

# Undecidability and the Political

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**WP 21/2003**

*November 2003*

**MPP Working Paper No. 21/2003 ©  
November 2003  
ISBN: 87-91181-63-1  
ISSN: 1396-2817**

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## Undecidability and the Political

In order to re-inscribe the political in terms of a *politics of deparadoxization*, I introduce Laclau's concept of the political. This discussion of the political starts with the question of the role dislocation and undecidability occupy (1.) and how the theory of hegemony goes beyond deconstruction in theorizing the partial fixation of meaning as political process (2.). This concept of the political will be contrasted with Luhmann's notion of paradoxical undecidabilities (3.1) and the paradoxical code of the political system (3.2). Following Žižek's suggestion of a double inscription of the political dimension as political system and as the political, I argue that one can construct the political using Luhmann's systems theory despite its absence in his theory. Such an approach deals with the problems of a binary code in a more attractive manner by situating the political in the ungraspable act of its inscription and alteration (4.). Yet, it is crucial to acknowledge that the contingency opened by the system's paradox is still restricted by and bound to a structuralist understanding of contingency (5.).

### 1. Undecidability and Policing

Laclau's political theory is among the few poststructuralist attempts to theorize the political in the framework of a broader social theory. Central to this discourse theoretical account is the assumption of the primacy of the political.<sup>2</sup> The Political designates discursive *re-articulations* of *sedimented* social practices on a terrain "where the undecidable nature of the alternatives and their resolution through power relations becomes fully visible" (NRT: 35). No ultimate fixation of the social is possible, because there is no final ground which could create a closed and stable discursive system. Laclau terms the impossibility of closure *dislocation*, which is marked by three features (NRT: 41ff.). First, it is an *event* which cannot be integrated into the spatial order of repetition; it is beyond the sedimented practices of a social order. Secondly, the temporality of the event entails the *possibility* of re-articulations and, finally, it is characterized by an absence of a determining cause which may be described as *freedom*. Dislocations refer to the failure of a hegemonic order and show themselves in situations of undecidability. The idea of society as "a unitary and intelligible object which grounds its own partial processes" (NRT: 90) is ruled out since it is always overflowed by discursivity.<sup>3</sup> A discursive system, as we have seen in the first chapter, never achieves its full systematicity since it cannot represent its own systematicity.

My discussion of iterability has elucidated that a deconstructive analysis proceeds from the impossibility of ideal repetition. For Derrida, iteration designates a fundamental aspect of the production of meaning, exposing any repetition to alteration. The need for repetition as well as the impossibility of an identical repetition, give evidence of the always possible diversion of the system. Whereas the Luhmannian model of repetition, which claims to account for non-identical repetition, relies on the stable form of the distinction and the restriction of iterability by a particular medium, Laclau stresses that it is the excess of meaning which dislocates and opens a discursive

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

<sup>2</sup> cf. Stäheli (1995) for a discussion of Laclau's concept of the discourse and its implications for social theory.

<sup>3</sup> The assumption of the impossibility of society can also be formulated in a systems theoretical language: "As reality, as auto-referential 'entity', as *an-sich* society is not attainable" (Fuchs, 1992: 25).

system (HSS: 113). This excess is not restricted to the surplus possibilities of an existing horizon, rather it introduces within the system an intertextuality overflowing the stability of the system. The very possibility of iterating is always open to a catachretic detour, thus diverting from the 'normal' path of repetition and introducing an intertextuality which the system cannot absorb. The figure of catachresis is a good example of a connotative articulation, transgressing the limits of a particular discursive register.

Since a system is only based on iteration, without transcendental foundation, it cannot but produce undecidabilities. Drawing from Derrida, Laclau develops a theory of the decision based on undecidability. Undecidability is the pre-condition for any 'true' decision, otherwise the decision would be a result of the logic inherent in a previously constituted terrain (Laclau, 1996a: 53). In an undecidable situation one cannot determine the dividing line between two possibilities, and it is this blurred frontier which is located prior to the two poles (E: 68). The undecidable is the *tertium non datur* of a system (D: 220)<sup>4</sup> which, however, never constitutes a third term. Thus, undecidability cannot be resolved by the dialectical movement of *Aufhebung*, rather it introduces into the system that which a dualism excludes as indigestible abyss. It replaces the logic of neither/nor with a "simultaneously either or" (Derrida, 1971: 59). Undecidability, then, is another name for the dislocation of a system since it stands for something which the closed system can no longer access. The impossibility of completing a system and the paradoxes which arise out of this impossibility mark the conceptual field of undecidability.<sup>5</sup>

Undecidability ought to be distinguished from mere indeterminacy. Derrida stresses that it is necessary to distinguish the concepts since undecidability is foremost a syntactic category "which disposes the 'entre'" (D: 220). An undecidability then is not given with a particular word, and its semantic richness, but rather with its articulation in a plurality of discursive registers. It is in this context that one can read Derrida's distinction between undecidability and indeterminacy:

While referring to what I have said above and elsewhere, I want to recall that undecidability is always a *determinate* oscillation between possibilities (for example, of meaning, but also of acts). These possibilities are themselves highly *determined* in strictly *defined* situations (for example, discursive — syntactical or rhetorical — but also political, ethical, etc.). They are *pragmatically* determined. The analyses that I have devoted to undecidability concern just these determinations and these definitions, not at all some vague 'indeterminacy'. I say 'undecidability' rather than 'indeterminacy' because I am interested more in relations of force, in differences of force, in everything that allows, precisely, determinations in given situations to be stabilized through a decision of writing ... There would be no indecision or *double bind* were it not between *determined* (semantic, ethical, political) poles. (LI: 148)

This long quote highlights several points which are important to my argument. It is the distinction between undecidability and indeterminacy which is at stake. This distinction has itself been problematized because of its own undecidability or indeterminacy (Plotnitsky, 1994: 204ff.). The mathematical model of undecidability requires strict determinations of the poles which produce an undecidability, yet the full determination of a meaningful unit would require a fully saturated context whose possibility Derrida has excluded *above and elsewhere*.<sup>6</sup>

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<sup>4</sup> Derrida (LI: 219) refers explicitly to Gödel: "An undecidable proposition, as Gödel demonstrated in 1931, is a proposition which, given a system of axioms governing a multiplicity, is neither an analytical nor deductive consequence of those axioms, nor in contradiction with them, neither true nor false with respect to these axioms. *Tertium datur*, without synthesis."

<sup>5</sup> For Gasché (1986: 239ff.) who describes the Derridean infrastructures as undecidables, undecidability is the medium between a system and its Other.

<sup>6</sup> The quotation itself only acquires a determinate meaning by referring to everything what was said "above and elsewhere" (LI: 148; my emphasis) which introduces into the very quote the unsaturability of the context.

Plotnitsky is right to stress that a strict definition of undecidability collides with other remarks of Derrida which highlight the importance of indeterminacy: indeterminacy as the seminal adventure of the trace, the indeterminacy of the context, the economy of chance as economy of indeterminacy, etc. (Plotnitsky, 1994: 218; 219; 221). Yet, what this confrontation of undecidability and indeterminacy misses, is Derrida's reference to the undetermined *above and elsewhere* of the quote. Even if one restricted the elsewhere to the "above", Derrida attacks a notion of indeterminacy which equals a full free-play of meaning. It is in this context that undecidability is juxtaposed to indeterminacy, yet even here "a certain play or latitude in its [meaning] determination" (LI: 144) is at work. Thus, what Derrida argues against is the idea of "indeterminacy as such". It does not though follow that meaning is fully determinate. Contrary to a mainstream prejudice against deconstruction, Derrida stresses that a relative stabilization of meaning is necessary and possible. As we have seen, iteration involves idealization and otherness simultaneously, thus excluding any pure ideal meaning. I suggest reading the *above* quoted passage not as opposing undecidability and indeterminacy, but rather as emphasising that a certain saturation of context, and a certain idealization are always required. Only movements of relative stabilization and determination allow undecidabilities to emerge. It is here that the formalized language of mathematics demonstrates that even the most determinate system produces undecidabilities, thus undermining the economy of determinacy.

The concept of undecidability prevents such a conclusion since it is a *relation* that affects both poles. This is why Derrida stresses that undecidability is not caused by a semantic ambiguity, but contingent on the supposition of the blanks of a signifying system. An undecidable relation does not simply produce an oscillation between two pre-constituted poles, rather the two values become indeterminate through their undecidable relation. In Derrida's (1994b) reading of Marx, for example, the spectre affects both sides of the distinction between body and spirit.<sup>7</sup> These intricacies prohibit the reduction of undecidability to the missing rule deciding between two equally possible options. Rather, it is an undecidability within each of the poles which, in turn, contaminates the 'clear' undecidability. It is this 're-entry' of undecidability on each side of the oscillating binarism which Derrida stresses when apparently abandoning the concept of indeterminacy: the possibility of undecidability requires "*différance* or non-identity with one-self" (LI: 149). In this light, indeterminacy complements undecidability, given that one does not reduce indeterminacy to vagueness or polysemy.<sup>8</sup>

The above quote also indicates that undecidables are not phenomena restricted to philosophical systems, but can be found in any social system. Moreover, determination itself is due to the field of force and it requires institutions of regulation which Derrida broadly calls the 'police' (LI: 115). An 'arche-police' is responsible for a relative stabilization of rules and meanings. The term police does not denounce this violence, but points at the artificial and contingent character of any stabilization or ordering. We have seen that in systems theory, the media (especially symbolically generalised media) exercise such a policing function. Laclau also concedes that the concept of undecidability does not imply a happy 'anything goes', but "takes place in a *determinate* situation", i.e. there is "always a relative structuration" (NRT: 43).

The distinction between indeterminacy and undecidability is crucial for my further argumentation since it, firstly, stresses that undecidability itself does not come 'naturally', but has to fulfil demanding pre-conditions. The production of meaning has to be formalized which results from the system's 'policing' work. Secondly, undecidability disrupts the very formalization and stabilization

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<sup>7</sup> cf. Laclau's reading: "The spectre being undecidable between the two extremes of body and spirit, these extremes themselves become contaminated by that undecidability" (E: 68).

<sup>8</sup> cf. Plotnitsky (1994: 191ff.) who also suggests a sort of complementarity between undecidability and indeterminacy, although he tends to overemphasize this opposition in Derrida's work.

of the system since it introduces indeterminacy into the system. This indeterminacy is not a free-play of meaning, but the disruption and failure of ever achieving full meaning previously discussed in terms of laughter (Ch. II), context (Ch. III) and iterability (Ch. V). My notion of a *politics of deparadoxization* proceeds from the insight that paradoxical and aporetic undecidabilities are based on the policing and formalizing of a system of signification.

## 2. The Political Supplement

Deconstruction has proved useful for political theory in showing the dislocations of discourses for which it provides a multiplicity of (non-)concepts such as undecidability, hymen, pharmakon, and supplement: "The role of deconstruction is [...] to *reactivate* the moment of decision which underlies any *sedimented* set of social relations" (E: 78).<sup>9</sup> The crucial question that arises and which is not answered in deconstruction is how to account for the moment of decision (Critchley, 1992: 199). Yet, instead of developing an ethical account in order to ground this moment of decision,<sup>10</sup> Laclau's political theory of decision determines *how* decisions fix and undermine meaning at the same time.<sup>11</sup> The political finds its theoretical place where the smooth functioning of discourses is interrupted by their failure and where dislocations are (re-)articulated. This concept tries to fill this gap in providing a theory of decision which is able to grasp the irrationality of decisions in undecidable situations. Such a theory has to fulfil a difficult task: on the one hand, it has to acknowledge the radical disrupture which undecidability creates, on the other, it has to account for decisions which temporarily stabilize meaning.

In situations of undecidability only an external decision – a decision which is beyond the logic of a discursive system – may overcome undecidability. Hence, a decision is always radically heterogeneous to a system: "The instance of the decision is a madness" (Laclau, 1996a: 53 quoting Derrida quoting Kierkegaard). These decisions are *contingent* because they cannot be rationally deduced from the rules of a discursive system. However, they are also *constitutive* of the discursive system, because they institute social relations as a necessary supplement promising an imaginary fullness (Laclau, 1993: 283). From this follows the definition of the political as the "ensemble of decisions taken in an undecidable terrain" (Laclau, 1993: 295). Laclau stresses three dimensions of a hegemonic theory of decision: The decision "1) is self-grounded; 2) is exclusionary, as far as it involves the repression of alternative decisions; and 3) is internally split, because it is both *this* decision but also *a* decision" (Laclau, 1996a: 60). Let me dwell on these three dimensions: i) The self-grounded nature of any decision is due to the fact that the decision to be taken is the "blind spot in the structure, in which something totally heterogeneous with it -- and, as a result, totally inadequate — has, however, to supplement it" (Laclau, 1996a: 55; my emphasis). This blind spot is not only the unity of the distinction between actuality and potentiality, as Luhmann would have it, but rather something that explodes the unity of this distinction. In this sense, it is another name for the notion of excess (cf. Ch. II). The heterogeneity of the blind spot dislocates any horizon of meaning by introducing a 'fourth value' which is external and incompatible with a specific horizon.

If one takes seriously the self-grounded nature of decision, then the situation of undecidability cannot be thought in a horizontal model, as is still implicit in *New Reflections*. The possibilities

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<sup>9</sup> cf. Laclau (1996a: 58f.).

<sup>10</sup> cf. Berns (1996) who also emphasises that Laclau misses the ethical aspect of deconstruction by not accounting for a deconstructive notion of justice.

<sup>11</sup> cf. Laclau's (1996a: 53; E: 77f.) critique of drawing an ethical injunction from openness to otherness.

opened up by the dislocation of the structure are here explicitly introduced as *possibilities of the structure*: "[I]f undecidability lies in the structure as such, then any decision developing *one* of its possibilities will be contingent, that is external to the structure" (NRT: 30). Laclau comes even closer to the Luhmannian model of 'potentialization' when he writes that agents "*actualize* certain structural *potentialities* and reject others" (NRT: 30). However, such a phrasing restricts the moment of the new, of the invention and reduces it to the choice between possibilities which are produced by the structure. If one defines the decision as "an act of creation — a reaching out for the possible" (Dyrberg, 1995: 14), then the act of in(ter)vention is reduced to the *creation of the possible*. In his comparison of discourse theory and Eastonian systems theory, Dyrberg (1995: 1) reads Laclau's concept of the political as actualization of potentials.<sup>12</sup> Yet, by over-emphasising politics as actualization one remains within a horizontal model of the political. Even if one stresses that the potential does not have an objective existence, since it is "at once presupposed *and* posed" by the actualization (Dyrberg, 1995: 14), then it remains open how this simultaneous process of presupposing and posing works. Moreover, the 'posed' potentiality, which is indeed very similar to Luhmann's explanation of the horizon as co-constituted by actualization,<sup>13</sup> remains a potentiality which does not account for the paradoxical 'actualization of the impossible'. The immanent problems of thinking the constitution of the potential by the actual become evident when the actual is conceived as contingent upon the potentialized (Dyrberg, 1995: 15).

It is true that systems theory and discourse theory become comparable if one reads both in terms of potentiality, but at the same time one 'invisibilizes' any notion of excess or loss that cannot be re-invested in a 'political economy' of re-actualization. What is excluded with this conceptual framework is the radical invention of the impossible, of the unthinkable based on a structure, but necessarily transgressing it by creating unheard-of possibilities: "[M]ais c'est la seule possible: une invention doit s'annoncer comme invention de ce qui ne paraissait pas possible, sans quoi elle ne fait qu'expliquer un programme de possibles, dans l'économie du même" (Derrida, 1987a: 59). These inventions are not located within a field of possibilities to be expected<sup>14</sup> since they undermine the structures of expectation with that which cannot be accommodated within the realm of the possible. Reading Laclau's concept of the political as a 'potentialistic' concept is only one possibility (!). But it lends itself to a more deconstructive perspective, if one takes seriously the concepts of dislocation, contingency, and the movement of autonomization.

ii) The second characteristic of hegemony is that political decisions perform an act of radical exclusion. This exclusion re-emerges when sedimented articulations are re-activated, making visible their contingency. Again, I suggest that one has to distinguish between possibilities which were thinkable in the discursive system before the dislocation emerged, and those inventions which are created by the opening to a heterogeneity transgressing the sphere of 'potentialization'. The impossibility of invention manifests itself in the necessity that a realized invention will always become a possibility since the invention as such cannot be retained.<sup>15</sup> If the non-horizontal character of the decision is not highlighted, then every discursive practice becomes political, since every

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<sup>12</sup> Dyrberg (1995: 1) describes the aims of his study in terms of actuality and potentiality: "The reason for approaching Discourse Analysis as a kind of systems theory is that it conceptualizes the political in terms of an ontology of potentials and politics as the actualization of these potentials which at the same time structures them".

<sup>13</sup> cf. III.2 and III.2.1.

<sup>14</sup> Derrida (1987: 33) emphasises that any invention necessarily transgresses existing structures of expectations: "Au moment où elle fait irruption, l'inversion instauratrice devrait déborder, ignorer, transgresser, nier (ou au moins, complication supplémentaire, éviter ou dénier) le statut qu'on aurait voulu lui assigner ou lui reconnaître d'avance, voire l'espace dans lequel ce statut lui-même prend son sens et sa légitimité, bref tout le milieu de *réception* qui par définition ne devrait jamais être prêt pour accueillir une authentique innovation".

<sup>15</sup> cf. Judith Butler's (1993) discussion of exclusion in psychoanalytic terms.

actualization, as Laclau and Luhmann have impressively shown, implies the exclusion of other possibilities.

How does the exclusion of certain possibilities relate to the concept of antagonism? Laclau describes the decision for one possibility against other possibilities as antagonistic. Yet, he does not fully distinguish dislocation and antagonism.<sup>16</sup> On the most general level, Laclau identifies antagonism as the condition of possibility of any system: "The negation [of antagonism, US] is irreducible to any objectivity, which means that it becomes *constitutive* and therefore indicates the impossibility of establishing the social as order" (NRT: 16). The impossibility of social order shows itself in the dislocations of a system which are unavoidable because of its differential constitution. The problem is whether the fundamental difference between the interiority and exteriority of a system is already an antagonistic relation, or whether antagonism is a specific historical configuration of a dislocated system. In the latter case, one may well assume that every system is potentially dislocated, yet the dislocation is not necessary an antagonism. Decoupling antagonism and dislocation, then, helps us to think the antagonistic organisation as a contingent historical result which is not pre-given with the differential and paradoxical foundation of any system. Only dislocations are an effect of the differential constitution of the system, whereas antagonisms are a particular articulation of a dislocation.<sup>17</sup> It suffices here to stress this distinction which I will take up in my discourse theoretical reading of Luhmann's concept of conflict (Ch. VIII).

iii) The dimension of hegemony entails the necessary split between the universal and the particular side of a distinction. It is a split which is constitutive for any discursive system since it regulates the equivalential and differential relations of a system. Certain signifiers which are emptied acquire the function of representing the self-referential play of signification (Ch. I). While every system produces undecidability, it is, as I suggest, only an undecidability regarding the filling of the empty signifier in an antagonistic situation which defines the political. For Laclau, the undecidabilities which arise are not just undecidabilities *within* the system, but rather undecidabilities *of* the system. The central problem of any discursive system is the construction of its impossible identity. This identity becomes precarious when undecidabilities show the contingency of its former hegemonic regimen. It is here that the concept of the empty signifier, the marker of the pure self-referentiality of the system (cf. Baecker, 1996c), articulates the paradox of a signifier which has to signify and to withdraw its signifiatory function at the same time. Following Žižek's reading of Lacan's *point de capiton*, the empty signifier fixes meaning by providing a horizon for possible meanings, but it also introduces "meaninglessness as such" (Žižek, 1993: 177) since it has to undermine the meaningful horizon in order to 'signify' its limits.

Yet, it is not necessary to draw from Lacanian psychoanalysis to explain the theoretical position of the empty signifier. Derrida suggests a similar paradoxical figure when it comes to the position of signifiers which signify the play of signifiers, e.g. 'pirouette' marking the line between two signifiers (D: 241) or the 'between' containing a "quasi-emptiness" (D: 222).<sup>18</sup> The meaning of these self-referential signifiers for they refer to their own condition of (im)possibility is emptied and they assume a quasi-transcendental position in relation to iterability. These signifiers escape the differential play of signification since they are located prior to signification as such, prior even to the difference between difference and non-difference (D: 209).<sup>19</sup> Eventually they occupy the

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<sup>16</sup> In recent seminar discussions Laclau increasingly emphasises that one has to conceptualize dislocation and antagonism independently (cf. Ch. I.5).

<sup>17</sup> Further elaboration on the relation between dislocation and antagonism is discussed in Norval (1997) and Dyrberg (1995: 24) who suggests that antagonisms exist "vis-à-vis systems".

<sup>18</sup> cf. my discussion of iterability (Ch. V).

<sup>19</sup> Luhmann uses a similar formulation by Nikolas von Cusanus who describes God as prior to the difference between difference and non-difference (SA 5: 87).

paradoxical position of an impossible reference ‘before the law’, which, however, still signifies by re-marking the semantic void by any signification (D: 222).

What is interesting for the discussion of iterability and the medium is that Derrida links his notion of the empty signifier to that of the medium. The medium occupies the position of the middle or the neither/nor, *and* it is something ”in the sense of element, ether, matrix, means” (D: 211). The medium, whose meaning is undecidable, then is an effect of the blanks between the signifiers and shows itself in situations of undecidability. Thus, it cannot be reduced to a repertoire of elements and the self-referential imbrication of medium and form as in systems theory, rather it paradoxically indicates the ‘in-between-ness’ as a means of signification. It was precisely this aspect which Luhmann’s emphasis on the independence of elements had to omit. Here, in contrast, the medium constitutes a space for play and reversal, eventually providing a ”floating indetermination” (D: 93; Gasché, 1986: 241f.).<sup>20</sup> Signifiers such as ‘between’ are for Derrida semantic forms indicating the emptiness and the undecidability of the medium. Although deconstruction accounts for the position of an empty signifier in a similar way to discourse theory, the former privileges the filling of this position, while keeping open the moment of undecidability such as the signifier ‘between’. For the purposes of political theory, this restriction becomes problematic since its political application would then favour a particular project such as Derrida’s *démocratie à venir*. What is needed is a widening of the range of possible fillings which enables an analysis of hegemonic strategies which ‘invisibilize’ the undecidability. Laclau’s notion of the empty signifier aims precisely at such a political transformation of deconstruction, loosening it from any ethicalizing of undecidability. The Political then is the *antagonistic* articulation that fills an empty signifier in an undecidable terrain, and which includes attempts to re-articulate or to substitute an established empty signifier. In order to fulfil its totalizing function, the empty signifier has to promise an imaginary order which sutures the signifying failures of the system.

Looking at these three dimensions (contingency, antagonism and systematicity), we see where the theory of hegemony supplements deconstruction. Whereas the excess, the heterogeneity, and the self-referential movement of signifying the non-significatory condition of possibility for signification are perfectly thinkable within deconstruction, it is the competition between different signifiers, eventually resulting in the precarious institution of one of them, which deconstruction neglects. By contrast, discourse theory suggests that the competition for filling the void created by the dislocation results into a movement of ‘autonomization’ (E: 71). The idea of the autonomization of possible ‘fillers’ helps us to avoid a restricted, horizontal model of undecidability. I want to suggest reading autonomization as the creation of a sphere within the system which creates possibilities that were not potentialities of the original system. In this light, autonomization designates the differential construction of alternatives answering the undecidability of a particular system.

What is suggested here is thinking undecidability as a two-step process. First, the system produces a sort of Gödelian undecidability which it cannot resolve. It is important to see that the creation of this undecidability has social preconditions. The system has to be sufficiently formalized, and has to succeed in partially fixing its meaning. It is because of this requirements of formalisation that the Luhmannian model of functional systems with clearly ‘technicised’ codes is a paradigmatic example for a system creating undecidables.<sup>21</sup> The undecidability itself has to be articulated. There is no automatic, self-creating undecidability which calls for an answer. The second step concerns the handling of undecidability which comprises two alternatives: either one refers to possibilities which are already thinkable within the horizon of a system. Then, undecidability would only

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<sup>20</sup> Again, it becomes clear that undecidability and indetermination are not mutually exclusive.

<sup>21</sup> I will take up this argument in Ch. VIII.

concern the choice between different alternatives already present as potentialities. Or, the undecidability disrupts the very horizon of the system and urges the "irruptive emergence of a new 'concept', a concept that can no longer be, and never could be, included in the previous regime" (Derrida, 1981: 42). It is crucial to note the difference with the first form of undecidability. Here, it is not just the choice between different options, but it is a radical disruption of the process of signification, introducing something which exceeds the system. This opening of the system's horizon, produced by its articulation as undecidability, enables articulations which break with its horizon. The excess cannot be reduced to a subject choosing between alternatives, but has to be explained by looking at how discourses deal with this irruption.

When Laclau says that he wants to consider only those "inchoate possibilities" whose "actualization was once attempted but were cancelled out of existence" (NRT: 31), then it is important to understand these possibilities as '*possibilized inventions of the impossible*' in the Derridean sense. To put it in systems theoretical language, autonomization introduces a second-order-undecidability created by the 'prior' undecidability that showed itself as the dislocation of a system. Autonomization is already an articulation and initiates a political process since it constitutes a field on which the cracks of the system become visible and where they are related to a plurality of hegemonic projects which attempt to fill these gaps.<sup>22</sup> Proceeding from this autonomization, Laclau tries to theorize the taking of a decision, the imposition of a signifier which partially fixes the meaning of a discourse.

This argument enables Laclau to consider partial fixations of meaning in terms of the construction of a limit. It is the function of the empty signifier to signify the limit between the system and its environment within the system, thus trying to establish a horizon for the articulation of further meaning. To be clear, although I have above criticized the horizontal model of meaning, this does not imply fully abandoning it. We have to distinguish between the moment which is always also a dislocation of the horizon (and not simply its expansion) and the re-articulation of a dislocated system. The latter uses the cracks and ruptures of the horizon to establish a new horizon. It is the moment of decision and the construction of the limit which deconstruction is unable to theorize.<sup>23</sup> The theory of hegemony tries to show how within a system of differences the filling of the empty signifier becomes a fight about the institution of a frontier, which, at the same time, produces a 'constitutive outside' that threatens the systematicity of the system. Laclau's concept of discourse is similar to Luhmann's notion of system as both are based on a constitutive boundary or frontier (cf. Ch. I). Yet, the crucial difference is that for Laclau the dislocation of the system exceeds the potentialized interiority of the system and the construction of the environment. Thus it indicates an opening of discourse to an exteriority, which goes beyond an observation of the environment (E3). The hegemonic act has to transgress the rationality of a system in order to become "an act of radical construction" (NRT: 29).

The construction of a system's limit is explained by the theory of articulation. Political practices are then articulatory practices which try to partially fix the flow of discursivity which locates them on a "primary ontological level" (Laclau, 1990: 184). The notion of articulation, an important tool for Cultural Studies (Slack, 1997), describes the generation of meaning as linking discursive elements to moments in a discursive system.<sup>24</sup> Laclau/Mouffe (HSS: 105) clearly distinguish between

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<sup>22</sup> I will elaborate this argument when discussing Luhmann's concept of conflict as parasitic (VIII.4).

<sup>23</sup> Samuel Weber also stresses the problems of deconstruction with thinking the imposition of limits: "[D]econstruction did not, and probably could not address the conditions of *imposability*, by which a particular system succeeds in imposing its particular limits and its authority despite the irreducibly aporetic character of all systematisation" (S. Weber in Rüdiger, 1996: 313)

<sup>24</sup> Hall (1996b, 141) also understands articulation as a process of linking which produces a "unity of two different elements" whose linkage "is not necessary, determined, and absolute for all time".

articulated moments and elements: "The differential positions, insofar as they appear articulated within a discourse, we will call *moments*. By contrast, we will call *element* any difference that is not discursively articulated". The product of articulatory work, then, is the articulation of moments, finally producing a structured discursive system. The signifying work lies in the process of articulation which is not just the combination of previously constituted elements, but the retro-active constitution of these elements. Thus, the model of articulation escapes any simple teleological model since none of the articulated elements is the foundation of the other rather the effect constitutes the 'fundament' itself (Grossberg, 1992: 56).<sup>25</sup>

The precondition for thinking articulation is that the linkages between elements is not predetermined by the logic of the system; instead articulations work primarily by connotative links (Laclau, 1980: 11). This openness shows itself as the undecidability of a dislocation that enables contingent articulations. If it is only dislocation which urges new articulations, then we may grasp more precisely the distinction between elements and moments. Elements are not simply the surrounding environment of a discourse, neither do they constitute a medium in the Luhmannian sense. Rather, they are moments which have been loosened by the dislocation of a discourse: "The status of the 'elements' is that of floating signifiers, incapable of being wholly articulated to a discursive chain" (HSS: 113). Their multiple connectivity, then, depends on the fissures and ruptures of a discursive system which no longer fully determines the meaning of these elements. Reading the theory of articulation in the light of Laclau's more recent work on dislocation and undecidability helps us to clarify the status of the possibilities which are politically actualized. Elements point at the disintegration of a system, at an opening which transgresses the structures of expectation. In contrast to moments, elements have lost a place of their own which makes them invisible for the calculus of the system. Yet, they still bear the traces of their previous articulations, they are still recognizable as element and are not simply pure noise it is a "clear noise", as Barthes would say.<sup>26</sup> These elements are not independent atoms which can be combined in different ways as Luhmann's concept of the medium suggests, rather they are the necessary left-over and excess of the system's signifying work. It is this heterogeneous waste of the signifying work the system's vomit (Derrida in Bennington, 1994: 43) which occupies a peculiar position between the articulation as moment in a discourse and utter noise. These elements are not automatically empty signifiers, but the systemic 'resources' which make possible the re-articulation of a system and the 'elementarization' of articulated moments. Thinking the political as *invention* in the Derridean sense, breaks with any horizon of expectation and draws instead from the abandoned signifying material. Here I suggest reading the "inchoate possibilities" Laclau refers to, literally as possibilities "just begun and therefore not fully formed or developed" (Oxford Dictionary). My point is to avoid theorizing the process of articulation as linkages within the potentialized medium of a system. Instead, the suggested reading of Laclau's concept of the element highlights its status as in-between pure noise and an articulated moment of a system. Certainly, no moment is ever fully articulated. Elements, in contrast, neither affirm nor reject expectation, rather they confuse expectations with their traces of meaning which cannot be accommodated by the system. The practice of articulation is then the very process of *signifying failures*, of making meaningful the excess of the system's production of meaning. Thus, Laclau describes articulation as the institution of *nodal points* which are "privileged discursive points" enabling a partial fixation of meaning: "*The practice of*

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<sup>25</sup> This model comes very close to that of a circular causality which is used in cybernetics as well as in some deconstructive texts (cf. Johnson, 1993).

<sup>26</sup> cf. Ch. IV.4 where I discuss noise and the rhetoricity of language.

*articulation, therefore, consists in the construction of nodal points which partially fix meaning”* (HSS: 113).<sup>27</sup>

Processes of articulation are in systems theory located on the level of semantics, and especially of self-descriptions. However, as was suggested above, the discursive institution of nodal points, i.e. of empty signifiers, does not leave intact the strict separation between social structure and semantics. Since discourse theory thinks social structures as themselves affected by their discursive articulation, re-articulations of self-descriptions are highly relevant for the modalities of autopoiesis. Thus, re-articulations are here not simply reduced to a correlate of social structures, but are viewed as a process which, through a possibly contested articulation of an empty signifier, participates in partially fixing meaning in a system.

### 3. The Latency of the Political in Systems Theory

In contrast to Laclau’s emphasis on the political as a basic notion for social and political theory, Luhmann (1990a: 33) considers the primacy of politics as impossible or at least destructive for modern societies: ”One cannot functionally differentiate society in such a way as to make politics its centre without destroying society.” Every institutionalisation of a centre, not depending on the particular system which holds this position, implies high costs and phenomena of de-differentiation. Although systems theoreticians sometimes call the loss of a centre the end of the primacy of politics (Willke, 1992: 43), one should distinguish carefully the notion of ‘centre’ from that of ‘primacy’. Discourse theory shows that a primacy of the political might be retained by a simultaneous critique of a centred notion of society. A systems theoretical observation of Laclau’s notion of the political fears that thinking the political in an ontological manner is ”consumed by an ever opportunistic and predatory moralism” (Rasch, 1997: 103). Rasch claims that the political has to find its own autonomous sphere, to avoid the totalitarian idea of an ethical integration of society. But what does the primacy of the political mean? For Laclau the Political does not exclude thinking politics, in the sense of routines and sedimentations, as a political system, whereas the Political designates an antagonistic situation, the reactivation of the radical negativity of undecidable and contested situations (NRT: 35). In systems theory, however, the political seems to be reduced to politics and becomes a particular version of the environment/system distinction, i.e., one social system amongst many other systems. Politics in this sense always remains inside the social; to put it in the words of a potential Luhmannian book title: it is the ‘politics *of* the society’ (and not ‘politics *and* society’). Politics here designates the political system which uses the medium of power to deliver ”collectively binding decisions” for other subsystems (Luhmann, 1990a: 73). Despite a strict disavowal of the primacy of the political in terms of a functional system, systems theory describes phenomena of undecidability and decisions external to the political system. Since it is impossible to strictly restrict the defining characteristics of the political system, power and decision, a notion of the political is required which can account for those moments when power-based decisions are taken in different systems (Barben, 1996: 262). Barben is right when he points out systems theory’s failure to deliver conceptual tools which would be able to link the dispersed moments of undecidability and decisions. Unfortunately, he does not provide any conceptual

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<sup>27</sup> Laclau also stresses that there is no social practice which is not articulatory since an identical repetition is impossible: ”The social *is* articulation insofar as ‘society’ is impossible” (HSS: 114). Although, Laclau does not elaborate on how articulation as institution of a nodal point relates to the articulatory character of *any* other social practice, it is important to note that the necessity of articulation derives from the impossibility of an identical repetition.

solutions, and only mentions that the reason for this dis-articulation is Luhmann's over-emphasis on functionally differentiated self-referential systems, and the absence of a theory of collective action. Responding to such criticism, the politics of deparadoxization here attempts to outline a parasitic concept of politics which is no longer linked to a particular functional system. Thinking the political in systems theory, then, presupposes a re-configuration of those moments when the closure of the system breaks down. Put bluntly, the political is based upon the dislocation of closure, thus opening the system's closure for re-articulation. It was argued before that autopoietic closure does not mean that a system is a self contained identity for it is not an autarchic '*closedness*' (to use a Luhmannian neologism), but an operative *closure* on the level of its operations. It is precisely the relation between openness and closure which will allow us to situate the political. In doing this, I take up the question of dislocation in systems theory discussed in the first part of the thesis.

Nevertheless, Luhmann's description of the relation between closure and openness is still problematic. In my discussion of the system as distinction (Ch. I) it was demonstrated how Luhmann internalizes the environment which is the supposed outside of the system. Shifting between an ungraspable environment (E1), its construction as negation (E2), and its positive signification (E3), Luhmann switches from interiority to exteriority without developing a theoretical concept which accounts for the radical otherness of the system. The same problem emerged in the distinction between hetero- and self-reference where the self-reference is situated within a more primordial self-reference.<sup>28</sup> It is in this sense that Luhmann understands the closure of a system as the precondition of its openness, thus erecting a hierarchy between closure as the conditional and openness as the conditioned (SS: 25).

Systems theory as a theory of the reproduction of distinctions and boundaries provides a model of "limited iterability" in order to restrict an openness not controlled by self-reference. This limitation comes from the strict either/or-logic in the attribution of operations to a system: either the system constructs something as its own element, or it is blind towards it and makes it non-existent for the reality of that system. Only that which can be subsumed under the operative logic of the system, i.e. that which is connectable, can become an event of the system. In addition, the operative closure requires that one disregards the materiality of operations, since they are supposed not to interfere with the operativity of the system.<sup>29</sup> It is only in specific systems such as the system of art that the materiality of the operations (e.g. the rhetoricity of language) enters the logic of autopoiesis. Generally, however, systems are quite successful in doing without the 'dark materiality' they rely on.<sup>30</sup>

Yet, there is also an opening which occurs when the system cannot prevent a self-referential encounter with its differential constitution. Let me briefly re-call the discussion of the code's paradox (Ch. I). In functional systems, the immediate self-referential movement of the code is a paradoxical ('the legal is illegal') or a tautological ('the legal is legal') short circuit that needs an external reference to be interrupted. To be more precise: the paradox arises only if the self-referential loop is observed by a second-order observer whose capacity to make sense is blocked by paradoxical observations (Luhmann, 1991: 62).<sup>31</sup> A paradox is not only self-referential, but also

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<sup>28</sup> The ultimate foundation of any hetero-reference upon self-reference becomes clear in the following quote: "[I]ts self-reference (1) is based on an ongoing auto-referential (autopoietic) process which refers to itself (2) as processing the distinction between itself (3) and its topics. If such a system didn't have an environment it would have to invent it as the horizon of its hetero-referentiality" (Luhmann, 1990e: 4).

<sup>29</sup> There is a "continuum of materiality that is given with the physically constituted reality" (WG: 30).

<sup>30</sup> Luhmann's strategy of 'invisibilizing' the materiality of meaning was discussed in the section on the medium (Ch. IV.1.1). Cf. also in Ch. IV.4 the discussion of rhetoricity in systems theory. Here Luhmann is forced to separate a connotative connectivity from the 'normal' denotative connectivity. Only the latter is backed up by the medium.

<sup>31</sup> Laclau also stresses that the social does not have a logical structure excluding paradoxes (E: 126).

causes a situation of undecidability: the question whether the law is legal or illegal is not decidable, since neither its legality nor its illegality can be excluded (Esposito, 1991: 47). The paradox of the code is not caused by its specific semantic filling, but by the very fact of its being a distinction. If one draws a distinction, it is unavoidable to have already distinguished: there is no first distinction (WG: 84).<sup>32</sup>

The paradox — whether of the code or, more generally, of each distinction creates a situation of endless information which can only be reduced by a contingent decision. Decisions taken on this terrain cannot be drawn from a pre-existing rationality or logic. Quoting von Foerster, Luhmann states the paradoxical nature of decisions: "Only those questions that are in principle undecidable, we can decide" (Luhmann, 1994: 22; in original English). The paradoxical structure of decisions implies a certain irrationality for which a theory of decision has to account for. Undecidabilities presuppose a specific temporal structure of decisions: before the decision is taken, there exists a situation with a plurality of alternatives, what Luhmann calls "open contingency" (1994: 23). This openness is concentrated in a single decision which also changes the character of contingency. After having taken a decision, its contingency points to the possibility that other decisions would have been possible.

It is in these situations that the contingency of the code becomes visible: the code's only fundament is its success, thus finally the ineradicable violence of its institution. The self-encounter of the code exposes that which was excluded by its formalization as undecidability. Now, the system oscillates between two values which it can neither reconcile nor sublimate. The only 'foundation' of a system is this fundamental paradox which cannot be avoided as long one holds to the idea of an autopoietic constitution of systems. There is no external fundament justifying and legitimizing the institution of the code. The code is only reproduced by communications which have to refer to the code. It is in this sense that the code simulates the "perfect continence" Spencer Brown alludes to (KG: 302). The irrational and ungraspable institution of the code is post-rationalized by means such as foundational myths. Only now the code re-enters the horizon of the system, and constitutes it as its own foundation.

The mere existence of a code says nothing about how it should be applied. Only programs can define more or less complex procedures and rules for correct usage. Therefore programs (as for example, liberal democracy in the political system) regulate the interpretation and application of the code, by trying to avoid the paradoxical self-encounter of the code. The task of programs is to divert and defer the paradox lurking behind the groundless inscription of the code. In contrast to the code, which is only changeable at the cost of the end of autopoiesis, the program can and must be transformed by dis-articulations and re-articulations. To a certain extent, the closure/openness distinction is doubled in the code/program distinction: the unchangeable code guarantees the closed identity of a system, while programs attempt to deparadoxize the code. This requires that programs be open to new articulations and it is, theoretically at least, always possible to change them. One of the most important ways to avoid the emergence of paradoxes is to defer the final attribution to one side of the code (Luhmann, 1987a: 14). Hence, the introduction of time helps solve undecidabilities. Deferring to the future solves the problem of an immediate decision: what is right now, can be wrong tomorrow. Undecidability does not threaten the two-valued logic, and Luhmann argues against the introduction of a third value in the code (RG: 187).<sup>33</sup> Instead, programmes supplement the code. It is here that subordinate alternative values are created and used, thus protecting the binarity of the code itself. Yet, the programmes are not necessarily compatible with

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<sup>32</sup> cf. Appendix B.

<sup>33</sup> Certainly, Luhmann argues for a multi-valued logic. But this logic does not introduce a third value within the binary codes. Instead, it pluralizes two-valued distinctions, thus resulting in a plurality of ontologies.

each other and may lose their capacity to regulate the application of the code. At the same time, the code is dependent on the programs since only the code is unable to create the structuration needed for any system, to say nothing of the fixation of the code's meaning by programmes. Thus, programmes cannot provide a grounding for the system's code that would be prior to the operations of the system. What always lurks is the possible failure of the programmes, thus revealing the groundless inscription of the code.

## 4. The Code of the Political System

After having seen that the code creates paradoxes which have to be answered by a contingent decision, we can further elaborate this problem by turning to the code of the political system.<sup>34</sup> Drawing implicitly from Carl Schmitt's enemy/friend distinction, Luhmann suggests the government/opposition distinction as the code of politics:

The scheme government/opposition becomes the 'form' of the system, the 'code' of the political system with the meaning that the form has an inside and that the code has a positive, connectable side, 'where the action is', but the inside is what it is only by the existence of another side, where alternatives are kept ready. (RG: 421)

In a certain sense Luhmann offers a 'civilized' version of Schmitt's omnipresent antagonistic enemy/friend relationship, for political antagonisms are now re-signified within the institutionalized framework and procedures of a restricted agonistic handling.

The code presupposes that every political communication must be referred either to the government or the opposition. Luhmann, however, doubles the code of the political system into two codes, although this acts against the privileged position of a single binary nature of the code. Operations of a system are identified

"with the help of a specific code of its own. In the political system this is the distinction of a particular superior power (authority [*Amtsmacht*]) and its subordinates (ruler/ruled) *as well as* the coding of authority in the scheme of government/opposition. (RG: 436; my emphasis)

Luhmann never provides a thorough explanation of how the 'as well as', i.e. a 'double-coding' could function.<sup>35</sup> He explicitly designates the *government/governed* distinction as the dominant one by calling it the "primary code" (Luhmann, 1989a: 26), but this primacy is put into brackets when Luhmann looks at the *government/opposition* distinction. This distinction is internal to the government, which presupposes a narrow notion of opposition, i.e., encompassing only those communications that take part in processes of opinion formation and decision making in political institutions. Problems arise, for example, with the emergence of new social movements which do not participate in formal political processes such as elections. They are not part of the political system and use the form of protest to disturb the political system (Luhmann, 1996c). While the government/governed distinction has a wider historical range which may also include new social movements, the government/opposition distinction is, following Luhmann, specific to modern democracies. The logical primacy of the first distinction is superseded by the institution of one of its particular forms which is the model of liberal democracy. Luhmann's model of democracy, which rests upon the government/opposition-distinction, exemplifies a particular hegemonic project, not a 'universal' code of the political system. This coding does not only exclude the afore mentioned new social movements, but also has to dismiss a 'breakdown' of the distinction as non-democratic. There are, however, political systems where the opposition has re-entered the distinction on the

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<sup>34</sup> I restrict my reading of Luhmann's political theory to the problem of the code and reduce its complexity and richness by focusing on this basic principle.

<sup>35</sup> In his account of the *Wissenschaftssystem*, Luhmann introduces the idea of side-by codes [*Nebencodes*] such as reputation. Side-by codes also structure the whole medium of a system (here: truth) (WG: 247). Yet, it remains unclear how the secondary position of such a code is secured. Luhmann only argues vaguely that a reversal of main and side-by code creates problems of legitimation (WG: 251).

government's side.<sup>36</sup> Yet, it is not my purpose to discuss Luhmann's model of democracy, rather I am interested in how the political system handles its code.

One of the advantages of this formulation of the concept of governed, government and opposition is that Luhmann de-essentializes them by stressing their relational identity.<sup>37</sup> Following Luhmann's combination of two codes for the political system the ambiguous character of the government comes to the fore, which is placed in the crucial intersection of two distinctions: "It indicates the same and difference depending on what it is distinguished from" (1990a: 173). Therefore, it is indeterminate whether the government should be seen as the negation of the governed or of the opposition. In most of Luhmann's work about politics and the political he only uses the hierarchically derived code government/opposition without explicitly addressing its embeddedness in the broader code of government/governed. Luhmann restricts his attention to the former distinction for his main interest lies in the analysis of modern liberal democracies. But the problems in determining a particular code and the need to introduce either side-codes or historical transformations of the actual code, point not only to some 'superficial' semantic problems in naming the code, but rather problematise the very status of the code.

Luhmann's double coding (government/governed and government/opposition) implies a weakening of the binary code. This also affects his program/code distinction because it is unclear whether or not the government/opposition distinction is already a specific articulation a re-coding of the more general distinction between government and governed. The complex relation between code and programmes makes it difficult to privilege the code for the orientation of the autopoiesis of a system. Thus, Ladeur (1992: 137ff.) suggests that operations of every system imply a moment of "self-transcendence", i.e., the reference to a kind of "common knowledge". One can grasp this collective and emergent dimension, neither originating centrally nor organised, as the system's self-description which helps to establish and guarantee the identity of that system. The "common knowledge" cannot be deduced from a central source or actor; it is the effect of different systemic communications which is by its very nature unpredictable. Ladeur's allusion to self-transcendence weakens the code's privileged capacity to generate order, which in turn enables the re-articulation of the self-description through hegemonic operations.<sup>38</sup> If the process of autopoiesis is not only conceived as a point-to-point articulation of temporal communicative events, then processes of mis-reading of the self-description become important for the functioning of the system. The systemic recursivity of a program, reading the results of its own reading, effects a paradoxical intertwining of different levels of the system. Luhmann also suggests such a recursive model (cf. Ch. VI.2), but restricts it to the level of self-descriptions. In contrast, my deconstruction of the distinction between semantics and social structures stresses their impure relation. Radicalizing the idea of a mutual entanglement, results in an intertwining that would not leave off the code as a sort of inviolate level (Ladeur, 1992: 262). Indeed it endangers its isolated and stable position.

Still, Luhmann also addresses a possible threat to the stability of the code. If the opposition/government code was rejected by a third logical value (the surroundings of the

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<sup>36</sup> An example for such an odd re-entry of the opposition is Switzerland where the Social-Democrats, the Conservative and the Liberal Parties built a coalition government after the II. World War. In the selfdescription of the Swiss political system this blurring of the limit between government and opposition is called *Zauberformel* (miraculous formula). From a Luhmannian perspective, one could describe the situation of the Swiss Social-Democrats as effect of the uncontrollable re-entry of the government/opposition distinction, thus resulting to a loss of orientation in the calculus. The question which arises for the Social-Democrats then is: are we still the opposition or the government. Here again, time is a valuable strategy of deparadoxization which allows the maintenance of both positions.

<sup>37</sup> "The concept of opposition only has meaning as a factor [moment, u.s.] of the distinction of government and opposition." (Luhmann, 1990a: 168)

<sup>38</sup> cf. my discussion of self-description as identification in Ch. VI.

distinction) the whole political system would be in danger. This hints at a possible shift from institutional politics to the 'political', which in turn would question the opposition/government distinction itself. It would also challenge democratic procedures since for Luhmann democracy is defined precisely by the binary code of government/opposition. Its rejection damages the code by dis-articulating the coupling of its two sides. The dissolution of this tight coupling endangers the very possibility of democracy because the rules which guarantee the alternation of the government and the opposition no longer work (Luhmann, 1989a: 19). The code is thus seen as an inviolate level that can only be touched and changed at the cost of destroying the existing political system. The code of the political system serves as an attempt to domesticate a more general notion of antagonism for democracy. The political system delimits conflicts in providing a disciplining form. This leads Rasch to think the friend/enemy distinction on two levels in systems theory:

On the one hand, it should serve to delimit the political system and preserve it from annexation. The 'friend' is the political sphere, the 'enemy' all that which seeks to identify the political with the moral or any other domain. On the other hand, within the political system thus delimited, the friend/enemy distinction defines political oppositions [...] One might say that on the first mentioned level, the homogeneity of the political, its autonomy, is preserved, while on the second, the heterogeneity of the political, its internal differentiation, is guaranteed. (Rasch, 1997: 109)

Yet, such a suggestion results in many problems. Rasch is driving at a 'civilised' concept of antagonism, and thus tries to re-enter the friend/enemy distinction, ensuing in a 'friendly' version of the distinction (which one may also call agonistic, in contrast to antagonistic). The problem is, however, equating the exteriority of the political system with the enemy, i.e. here with attempts to de-differentiate the system. Ironically, this would lead to the hypothesis of a general antagonistic constitution of systems since every system has to defend its boundaries against the overflowing complexity of the world. This, of course, is what Rasch wants to avoid: his aim is to conceive of the political as political system since it would otherwise threaten the plurality of the social. I want to suggest that it is, indeed, a double inscription of the political which is needed. But this does not lead to the disappearance of the political. Instead it calls for an approach to the political independent of the political system. Rasch suggests thinking the political system not only in terms of an antagonistic code, but to conceptualize the whole system's relation to its excluded antagonistically. However, one should be well aware of the dangers which go along with an identification of the constitutive exclusion and the system's antagonistic coding.<sup>39</sup>

Before I proceed with my argument, let me summarize the problems identified in Luhmann's account of the political system. Although Luhmann presents a non-essentialist theory of the political, the radical sense of the political as the institution of the social is lost. The possible field of political antagonisms is now reduced to the relation between government and opposition. This excludes important phenomena such as social movements and other political identities from the horizon of the political system. The intertwining of the two distinctions also shows that the non-ambiguous nature of the code disappears as soon as we lose a single *distinction directrice*. The question arises of how to account for the privileged position of the code and its possible transformations. In the case of the political system, the assumed stability of the code creates problems which Luhmann tries to repair by introducing further possibilities such as side-codes. The instability of the chosen code is indicated in Luhmann's (1974), now dismissed, suggestion that one uses the distinction progressive/conservative as the code for the political system. What is at stake are, however, not theoretical mistakes in 'choosing' a code; rather it is the unstable position of the code itself. The code is hardly an invariable guardian of closure of a system since the reproduction

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<sup>39</sup> In discourse theory, this leads to a distinction between dislocation and antagonism (cf. Ch. I and Ch. VII).

of the code has to rely on its iteration which does not leave intact its 'original' meaning. By contrast, I shall argue that, although the binarity of the code is necessary for highly complex functional systems, the privileged position of the code makes it a preferred target for the re-articulation of a system. Thus, what is needed is an account of the relation between code and the programs that regulate its application as a circular process which challenges the stable set-up of 'applier' and 'applied'. The two problems, the narrow definition of the political system and the position of the code, are closely interlinked. The logic of the political system cannot account for possible changes and contests regarding the very horizon of the political system. That is why it is necessary to introduce a more radical notion of the political which accounts for the processes articulating the undecidability of the system such as the code's self-reference.

## 5. The Double Inscription of the Political

My contention is that a 'double inscription' of the political may overcome Luhmann's utter rejection of the political. This enables me to distinguish between the political system as a place of institutionalized politics and the political in the sense of decisions taken in situations of undecidability: "The 'political dimension' is thus *doubly inscribed*: it is a moment of the social Whole, one among its subsystems, *and* the very terrain in which the fate of the Whole is decided" (Zizek, 1991: 193). In spite of Zizek's Hegelian pathos about the 'social Whole' and the problematic assumption of an all-encompassing decision, it is important for our purposes to notice how he links politics and the political. The political system "represents *within* society its own forgotten foundation, its genesis in a violent, abyssal act [...] politics as sub-system represents the Political (subject) for all other subsystems" (Zizek, 1991: 194). As soon as the subsystem is stabilized, the function of the metaphoricity of its origin is lost and the system undergoes a process of normalisation. By this process it achieves its literal meaning as political subsystem. 'Literal' has here a double sense: on the one hand, it indicates the 'invisibilization' of the political origin of the system, on the other, this literalisation is only possible through attempts to control the rhetoricity of the system. It is the latter dimension which becomes visible if we look at the double inscription from a deconstructive point of view.<sup>40</sup> Then, the rhetoricity and materiality of the system point to the presence of the political within the system, as it is that which resists the systematization of the system.

This suggests that the Luhmannian political system may best be described as the institution of politics at the partial expense of the radical dimension of the political. To put it another way: the normal routines of the political system (and of any other system) are attempts to foreclose moments of failure and a lack of a foundation, without being able to suppress altogether these subversive effects. The political system is only able to function in this normalised way as long as its routinized communications work and as long as there is no demand for decisions in undecidable situations. It does this by drawing a distinction between system and environment, thus trying to delimit the ongoing process of dissemination. As with the empty signifier which fixes meaning, the Luhmannian concept of symbolically generalised media and a rigidly fixed code try to normalize the deviations, losses and excesses of the dissemination of meaning.

However, these attempts can only be partially successful since an unavoidable paradox is already given with the institution of *any* system. Concerning the political system the violence of its primary foundation cannot be explained and legitimized by the political system itself — this violence can

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<sup>40</sup> cf. the normalisation of rhetoric (Ch. IV.4).

only refer to itself<sup>41</sup> as that which is beyond the horizon of meaning of the political system.<sup>42</sup> It is the arche-violence of the impossible origin of the system which violates the unmarked state. To be more precise, the 'origin' of a system is neither a spatio-temporal event, nor pure fiction. It is rather the aporia or the paradox of the system, its non-derivability founding the law (Beardworth, 1996: 34).<sup>43</sup>

The problem of the origin of a system is also the problem of the institution of its code which is intrinsically linked to the act of a radically contingent decision. Starting with the *instruction* "Draw a distinction" (1971: 3), Spencer Brown names this constructive and violating act of separation. Luhmann, too, knows of the arbitrariness and violence of every original distinction: "Every beginning violates the world by this or another distinction in order to indicate this (and not something else)" (WG: 548). This distinction indicates the violation of the world by an incision which systems theory theorises as 'out-differentiation' (*Ausdifferenzierung*) of systems (SA 5: 18). This impossible foundation of a self-referential system has to be erased by the system in order to work. It is here that Derrida locates a second form of violence, the violence of the law, which is in Luhmannian terms the violence of the 'invisibilization' or deparadoxization of the system. The "causes" of a self-referential system are retroactively constructed as internal, otherwise it is not a self- but a hetero-referential system. Indeed, outside causes, not produced by the system, would then have an organising effect on the system and make it an other-organised system.<sup>44</sup> Instead of this "black hole" of the system's ungraspable beginning (Hombach, 1990), the self-referential system now functions as a metaphor for the impossibility of the origin. Yet, Derrida's distinction between different types of violence is not simply a linear movement from the 'originary violence' to the 'violence of the law' which, in turn, may be violated by phenomenal violence such as war. The arche-violence itself persists and remains 'present' as the impossibility of the law ever erasing the arche-violence. Thus, the system repeats the originary violence with its temporalized, autopoietic organisation. The delay of time which characterizes the impossible foundation of the system is repeated in the impossible unity of the constative and performative dimension of any systemic operation. Systems theory tries to grasp this as the excluded third: the impossibility of an observation to observe itself points negatively to the excluded. The inviolate world remains "what becomes unobservable by an installation of possibilities of observation (no matter which form)" (SA 5: 18). It is precisely in what it does not see, that every code becomes the metaphor of a non-violated world or an "unmarked state" (Spencer Brown). The argument about the violating institution of an origin does not seek to correct this beginning through total inclusion. Such a moral critique would only refer back to its own taboo, to its own forgotten institution, resulting in an infinite regress. It is more productive to stress the constitutive necessity of a displaced origin for the functioning of a self-referential system.<sup>45</sup> Instead of complaining about the

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<sup>41</sup> Derrida (1991: 28) calls this the "violent structure of the instituting act" which is itself foundationless.

<sup>42</sup> This does not entail that there is no violence in the normal working of the political system. Luhmann's (SS: 337ff) notion of "symbiotic mechanisms" stresses that violence is one mechanism that symbolizes the consideration of the body within the political system.

<sup>43</sup> cf. Beardsworth (1996: 20ff.) for a detailed reading of the tertiary structure of Derrida's concept of violence (especially referring to WD: 164-65).

<sup>44</sup> The origin itself necessarily escapes: "However it [the system, us] *really* originated, what *in truth* produced it, its *factual* origins will be deleted and effaced as soon as it exists as a *self-organised* system." (Hombach, 1990: 128) Yet, this description is still misleading since it assumes that there has been a real founding event which is deleted; thus one maintains still the assumption of an event which generates a system.

<sup>45</sup> As with the Lacanian Real, the 'unmarked state' can only show itself as a failure. "The Real is therefore simultaneously both the hard, impenetrable kernel resisting symbolization and a pure chimerical entity which has in itself no ontological consistency" (Zizek, 1989: 169). One can merely show the effects of the Real distorting the homogeneity of the symbolic discourse. Here, I have to leave open the difficult question of whether the Real is

violence of inscriptions, we should focus on the failure of the discursive organization of meaning. Hence, to account for arche-violence in systems theory means describing the disturbance of a system e.g., situations of undecidability as iterations of that violence.

My discussion of the concept of the system/environment-distinction (Ch. I), and notably of the relation between ‘unmarked space’ and ‘unmarked state’ which reformulates the world (Ch. II) as well as of the rhetoricity of language (Ch. IV) have focused on Luhmann’s conceptualization of this quasi-transcendental realm. These readings underline the argument that Luhmann, on the one hand, opens systems theory to this ‘arche-violence’, yet, at the same time, precludes openness by compartementalizing and domesticating it. Several strategies became evident: ‘ontologizing’ the unmarked space as a ‘common ground’, presupposing a possibilistic notion of the ‘unmarked state’, or excising the materiality of communication. Above all, the world is hidden in the blind spot of any distinction, yet leaves intact the structure of the distinction. What systems theory fails to show is how the blind spot affects the working-order of the system, other than by enabling an endless autopoietic deferral. Systems theory’s ‘seriousness’ forces it to integrate the blind spot as productive force in its circular economy of meaning, thus omitting an excess which would maintain the system’s autopoiesis, *as well as* threatening the purity of self-re-production.

Given the dependence of every system on the paradox inherent in its foundational distinction revealed in the code, I suggest a widening of the relationship between politics and the political beyond Žižek. If every system owes its existence to a paradoxical, a radical contingent decision and institution of its *distinction directrice*, then every system always already presupposes a past which has never happened, and yet still haunts the system. The ‘black hole’ suggests that *all* systems function as a metaphor of the political since they are founded upon an unsurpassable undecidability. The political system may only serve as privileged metaphor, because the production of ‘collective binding decisions’ (Luhmann) has become the most conspicuous simulacrum of the political.

In contrast to Luhmann, the politics/political distinction enables us to construct the contingency of every functional system as a matter of the political by problematising the code. This, however, makes it necessary to account for the dislocations of a system in challenging the horizontal model of meaning. In contrast to Žižek, I argue that *every* system (not just the political system) figures as a representation of the ‘original violence’ inherent in the inscription of the code. This is never simply a meaningless representation, but simultaneously the realm of undecidability and negativity opened by the paradox of the code (the self-referential encounter of the code with itself). If this assumption is ‘true’, we should be able to observe the political at those instances in the history of a system when it has to confront the undecidable situations of its paradox. This moment of re-activation<sup>46</sup> emerges whenever the paradox of the code reveals its contingency.

## 6. Contingencies

Before continuing to inscribe the political, it is necessary to consider what the break with a horizontal or ‘potentialised’ notion of the political implies for the concept of contingency which is central to both Laclau and Luhmann. For Laclau, the failure of the structure to avoid undecidability is due to a dislocation which demands a decision. For Luhmann, contingency means that anything could be different. Yet, a crucial difference is the status of the situation of undecidability and the contingency of the decision. While Laclau’s Derridean concept of undecidability goes beyond a

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compatible with deconstruction, but focus only on the problem that the ‘grounding’ impossibility cannot be retained in the blind spot, but shows itself in malfunctionings of the system.

<sup>46</sup> Laclau (NRT: 34f.) draws the concept of re-activation from Husserl. This concept stresses the instance when the contingency of every social objectivity is shown.

particular horizon, the undecidabilities within a certain system do not explode its horizon. Let me focus on this problem.

Luhmann conceives contingency within his theory of meaning as an actualization which is *not necessary* and *not impossible*.<sup>47</sup> This Aristotelian concept, as Luhmann (1992a: 104) calls it, is paradoxical insofar as it is *one* concept resulting from the negation of *two* concepts. Luhmann re-phrases contingency in the language of second-order-observation: since everything which is observed depends on the distinction according to which it is observed, and which it observes, there is no ultimate ground for any observation: "Everything becomes contingent if that *which* is observed becomes dependent on *who* is being observed" (Luhmann, 1992a: 100). Of course, the 'who' does not refer to an observing subject, but is formally defined as an observation which is observed by another observation. This is not only a re-formulation of a subjectivist position, since an observation observes another observation. It, thus becomes possible to see the contingency of the observed observation. Only in observing something as an observation, does it become obvious that other observations were also *possible*. It is one of the primary aims of Luhmann's functional method to show that operations are selections, thus dependent on the horizon from which one possibility was chosen (SS: 52ff.). The notion of contingency relies on a field of selection or a horizon which provides a range of *possibilities*. This horizon does not prescribe the selections which have to be made; there is no *necessary* selection. However, the horizon is itself based on a movement of metaphorization in which everything becomes an equivalent as a solution to the fundamental problem of how to reduce complexity. The equivalential character of the horizon makes different solutions comparable, thus open to a functional analysis (SS: 55). Luhmann's notion of contingency is therefore always a contingency of the possible, always embedded in a structure of expectation. The impossible lurks only as a supposedly superficial confusion of signs.<sup>48</sup> The Luhmannian notion of contingency has to be distinguished from the poststructuralist emphasis on contingency. The former is based upon selection and thus like structuralist and linguistic arguments oriented to the functionality of a particular selection (Wellbery, 1992: 161).<sup>49</sup> In contrast, a poststructuralist concept of contingency refers to an event which is a) unexpected and non-deducible from an existing system and b) a suspension of the law, opening to the singularity of the event. Contingency is constitutive for the discourse within which it occurs and is always exposed to finitude. Eventually, such a notion of contingency questions the hegemony of meaning which systems theory relies on:

For contingency does mark a *non-meaning* which is at work with every constitution of meaning without ever being transferred to it[...]. This contingency is the place of an encounter with the Other as that which appears *external to any horizon of meaning*, as that which strikes me in the singularity of my existence [...] a contingency as the penetration of non-meaning. (Wellbery, 1992: 166f.; my emphasis)

In contrast to Luhmann's definition of contingency as the negation of the impossible and of the necessary, contingency is here intrinsically linked to the impossible which requires an account of non-meaning. This contingency deconstructs the concept of horizon and acknowledges the finitude of any meaningful 'actualization'. It was demonstrated in the first part of the thesis that Luhmann attempts to exclude from systems theory those moments when contingency exceeds the conceptual framework established by structuralism. Luhmann's contingency resembles a "contingency with its

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<sup>47</sup> For example: "Contingent is everything which is neither necessary nor impossible" (Luhmann, 1992a: 96)

<sup>48</sup> cf. Ch. II and Ch. IV.2.

<sup>49</sup> Unfortunately, Wellbery chooses to name the poststructuralist version of contingency "the aleatory", which could be misunderstood as suggesting that there is not a constitutive link between necessity and the aleatory.

sting plucked out” since it is blind to ”the violent emergence of an unheard-of entity that defies the limits of the established field of what one holds for ‘possible’” (Zizek: 1991, 196).<sup>50</sup>

Laclau’s political theory is based upon such a poststructuralist approach to contingency. In contrast to Luhmann, contingency introduces the necessity of impossibility within the actualization of a possibility. Contingency, then, is the ”blocking and simultaneous affirmation of an identity” (NRT: 21), it is simultaneously an enabling and threatening process, leaving behind any possibility of neatly separating that which belongs to an identity and that which is an accidental supplement. Thus, contingency is not simply the assumption that everything could be different, although it includes this assumption. Rather, contingency is the very undecidability of identity as such, of the system as such. Contingency is always marked by an event which is not calculable within an existing system, something which cannot be captured by a structure of expectation. It is, therefore, something which interrupts the functioning of the system, which points at the finitude of the system from within the system. Contingency, in this sense, is not reduced to the demonstration of functional equivalences, but more radically, is that which disrupts its functional set-up. Luhmann’s notion of contingency does imply a certain negativity, since functional equivalence has to presuppose something contingent. Yet, while for Laclau it is a movement of metaphorisation which reveals the finitude of the system, Luhmann ‘invisibilizes’ this negativity by filling it with invariants such as an unchangeable function, or code of the system. Moreover, contingency remains heavily restricted as long as one locates contingency prior to its signifying medium bracketing the materiality of the medium.<sup>51</sup>

Let us look again at the argument of this chapter. The *in(ter)vention* of the political in systems theory understands it as decisions taken in an undecidable terrain unrestricted to the political system. This leads to the question of whether there is a Luhmannian theoretical equivalent of the ‘undecidable terrain’. On the most general level, he conceives undecidability in terms of a paradox as ‘ground’ of any system. A system is never able to overcome its paradox and reach a harmonious state of equilibrium. Luhmann introduces the distinction of code/program to explain how a system handles its paradox. Different programs attempt to defer and displace the paradox, i.e., they deparadoxize the system. However, the rigid separation of codes and programs and the dismissal of a full feedback of self-descriptions, grants to each system too much continuity. The code is untouched by the transformation of programs. A shift of perspective allows me to conceive the political beyond the political system. If the political can be grasped in the relation of undecidability and decision, and if the paradox of the code in systems theory creates undecidable situations, then we should focus on this theoretical articulation. This is precisely the terrain covered by Luhmann’s concept of contradiction and conflict. It returns us to the level of general systems theory, because contradictions occur in every system. Thus *the political* becomes conceivable in systems theory, without being exclusively bound to *the politics* of the political system.

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<sup>50</sup> Zizek’s quote does not refer to Luhmann, but characterizes a restricted notion of contingency. Although there may be many differences between a deconstructive and a Lacanian position, both abandon a possibilistic notion of contingency in favour of the emergence of non-meaning dislocating the horizon of meaning (cf. Zizek’s (1993) reading of Lacan’s theory of the act).

<sup>51</sup> cf. Ch. IV.4 on language.

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