENS

In his later works, Luhmann not only showed an interest in the problems of functional differentiation, namely society's self-endangerment due to environmental pollution<sup>55</sup>, but also in the social movements that emerged in the 1970s and onwards. When reading his texts on the latter, one cannot help feeling he maintained an ambivalent relationship with these hard-to-grasp phenomena. As usual, Luhmann focusses on the form of the

54 Ibid.

protest, highlighting how social movements needed to "draw a distinction", "dig a channel", thereby creating of a two-sided form that entailed the irresolvable problem of a "protest of society against society" as it splits society into those who care and those "who seem unmoved and, at best, mildly irritated, [and continue] doing what they want anyway."<sup>56</sup> He pointed to the explosive power of a critique directed against the main feature of modern societies, i.e., their functional differentiation, without offering an alternative.57 Because to Luhmann, there was no alternative to a functionally differentiated society, "unless one wanted to go back to a segmental differentiation (of residential communities?) or to a political-bureaucratic hierarchization of society."58  $\,$ 

Those who now triumph they would never have sailed off anyway, will immediately be disappointed. Even though highly uncomfortable with the moral superiority the critique was presented with, Luhmann nevertheless attributed something like a function to the protest: "Social movements described society as if they were standing outside", he wrote – as if from the other side of a channel, as if reporting from a niche, I might add – but only from there, from the supposed outside they could see what was invisible to all other subsystems and consequently went unnoticed: the consequences of functional differentiation; that it undermines the prerequisites of its own existence.

Applied to Utopia, one might say that Raphael's limited view allows him to see the big picture. He introduces topics to the public debate Thomas More could not come up with. Speaking with Luhmann, Raphael "compensates modern society's deficits in reflecting"<sup>59</sup>, but his vision comes with a price: The Utopian's are blind to their island's exclusionism and totalitarianism, and Raphael is unable or unwilling to acknowledge his doubts about it. Convinced of his independence, he is also oblivious of the fact that "no man is an island", that he, too, is part of the mainland by education and family - that selling his inherited fortune might have given him the means to travel with Vespucci in the first place and, after his return, enables him to live a life that strikes him as morally pure.

<sup>51</sup> Niklas Luhmann, ZK I: Zettel 17,7 bh and bh1, URL: https://niklas-luhmann-archiv.de/bestand/zettelkasten/zettel/

ZK\_1\_NB\_17-7\_V, last access: June 14, 2024.
David Buisseret, Monarchs, Ministers, and Maps: The Emergence of

Cartography as a Tool of Government in Early Modern Europe, Chicago 1992), 29. 53. Fredric Jameson. The Ideologies of Theory. The Syntax of History (Lon-

<sup>53</sup> Fredric Jameson, The Ideologies of Theory. The Syntax of History (London 1988), 100.

<sup>55</sup> Niklas Luhmann, Ecological Communication (Chicago 1989).

<sup>56</sup> Niklas Luhmann, Protestbewegungen, in: Hellmann (ed.), Protest. Systemtheorie und soziale Bewegungen (Frankfurt am Main 1995), 201-215, 205.

<sup>57</sup> Niklas Luhmann, Alternative ohne Alternative, in: Hellmann (ed.), Protest. Systemtheorie und soziale Bewegungen (Frankfurt am Main 1995), 75-78, 76.

<sup>58</sup> Ibid.

<sup>59</sup> Niklas Luhmann, Soziologie des Risikos (Berlin 1991), 135-154, 153.

### WHAT DIGGING A CHANNEL HAS TO DO WITH TRANSFORMATIVE RESEARCH

It could be argued that today's initiatives are different from the ones Luhmann described. That they do not only call for external responsibility, but try to shoulder it themselves. In any case, transformative research generally avoids presenting them as too utopian, opting for the image of the niche, open on one side, rather than the one of the island. However, some difference must be maintained. Otherwise, the undertakings would not be recognizable for what they are.

It seems as if this difference is a natural one. After all, these niches are there, as initiatives on the ground. They consist of places and people that look and feel a bit different. The difference is made tangible by evidence such as food, clothes, ways of speaking, or behavior. It is "set it before our eyes". In this sense, the term "niches" does not seem inappropriate as a description of numerically small phenomena. What often gets lost is that a lot has already happened before the scientific sailor sets sail. The characterization of the niche as the place to look for sustainable ways of living, has automatically, often unintentionally, created a remainder, a non-sustainable mainstream.

Once an initial distinction has been made, further distinctions can follow. A practice in a specific place is declared a "good example" with respect to a "sustainable future"60, attributing a potential and valuation to the niche that the mainstream is not credited with. At the same time, a task is imposed on the niche the mainstream must no longer compete with, as it now appears rather bleak, in need of extra help of the few. In transformative research's narrative, the niche is often not understood as a self-description or as an attribution by others, but as reality. But the appeal of the niche derives precisely from a positive difference, generated by research's distinction and then found again in the field. Because whatever the findings: The initial declaration is not shaken, just as little as the belief that the use of a moral category, "good", is a good one. What is being described is no longer seen as a representation of something, but as the real thing. It is as if some researchers are overwhelmed by their longing to find something useful, proud of having finally located the good place on the map and pinpointed the future, satisfied to have obliged to academia's (self-imposed) obligation to produce applicable results; especially since others - polity,

economy, the media – are finally showing an interest.

The hope that the solution lies somewhere else – in small places, on the hazy horizon – has a quasi-utopian appeal. If one fashions a place as different, it seems to give access to problem-solving tools that were not at one's disposal before. Since these places are real, their investigation seems like a pragmatic, practical approach to a problem others have only talked about. Raphael's amazing knowledge seems to have been tapped after all. This very neatly fits with the diagnosis that climate change is a problem unlike any other, so existential, that it calls the mainland's means of problem solving into question. The mainland does little to refute this impression, but further fuels it as politically passed resolutions are simply not upheld.<sup>61</sup>

As we are returning to the harbor, it should be stressed that bringing this into focus is not Raphael's part in the dialogue. Raphael remains unfazed by More's remarks and he is neither blamed, nor scorned for his limited vision. "He has, after all, created the model and exhausted himself in the process."<sup>62</sup> It is his blindness that makes him the lucid critic of what the mainland fails at. And it fails every day. To see what view the islands and niches offer, but to what one is necessarily blind to from there, is the task of that of a third party, the "second-order observation" (as Luhmann would call it), More so heavily hints at. The classic recipient of these signals would be academia. The classic tool to implement change, however, would be law.

<sup>60</sup> E.g. Umweltbundesamt [German Federal Environmental Agency], Gelebte Nachaltigkeit. Von der Nische in den Mainstream, URL: https://www.umweltbundesamt.de/gelebte-nachaltigkeit-vonder-nische-in-den#worum-geht-es, last access: June 14, 2024.

<sup>61</sup> Christoph Möllers, Exkurs über liberale Ökologie, in: id., Freiheitsgrade (Berlin 2020) 266-269.

<sup>62</sup> Sylvester, 'Si Hythlodaeo Credimus', 289.