The Turn Toward Luhmann

Niklas Luhmann. *Love: A Sketch*. Oxford: Polity Press, 2010, 100 pp. $17.95 paper (978-0-7456-4751-7), $65.95 hardcover (978-0-7456-4750-0)

Christian Borch. *Niklas Luhmann*. Key Sociologists. New York: Routledge, 2011, 166 pp. $US 49.95 paper (978-0-415-49094-8), $US 125.00 hardcover (978-0-415-49093-1)

Two books. One by Luhmann, another about him. You would think they would complement each other, but strangely they do not. Borch's book lays out Luhmann's theoretical program and presents his key concepts, but unless you are already familiar with his work you would have a hard time understanding what sets Luhmann off from the pack and makes his theory so exciting and appealing. For that you would have to read the master himself in the short book on love that predates Luhmann's longer and later sociological analysis on the same topic, *Love As Passion*, brought out by Stanford University Press in 1998. It is, however, instructive to read both these books — Borch on Luhmann and Luhmann on love — together, for together they give you an idea of just how innovative and foundational Luhmann's theory is and why it is the only theoretical paradigm that would make sociology finally a science.

Borch correctly makes that case as he explains the major concepts that compose Luhmann's systems theory: system itself as the difference between a system and its environment, operational closure and cognitive openness, autopoiesis, structural coupling, self-reference. He goes over Luhmann's distinctions between living, psychological, and social systems, underscores how social systems are composed of communications and are best understood as structures of expectations that help reduce complexity by stabilizing expectations about expectations (reflexivity) and enabling systems to select their operations. He discusses communication at some length to show that it too is based on distinction and selection, is different from action although communication can only be

inferred, "flagged as an action system," which itself is a selection. Meaning also points to a horizon of selections and operates as a "continual actualization of possibilities." For Luhmann, Borch adds, the three salient dimensions of meaning are the fact, temporal, and social dimensions, linked in turn to the functional mode of differentiation that characterizes modern society.

Before discussing functional differentiation, however, Borch presents what he considers the major concepts of Luhmann's epistemological turn: observation, distinction, re-entry, and paradox. This discussion is prefaced by a short presentation of Spencer-Brown's work, in which form is defined as the unity of difference between two sides of a distinction. Indication is primordial. Observation consists of indicating one side of the distinction and not the other. In subsequent observations the indicated side is reaffirmed through further indications (re-entry), thereby dealing with the problem of paradox through time. In system terms, this means a system reaffirms its unity by re-indicating or re-observing the difference between itself and its environment. Contingency is always operative, since the act of indicating or observing always has an arbitrary element to it, but previous observations, or system structures, do set limits to this contingency. Concentrating on this aspect of Luhmann's thought, Borch draws the reader's attention to Luhmann's distinction between first-order and second-order observations, arguing that this represents a shift and possibly a tension in what Luhmann sees as sociology's task: instead of describing the world it describes how observers see the world. Second-order observations are important, Borch notes, because they enable us to handle the problem of the blind spot inherent in any observation. They may also help reveal or unfold the paradoxes that lie at the heart not only of knowledge, but also of social systems.

In the last section of the book Borch discusses the functional differentiation of modern society, as opposed to segmentary or hierarchical differentiation which characterized premodern ones. He devotes sections to the symbolically generalized media of communication and the binary codes governing their operation, as well as the programs that regulate the use of the codes. The media, Borch explains, function as a solution to the problem of double contingency, while the codes and programs keep the systems operationally closed but cognitively open, permitting interpenetration between them. He goes on to discuss a few function systems in detail, the best of which is his sketch of the legal system, and addresses the problem of structural coupling between them. Borch then goes on to discuss some of the consequences of Luhmann's reading of modern society as functionally differentiated: society is now de-centred, its problems are observed through the risk/danger distinction, and a new semantics is

in order if sociology is adequately to describe what it observes. Borch, however, sees others: the problem of ecological communication, how to deal with omnisocietal challenges, and the possibility that exclusion may furnish a new line of societal differentiation. This is followed by a relatively long penultimate chapter on power and politics, especially Luhmann's analysis of the welfare state, which Borch sees as problematic and reverting to the old semantics which Luhmann claims to have discarded.

This book is rather perplexing. On the one hand, it presents Luhmann's key concepts clearly and succinctly. On the other hand, it fails to tie them together in an argument that makes the reader fully appreciate the importance of what Luhmann has accomplished and the radical break his work represents with the rest of sociological theory. This is so in spite of the fact that the author points out on more than one occasion the innovative aspects of Luhmann's approach. For example, Borch often stresses that for Luhmann individuals are excluded from society, which means there is no room for a humanist or subjectivist approach in sociology. This does not mean Luhmann has nothing to say about individuals or individuality. Indeed, Borch points out that Luhmann examines individuality historically by looking at changes in how society talks about it and mentions that in modern society individuality becomes defined on the basis of exclusion. But this point is not driven home. Most sociologists, let alone undergraduate students, have trouble understanding that society is not made up of people. The remarks on the ambiguous nature of this exclusion as both freedom and a burden for identity are not taken up and illustrated with references to love and politics. Indeed, when Borch later on discusses Luhmann's analysis of exclusion, he refers to it in old semantic terms, as a social fault line that poses political and theoretical problems for Luhmann's analysis. Paradoxically, modern functional differentiation means more and more individuals are included in the various social systems, even if by doing so individuality itself is no longer socially inscribed and defined. This becomes apparent in Luhmann's book on love, where modern intimate relationships require that everyone be able to say "I love you."

Borch correctly points out that Luhmann's conception of communication, unlike Habermas's, does not require consensus for it to proceed apace, but later on, when discussing the limits which Luhmann sees law and money pose to the welfare state, Borch describes him as joining hands with Habermas when the latter warns of the colonization of the lifeworld by money and power. This becomes confusing to the reader, since Borch had constantly stressed that Luhmann's sociology is nonnormative, nonhumanist and nonsubjectivist. In a similar vein, Borch correctly asserts that in Luhmann's analysis of modern society there is no centre, no one

system that can dictate to another how to act and what to select. And yet instead of showing how appropriate this is to understanding how modern society functions, Borch sees it as problematic, contradictory, even revelatory of Luhmann's normative bias. Borch recurrently wonders how Luhmann's theory can take into account omnisocietal challenges, like the problem of ecological disaster, or gross inequality in the third world, or retrenchment of the welfare state. He does not understand that in Luhmann's analysis there is no hierarchy of problems. Climate change is no greater a challenge than erectile dysfunction or disease-producing dog excrement. Functional differentiation and structural coupling are not impediments to solving them. The task of sociology is merely to observe how society handles the problems it decides are problems. Now and then Luhmann may permit himself an ironic remark, such as the one at the end of his book on the welfare state, where he muses how society will deal with grand questions of justice as long as government and opposition are driven to diabolize each other. But this is merely one more observation pointing to a paradox of modern society. And paradoxes, as Luhmann points out with Borch's concurrence, are not solved, only unfolded.

Which leads us to the crucial idea of blind spot, which Borch touches upon but does not pick up and tie into other aspects of Luhmann's analysis. In spite of his discussion of second-order observations, Borch does not embrace the concept to show its remarkable theoretical power. Indeed, I would suggest that in spite of his disclaimers, Borch himself has a blind spot when it comes to Luhmann, one shared by many sociologists who, like Borch, are attracted to Luhmann's theory. It consists of their desire to marry Luhmann to what Borch correctly identifies as the old semantics, namely a sociology imbued with self-described humanist values dressed up as critical theory. This truly is a contradiction, because it amounts to wanting to have your moralistic cake while eating your sociological one. So Borch inserts moralism into Luhmann's theory where it does not belong. He seems to think that Luhmann's theory has problems because of what it observes, and so tries to ferret out the normative bias behind the theory. If Luhmann described how the welfare state is constantly induced to do more than it can, a tendency which will be halted when it runs out of money and the courts become overloaded, these observations are taken as a defense of a minimal — read neoliberal — state. But all Luhmann did was describe the dynamics of the debt crisis we are witnessing today without slinging mud at any particular ideological culprit.

In short, Borch sees problems in Luhmann's theory where there are none. He sees clashes between system codes when all one observes are examples of different systems irritating each other. Luhmann's analysis of power is not deficient or tied to old semantics as Borch asserts, wit-

ness his observations on the tendency of the welfare state to legislate on matters lawmakers would prefer to ignore or the inadequacy of power to change individual behaviour. Foucault notwithstanding, Luhmann's sociological theory enables him to make the proper distinctions, whether he is discussing the intricacies of politics or love. But reading this book, one would not conclude that Luhmann is startlingly different from the sociologists he is contrasted with. Indeed, the differences are no sooner drawn than blurred. Which makes this book much less than it could be. For those who know Luhmann before coming to it, it is refreshing to see the basic concepts once again explained and to think about ideas that are only briefly alluded to, like the turn to Spencer-Brown that calls to mind Freud, even if Borch does not name him. On the other hand, for first-time readers and undergraduate students, the impression will unfortunately remain that Luhmann is only one theorist among many and probably too abstract to merit the trouble. Which is a shame, for Luhmann is the one theorist all sociologists should read and embrace. His sketch of love is testimony to that.

Retrieved from the archive material after Luhmann's death, this small book is the text he wrote for one of his first seminars given at Bielefeld in 1969. As usual with Luhmann, it is chock full of ideas too many to report in their entirety. Nonetheless, its salient points highlight the tremendous utility of Luhmann's theory. To start with, Luhmann points out that love is not a feeling, but a medium of communication; at least for sociologists, that is what counts. Viewed thus, love functions like many other media, stabilizing expectations and making selections possible in a context where misunderstanding is a given and breakdown always a possibility. This is especially true for love, which carves out a world of proximate experience quite unlike any other social sphere. And it is all the more so in modern society, where the sphere of intimate life has become functionally differentiated from other spheres: politics, economy, law, art, science, to name a few. Love, therefore, is different from other media. Unlike truth, which circulates in the realm of science, love is not independent of the singularity of the persons engaged in it. What love has to do, therefore, is stabilize a world of expectations so that people can actually fall in love and then make it last, even though the odds of this occurring are stacked against it: a perfect example of what social systems do — make the implausible possible.

Love, therefore, is not a constant, but changes over time as society itself changes. Luhmann studies the changes in love's semantics, in order to understand both how love works in modern society and how modern society works. In the process we also see how the emergence of modern love itself contributed to the functional differentiation that is modernity's

hallmark. In premodern society love was political or religious, coterminous with society, for which erotic love was seen as disruptive. Now love is defined as passion and differentiated from society, which means it can no longer operate as a steering mechanism for society as a whole. It is lucky if it can operate thus for intimate relationships.

A world of paradoxes emerges. By defining love as passion, as something which the lover undergoes and to which he or she is subject, love helps dissolve the institutional bonds governing intimate relationships. Family, religion, economic, or dynastic interest no longer governs the choice of partner. Love becomes democratized. It can happen to everyone. Indeed, as part of its being available to everyone independent of any socially inscribed status, it must be available to everyone. But if romantic love dissolves the bonds of hierarchy, it also makes modern love highly unstable, for it is as easy to fall out of love as it is to fall in it. Luhmann therefore searches for society's response to this dilemma of modern love and finds it in marriage in all its variants, exemplified by the American concept of companionship. Love anticipated becomes love established as couples settle down to the job of living together. This is a risky business and society provides for this possibility by making it possible in all its variety. One can readily understand why gay marriage is coming to a cinema near you, whatever the ideological pros and cons say.

Society does this by privatizing love, shielding it from social control or steering. Legal restrictions on the conduct of intimate life progressively wane. People are now free to choose. Ironically, the idea of love as passion underlines the compulsive nature of this freedom. But it is not centrally directed. There is no panopticon, to cite Foucault, busy disciplining amorous citizens. At the same time the organic basis of social life is drawn into play. Sex becomes allied to love in a way it never did before, helping to secure the medium. Sexuality individualizes love and makes it exclusive. People engaged in intimate relationships they hope will last are now willing, at least in discourse, to give up on outside amorous adventures. Sexuality also gives the relationship the gloss of nonverbal intimacy that helps shield it from breakdown. There is nothing quite like make-up sex to prevent disputes from getting out of hand.

Modern love, like modern society, is awash with paradox. Romantic love is not ideology, for Luhmann. It is not a cover for patriarchy, capitalism or any other form of domination. "Everyone says I love you," as Woody Allen put it, because that is how democracy works in the intimate sphere. But romantic love circulates the projection of feelings in such a way that it is fraught with misunderstanding. Modern relationships therefore require of those engaged in them a highly developed psychological capacity to process experiential feelings. This means people have to learn

how to maintain intimate relationships as earlier they had to learn how to engage in them. In the 18th century this was the function of novels, teaching people to fall in love with love before they actually fell in love with another person. The perennial attraction of romantic films in spite of all that we have seen through since is testimony to the ongoing dilemma and the need to work things through. If there is a social problem here, Luhmann wonders towards the end, it is that today there does not seem to be the social nexus where people will learn this arduous task. Sociological theory might be useful here, if by theory one understands the need for second-order observation. Understanding that the cultural definition of love as passion is at once necessary but inadequate as a description of what really happens can be useful in navigating the shoals of intimate life.

For society too there are paradoxes. If love is disconnected from society, then society needs impersonal means of motivation. And if love is the one sphere where someone can be cherished for who they are and not for what they do, then other social spheres open themselves up to accusations of coldness and heartlessness — witness the themes associated with bureaucracy. Paradoxically again, modern society, by granting enormous freedom to individuals through the autonomization of intimate life, also offloads onto the individual the burden of bearing much of its complexity. We begin to see in the flesh what Borch hinted at in his book when discussing the paradoxical transformations of the relationship between individuals and society under conditions of modernity as Luhmann sees it.

There is much more to say, but for now this will have to suffice. Reading Luhmann's short essay is, as always, a pleasure. It is dense reading and requires concentration, but it is chock full of ideas that start one thinking in all directions. One example. Luhmann writes at one point that "love facilitates indifference." He is talking about the way the semantics of modern love leads partners to refrain from sexual adventures with others. But it sparks other thoughts. How, for example, all modern social systems thrive on indifference, integrating society by ensuring that no one social system assumes responsibility for problems generated elsewhere. Indifference, one might say, has now become a virtue, illustrating just how revolutionary Luhmann's work really is and how important it is to break with the old semantics if one is to understand modern society adequately. Sociologists beware!

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