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“*The great man of his age is the one who can put into words the will of his age, tell his age what it’s will is, and accomplish it. What he does is the heart and essence of his age, he actualizes his age*”

Hegel, Grundlinien der Philosophie des Rechts, addition to §318

**Abstract:**

Most, if not all, historical analyses of the emergence and growth of the modern western state integrates some sort of elitarian concept. Mostly used as actors or as more or less integrated and differentiated collective(s), defining the grand directions of state formation, it often stays as an unreflected preposition.

The presentation tries to answer the two questions, (1) why the identification of important peoples was or is presumed a necessary requisite in both theoretical and empirical historical research in state formation, and (2) which consequences a turn from an actor-centric perspective to a systems-theoretical position could provide for an enhanced theoretical reflection of the role of elites in both theory and empirical research.

The presentation ends with a short discussion of a part of Luhmannian theory: why were elites removed their functional importance after the transition from stratificatoric to modern society, when on the other hand Luhmann relied heavily on elitarian semantics, that is: "gehobene, bewahrenswerte Semantik", in his empirical research programme.

From the outlook of educational sociology, the state seems like a magnificent actor, which boldly guide and regulate the settings in which education takes place. Governments in particular and politicians in general represent diverging ideologies and concepts of schooling and education, and one can analyze outcomes of specific implementations of policies regarding national education. State and schooling as social institutions are perceived as constants in which the research object unfolds itself. In itself, this doesn’t constitute any problem. The emergence of complications happen at that moment time measured in centuries is added to the analytical framework of educational research. Suddenly, what seems neatly divided in present day Scandinavia, that is, the clear distinction between school and state, suddenly implodes in front of the historical sociological observation. The implosion of the distinction takes place inside the observer, not in
the observed history. When the expectation to find and observe the distinction in earlier times, does not
find itself acknowledged, two modes of continuation exist, apart from the option to cease historical analysis
altogether. First, the observer can continue to force the distinction between school and state upon history
and proclaim its existence by arranging historical data to fit the pre-defined hypothesis. Second, a historical
sociological observation of past times can engage in the historical semantic evolution on its own terms.
Suddenly, it becomes possible to observe an explosion of distinctions in use – some cease their existence in
few years time, others cling on for a generation or two, while others gain traction and intensify their
capacity to order, that is, distinguish other distinctions.

In my opinion, Niklas Luhmann’s general theory of society is at yet unrivalled in its capacity to describe,
analyze and theorize the transformation from medieval society to modernity. It includes both the sensibility
of semantic evolution, a theoretical apparatus to accept the variations and the ‘sociological system’ as a
general theory, well-structured, complex but nimble and agile too.

The number of texts in which he enters a discussion on the emergence of the early modern state are
modest in numbers, compared to other aspects of his writings and the central position, state formation
usually takes.

Nothing in the Luhmannian theory is universally stable. Every social form, every semantic act disappears in
the distinction drawn to generate visibility. Self-descriptions are only as stable as the description’s capacity
to obscure alternative formulations of identity into oblivion.

This finding delivers the possible worrying insight that preconditions in use in educational sociology were
too generalizing and too minded on state, polity and government as a unit generating collective action with
an eternal, stable identity.

From the outset of an historical sociological position, the formation of the modern state goes hand in hand
with the emergence of modern schooling. Both have ancient semantic and structural ancestors, but their
forms are new, and so was the continuously integration and and differentiating movements. At first
supercoded by stratificatoric, especially courtly selections, schooling itself became the lead distinction for
itself, imposing exams and diplomacies as generalized forms of merit unto administrative decisions on
individual person’s placement in state administration, court administration and other hierarchic defined
positions.

This leaves no research problem other than to urge educational research to include a more diversified
understanding of state formation and state action. There is a ‘but’ to the story, and this ‘but’ is the reason
for continuing of this paper.

Luhmannian description of early modern state formation is just one out of thousands. I cannot assert to
have read all of them. That would constitute as an outright lie. But even a fair share made a simple
difference between the Luhmannian form and every other history or theory visible. Whereas Luhmann
reduces the functional relevance of ‘elites’ or comparative functions in the transition from the middle ages
to early modernity, every other author I have read on the subject includes some sort of concept about the
relevance of great men. Some proposals are theoretically explicated and put forward, such at Glete (2002)
or Reinhard (1999: 17), whereas others simply imply the relevance as prime movers in their selection of
empirical data or their theoretical framework.

There is no meaning in an endeavor to prove Luhmann right or wrong on basis of empirical findings, but
there is a point in the attempt to answer the two questions, (1) why the identification of important peoples
was or is presumed a necessary requisite in both theoretical and empirical historical research in state
formation, and (2) which consequences a turn from an actor-centric perspective to a systems-theoretical position could provide for an enhanced theoretical reflection of the role of elites in both theory and empirical research?

The analysis beneath unfolds under the presumption, that the massive use of elitarian concepts does not constitute a mere coincidence. Instead, the argumentation bases itself on the hypothesis that elitarian concepts act has a function, thereby legitimizing its presence in the descriptions of early modern state formation. When we proceed to the second question, it then becomes important to imply a functional equivalent for elite distinction in the Luhmannian systems theory.

In general, then, the research questions guides us toward a comparative study not of elites themselves, but of concepts in use and their theoretical foundations. Concepts of elite emerge as the variable that opens up competing theories and makes them comparable in the quest to understand not only modernity better, but more importantly, discerning fundamental concepts in use by which modernity tries to describe its own beginning on par with its own, modern self-description on the basis of a theory of society based on social systems theory à la Luhmann.

II

State is in the following understood as a concept of organization and self-description of political communication in both early and present modern society (Luhmann 2000, Luhmann 1986: 167-182)

Emergence of the modern state, understood as state, dates back to the early 13th century (Weinacht 1969, Berman 1983), where important judicial and administrative revolutions took place (Mitteis 1942). The main Centralization of the legal feudal hierarchy through abolition of (1) intermediate loyalties and multiple feudal ties, and (2) the beginning of the development of an effective administration to serve the crowns throughout Europe and, most of all, the secularization of temporal (secular) legislative, judicative and executive powers for the princes (Berman 1983, Harste 2002: 24). The feudal order is “stufenweise aufgebaut”, and every level is “mit einer gewissen politischen Selbstständigkeit ausgestattet” (Delbrück 2008: 102).

The social theorist Talcott Parsons once wrote in an often overlooked article, that “all societies institutionalize some balance between equality and inequality” (Parsons 2006 [1970]: 177).

Parsons rightly identifies the basic limitation of all theoretical distinctions regarding the description and working of (modern) social organizational forms.

Dividing societies into groups with more or less power, does imply the asymmetrical distinction by holders of power and their subordinates. Contrary to traditional perception, communication in the medium of power does not give the ruler more freedom. In the medium of power, the exercise of power places himself in desperate need of a subject willing to accept the exercise of power (Luhmann 2003 [1978]).

The same argument goes with leadership. Leadership is both 'leadership of' and 'leadership by'. Leadership removes contingency by intentionally visibilizing itself as the distinction between leader and led.

In society, leadership only leads when it has the power to reduce contingency by emergence of the acceptance of leadership by the led.

The same goes for positions within the class-based theoretical descriptions. The Marxian distinction between capital and work implies a class-based concept of society. In short, the bourgeois society implodes
when the one side of the distinction between capitalists and workers fall apart. Through the revolution of the proletariat, the working men, the distinction capitalist/worker ceases to exist, and as it is the lead distinction in bourgeois society, the bourgeois society gets replaced by the dictatorship of the proletariat.

In class-based theory, the primary distinction is also always the uni-directional gradient of power, e.g. domination. When the class-distinction ceases to exist, the distinction of domination falls upon itself: the dominating dominate themselves. In other words, the few, that are all, dominate the many, that are all. The dictatorship of the proletariat therefore had to be an intermediate period in the transition toward true communist freedom (Marx: das Kapital). In the Soviet doctrine of military placement in the state, Stone notes: “For the Bolsheviks, committed to class struggle and world revolution, there was no national interest, only class interests”¹.

A variation of the class-based theory is the idea of functional stratification, represented by Suzanne Keller, Talcott Parsons and Gaetano Mosca, Vilfredo Pareto og Robert Michels. The theory of functionalist stratification implies the distinction between up and down, or it’s horizontal variation: center/periphery. For them, to quote Parsons once again, “prestige reflects functional contribution to the society’s welfare” (Parsons 1960 [1953]: 59)². What can be read as a precursor to the theory of structuration, mainly developed by Giddens (1984), Parsons assigns the position of a person in the system of stratification. The position is both an outcome of the positive evaluation of a person’s contribution to society’s welfare and position reached by expectation of future contributions.³

The question of evaluation returns with force. How, and if so, where can a selection between important and less important contributions to the welfare of society be drawn? The paradox of domination, visible in the Marxian tradition, emerges in another form. The top positions contribute both important contributions and the rules by which its contributions are measured and evaluated. The top thereby stabilizes its own position. The fed, that contribute (like all), leave the contributions to evaluation by all, but because earlier contributions defined the measurements to be used, all evaluate as the few intend (for the most part). The few, that act as all, are all, because all act as the few.

This “privileged communication”, both as “rights and obligations” (Parsons 1960: 66) is a semantic and theoretical reduction of societal complexity. It reduces “the whole” not to be re-presented by few, but being presented by few – as a whole. In other words, observation of selected few is taken as the observation of the whole, without acknowledging the arbitrariness and reductionist perspective implied⁴.

¹ And continues: “...Domestic and foreign affairs could not be meaningfully separated, since the oppressed proletariat abroad was the natural ally of the Soviet state’s ruling proletariat. The Red Army served explicitly political goals, it was a political instrument, and its generals needed to be acutely attuned to politics” (Stone 2007: 177)
² After Parsons’ post-war production in the 50’ ad 60’, from where this quote is taken, his theory of stratification changes fundamentally. In the 50’, stratification itself is a function, whereas in his late contribution (Parsons 2006 [1970]), stratification is seen as a derivative effect by the operations of society’s social systems. As a concept for society to describe its own production of inequality, that is, its unequal distribution of resources and accesses (Parsons, ibid.) On welfare, see footnote 5 below.
³ Parsons speaks seldom of persons, he uses the abstraction ”unit”, as acting units denominate multiple references, both to individual persons and to organizations and to systems themselves (Parsons: 1960).
⁴ The paradox, albeit invisibilized, has explicit roots in both Ciceroan and Arestotelian traditions. For Aristoteles, Book 1 marks it most explicitly. For the Ciceroan trait, see the medieval, Christianized reception in: Marsilius of Padua: Defensor Pacis, 1324, 1st discourse (Marsilius of Padua: 2005).
The important distinction to be made when observing the function of elites in the *description* and theorizing of the emergence and evolution of the early modern state in Europe is the distinction between presentation and re-presentation.

The basic analytical questions are then, who presents state formation (=selections of positions), or, if re-presentation is the case, who and what is being re-presented as whom, as what, and when?

I propose a different route than the keynote speaker at this conference, Daloz, in his most recent book *The Sociology of Elite Distinction* from 2010. For Daloz, “the concept of *elite* is used (in his book, LC) as a convenient way to designate categories standing at the apex of societies” (Daloz 2010: 1). Grand Theories, that imply elites in their concept, are, according to Daloz, oversimplifying reality. For him, the route to understanding goes toward (unreflected) empirical observations of identified elite positions. “It is imperative”, writes Daloz, that the key empirical manifestations force the social scientist towards an analysis of elite distinction, which “must be contextually sensitive”. (Daloz 2010: 128)

Daloz shares with me the general frustration over weaknesses and implicit generalizations and assumptions in pursuit of the ‘selected few’ in general social theory. His proposed solution by empiricizing, one may say grounding, elite distinction, does not remedy the theoretical problem – it merely hides it not taking into consideration.

The main problem is the missing answer to the question, how elites are identified as elites. For Daloz, elites are visible by their display of “signs of superiority” (Daloz 2010: 5). When asked, how to assign the quality of superiority to displayed signs, the paradox of domination comes back in full force: what are signs of superiority is defined by the presentation itself, seldom by inherent qualities.

III

Grounding an argument is as important as to state the argument itself. The following paragraphs quote examples from a diverse range of descriptions of the early modern state. One of the most explicit formulations on elite relevance for state formation is found in a history of citizenship: “The first, state-building, phase consisted of administrative, military, and cultural unification at the elite level, accompanied by territorial consolidation and the creation of an elementary, state-wide bureaucratic and legal infrastructure.” (Bellamy 2009: 46). The important part is the unification of decoupled strings. Tilly includes the integration of diversified elitarian grouping. States as “coercion-wielding organizations that are distinct from household and kinship groups and exercise clear priority in some respects over all other organizations within substantial territories.” (Tilly 1990: 1-2). The organization state had” two major overlapping groups of specialists in coercion: soldiers and great landlords; where they merged and received ratification from states in the form of titles and privileges they crystallized into nobilities, who in turn supplied the principal European rulers for many centuries” (Ibid.: 19, cf. Gorski 2003: 354). For local groups of power, the state acts as “a central(izing) node or grand strategy that connects and integrates diffuse networks of power and domination more than it creates or controls them.” (Gorski 2003: 23). Michael Mann, another well known historical sociologist, once stated that his “principal interest lies in those centralized institutions generally called ‘states’ , and in the powers of the personnel who staff them, at the higher levels generally termed the ‘state elite’. The central question for us here, then, is what is the nature of the power possessed by states and state elites?” (Mann 1984: 112). One possible answer is found in a study on the role of marine domination and the actions performed by state elites. Touching on the old thought of welfare for the
state, Russel-Mead unfolds: “In many cases, rent-seeking elites do end up monopolizing and abusing the economic power of the state—and, often enough, they use that economic power to build lasting one-party autocracies. In many others, bureaucrats make vast and tragically mistaken development decisions” (Russel-Mead 2007: 329-330, my emphasis).

A nordic historian of state evolution, Jan Glete, has proposed a strong version of the history of the emergence of the European state. At first, he defines ‘state’ as a modern day organization with capacity to create, distribute and sell geopolitical security. But when he enters the actual analysis of the inner constitution of the declining Spanish empire, he resorts to elite-concepts as self-evident categories of understanding: “The dramatic decline of the armed forces of the Spanish monarchy in the latter half of the seventeenth century shows that these elite groups had gained the power to dismantle large parts of the Spanish fiscal-military state. This state had failed to create autonomous elite of administrators and officers who were dependent on this state and strong enough to preserve it in their own interests. (Glete 2002: 126, cf, 136-9) On the Dutch case, Glete remarks, “...the Dutch state ran the war by administración rather than by asiento (contract). The elite (regenten) families also increasingly trained their young members as professional administrators of a state machinery that was built from below rather than from above. (ibid.: 145). The renowned social anthropologist Huntington captured the centralization and integration of power not only as accumulation. He saw the state as the source of societal leadership, both inside state organization and outside in civil society and for the armed forces: “The state is the active directing element of society and is responsible for the allocation of resources among important values including military security” (Huntington 1957: 3).

In philosophy, Hegel maintains the firm position on the role of elites and their role in state building: The important commentary on Hegels theory of state, Avineri, one wrote about how “Hegel maintains that all states were founded through the extraordinary efforts of great men” (Avineri 1972: 110). Neither a social contract nor sheer force are at the historical roots of the founding of states: rather they were initiated through the spiritual power of a great leader” (ibid.)

In combination with other citations in this paper, the above collected statements unfold the empirical verification of the statement put at the beginning. The concept of elite-distinction unfolds itself in different forms, but the concept itself demonstrates stability and uniformity in its varied use and possibilities for implementation.

Political writers from the period of interest did not include an equivalent semantic. Power was not ‘corrupted’ and kingship was not overthrown by its servants and subordinates. The usurpation of power had its greatest source in “three sorts of people whose power and authority are likely to make them suspect to the ruler. These are his own family and any others whose descent gives them a claim to the throne; the lords of important fiefs and of strategic towns; and any men who have won reputation and prestige by outstanding deeds in war or peace” (Botero 1957: 83). Machiavelli came to the same conclusion, albeit from a different point of view: “Wer in einem Lande, wo es viele Edelleute gibt, eine Republik gründen will, vermag dies nur, wenn er sie vorher alle ausrottet. Wer aber in einem Lande, wo große Gleichheit herrscht, ein Königreich oder ein Fürstentum aufrichten will, vermag dies nur, wenn er viele ehrgeizige und unruhige Köpfe aus dieser Gleichheit vervorzieht und sie zu Edelleuten macht, nicht

5 And not: the welfare for the subjects or nation. Welfare of the state is ultimately a semantic for evaluation of actions, thereby implying the existence of a raison d’état as lead motive. A comparison between Justi (1762) and Bismarck (1928) is most enlightening on the matter of semantic and structural changes from 1st order (a state’s welfare) to 2nd order (welfare for the people serves the welfare of the nation).
nur dem Namen nach, sondern in der Tat, indem er ihnen Burgen und Güter schenkt und sie mit Vorrecten an Besitz und über andre Menschen ausstattet. Dann wird er sich in ihrer Mitte und durch sie in der Macht erhalten, und sie werden durch ihn ihren Ehrgeiz befriedigen können, die übrigen aber ein Joch tragen müssen, das nur Gewalt ihnen aufnötigen kann” (Machiavelli 1922: 111).

There exists quite a coherent stand across different writers in the period of the rise of the early modern state. As examples, Botero, Lipsius and Machiavelli were picked out. The excerpts are all taken from (1) Botero: Reason of State, first published in 1588; (2) Lipsius: Politica, first published in 1589 and Machiavelli: Discorsi, first published in 1531.

“The preservation of a State depends upon the peace and tranquillity of its subjects” (Botero 1957: 12), with its correspondent quote in Lipsius: “What is the end, towards which a Prince directs all his actions? That it is the Public Good, and that private interests must be put aside. (Lipsius 2002: 309) Machiavelli thought similarly: “...nicht die Festungen, sondern der Wille des Volkes die Fürsten im Besitz ihrer Herrschaft erhält” (Machiavelli 1922: 188) and “Staaten gehen unter, wenn ihre Einrichtungen sich nicht mit den Zeiten ändern” (Machiavelli 1922: 241).

The foundation of a state is not its law, its elites or military force. “The foundation upon which every State is built is the obedience of the subjects to their prince” (Botero 1957: 13). Lipsius quotes Tacitus with a similar position: “it serves the interests of peace if all power is concentrated in one person” (Lipsius 2002: 299). In Machiavellis Discorsi, we find the him express: “Eine Menge ohne Haupt ist unnütz, und man muß nicht zuerst drohen und dann Gewalt verlangen.” (Machiavelli 1532/1922: 92) and “Wer einen Staat gründen oder seine alten Einrichtungen völlig umgestalten will, muß allein stehen.” (Machiavelli 1922: 29).


Two hundred years later, the old semantic tradition has a hard time coping with the new social form. The practical theory of poliecey as the replacement semantic for Landfrieden or Reichsfrieden, takes over and renders possibilities for the state to observe existing and emerging power relations. 250 years after Machiavelli, a well known cameralist (and professor) observed in a global, comparative survey of constitutions, how “das Geld alles verdirbt; so verdirbt es auch die Regierungen selbst. Es vermehret die Begierden und Leidenschaften der Regenten und Minister; und es entstehen eine Menge Bedürfnisse des Staats, die ohne Gebrauch des Geldes nicht einmal möglich wären.” (Justi 1762: 565, cf. For Policey: p: 547).

Knowledge and money become assets in the continuous fight for political and economical power and influence: “Eine der größten Krankheiten des Staats ist die Unwissenheit und Ungeschicklichkeit seiner vornehmsten, mittlern und geringern Bedienten; und was noch mehr ist, sie ist die Quelle sehr vieler andern Krankheiten.” (Justi 1762: 465). In France, Gargaz proposes an European diet as an alternative to continuous warfare. Similarly, the elites are present but still mostly embedded in the position in the state: “The mediators will be chosen by the sovereigns, and will be, without doubt, the most pacific, the most enlightened, and the most upright that they are able to find among their counsellors; consequently this august assembly will be the élite of the best minds of all Europe; and all the allied sovereigns will doubtless be proud to have them for counsellors and to acquiesce in their decisions” (Gargaz 1779: 74).
Instead of asking about the correct identification categories, the performance of specific elite groups or their inner workings (Wright-Mills 1956, Veto Group, Pareto 1973), the first research question asks, how and why the concept of elite in its multiple variations is used.

Even without consulting the relevant literature, a first step toward an answer can be given. The observation of selected few, of elites, of le grandes, of nobles and kings and major politicians and philosophers: they all present the whole by being a fraction of it. So it comes, that “state evolution must necessarily be lead by an elite” (Reinhard 1999: 17), and that central elites fight with elites about relevant resource allocation and political organization.

It is even observable how the emergence of elites brings about counter-elites on different levels (Münch 2009), in exactly the same manner that states projected ‘stateness’ unto its environment, subjecting itself to the same self-limitation to act as a political state.

Elites fight on their outsides with other elites about the possibility for privileged communication and direction of distribution of resources. Concepts of elite imply freedom of decision on behalf of the elites, but not decisiveness itself. Elites foster the right, not necessarily in the legalistic sense(!), to decide and thereby transform open contingency to closed contingency.

By implying elitarian intervention in state formation, it brings with it the concept of decisive actions, contrary to indecisive actions. Again, ultimate grounds are unavoidable. What was the decisive action in the reform process in Prussia, usually placed in-between the catastrophic defeats of the Prussian and Russian armies at Jena and Auerstedt in 1806 and the Karlsbader Beschlüsse from 1819, that initiated a strong phase of restauration? Or, was it really the decisive reform proposal, brought forward by top military and political leadership with its numerous suggestions that opened the leeway toward the restrengthened Prussian army that helped fight Napoleon out of France? Or, was it the indecisiveness of the Russian Generals, which made the movements of the Russian army so unpredictable for Napoleon, that it proved fatal for his initially 600.000 men strong army, from whom only around 10.000 made it out of the Russian campaign, as Carl von Clausewitz observes? (Clausewitz 1953, 1980; Stone 2006).

The historian Reinhard Koselleck and the german military organization historian Millotat argue, that the dissolution of “das friederizianische System” was initiated long before, and that Jena and Auerstedt just cleared the remnants from a system already mostly gone (Millotat 2000, Koselleck 1975).

Another examples show the conception of elites in use. The reforms by Colbert, controller general under Louis XIV to France, broadly are perceived as a turning point in French state building (Ertman 1997: 126-139). As controller general, he reinvented the institution of the intendants. Through personal ties and an elaborate network of relations, he set out to oversee tax collection. He saw a new found necessity in precise data on the exact situation of the subjects of the crown. Colbert started the first statistical bureau with a clear intention: “Colbert wanted information” (Collins 1995: 112). Therefore, he collectively instructed his intentants to use a preprinted, standardized questionnaire.

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6 Kornhäuser 2000 [1961]
7 Comparable to a minister of finances
As each intendant was instructed at the same time with the same instruction, one can observe a true collective, yet asynchronous and individual, communication. With a predefined circulation specified between the different generalites, Colbert's intendants had their possibilities of misuse of office reduced. What was more important though, was the new ability of the center to learn about its own periphery. Suddenly, the center became aware of its own centeredness as center to a marked periphery, constantly in move because of ongoing wars and peace treaties, but nevertheless operating with the threefold distinction center/periphery/border (Harste 2010).

The center, the medieval duchy, that slowly had risen and given name to its annexed neighboring duchies (Mitteis 1940, Hartung 1969), signified its centeredness by the naming of the whole emerging kingdom after the central part: Ile de France, while subduing surrounding estates.

Colbert’s rediscovery or even invention of France as a territorial delineated political state was his primary contribution – or was it?

Richelieu had earlier recreated a strong group of powerful intendants and he rebuilt the central power after serious inner and outer threats were overcome (Baxter 1976, cf. Deutsch 1970: 336, Collins 1995, Mahan 1889). The historical sociologist Charles Tilly rightly remarks, how “Richelieu was declaring the royal monopoly of force as doctrine. The doctrine took another half-century to become effective” (Tilly 1985: 177). The groundbreaking naval theorist A.T. Mahan attributes Colbert a “systemizing, French way” of implementing reforms (Mahan 1889: 71). Whatever may be the whole story, the relevant part is that part of the societal self-description which consequently relates changes to a specific person or group of persons. 8

To propose a solution that advances toward a more sincere sighting of empirical evidence such as Daloz (2010) advocated, doesn’t help neither his nor our problem.

Instead, if we draw on the epistemological research from mainly cybernetic and biological theorizing, a change of perspective is possible. The sociologist Niklas Luhmann imported and adapted specific ideas of autopoiesis (self-generation) from the biologist Humberto Maturana (Maturana/Poerksen 2004) and the theory of observation of observations, mainly developed by the physicist and cybernetician Heinz von Foerster. Luhmann’s theoretical enrichment and integration falls in line with his own, earlier work and extends the theoretical basis on which some of his important studies on the transformation of society, under which the diminishing of stratification and the rise of functional differentiation falls. (Luhmann 1980-2006, 2005) In the context of this paper, the main idea of relevance put forward is, that observers not only can (and do!) observe the world, but also observe other observers observe. The other observer may very well be the observer himself at an earlier time. The first mode of observation is called a 1st order observation, the other mode is called a 2nd order observation (Baecker 1993).

This change in mode of observation bears with it a shift in epistemological perspective. From a description about the ontological premises of the existence of elites and possibilities of observation, the 2nd order observation observes the concept of elites as an attributionist approach. The observation of 1st order collects its evidence and relevant knowledge by its analysis and theoretical reception. The change from first

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8 Another example from more recent days is the magnificent biography of Adolf Hitler by Kershaw, where he vigorously demonstrates expectancy of leadership in the NS-organization as more important than specific acts of leadership.
to second order observation makes the choice of categorization visible as a contingent selection by the observed; other observers could have made different selections of modes of observations and with possible different outcomes.

This paper takes on itself to question not the choice of the continuing use of the concept of elite distinctions as a mode of categorization and theorizing. Instead, our interest is oriented toward the continuing attraction(!) of the concept of elite distinction as a mode of explanation.9

Depending on the capacity of the observer, be it a single researcher, a big organization, a discipline or society at large, it brings with it a limited cognitive, or should one say: computational, capacity. The span of attention is limited, so is its processing capacity. This is the inherent source of inertia and limitations of contingent possibilities.

Because most stay the same, some can variate. I argue, that the concept of elite distinction keeps its attractiveness in scientific research in specificity and in societal self-description in general, not only because it has stayed viable as a highly adaptive descriptive category with no fixed meaning, but also because of the inertia of societal evolution through the different forms of differentiation. This needs further explanation.

The argument about to unfold limits itself to the general transformation from “medieval”, stratified society to the early modern form of functional differentiation. Modernity as a functional differentiation is still by many regarded as the most prominent form, even though explicit signs of an ongoing transformation are observable (Drucker 2002; Baecker 2008: 169ff, Clausen 2010).

When medievalist society was at its highest at around 1000, stratification was its primary form of differentiation, seen from the highest strata, the first estate. The center/periphery-differentiation was active too, but mostly as a secondary structure, supercoded by stratificationalist up/down. The medieval nobility had more in common with the other nobilities around European world than with their feudal peasants and burghers. The nobility did not re-present areas or their peasants, they were society, they were the land10!

The early humanists were gravely aware of the distinction, but copied it into re-emerging international laws, that since Vitoria and Grotius is named Ius Gentium, “Völkerrecht” in German and “folkeret” in Danish. The international law emerged as a pressing response to the legalistic observation of the status of the American indigenous population. The indigenous Indians, for example, were in principia granted rights of legal personality and action because of their perceived capacity for logic, bu as they were pagans, they were not able to maintain a contract, that is a major invention of roman legal evolution (Stein 2000, Fenger 2001). By the inability to enter legally, mutually binding contracts, they could be in possession of land, but ownership11 was undetermined. This is why the colonizers had imperial right with them and did not “occupy” or “conquer” American territory, but merely took into possession by plantation and farming what the Indians had possessed by customary practices (Tomlins 2001, Elliott 2006, Anghie 2004).

9 This argument explicitly stays inside sociological reasoning. Following Kant, the crossing from sociology (or another scientific discipline) to philosophy occurs in the exact moment when the question of viability (of the (scientific) use of a specified concept) changes to the question of possibility: The whole point of (post-)Kantian philosophy is the generation of understanding of the “Bedingungen der Möglichkeit”, not the usefulness of a specific “Möglichkeit”.


11 Another major invention of Roman Law, that continues to act as a main distinction in the legal revolution in the 12th century an up till now (Fenger 2001).
More Christian writers such as the Thomist Cajetan, even declared firmly that some infidels were not in any way subjected to temporal jurisdiction, neither in law nor in fact\textsuperscript{12}. Whatever sparked the transformation\textsuperscript{13}, the transformation happened. The nobility became increasingly exposed to competition by new groups in society.

Not only was the old Nobilité d'epee converted into land-owning, feudal heirs with big estates (Downing 1992: 23), but increasingly the landed nobility was subjugated by the ever growing needs of the emerging public administration. Monetarization and higher levels of education were at first countered by legislation and evolution of manners and forms of social (symbolical) interaction (Luhmann 1980, Elias 1990 [1936]). The legislative efforts build barriers between the old and the new nobles, where only the ancient nobles were admitted to the highest positions in court and military leadership.

The emerged Noblesse de robe and the financiers centered on the crown in France, especially since Henry IV and Louis XIV (Elias 2008, Collins 1995, Behrens 1985, Neugebauer 2006). Frederic the Great, king of Prussia from 1740-1786, even went as far to state in his political testament from 1752, with a similar concept in his later military testament from 1768, that “The [estate of the] Nobility is both the foundation and the pillars of the state” (Frederic the Great 1974: 41).

Generally in Europe, it required noble heritage, and to an extending degree a proper education in manners, in administrative matters and bureaucratic training. For that, schools for Nobles (and well-paying commoners) emerged from Sicily to Sorø (Conrads 1982, cf. Justi 1762: 205, Pufendorf 1721)\textsuperscript{14}.

Only after the Napoleonic wars did European customs and laws change to admit non-nobles into the higher and highest levels of state administration and the proper political hierarchy. In the years after the first French revolution and the social stir-ups did semantics of élite emerge (Hagner 2004). In the post-Napoleonic writings by the political thinker and proto-sociologist Henry de Saint-Simon, a leading strata was envisioned as the future order of fraternal society. The leading strata would include the most knowledgeable and entrepreneurial persons from art, science and industry. Admission would be based on a rigorous evaluation of past and performances that brought gain (welfare) to the whole of society (Krämer 1969, Saint-Simon 1976: 219-238, 138-152). Not unlike the later Durkheimian concept of organic solidarity, Saint-Simon struggles with the integration of society in a world where occupational and cognitive differences cannot anymore be united by a leading, a ruling class, which only task is leadership and symbolization of societal unity. The great men are not any longer distinguished by their heritage, their manners and morals, but their performance in specific occupational areas.

Hegel, the renowned Prussian philosopher of state, civil society and law, developed the theory of the function of great men in any society. In his work Philosophy of History, his theory is shown at work, but clearly the strictest formulation is found in his main work Philosophy of Right, where he states: “The great man of his age is the one who can put into words the will of his age, tell his age what it’s will is, and

\textsuperscript{12} In jurisprudence, the term is "nec de iure nec de facto" (Tuck 1999: 69f), a term in rising use after the enormous rise of "illegal immigration" and workforces in European countries after the fall of the Soviet Union.

\textsuperscript{13} Eisenstein 1991, Koselleck 2006, Luhmann, Berman 1983

accomplish it. What he does is the heart and essence of his age, he actualizes his age” (Hegel PdR, addition to § 318).

The theory is remarkable in its grasp of both pre-revolutionary and post-revolutionary Europe. The security of stability by traits of nobility is integrated, as well as the occupational, shifting and performance-oriented concept in Europe in the aftermath of the ground-shaking experience through 20 French-dominated years. Even the Karlsbader Beschlüsse, that had the clear intention of restoration of the old order, accepted the change to the primacy of admittance to highest positions by evaluation of performances as the defining criteria.

Implicit in the Hegelian concept is the distinction between the great men and the not-so-great, e.g. the small men. They too act, but they do not fulfill the three criteria set forth by Hegel. Great men (1) understand, (2) speak and (3) act accordingly. But, as the societal theorist Pareto was later to observe, the great men, which for him is the ruling class, act not after some master plan or possible more true insight. “The ruling classes act, as do the other collectives, rational and non-rational acts. The main thing is the social order, not the intentional will of the individuals. Contrary, they can even be brought toward actions by the current social order, where their intentional will would never have led them” (Pareto in Eisermann 1962: 192).

They are not, as a later theorist of elite distinction would have it, “strategic elites”, that have a greater and more true understanding of society’s real working and needs: “[S]ome individuals must assume responsibility for translating functional prescriptions into workable rules. The individuals who do this for the social system are, in our view, the strategic elites” (Keller 1991: 95).

The Marxian tradition observes the self-legitimizing demand for accept of leadership as bourgeois, profit- and power-accumulating reality with less necessity than self-enrichment as the prime motive. It is, as was developed above, the fundamental premise of the primary distinction capital/work, which limits the observer (e.g. Petras 2007, Luhmann 2008: 72-131).

Returning to the argument about the continuing attractiveness, a pattern emerges from the short historical demonstration. The concept of elite distinction incorporates all three of the Hegelian criteria, but weights most on the performance-evaluating side. Elites do not, according to Hegel, need to be visible for a broader public, but can act behind closed curtains.

If Hegel is right, the use of elite distinction gives an observer a great reduction in complexity, because the observer can limit himself to observe the “selected few”, exactly because of their distillation and aggregation of their age. Elites impersonate the “essence of his age” (Hegel, ibid).

No wonder, that concepts of elite distinction are present in so many descriptions of the emergence of the early modern state, either implicitly or explicitly, but seldom reflected on the capacity and limitations of the concept of elite. This leads us back to the question of empirical studies.

The condensation of a specific time in an aggregate of wordings and actions by a group of persons, the “elite”, then becomes a primary selecting mechanism in the categorization of possible empirical material. This is the exact meaning of Luhmann’s selection criteria for his semantic studies. Grounding his theory and selecting empirical data is based on the hypothesis, that “der Übergang zur Moderne als Umstellung des Gesellschaftssystems von stratifikatorischer auf funktionale Differenzierung [kann] begriffen werden (...) und (...) diese Umstellung den gesamten Sinnhorizont der gehobenen, ernsthaften, bewahrenswehrtten Kommunikation ändert – auch dort, wo Durchgriffe auf die Tradition möglich und Worte bzw. Begriffe schinbar identisch bleiben” (Luhmann 1993: 7).
Not without interest, it is the same publication that holds a fascinating article named after the research question: how is social order possible? (Luhmann 1993: 195-286).

A more thorough analysis and explication of elite distinction as both a reading grid for empirical observation (Clausen 2012) and its relevant place in the Luhmannian theory of modern society (Clausen 2010) does not belong here.

There are only two remarks to be made regarding social analysis and differentiation theory. For one, the elitist distinction is a useful one, regardless of the presumed form of differentiation or distinctions between local, regional or global levels (Münch 2009). In the Luhmannian systems theory, the elite distinction serves ‘underneath’ the real theorizing castle, as it acts as a description of intense recursivity.

The later communications can be related backward (by some observer, be it the observer himself or another) to a marked conception, the trace back condenses toward a specific group of persons arranged by a geographical location or a thematic relation. In academia, footnotes and references mark relations explicitly, whereas in art and politics, tracing relations is a more challenging endeavor. In the realm of economy and production, patents and property rights are made visible through cross-licensing deals and (paid) royalties. This leads toward the second and final remark.

VI

When applying Luhmannian theory of functional differentiation, it becomes of prime importance to distinguish between elites as an empirical selection and the “functional” position in the self-description of society through his theory of society.

Inside his theory, elites and organizational hierarchies replace the “global”, stratificatoric hierarchy in society. Just as one center was replaced by the many centers of the functional systems, organizations multiply the hierarchic aspect of society. When Parsons tried to re-create a “system of stratification”, it immediately became visible as an antiquated approach, the summation of individual actors “objective position” in multiple hierarchies did not accumulate into an all-society encompassing position. “Increasingly, no single social stratum is likely to monopolize access to elite positions. The widely accepted model of society resembling a single pyramid is giving way to one with a number of parallel pyramids, each capped by elite” (Keller 1991: 82).

I have argued elsewhere, how elites operate outside organizations as cross-mediators. Their medium of communication is influence and their functional relevance is cross-organizational integration. Project is the Heider-medium, in which elites draw their form: commitments. It is possible to envisage their operation as the constituting elements of networks as social systems (Clausen 2010).

But it is also possible, and not in contradiction with the aforementioned networks as new forms of systems, to place elites as a mode of observation in the societal social system. Too broad is its use, too multifaceted its forms to integrate it into a specific type of system.

It then seems, that the elite distinction was “exported” from the nobility to society. One could of course say, that it simply stayed ‘in society’, simply because hierarchy and functional specialization left into their own domains. The concept of elite has become is a selection-supporting mechanism, in its current semantic representation as ‘elites’ and ‘great men’. As the result of the analysis, the constant search for elites in our literate, printing press and computerized society becomes the search for the most relevant, the most useful
text, in an abbreviation of the above mentioned Hegelian quote: “tells society what its own will and essence is”.

If the proposed functional aspect of elite distinction is the case, then the use of elite distinction in the description of the early modern state is modernity’s search for (some of) its own beginning in the textual self-production.

It stays important to remember, that the distinction between elite and mass is not a ‘natural’, a ‘materialistic’ one. As a communicative selection, it stays as communication and does not cross the boundary between communication and thoughts or communication and living systems.

As a selection formed in communication, elite distinction stems from the social dimension, e.g. it orders personal relations into categories. Elite categorization is not a substantive attribution, as is evident in the example that you cannot be just an “elite” as personality or profession. The selection always attributes elite position in something already distinguished, such as profession or other evaluative categories. The two other dimensions of time and things can only be subcoded by elite distinction. An Aston Martin Vantage V12 or a 40 foot yacht is not in itself elitarian. Only by ordering those in the social dimension of elitarian distinction can things and time become times and things of elites. This reopens the case of empirical research on elites. By accepting the place and limitation of elite distinction inside the Luhmannian theory, selection of empirical data and scientific analysis can be done coherently and theoretically reflected. The question if “a solid superstructure [can] be laid on an unstable and a moving ground?” (Aksu 2008: 82) is, in regard to elite distinction in Luhmannian theory of society, answerable with a yes.

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