Chapter 4 | The Organization of Art as a Social System

The German sociologist Niklas Luhmann (1927–1998) occupies a very different position in the academic world from that of Howard S. Becker and Pierre Bourdieu. Most English-speaking sociologists know very little, if anything, about his work, while in continental Europe Luhmann has made a significant impact. We believe that Luhmann's theory of art as a social system belongs to the fundamental theories of the social organization of arts.

Luhmann is not a sociologist of one branch of art, but rather a generalist who wants to analyze society as a whole. His magnum opus, *Theory of Society* (2012 and 2013 [1997]), is considered to be the "grand finale of Niklas Luhmann" (Lee 2000). In one of his books leading up to this grand finale he poses the question, What is art? (Luhmann 2000a [1995]) and answers this question without any essentialist ambition. Instead, he is highly conscious of the contingent meaning of the concept of art. Of course, the question What is art? interested many of his contemporary art philosophers, for example, Arthur Danto and George Dickie, whose works Luhmann was familiar with (see, e.g., Luhmann 2000a, 244f.). Danto (1964; 1981) analyzed the definitions of art and the bidirectional vicissitudes between imitation and reality in arts from the end of the 19th century to the 1960s. Dickie (1969) attributed these fluctuations to altered conventions and described an art world that has the power to assign, remove and reassign artistic value.[1] An art world is therefore a specific social institution that is influenced by external instances, but that also has the ability to self-define what art is and what it is not. Dickie's institutional, non-normative and anti-essentialist approach is one strand of analytical philosophy that gained recognition in the 1970s. And this is where Niklas Luhmann enters the scene. The concept of self-determination and the self-reference of art became crucial for his own understanding of modern art as a social phenomenon, as evidenced by the statement "without this self-reference, there would be no art"

1 "A work of art in the descriptive sense is (1) an artifact (2) upon which some society or some subgroup of a society has conferred the status of candidate for appreciation" (Dickie 1969, 254).

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(Luhmann 2000a, 245). However, in contrast to Dickie and many other scholars, Luhmann denies that the environment can *directly* influence the art system since he regards social systems as self-producing, self-regenerating (autopoietic) and therefore operationally closed. This is one of the reasons we decided to present and explore Luhmann's approach in this compendium.

Niklas Luhmann was born in 1927 in Lüneburg near Hamburg, and died in 1998 in Oerlinghausen near Bielefeld. At the age of twenty, he went to university, gained a law degree and soon after became a public officer at the higher administrative court in his hometown. In 1960 he won a one-year scholarship to Harvard University, where he concentrated on the sociological theory of Talcott Parsons. Back in Germany, he began his academic career with a focus on organizational theory. In 1969 he became professor of sociology in Bielefeld, Germany. From that point on he dedicated his research to the development of a general theory of society. In the preface of his book *Art as a Social System* he formulates his theoretical aims as follows:

> This project seeks to distance itself from prevailing social theories that attempt to describe their object in terms of normative, integrative and unifying concepts… This is why we recommend rewriting the theory of society. To do so requires a shift, at the structural level, from stratification to functional differentiation. The unity of society is not to be sought in ethico-political demands, but rather in the emergence of comparable conditions in systems as diverse as religion or the economy, science or art, intimate relationships or politics—despite extreme differences between the functions and the operational modes of these systems. (Luhmann 2000a, 1f.)

1 General introduction to Luhmann's systems theory

The overriding question throughout Luhmann's sociological studies is how social order is possible. Clarification of this question demands a conceptual analysis of the terms social order and society. Social order is related to the boundedness of social entities (see Giddens 1990, 13f.). Acknowledging that there are different kinds of social orders, Luhmann puts forward the idea of social differentiation as a starting point for his analytical approach. The central concept of system is introduced not in an ontological sense, but as a concept of form. Any form exhibits its identity by a logical distinction between an inner and an outer space, that is, by boundaries. Here Luhmann (2012, 24) is referring to the work of the mathematician Spencer-Brown (1969). Luhmann transfers this axiom to his theory of society: if the concept of system is the adequate form for observing societies, then a basic property of any social system is its difference to its environment. The term environment refers to anything that is not an imma-

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nent part of a particular social system and includes the nonsocietal as well as the societal environment, that is, all other social systems. "Although system and environment are separate as two sides of a form, neither can exist without the other" (Luhmann 2012, 30). He goes on to explain that "from a methodological standpoint ... although we assign key status to the distinction between system and environment, and thus to the form 'system,' we do so only in the sense that this is the point from which we organize the consistency of the theory, the coherence between a multiplicity of distinctions" (2012, 30). To be clear, the difference between a system and its environment refers to the distinction between belonging and nonbelonging. This difference should not be confused with the difference between one system and another system, which is based on different codes and operative logics, as we will explain below. While a system makes constitutive differences to operate inside its form, it observes itself. "Systems, if sufficiently complex ... can distinguish themselves from their environment, but only in an operation within the system itself" (2012, 31).[2]

The concept of social system stands neither for a regionally defined entity, nor for social structures, nor does it consist of individuals (2012, 6, 92). It stands for dynamic relationships that fulfill certain social functions. For Luhmann, a social system is first and foremost an operationally closed entity of social relationships based on communication.[3] To refer to an operationally closed system of social communication simply means that communication is an internal social process that is not influenced by the external environment. Yet a complex system is not blind and indifferent to its environment. On the contrary, it regards its environment as a source of information that is relevant for its continuous adaptation and evolution. These general definitions also apply to the art system: it consists of self-referentially enchained communication that involves artworks. Artworks are coded in terms of an assessment of whether or not they fit certain aesthetic values. Luhmann states "that works of art are bought, sold, pledged and paid for ... which is [however] not an operation that contributes to

2 Luhmann uses the term operation to replace the term action. According to this use, operation has a posthumanistic meaning: systems operate, not people.

3 Luhmann distinguishes his version of systems theory from Talcott Parsons's version: "The elementary process constituting the social domain as a special reality is a process of communication. In order to steer itself. However, this process must be reduced to action, decomposed into actions. Accordingly, social systems are not built up of actions, as if these actions were produced on the basis of the organico-psychic constitution of people and could exist by themselves; instead, social systems are broken down into actions, and by this reduction acquire the basis for connections that serve to continue the course of communication" (Luhmann 1995 [1984], 138f.).

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the production or consumption of the work of art" (Luhmann 2008c [1996], 395, our translation). At the moment artworks are assigned a monetary value, they also become elements of the market system. When they are assigned political relevance, they become elements of the political system. Luhmann argues that such systemic transformations have no direct effect on the art system since he insists that the concept of the art system (as with all social systems) is an operationally closed entity of self-referentially enchained communication. However, he maintains (2012, 49–68) a structural coupling of systems in the sense that in certain situations the art system observes events that take place in other adjacent social systems.

Society is an ambiguous notion. In Luhmann's terminology, it refers to the most complex and comprehensive system of social relations with three major systems: politics, law and economy (2012, 40ff.). Complex societies increase their internal differentiation, and so further social systems – such as the art system[4] – may occur. Each particular social system has a specific communication mode with bipolar codes, meaning that the code occurs or it does not. For instance, the communication of the political system deals with power and fluctuates from having power to not having power. The communication of the legal system deals with complying with the law or failing to comply with the law. The economic system is characterized by its particular medium, namely, money, and its code varies between having money and therefore being able to pay or not having money and thus being unable to pay. This oscillation of communication between two poles also exists in the art system and manifests itself in the attribution and classification of This is art and This is not art (Luhmann 2000a, 194, 295f.). The codes of a system are thus indispensable for filtering and assessing relevant information as criteria that put a work or an activity either in the category art or non-art. The specific code of each social system is the cement that holds each system together.

As mentioned above, modern social systems are, according to Luhmann, closed and operationally autonomous entities that exist and depend upon a basic difference from other social systems (via different codes) and from their environment (via the distinction of belonging or not belonging). However, complex systems observe other systems and their environment and react to their observations. At this point, Luhmann (2012, 49–68; 2000a, 48, 51, 243) introduces the

4 Luhmann (2000a, 242) sees certain particularities, "Art, however, bears a special trait which it shares only with religion: participation is optional. Inclusion, whether active or passive, is a matter of individual choice. The low rate of participation in art is astonishing."

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concept of structural coupling between systems to refer to multiple interdependencies between them.[5] Structural coupling does not contradict the postulated operative closure of social systems. Yet as Luhmann argues (2012, 55), structural couplings "limit the scope of the possible structures with which a system can carry out its autopoiesis. They presuppose that every autopoietic system operates as a structurally determined system, in other words, a system that can determine its own operations only through its own structures." Since social systems observe events in other systems, they are structurally coupled with them under the condition that the observations provide the systems with relevant information (see Jahraus 2012, 121–123). Structural couplings are only temporal and event-based, in other words, the coupling does not exist because of a permanent interpenetration of two or more different social systems. When the art system makes contact with other systems, for example, the market system, it does so only temporarily to maintain its own lasting specific and undisturbed (by other systems) functionality. Structural coupling here means that an artwork is attributed different values, for example, in an art system with artistic value, in a market system with monetary value, and in a political system with political values. The co-occurrence of such valorizations indicates a structural coupling[6] but also their functional difference (see Hutter 2021). However, ultimately the art system insists only on its own values; it remains autopoietic because it wants to perform its own operation, that is, an artistic-focused communication. If it so happens that another social system interferes directly with the art system's operations, this will destroy the latter's autonomous functioning; a situation which may occur in dictatorships or theocratic regimes. We will return to the concept of structural coupling later. Meanwhile, we should keep in mind that operational closure goes together with couplings and interconnected observations (Luhmann 1995 [1984], 340, 353; 2012, 201, 325). Both are necessary for the adaptation and evolution of social systems.

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5 Luhmann (1995 [1984], 220; 2012, 54f.) takes the concept of structural coupling from Humberto Maturana to replace the Parsonian concept of interpenetration that he used in earlier publications (see Luhmann 1978). Additionally, the emphasis on interdependencies of social systems goes hand in hand with a critique of the prioritization of the influence of a single social sphere. Luhmann has Karl Marx in mind when he writes that the "old argument about the relative priority of matter or ideas, basis and superstructure of society or culture" is outdated (Luhmann 2008e, 56, our translation).

6 Structural couplings do not determine "what happens in the system, but must be presupposed, because autopoiesis would otherwise come to a standstill and the system would cease to exist. To this extent, every system is adapted to its environment (or else it does not exist); but within the given scope, it has every possibility to behave aberrantly" (Luhmann 2012, 55).

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Communication is the most important building block of social systems and thus of society. "Communication is a self-determining process and, in this sense, an autopoietic system" (Luhmann 2000a, 11). "The system knows only one operator: communication. Communication is reproduced by communications." (2001a, 79) Communication is the smallest observable element of social systems and therefore it represents the unit of sociological analysis. Communication is the synthesis of three selections: information, utterance and understanding (Luhmann 1995 [1984], 40f. 139ff.; 2000a, 9ff.; 107). Information marks a difference that is significant according to a system's inherent logic (see Bateson 2000 [1972], 453). Utterance is a selection of information, a proposal and a suggestion, that is, a communicative act for the dissemination of information. Finally, understanding closes the communicative circuit. Understanding also includes misunderstanding; both evoke further acts of communication. These three concepts are not used in a psychological or hermeneutical sense, but rather as systemic operations since social systems exist through the generation and dissemination of information, responses, reflections and interpretations. These processes may also include ambiguity, which should nevertheless evoke interactions that keep systemic communication ongoing. The idea of communication as an operationally closed circuit corresponds to the idea that systems are not imposed by some mysterious external force but are self-referential and evolve along internal operations. Communication is therefore pivotal for the functionality, self-identity and evolution of any social system (Luhmann 2012, 325).

Individuals – for art systems as well as for artistic change – are essentially unimportant. For Luhmann, communication in any social system does not depend on human intentions and human consciousness. Communication emerges from the elements of social systems that, in the case of the art system, are artworks as objects, and therefore it is a system-intrinsic operation:

> Understanding system formation via communication requires excluding the material embodiment of artworks from the system. Bodies [and artistic materials like marble, colors, dancing bodies or sounds] belong to the system's environment – although they are connected to communication through structural couplings. What counts is their objecthood. (Luhmann 2000a, 79)

It is not surprising that Niklas Luhmann, quite unlike Howard Becker and Pierre Bourdieu, does not consider artists, dealers and managers, directors of art organizations, art critics or consumers to be elements of the art system. However, he interprets this professional differentiation as an indication of the advanced differentiation of the art system, which also implies more observations

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and more structural couplings (Luhmann 2000a, 166). He conceives individuals only as observing psychic systems that are structurally coupled with the art system. Their psychological states (desires, emotions, thoughts) are irrelevant for the sociological analysis of art since the analytical focus lies on systemic communication. For this reason, Eva Knodt in her preface to *Social Systems* (in Luhmann 1995 [1984], xxx) characterizes Luhmann's systems theory as "a posthumanist conception of the social."

We would like to end this short introduction by quoting Dirk Baecker, one of Luhmann's most well-known disciples, who comes to the following conclusion:

> Thus, systems theoretical thinking is an epistemological device to look at the ways in which, by communication, three distinctions are established and implemented: (a) the social distinction between actor and observer, (b) the ecological distinction between system and environment, and (c) the temporal distinction between past, present and future. (Baecker 2001, 70)

2 Central concepts: complexity, functional differentiation, autopoiesis and contingency

Luhmann's main building blocks as applied to the arts system are a tetragon: complexity (systems give meanings), functional differentiation (systems are defined by their multiple functions), autopoiesis (systems stress their self-referentiality) and contingency (systems limit unpredictable consequences by structural couplings and second-order observations). He developed these central concepts over time. The early Luhmann (see, e.g., 1970) is characterized by the first two concepts, complexity and functional differentiation. In information-theoretical terms, complexity is attributed to a situation where a system is unable (or finds it very hard) to observe itself or its environment in a meaningful sense. Therefore, complexity is observation-dependent. To avoid paralysis and to overcome difficulties in ascribing meaning to what happens within itself or occurs in its environment, a system may impose selectivity, which in turn leads to a reduction of complexity. Meaning implies the reduction of complexity, and as a systemic operation meaning-giving is prestructured by system-intrinsic codes and shaped by system-intrinsic communication. As a rule, routines have a strong impact on social functioning, and normally systems tend to stick to pre-established meanings and do not often change them.

Functional differentiation is a property of every social system, meaning that social systems tend to be divided into various subsystems by their different functions for society, for example, the political system is divided into several subsystems like the party system, the public administration and the public

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sphere (Luhmann 1969b, 262). The art system has its own internal differentiation along the various art forms and art organizations (Luhmann 2000a [1995], 180). Such internal differentiation is not vertical, in other words, hierarchical, but rather horizontal. Despite this demarcation of subsystems, they are joined through their different functions. Since Luhmann's interpretation of differentiation is based on different functions. but not on different structures, his systems theory is also called functional-structural systems theory.

The reduction of social complexity through basic codes, the prestructuring of meaning-giving and the functional differentiation of social systems have two major consequences: social systems, as the main structure of society, distinguish themselves first by their different functions and second by their conscious demarcation from each other. Each system has an inside and an outside, and the difference between in and out are, for example, different codes, different languages and different meanings (e.g., classifications, interpretations of observations or evaluative logics).

Luhmann (2005 [1975], 10f.; 2013, 131–153) accordingly describes three forms of societal systems. Interaction systems are the simplest form of a social system, in which mutual perception and the informal interaction of individuals and objects are the main components. Organizational systems (e.g., art organizations at the mesolevel, such as music labels, museums, theaters, festivals, publishers, film production companies, cultural foundations) are interaction systems on a more formal level, where rules of membership, a high degree of motive generalization, complex coordination and behavioral specifications exist. Social systems (e.g., the economic system, legal system, political system, religious system, art system) are very complex systems. Social systems are located in the macrolevel, the highest level of social aggregation. The more complex a society is, the further apart and functionally independent these social systems are. However, Luhmann does not see this differentiation as negative, nor as a sign of social dysfunctionality, as distancing prevents crises at a lower-system level that could lead to crises on higher levels. He seems to take an affirmative stance with regards to functional differentiation since he argues that through advanced functional differentiation societies become more efficient and resilient. Particularly by the principle of "legitimation through formal procedures" (Luhmann 1969a), tensions can be shifted from a higher level to a lower level without endangering the upper-level systems. For instance, Dadaism questioned the traditional concept of art, and the conflicts around Dadaist artworks (e.g., the exhibition *International Dada Fair* in Berlin 1920) were conducted on the level of art criticism without questioning the art system as such. The same happened during the culture wars in the United States throughout the late 1980s and early 1990s, when some artworks, for example,

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Andres Seranno's *Piss Christ* (1987), or Robert Mapplethorpe's exhibition *The Perfect Moment* (1989), which certain groups found offensive, provoked debates about arts organizations and funding bodies without destabilizing the art system as such (see Dubin 1999).

From the 1980s onwards, Luhmann extended the two central concepts of complexity and functional differentiation by two further terms: autopoiesis and contingency. Autopoiesis literally means self-creation, and according to Luhmann (1995 [1984], 34ff.) self-reproduction and self-preservation through self-reference. The introduction of autopoiesis dramatically modified systems theory, as a social system that is autopoietic does not emerge from any pre-given elements but builds its elements itself. It is thus defined solely by its self-referential communication, which affirms and reproduces its own operational logic. Self-reference is conditionally dependent on the ability of a particular social system to establish an effective demarcation from its environment. Therefore, a particular social system is self-referential in as far as it organizes itself from within (1995, 218ff.). The opposite of autopoiesis is allopoiesis (also heteropoiesis); the opposite of self-reference is allo-reference (also hetero-reference), that is, externally driven reference. As an aside, it should be noted that Luhmann's concepts of autopoiesis and allopoiesis are rather akin to Bourdieu's concepts of autonomy and heteronomy. However, in Luhmann's systems theory there is no room for allopoietic (externally directed) processes since from the moment such processes occur within a particular system that system loses its specific functionality and ceases to exist. For instance, when the political system interferes directly in the art system, something that often happens in a dictatorship, communication in and through publicly exhibited artworks become political communication. Consequently, this means the end of the autonomous art system. It is important not to confuse allopoiesis with structural coupling (1995, 219). The art system can find its environment abrasive without losing its autonomous functioning and therefore its autopoiesis (Luhmann 2000a, 50). This happens, for instance, when issues of gender inequality, racism or violence that emerge in the social environment become artistically reflected on and incorporated into artworks. In so doing, they do not cease being artworks – think, for instance, of the following cases: Virginia Woolf's novel *A Room of One's Own*, Valie Export's performance *Touch Cinema* or Bob Dylan's song *Hurricane*.

Contingency by definition excludes necessity and impossibility and refers to the dynamics and ambiguities of social relationships, to the unforeseeable consequences of events in a complex society, as well as to the structural possibility of acting differently, that is, to the indeterminacy of social systems (Luhmann 1995 [1984], 106ff.). In our complex societies, it is increasingly

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difficult to choose a course of action because we cannot fully estimate the consequences of action. Therefore, we all pervasively experience contingency, for instance, randomness, unforeseeable risk factors or fuzzy sets (1995, 112, 358). As a quasi-safety procedure against unintended consequences, people therefore make greater use of double observation and orientation: actors do not only observe what is happening, but also observe themselves, and are observed by others while observing others (see 1995, 103). Here Luhmann is referring to Parsons (1968b, 436).[7] Either actors themselves realize that they should change their behavior or others will tell them. Luhmann defines this double observation as an observation of second-order that,[8] especially in autopoietic systems, contributes to the formation and then to the consolidation of subsystems. This double observation, which accompanies double contingency, promotes reflexivity and self-reflexivity. This is the case for any artwork that reflects itself in relation to its own (physical, social, institutional) environment.

7 "The crucial reference points for analyzing interaction are two: (1) that each actor is both acting agent and object of orientation both to himself and to the others; and (2) that, as acting agent, he orients to himself and to others and, as object, has meaning to himself and to others, in all of the primary modes or aspects.... From these premises derives the fundamental proposition of the double contingency of interaction. Not only, as for isolated behaving units, animal or human, is a goal outcome contingent on successful cognition and manipulation of environmental objects by the actors, but since the most important objects involved in interaction act too, it is also contingent on their interaction for intervention in the course of events" (Parsons 1968b, 436).

8 A brief explanation of the terminology: first-order observations are primarily concerned with the question of what is being observed, for instance, when someone looks attentively at a work of art (see Luhmann 2000a, 62). Second-order observations are concerned with the question of how one communicates through arts, how others observe and decode artistic communication, and what specific rules of communication exist in the art system (2000a, 71ff.). Producing art according to a particular artistic program, buying a painting as an investment, and art criticism include second-order observations. Both types are not mutually exclusive, since "the second-order observer, mind you, is a first-order observer as well, for he must distinguish and designate the observer he intends to observe" (Luhmann 1999, 20). See also Heinz von Foerster's (1979) distinction between first-order cybernetics as the cybernetics of observed systems, and second-order cybernetics as the cybernetics of observing systems.

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3 Specific characteristics of the art system

Autonomy, autopoiesis and self-referentiality: three interrelated characteristics

The formation of art as an autonomous social system is understood as a historical process that began in Europe in the 16th century. Luhmann embedded this formative process within a general process of transformation and functional differentiation by modern European societies. Particularly during the final decades of the 18th century, social domains like science, the economy, jurisdiction and arts gained greater distance from other influencing external forces (Luhmann 2000a, 144, 179). During this period, the authority of clerical institutions and the established segregation of social classes based on the nobility system started dissolving. The emergence of a public sphere (newspapers, journals) and intellectual discourses in salons, greater mobility and specific art organizations (art academies, museums, theaters) all supported the development of an art discourse with its own logic. However, Luhmann is unlike other scholars who also refer to the autonomy of the arts. The postulated autonomy of social systems, and in particular of the art system, does not refer to independence from society, but to the operational self-reproduction of the system. In this sense, autonomy means primarily the establishment of system-intrinsic criteria for selection and programming (2000a, 185ff.).[9] This operational autonomy accompanies resistance to the influence of other social systems (e.g., religion, politics and censorship, the economy). Yet, Luhmann (e.g., 2000a, 252) would never argue that other systems (e.g., art markets, public funding) are irrelevant for the art system. The operational autonomy of the art system therefore takes place within society, and the art system is structurally coupled with other social systems. He writes that "art participates in society by differentiating itself as a system" (2000a, 134; see also Luhmann 1990).

Operational autonomy, in other words, the principle of self-determination of the art system, leads to what Luhmann calls autopoiesis. Autopoiesis denies any external direct influence (allopoiesis). Autopoietic systems are self-referential systems, meaning that the system's relational self-production governs the system's capacity to have contacts with its environment (Luhmann 1995 [1984], 218ff.). In other words, the system's connection with its environment is no longer a kind of immediate and direct relationship between the system and its environment, but instead becomes a reflexive relation mediated by the self-

9 For Luhmann (2000a, 166f.; 2008d), Romantic artists in the early 19th century were the first to become aware of their artistic autonomy.

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referential loops that constitute the system itself. When one speaks of an autopoietic social system one also means a self-referential system (see Luhmann 1990).

Autopoietic closure and self-reference organize the art system as an integral whole. However, they do not imply predictability, that is, rote iteration. Here the idea of complexity has to be introduced: the art system cannot fully oversee and understand its internal communications, nor the huge amount of information from its social and physical environment. Furthermore, information is ambiguous and polyvalent, as understanding includes a priori misunderstanding (Luhmann 2000a, 40). Anticipation is but one of the many intriguing features of self-referential systems, but it is inseparably linked to surprise (2000a, 129, 157; 2012, 19, 36).

Luhmann is aware of limits and challenges to his theory. With reference to artworks that irritate and provoke observers, he writes:

> This is true of "modern" art, especially when it acts capriciously enough to explode the boundaries of the tolerable and pulls the rug out from underneath all previously valid criteria. Doing so requires a memory that allows the art system to construct and reconstruct its evolution as if it followed an intelligible order. (Luhmann 2000a, 230)

However, the Duchampian proclamation that everything can become a work of art and the artistic transgression of codes, logics, criteria and definitions presents a problem for Luhmann's systems theory and the identity logic of the art system. He acknowledges that

> The avant-garde has raised the issue and put it into form. It remains to be seen whether and how the art system will deal with this challenge [that anything could become a work of art]. With growing freedom, the uncertainty of criteria will increase, and distinguishing between success and failure in art will become more difficult. (2000a, 315)

Artistic communication and structural couplings

According to Luhmann (2000a, 66, 186), the art system consists solely of internal communication that establishes relations and interactions. Luhmann (2000a, 116f.) refers to two kinds of communication: first of all, artworks as carriers of information communicate *with* other artworks. This kind of communication is unique if, and only if, art avoids common patterns of language and creates its own language for communication. "Art functions as communication although – or precisely because – it cannot be adequately rendered through words (let alone through concepts)" (2000a, 19; see also 22, 30). In this state, art's in-

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commensurability[10] confirms the autonomy of the art system. The second kind of communication is *about* artworks that become objects of communication (2000a, 118, 21).

> Communication can tolerate and even produce vagueness, incompletion, ambiguity, irony, and so forth, and it can place indeterminacies in ways that secure a certain usage. Such deliberate indeterminacies play a significant role, particularly in artistically mediated communication, to the point where we find ourselves confronted with the hopelessly unending interpretability of 'finished' works. (2000a, 11f.)

Communication between artists, intermediaries and art consumers about artworks takes place with reference to internal differentiations such as different aesthetic conceptions, artistic styles and art programs. Consequently, internal communication uses elaborate artistic criteria, such as beautiful/ugly, expressive/inexpressive, aesthetically complex/dumb, sensually inspiring/boring, or innovative/epigonal. Collectively accepted codes and criteria are not only effective in communication and in determining an adequate way to look at an artwork, but they also structure preferences (Luhmann 2008a [1976], 15f.). Finally, codes, criteria, programs and styles have a reciprocal relationship (Luhmann 2000a, 191). It is important to note that codes and criteria do not express an aesthetic judgment in a concrete sense – for example, This painting is beautiful – but rather create a basic logic, a "marked space," which is constitutive for communication. Communication does not necessarily lead to agreement about the value of an artwork, since the commonly applied criteria often have semantic variation (2000a, 193). Yet as long as people speak the same language, apply the same logics and operate in the same marked space, they participate as observers in the art system (2000a, 70, 78; see van Maanen 2009, 107).

An artwork is always both form (carrier) and meaning (information and utterance) (Luhmann 2000a, 11, 25–28). An observer – Luhmann does not think only of people, as he writes that "the observer can be a social system, and observation can be communication" (2000a, 128) – perceives aesthetic meaning ensconced in formal (e.g., stylistic and structural aspects) and symbolic elements (e.g., codes, allusions, metaphors).

> The work does not reveal itself "at a glance"; at most, it evokes some kind of stimulation or irritation that might trigger a deeper, more penetrating concern with the work. One needs indicators to recognize a work of art as

10 Dagmar Danko (2011, 205, 136) links Luhmann's concept of art with Derrida's interpretation of art as incommensurable, and Deleuze's conception of art as rendering the invisible visible.

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> an object, but these indicators offer no clue to understanding the artistic communication. (2000a, 21)

The judgments of observers convey their understanding of an artwork, and it can stimulate further communication. Again, it is important to note that Luhmann's (20000a, 11) use of observation, meaning and understanding is explicitly free of any psychological or hermeneutical reference. Since the art system is above all "a system of communication" (2000a, 3), artistic success should be associated with an increase in communication. Nevertheless, as we have already mentioned, communication is rarely straightforward and unambiguous. Therefore, Luhmann believes that "we might answer this question by considering that every artwork is its own program, and that it demonstrates success and novelty if it manages to show just that" (2000a, 202, see also 229).

Luhmann (2000a, 306f.) does not ascribe to art any metaphysical significance, but he acknowledges that art has a particular function in complex societies. A work of art is first and foremost a medium for the dissemination of aesthetic information. Art communicates through artworks about itself but also about society.

> Contrary to widely held notions, the function of art is not (or no longer) to represent or idealize the world, nor does it consist in a "critique" of society. Once art becomes autonomous, the emphasis shifts from hetero-reference to self-reference – which is not the same as self-isolation, not *l'art pour l'art*… But there is no such thing as self-reference (form) without hetero-reference… The function of art, one could argue, is to make the world appear within the world. (2000a, 148f.)

Therefore, a work of art can also become a medium of second-order observation if it enables the observer to reflect on the difference between medium and form (Luhmann 2008b [1986], 127f.). This is the case in conceptual art when particular artworks reflect the conditions of their formal properties, institutional embedding and the ambiguities of their significance. An example would be Hans Haacke's exhibition *Manet-PROJEKT* in 1974, which analyzes the provenance of Eduard Manet's *Bunch of Asparagus* (1880).[11] Therefore, art also stim-

11 Like in many of Haacke's artworks, he broke down the boundaries between art and business systems, or politics and history. By investigating the provenance of Manet's *Bunch of Asparagus* he discovered that all preceding owners or art dealers of this painting were Jewish. The transfer to the Wallraf-Richartz Museum in Cologne in 1967 was carried out by the patron Hermann Josef Abs, who was not only at that time chairman of the Wallraf-Richartz curatorial board but also from 1937–1945 and from 1952–1976 in various leading positions in the board of Deutsche Bank, and an inglorious player in the "Aryanization" of Jewish as-

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ulates reflection about society. Furthermore, certain topics like ambivalence, contingency and fuzziness seemed to preoccupy many artists from the 1960s to 1990s, the period that Luhmann regarded as contemporary. Therefore, he sees art as a societal medium for deconstructing and redescribing the world (Luhmann 2000a, 142–144, 303–307, see Schinkel 2010, 270ff.).

Even if Luhmann describes the art system in a posthumanist manner as an operatively closed system, and therefore underlines the pivotal role of artworks for making relevant utterances as well as of a system's intrinsic communication, selection and evaluation, he expands his view on communication circuits. Although artists, intermediaries, experts and art consumers are not elements of the art system, Luhmann (2000a, 3) reintroduces them as meaning-giving "psychic systems," or "systems of consciousness" that are structurally coupled with the art system (2000a, 48).[12] Individual artistic subjectivities, like thoughts, desires and aims, are internal operations of psychic systems that sometimes interfere with the art system's communication, especially during the formation of utterances. Such interferences generate arbitrariness and contingency in communication that irritate and sometimes trigger changes within the art system. Probably the most prominent examples for these mechanisms are the effects of the civil rights movement, feminism, LGBTQ+ contributions and current postcolonial discourses on arts organizations, art criticism and the valuation of artworks. As previously outlined, the problem of contingency becomes a particular problem of the art system, and the best means of coping with irritations, ambiguities and uncertainty is through second-order observation (2000a, 54ff.).

Another important aspect in Luhmanns' analysis of communication is its differentiation from observation. From the end of the 18th century – Luhmann (2000a, 132) here refers to museums, art collections and academic discourses – "a reflexive concept of culture" appeared. This intensified second-order observations and self-descriptions in arts. At that time the role of art criticism and art philosophy therefore gained importance. Luhmann does not regard these domains – art criticism and art philosophy – as parts of the art system, notably because they use language as a means of communication (2000a, 53). At the same time, he admits that "this world of art criticism, which is affected by art

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sets during the Nazi era. Haacke conveyed this in his conceptual art project in 1974, putting the selling and reselling of this painting in a broader historical and political perspective. However, the director at the Wallraf-Richartz Museum uninvited Haacke from the exhibition, so the work was first shown at a private gallery in Cologne.

12 Public opinion is, for Luhmann (2000a, 65), "not an aggregate of psychic system states, but rather a product of a specific communication that provides the starting point for further communications."

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and reflected upon in works of art, is the true source of the art system's self-description" (2000a, 166); and "criticism is where intellectual fashions affect the art system" (2000a, 308). His remarks make sense because the art system and the realm of intellectual analysis and interpretation of art are structurally coupled. But they remain essentially different. Structural coupling presupposes this difference and independence; therefore, with reference to Arthur Danto (1985), Luhmann (2000a, 307) denies that philosophy of art could influence the internal decisions of the art system. Mutual observation as it occurs between art and philosophy of art is simply not communication.

4 Critique of Luhmann's systems theory

Luhmann did not develop his theory empirically, and he remains skeptical about the epistemological relevance of empirical data. It is therefore unclear under what criteria and what evidence his theory could be falsified or proved to offer inadequate explanations of the social organization of arts. Therefore, even some of his sympathetic critics (e.g., Starnitzke 1992, 83f.) admit that the "ground contact" of his theory is weak. We also acknowledge that his sociology of art is equally self-referential and autopoetic as his own interpretation of the art system. Luhmann is well aware of this problem and is ready to defend his position by arguing that sociology "should not allow itself to be duped by reality. Viewed in this way, abstraction is an epistemological necessity" (Luhmann 1995 [1984], ii); "This kind of (theoretically directed) conceptual abstraction … makes comparisons possible" (1995 [1984], 2). Certainly, his theoretical approach has its merits and its weaknesses.

Anyone who reads Luhmann faces several challenges in trying to understand his texts. However, his strict and artificial language is not idiosyncratic, but rather indicates his struggle to create a stringent theoretical transformation of traditional systems theory in order to address the complexity of postmodern societies (see, e.g., Luhmann 2000a, 2). These societies are polycentric and polycontextual (2000a, 186, 190, 243; 2013, 156, 183, 282). It is crucial for his systems theory that there is no predominance of any social system. His elaboration of functional differentiation and autopoiesis strengthens this basic assertion.

Although the concept of function is central to Luhmann's theory, he overcomes the limitations of classical functionalism because in his work functions do not serve social structures. He puts functions before and above structures. By postulating the operative unity of a social system, functions are systemic operations that enable selection (e.g., via the binary code of fitting/nonfitting forms) and communication (e.g., by marking distinctions and hence fostering

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art's autopoiesis). In order to identify the main function of art in contemporary societies, which consists of "integrating what is in principle incommunicable – namely, perception – into the communication network of society" (2000a, 141), he relates sensory experience – which originally occurs in consciousness mostly in a tacit and incommunicable form – to social communication about experiences through artworks. Artists make first-order observations, but these observations are not sufficient for creating art. Artists' second-order observations introduce a dynamic interplay between their sensory experiences, socially distributed artistic forms and meaning-giving toward a significant artistic communication (see 2000a 95, 109, 137–141). If the contemporary art system was not autonomous, then art would not have a genuine artistic function – for example, to represent the power of the state, to legitimize or criticize social order, to make good business, etc. Luhmann (2000a., 148f.) acknowledges these possible functions, but his functional analysis of the contemporary art system highlights its self-reference and autopoiesis.

Luhmann's theory is a postontological theory of society that was developed deductively on a strictly theoretical basis. As a constructivist, he considers the main endeavor of sociological analysis to reduce complexity. Therefore, his theoretical modeling of how modern societies organize communication around artworks highlights the internal operations of the art system. Although Luhmann explicitly insists on reducing complexity, his systems theory develops a dynamic picture of social structuration: social systems generate sets of possibilities before any specific decision or operation can take place. These sets of possibilities are not pregiven as fixed social structures, but are constantly reproduced and re-invented by the actual selections and decisions currently feasible (see Baecker 2001, 66). In Luhmann's theory, society in general, and the art system in particular, operate and develop conditionalities that do not eliminate contingency and indeterminacy.

Now we can turn to the theoretical weaknesses. Luhmann's systems theory quickly polarized the academic field in Germany. Some of his early critics, among others Jürgen Habermas, dubbed Luhmann's theory technocratic functionalism and further lambasted it for demonstrating a remarkable indifference to crucial normative topics, like social inequalities, gender-based discrimination, exploitation and violence. It is true that Luhmann does not explicitly criticize any social arrangements since he does not see social and cultural critique as a sociological task. However, Habermas' verdict was also clear: Luhmann's systems theory is nothing but "an apology for the existing social order" (Habermas 1971, 170, our translation). This critique reflects a normative understanding of sociologists as citizens and political thinkers that is essential for any critical sociology.

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Richard Münch (1994, 304) criticizes Luhmann's version of systems theory for being too detached from social reality. Social systems are not closed but are mutually interpenetrated; they are not indifferent toward system-external values since culture as a system of shared and binding values is omnipresent in all social systems (Münch 1982, 789ff.). Münch notes:

> One can analytically construct how economics, politics, law and science would function autopoietically. However, concrete social action is always a network of economy, politics, law and science at the same time.... Especially in modern society, the empirical systems (or better: fields of action) of economy, politics, law and science are ... zones of interpenetration of systems which can be separated from each other analytically, but which always ... interact together. (Münch 1991, 172f.; our translation)

Although structural coupling is, according to Luhmann (2000a, 50), pivotal for any social system, he writes very little about the structural coupling of art systems with other social systems like the economic system (art market, labor market, distribution of wealth), the legal system (basic cultural rights, copyright), the political system (cultural policies, public direct and indirect funding, public patronage), or the academic system (philosophy of arts, arts studies, artistic education).[13] Indeed, Luhmann regards such couplings as less significant:

> There are only a few, rather loose structural couplings between the art system and other systems. As before, a specialized art market couples the art system and the economic system. But in this market, artworks are traded as capital investments or as extremely expensive individual goods.... However, one should not overestimate the irritating effects of the market on the production of art. (Luhmann 2000a, 242f.)

So it is not surprising that a great deal of criticism has arisen around Luhmann's concept of structural coupling. Again, Münch points out where the theoretical problem lies:

> The term structural coupling is a response by Luhmann that was forced upon him by an increasing amount of criticism.... In fact, the introduction of "structural couplings" into his theory is nothing less than the collapse of the theory of the autopoietic system itself.... How can a system reproduce itself through its own operations and through nothing but these operations when we learn that its existence simultaneously depends on operations that lie outside the system itself? ... An autopoietic legal system would have to empirically reproduce its definitions of right or wrong. However, this is

13 In most cases, Luhmann (2000a) discusses the art system's structural couplings with psychic systems or structural couplings between first-order and second-order observations.

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> far from the reality, since the empirical definition of legal right or wrong, the legal code and especially the legal program depend not only on clear legal concepts, but also on cultural concepts of justice, people's general trust in the courts, the assertiveness of the legal professions, payments for legal services and political constellations. Therefore, the definition of what is legally right or wrong is empirically a legal, cultural, community, economic and political act at the same time. (Münch 1996, 352, our translation)

Willem Schinkel finds Luhmann's radical concept of autonomy and autopoiesis dubious. It is true, as Schinkel points out (2010, 272, 275, 287), that certain art theorists, among others Clement Greenberg, emphasized the self-referentiality of modern art; and that postmodern constructivists regard the art system as the sole determinant for defining what art is, but Schinkel is critical about overvaluing self-referentiality. If art does not reflect the established power structures in the world, then it fails to fulfill its function of making alternatives to reality visible and of forcing reflection on intangible aspects of the world (2012, 270). It is worth remembering that Luhmann (2000a, 149) himself states:

> The function of art, one could argue, is to make the world appear within the world.... A work of art is capable of symbolizing the reentry of the world into the world because it appears – just like the world – incapable of emendation. The paradox unique to art, which art creates and resolves, resides in the observability of the unobservable. (Luhmann 2000a, 149)

Furthermore, Schinkel criticizes Luhmann's neglect of power relationships manifest in the role of gatekeepers:

> When analyzing communication through art, one cannot do without communications by artists, connoisseurs, distributors, dealers, publishers, exhibitioners and the like. All the positions of these actors fulfill gatekeeper functions in the artworld, which is intended here also in the sense of control over legitimate meanings of communications through art.... Pace Luhmann, I therefore maintain that communications through art do not gain meaning independently of communications about art. (Schinkel 2010, 279)

Last but not least, we are critical of Luhmann's conception of art as it is rooted in Kant's aesthetics (1987 [1790]). So, for example, Luhmann argues:

> But where is the orientation toward a special function of art headed?.... In accordance with the literature on the subject, we established that an artwork does not grow naturally but is an artificially manufactured object, and we emphasized its lack of utility for social contexts of any sort (whether economic, religious, or political).... The function of art would then consist in integrating what is in principle incommunicable – namely, perception – into the communication network of society. Kant already located the func-

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> tion of art (of the presentation of aesthetic ideas) in its capacity to stimulate thinking in ways that exceed verbal or conceptual comprehension. (Luhmann 2000a, 140f.)

We are of the opinion that Luhmann has an incomprehensibly narrow definition of art. It is surely problematic to ask what distinct features (according to Luhmann's own codes) and functions (e.g., the aesthetic communication of the incommunicable) artworks have in common (for a critique of such kinds of definitions, see Wittgenstein 1999 [1953], §§ 66–72). Instead, we prefer to highlight the plural manifestations of contemporary art. In its separation from its environment, art crosses several boundaries. Art sometimes becomes social action, participates actively in community life, copies economic goods and financial products, shapes aesthetic identities and forms of life, mimics natural processes, becomes conceptual and thus close to humanities and so on. Furthermore, Luhmann's negation of art's social utility could be understood to mean that arts are free of any ideology, that is that social and political ideologies are irrelevant to arts. Perhaps Luhmann (2000a, 134) would respond to this criticism by arguing that the sociology of arts is "not primarily concerned with problems of causality, of society's influence on art and of art on society. (Such issues are of secondary importance.)" However, many artists that are committed to socially engaged art projects would feel excluded for unintelligible and perhaps normative reasons. Finally, since Luhmann uses a very traditional and narrow concept of art, he does not discuss the emergence of commercially oriented arts and mass production, nor cultural expressions that are not part of the traditional high arts, for example, music forms like blues, bossa nova, reggae or visual art forms like graffiti, art brut and folk arts. By neglecting these differentiations, Luhmann's art system appears homogeneous and monocultural. Perhaps Luhmann tacitly has a normative concept of art, in other words, a blind spot in his theory.

5 Extending Luhmann's art systems theory

With reference to the above-mentioned critiques, and especially after Luhmann's demise, several social theorists who were generally sympathetic to systems theory tried to extend and modify it by criticizing his concept of entirely closed systems, by emphasizing the porosity of the demarcation between one system and its environment, and by commenting on the interpenetration of various systems. In what follows, we will present two positions: the Finnish art sociologist Erkki Sevänen counters Luhmann's differentiation approach with a

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de-differentiation concept; and the German cultural economist Michael Hutter deepens Luhmann's concept of relations to other systems by pointing out the important need for structural coupling among systems.

Luhmann's emphasis on closed systems is at the heart of Erkki Sevänen's attempt to modify the systems theory approach to arts. Luhmann's theory stands and falls with the differentiation theory of modernity. This means that from the moment one can observe a dissolution of the boundaries of social systems or a social de-differentiation – for example, because global crises like climate change disrupt the autonomy and autopoiesis of individual social systems – Luhmann's version of systems theory loses its validity. Sevänen (2018, 3) proposes the principle of de-differentiation, which is characteristic of late modernity. Culture and the rest of society are not as clearly separated as Luhmann insists. Globalization has caused states to lose their economic and political independence and their traditional cultural identity. Several crisscrossing subsystems have merged, for example, economy and technology (e.g., companies like Google and Facebook, but also Netflix or Spotify) as well as art and technology (such as NFT art, electronic music and DIY culture). Furthermore, Sevänen suggests that communication should at least be complemented by an emphasis on action, and Luhmann's firm allocation of socially important functions to systems should at least be amended by an agency approach.

The boundaries of the art system should be softened because there are too many interactions and communications among other systems with the art system (Sevänen 2001, 88). For instance, money (the economic medium) has become an essential part of the art system; the same can be said for knowledge (the education medium) or power (the politics medium) (see Sevänen. 2018, 20ff.). These relationships among the art system and other systems were not developed by Luhmann. He would argue that there are no direct relationships; such relationships are always products of second-order observations, that is, strong control and even sanctions in the art system if they were to be tested. Sevänen (2001, 2018) criticizes this formalist view by indicating that many boundaries of art vs. non-art and artistic codes – like beautiful vs. not beautiful – are obsolete, at least since Marcel Duchamp's ready-mades and in many participatory art projects that intervene in social space. Since gatekeepers have the authority and the power to determine an object to be a work of art, the medium power (or the system of politics) becomes relevant in the art system as well (Sevänen 2001, 93).

The significance of powerful people and organizations, which Luhmann locates outside the art system, makes it worth looking at the relationship between the art system and the political and economic system. Luhmann mentions this in passing when he develops his concept of structural coupling, but he dismisses

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the significance of the markets for the art system because markets use different codes and valuations. Breaking free of this rigid formalism, Sevänen (2001, 95ff.) applies Münch's (1982) theory of action and proposes overlapping areas between the differentiated systems, so-called interpenetrating zones that belong to different systems simultaneously – for example, art galleries not only sell artworks, but also constitute a public sphere and often convey understanding of art works by interacting with visitors or publishing exhibition catalogs. Therefore, such interpenetrating zones do not exclude autopoiesis, because only certain activities are to be found in such zones. De-differentiations of this kind certainly imply that the art system loses parts of its assumed normative autonomy and distinctiveness. However, the interpenetration of systems is much more empirically grounded than the thesis of strict demarcation between systems.

In many respects, Michael Hutter's (2001; 2015; 2021) emphasis on the concept of structural coupling takes a similar path to Sevänen's emphasis on interpenetration. This is clear because Hutter criticizes the lack of an interweaving of social systems in Luhmann's original theory, although he also remarks that Luhmann was aware of this deficiency and therefore developed the rather abstract concept of structural coupling (Hutter 2001, 290). According to Luhmann (2000a, 54ff.), these couplings have the function of "irritating" the operations of the other system. As a cultural economist, Hutter focuses on couplings between the art system and the economic system, even though each system has its own medium, code and logic. Artists, art dealers, art managers, art collectors and art buyers, who could be grouped as "psychic systems," are involved in collaborative situations and therefore have to communicate using their specific language and symbols despite the difficulty that each side speaks its own language and uses patterns of regularity called "schemes." The schemes of the other side are sources of irritation, and Hutter (2001, 293ff.) mentions many historical examples of such structural couplings. Hutter (2001, 298) describes how Bauhaus spread a new set of elementary forms that shaped Western architecture and interior design for many decades. Architects and designers who worked at Bauhaus, an art school in Weimar Germany from 1919 – 1933, were inspired by abstract geometric shapes as were developed by Dutch De Stijl and Russian constructivism. When most of them moved to North America, they succeeded in transferring the Bauhaus style to mass market production, taking advantage of cheap industrial production techniques. Because the Bauhaus style was highly appreciated aesthetically, its mass commodities could be sold for higher prices, an example of how artistic reputation leads to economic benefit.

Hutter (2001, 303) also refers to Honoré de Balzac, who wrote several novels dealing with the social and economic structures in France of the mid-19th century (e.g., about pawnshops, money lending, financial speculations), espe-

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cially about how money changes personal relations and shapes social behavior, illustrating how social and economic issues influence the content of artworks (see also Hutter 2015).

Hutter adds organizations, another group of players, to the coupling of systems. No study of the confrontation of codes, meanings or values from different systems is complete without an inquiry into the communication of organizations (see Hutter and Shusterman 2006; Hutter 2021). Luhmann was well aware of their pivotal role, and he interprets organizations as autopoietic functional systems. "Organizations deserve more attention, and in different ways, than they have found so far" (Luhmann 2000b [1978], 7). Organizations like museums, theaters, concert halls, but also for-profit businesses that are part of the cultural industries "know and use the valuation scale of the system within which they operate. At the same time, they know and use the valuation scales of the other functional systems in their environment" (Hutter 2001, 308). Therefore, organizations often use artistic codes in their communication – sometimes aided by advertising companies – to embellish their goods (2000b, 310). Additionally, many nonprofit arts organizations (concert halls, museums and theaters) rely more and more on funding and sponsoring, and thus need to have friends' associations that, as intermediaries, can translate between the different systems of arts, economy and cultural policy (see Kirchberg 2005a). Different perspectives on cultural goods and valuations cause systemic irritations that can have positive or negative effects, that is, they create inspiration and innovative impulses or conflicts between different participants.

With his systems theory approach, Luhmann certainly has the most organizational structure-oriented approach of all three sociologists we have now presented. His explanatory approach is the least emotionalized, his deliberately sober and certainly therefore vulnerable position on the subject is at odds with both Becker and Bourdieu. Today systems theory appears to have a critical revival in sociology and organizational sociology. This might be due to the increasing clashes of lifeworlds and spheres of actions, norms and values due to times of crises that the arts and their organization cannot escape. One advantage of Luhmann's holistic approach is its usefulness for many different topics (or systems) – and thus a starting point for more specific research, which is the focus of part II of this book.

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