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## Niklas Luhmann, Observing Systems and Social Critique

**Abstract:** *This article on the theories of the German sociologist Niklas Luhmann starts with a discussion of the formal codes that give what he calls communication systems their boundaries and coherence. It continues with an account of how these differentiating, observing systems can be seen to operate independently of human intervention, leading to a split between active, conscious human action and impersonal communication systems operating under their own logic, and more specifically to a split between conscious critique and social change. Throughout it is argued that observing and observed, reference and self-reference, and seeing and blindness, are all inseparably linked, raising serious questions about the status and function of social critique as conventionally understood.*

**Keywords:** *communications theory, second-order cybernetics, social change, social critique, social theory.*

**Pagrindiniai žodžiai:** *komunikacijos teorija, kibernetika, socialiniai pokyčiai, socialinė kritika, socialinė teorija.*

For Niklas Luhmann ‘society is composed merely of communications’ (1995; 182), while ‘the body and conscious occurrences actually belong to the environment of a [social or communication] system’ (2013b; 187). Elsewhere I have written of the grounds for this distinction, and of its consequences for essentialist, humanist and foundational views.<sup>1</sup> Here it is enough to state that for Luhmann action and communication can be definitively separated: for him human action can in principle be seen as ‘a solitary, individual operation that has no social resonance’, but ‘in the case of

communication, this is not possible’ (ibid.; 54). One major consequence of this, as King and Thornhill note in writing of the implications of Luhmann’s ideas for politics and law, is that ‘Society constructed around social systems is not in any palpable way a *human* condition, and it is not causally produced out of human interaction or human directives’ (2005; 172, italics in original).

### Binary Coding

If we accept that ‘a social system emerges when communication develops from communication’ (Luhmann 2013b; 53), and

<sup>1</sup> See Salem 2013; 70-90.

that this is a process far outside individual control, then it should be asked what is involved in the perpetuation of such a system. Ultimately, for Luhmann, the boundaries and coherence of a communication system are maintained by a code that is specific to it: 'the code is the form with which the [entire] system distinguishes itself from its environment and organizes its own operative closure' (2006; 78). It is the 'basal structure' that is 'produced and reproduced by the system's operations' (2000a; 185). Given this, the code must remain at a level of generality that can meaningfully inform any operation within the system, but without itself being modified in the process. It must be 'formulated abstractly enough to inform every operation in a given system' but at the same time it 'cannot be surpassed within the system' (pp. 188, 189). As such, each code contains 'itself and nothing else' (p. 187). While this could certainly be seen as a static condition, an 'invariant disposition' (ibid.), as Luhmann puts it, he argues that a code is in fact 'not a principle, not an objective, not a statement of essence, not a final formula, but a guiding difference', which still leaves open the question of how a system 'will describe its own identity' (2000b; 17). Each code has a positive and negative value, where the former refers to 'the connectivity of operations present in the system', the latter to 'the conditions under which the positive value can be brought to bear' (p.16).<sup>2</sup>

So, for instance, within the system of art, the 'difference between "beautiful" (positive) and "ugly" (negative) is grounded in the idea or the value of beauty itself, which implies that the beautiful is simply beautiful' (2000a; 186). And of the economic system, Luhmann writes: the 'ultimate communication that composes the system, the one that cannot be broken down any further, is payment', this being nothing more than 'the enabling of further payments' (1995; 461-2). Of course this circularity is stimulated precisely by communications that are not payments, all of which merely bring out more clearly the positive value of the code. Or to take another example, with its own code of lawful/unlawful, the legal system has already 'excluded everything that cannot (according to its own criteria) be seen as having any relevance to law' (King and Thornhill 2005; 24). In all these cases what is of overriding importance is that the difference between the positive and negative connotation is a matter internal to the system and has nothing to do with its environment. The point is made quite clear in relation to the problems of distinguishing between the two in art:

Problems of coding concern the difference between positive and negative values, which the system uses to indicate which operations belong to the system. Problems of coding divide the system's self-reference along the lines of what is acceptable and unacceptable, that is, they always refer to the system itself. So far as the environ-

<sup>2</sup> This is why Luhmann writes of the 'political function system and its environment', 'the economic system and its environment', 'the scientific function system and its environment', 'the religious function system and its environment', and so on (1995; 191).

ment is concerned, acceptance is not an option. [...] If everything is acceptable, then it becomes impossible to distinguish art from non-art (Luhmann 2000a; 189).

Since a system can only view its environment in terms of its own code, and since this code encompasses a positive and negative value but excludes 'third values' (Luhmann 2006; 77),<sup>3</sup> it follows that it is not possible for systems to communicate with one another. This is not to say that the medium used by one system has no meaning in other systems. If this were the case, then the distribution of pieces of discrete information, from promotional messages to legal threats, by for instance letters, catalogues and computer communications, would not be technically possible. It is rather that any one system is bound together by a code that is not shared with other systems, so Harro Müller in his essay on Luhmann can say: 'church art is *art* (the beautiful/ugly code), but it also constitutes an achievement for the religious system (the immanent/transcendent code)' (1994; 44, italics in original). The larger point is that the *meanings* that systems circulate 'cannot be transferred from one system to another' (Luhmann 2006; 77).<sup>4</sup>

One way of thinking about the operation of the positive value of these codes is

to consider how systems may 'facilitate connecting operations' (Luhmann 2000a; 194) by referring any input to their previous output – as with memory. For instance, Luhmann writes that since 'the system has memory it can reactualize well-trying forms and direct its operations from form to form, thereby reproducing the medium' (2002; 84-5). There is a sense here in which the system begins to learn – 'indeed, with the help of what has already been learned, it begins to learn more efficiently' (2006; 77). So if money 'is then invested only in predictably lucrative projects' (ibid.), this is only the expected result of such a learning process. More specifically, the investment projects recorded in the economic system are in themselves based only on contingency. All are fundamentally the result of selections from a number of possibilities and none are assured of a particular outcome, but those transactions which have proved capable of managing risk and generating profit set down memories in the system, ones which can grade the chance that such transactions will be repeated, thus reproducing money as a medium. To take a different example, scientific literature published over time about, say, the nature of planetary movements, will tend to extend, compromise or simply reproduce what has already been

<sup>3</sup> See also Luhmann 2000b; 16. He ironically alludes to the same point in his book *A Systems Theory of Religion*, where he writes, 'Evidently, there is a third possibility (excluded for logical reasons): the chaos that is inadmissible in an orderly world. However, is it not the world itself that is being excluded from the world? How does this world *in* the world come into being, this inclusion of the excluded third possibility?' (2013a; 37, italics in original).

<sup>4</sup> Also see for example Luhmann 2000b; 19.

written about this topic. When the writings are considered together they may be taken to reflect what Luhmann terms a 'theme', a single structure passing through the various stages of its transformation, to which individuals can contribute within a set of parameters, but which itself outlasts any of the individual contributions: 'Themes outlive contributions; they integrate different contributions into a longer-lasting, short-term or even long-term nexus of meaning' (1995; 155). Insofar as they can generate their own meanings through time – that is, insofar as they can construct for themselves '*any difference which makes a difference in some later event*' (Luhmann 2000b; 18, emphasis in original; citing Gregory Bateson 1972; 381) – such themes presuppose the wider operation of a bounded and coded system, in this case science and its relation to scientific truth. More generally, as Luhmann points out:

Publishing a text (including summarizing the current state of research and quoting other publications) becomes the basis of scientific production [...]. The semantics of the theory of science, the code true/untrue along with its own supplementary semantics [...] these become meaningful only in relation to texts that are published for the sake of communication. This is how publications secure the continuity of the differentiated system of science (2000a; 63).

On the other hand, in both these instances, and indeed in 'all cases of binary coding' (p. 92), the system is also reliant

on the negative value of its code. Luhmann writes that it is 'only under the condition of openness towards both the positive and negative option that a social system can identify with a code', which means that the system 'exposes itself fundamentally and *continuously* to the risk that it can operate only with the preferential value, but can do so only under conditions that require the countervalue to be always able to impose itself' (2006; 77-8, 78, my italics). By way of illustrating this point, Luhmann describes how when 'a matter is dealt with in the context of a binary code, the implication is that not only the positive value but also the counter-value could be assigned validity. A business deal can be profitable, but it can also create a loss; a piece of research can produce results that are true or false, that either enhance reputations or are unhelpful in this respect' (p. 76). If for Luhmann the truth of for instance science can never be universal but rather, 'forces itself to proceed at risk' (2006; 81),<sup>5</sup> this is because every statement can be proved problematic, every particular reading leaves open the possibility of alternative readings and, more generally, there is no guarantee that scientific truth will be accepted as such within other systems, for example politics, law or the economy. Indeed the latter problem can be more sharply expressed: all that these other systems can do is mutate a scientific truth into a form that is amenable to their own codes, into a

<sup>5</sup> Elsewhere Luhmann says that in 'the true/untrue code [...] the value of truth does not simultaneously provide a criterion for truth' (2000a; 192). See also Luhmann 2006; 78.

‘politically attractive topic’ (p. 79) for instance<sup>6</sup>. But if science and thus truth<sup>7</sup> are provisional in their status, if scientific explanations may be seen at one moment as true, and in the next moment as false, there is no sense in which this uncertainty undermines the system’s autonomy. Rather, and this is particularly relevant to criticism, and particularly to a critique which presents itself as standing outside the system, a new scientific truth has manifested itself consisting exactly of a rejection of older views, the implication being that science ‘decides itself what is true and what is false’ (p. 81).<sup>8</sup>

Conceptually, what we are seeing here is an example of the ‘oscillation’ of a system between the two sides of its code, which is closely involved with the perpetuation of any system over time.<sup>9</sup> A way of thinking about the issue is to see how the very processes of selection in which a system finds coherence must always preclude a wider set of possibilities, which may only then

be viewed in terms of the unknown – in terms, that is, of the negative side of the code. While at one level all these unknowns are simply what selections must necessarily exclude, at another these exclusions may be seen as possible meanings, ones which have not yet been incorporated into the system, especially since Luhmann sees meaning as ‘a medium that is generated by a surplus of indications of other options’, and that in ‘the final instance all meaning thus resides in the distinction of actuality versus potentiality’ (p. 17).<sup>10</sup> Indeed for him communication can only occur because, ‘strangely enough, actual operations are also possible operations’ (2002; 83), where the passage of time is the crucial factor in distinguishing between the two. On this view, meanings that had previously been linked with one side of the code could, at any moment, cross over to the other. If the path is from positive to negative (as in the falsification of scientific truths),<sup>11</sup> then this may also be linked to

<sup>6</sup> This is because in ‘crossing the system boundaries a topic also changes code and is thus subject to reevaluation’ (Luhmann 2006; 80).

<sup>7</sup> It should be noted that the boundaries of the scientific system are not the same as those of science as an academic discipline, as Müller makes clear: ‘If I ask, for instance, about the truth of art, I am operating in the domain of the scientific system with its code true/false rather than in the domain of the system of art with its code beautiful/ugly’ (1994; 48).

<sup>8</sup> See also Luhmann 2000b; 17.

<sup>9</sup> Luhmann’s writings include many references to this: for example, he says that a system ‘has to face its future as a succession of marked and unmarked states or self-referential and hetero-referential indications. It needs, in other words, to be prepared for oscillating between the two sides of its distinctions. An oscillating system can preserve the undecidability of whether something is inside or outside a form. It can preserve and reproduce itself as a form, that is, an entity with a boundary, with an inside and outside, and it can prevent the two sides from collapsing into each other’ (2002; 84).

<sup>10</sup> Luhmann continues that: ‘in the mode of the possible, what is actual is in its turn possible (and not impossible), while within the possible other possible actualities are indicated’ (2006; 17f).

Luhmann's view that the memories stored in the system actually have less to do with remembering than with forgetting, since 'without forgetting, without the freeing up of capacities for new operations, the system would have no future, let alone opportunities for oscillating from one side to the other of the distinctions used in each instance' (2000b; 101).<sup>12</sup>

While with science and other systems this 'crossing' (or 'switching' as Luhmann also calls it) may take some time, with the mass media, for example, the passage from one side to the other is all but instantaneous:

Perhaps the most important characteristic of the information/non-information code is its relationship to time. Information cannot be repeated; as soon as it becomes an event, it becomes non-information. A news item run twice might still have its meaning, but it loses its information value. If information is used as a code value, this means that the operations in the system are constantly and inevitably transforming information into non-information. The crossing of the boundary from value to opposing value occurs automatically with the very autopoiesis of the system. The system is constantly feeding its own output, that is, knowledge of certain facts, back into the system on the negative side of the code, as non-information; and in doing so it forces itself constantly to provide new information (2000b; 19-20).<sup>13</sup>

It becomes clearer, then, that the interplay between actual and possible meanings, or between positive and negative operations, in closed communication systems is not only no threat whatsoever to their operation, but is exactly the process that such systems use to reproduce themselves in time. As Luhmann notes, since 'operationally closed systems consist of operations only and have to renew them from moment to moment, they can maintain their self-reproduction only by continuously actualizing new meaning' (2002; 83). It is in the context of these ideas that we can understand Luhmann's view that the system 'makes its [positive] operations dependent upon [negative] conditions which it cannot, and then can after all, determine' (2000b; 17). He also puts this point in a more Hegelian manner, though without the slightest hint of any higher unity between opposites, by saying that whenever 'a system claims autonomy, it must entail the possibility for negating autonomy; in addition, it must be able to negate this possibility': 'Negation requires a positive operation of "crossing" or "switching," a position that equals a negated negation' (2000a; 186, 187).

<sup>11</sup> Karl Popper's work in this area is mentioned approvingly by Luhmann, who writes that the 'famous postulate of falsifiability (Popper) states that truth theses are scientifically relevant only if we take the risk that they could be false. Nothing else is tolerated any more' (2006; 81).

<sup>12</sup> Underlying this point is the claim that the 'social *memory* is filled with identities which are constantly being renewed [...]. However, memory is not to be understood as a storage place for past circumstances or events. [...] Rather, we are talking about an ongoing discrimination between forgetting and remembering' (Luhmann 2000b; 37, italics in original). In the case of the mass media, the system is 'set up to remember and forget *quickly*' (p. 16, italics in original).

<sup>13</sup> The term 'autopoiesis' (self-reproduction) comes from the Chilean biologists Humberto Maturana and Francisco Varela (see for instance Maturana and Varela 1980).

Luhmann's concerns here rule out any conception of a system in society as something fixed in a conventional sense. Obviously, such systems are ordered and structured, capable of giving their environment the appearance of meaning, and yet they are at the same time no more than contingent, in that 'temporal contingencies provoke social contingencies' (2006; 17). As a consequence, these systems run in no particular direction and can only steer society into an unknown future.<sup>14</sup> Luhmann writes that the 'future of closed systems is an open one, and the risks they have to deal with are basically incalculable': '*we cannot gain sufficient knowledge of the future; indeed, not even of the future we generate by means of our own decisions*' (pp. 78, 12-3, emphasis in original). However, if the future must remain ambiguous, this uncertainty is merely a by-product of the ordinary workings of systems which are fundamentally 'ateleological', and which function 'blindly' (ibid. and Luhmann 2002; 177) even as they appear to make sense of their environment. Above all, however, as already noted, their

contingency does not prevent these systems from functioning but rather is essential to their operation. In each case, the result remains a self-reproducing, evolving system that is bordered but at the same time all-encompassing; it is bounded by exclusions at any particular moment but at the same time capable of encompassing all meaning. As Luhmann makes clear, a 'system that is bound to use meaning as a medium constitutes an endless but complete world in which everything has meaning, in which everything gives many cues for subsequent operations and thereby sustains autopoiesis, the self-reproduction of the system out of its own products' (2002; 84).

It hardly seems necessary to say of such systems that they are, at least on this theory, resistant to conscious efforts to change them. As Luhmann puts it, the 'mind cannot instruct communication, because communication constructs itself' (pp. 176-7). Since it is not possible for the mind to communicate, since people are not part of society but rather of its wider environment of various kinds of interference noise,<sup>15</sup> Luhmann

<sup>14</sup> For Luhmann, as Frédéric Vandenberghe notes, 'Representation of the social totality is impossible and so is steering' (1998; 55).

<sup>15</sup> 'Society' here is defined as the 'all-encompassing social system that includes everything that is social and therefore does not admit a social environment' (Luhmann 1995; 408). This is not to say that society has no environment, but that there are no 'environmental contacts on the level of its own functioning' (p. 409). The point, which we will return to, is that society cannot communicate with its environment: rather it can only communicate about its environment. Yet while society is ('completely and without exception') a closed system, this does not 'liberate' it from its environment (pp. 409, 410). We can be more specific about the reasons for this. Lying outside society is anything that cannot communicate, which would include all natural events, along with biological and mental processes. While mind, body and nature are therefore all a part of this environment, important distinctions are made between them. Crucially, for Luhmann communication could not exist without the mind; in his view, the mind takes part in communication in a way that other aspects of the

can say: 'Of course, society has many – and weighty – reasons for rejecting its codes; but these grounds cannot be asserted within the function systems; or where they can be, then only in an internally programmed form' (2006; 79). Of course to describe society (rather than people) as having pressing reasons for rejecting social structures is itself a reminder that the act of rejection can in any case not be credited to the individual, but can only and must always be expressed as a form of communication from the start. While it is certainly true that society on this theory becomes inescapable, it is not quite true (given its mobile character) that it remains unchanged as a consequence of the communications it elicits. Rather it remains detached from the particular wishes of those who make such communications:

Society constitutes the elemental units (communications) out of which it is composed, and whatever is constituted in this way is society, is an aspect of the constitutive process itself. [...] Therefore one can describe society as a self-substitutive order, since everything that is to be changed or replaced *about it* has to be done *within it*. [...] If something social emerges, if new kinds of communicative partners or themes appear, society grows along with them. They enrich society (1995; 408-9, 409, 408, italics in original).

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environment do not: there is a 'participation' but not a direct relationship between the two, to the extent that 'Systems of communication can be stimulated only by systems of the mind, and these in turn are extremely attracted to what is conspicuously communicated'. Most of all, the mind (though never on its own terms) has 'the privileged position of being able to disturb, stimulate, and irritate communication' (Luhmann 2002; 177, 176.) As for the wider environment, Luhmann writes: 'Remarkable is the fact that communication can be stimulated only by the mind and not by physical, chemical, biochemical, or neurophysiological operations as such'; indeed he argues that even acts of nature, or death, or injury, 'cannot influence communication', but 'can only end it' (p. 177). Some of these issues are discussed further in Luhmann 2013b, 187-8.

<sup>16</sup> See Luhmann 2000a; 31, among many examples.

## Observing and Observed

For Luhmann communication is possible in the face of complexity: while 'every being sifts and processes what he perceives for himself' (1995; 157), communication systems can still produce meaning. We need to address more directly the most basic factor in this, which is simply that all communication relies on making a distinction between one thing and another. There is, as Luhmann notes, another side to this process, which is that 'the observer – in drawing a distinction – makes himself visible to others' (2000a; 54). In various ways, these ideas have consequences both for criticism and for critical technique. To draw out the major implications, we need to look at some of the issues already discussed from the perspective of the viewing apparatus.

The British mathematician George Spencer-Brown's command to 'Draw a distinction!' is often used by Luhmann to explain how communication is at all possible.<sup>16</sup> The point is that in this circumstance the full complexity of the world has already been cut back in its reduction to a difference, to a recognisably distinct area of interest, and this creates a frame in which communication

can take place. One of Luhmann's examples illustrates the basic idea well: simply by selecting one form, say, 'the city of Bloomington' (2002; 85), one thing is marked as distinguished by separating and framing, and everything else is excluded or, better, suppressed. As with the codes that produce communication systems, the two sides of the distinction (here Bloomington and non-Bloomington) are what Luhmann, drawing on the writings of George Spencer-Brown, particularly his book *Laws of Form* (1979 [1969]), calls its 'marked and unmarked states', or its 'marked space' and 'unmarked space'. The important point here is that if what has been marked out is to emerge coherently as a dimension of meaning it must also implicitly carry with it a further level of reference indicating what it is not: without its own non-identity, there is nothing left to give it distinctiveness by way of contrast, making it impossible to communicate something in particular.<sup>17</sup> However, and this is very important, it is not possible to say exactly what has been left unspecified, at least not without drawing another distinction (such as 'Bloomington and no other city') and thus facing a similar problem of

exclusion on another level – in an evidently ceaseless recursion. For Luhmann, however, this is exactly the operation that is at work in all observation: 'Switching frames, proceeding from form to form, is the normal way of observing operations' (2002; 86).

We will come back to the consequences of this, but it is only when both sides of a distinction are taken together that we can understand what in Luhmann's terms is a 'form'. If such a form is comprehensible and reproducible so that it can appear in different places simultaneously, it appears as a 'meaningful communication'; if such a form is represented in the mind, it appears as a 'meaningful intention' (1995; 76). In both cases, it is a reproduction, being situated in a reproducing medium; and in both cases, Luhmann has an epistemological point to make. He believes that a form must be seen as something that is always linked to a potentially infinite number of possible meanings, to its unmarked state, rather than a mere representation which itself seems to encapsulate meaning: 'A *difference* is contained in every experience of meaning, namely, the difference between what is *actually given* and what can *possibly* result from

<sup>17</sup> This implies that the distinction dissolves itself into the outside world, which in itself is porous or unmarked, having no boundaries at all, and as such is incommunicable. Yet this does not mean that the world itself is the same as the negative space of a distinction. As Luhmann says in relation to codes, the 'inside/outside relationship of the code's form should not be confused with the *difference of system and environment*. And the *internal* boundary of the code, which divides the negative from the positive value, should not be confused with the *external* boundary, which differentiates the system from its environment'. (2000b; 16-7, emphasis in original). Here the difference between internal and external lies in the distinction between the limited but in effect infinite possibilities of combination in systems (they may progress towards infinity but are also limited by what they exclude at any one time), and limitless possibilities as such.

it'. This is why he criticises the 'old habit of thinking' that 'we deal with "things," to which any qualities, relations, activities, or surprises must be ascribed', since 'Things are constraints on possibilities of combination' (pp. 74, 77, italics in original). On this view, notions of static form must be replaced by views that definitively associate form with a temporal process, on the principle that 'it is possible to redifferentiate differences among open potentialities: to grasp them, to standardize them, to schematize them, and to acquire informational value from the ensuing actualization' (pp. 74-5). Luhmann, then, has clearly abandoned classical ideas about the representational character of form (as in mimesis, for example): for him the 'miracle of symbolization, the marvellous, that which has been most admired by our tradition, has to be replaced by a difference that, when observed, always regenerates the unobservable' (2002; 86).

The implications of this can be explained by returning to the case of 'Bloomington' noted above. We have already seen that this distinction serves to mark out a single frame, which, just like the codes of functional systems, works using only one variable (Bloomington or not Bloomington). If and when that single frame does become the focus of attention, then all observers, in effect, are faced with a pre-defined topic to which they can contribute further information, and also introduce further subjects, but only those of a related kind, since the choices for moving forwards are forever marked; they are circumscribed by what has previously been fixed as

belonging to the frame. Luhmann illustrates such a process in action:

Our next operation may cross the boundary that separates Bloomington from its unmarked state and may select another frame. For example, we may ask whether it would be possible to find fine wines in Bloomington, and this would lead us to look for a further frame – say restaurants or shops. One will thereby be led to places where one can find fine wines (2002; 85).

We can see in this scenario how pieces of information are extracted from outside the frame and once more presented as marked and framed, this time as a series of frames within that frame, or as distinctions drawn within another distinction. Here there is a reproducing frame (restaurants or shops) within a reproducing frame (fine wines) emerging from a reproducing frame (Bloomington), which all have an effect on what comes after them, and which all presuppose the presence of 'the original distinction separating the marked from the unmarked side' (King and Thornhill 2005; 13). This is clearly a system of perpetual feedback capable of producing meaning, but one that starts 'every operation from a historical state that is its own product (the input of its own output)' (Luhmann 2002; 84).

It is interesting that the example given here takes the form of an exchange between individuals. An exchange of this type (elsewhere Luhmann calls it an 'interaction system') is highly temporal, being confined to a single place and time: this would not normally count as a communication system in Luhmann's sense. Such systems, as we have seen, require data that has been

preserved and can be circulated, and their successful functioning becomes apparent only through time – though there are of course situations where exchanges such as these, involving perhaps some more or less newsworthy event or person, can become media events (that is, information) and hence accessible to functional systems. For Luhmann, at any rate, even ‘interaction systems can be bounded with relative precision’ (1995; 412). Indeed, specifically in relation to the scenario referred to above, Luhmann argues that, ‘Proceeding in this way from frame to frame or from form to form will, by necessity, reproduce the unmarked space. It will maintain the world as severed by distinctions, frames, and forms, *and maintained by its severance*’ (2002; 85, emphasis in original). Given this, human interaction even in its raw state illustrates the way that all communications systems operate as self-referential framing mechanisms, ones which simply persist independently of conscious action, their meanings multiplying as their framing switches, while at the same time excluding any reference to the external world.<sup>18</sup> Of course the idea that individuals can express themselves in what appears as an autonomous, evolutionary process becomes the target for mockery in Luhmann: ‘We resist the temptation to call this creation’ (p. 86).

We have seen how the simple act of drawing a distinction gives rise to a self-perpetuating mechanism whose operations are independent of anything other than itself. While an intention is initially necessary to fuel this process, Luhmann points out that: ‘Once a distinction is drawn, a sequence of operations is set in motion, as it were, spontaneously. The initial motive remains accidental – the theory of evolution confirms this point – and is of no relevance to the construction of order. Any random event would do’ (2000a; 31).<sup>19</sup> So, in this very first act, something distinct from the world has already been produced: as Spencer-Brown puts it, ‘the world is undoubtedly itself (i.e., is indistinct from itself), but, in any attempt to see itself as an object, it must, equally undoubtedly, act so as to make itself distinct from, and therefore false to, itself. In this condition it will always partially elude itself’ (1979; 205. Cited in Luhmann 2002; 85-6). On this view, the very act of marking out differences creates a closed discourse, and for Luhmann this implies that communication actually says nothing about the world:

A communication does not communicate the world, it divides it. Like any operation of living or thinking, communication produces a caesura. It says what it says; it does not say what it does not say. It differentiates. [...] The world is not a piece of information, for it is not a choice among different possibilities. The world is the-

<sup>18</sup> Luhmann writes: ‘The distinction medium/form serves as a frame without outside, as an internal frame that includes, via re-entry, its own outside’ (2002; 85). The term ‘re-entry’ is used by Spencer-Brown to refer to ‘the re-appearance of a difference within the domain of its objects’ (Luhmann 1995; 488).

<sup>19</sup> Cited and discussed in King and Thornhill 2005; 14.

refore also not something that would have to be understood – or could be misunderstood – so that communication could carry on. It is only that which endures the cut produced by communication [...] (1994; 25).

This is paradoxical for it entails that any attempt to represent the world is bound up with its disintegration. And for Luhmann the paradox here is exactly the point: ‘Within communication, the world is given to communication only as a paradox. The enactment of communication severs its unity. It affirms this unity implicitly by severing it. And it negates this unity implicitly by reconstructing it’ (pp. 25-6, 26).<sup>20</sup> What should be inferred from this is that a communication system continually gives the impression of signifying something, but only so as to affirm its own identity as an observing and reproducing mechanism. While for instance words and images might be thought of as pointing to something specific, the transformation of subject matter in such communications, on Luhmann’s view, in no way mirrors the outer world, being simply part of a self-enclosed system. Given this, Luhmann can state that ‘society can only communicate *about* the environment’, for ‘if it could communicate *with* the environment, it would lose the distance necessary to enable communicating about it’ (1995; 410, my italics). As King and Thornhill point

out, ‘what the system observes and treats as its environment is nothing other than its own creation’ (2005; 20).

A major theme of Luhmann’s work may now be considered, that of observation and the difference between first- and second-order observers, to which his views on forms and the process of making distinctions are closely linked. In many ways, this theme illustrates the implications of the developments connected with the theory of form for the study of society. While for Luhmann all observations are partial in the sense that in all of them a distinction has been made, ‘Observations of the first order use distinctions as a schema but do not yet create a contingency for the observer himself’ so that ‘what is designated is itself directly present in the execution of the observation’ (1998b; 47). In this type of viewing, observation of external objects occurs but the observer’s point of view is imperceptible. Examples include forms of representation that manifest themselves as ideals, or as ‘factually correct’ (p. 48). It could be said that this type of observation downplays the difference between what has been included and what has been excluded in the process of drawing a distinction: it is an essentialising viewpoint, in which the contrast between marked and unmarked, or between framed and unframed,

<sup>20</sup> Of course Luhmann’s own work, as a theory of society, is no exception to this. For instance, Stehr and Bechmann ask with reference to Luhmann: ‘how can society document itself without coming into contradiction with itself’ (2006; xix)? The simplest answer is that it cannot. They continue by citing a passage from Luhmann, which shows that he is well aware of the paradoxical nature of his project. The point is not whether Luhmann, in particular, is pursuing a contradictory project, but that all observation appears to produce such paradoxical consequences.

is suppressed. This is not to imply that first-order observations are inappropriate or (in another register) more closely tied to ideology than others: for Luhmann, we should be clear, 'Every observation – this holds for second-order observations as well – uses a distinction to mark one side (but not the other)' (2000a; 55-6). Rather the point is simply that in this mode of viewing qualities are attributed to objects as though they were somehow not a construct of the observer, there being no indication that an observation has even taken place.

Against this imperceptible viewing of the object, Luhmann contrasts another kind of observation: 'Observations of the second order are observations of observations', including ('at different points in time') the 'observation of one's own observation' (1998b; 47-8, 48, 49). Thus he emphasises that a single observer may at one time be of a first-order sort, and may at another be of a second-order sort, but not both simultaneously. Second-order observers are able to subject first-order ones to scrutiny from a different viewpoint; they are able to observe the 'first-order observer observing' and, unlike the latter, can distinguish between 'what is being observed (the object) and the result of the observation' (King and Thornhill 2005; 18). The resultant forms, in other words, may be attributed not to the qualities of the things observed, but to the characteristics of the one who observed them: that 'first-order observation *is indeed an*

*observation*' is something that only a second-order observer can see (p. 19, emphasis in original). As Luhmann notes, it takes an observer of this kind 'to raise questions about objects', it takes an observer of this kind 'to see the paradox of a beginning that presupposes itself, to recognise the self-implicative structure of the distinguishing act' (2000a; 31). This development is recognised in another way by Luhmann, as the opening up of a wider range of possible meanings and, as such, as indicative of modernity: 'Everything becomes contingent whenever *what* is observed depends on *who* is being observed' and 'In the modern world, more and more is attributed to the observer [rather than the thing observed], at least in many cases' (1998b; 48, italics in original). Or alternatively: the 'first-order observer lives in a world that seems both probable and true. By contrast, the second-order observer notices the improbability of first-order observation' (2000a; 62).

What may be said is that while in first-order observations form and meaning are interdependent, in second-order observations the gap between the two may become visible, in a manner similar to one of the roles of, say, literary criticism, which is to reveal the contradictions between what is written and how it is written.<sup>21</sup> Other examples are attempts made to construct interpretations using an appearance/essence opposition – as in critique as conventionally thought of. Indeed Luhmann notes that:

<sup>21</sup> Hence Luhmann's remark that 'The purpose of writing – as one can read (!) in Derrida – is to mark absences for absent readers, that is, to permit the withdrawal of the author' (2000a; 32).

A tendency toward attribution to the observed observer is especially prevalent when the second-order observation aims at latent structures and functions, that is, when it works with the schema manifest/latent (psycho-analytically, ideology-critically, science-sociologically, or even in the process of the now-common everyday observations). [...] This is] a very modern form of dealing with contingency that avoids posing the question of whether what is designated “exists” or not (1998b; 49).

Such a schema is complicated, however, by the fact that even second-order observations, once made, retain the ‘operative characteristics of all observation’ (ibid.) so that ‘the second-order observer, considered as first-order observer, can now observe neither his own observing nor himself as observer’ (2000a; 61. Cited in King and Thornhill 2005; 19). Another representational form has been produced, another distinction has been drawn and, while its observer is unable to see or cannot know in advance what has actually been excluded from it, there may come a time when it too, like all forms, is placed under scrutiny from other vantage points. A good example of this point is the relation between time and the art work of which Luhmann writes: ‘Despite its closure, a work of art can be observed adequately only in its relationship to time’, since a ‘determined form always promises something else without defining it. It dissolves the homogeneity of the unmarked

space – everything that is not form – into a space replete with suggestions’ (2000a; 30).

Luhmann, in part referring to his own work, with its self-referential characteristics and its awareness of being at once observing and observed, gives an idea of who or what could ‘explicate the world’s unobservability as an unmarked space carried along in all observations’, and more importantly, under what conditions this may be possible; not first-order viewing, nor even the second-order observer, but a ‘third-order observer can point this out and draw the autological conclusion that all this [observation of observation] applies to himself as well’ (p. 61). If Luhmann always holds back from saying anything conclusive about his subject, preferring to let society manifest itself only as complexity and diversity,<sup>22</sup> this is, it seems, because he believes that the argument of his theory should also be applied to itself, because his own statements, like all statements, can and must always be interpreted in other ways. In this light, the way Luhmann’s theory draws its material from across the boundaries of, for example, sociology, cybernetics, phenomenology, biology and mathematics, may appear less as an eclectic combination of incompatible sources than as an attempt to produce a form of complexity that is more appropriate to its subject.<sup>23</sup> The way he looks at society from different viewpoints or better

<sup>22</sup> This echoes Simmel’s systematic relativism in which definitive conclusions are also denied. For more on this point see Salem 2012; 16.

<sup>23</sup> In this sense, King and Thornhill are right that Luhmann’s eclecticism ‘appears to be motivated by a determination to develop a set of paradigms which are adequate to the complex challenges presented by modern society or, in Luhmann’s own terms, to the environment of the theory’ (2005; 205).

still (given that 'the world can come into the world only as a paradox' (Luhmann 1994; 26)), the way he subjects his own statements to examination from different viewpoints, shuttling – one is tempted to say oscillating – between one set of paradigms and another, can be seen as an attempt to show that finally all observation is little more than self-referential self-analysis.

While King and Thornhill (2005) rightly state that Luhmann's argument here is directly relevant to sociology, which can no longer treat its subject as if it were 'a collection of facts to be researched', but must consider how 'ephemeral and transient events are interpreted as if they were facts', it also has consequences for the usual schemas on which critique depends. The first and most obvious point is that a critique in which the subject matter is treated as a thing may now be taken to be far less convincing. Here the gaze of the observer is fixed on the object and the resulting form may have the appearance of truth, but only in a very limited sense: that is, while the assurance of remaining unobserved lasts, or as Luhmann notes, for as long as the 'observer and his observing activity remain unobserved' (2000a; 61).<sup>24</sup>

There is a further consequence, however, which is that critical activity will continue to play an important part in making 'observations of observations'; but it raises the question: 'If one can see others as observers, then why not oneself, too?' (p. 63). Even the

most radical critique, one that, for instance, seeks to bring about an emancipating effect through the critique of capitalism in all its forms, has results which may be used to make other readings, the most traditional or conservative ones included: the critique contains in itself elements that lie outside the intention of the critic, and that are open to further manipulation. Again, these issues have older precursors – Peter Bürger, for example, has argued that mass-media representation had 'prepared' its public for the avant-garde provocations of the Dadaists: the shock that their works contained was both 'consumed' and 'expected' (Bürger 1994; 81). He adds that such a 'nearly institutionalized shock probably has a minimal effect on the way the recipients run their lives', and that 'one has to ask oneself whether the provocation does not strengthen existing attitudes because it provides them with an occasion to manifest themselves' (pp. 80, 81). Luhmann's point (and here his 'third-order observer' comes into view) is that since it is not possible to avoid this 'blind spot'<sup>25</sup> of observation, and with it the transience of the observer's stated aims, it should be made explicit. Such strategies, to take another example, appear in Stendhal's novel *Memoirs of an Egotist*, where the author remarks: 'What I'm writing seems really boring; if it goes on the same way, this won't be a book, but an examination of conscience' (2003; 20). These instances are intended to show that Luhmann's views with

<sup>24</sup> These issues recall Foucault's critique of visualised knowledge on various levels.

<sup>25</sup> As Luhmann puts it: when 'a new series of operations starts from a self-created difference, it begins with a blind spot' (2000a; 29).

regard to observation are not especially new. But what is new is that in Luhmann the observation of observation is given a theoretical underpinning as the ordinary constraint of a society based on communication alone.

This brings us to what is perhaps the most insistent theme in Luhmann's work in terms of its implications for criticism, which is that whatever interpretative strategies the critic chooses to employ, first- or second-order, or even third-order observation, all may eventually support the broader operation of functional systems in society. The simple presentation of critical work in an apprehensible form would seem to be all that is required. This is not to deny that critiques of all kinds have any external effects, for otherwise Luhmann's own work, for example, could never have been such a major source of perturbation (rather than something causal) within social theory and beyond (see King and Thornhill 2005; 209). It is simply that critical observations cannot be understood, and do not have consequences, only at the level of authorial intention, but instead depend for their effects on much broader factors, and this becomes more and more evident with the passing of time. Immediately this raises the question of whether in the short term certain

kinds of critique can be more effective than others. According to Luhmann, communications are at their most damaging when they contain contradictions within themselves – self-reference, irony, paradox and self-doubt are all given as examples of this, but the most obvious example is Luhmann's own work as a whole which takes in all these devices – because in this case they may point to the contradictory operation of communications systems themselves:

contradictions fulfil their function of warning and alarming. *For an instant they destroy the system's total pretension to being ordered, reduced complexity.* For an instant, then, indeterminate complexity is restored, and everything is possible. *But at the same time contradictions possess enough form to guarantee the connectivity of communicative processing via meaning.* The system's reproduction is merely directed into different paths. Forms of meaning appear to be inconsistent, and this causes alarm. But the system's *autopoiesis is not interrupted.* It goes on (1995; 373, emphasis in original).<sup>26</sup>

If such contradictions are effective, it is because they threaten for a time the simple identification of a subject (as in the binary yes/no matter of coding),<sup>27</sup> and so signal in themselves the operation of a system.<sup>28</sup> In this sense, they are exceptional as a form of communication – and indeed as a form of

<sup>26</sup> This idea is also found elsewhere in his work: 'There is no escaping this consequence in this system; even negation is [...] included and serves, if not to preserve structures, then at least to preserve autopoietic reproduction' (Luhmann 1995; 409).

<sup>27</sup> As Luhmann notes: 'coding structures all system operations, regardless of content, as a choice between yes and no' (1995; 445).

<sup>28</sup> In this context, the following passage by King and Thornhill, which appears as part of their defence of Luhmann's eclecticism, may take on a quite different meaning: 'One of the main problems for critics of Luhmann is that, despite attempts to categorize him within some philosophical or sociological position, his work refuses to neatly into any pre-existing categories' (2005; 204).

critique. But of course, they are also the exception that proves the rule. What can be said is that while in the short term some forms of critique appear to offer more resistance than others, in the long term, assuming that Luhmann's world society survives,<sup>29</sup> they will be assimilated, or more likely still (given Luhmann's ideas about memory), they will be forgotten. Of course Luhmann's own work is not exempt from this process. In relation to his writing on politics, for instance, Thornhill has noted how 'Luhmann's

theory might soon be viewed as little more than a historical curio' (2000; 210), though we might add that the theory makes a theme of its own probable transience. Additionally, however, it must be said that this fate has not yet been fulfilled, and may not be swiftly forthcoming.<sup>30</sup> As Stehr and Bechmann put it: 'after Luhmann there will still be sociological and other descriptions of society. The question is merely whether they will reach the level and degree of complexity displayed in Luhmann's work' (2006; xxiv).

<sup>29</sup> Luhmann himself states that 'This world society would fall apart if structural changes reversed either the primary pattern of differentiation or the system of mass communication' (1982; 248).

<sup>30</sup> As King and Thornhill note: 'Today Luhmann's works are read by, among others, philosophers, historians, anthropologists, sociologists, political theorists, systems analysts, accountancy theorists, psychotherapists, psychologists, economists, biologists, legal theorists, management theorists and media theorists' (2005; 206).

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## SANTRAUKA

### NIKLAS LUHMANNAS: STEBĖJIMO SISTEMŲ IR SOCIALINĖS KRITIKOS KLAUSIMU

Straipsnyje aptariama vokiečių sociologo Niklaso Luhmanno socialinė teorija. Pradžioje formuluojama formalaus kodo, nusakančio komunikacijos sistemos ribas ir darnaus funkcionavimo principą, idėja. Siekiama atskleisti, kaip diferencijuojančio-stebėjimo sistemos gali veikti nepriklausomai nuo žmogaus, kaip atsiranda atotrūkis tarp sąmoningo, aktyvaus žmogiškojo veiksmo ir nuasmenintos komunikacijos sistemos, veikiančios pagal savo vidinę logiką. Toks atotrūkis pastebimas ir sąmoningos socialinės kritikos atveju. Kritika inicijuoja pokyčius, bet antrieji plėtojasi savarankiškai, pagal vidinius sisteminius principus. Straipsnyje teigiama, kad stebintis ir stebimas subjektai, nuoroda į kitą ir savęs įvardijimas, akivaizdumas ir aklumas yra tarpusavyje susiję reiškiniai, o į tai svarbu atsižvelgti svarstant aktualius socialinės kritikos paskirties ir funkcijų klausimus.

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