

## NA 2 – 2012

*There is still room down there (D.P. Errigo)*

*The Complexity's Paradox capturing Instability: the Model's perfect recipe or the perfect Model's recipe (M.R. Astolfi)*

*WCSA III Conference – Vienna*

*Dynamic High Complex Systems - Interdisciplinary Models: a Conversation with C.S. Bertuglia and F. Vaio (D.P. Errigo)*

*The DNA Structure of the Quantic Cat? Meditation from the next book of G. J. Chaitin (D.P. Errigo)*

*Are there other unfoldings of the human rights' paradox in Brazil? A matter of observation by the theory of autopoietic Social Systems (G. Schwartz)*

*Abstract*

In a specific text<sup>i</sup>, Luhmann approaches the three ways of unfolding the paradox of human rights. The backdrop of his analysis is his theory of social systems including the ideas about autopoiesis<sup>ii</sup>. It is the only paper written by Luhmann with the aim of observing and describing them. There are, of course, references to this matter in other of his works<sup>iii</sup>. Luhmann's train of thought of that first essay will be followed in this paper as we see fit. On the other hand, it is important to remark that this essay will keep a step away from Luhmann's book about fundamental rights<sup>iv</sup> for reasons explainable by the traditional way of thinking law<sup>v</sup>. It is evident that besides their specific functional differences – because each of them apply to their own singular roles – in the social system, we must remember the fact that his work about fundamental rights does not include the innovations brought to his theory by autopoiesis. It is clear, therefore, that the proposed observation has autopoiesis at its core, discarding a mere functionalist approach. I assume it, along with Luhmann, as the central point of a truly global society<sup>vi</sup>. It is also correct, therefore, to think of a center and a periphery in a global scale. Other than meaning an inequality, this reality will be treated like a distinctive unit that allows for the existence of a center in a periphery and vice-versa. It won't be denied that society lives in a permanent state of disdifferentiation. The meaning of human rights is therefore affected by communicational noises depending on the point of view of the observer (center/periphery). Thus, to verify if there are other forms of breaking the paradox of human rights in Brazil into smaller pieces, one cannot but pay attention to the existence of several centers (policontextuality) of normative production, including human rights. This conception, which is Teubner's<sup>vii</sup>, is especially fruitful if placed side by side with its hypercycles. This connection allows for a better observation of the disdifferentiation phenomenon. Moreover, Marcelo Neves' thesis of Symbolic Constitutionalization by the prevalence of the economic code above all others in peripheral countries (Brazil), which causes a (dis)juridifying constitutional reality, overwhelmingly affects the question of the paradox of human rights, because, for him, instead of an autopoiesis, there would be an alopoiesis<sup>viii</sup>. A last contribution, by Jean Clam, stating that the social system of the law has so much specialized (dedifferentiated) that it would be possible to talk of a specific autopoiesis of the law, built from very particular operations and decisions, is also able to help on the search for answers about the ramifications of the paradox of human rights in Brazil. None of these would be valid, nonetheless, without the prior understanding of the value of paradoxes in the autopoietic social systems. They won't paralyze the system. They will be essential, in a specific case, to (re)create the meaning of human rights. The question, therefore, will be how to manage them and, thenceforth, how to deal with their developments.

*Perception of Complexity (C. François)*

*Complexity and Systemic Models (C. François)*

## **Systemic Evaluation of Complexity (C. François)**

### **Identifications Boosts Conflicts: a Managerial Paradox (D. Simoncini, M. De Simone)**

#### *Abstract*

*In business organizations people are often engaged in groups within which they can identify themselves: they may feel similar by generation, by role, by sex, in opposition with other groups with different traits, implementing a divide between people involved in different identifications. Power, control and conflict dynamics between social groups are widespread in our business organizations. A growing interest is witnessed in studying these dynamics from a Critical Management Studies (CMS) perspective. These studies are unified by an anti-performative stance, and a commitment to reflexivity; they observe how the dominance of a positivist and reductionist epistemology averts the enactment of a 'critical reflexivity' both in management and organizational studies and practices. According to these stance and commitment, our aim in this paper is to start a critical reflection in organizational and management studies upon the business widespread practice of identification with its conflict effects, suggesting the possibility to address these dynamics from a complex perspective. We start focusing on the identification and identity issues in business organizations and their general application in management practices; in the second part of the paper, we explore from a critical perspective the implications deriving from these managerial practices and how these practices may foster conflicting relations with their inclination toward a positivist and reductionist approach. Finally, we consider what constitutes a new perspective, founded on addressing power, control and conflict dynamics from a complex point of view to overcome possible conflicts between groups and generations in business organizations.*

### **Systemic sustainability of public debt (G. Ercolanese)**

#### *Abstract*

*The main feature of a biological, psychological or social system is the high interconnection amongst its parts. This interconnection, on the one hand, makes the whole system greater than the sum of its parts. But, on the other hand, it causes a huge instability in case of fluctuations. For many years the public debt, both as destabilizing and as economic factor of the entire social system, has been the political link on which nations (especially Italy) were built. This has caused a distorted economic growth as well as biased social relationships, and has consequently produced tensions that are likely to explode causing instability of the whole world system.*

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<sup>i</sup> LUHMANN, Niklas. *O Paradoxo dos Direitos Humanos e Três Formas de seu Desdobramento*. *Themis, Fortaleza*, v. 3, n.1, p. 153-161, 2000.

<sup>ii</sup> For epistemological purposes, Luhmann's theory of social systems may be divided in two phases: (1) the first one, in which Luhmann, after studying at Harvard, perfects Parsons' structural-functionalism. In this phase we will find the fundamentals of his further developments, (2) the autopoietic one, which represents an advance in relation to the first one, bringing about the biological ideas of Maturana and Varela.

<sup>iii</sup> LUHMANN, Niklas. *Das Recht der Gesellschaft*. Frankfurt : Suhrkamp, 1997, p. 116

<sup>iv</sup> LUHMANN, Niklas. *Grundrechte als Institution. Ein Betrag zur politischen Soziologie*. 4th ed. Berlin : Duncker & Humblot, 1999. Na approach of this work with adaptations to Brazilian reality may be found in SCHWARTZ, Germano. *A Autopoiese dos Direitos Fundamentais*. In: MACEDO, Elaine Harzheim; OHLWEILER, Leonel Pires; STEINMETZ, Wilson (org). *Direitos Fundamentais. Canoas : Editora da ULBRA*, 2007, v. , p. 41-56.

<sup>v</sup> There is a theoretical argument about fundamental rights and human rights. The first ones would be those inserted in international law whose effects would apply within an international context; the latter, for their turn, would be those linked to a national jurisdiction tied to a Constitution and therefore to the conception of a nation-state. As a paradigm text, see LAFER, Celso. *A Reconstrução dos Direitos Humanos*. São Paulo : Companhia das Letras, 1988.

<sup>vi</sup> LUHMANN, Niklas. *Globalisation ou société du monde: comment concevoir la société moderne ?* IN : KALOGEROPOULOS, Dimitri (org), *Regards sur la complexité sociale et l'ordre légal à la fin du XXème siècle*. Bruxelles ; Bruylant, 1997, p. 8-10.

<sup>vii</sup> TEUBNER, Gunther. *Diritto Policontesturale: prospettive giuridiche della pluralizzazione dei mondi sociali*. Napoli : La Città del Sole, 1999.

<sup>viii</sup> At the opposite side of autopoiesis is alopoiesis, something that can be described as "a confusion of law codes, diffusely constructed and applied, as well as the entanglement of those with the codes of power, economy, family, friendship and to that which the Germans call good relations". NEVES, Marcelo. *Do Pluralismo Jurídico à Miscelânea Social: O Problema da Falta de Identidade da(s) Esfera(s) de Juridicidade na Modernidade Periférica e suas Implicações na América Latina*. *Direito em Debate*, ano V, n° 5, Rio Grande do Sul : Unijui, jan./jun., 1995, p. 21