

Postal Services: Re-Writing Communication

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...dès qu'il y a, il y a différence (et ça n'attend pas le langage, surtout le langage humain, et la langue de l'être, seulement la marque et le trait divisible), et il y a agencement postal, relais, retard, anticipation, destination, dispositif télécommunicant, possibilité et donc nécessité fatale de détournement, etc.
(Derrida, 1980: 74)

In social systems the fundamental operation using meaning is communication. It is the minimal unit of any social system and replaces action as the basic concept of sociological theory (SS: Ch. 4). Luhmann claims that a theory able to formulate such a broad concept of communication has to conceptualize it independently of language, thus abandoning any semiotic and linguistic model (SS: 151).² To 'ground' a post-foundational social theory on communication may be a dangerous decision. Mainstream communication theory is deeply embedded in the metaphysical tradition, upholding the autonomous subject as well as the identity of transmitted meaning. Even theories which call themselves 'post-metaphysical' and which claim to have substituted the philosophy of consciousness with a theory of intersubjectivity (Habermas, 1987a), neglect what makes communication interesting for a theory of signification: how to link one signifying event to the other, and how to think communication in differential terms?³ By contrast, Luhmann's post-foundationalist theory of communication claims to provide a non-normative account of *how* systems generate and process meaning.

Although the traditional model of communication (e.g. Jakobson) avoids normative 'overloading', it still makes assumptions which are not compatible with a theory of difference. Supposing a sender who transmits a message to a receiver follows a teleological logic, since it implies a necessary direction of the communicative process: the sender encodes a message which is finally decoded by the receiver. A post-foundationalist and 'anti-humanist' theory of communication has to question any approach which is finally based on the subject. As long as one grasps communication as an exchange between sender and receiver, one has to situate sender and receiver as pre-constituted subjects. What systems theory suggests is thinking communication fully within systems of meaning, neither presupposing a subject before meaning nor a message identical with itself.

This chapter examines how Luhmann's concept of communication relates to the postal *dispositive* deconstruction suggests. For deconstruction, social reality is the story of 'postal' set-ups, i.e. of marks that are delayed, diverted and awaiting to reach their destination. Accepting this, implies taking the differential constitution of the social seriously and questioning the fixity of the elements of communication, such as the sender, message, receiver or the channel. Moreover, I focus on the interplay of communicative success and the possibility of failure. The gap which makes communication necessary is at the same time the gap which delays any communication, resulting in an infinite and self-referential play.

¹ Denne artikel er tidligere udgivet i en anden version i: Urs Stäheli, 2000: *Sinnzusammenbrüche, Eine dekonstruktive Lektüre von Niklas Luhmanns Systemtheorie*, Velbrück Wissenschaft, Göttinge.

² I will return to the question of why Luhmann weakens the status of language in Ch. IV.

³ cf. Luhmann's (1982a) polemical critique of Habermas' theory of communicative action. The intersubjective version of communication theory transforms it into a procedural, yet still foundational discourse, focusing on validity claims.

One way to develop a notion of communication which takes seriously the self-referential immanence of communication would be a Foucauldian ‘happy positivism’ (1972), merely studying the dispersion of enunciations. When the systems theorist Fuchs (1993: 20) concludes that “simply and solely utterances are left over” as the object of analysis, this echoes such a Foucauldian archaeology. The decision to locate the whole process of communication strictly within the realm of signification is, however, open to different articulations. Introducing a consistent theory of signification does not necessarily imply a deconstructive subversion of meaning.⁴ Does systems theory rely on stable significations? How does the dissemination of meaning relate to systems theory’s constructivism?

To elaborate on these questions, I shall first present a general outline of the relation between Derrida’s deconstruction of communication and Luhmann’s notion of communication (1). Learning from Derrida’s reading of speech act theory, I will focus on two factors affecting the fullness of any communication: the exteriorization of failure into the context (2) and, closely linked, the criteria which define communicative success (3). The discussion of the former includes the relation between context and potentiality (2.1). Proceeding from Luhmann’s claim that communication is improbable, I focus first on the role misunderstandings play and how they are limited (3.1). This leads me to the distinction between misunderstanding and non-understanding, the latter implying that a communication misses any addressee. Writing is the most important means to prevent non-understanding by extending the spatio-temporal scope of communications (3.2). But these conditions alone do not guarantee the success of a communication: it has to be accepted. This points to the ordering function of communication (3.3). The concluding section discusses what implicitly underlies the non-saturation of context and the improbabilities of communication. Finally this leads to a deconstructive radicalization of Fuchs’s suggestion that there is a break of meaning within communication (4.).

1. The Deconstruction of Communication

The deconstruction of speech act theory problematizes the traditional concept of communication which presupposes an intentional sender transmitting a message with a determinate content to a receiver:

Communication, [...] in fact, implies the transmission charged with passing, from one subject to the other, the identity of a signified object of a meaning or a concept in principle inseparable from the process of passage and of the signifying operation. (Derrida, 1981: 23)

A deconstructive approach aims at abandoning the whole metaphorical apparatus of transportation, transmission and the implied idea of a self-identical and determined content (LI: 1). The widespread assumption, especially held in mainstream communication theory, that the content or referent of a communication consists of the intention of the communicating subject, Derrida argues, re-inscribes the phenomenological concept of the constitution of meaning independent of language and communication.

The representational model of communication is replaced by an analysis of the communication as iteration of a mark (V.3). Derrida emphasises the necessary possibility (not the empirical necessity!) of the absence of the receiver and the sender of a communication: “My communication must be repeatable — iterable — in the absolute absence of the receiver or of any empirically determinable collectivity of receivers” (LI: 7). Instead of assuming a determinate content, ‘dissemination’

⁴ cf. Cornell (1994: 64) who stresses this distinction in her discussion of critical Legal Studies.

underlies any communication. Dissemination does not simply refer to polysemy or the pluralization of meaning. It unfolds a 'terrain' which provides no stable fixation of a signified, exploding stable semantic meaning. Whereas structuralism (and, at least in Derrida's reading, Lacanian psychoanalysis) tries to stabilize signifying units *ab initio*, henceforth "security of each point arrested in the name of the law is hence blown up" (D: 26). In contrast to a mere contextualisation which still assumes a fullness of meaning, dissemination splits the concept of meaning: "[D]issemination affirms the always already divided generation of meaning. Dissemination spills in advance" (D: 268). The explosion of meaning shows itself therefore not only in the plurality of possible meanings, but rather in the non-separability of different meanings within a particular context. That is why Beards (1996: 10) stresses: "Different significances will for any number of reasons be more apparent in different contexts, but, however veiled, all of those significances will be in play in every context." Any understanding of language as code is excluded with this account of dissemination. Dissemination exceeds semantic ambiguity for it is a syntactical notion based on the repeatability of signs in different contexts (Chang, 1988: 564). Thus, a deconstructive theory of communication can no longer presuppose a fully constituted message whose deformation would only be added by its transmission.

Luhmann's theory of communication similarly confronts models presupposing an unchanged transfer of communicative content: "The metaphor of transmission is unusable because it implies too much ontology" (SS: 139). Instead of focusing on the transport of a preconstituted message, communication is now defined by three circularly interlinked selections: information, utterance [*Mitteilung*]⁵, and understanding (SS: 137ff.). None of these selections is able to constitute a communication in the absence of the others. Since each of them will be discussed later, it should suffice here to stress the general idea of this model. Communication is not an intersubjective process, constituting a common ground, rather it always refers to itself and its redundancy constitutes a system. Of course, communications rely also on psychic systems, but the logic of communication has to be explained with exclusive reference to the way communications relate to each other.⁶ An *information* is selected within a system and enunciated in an *utterance*, i.e. by choosing a certain medium which indicates the previous selection. The utterance, in turn, is not determined by the first selection and performs a selection of its own. These two selections form a distinction (information/utterance) which is, however, not yet a full communication. It is understanding which precisely draws the distinction between information and utterance. Understanding itself is also a selection that presupposes a contingent relation between the distinction of information/utterance and understanding. Each of these selections is not a selection by a subject external to communication, but an emergent quality of communication. Luhmann claims that all of these selections have an equal theoretical status: it is not only that they use the form of meaning (SS: 141), but that each of them presupposes the other two (SA 6: 118). To divide communication into these dimensions is not unique to systems theory. Luhmann concedes that Austin uses a similar triplicity (locutionary, illocutionary and perlocutionary acts), but accuses him of not looking at the conditions of the *unity* of this triplicity (SS: 197).⁷ In other words,

⁵ It is difficult to translate *Mitteilung* since it does not only refer to the utterance, but first of all to the action and means for uttering an utterance.

⁶ That is why Luhmann considers it as impasse if one starts theorising communication from the isolated subject. The whole theory of intersubjectivity which still departs from the subject is unable to account for the emergence of the social: "There can be no intersubjectivity on the basis of the subject" (SS: xli). Instead Luhmann tries to radicalize and pluralize Husserl's notion of the transcendental subject.

⁷ In a more recent paper Luhmann (SA 6: 117) explicitly demarcates his theory of communication from speech act theory. Cf. Schneider (1996) for a general discussion of systems theory and speech act theory.

a theory of communication has to account for the self-referentiality (basic self-reference) of each communication. Merely to classify and isolate these dimensions precludes developing a general and unified concept of communication. In a similar vein, a deconstructive approach aims at avoiding a mere separation of different dimensions of communication. Along with such a classificatory approach goes a positivism of communication theory, i.e. "the postulation and consequent reification of identifiable qualities attributed to various communicative phenomena or processes" (Chang, 1988: 555).⁸ That is why Derrida questions the very possibility of thinking the different dimensions of a speech act separately. Instead, one has to "account for the graphematic on the level of locution" (LI: 14).

A second dimension of Luhmann's concept of communication resembles Derrida's critique of communication even more strongly. If we think of communication as the unity of a triple selection which is self-referentially closed, it becomes possible to strictly separate communication from any psychic reference.⁹ Neither sender nor receiver are able to determine the meaning of a communication; moreover, they do not exist external to the process of communication. Luhmann's notion of understanding is formalized in such a way that it does not refer to that which happens in the consciousness of psychic systems. For many systems theorists this de-subjectivized notion of communication suffices as evidence for the deconstructive character of systems theory.¹⁰ Yet, Derrida's reading of speech act theory has shown that deconstruction does not stop here. There are two arguments which are distinctive for a deconstructive conception of communication:

a) It is one of the main arguments of *Limited Inc* that "a context is never absolutely determinable", that there is a "structural non-saturation" of any context (LI: 3).¹¹ The problem of the context is not just an empirical, but rather a theoretical one. How is it possible to determine the meaning of a communicative event such as a speech act or a communication? Derrida has shown that the achievement of full meaning is impossible because any token must be used in several contexts. This iterability prohibits that only one context is adequate to fulfil the function of saturated meaning. If a fully saturated context were possible, the very possibility of repetition, i.e. of meaning, would be lost since it is only the openness of the context that generates the necessary 'flexibility' or generalisation of the signifying element. The next section (IV.2) asks how Luhmann deals with this non-saturability of the context.

b) Traditional theories of communication exclude infelicities as parasitic events by attributing them to the context. This has consequences for the very possibility of misunderstanding which is expelled from the well protected interiority of understanding. In contrast, Derrida stresses that misunderstanding is not only produced by contextual factors which can be exteriorized, rather it lies

⁸ At the same time, one has to be aware of the dangers implied with an emphasis on the unmediated unity of communication. Chang (1988: 555) tends to romanticize this unity when he objects to the practice of a "forced fragmentation of a unified phenomenon". Yet, even the unified phenomenon is a construction of a scientific observer. In contrast, I shall argue that the dividing lines between a traditional and a deconstructive approach to communication blurs the limits without referring to an original unity.

⁹ Communication is not compatible with the unity of the subject: "The selections of information, utterance, understanding cannot be referred to a subjectivity, however it may be constituted" (Fuchs, 1992: 30).

¹⁰ Fuchs (1992: 37), for example, reduces the main argument of deconstruction to that of the modes of linkages which are not dependent on actors. Schwantz (1995: 122) concludes that systems theory escapes metaphysics in strictly separating perceptions performed by psychic systems from communications. Similar to Luhmann's domestication of the rhetoricity of language (cf. IV.4), he suggests not to follow deconstruction when it problematizes the ungraspable materiality of any communication as a universal problem. Rather, it is the system of art which is responsible for dealing with this problem.

¹¹ cf. the similar formulation: "[A] situation in which a context is never able to be saturated for the determination and identification of sense" (Derrida, 1982: 299).

at the heart of understanding. The very possibility of re-iterating a communication prevents any communication being successful: "Since every linguistic expression can be used in contexts which are unusual or out of the ordinary, no linguistic communication is ever successful" (Bearn, 1995: 3). Hence communicative success is always already threatened from within the communication. Section IV.3 discusses how systems theory addresses the problem of failing communications and which theoretical positions these failures occupy.

2. The Saturation of the Context

2.1 The Context of Potentialities

One of the main objections against speech act theory is its assumption of a total context. The sender (e.g., an intentional consciousness) who belongs to the context of a message does not determine the meaning of a communication. We have seen that this leads systems theory to radical conclusions: the psychic subject is a system external to any communication.¹² Given a non-intentional notion of communication, the problem still persists of how to grasp the communicative and "internal semiotic" context which determine the meaning of a certain mark (LI: 9). Any mark is only a mark if it can be repeated in a different context. Deconstruction does not simply decontextualize communications, it rather contextualizes it within different contexts. This results in a double strategy: on the one hand, a weakening of the determining force of the context, on the other, the necessity of a context for establishing meaning.

How does Luhmann grasp the problem which is announced with the vague notion of the context? Normally, systems theory does not use this concept, though it also deals with the problem of how to determine the meaning of a communication. Like Derrida, Luhmann stresses the inexhaustible nature of any context when pointing at the aporias of a contextualist approach: it has to transform the context into a text (GG: 38). Fully determining meaning would then presuppose that every context can be textualised which eventually leads to an infinite regress. In the most abstract form, we can conceive context as the side of a distinction which is not marked. In turn, the marked side and the unmarked side constitute a distinction that is contextualized by the surrounding of the distinction (Meyer, 1990). The concept of form accounts self-referentially for the 'context' of the 'text/context'-distinction (GG: 62).

No event is ever exhausted by a single context (Meuter, 1995: 51), rather any actualized meaning has "in principle an unlimited number of possible contexts" (Luhmann, 1986b: 179). This points to an important problem: How can we think the sameness of the event which acquires different meanings? How do we know that different meanings refer to the same object or event? In terms of the theory of communication, the problem can be re-formulated as that of the identity of information. To tackle this question it is first necessary to show how the notion of a horizon of selection replaces that of the context.¹³ Since every communication includes a triple selection, there are at least three different contexts or horizons of a message: the horizon of the selection of an information (what?), the horizon of the mode of communication or transmitting (how?) and the horizon of the understanding of the difference between information and communication.

¹² cf. Baecker (1992) for a discussion of the relation between consciousness and communication.

¹³ cf. Meuter (1993: 48ff.) who argues that Luhmann's theory of meaning and the concept of context are compatible.

One of the selections which every communication has to perform is that of an information. Its context is already indicated in the definition of information as "a selection from a (known or unknown) repertoire of possibilities" (SS: 140). This repertoire does not pre-exist the act of selecting: "The selection that is actualized constitutes its own horizon; communication constitutes what it chooses, by virtue of that choice, as a selection, namely, as information" (SS: 140). The horizon of information is produced by the selection itself. There is no repertoire of possibilities which provides ready-made options. Yet, it is not clear what this implies for the repertoire itself. If one only stresses the equi-causality of repertoire and selection, then one cannot explain the limiting function of the contextual horizon. This problematizes how to think the context of an event *within* the event.¹⁴

The horizon is a pre-condition for any information, whilst only the uncertainty and the effect of surprise about which option will be actualized creates the value of an information. Following information theory, Luhmann defines information as an expression of surprise, however minimal this surprise may be (RG: 352). This presupposes that not all possibilities can be actualized at once, and that there exists more than one possibility. If the value of surprise is the defining characteristic of information, then structures of expectation have to pre-exist the actual event. Relating to the above argument about the co-constitution of event and horizon, this shows that the horizon of expectation has to precede the information, although it does not exist as such. The very notion of information, which is basically a probabilistic concept, requires that there are possibilities with differential chances of occurrence. Information is a category of *effect* since it is only measured by the difference it makes to the informed system.¹⁵ That is why Luhmann defines (drawing from Gregory Bateson) information as a difference which makes a difference. Here, we should already note a difficulty which we will take up later (cf. V.1). Luhmann's (1996a: 100) concept of information necessarily implies a sequence of at least two events: the initial difference which is a selection from a horizon and the difference it makes which is the effect it has upon the system. These assumptions, however, tend to undermine the 'sameness' of information, required for the initial definition as the selection of a propositional value.

Information has to be enunciated by certain means such as writing, speaking, or body language. The mode of a communication's materialization and expression is the *Mitteilung* (utterance) which constitutes the second selection. There is an intricate relationship between information and utterance: "The utterance must duplicate the information, that is, on the one hand, leave it outside yet, on the other, use it for utterance and reformulate it appropriately" (SS: 142). An information has to be doubled and reformulated, which implicitly suggests that it logically has to exist before its coding by an utterance.¹⁶ Although Luhmann stresses that none of the triple selections exists for itself, speaking about two different horizons of selections still assumes that the 'what' of the communication is independent of its mode of enunciation. The need for doubling emerges since it is only the utterance which is able to express an information. The utterance, then, is the act of coding which is required by every information (SS: 142) and thus enables standardization. This implicitly

¹⁴ Derrida objects to a simplistic notion of context which prohibits the re-entry of the context/text-distinction: "Context is always and always has been at work *within* the place, and not only *around* it" (LI: 60). It is the notion of the trace which introduces the context to the text.

¹⁵ cf. my discussion of the relation between information and repetition (V.1).

¹⁶ Luhmann concedes that the distinction of information/enunciation resembles the linguistic concept of signifier/signified since the enunciation functions as the signifier for the information (WG: 24). Yet, one has to be careful not to reduce this distinction too fast to a semiotic model of the sign. As we have seen, information is defined by its effect which would call for a pragmatic understanding of the sign. The definition of the utterance as a choice which does not follow from the information confirms the structuralist notion of the arbitrary nature of the sign.

introduces the problem of iterability: only what is repeatable, can be recognised as information and thus distinguished from pure noise (Ch. V).

Information and utterance alone do not, however, constitute a proper communication; they have to be *understood*. In other terms, a communication which is not understood is no communication (Baecker, 1992: 219).¹⁷ The act of understanding synthesizes the difference of information and utterance, herewith creating a communicative event which is an element of the autopoietic chain of communications. The distinction of information/utterance is always retroactively constructed by an observation (understanding) of a communicative event. Fuchs (1993: 28) has clearly shown that the observed event does not distinguish itself with the information/utterance distinction; it is only the successive observing operation which demands and constructs this distinction. Thus, a pure event does not have any meaning; it is indeterminate noise as long as it is not understood.

The importance of understanding shows that the constitution of the context is always the result of an observation. Understanding (re)-constructs the horizon of selection of the information as well as that of the utterance and also decides which side of the distinction it attributes meaning to.

Suggesting this triple conception of communication, Luhmann tries to overcome the dyadic sign model of structuralism.¹⁸ There is no final understanding since it always requires a further understanding. It was precisely this endless deferral of a final meaning which fascinated Derrida in Peirce.¹⁹ Here Luhmann's theory of communication and deconstruction meet: both stress the constitutive incompleteness of any system of communications since a final understanding, i.e. a transcendental signified, is impossible.

Returning to the question of how systems theory deals with the problem of context, we can now formulate the problem more precisely. Communication as a triple selection requires three internal contexts: the contexts of information, utterance and understanding where the latter re-constructs the two former contexts. The context of understanding is its embeddedness in an infinite chain of communications which narrows the selectivity of connecting communications. Thus, the determination of the context is always contingent on an observer. In stressing the constructive nature of contexts, Luhmann excludes the ontologically naive possibility of reference to an originary 'real' context. The three selections are mutually intertwined by a "basic self-reference" which decontextualises the internal communicative context from its external environment such as materiality or thoughts (SS: 144).

My discussion also showed that Luhmann's handling of the notion of context announces problems of its own: the information becomes a split double event which is a selection *and* an effect. The utterance is externalized from the originary determination of the information and doubles, in a miraculous way, the information *as if* the logical possibility of an information prior to its uttering existed. It is understanding which produces the final meaning of a communicative unit by processing the partial meanings of information and utterance. Understanding contextualises the difference of information/utterance. In this case, the contextualised event remains the same while the perspective which observes it changes. However, we can only maintain this argument if we reduce information to the *selection* of a single difference which does not take seriously the *effect* an

¹⁷ Baecker (1992: 219) illustrates how a pure non-understanding makes any communication impossible when Echo's love only encounters the big sleep of Narcissus.

¹⁸ Similar to Peirce, the interpretation (understanding) becomes crucial. For a reading of Peirce in the light of (non-Luhmannian) systems theory see Merrell (1985: 11): "The Peircean sign is, simply stated, something that stands for something to someone in some respect or capacity...To be a sign it must be understood as such".

¹⁹ "The *representamen* functions only by giving rise to an *interpretant* that itself becomes a sign and so on to infinity" (Derrida, 1976: 49).

information produces. Yet this leads to a confusion of understanding and information, since the effect an information makes is precisely its marking by understanding as an observation.²⁰ The deconstructive argument on context not only stresses the plurality of possible contexts, but also their unsaturability. The previous discussion of the concept of meaning has shown that the potentialities which constitute a horizon are not necessarily fully determined. Luhmann's usage of horizon does not imply that one could fully saturate the horizon – the very notion of horizon excludes this, otherwise one could reach its limits. A deconstructive reading, however, shows that the horizon is itself dislocated by that which it has to exclude. It is this element which disrupts the harmonious homogeneity of the horizon and which Luhmann does not fully account for. It is true he stresses that there is always a surrounding or a parasite of a text/context-distinction which accords to the blind spot of meaning. But this leads to a mere pluralization of these distinctions without accounting for the 'cracks' within each horizon and that which exceeds the horizon as its 'internal' disruption. How can we account for the finitude of any context within the context other than in terms of shifting contexts? The potentiality is, as we have seen, for Luhmann always *accessible*, reducing the excess of the not-actualized to that which has not yet been actualized, but which, in principle, may later be actualized. I have located one of the problems of this notion of meaning in the 'isolability' of any actuality. The actuality, though constituted by a not fully determined context, is always a fixed distinction, despite its retro-active constitution and its temporalized form of existence. The difficulty which arises is how to account for the horizon within the selection and for the potentiality within the actuality. Luhmann tries to tackle this problem with the assumption of a co-constitution of horizon and selection without being able to show how the notion of information is still meaningful if one does not presuppose the probability of pre-existing systemic possibilities. Let me briefly summarize. Information is not simply the selection from possible sentences, but the effect on the system. An enunciation becomes recognizable as enunciation if it is repeatable, and understanding does not simply close a communicative event, but is also the linkage of two events which produce meaning.

2.2. The Virtual Reality of Potentialities

The production of surplus possibilities which are not actualized is a result of the evolutionary variation of the system (WG: 549ff.). Without eliminating non-realized possibilities, the selected operation virtualizes or potentializes its horizon of selection. Non-realized selections gain a virtualized presence in the form of an horizon or context of communication. What status do these possibilities have? Recalling the problem of the context within an actualisation, I shall ask what 'virtualization' means for the positivity of the realised communicative event. How is the 'potentiality' of non-actualized operations preserved? Eventually, this refers back to the 'restricted economy' of meaning: the ideal preservation of the non-realized possibilities as options within context has to exclude any loss or expenditure.

Fuchs (1993) addresses this problem in his crucial contribution to the Luhmannian theory of communication. Stressing the positivity of operations, he problematizes the horizon or the potentiality of operations. Neither meaning nor memory can be conceived without a linkage between two communicative events:

²⁰ I will return to this problem in my discussion of misunderstanding (Ch. III.3.1).

The shadow of pre-actuality, the trace or the echo are necessary. One has to postulate *hysteresis*, a moment of inertia which enables the presenting of the 'effect of after glowing' of a disappeared event within a current event; the current resonance of vanishing. (Fuchs, 1993: 210)

The problem which is addressed here is that of iterability: how is it possible that an event retroactively constitutes a past event as communicative event (Fuchs, 1993: 25)? To account for this, Fuchs claims, it becomes necessary to leave the phenomenological notion of meaning. Instead, the production of meaning has to be explained by the theory of observation and operation which conceptualizes the retroactive constitution of meaning through communication (Fuchs, 1993: 63).²¹ Meaning as distinction between actuality and potentiality becomes problematic when it has to address the presence of its potentiality. Then, it has to assume that the un-realized potentialities are co-present with the actualized event. This requires an operation which could indicate both sides of an indication at once. The problem which arises here is how to account for the phenomenological assumption of a "simultaneous *Appräsentation* of the possible and the realized" without contradicting the theory of distinction which postulates that one can only mark one side at once (Fuchs, 1993: 67). What Fuchs, however, forgets is that for Luhmann both sides of a distinction are always simultaneously present and that the potentiality has not to be marked. Instead of putting both theoretical strategies side-by-side as Luhmann does, Fuchs suggests that the selectivity of operations is only created through communicative linkages. The single event has no meaning of its own, meaning only arises if it is observed by another event, which also has no meaning of its own. Thus, understanding as observation which is always embedded in a sequence of communications becomes crucial. Only the linkage between two events which retroactively constitutes the identity of the previous event generates meaning. This does not imply that Luhmann would reject this argument; he also situates the genesis of meaning in the capacity to link or connect events (SS: 11). Understanding is only possible if the system produces redundancies which delimit what is possible at a certain moment. Thus, communication is basically recursive and self-limiting (GG: 83). Luhmann identifies the moment of recursivity with the possibility of accepting or rejecting a communication (GG: 141), yet it is precisely this crucial 'fourth selection' which is not included in the definition of the communicative unit (cf. III.3).

The recursivity of communication introduces a gap within any communicative event:

Every utterance is (if observed by another one) the utterance of an information, but it is at the same time the marking of understanding of an event which has preceded it; yet, it could not be this mark if it were not understood by the next event for which the same applies. (Fuchs, 1995: 40).

Fuchs tries to tackle the problem of the simultaneity of actuality and potentiality by inserting them into a circular process. The isolation of a communicative unit is only possible through the

²¹ This incompatibility leads Fuchs (1993: 62 Fn. 117) to stress that Luhmann himself weakens the phenomenological part of systems theory (e.g. WG: 108f.). Luhmann supplements the phenomenological notion with a theory of operation without discussing their relation.

gap which separates the utterance/information-event from its understanding. This gap cannot be bridged, and the former distinction cannot be reached by the latter. The autonomy of the observing event originates in this gap (Fuchs, 1995: 42). Thus it is the gap within communication which is the condition of possibility for defining a communicative unit in Luhmann's terms.

How does the emphasis on a retroactive constitution of any communication solve the problem of the impossible simultaneity of potentialities on the side of the actualised? It is here that Fuchs leaves the level of pure communication with reference to a second type of system with a different temporality. The psychic system fulfils this function because it operates faster than social systems based on communication. The succession of thoughts which are the basic operations of the psychic system needs less time than the production of communications.²² This speed of psychic systems enables them to become a "register of traces" (*Spurenregistrator*) (Fuchs, 1993: 67). Without discussing this assumption in social theoretical or psychoanalytical terms,²³ I want to focus on the formal injunction to solve the problem of the trace with a speed difference. If so, one leaves the *positivity* of the operation intact: "Within no actuality a possibility or virtuality (so to speak invisible) is put along that what is just happening because only that happens what happens and because it does not happen what does not happen" (Fuchs, 1993: 67). In exteriorizing the trace of another event, the trace itself becomes fully present (Fuchs, 1993: 211). Eventually the positivity of the element repeats itself at the level of the trace.

My discussion began by asking whether and how Luhmann grasps the context of a communication. First, I showed that the communication as triple distinction incorporates three selections presupposing three different horizons. I suggested reading these horizons as the internal context of a communication. This context, then, is phenomenologically defined as a potentiality into which actuality is inscribed. Each communication is selfreferentially organised which also means that there is no extra-communicative 'original' context. In this sense, it breaks away from its context, although it still has to retain the imprint of context. Otherwise, any understanding would become possible, without considering that a communication is restricted by its reference to previous understandings which condition the present understanding. We arrived at a first somewhat paradoxical answer, in some respect close to deconstruction: communications are contextually situated but they are also decoupled from the context by becoming self-referential.

The theory of observation, which is presupposed with the very notion of understanding, rules out thinking a single event without its linking to other events. Communication necessarily entails a second event, embedded within a chain of events, each of which understands the previous one. This also has implications for the notion of context: context is now located between several communicative events, i.e. the structural determination of a system, its history and its future. It is here that Fuchs' critique of the phenomenological notion of meaning is located: a purely phenomenological determination of context is not compatible with the theory of distinction since it would presuppose that both sides of a distinction are simultaneously indicated. If we accept that a distinction can only be marked on one of its sides at a certain point in time and space, then the marking of an actuality cannot simultaneously account for unmarked potentialities. This would require a further communicative event which also presupposes a potentiality on its unmarked side. Hence, Fuchs stresses the sequential structure of communication already at the level of the definition of the single communicative event. Whereas Fuchs' reading of Luhmann offers a

²² Put simply, this difference of speed shows itself in the problem that one cannot speak as fast as one thinks.

²³ Interestingly, Fuchs (1995: 40) hints at a possibility of thinking the subject within communication when he states that the rupture within communication is also the abyss which separates psychic systems. Yet, what this still precludes is that it is not simply the abyss *between* psychic systems, rather the abyss within communication in which the subject itself appears (cf. Laclau's (NRT) and Žižek's conception of the subject as lack).

profound analysis of the operative logic of communication, the proffered theoretical solution proves less convincing. Replacing Luhmann's separation of actuality and potentiality with that of the event and a *fully present trace* in the psychic system does not alter the status of actuality. The event as well as the trace are always fully actualized, leaving intact the pureness of actuality and the positivity of communication. These short-comings tend to lose the very potential which the notion of trace might offer, by re-integrating it within the horizon of systems theory without challenging its conceptual frame.

Systems theory does not assume the possibility of a total context, but it treats communications *as if* they were fully present positivities. Be it the phenomenological context of potentialities or the operative phenomenon of *hysteresis*, neither challenge the relation between positivity and potentiality. Luhmann, it seems, is aware of the problem when he speaks about the "fading away" (SS: 65) of an actuality, but he cannot fully account for it. This is the same problem which arose in my discussion of the temporal aspect of meaning (II.6): on the one hand, an actuality has to be opened for the next event (i.e., it has to fade away), on the other, the actuality has to be actual (*aktuell*): "Every element (event, action, etc.) is then *determinate and indeterminate at the same time*: determinate in its momentary actuality and indeterminate in its connectivity (which must, however, also be actualized in the moment)" (SS: 49). The *indeterminacy* of the connectivity has to be *actualized*. Yet, actualisation requires a full presence, finally making the indeterminate determinate. Luhmann's strategy for solving the problem is different to that of Fuchs, but both reach their limit when the status of actuality is threatened: Fuchs escapes into a *kinetic* theory of speed differences, while Luhmann re-enters the distinction without altering the very structure of the distinction.

3. The Improbability of Communicative Success

Let us now look at the second deconstructive argument on communication raised at the beginning of this chapter. The failure of communication is essential since it makes communication possible and impossible at the same time. The impossibility of communication then designates the necessary "force of the rupture" (LI: 9) as that which separates and alters the iteration of a mark. In externalizing the possibility of failure, speech act theory secures the integrity of the felicitous speech act which legitimates the analysis of only 'normally' working speech acts. How does systems theory account for infelicitous communications? What does the *mis* of mis-understanding imply for systems theory? Instead of speaking about the *impossibility* of communication, Luhmann introduces three *improbabilities* which make communicative success unlikely.²⁴ The three improbabilities of communication are based on the questioning of the possibility of communicating psychic systems as well as of a pre-constituted message (SS: 158ff.). The improbability of communication shows itself in three dimensions: as an increase in misunderstandings (3.1), as the possibility that the communication misses its addressee (3.2) and as the possibility that the communication could be rejected (3.3).

²⁴ I would like to thank Dirk Baecker who pointed at this important difference between deconstruction and systems theory in a discussion.

3.1. Misunderstanding as Understanding

Luhmann stresses that understanding also implies misunderstanding.²⁵ What does systems theory mean when it says in contrast to the exclusionary claim of speech act theory that misunderstanding is already included within understanding? The possibility of failure and we will have to discuss whether misunderstanding is already a failure inheres in the very concept of communication. When looking at the theoretical status of misunderstanding, we have to distinguish carefully between reducing misunderstandings to empirical difficulties of communication and the deconstructive notion of misunderstanding as the condition of (im-)possibility for understanding. Deconstruction does not rule out to grasp misunderstandings as historical events; yet it excludes thinking the empiricity of misunderstandings as merely accidental. Put bluntly, does Luhmann sociologically describe failures of communication, or does he suggest a necessary conceptual linkage between both dimensions?

Understanding includes "more or less extensive misunderstandings" (SS: 141).²⁶ This suggests that there is no understanding without misunderstanding, that there exists a necessary relation between the two concepts. But what does misunderstanding mean? Let us first analyze the theoretical position understanding holds. Recalling the definition of communication as the unity of a triple selection, understanding performs the third selectivity that closes a communication. Understanding, then, occupies a double position: "Social understanding is the selectivity of connective events which are treated as enunciations by connective events of the same kind" (Fuchs, 1993: 31). It retro-actively constitutes the meaning of a communicative event by observing it with the distinction of information/utterance. Understanding expands the dyadic model of information/utterance, thus integrating the reading of a sign into the sign as an 'expanded structure'.²⁷ Understanding is here the effect of an event, rather than the reconstruction of an original message. It is, of course, an effect with its own selectivity (hence, it is not a passive reaction) constituting the meaning of the 'previous' two selections.²⁸

How is it then possible to distinguish between understanding and misunderstanding? If we have neither an original meaning nor an entity within consciousness (such as an idea) going to be expressed, then there can be no misunderstanding of this non-existent original meaning. The non-subject based theory of communication avoids identifying the true meaning of a communication, with the intention of the sender. Rather, the meaning of the communication depends on the self-referential organisation of the communicative event and its connectivity to other communications. If understanding itself is constitutive for any communication whose meaning it retro-actively fixes, then even a 'misunderstanding' is an understanding, provided it is an observation using the distinction between information and utterance. As long as understanding is able to produce meaning, one cannot, properly speaking, conceive of it as misunderstanding. Communication has always to be *understood* in order to become a communication, thus *every misunderstanding has*

²⁵ cf. SS (141) and the definition of communication which already includes misunderstanding (SA 6: 115).

²⁶ Luhmann stresses even more clearly: "Thus understanding *always* includes misunderstanding" (SS: 148; my emphasis).

²⁷ "The expanded structure is composed of the sign and some form of response to it" (MacCannell/MacCannell, 1982: 27).

²⁸ Yet, the concept of information was already defined as a difference which makes a difference to the system. Thus, we can only speak about informations when they have an effect. Adding a new difference is precisely the distinction of understanding which observes a previous distinction. If this is true, then we have to grasp the effect of information as an understanding which retro-actively constitutes the information which is supposed to have an effect.

first of all to be an understanding. The impossibility of non-meaning, i.e. Luhmann's assumption that meaning is a concept without outside, returns here as the logical priority of understanding to misunderstanding.

Having established the conceptual priority of such an 'emptied' concept of understanding, Luhmann now re-introduces the possibility of misunderstanding. Misunderstanding occurs when a second observation observes how an event has been understood. It is a derived phenomenon dependent on the distinctions used by a second-order-observer.²⁹ It is not the communicative event itself which is rightly or wrongly understood; it is rather an observation of the previous understanding in a further communicative event which makes it possible to decide upon a possible misunderstanding. In a certain sense, mis/understanding is only constituted by a *Rückfrage* (return inquiry), i.e. by an intrinsically postal logic.³⁰ Luhmann, of course, does not imply that a return inquiry could uncover the original intention since there is neither an original nor an ideal context for establishing the criteria of misunderstanding.³¹

Misunderstanding is neither more or less true, neither more determinate or indeterminate than understanding since it is always the judgement of a second-order observer who himself may misunderstand. This does not mean that these misunderstandings cannot seriously harm the autopoietic process if they proliferate. The important theoretical decision is to take misunderstandings seriously as connective events for systemic autopoiesis: communications have to link to communications, and if misunderstandings are a failure of communication, the process of autopoiesis would become fragile (Schneider, 1996: 271). Thus, misunderstandings are not an 'immediate' threat to autopoiesis only the failed constitution of a communication could endanger the continuity of the system but a derived problem which becomes problematic with its quantity: too many misunderstandings destabilize patterns of expectation which, in turn, reduce necessary systemic redundancies.

How does Luhmann propose controlling misunderstandings? Interestingly, although he claims to show how the three improbabilities of communications are transformed to probabilities (SS: 159), the techniques for normalizing *mis*understanding concern primarily how to avoid *non*-understanding. One of the most important means to extend the realm of understanding is the introduction of language as *medium* (Ch. IV). With respect to the success of a communication, language helps to distinguish pure uncoded noise from signs. Language enlarges the recognisability of a mark, and thus provides a tool to generalise meaning. Yet, it does not guarantee understanding, rather it introduces an even greater risk of non-acceptance. Language makes possible the negation of a communication. Luhmann's initial claim to develop a notion of communication independent of language is here mirrored in the decision to introduce language, on a secondary and technical level. Let me now, after having shown how Luhmann shifts the problem of *misunderstanding* to the *extension of understanding*, return to the status of understanding. Although systems theory is

²⁹ E.g., studies in conversation analysis have shown that understanding is problematised in every third position of a communicative sequence (Schneider, 1995; 1996).

³⁰ Yet, it does not aim at an original intention, as in Husserl's concept of *Rückfrage*. A return inquiry is always "asked on the basis of a first posting. From a received and *already* readable *document*, the possibility is offered to me of asking again, and *in return*, about the primordial and final intention of what has been given to me by tradition" (Derrida, 1978: 50). Luhmann, abandons the reference to a final intention, thus creating the space for an infinite logic of postal referrals.

³¹ This notion of understanding excludes presupposing a counter-factual ideal speech situation as well as the assumption of a *previously* constituted significative identity. In both cases it is the relation to an ideal which decides about an undistorted understanding. Since here the 'rightness' of understanding is a retroactive effect (i.e. the observation of a communication with the distinction false understanding/right understanding), understanding does not presuppose better arguments or an authentic meaning.

perfectly able to deconstruct normative approaches to understanding, the priority of understanding implies a normalization of the gap between understanding and the observed difference of information/utterance. One might call this distance a "moment of stupid non-comprehension" (Bennington, 1994: 2), opening the space for the creation of something which was not yet implied with the first distinction. This uncertainty is always produced by this unbridgeable gap *within* the communicative unit. Communication which is indigenously uncertain, implicitly asks: "Was there an utterance?" (Bennington, 1994: 2). It is precisely this momentary hesitation pointing at the possibility that understanding loses its very reference which is marginalised in systems theory. Speaking about understanding always implies an observation which already knows that there has been an utterance.

A misunderstanding never questions this certainty. The presupposition that there is something which we can understand leads to the assumption that there is an identity which will have been observed by different observers: "The permanent risk of dissent means that *one and the same* fact is understood differently from different perspectives" (Kneer/Nassehi, 1991: 354). Here systems theory does not hesitate to refer to the identity of something which can be observed differently. Misunderstanding is not only based upon understanding, but also on the certainty that there has been *one and the same fact*, identical with itself, i.e. of the information/utterance-event, which becomes the common, yet undetermined ground for several perspectives. Kneer/Nassehi claim that this ability to grasp misunderstanding replaces the hermeneutic assumption of *Bedeutungsidentität* (identity of meaning) with *Bedeutungsdifferenz*, yet it is always a difference which is grounded in the previous identity of *one and the same fact*.

Does one have to presuppose that "objectively (*sachlich*) the same information" is hermeneutically modified by different observers (GG: 310)?³² Is this compatible with the claim to give up the traditional model of communication which takes the identity of the transmitted information for granted? Let me recall that Luhmann considers the metaphor of transmission misleading since it makes one "believe that the information transmitted is the same for the sender and the receiver. But this sameness is not guaranteed by the content of the information; instead, it is constituted only in the communicative process" (SS: 139). How is such a unity of information compatible with the assumption that it "means something very different for the sender and the receiver" (SS: 140)? Both, sender and receiver, still look at the *same*, although this sameness can only appear in the particular perspectives chosen. The notion of information as selection forces Luhmann to retain stronger links to the traditional concept of communication than he is willing to admit: there is always an unspecified something which serves as common ground for sender and receiver.³³

³² This problem also emerges when Luhmann speaks about the identity of an information. Discussing the changes which result from communications with or of computers, the status of information becomes threatened: "While writing enabled a temporal (herewith also spatial) de-coupling of utterance and understanding which are both elements of communication, yet still seriously presupposing that it was *objectively the same information* (however it may be modified 'hermeneutically'), the computer is able to decouple also the objective dimension of meaning of communication." (GG: 310; my emphasis) The status of the historical argument is not very clear: Is the de-coupling of understanding and utterance only introduced by writing, or is it a necessary feature of communication. Whilst Derrida is very clear about this point when developing a general argument on iterability, Luhmann tends to oscillate between both positions. The same applies to the emergence of computerized communication, again challenging the very concept of communication. The reference to computerized communication shows that writing presupposes an *identity of information* which is only hermeneutically modified. One might stress that this identity of information is 'only' a presupposition. But, for a constructivist position, this presupposition is operatively effective if it is used. Thus the very operation of assuming such an identity constitutes this identity.

³³ It has been pointed out that Luhmann follows here the Husserlian concept of meaning that subordinates the linguistically and socially expressed meaning to meaning itself. Luhmann (SS: 76) calls this the fact dimension of

For the moment, I have to leave open how Luhmann deparadoxizes the identity of an information which always has to be a new difference (cf. V.1). Here, it should suffice to stress that the certainty of a meaningful observation will always already have bridged the moment of "stupid incomprehension". Understanding itself is an ontologically naive first-order observation identifying with a former distinction which it constructs itself:

The self-referential nature of the process implies its logical closure. Understanding appears always complete, because it contains its own foundation. [...] The sense of completeness is an eminently helpful property; without it, we would probably die of fear and insecurity. (Hutter quoted in GG: 73)

Misunderstanding only arises when a second-order observation observes the observation of understanding which may see (better, claims that it sees) what the first order understanding was unable to see. In this light, systems theory accepts the gap between understanding and the observed event, yet it stresses simultaneously that understanding has to ignore this gap and that it has to operate blindly relying on its self-produced foundations. Such a mis/understanding therefore never misses the distinction, instead it blindly presupposes that there must have been an 'utterance/information-event'.

3.2. Missing the Addressee: Writing and Improbability

The second condition of success is already presupposed with the problem of understanding: How can an utterance attract attention? Since a communication has to be understood, it has to ensure that it will be observed. Yet, "[p]eople elsewhere have other things to do" (SS: 158). The threat of ignorance is even more dangerous for communication than pure misunderstanding. Misunderstanding is still an observation, while missing the addressee is a non-understanding preventing the constitution of a unit of communication. Although Luhmann mentions this problem as one of the three improbabilities of communication, he focuses primarily on how to overcome it. Here he suggests a technical answer. He shifts the problem to the means employed for a communication to 'survive' its spatio-temporal context.

For Luhmann, a communication cannot function without a *medium of distribution* (*Verbreitungsmedium*),³⁴ otherwise it would be left in a vacuum. Whilst the general concept of the medium (such as language) explains the production of generalised meaning through similar (*gleichförmige*) elements, e.g. all elements of language are words, the *media of distribution* extend the scope of a medium. One of the most important media of distribution is writing. The media of distribution and it is for this reason that they are *not* media of *dissemination* leave intact the information they distribute. Their purpose is to increase redundancy, by making the *same* information available in different spatio-temporal positions in a system (GG: 310). Media of distribution do not make a difference since the process of distribution is located exterior to the constitution of the information.

meaning, distinguishing between 'that' and 'something else'. The other two dimensions of meaning are the temporal and social one (SS: 76ff.). However, this contradicts the constructivist architecture of systems theory: "The basic conceptual options which Luhmann pursues in his recent work do not allow, strictly speaking, to separate the fact dimension (*Sachdimension*) for saving a sort of pre-social presence of the signifier" (Ellrich, 1992: 38).

³⁴ The English translation uses "medium of dissemination" for *Verbreitungsmedien* (SS: 161).

The invention of writing is a response to the narrow scope of oral communications.³⁵ In order to set up social systems beyond mere face-to-face interactions, communication has to change its medium from acoustics to visibility (Luhmann, 1992b: 30). Only the engraved letter guarantees a more flexible mode of repetition.³⁶ The advent of writing, then, has to be understood in connection with the emergence of social systems which are separated from the supposed immediacy of personal interaction. It is writing which treats the involved persons (or psychic systems) as absent,³⁷ thus becoming the paradigmatic form of communication for a '*société à responsabilité limitée*'.³⁸ In the complex functional systems of modern society, the addressee of a communication is not necessarily present at the same time and place where an utterance/information is produced.³⁹

Luhmann has stressed that the means to tackle communication's improbabilities create uncertainties of their own. This also applies to the 'solution' which writing indicates. It dissolves communication from systems of interaction and makes societal communication possible. But the very extension of communications does not ensure that an addressee will be reached. Writing 'only' adds the possibility that an utterance/information-event can be observed by non-present observers. The missing 'originary' context now demands that the context is internalized in the text and that the observer interprets the text, thus constructing a suitable context. At the same time, writing increases the improbability of communicative success since the control of context by the system of interaction has been renounced. Writing produces more information, more possibilities of interpreting information, and also more possibilities of rejecting a communication (Luhmann, 1992b: 35).

There is a second peculiarity of writing which concerns its position in systems theory. We have seen that writing, as a medium of distribution, remains external to that which it distributes. More generally, Luhmann's claim for a non-linguistic notion of communication requires that writing is not only external to the distributed information, but also to the communicative unit as such. Indeed, Luhmann is very successful in abandoning a 'phonocentric' approach by excluding reference to an authentic meaning. Thus, writing is never seen as something which contaminates an otherwise more 'true' situation of communication.⁴⁰ Rather, it is written communication which serves as a *paradigmatic model* for the concept of communication. The very structure of communication as triple selection is constituted by writing since it makes visible the constitutive difference between utterance and information. Like Derrida's argument that speech suggests a metaphysical melting of signifier and signified, Luhmann emphasises that speech precludes the triple distinction of communication. In oral communication the utterance remains hidden and is not visible as an independent dimension of communication. Orality blurs the distinction between utterance and information, since it is not able to account for the selection of the utterance itself. This finally

³⁵ cf. Hahn (1996) whose reading of Luhmann's notion of writing shows that reversing phonocentrism is not a deconstruction. Luhmann's reversal still tells a linear story of success which parallels that of different modes of differentiation.

³⁶ It is this presence of the written sign that allows the construction of traditions and a "social memory" (RG: 245).

³⁷ "All participants in the communication, the informing person (*der Mitteilende*) herself, too, have to be treated as absent" (RG: 247).

³⁸ That is why Derrida refers to Searle with "Sarl" (LI: 36)!

³⁹ We have already seen before that it is this emphasis on the absence of the participants of communications where parallels to deconstruction are most evident.

⁴⁰ Luhmann constructs a history of progress at whose end the elaborated form of writing stands. In this narration, oral communication is a form of communication which has not yet come to its concept. Whereas communication is a triple selection, oral communications blur this internal differentiation of every communication: it becomes an "event unified in time [*zeit einheitliches Ereignis*]" (WG: 178). Luhmann's reversal of 'phonocentrism' is, however, not its deconstruction since it relies on a teleological narrative (Hahn, 1996).

results, as exemplified by rhetoric,⁴¹ in an indistinguishable *Wirkungseinheit* (effective unity; SS: 162). Luhmann's reversal of the distinction between writing and orality goes so far that orality is excluded from the possibility of re-marking. The latter is only introduced with writing (GG: 251). Luhmann's account remains a *pure reversal* of phonocentrism (Hahn: 1996), not least because of its historical notion of writing. However, it is the iterability demonstrated in writing which is constitutive for the concept of communication, allowing the differentiation of information and utterance.

This points to the privileged position of writing in Luhmann's theory of communication. Writing is not only a way of communicating. Rather written communications are "*more communicative forms of communication*" (SS: 163). It is for this reason that Luhmann is able to avoid a phonocentric theory of communication, and to problematize the certainties and experiences of unity given with oral communication. Yet, Luhmann primarily aimed at a non-linguistic concept of communication. This exteriorization of written language from the concept of communication is not successful, given the constitutive role writing plays in distinguishing information and utterance. The exclusion, however, of writing from communication and its reduction to a medium of distribution, is required if the distribution of meaning is not to make a meaningful difference. The attempt to provide a non-linguistic approach to communication calls for such a minimalizing and externalization of linguistic phenomena, whereas the visibility of the triple distinction rests upon the introduction of writing.

3.3. Communication as *mot de l'ordre*

Even if we assume that an addressee receives a communication and that it is a linguistic communication enabling her to understand the message, this is not yet a successful communication:

Communication is successful only if ego *accepts* the content selected by the communication (the information) as a *premise of his own behaviour*. Acceptance can mean action corresponding to the directives communicated, but also experience, thinking, or processing further information under the assumption that certain information is correct. (SS: 158f., my emphasis)

The final criterion for the success of a communication is neither a true understanding, nor an understanding in the 'thin' form as outlined by Luhmann, rather, it is its *acceptance*. This acceptance does not imply being convinced by the communicative content or believing its truth or legitimacy. Rather it is the *disciplinary* effect which is crucial: my future behaviour has to be based on this communication. In this light, understanding is only a precondition for the success of communication. It is the acceptance of an understanding which finally constitutes the success of a communication.

This criterion is basically governed by a structure of order/ing. The importance of a communication's affirmation makes those communications most successful, which try to exclude unexpected connections. If acceptance means success, then a communication must try to make sure that the next communication is predictable. Success requires the increase of the probability of a

⁴¹ It would be worthwhile to analyse where in Luhmann's work the concept of rhetorics emerges. Rhetorics is always presented as something which does not accord to *normality*. Therefore, it has to be delimited: very often it is historicized (e.g. a certain period in the history of writing before writing became what it is now), or it becomes a special case (e.g. the rhetorical or ornamental structure of language which is mainly restricted to the use of language in the system of art; cf. IV.4), or it is seen as a threat to important distinctions such as that between utterance and information. Rhetorics serves in systems theory as indicator for a permanent state of exception retained in the margins of the theory.

particular connecting communication. The production of redundancy and success are therefore intrinsically linked. Redundancy is one of the principles of how *order* is created from noise. In terms of theory of information, noise is a maximal surprise which does not generate meaning, whereas redundancy indicates relatively stable structures of expectation. The success of a communication requires that it produces a response compatible with expectations and that the connecting operations comply with the injunction.

In a similar manner, Deleuze/Guattari (1988: 76) stress the disciplinary character of language: "Language is made not to be believed but to be obeyed, and to compel obedience". Each communication works like an order-word, it is, in Luhmann's words, a directive which one either has to follow or to reject. That is why information is now viewed as "the strict minimum necessary for the emission, transmission and observation of commands" (Deleuze/Guattari, 1988: 76). The pun on *mot de l'ordre* is telling for Luhmann's notion of communication. Communications are not only orders, they also constitute social order through their success, since they are able to link the affirmation of an expectation with a required behaviour.

This emphasis on the ordering structure turns against hermeneutics which identifies the success of a communication with its understanding. It also comes out against a deconstructive postal 'set-up' which tells stories of delays and letters which never arrive. Yet, one should not forget that for Derrida inscription can never be separated from violence precisely because of the *injunction* it performs. The very question of iterability, i.e. the institution of an archive, implies the question of the *commencement* and the *commandment* (Derrida, 1997: 1). It always points at a law which accompanies the production of meaning. This intertwining of signification and law is, however, suspended in the systems theoretical model of order/ing where the acceptance of the injunction is separated from the meaning of a communication. For Luhmann, this separation is essential, otherwise a rejected communication would no longer be a communication (SS: 530): "[T]he *concept* of communication has nothing to do with acceptance or rejection, or with further reaction" (SS: 148).

Before returning to the status of the distinction between acceptance and rejection, let me briefly show the means which increase the probability of acceptance. Symbolically generalized media (e.g. power, truth, money, love) merge the selection of a meaning with the motivation for connective operations.⁴² They ensure that a selection effects a particular reaction. If I want to buy a newspaper which costs 40 pence, it is likely that I'll get it when I give 40 pence to the sales assistant. Here, prices, using the symbolically generalised medium of money, ensure that my selection (40 p) produces the reaction of handing to me a newspaper. These media are clearly defined and do not tolerate confusion. The newspaper agent won't give me the paper if I tell him that the articles in this paper are true the symbolically generalised medium of science does not produce the intended connective behaviour in this situation. Increasing the likelihood of particular connective operations is only possible by limiting the possible range of choices and by homogenizing the choices within these limits.⁴³ Every medium excludes a wide range of possibilities, and it only links to elements of its own. Symbolically generalized media organize the acceptance and rejection of a communication, whereas general media only increase expectancy and distribution. They do this by linking

⁴² Luhmann stresses that the function of symbolically generalised media is to "enable a highly improbable combination of selection and motivation" (GG: 320). Cf. for an extensive discussion of this concept Ch. 2.IX - 2.XII.

⁴³ Chang (1996: 47) critically describes this as the postal principle: "The postal principle, qua universal medium, achieves this governance [over any concrete mediation, US] by establishing a system of equivalencies, a structure of substitutability, within the given network of postal relays".

acceptance and rejection to a binary code whose marked side normally designates the preferred connective communication.

Deleuze/Guattari's and Luhmann's position on the 'order-word' are very different in their further elaboration. While Deleuze/Guattari propose "adisciplinary" and "de-territorializing" practices, for Luhmann "symbolically generalized media" ensure adequate motivations, i.e. an optimised disciplinary behaviour. Yet, both agree upon the criterion for successful communication, which is one of discipline rather than of true understanding. It is no accident that Luhmann defines the success of communication by its acceptance. Already the theory of distinction describes itself as an injunction: "It may be helpful to realize ... that the primary form of mathematical communication is not description, but injunction" (Spencer Brown, 1971: 77). The calculus begins with the injunction "Draw a distinction!", thus avoiding any ontological claim about the existence of distinctions (Mussill, 1995). Yet, the mathematical calculus has to presuppose that the command will be *understood*. Spencer Brown (1971: 82) points to this problem when he mentions the need for interpreting commands in ordinary life, in contrast to mathematics where "we have to unlearn this habit in favour for accepting an injunction literally and at once".

This interest in the question of how social order becomes possible transforms improbability of communication into an *initial* improbability: "Initially, one must expect that communication as such does not occur, or if it does occur, that it will be eliminated in the further course of evolution" (SS: 159).⁴⁴ What a theory of social systems has to explain is how this *zunächst* can be overcome. Successful communications are unlikely, yet social system produce successful communications all the time. Luhmann's program is to show the improbability of this normality, to explore the complex and improbable mechanisms on which normality rests. This definition of the success of communication has an odd relation to the two previous mentioned improbabilities. The yes/no-code is specific to language. While language as general medium increases the chances of understanding, it also extends the possibility of rejection. Writing, too, has a double status: it makes communication repeatable largely independent of its context, hence opening a plurality of possible interpretations. Language and writing are introduced as *external* factors in order to confront the immanent threat of communication: language makes a common use of signs possible, and writing enables the loosening of communication from systems of interactions. Yet, this is not the entire paradox since these two aspects become, secondly, constitutive for conceptualising the very criteria that decide the success of communication. From this it follows that even the question of success is *external* to the immanent structure of the single unit of communication. That which makes affirmation possible is language's capacity for negation.⁴⁵

The problem which arises is that of the relation between the meaning of a communication and its acceptance. Separating the acceptance of a communication from its definition, presupposes that the meaning is constituted *before* the communication has been accepted or rejected. The meaning of a communication is either affirmed or negated by the fourth selection which decides upon the success of a communication. Thus, it is not only the distinction between information and utterance which becomes visible with written language, but also the fourth selection.

⁴⁴ Altered translation: *zunächst* is obliterated in the English translation.

⁴⁵ From a different perspective, Krüger (1993: 77) identifies a similar problem in Luhmann's theory of communication. The exclusion of the 'fourth selection' (acceptance/rejection) from the definition of communication originates in Luhmann's interest in first defining the elementary unit of communication. Yet, instead of opposing the reflective potential of communication to symbolically generalized media which lack communicative rationality, I suggest thinking the aporetic exterior position of the 'fourth selection' with respect to its implication for the articulation of communicative units. It is not Luhmann's withdrawal of the normative potential of communication which concerns me, but rather the role of iterability which is marginalised in removing writing from the heart of communication.

How does Luhmann conceive acceptance or rejection? The yes/no-distinction is necessarily a further distinction referring to an expected and understood communication (SS: 148). It is a communication, too, since affirmation or negation have to be enunciated and understood. What is at stake here is the very status of this further distinction, i.e. how the communicative unit is inserted into the autopoiesis of the system. The yes/no-distinction cannot be integrated into the communicative unit since it necessarily goes beyond it: this distinction is the provocation of a successive event which relates in a negative or affirmative way to the previous one. However, this points to the intrinsic problems of beginning a theory of communication by first conceptualising an isolated communicative unit, and only secondly inserting it into the autopoietic recursivity. From the perspective of autopoiesis, the only goal a communication has to achieve is to stimulate a further connecting communication, thus ensuring that the reproduction of the system continues.⁴⁶ Communicative success requires the engraving of the previous communication, the production of a 'minimal remainder' which establishes a sort of family resemblance between two communications. It is for this reason that every communication is necessarily impure, marked by a trace which disrupts the very presence of the communication. In this light, the criteria of success shift from the yes/no-code to the mere connectivity of the autopoiesis: *success* becomes *succession*. Autopoiesis is then never able to produce fully self-referential units, but rather traces within which the unsettling doubt lurks that there has been a previous distinction.

The question of acceptance or rejection is located on a different level. Whilst information, utterance and understanding are necessary aspects of any communication, the regulation of the connectivity of communications by a yes/no-code is a historical mode for organising connections. It is not too difficult to imagine connections which link up with previous distinctions, neither accepting nor rejecting the communication. In a discussion, participants may leave open whether they have accepted or rejected a communication by re-formulating it, or by providing a diplomatic answer. In this case, 'acceptance' only means that there is a 'minimal remainder' (Derrida), linking two communications. Such an acceptance is also always an alteration of the previous communication, it presupposes a trace which makes any full acceptance impossible since this would require an ideal repeatability. Rather, the rupture between two communications, which is also, as we will see, a rupture of the communication, introduces an irreducible alterity into any communicative process. It is this immanent impurity of any process of signification which is produced by the intrinsically recursive nature of any communication.

In contrast, Luhmann's reduction of the problem of linkage to the alternative between yes and no implies the possibility of a repetition which only adds a negative or positive value without accounting for the historically specific conditions (e.g. symbolically generalized media) which produce this restricted choice. Hence, the apparent inconsistency of the need for a 'fourth selection', which determines the success of a communication, is not accidental. It is the mixture of a general theory of communication with historically specific criteria, which makes this exclusion necessary. What the 'fourth selection' tends to preclude is the *intrinsic dissemination* introduced by the autopoietic constitution of any communicative event, threatening its stability. The exclusion of the yes/no-distinction although it is this distinction which explains the autopoietic recursivity of a system of communication is necessary in order to conceptualize a single communicative event as the synthesis of the three selections. The reason for this is that the 'fourth' selection is the name for

⁴⁶ Esposito (1996b: 608) changes Luhmann's criteria of success also to the mere connectivity of communication, however, without accounting for this theoretical decision.

an affirmative or negating *relation* to *another* communicative event which makes it impossible to include it in the definition of communication as a unit.⁴⁷

4. The Gap within Communication

We have seen that the blindness of understanding allows one to develop a momentarily full understanding, and thus the operative illusion of a determined meaning. Although both, systems theory and deconstruction, think communication in terms of repetition, systems theory resists the dissemination of meaning through "*the stabilisation of a relation between system and environment, that is through the stabilisation of limits*" (Fuchs, 1995: 38). One of the basic means for constructing such a limit is that functional systems use a symbolically generalized medium, restricting articulations within a system. *Chapter I* though showed that the construction of limits is essential for any discourse and system, but that it is not only a movement of fixation. Rather, every limit introduces indeterminacy into the very system it constitutes. Although Fuchs does not argue that the construction of limits reduces *and* produces the dissemination of meaning simultaneously, he stresses the always already dislocated nature of communications. Between the utterance of information and its understanding, is an unsurpassable gap, a "possibility of a rupture of meaning" (*Sinnbruchmöglichkeit*). This distortion of a pure meaning cannot be properly located since every utterance of an information is itself the understanding of a previous enunciation. The gap is not simply a break between information/utterance and understanding but is within each of the two sides, because of their double nature. That is why Fuchs (1995, 41) compares this gap with the effects of Derridean "*différance*": both share the temporal and spatial deferring, the ungraspability of the gap. Yet, this *rupture* located in the very heart of a theory of social systems, does not overly trouble it. In Fuchs' reading the positivity of the operation is never endangered. He separates communication from meaning and insists on the materiality of communications: a pure operativity devoid of any 'content' or 'meaning' (Fuchs, 1995: 10). This materiality normally slips away since the dominance of meaning blinds one towards the operativity of operations. It is 'preserved' as an ungraspable moment in the blind spot of any distinction. Here, Fuchs approaches poststructuralist theories of discourse, which also focus on discursive materiality contaminating pure meaning. Yet he protects the positivity of operations from the disseminatory nature of meaning. The positivity of enunciations which Fuchs posits in a Foucauldian manner is guided by a desire for an access to the pure "monument" in contrast to the "document" (Foucault, 1972). It is here that an archaeological discourse theory departs from its deconstructive counterparts divide. Deconstruction does not separate materiality or operativity from the meaning of an event. Instead, the distinction of the "phenomenality and the ideality" is blurred (Staten, 1984: 26). Any attempt that tries to subvert the hegemony of pure meaning by emphasising the material and operative aspect of communication or language, loses the important deconstructive insight of their mutual subversion, of their intrinsic confusion. The separation of operativity and meaning still protects each of the two sides, from their subverting imbrication.

The gap within communication is produced by the double status of any information/utterance as simultaneously operation and observation. While operations are meaningless, observations necessarily constitute meaning, since they use a distinction. The mere occurrence of operations is only the production of meaningless differences, but not of distinctions. An operation becomes only meaningful if it is observed as the selection of a specific distinction. The production of meaning,

⁴⁷ Fuchs (1995: 28f.) formulates in a footnote a similar argument when he says that speaking about *one* distinction is a theoretical mistake which has to be replaced with complexes of distinctions or observations.

then, is the application or the pulling up (*Herantragen*) of a distinction to a difference (Fuchs, 1995: 25f.).⁴⁸ Systems theory ‘solves’ this paradoxical double status with a logic of oscillation, preventing the operativity from becoming meaningful at the moment it is operative. The gap within communication is precisely the oscillation between operativity i.e. the pure event as a difference which is not yet a distinction, and the observation which is always already a distinction. This oscillation leads Fuchs (1995: 38) to understand systems of communication as ”disseminating machines”. Dissemination, however, is here reduced to the ”interminable revisability of *Kommunikabilien*”.⁴⁹ Such an understanding of dissemination precludes important dimensions of the Derridean non-notion of dissemination.⁵⁰ It is true, for Derrida, that meaning floats, that there is not a clear *eidos* to a signifier. He explains this impossibility of pure meaning with the iterability of any sign. Stressing only the ”revisability”, however, neglects the status of the identities which are to be revised. Thus dissemination is the theorisation of ”the in-advance divided unity” (Gasché, 1986: 237) of any identity and not simply of the exchangeability of unities. Highlighting this difference between Derrida’s and Fuchs’ notion of dissemination (of course, the shift of meaning of dissemination is itself an effect of dissemination), is not simply philological pettiness. Dissemination as ‘revisability’ allows Fuchs to delimit the effects of dissemination. What is to be ‘revised’ for Fuchs is still a fully present positivity which may well be exchanged, since there is no final ground guaranteeing its position. Nevertheless, Fuchs’ reading of Luhmann locates a constitutive heterogeneity of communications: the break of meaning between information/transmission and its understanding. Yet, the break only affects the meaning of *Kommunikabilien* and is domesticated by the positivity of the meaning processing operations. After all, consideration of the materiality of communications of that which inhibits communication without being meaningful itself is a crucial step towards a deconstructive discourse theory. Not least, it implicitly emphasises a dimension of non-meaning which the differenceless notion of meaning omits. Nonetheless, what delimits discourse from systems theory is how meaningful distinctions relate to their operativity (cf. Binczek, 1996).

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This chapter pointed to important similarities between a systems theoretical and a deconstructive notion of communication. Neither rely on psychic intentions, and both abandon metaphors of transport to describe communication. This position affects the status of the message itself, in terms of which understanding becomes constitutive. Still, deconstruction and systems theory take different positions when they address the meaning and the success of a communication. This chapter traced systems theory’s handling of the context and of the improbability of any communication. In translating the problem of context into that of different horizons, it was argued that systems theory foregrounds fields of selection which constitute the necessary background (the potentiality) from which the actuality differs. There is always a plurality of contexts, and the ‘same’ communicative event can be observed with several distinctions, thus becoming a different communication each time. Whereas deconstruction shows how the necessary de- and re-contextualisation of meaning generates an ineradicable dissemination, systems theory still clings to a pre-significatory sameness of an event. The not yet meaningful serves as the focal point for different perspectives. Thus, systems theory suggests a *pluralization* of meaning instead of its

⁴⁸ Similarly Schneider (1996: 269) emphasizes ‘understanding’ as the ”moment within communication that *produces meaning*.”

⁴⁹ *Kommunikabilien* are for Fuchs (1995: 31) meaningful communications, i.e. one cannot grasp them on the analytic level of operativity.

⁵⁰ This is, of course, a legitimate understanding of Derrida reconstructing the Derridean event of dissemination with a quite specific horizon of selection.

dissemination. The virtuality of the field of potentialities does not contaminate the identity of selected communications. Fuchs has suggested a move beyond Luhmann's account of communication, when he stresses the necessary traces of events. Yet, this model is caught in positivizing even the trace leaving intact the status of the digitalized units. The difference with deconstruction consists, put bluntly, precisely in this positivization of the virtual as a fully present trace.

Secondly, the improbability of communication was discussed. A communication is not necessarily successful and has to overcome an *initial* improbability. It is here that misunderstandings, as indicators of communicative failure, are important. Systems theory however only conceives misunderstanding as derivative: all misunderstanding is first and foremost an understanding. The constructivist stance of systems theory does not presuppose a true meaning behind the communication, which has to be grasped by an understanding. Rather, it suffices that alter and ego *believe* that they establish a common understanding. However, since systems theory is a theory of communication, understanding is *only* a necessary but not sufficient precondition for a successful communication. Contrary to hermeneutics, success consists not in the reconstruction of an original meaning, but rather in ensuring the *acceptance* of an information. This shift also distinguishes systems theory from the deconstructive foregrounding of signifying failures, and locates it nearer to Deleuze/Guattari's problem of the *mot de l'ordre*. Ultimately, Luhmann is only interested in misunderstanding insofar as it threatens the ordering function of communication. This dimension is theorized with the 'fourth selection' of communication, i.e. either the acceptance or rejection of a communication. What is marginalised is the uncertainty within communication, the moment of 'stupid non-comprehension' (Bennington). The reason for this is that signification is decoupled from its ordering function and only constitutes one pre-condition for processes of ordering. Still, drawing from Fuchs' work, I have also shown that the systems theoretical notion of communication has a breach at its very heart. There is thus an internal "possibility of a break in meaning". Yet, what systems theory does not elaborate on, is how this gap may be grasped, and what this implies for the purity of operative closure which tries to bridge this gap. The exclusion of any account of non-meaning precludes thinking the disappearance of meaning within communications. Moreover, the separation of the carrier of meaning (enunciation) from information maintains the possibility that the meaning of an information can theoretically be grasped, without its enunciating medium although Luhmann does emphasise that there is no information which is not also enunciated. Still, this poses the question as to how to theorize that which *distributes* (in contrast to *dissemination*) meaning in processes of communication. The next chapter focuses on one of these media, language, and tries to account for its role in the constitution of meaning.

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