HUMAN RIGHTS AGAINST COLLECTIVE AND ORGANIZED VIOLENCE
- OBSERVED BY NIKLAS LUHMANN’S SYSTEMS THEORY

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Abstract: Niklas Luhmann, from the very beginning of his theory of societal differentiation, was concerned about what today is called the human rights question. Violence is a topic maybe not less prevalent but less visible in his writings. There are three parts in this presentation:

I. A sketch of a Luhmannian theory of violence using the distinctions of
- social structure / semantics,
- action / experience ( perpetrators / victims), and
- organization / other addresses of communication ( persons, “individual/collective”)

II. Luhmanns theory of human rights
- is developed since 1965 in the framework of a theory of society: Basic rights serve (in those regions that may be named “OECD-world”) to protect the basic structure of modern society: functional differentiation. Among these is the right to human dignity referring to modern society’s need for individuality that is constituted by the presentation of self.
- is finished in 1995 in the framework of a theory of protest and mass media: Human rights as part of world law are work in progress distinguished from basic rights covered by national law. “Colère publique” (Durkheim) is a vehicle for producing norms, as well as for institutionalization and juridification of these norms.

Six problems have to be distinguished, starting from a theory of expectations (instead of norms):

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