

Niklas Luhmann as a Theorist of Exclusion. A Journey from the Greek Polis to the Brazilian Favelas

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Niklas Luhmann (1927-1998) is considered one of the most sophisticated and influential sociologists of the second half of the twentieth century. Nevertheless, he is usually set apart from his peers, who are better liked and cause less animosity in contemporary academic circles. The reason for this is quite simple. He refused to build his reputation in the usual way: addressing the most pressing concerns of public opinion, embracing causes of significant political appeal, and providing ready-made solutions to ease the evils of the present day. "I am the Lucifer of social theory," Luhmann confessed while his face glowed with a mischievous smile during his last visit to London. If he is demonized, it is because he chose to be so. He enjoyed being a thinker of cult status, in that sense, he resembled other illustrious German thinkers: Martin Heidegger, Carl Schmitt, and Leo Strauss, for example. Luhmann used a hermetic language to avoid theoretical simplifications but also to circumvent the need to take clear political standings. He preferred disciples rather than comrades, initiates who learned to move around the *labyrinth*, an image he frequently deployed to describe his body of work.

At the height of his prestige, he mentored small groups of followers at select universities around the world. These were academic clusters formed by staunch supporters of his *Systems Theory*, a cutting-edge functionalism capable of answering without hesitation almost any question posed about the social world. Luhmann and his followers bragged about having a "super theory" of universal scope, one ideal to include in their explanations "both themselves and their opponents." (Luhmann 1995: 4)

After Luhmann's death, no one dared to replace the imminent sociologist as head of his sociological school. His disciples' determination to translate, explain (without lapsing into textbook simplifications) and recruit new cohorts in *real time* relied on what had been the overpowering charisma and productivity of the theorist based in Bielefeld. Luhmannism without Luhmann tends to abjure its proclivity to incest and opens a fruitful dialogue with recent trends in social sciences and the humanities. A discussion started, it must be recognised without hesitation, by Luhmann himself. At first those conversations disconcerted his followers of dogmatic vision and the critics that labelled him as the most brilliant apologist of neoliberalism's technocratic spirit (Thornhill 2000). However, an increasing number of people find in Luhmann a rich source of ideas. Rather than adding height to the twin towers of his

theoretical architecture: *Systems Theory* and *Theory of Society*, they scrutinize in search of elements on which to base their conceptual constructions. For them the task is thinking with and against Niklas Luhmann.

I orient this essay with two words that have been used thus far: dialogue and critique. In the following pages, I embark on exploring the following premise: Luhmann could prove of great use to understand *nomos*, the cornerstone of Greek political thinking. I believe the best way to precede entails dissecting a conceptual opposition he used in his sociological analysis: inclusion/exclusion, a dichotomy that redeploys in the language of modern social sciences the distinction formed by Greek terms: *nomos* (order/law) and *phusis* (nature). Moreover, the dualism created by inclusion and exclusion has a semantic correlate: the centrality of “barbarism” in European intellectual history as a category to deal with the “other”. First, I will recover Luhmann’s procedure in his essay *Jenseits von Barbarei*, “Beyond Barbarism” (1999). I will reconstruct the correspondence between barbarism and exclusion; between semantics and social structure in Ancient Greece. Luhmann’s importance as an illuminating thinker of Greek *nomos* should be evident by the end of these pages.

Barbarism and the construction of the Western political form

Barbarians and their barbarism have a long and complex history. “Nothing is more complicated than a barbarian,” wrote Gustave Flaubert to Saint-Beuve, the same year in which *Salambó*, his *barbaric* epic, was published. Barbarism is one of those words that are constantly evolving. With every passing generation, the word acquires new significance without fully abandoning previous layers of meaning. The word comes from classical Greece. It presupposes those who mutter rather than speak. In that sense, the first act of barbarism is to distort language, but not any old language. The distorted language is none other than Greek itself.

The barbarians are those foreigners that speak a careless, broken Greek; not only violate language when they speak they apply a foreign and probably mistaken logic to it. What is at stake here is fundamental. It implies, in principle, proximity: Greeks and Barbarians live near one another, their paths frequently cross. The language that unites them on the surface separates them fundamentally. They are palpably different. Verbal dexterity, which is nothing but the ability to think correctly, creates an abyss between them, or at least the Greeks firmly held onto that belief. (Cacciari 2009: 16-17) It is easy to overlook a key element in this relationship, that

it is the “barbarians” who make an effort to approach their neighbours, to learn the language of the Greek and not vice versa.¹

To delve into this problem, as with many other questions, Plato is highly significant. In the *Statesman* (262d) he questions the epistemic solidity of the distinction between the Greeks and the Barbarians, between an “us” and “all others.” The Barbarians do not form a coherent whole. For Plato, separating the Barbarians from the Greeks is like isolating any number from its sequence or a kind of animal from the rest of the living beings. It is an act of pure linguistic arbitrariness. By saying “Barbarian,” all we learn is that we are referring to a non-Greek, nothing more. The idea of the Barbarian is empty in as much as it compresses a racial, linguistic, religious and political multiplicity into one term. It explains nothing by virtue of being too comprehensive.

If we try to understand what rests beyond the limits of the Greek cities, it would be necessary to make a distinction between different human groups: “Lydians, Phrygians, or any other tribe,” says Plato. It would be necessary to begin by differentiating according to their characteristics, to categorize following well-defined criteria and thoroughly investigate their natural forms (*eidos*). After all, proceeding with such seriousness would report not only a typology based on concrete facts but also a hierarchy founded on solid pillars. Some Barbarians would occupy an advanced position in the ladder of cultural achievements. Suffice to say that Greek philosophers did not rule out the possibility that their discipline had started among foreigners. Many Greeks regarded outsiders with admiration: Solon, Herodotus, Diogenes Laertius, to mention but a few.² Arnaldo Momigliano remembers how Herodotus respected

¹ Johannes Haubold in his article “Xerxes’ Homer” sustains that the Persians knew Homer’s epic in full detail and they even used it as their cultural map in their multiple military incursions into Greek territory. In that sense, we realize that the Barbarians by antonomasia, the ones that faced the Spartans in the Thermopyles, were well-versed in Greek high-culture. The author and some of his colleagues, applying the procedures of post-structuralism and post-colonialism to the studies on European classic Antiquity, impart the idea that it is necessary to destabilize the idea of rigid borders between the “West” and “Asia.” They insist, however, in the porosity of the line separating Greeks and Barbarians culturally. If the Persians were well versed in Greek language and literature, it must be considered that the Greek poets would likewise be much better acquainted with the Persian culture and language than is commonly acknowledged. It is important to point out that classical studies have experienced an important shakeup with the publication of Martin Bernal’s book, *Black Athena* (1991). In its pages, the argument about the porosity of borders and the huge influence that African and Asian cultures had on the development of Greek civilization was already expounded. A fact that 19th Century European researchers decided not only to forget but to make disappear. The studies by the classic Greeks of the time responded, Bernal explains, to racism of scientific pretensions that to a great extent legitimised European expansion (on behalf of a civilizing project) throughout the world. Greece became, then, the ultimate source of legitimacy for European culture(s) in its pretension of establishing superiority over the backward peoples on a hierarchical scale of civilization constructed according to Western political and epistemological parameters.

² Critias remembers Solon’s admiration for the Egyptians upon referring to Plato’s *Timaeus* (20-23d); Diogenes Laertius ponders about the beginning of philosophy among the Barbarians in his biographies of Greek

those living on the opposite side of the Mediterranean: “the Egyptians in most of their manners and costumes reverse the common practice of mankind”. No wonder the Greeks adopted a great deal of their own cultural universe from the Egyptians (Momigliano 1990: 3). Hölderlin praised the difference from oneself as the supreme virtue of the Greeks that should be regained for modern culture and Hannah Arendt was prone to say that “impartiality” to judge foreign cultures entered the word with Homer (Arendt 1968: 51). Nonetheless, other barbarians were mentioned as less sophisticated: brutal in their practices, in their customs. Ferecrates, Herodotus and Strabo, a playwright, a historian and a geographer, respectively, narrated the alleged savagery of distant peoples with sheer fascination.

For Plato, the philosopher of knowledge, using the term “barbarian” shows absolute *barbarism*. It implies that the person speaking cannot establish differences or erect classifications. Although Plato attacks the idea of the barbarian from the standpoint of logic in the *Statesman*, in the *Menexenus* (245c-d) he uses the term to refer to politics in all its crudeness. His words resound as those of a volatile sophist seeking his public’s applause and not as the scholar interested in deducing the relation between names and the ultimate nature of things, just as Socrates does by discussing language in the *Cratylus*.

The *Menexenus* deals with history and politics, not with epistemology. Plato tells of the Lacedemonians’ manoeuvres to conquer some towns on the edge of the Hellenic world. The invaders’ plan relied on the understanding that Athens would be tired after endless military conflagrations. It was very unlikely, or so they predicted, that Athens would come to the defence of the communities that turned in its cultural orbit, but with whom relations were rather strained. Upon the imminence of the Argive attack, Beocians and Corinthians asked the regional power for help. The Athenians had sworn not to participate in the conflicts of other cities, however their strong sense of honour prevented them from “perpetrating the shameful, sacrilegious act of handing some Greeks over to the Barbarians.” Despite the clear understanding that, since they lived on the periphery, the Greeks in question were of mixed breeds, border creatures, Hellenes more by law than by blood, they were still under Athenian protection³:

philosophers (I, 1.1). It is worth remembering to remembering that Herodotus celebrates the cultural legacy of Egypt in the second book of his history, under the title of *Euterpé*.

³ In *The Laws*, passage 693A, (1999); Plato celebrates the Spartans and Athenians for having resisted the enemy, the invading barbarian, on endless occasions. Thanks to such heroism, the Greeks, unlike so many other neighboring peoples, were not a mixed nation, a racial cocktail. When the Persians rule, Plato claims, the population is a mixture: there are no distinctions, no uncontaminated ideal types.

Such was the natural nobility of this city, so sound and healthy was the spirit of freedom among us, and the instinctive dislike of the barbarian, because we are pure Hellenes, having no admixture of barbarian in us. For we are not like many others, descendants of Pelops or Cadmus or Egyptus or Danaus, who are by nature barbarians, and yet pass for Hellenes, and dwell in the midst of us; but we are pure Hellenes, uncontaminated by any foreign element, and therefore the hatred of the foreigner has passed unadulterated into the life-blood of the city. (Plato, 1937: 784)

It is necessary to delve into the apparent contradiction in which Plato's two faces are immersed; the prudent reasoning of the philosopher and that of a citizen deeply involved in the affairs of his city.⁴ In *The Republic* (469b-476c) things are settled more clearly. Plato unpacks the difference between *stasis* and *polemos*. The conflicts among the Greeks are circumscribed to the first word. *Stasis* speaks about disputes among people and groups of equivalent dignity. It supports what Hobbes in *De Cive* (1647) calls "the natural equality of man". It is healthy competition to be the best among the best (*aristos*). I refer to clashes that are sometimes resolved in the victory of some, but never in the annihilation of others. In general, the dispute is resolved in the settlement between the parties: brotherly reconciliation or at least negotiated settlement. It is worth remembering how Solon appeared in Athens' history as a man who placed himself above faction struggles. His mission was to calm the spirits and overcome once and for all the temptation of civil war. His method consisted of imposing a sense of legality that was equally valid for all parties involved.

Stasis aims above all for stability, this is essential for our discussion on Luhmann. It is based on the agreement of different forces, which eventually attain a balance. They reach a state of harmony in which the prevailing order assigns a name and value to everything that exists within a unitary space of cognition and commonality. "The world is more perfect if it

⁴ Aristotle, who took Plato at his word in *the Statesman* by making a detailed classification of the foreign political systems, was likewise faithful to the existential representation of the barbarian made in the *Menexenus*. His position is consigned in the early paragraphs of his *Politic*. The barbarians are those who cannot make a distinction. Among them man and woman are the same, there is not a great division between the rulers and the governed. Since there is no hierarchy, there is nothing stable: everything is confused, everything is permitted. The Greeks contradict both the laws of nature and the Greek political form:

The female and the slave are naturally distinguished from one another. Nature makes nothing in a misery spirit, as smiths do when they make the Delphic Knife to serve a number of purposes: she makes each separate thing for a separate end; and she does so because the instrument is most perfectly made when it serves a single purpose and not a variety of purposes. Among barbarians, however, the female and the slave occupy the same position—the reason being that no naturally ruling elements exist among them, and conjugal union thus comes to be a union of a female who is a slave with a male who is a slave. This is why our poets have said,

Meet it is that barbarous people should be governed by the Greeks

The assumption being that barbarian and slave by nature are one and the same.

Aristotle, *Politics* -1252b2- (2009: 9)

contains not only angels, but also stones, not only men, but also women, not only Hellenes, but also barbarians.” (Luhmann 2006: 262) In these distinctions a hierarchy rather than a clash of opposites is deployed. In this type of society there is no vertical movement: rank is never questioned. Movement is always horizontal and its goal is to underline the superiority of one side of the distinction above the other: angels over stones, men over women, philosophers over artisans, masters over slaves, Greeks over Barbarians. The *nomos* of the ancient city relies on pure and simple stratification. (Vlastos 1981; Luhmann 1999a; 139; Rasch 2000: 198; Rancière 2004: 3)

Polemos, a fundamental word in Heraclitus’s vocabulary, means that the conflict is everlasting and radical. It describes the free interplay of conflicting forces. Forces that ultimately intend to emerge, expand and become enthroned. The tragedy is that forces cannot coexist or differentiate over the same plane their particular areas of influence. In this sense they cannot help but define their existence on an unavoidable premise: the necessary annihilation of their opponents. *Polemos* speaks, therefore, of an extended and insoluble conflict. The relation between Barbarians and Greeks must be regarded, claims Plato, from the perspective of *polemos*. It is an existential issue, not an epistemic one. In order for the Greeks to exist, the barbarians must be exiled, or eliminated. Exclusion may be concrete or virtual. The former appeals to everyone’s conscience; it summons to war, to shed one’s own blood defending the city walls. The latter imposes an idea of the collective being; it demands to become secluded from the Barbarians to relegate them, that is, from the realm of the visible. In this sense barbarism is a representation of *phusis* that needs to remain outside the walls guarding the *polis*.

If in *The Statesman* Plato delineates what will eventually become the programme of modern anthropology (opening up to the outside world, a classification of the differences and a search for common denominators in the human condition), in *The Menexenus* and *The Republic* his interest dwells on rather different problems. His characterization of barbarians has less to do with the “other” than with Greek *polis*. He is interested in *nomos* understood as closure, as a sealed and “perfect” unit. I refer to the creation of a separate universe, which implies, by definition, that it has no referent other than itself.⁵ Like Narcissus, Greek political form lives to look at itself in the mirror. Luhmann would call it differentiation (*Ausdifferenzierung*). The differentiation of a form vis-à-vis its environment. That implies the

⁵ On this point it is useful to remember *Thucydides insistence on the originality of the Greek political form*: “We live under a form of government which does not emulate the institutions of our neighbors; on the contrary, we are ourselves a model (paradeigma, or paradigm) which some follow, rather than imitators of other people.” (Thucydides, *History of the Peloponnesian Wars*, Vol II, xxxviii, 1, pp 322-23. in Dunn 2006: 26)

utter reduction of complexity. In this sense, *nomos* is fearful of diversity, it regards the multiple as a serious threat to its stability. (Saxonhouse 1992)

The law by which a universe comes into being is always the same: severance and closure. In other words: the institution of its own limits, of its own determinations (*peras*, a Greek concept later re-launched by Hegel as *Bestimmtheit*). It is worth remembering a book of invaluable importance for Luhmann if we want to understand what lies behind Plato as a thinker of the political form. In the introduction to the mathematics of his *Laws of Form* (1969), G. Spencer-Brown starts with the following lines:

“A universe comes into being when a space is severed or taken apart. The skin of a living organism cuts off an inside from an outside. So does the circumference of a circle on a plane. By tracing the way, we represent such severance, [...] we can begin to see how the laws of our own experience follow inexorably from the original act of severance”. (Spencer-Brown 1972: XXIX)

In *The Republic*, Plato imparts a very concrete spatial image to his reflection. His is a landscape of closed borders and boundaries. In *The Republic* (420c), he compares his king-philosopher to the sculptor. The ruler must sculpt his political order in marble. To succeed his creation must have the permanent character of the monolith. In *The Laws*, Plato describes Zeus, the father of all deities, as the god of walls, of well-defined borders. The walled city acquires philosophic consistency and social effectiveness. The dividing line determines the way in which the world is constructed and experienced. The *polis*' walls are both porous and resistant and yet the philosopher emphasizes only resistance and immutability.

Three important factors to understand exclusion in the time of the ancient city derive from what has been expounded so far: space, time and the internal organization of the polis:

Space. The existence of an area crisscrossed by distinctions, “the inside” is sustained by the idea of an outer space: “the outside”. This outside is a space without any kind of differentiations. The Greeks called it *aperion*: everything is mixed up together; there is no way to distinguish elements of a different nature. Using Luhmann's vocabulary, and in this he follows Spencer-Brown, we would have to refer to the “unmarked space”.

For the Greeks to be able to consolidate their political form, it was necessary to postpone, as I have already mentioned, the anthropological project that Plato outlined in the

Statesman.⁶ In order to know themselves, they had to overlook the Barbarians. De-identify themselves from their neighbours. The intrinsic misfortune upon observation is invariably the same: by definition something remains outside, out of sight, always behind the observer's back. This is the dead zone, the blind spot (*blinder Fleck*). Here lies an important epistemological paradox in Luhmann's work: in order to know, it is necessary to *ignore*.

The blind spot implies something else. What remains out of sight makes its presence known by other means. It is like a someone breathing down one's own neck. You can't see it, but you can feel it. Here the paradox acquires a new sense: inclusion comes about by way of exclusion. To a great extent the outside is responsible for the inside. Political form is ultimately the sum total of the marked and the unmarked spaces. For a universe of distinctions to survive, it is necessary to be evaluated in relation to its opposing side, in relation to *phusis* conceived in the most terrifying of its possible representations: that without a form. Without their dark side, distinctions would dissolve in the undetermined, Luhmann explains. (2000: 65) Order is only justified before disorder and civilization can only be defined if barbarism is previously established. This is what is called in the language of Systems Theory, *negative integration*.

It is convenient to remember from the outset that the barbarians never identify themselves as such (Luhmann, 1999: 140). They are included in as much as they lose their intrinsic characteristics and become Hellenes' negative pole. Upon looking at themselves, upon instituting a distinction between the "inside" (what is included) and "outside" (what is excluded from sight), the Greeks *externalize* their sins, but also their anxieties: violence, lust, injustice, greed, the perennial temptation of *polemos*.⁷ Everything they would rather repress for themselves they blame on the others. The Barbarians are, therefore, pre-fabricated creatures. They are usually imagined stalking the city walls, intoxicated by their own destructive passions.

⁶ The contradiction in Plato does not occur between his Dr. Jekyll and his Mr. Hyde, between the philosopher (rational and inclusive) and the political thinker (authoritarian and xenophobe) as it is often supposed following contemporary ideological debates. Instead, we face a purely epistemological contradiction. The closure of a universe and the creation of an artificial *nomos*, implies that names are given arbitrarily and values assigned in relation to social function (a problem well discussed by Plato himself, for example, in *The Republic*). This, however, clashes head-on with Plato's need to find the ultimate truth of things and the essence of words (as in the already quoted *Cratylus*) outside of the political form, that is, in nature and thus flee from "an easy answer" that for him represented what centuries later Ferdinand de Saussure called "the arbitrariness of the linguistic sign."

⁷ By externalizing the *polemos*, poetry is also excluded. Homer is relegated (as well as all those who follow him). Compare the metaphors of Homeric lyrics to the normative precepts of platonic philosophy. This is the origin of Plato's wariness as a theorist of unmovable forms, in respect of Homer, the poet who sings to speed, to the ephemeral, to the violated walls, to cities in ruin, to fluke, to the unknown. The poet, that is, that makes of Ulysses a champion of informality and the illegal.

Two examples from Greek literature, both classical and modern, help us understand what has been developed in this section. I refer to *The Bacchae* by Euripides, already analysed from a different angle in the previous chapter, and a famous poem by Constantine Cavafy, “Waiting for the Barbarians” (circa 1904).

In *The Bacchae*, the central character as we know is Dionysius, that “genius of the heart” as Nietzsche used to call him, returns to Thebes after a long exile. He comes back to remind the city what he has decided to erase from memory: his barbaric passions.⁸ Pentheus, the new political head of the city, does not approve of Dionysian cults. The rites are practiced in secret and in spirit they threaten, or so the ruler believes, the regime of the visible, which distinguishes the *nomos* from the *polis*. Pentheus represents the two characteristics of the political form: petulance and innocence. Petulance (and innocence) of believing that “inside” is the only thing of worth; Innocence (and petulance) of believing that holding on to its own certitude is enough to keep the “outside” at bay.

All that Dionysius demands is humility. The bastard god does not fight to impose disorder within the city walls, the rampage of natural passions or even the return to that which has been reduced to the field of the invisible. He does not ask the Barbarians to flutter around the *agora* in a crazy frenzy. He simply demands acknowledgement. He petitions from *nomos* to remember from time to time, that the social arrangement is equally indebted to the visible and the invisible, to what is determined and that which remains undetermined.

The Dionysian rite presupposes that the “inside” recognizes the weight of the “outside.” When the *polis* leaders refuse to bow to that which they do not dominate, the city’s order is put into question. Dionysius punishes the rulers with all his malicious fury: he destroys the symbols of visible power (the government palaces, for instance) and paves the way for the assassination of the great dignitaries (Pentheus is dismembered by a mob of women). What’s more, the enraged god upsets the hierarchies and the classifications in which the city is based. Women abandon, in the same way as in Aristophanes’ *Ecclesiazusae*, domestic life, the *oikos*, and become important characters in the public drama of Thebes. The natural order is violated: instead of giving birth, they murder their own children. Similar to what occurs in Aristophanes’ play, the women of Euripides try as hard as they can to eradicate distinctions between male

⁸ For a detailed discussion about Dionysius, see Louis Gernet “Dionysius”. (2001 -1953-) It is important to notice how the Dionysian cult has three sources: the past –the rural society-, the periphery of the Greek world –more the islands than the mainland or the cities on the edges of the Persian empire- and the influence of the foreign cults. I underline three words: past, periphery and foreignness.

and female, *oikos* and *polis*, the beautiful and the ugly, virtue and misdemeanour. The challenge to *nomos* is precisely to obliterate the order of distinctions.

According to Plutarch, Dionysius, the god of *humid* nature (*kurion tês higrâs phûseôs*), signs an agreement with Apollo guaranteeing peace between the visibility in which the political city is based and the darkness that corresponds to the outside of the political order. Here's the pact: every two years the representative of luminosity yields his temple to the master of sombre passions for a few months. Dionysius celebrates his transitory rule by saluting that which brings about doubt over certitude, questions over axioms, wine over military training, theatre representations over the proceedings in the political *ecclesia*⁹. In Euripides' text, as usually happens in classic tragedies, the chorus works as a representative of totality. From the beginning it warned of what the rulers ignored or pretended to ignore: the political form is the aggregate of marked and unmarked space.

Cavafy's stands in the opposite side of the problem stated by Euripides. Cavafy's *polis* lives obsessed with the "outside." The city has mislaid haughtiness and has but a small bit of naiveté left. What would happen, the poet asks, if the barbarians no longer existed? Better still: what would be the consequences for the *polis* if the barbarians refused to play their role?

— Why should this anxiety and confusion
suddenly begin. (How serious faces have become.)
Why have the streets and squares emptied so quickly,
and why has everyone returned home so pensive?

Because night's fallen and the barbarians have not arrived.
And some people came from the border
And they say the barbarians no longer exist.

Now, what will become of us without barbarians?

Those people were some kind of solution.

(Cavafy 2006: 28)

The answer is as simple as it is terrifying: without the barbarians the political form would disintegrate in a blink of an eye. The barbarians are their ultimate *raison d'être*. However, Cavafy's poem must be read imagining as well its complementary version. It is necessary to conceive of a similar poem from the point of view of the outside. What would

⁹ For a detailed account of the Dionysian attributes and rites see: José Ignacio González Merino, *Dionisio: El Dios del Vino y la Locura* (2012).

happen, a hypothetical poet might wonder, if “civilization” forgot all about barbarians? What would happen if the barbarians mislaid their alibi to play their role? After all, the environment is also indebted to the system that excludes it (Wolfe, 2010: 206).

Time. The institution of *marked space*, the differentiation of a political form in respect to its environment, comes hand in hand with the institution of historical time. On this point I follow Reinhart Koselleck fairly closely. Historical time makes it possible to interpret the present day in relation to the past and the future; the before and the after. Let me explain: it allows the conjunction of experiences (the memory of what has already happened) and the horizon of expectations (the future) in the same sequenced narration. (Koselleck, 2002: 112) Duration and change do not contradict one another; on the contrary, they complement each other. Temporal order supports the coherence with which a society describes itself. In terms of the ancient city, such articulation consists in the glorious past (that is usually taken as a mythical time) and the promise that the *polis* will transcend into the future that tomorrow will be at least as good as today. I’ll transcribe some lines by François Châtelet to illustrate my point:

The future is not just suffered and understood anymore; it is also wanted: since that very moment politics becomes normative; not only is it the key concept of every intelligibility of the past, but also it intends to be the way of acting towards the future and altering the course of events. (Châtelet 2005: 279)

In addition, time makes it possible to conceive the social as an order that is closely connected to communication; or rather to the protocols that define communication, in Luhmann sense. The emission/understanding of messages is organized in its original form in relation to historical time: yesterday, today and tomorrow. Memory is but the instrument that makes the present a consequence of the past. However, memory is highly selective. It decides what to remember and what to forget. It decides as well when to remember. It does so to provide consistent answers to challenges that re-occur periodically (Luhmann 1997: 69):

A system that may make use of memory permanently discriminates between forgetting and remembering. Structurally it is necessary (precisely because of the procedures of memory itself) to keep on permanently forgetting, to allow new information coming in. Since permanently remembering might in time lead to self-blockage. But this function may be, with exceptions, inhibited, when internal or external reasons so require it to consider identities and when it is necessary to bring back certain things to memory. Consequently, remembering is not a reflexive accomplishment, it is the repression of repression, since that is the only way in which a system can deal with what is happening permanently. (Luhmann 1999b: 205)

Historical time is an indispensable element for understanding the *nomos* of the *polis*. Living, on the other hand, in the unmarked space, beyond the boundaries of *nomos* is something else completely. Aristotle echoing Homer assures in his *Politics* (1253a) that a man without a city is nothing more than a savage beast without a god. In the Twentieth century, Heidegger following Aristotle explains that those without a place of their own are mysterious, foreign to themselves and more importantly alien to history (1956: 152-153). For them there is no mediation whatsoever and things are experienced in their instantaneousness: without a before or an after. The unmarked space is the realm of uncertainty, of radical contingency. What Luhmann says to describe his impressions of Rio de Janeiro's *favelas* carries an echo of how the barbarians were described in classical antiquity, with a mixture of violence and promiscuity:¹⁰ "their swift readiness to use physical force, [...] sexuality, the compulsive satisfaction of primary needs are at free disposal (without taking into consideration symbolic recursiveness), and this prevents a communication rich in assumptions to be achieved." (Luhmann, 1994a: 38-39)

Without distinctions, Luhmann claims, the world is presented as a space devoid of referents. He describes a space in which people are alien to the protocols that define effective communication, for him the basis of social life. (2000: 39) In that understanding, living in the unmarked space implies living not only in the margin of history as in the chronology of social events, but also existing outside of communication. It is crucial to understand that in communication, transmission counts for not very much. The act of emitting messages implies proposing a topic of discussion, suggesting meaning. What really matters is that the information does not fall on deaf ears. To be counted as communication, the proposed message has to be included in the city's discussions. When something is communicated what matters is reception. (Luhmann, 1995: 139) Hence when the barbarians speak, they produce but noise, pure distortions of meaning. No one recognizes the emission when the emitter is excluded from public debate. The reciprocity codes that distinguish the communicative function stop working once the frontier separating the inside from the outside of the form is crossed. This is a fundamental issue for Luhmann: the difference between inclusion/exclusion has to do ultimately with the possibilities of participating or not in the communication that is innate to the social systems. This is true for the Greek political form but also for modern functional systems.

¹⁰ See John Gilles on this topic. (1994: 13-16)

The second point concerning exclusion and time is the following. The establishment of historical time in Ancient Greece¹¹ is decisive in legitimizing spatial exclusion. I refer to an issue of paramount importance to grasp the reason why European expansion throughout the world recovered Greek culture for its cause. I am thinking particularly, about the idea of the outside suspended in limbo: an eternal childhood of sorts. While the Greeks advance along the path of technical progression, to which they were pushed by Prometheus as described by Protagoras in the platonic dialogue of the same name (320c-323a), the barbarians are still living as the ancestors did before them. They are stuck in time. To illustrate Greek attitudes towards technical advancement, I quote a moment which celebrates Prometheus' generosity; from Theseus in the *Suppliants* by Euripides (200-213):

Praise to the god who shaped in order's mould
Our lives redeemed from chaos and the brute,
First by implanting reason, giving then
The tongue, word-herald, to interpret speech;
Earth's fruit for food, for nurturing thereof
Raindrops from heaven, to feed earth's fosterlings,
And water her green bosom; therewithal
Shelter from storm, and shadow from the heat,
Sea-tracking ships, that traffic might be ours
With fellow-men of that which each land lacks;
And for invisible things or dimly seen,
Soothsayers watch the flame, the liver's folds,
Or from the birds' divine things to be.
(Euripides 1988: 517)

There is, in addition, an alternative version: as the Greeks make progress, the barbarians move slowly, following the Greeks at a considerable distance. It is useful to quote Isocrates in his *Panegyric* (50) as a sample of what I am expounding here: "So far has Athens left the rest of mankind behind in thought and expression that her pupils have become the teachers of the world, and she has made the name of Hellas distinctive no longer of race but of intellect, and the title of Hellene a badge of education rather than of common descent." (Saunders, 1978:

¹¹ See François Châtelet's classic book *La Naissance de l'histoire: la formation de la pensée historique en Grèce*. (1961).

108-109) Only by including the others in the Greek *paideia* (education) is it possible to integrate them into historical time. Otherwise they are doomed to be left “outside” in space and “behind” in time. I will refer later to the consequences of this conception of historical time to understand the changes in the semantic dealing with the barbarian and barbarism at the dawn of modernity. The idea of primordial infancy is responsible for a figure that I will comment on in further detail later on in this text: the savage. The barbarian before he is corrupted by culture and its fickleness, a figure that has its origins in Ancient Greece long before it was developed and adopted as one of the most recognizable traits of European Enlightenment. (Lovejoy and Boas 1997: 287-367)

The internal organization of the polis. Luhmann says that to speak about barbarism in classical antiquity is to create the prehistory of a modern problem: the relation between inclusion and exclusion. (Luhmann, 1999: 138-39) However, he also asserts that in order to understand the way in which inclusion /exclusion fused in European classical antiquity, it is necessary to refer to the organization of the family, the *oikos*. (Luhmann 2007: 494; 1999: 141; 1994a: 17) In order to clarify what at first appears to be a contradiction, I propose the following explanation. Inside the ancient city, there is stratification but not exclusion as such. In the polis everything has a name, a place and function within a well-defined hierarchy. Exclusion from the polis is equivalent to demarcating strict ontological regimes. These are frontiers that are impossible to cross as they separate two sides of a distinction: Greek/barbarian; *nomos/phusis*; artificial/organic. In the ancient Mediterranean city, there was a clear distinction between exclusion as a fundamentally ontological question and the administration of inequality as an issue concerning the internal organization of the polis.

I will elaborate on exclusion in the purely legal sense to illustrate what I mean. *Atimia* meant the loss of civic rights. A citizen stripped of his right to participate in political affairs and religious festivities became a social pariah. In the great majority of cases, he had no option other than exile, like Socrates and insanity, of course (footnote on insanity in the Ancient World). In other words: he was forced to face the unmarked space on his own. Political exclusion was equivalent to an ontological degradation. This ontological downgrading terrified Socrates more strongly than death in the moment that he was invited to flee from his city and avoid the capital punishment to which he had been sentenced. Socrates’ decision to drink the hemlock poison is hugely symptomatic: it is better to die on the internal side of the political

form (in conformity with the city's *nomos*) than to live on the external side, in the unmarked space.¹²

However, inequality was an incontrovertible fact among the Greeks. I highlight an accusation often brought against Athenian democracy, for many the ultimate measure of a virtuous political community. Present-day historians remember that women, slaves and foreigners remained on the margins of the political process.¹³ Elections were only held for a few important positions (state treasurers and generals, for instance), and post-holders were chosen by lot. The following estimate is revealing: of the 100,000 Athenians, barely 30,000 were citizens with full rights. That is, not including 40,000 foreign residents in a harbour with a formidable commercial activity (whom, incidentally, Plato decides to forget both in *The Laws* and in *The Menexenus* when he describes the ethnic purity of the Athenian streets) plus 150,000 slaves stripped of any visibility whatsoever in the city's affairs; they appeared in the census as commodities. (Dunn 2006: 35) Looking with eyes of our modern democratic sensibilities, this indicates that the political system excludes the majority in favour of the minority. Such an accusation does not hold true for Classical Greece.

In the *polis* the citizenry was the product of a stratified society and not of a principle of universal inclusion. Participation in politics was a result of occupying a given place in the city's hierarchy. The less fortunate had to resign themselves (or at least that is what the philosophers suggested) to playing the role assigned at birth. Ignoring the position each man occupies in the social ladder, says Plato in *The Republic*, nurtures the worst kind of social pathology, which often happens, according to the philosopher, in a democratic regime. Popular leaders such as Pericles instead of teaching virtue and justice, encourage people to become forgetful of their predetermined social role. Socrates warns in *Gorgias* (515e) of the possible by-product of democracy's effect on common people, they can easily become: "idle, cowardly, talkative, and avaricious" (Plato 2001: 495). In *The Laws*, Plato points out that artisans shouldn't participate in the city's government. They must be prevented at all costs from becoming citizens. (see

¹² On this point refer to Pierre Hadot's short essay on Socrates. (Hadot 2007: 34-35) It is common to search for similarities and differences between the figures of Diogenes of Sinope and that of Socrates. It seems to me that it is relevant to compare what I describe as ontological terror with what Socrates faces (self)-exclusion from the city with the form in which Diogenes makes exclusion, by assuming the life of a pariah within the city, a philosophical virtue and erecting "outside" as the adequate position to be able to make an effective critique of the factual powers of his time. That need to position himself on the outside of the prevailing social arrangement is the birth of what we may call Plebeian Reason, about which I will speak later on.

¹³ About women's marginalization from public life in Ancient Greece consult Eva Cantarella (Baltimore, 1986). An even more complex (and compelling) view of this matter is provided by Froma I. Zeitlin (Chicago, 1996).

846d) Artisans aren't trained to think properly and therefore are not ready for public office or even to take decisions of civic consequence.

The hierarchy sustained itself in domestic order. The *oikos* was traversed with economic production, affects and the government of personality (Agamben 2008: 33-38). The administration of that order corresponded to the *oikonomia* and implied asserting the father's superiority over women, the young and children; the master over the slave; the mind over the passions of the lower abdomen and the architect (understood as he who commands in terms of ideas) over the artisan who works with his hands. In that sense, only the father/master controls his passions and knows how to move in the world of ideas can participate effectively in public life. (Protevi 2001: 131; Collingwood 2000: 177) According to Luhmann, equality was equivalent to the possibility of being taken into account in society, to have access, that is, to protocols of communication. To summarise, the political equality that is so admired in the Greek *polis* was embedded in a profoundly stratified arrangement.

Luhmann visits the Favela or how he encountered “barbarism” within the contemporary world

One of Luhmann's central topics of concern in the last years of his life reads as follows: where to locate the other side of modernity, its unmarked space? The issue was not easy to solve. After all, function systems are not limited to a precise geographical area. Western modernity had colonized the world to the irreversible manner, or so Luhmann believed. In that sense, the sociologist was somewhat ambivalent about the existence of true social formation at the margins of the modern world. And yet during one of his frequent visits to Latin America, he discovered what became in his late social theory the other side of modernity: the slums, the *favelas* of the Global South.

To the surprise of the well-meaning, it must be ascertained that exclusion still exists, and it exists on a massive scale and in such forms of misery that they are beyond description. Anybody who dares a visit to the *favelas* of South American cities and escapes alive can talk about this. [...] To this effect, no empirical research is needed. Who trusts one's eyes can see it and can see it impressively that all explanations at hand will fail. (Luhmann in Moeller 2006: 269)

Soon the shanty towns became a recurrent rhetorical instrument for Luhmann. They served to fight one of his favorite *bête noires*: the universal integration that modernity praises itself for. They assisted him, as well, with two other purposes on which I am interested in

dwelling for a moment. The first was to demarcate the limits of his scientific method, and the second to issue was the theorization of “negative integration” on a global-scale. The interesting thing is that to a great extent these two intents are at odds with each other.

The slums helped Luhmann to demarcate his area of scientific competence. Regarding this, I want to point out both an ethical and a methodological question. Charles Sanders Peirce’s and Ludwig Wittgenstein’s influence is felt here; nothing substantial can be said about certain things, and in this sense, it is better to keep quiet. Otherwise, in the best case, literature is made and in the worst ideology, never science. In the *favelas* everything is a sensory experience, creating emotional ups and downs. A first-order observation was more than enough to discover the eternal truths of the favelas. In the shantytown, the body reigns supreme, and the body abandoned to its desires subtracts itself from the requirements of both the function systems and the advanced precepts of communication. There, where there is the only body, social sciences do not have anything to say, nor explanation to offer. Social scientists have the same degree of understanding as any other person who witnesses the calamity to which its inhabitants are subjected. Something similar happened to Claude Lévi-Strauss on the streets of Calcutta. His principles of structural anthropology proved insufficient to find a substratum of social meanings for what was assaulting his senses. His only option was to allow his pen to flow, to report what he was a sensorial experience of poverty. I reproduce a passage of *Tristes Tropiques* (1955), to illustrate the feelings of a scientist facing the ultimate limit of his anthropological lenses:

Whether we are considering the mummified towns of the Old World or the fetal cities of the New, we are accustomed to associate our highest values, both material and spiritual, with urban life. But the large towns of India are slum areas. What we are ashamed of as it were a disgrace and regard as a kind of leprosy, is, in India, the urban phenomenon, reduced to its ultimate expression: the herding together of individuals whose only reason for living is to herd together in millions, whatever the conditions of life may be. Filth, chaos, promiscuity, congestion; ruins, huts, mud, dirt; dung, urine, pus, humours, secretions and running sores: all the things against which we expect urban life to give us organized protection, all these by-products of cohabitation do not set any limitation on it in India. They are more like a natural environment in which the Indian town needs to prosper. To every individual, any street, footpath or alley affords a home, where he can sit, sleep, and even pick up his food straight from the glutinous filth. Far from repelling him, this filth acquires a kind of domestic status through having been exuded, excreted, trampled on and handled by so many men. (Lévi-Strauss, 1973: 134)^[1]

It is Luhmann's turn now. He is telling the story of his walks around the Brazilian metropolises:

If one visits, for example, a megacity in Brazil and walks along its squares, avenues, beaches, a continuous observation of one's own position, of the distance, of the accumulation of human bodies to feel competent is necessary. Foreigners are warned of the danger, but this does not help to evaluate certain situations appropriately. Rather one has the feeling that things are perceived by intuition, which helps to recognize possible dangers and to avoid them. Contrariwise, strangers are perceived as objects of aggression, only as bodies. Everything that we are supposed to perceive under the term of person steps back, and this way any attempt of producing social effects by means of the capacity to influence others is also cancelled. To that end, a context of social control and a common social context that is not presupposed in advance would be necessary. (Luhmann, 1994th: 38)

Lévi-Strauss had to make a pilgrimage to Bangladesh, to the region of Chittagong to find the Kukis, about whom he had written without knowing them first hand. He carried out a research study of their kinship structures that allowed him to re-connect with the safety of anthropological explanations, which could not be applied to the metropolis of India. (Wilcken, 2010: 188) Luhmann, on the other hand, adopted a veritable intellectual prowess: to explain the favelas without explaining them. In short: the inhabitants of the favelas became for Luhmann what the barbarians represented for defining Greek *nomos*.

What functional differentiation on a planetary scale produces most successfully is exclusion in industrial amounts. (1999: 149) It reduces millions of human beings to *bare life* (ein blosses Leben; the expression used is Benjamin's in his *Critique to Violence*). In Simone Weil's *Cahiers* a couple of entries are registered that help to prop up Luhmann's impression of the shantytown inhabitants, of the people living in the *villas miseria*, as Argentinean writer Bernardo Verbitsky baptized them. In Weil's words:

“Misfortune (malheur) under this aspect is horrifying, as life in the nude always is; like a stump, like the tingling of insects. Life without form. Surviving is then the only attachment.”

“The moments in which it is bound to maintain simple existence as the only aim is total horror, horror in its purest state.” (Esposito, 1999: 14)

In this tenor, it is easy to trace the link that Luhmann has with Greek tradition and its fetishism for borders, hierarchies and classifications. It seems as if for Luhmann, clear distinctions were indispensable to prevent things from becoming confused with one another.