

Setting the agenda of a counter-terrorism strategic policy model

Mettre au point l'agenda du modèle politique et stratégique de lutte contre le terrorisme

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Riassunto

L'articolo si pone l'obiettivo di esporre il modello funzionale di lotta contro il terrorismo partendo da una prospettiva globale per giungere al modello politico e strategico (SPM – *Strategic Policy Model*). L'accento posto sull'ordine giuridico nell'ambito delle pratiche della sociologia del diritto e della criminologia è cruciale per inquadrare il terrorismo nell'ambito di un modello SPM praticabile. Nel libro "The Counterterrorism Handbook", scritto da Bolz, Dudonis e Schulz (2005), il terrorismo, in parole semplici, è definito come "un'azione che la guerriglia urbana deve effettuare a sangue freddo, con grande calma e decisione". Essi si spingono formulando una definizione più accademica: "l'uso calcolato della violenza per raggiungere obiettivi di natura politica, religiosa o ideologica". Il terrorismo implica un atto criminoso che è spesso di natura simbolica e che mira ad influenzare un pubblico che va oltre le vittime immediate e dirette.

Résumé

Cet article a pour but d'exposer le modèle fonctionnel de lutte contre le terrorisme à partir d'une perspective globale jusqu'au modèle politique et stratégique (SPM – *Strategic Policy Model* en anglais). L'accent mis sur l'ordre juridique au sein des pratiques de la sociologie du droit et de la criminologie est crucial pour recadrer le terrorisme dans un modèle SPM viable. Dans le livre « The Counterterrorism Handbook », écrit par Bolz, Dudonis et Schulz (2005), le terrorisme, à un niveau très élémentaire, est défini comme « une action que la guérilla urbaine doit effectuer avec le plus grand sang-froid, calme et décision ». Ils vont plus loin en donnant une définition plus savante : « l'utilisation calculée de la violence pour atteindre des objectifs qui sont de nature politique, religieuse, ou idéologique. Le terrorisme implique un acte criminel qui est souvent de nature symbolique et qui vise à influencer un public autre que les victimes immédiates et directes ».

Abstract

The aim of this paper is to present a functional model to fight terrorism from macro perspective through a "Strategic Policy Model" (SPM). The focus on legal order within the practices of Sociology of Law and Criminology is pivotal in order to reframe terrorism within a viable SPM. In "The Counterterrorism Handbook", written by Bolz, Dudonis, and Schulz (2005), terrorism, at its very basic level, is defined as "an action that the urban guerrilla must execute with the greatest cold bloodedness, calmness and decision". They further go on to provide a more scholarly definition: "the calculated use of violence to attain goals which are political, religious or ideological in nature. Terrorism involves a criminal act that is often symbolic in nature and intended to influence an audience beyond the immediate victims".

Key words: terrorism; strategic policy model; counterterrorism; victims.

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1. Introduction.

The first concept we are going to analyze in this paper is a key concept: in terrorism the victims are not the target, the target is a broader audience. Terrorists want to frighten the broader audience through acts of violence on random victims who are not personally guilty for the grievances proclaimed by the terrorists. According to the terrorist rhetoric, the random victims are symbolically guilty. Thus, terrorism is, first of all, a media show aimed to disseminate anguish, fear and fragility among the broad audience who the terrorists intend to psychologically place “under siege”. A corollary of these considerations is that contemporary terrorism, in the time of information availability through the web and a large migration phenomena, is to be considered as a global phenomenon. The news about every single terroristic attack is spread worldwide in a few hours and there are less and less countries or geographical areas which can be considered safe.

Another key concept is that the terroristic conflict method is the only kind of viable conflict in the global era. In fact, in the modern era, there are two main models of conflict. The first, which we might synthetically define as “von Clausewitz model”, consists of open war scenarios; two parties, which comprise of two or more sovereign countries, deploy regular militaries. Chances of victory depend upon the soldiers’ bravery and the quality of warfare.(the latter more and more important as time progresses). We might define the other as the collection of Sun Tzu’s models, and briefly describe it as the ambition to carry out a conflict with the least possible effort. Now, a very cheap and quick instrument for any group that is in a condition of manifest weakness toward an enemy, is triggering strong reactions of terror.

If a group has a very low likelihood to defeat an enemy in an open field because of a lack of weapons, or motivated soldiers, an alternative strategy is to attack no matter where or when in civilians life with small but unforeseeable strikes; if the enemy group develops the impression that they could fight outside the bounds of a real declared war.

In the Western world, the first major conflicts accompanied the rise of the industrial revolution and the national states, for it was the main instrument for conquering lands, energy sources and raw materials. Historically, the unique match of the two military models was the WWII; the mass bombings of civilians (actually started in the Spanish Civil War) could harm an entire society with a relatively small effort; furthermore, kamikazes managed to contain the American invasion even if the losses of the Japanese army were almost unbearable. From that time on, while traditional, von Clausewitz conflicts have been progressively decreasing in frequency, at the same time forms of guerrilla terrorist strategies have emerged more and more frequently.

Not only the circumstances of deep asymmetry between radical minority groups and traditional state powers, have made unfeasible traditional conflicts; but also the emergence of the liquid society, with its quick change rates, the global communication networks, the economic instability and the big migration flows, have created the ideal environment for terrorist guerrilla.

A viable SPM to fight terrorism might be developed tactically and operationally. We will describe the steps linearly; or in other words, concrete counter-terrorism operations, where each step should converge with the others.

1. A viable SPM against terrorism would begin by mastering the propaganda and persuasion toolkit¹ and enable terrorism to emotionally disappear from the news of the Western media channels by avoiding any shocking announcement, breaking news and similar and merely providing some very institutional and formal information about terrorist attacks with no video and no detailed descriptions. Citizens would be informed but without the emotional impact, because the emotional impact is what supports one of the key objectives of terrorists².

2. A second counterterrorist step (SPM) would be to shape and modernize the old and obsolete legal models based upon an ideal nature or on theology which prevails in Western (and non-Western capitalistic) countries. The kelsenian production of international law nowadays as well as the supranational positive, artificial, abstract and conceptual order of law allows us to draw a clear /environment distinction between valid laws (and rights) and social noise³. The more the kelsenian legal system selects as noise the “natural” and “theological” rhetoric noise the risk of political re-entry is dramatically downsized. For example, no rhetoric of Christianity vs. Islam would make sense anymore. The September 2001, WTC Attack: would be characterized without reference to religion. The Western capitalistic and consumption based lifestyle is currently under attack, not Christianity whose roots inspired the shaping of Islam which is too similar to the pre-secularization Christianity to be a

challenge for Christianity. Paradoxically, Christianity and Radical Islam seem to be allied against capitalism.

3. A third step of the SPM would be the separation of law order from ideal nature which, as brilliantly described by Beck⁴, implies to separate the design of legal systems from methodological nationalism and its traps like blood, personal identity and soil. The illusion of “local people” is a key strength of terrorists whom can “*divide et impera*” their enemies while a counterterrorism SPM is the intelligible piece of evidence that, in the present scenarios local actions mirror global strategies, not local policies. It implies a clear cut with the past political thought focused on the state⁵ and the emerging of a supranational global player scenario in which history, as traditionally meant in high school books is ended⁶ and the temporization of society dramatically changed⁷. What is taking shape is a convergent systemic world order⁸ where citizens turn into hyper-citizens⁹ being multilevel ones and

⁴ Beck U., *Power in the Globalization Age*, Polity Press, Cambridge, 2006; Beck U., *What is globalization?*, Polity Press, Cambridge, 2009.

⁵ Bodin J., *De La Republique*, La veuve Quillau, Paris, 1766; De Tocqueville A., *Democracy in America*, Penguin, London, 2013; Hobbes T., *Leviathan*, Penguin, London, 1985; Locke J., *An Essay Concerning Human understanding*, Penguin, London, 2013; Machiavelli N., *The Prince*, Collins, London, 2011; Montesquieu C-L., *The Spirit of Laws*, Prometheus, New York, 1978. Rousseau J.J., *The Social Contract*, Oxford University Press, 1994.

⁶ Fukuyama F., *The End of History and the Last Man*, Penguin, London, 1992; Fukuyama F., Nossio F., *Futuro Poshumano*, Editora Rocco, Rio de Janeiro, 2003; Pitasi A., *The Hyperhuman World: Legal Systems and Social Complexity*, Lambert Academic Publishing, Saarbrücken, 2011.

⁷ Nassehi A., *Die Zeit der Gesellschaft*, Vs Verlag, Wiesbaden, 2008.

⁸ Pitasi A., “The Hypercitizenship Challenge to Methodological Nationalism”, *Redes-Revista*, 2012; Pitasi A., “Hypercitizenship and the Management of Genetic Diversity: Sociology of Law and the Key Systemic Bifurcation Between the Ring Singularity and the Neofeudal Age”, *World Futures Journal*, 68, 2012, pp. 314-331.

⁹ Pitasi A., “The Hypercitizenship Challenge to Methodological Nationalism”, *Redes-Revista Eletrônica Direito e Sociedade*, 2013; Pitasi A., “Designing

¹ Pratkanis A.R., Aronson E., *Age of Propaganda*, W.H. Freeman, New York, 1992.

² Noelle-Neumann E., *Die Schweigspirale*, Langen Mueller, Muenchen, 2001.

³ Luhmann N., *Essays on Self Reference*, Columbia University Press, New York, 1990; Luhmann N., *Social Systems*, Stanford University Press, 1996; Luhmann N., *Die Gesellschaft der Gesellschaft*, Suhrkamp Verlag, Frankfurt am Main, 1997.

also able to let this multilevel pyramids be softly modelled into a convergent vertical spiral where rights will be systemically spread worldwide within the borders of the positive legal system.

4. A forth key step is the focus on human rights as shaped by the UN in December of 1948. This noble and prestigious Charta was fundamental as an escape from the dark times of World Wars I & II. Nevertheless, this Charta is deeply intergovernmental in our current and is becoming more and more supranational. This implies a bifurcation:

- a) either the current Charta remains intergovernmental but, in this circumstance it is supposed to be valid (two ways) supporting only the undersigning states
- b) or the Charta evolves supranational and then local sovereignty areas become peripheral expressions of a more vertical institutional power.

In both cases, it is symmetric and thus cancels one of the advantages of the terrorist strategy which acts as if its enemy could not act in the same manner.

5. The fifth step is the privatization of values and lifestyles. Our age is the triumph of Simmel's metropolitan mental life: a huge variety of differences and individualities each with its own peculiarities and nevertheless none of them so peculiar to be dramatically peculiar. For instance, at an institutional level, marriage allowed couples (with no further distinction) an abstract positive legal order. No specific rights or duties should derive from gender, gender orientation, or physical sexual features... Each individual life is so deeply radical in

hypercitizenship methodologically", *Revista de Direito Econômico e Socioambiental*, v. 5, n.1, 2014; Pitasi A., "The metaconvergence spiral rethinking sociological working styles systemically", *International Journal of Academic Research in Business and Social Sciences*, Vol. 4, n. 9, 2014; Pitasi A., "A systemic sociological theorem of global evolution", *Revista de Direito Econômico e Socioambiental*, 2014, doi: 10.7213/rev.dir.econ.socioambienta.

its existence¹⁰ to be an environment itself for the legal system or the attempt to wrap an entire human life in the legal system would simply lead the system towards an implosive collapse dependent upon the systems fragmentation and/or contradictions. As an example, if the legal system admitted the unconscious systemically¹¹, everybody might plead innocent by saying "it was not me it was my unconscious who killed 20 people in a fast food diner".

The individual is the environment and the legal system shapes only the very pivotal systemic actions operated by the individual. The rest is noise.

That is why it is surprising and a little upsetting that "The Counterterrorism Handbook"¹², in part, describes effective tactics and procedures against terrorism by offering a typology of terrorist groups¹³.

One set of reasons why terrorism succeeds¹⁴ is because of the pre incident, incident and post incident tactical and operational procedure¹⁵ that involves using the handbook when focusing on domestic security, where the "homeland" is shaped according to the US Federal Laws¹⁶ as if a global phenomenon might be fought locally and specifically. This typical mistake of methodological nationalism¹⁷ provides great advantages to terrorism as terrorists do not think locally and nationally and

¹⁰ Blas Gonzalez P., *Human existence as Radical Reality-Ortega y Gasset's Philosophy of subjectivity*, Paragon House, St. Paul Minnesota, 2005.

¹¹ Kandel E., *Das Zeitalter der Erkenntnis*, Pantheon, Muenchen, 2014.

¹² Bolz F., Dudonis K.J., Schulz D.P.(Eds). *The Counterterrorism Handbook*, Taylor & Francis, New York, 2005.

¹³ *Ibidem*, pp. 24-26.

¹⁴ *Ibidem*, pp. 26-31.

¹⁵ *Ibidem*, pp. 44-60.

¹⁶ *Ibidem*, pp. 36-41.

¹⁷ Beck U., *Power in the Globalization Age*, Polity Press, Cambridge, 2006; Beck U., *What is globalization?*, Polity Press, Cambridge, 2009.

have no “national identity” or typical historical matter to cope with.

This is the greatest limit of the Handbook and this is why it is an exemplary case of the tactics and procedures framed in an inadequate strategic policy model and is the inspiration for the 6th step of the PM provided by this essay.

6. Although terrorists can sometimes use old and obsolete political, ideological and religious matters to manipulate the opinions of the masses and increase the “spontaneous” proliferation of cells, global terrorism is the pure viral marketing of death and fear, it is global and fully its choice in targets is atheist. It is not inspired by national features nor historical-local identities, rather it is inspired by the free circulation of anguish, weapons and the practicing suspect. It represents the criminal use of the globalization toolkit implicitly stating that both pro-global and anti-globalization actions are global, not an alternative lifestyle to globalization. We observe a bifurcation between business oriented globalization focused on capital and political globalization focused upon the control of the masses in poverty whom are taught not to expand capital. As Sloterdijk¹⁸ states, “(...) terrorism is not an adversary, but a *modus operandi*, a way of fighting which spreads itself immediately in both sides of conflict. For this reason, the expression: War on Terror is a meaningless formula”.

2. Orienting Social Actions Toward Counterterrorism.

2.1. Redesigning the United Nations 1948 Universal Declaration of Human Rights¹⁹.

The aim of this paragraph is to provoke thought of proposals for redesigning and amending the 1948 UN Human Rights Declaration according to the SPM introduced above. As a matter of fact, Bolz-Dudonis-Schulz²⁰ stated that terrorism succeeds thanks to:

- a) mobility;
- b) communications;
- c) security;
- d) democratic legal system;
- e) access to arms;
- f) vulnerability of targets.

In our opinion, two factors (democratic legal system and vulnerability of targets) are dramatically linked because methodological nationalism in democracy is a key weakness in counterterrorism. Counterterrorism must be the most advanced frontier of globalization and its democratic configuration must be revised not towards less democracy rather towards a less bureaucratic democracy by cutting “Williamson’s” organizational costs. So, in other words, no Greek, Spanish, Italian, Dutch etc. Interpol separate counterterrorism policy, just a united EU counterterrorism policy decided by the central EU institutions. In addition, direct voting for EU citizens with no more national state intermediation. It is the seventh point, which we call the verticalized and supranational democracy, of this SPM. It implies “bypassing” national state norms and start from the very root of our current world order: the 1948 UN Declaration which is currently the most global and supranational framework we have although still intergovernmentally shaped.

¹⁸ Sloterdijk P., *Temblores de aire: En las fuentes del terror*, Pre-Textos, Valencia, 2003, pag. 57.

¹⁹ <http://www.un.org/en/documents/udhr/>

²⁰ Bolz F., Dudonis K.J., Schulz D.P.(Eds). *The Counterterrorism Handbook*, Taylor & Francis, New York, 2005, pp. 26-31.

Indeed, the Universal Declaration of Human Rights is undoubtedly a consequence of WWII and the barbarian practices politically enforced by defeated totalitarian regimes. Were we to update the Declaration to meet the threat posed by current terrorist strategies, we should bear in mind that the UN Declaration was designed to forbid State promoted terror against ethnic groups and political movements. Irrespectively of some authors' opinion, like Sloterdijk²¹, who considers terrorism a hallmark of the 20th century, the truth is that modern asymmetrical terrorism dates back to the late 19th century, as it can easily be proved by reviewing the history of the anarchist movement, for instance. When a Serbian terrorist, operating in this way at the onset of WWI, assassinated Archduke Franz Ferdinand, attacks against individuals seeking some political impact were not unusual at all. However, by the late 1940's the so called civilized world awoke to a disturbing reality: delirium now had the opportunity to become real. Technological malpractice was able to bureaucratize-even to make banal, as per Hannah Arendt's famous and polemical thesis,- any group physical extinction. The urgent need for global action was met, and the UN 1948 Declaration was clearly designed to do so. Both the Preamble and a large number of sections included implicit or explicit mentions to Nations and States. Certainly, section 30 might be deemed as a caveat against asymmetrical terror, when preventing any interpretation of the Declaration by "group or person (...) aimed at the destruction of any of the rights and freedoms set forth herein". This notwithstanding, both the neutral wording and the organizational position at the end of the

Declaration- of this section makes it more a precautionary statement than a straight prohibition of asymmetrical terrorism. As aforementioned, this scenario has changed dramatically now, mostly after the communist bloc collapse together with the spread of democracy, either formal or real, the wide dissemination of information infrastructure and its dramatic increase in hypermobility; of which the European Schengen Zone and the Internet are salient examples. On the other hand, our world is more vulnerable to violence now, because it is a less violent world, if Steven Pinker²² is correct. As a matter of fact, any terrorist attack by nihilist groups or individuals should not surprise us, but we should be surprised that we do not suffer them each and every day. Given all the aforementioned, it is time to amend the foundational chart of our post WWII world to extend our standpoint about offenders and the content of offences alike. It is time to include asymmetrical terrorism and terrorists among actions contrary to Human Rights.

2.2. The global dimension of counter-terrorism.

As sketched out in the introduction , the agenda of the SMP might be shaped into six key pillars:

- a) propaganda and persuasion strategies;
- b) positive law replacing any local , anthropological or nature based conception of law;
- c) separation between law and order on one side and the ideal nature on the other side;
- d) humans rights redesign as too little human rights generate turbulent problems, while too high a level of human rights generate paralysis and implosion and, perhaps, the Law & Economics toolkit provides the best balance;
- e) privatization of values and lifestyles;

²¹ Sloterdijk P., *op. cit.*, pag. 39.

²² Pinker S., *The Better Angels of Our Nature: Why Violence Has Declined*, Viking, New York, 2011.

f) terrorism is a global viral exemplary case of marketing just like the logos of the top multinationals. It would be a mistake to label it as “antisystemic”, “no global”, “feudal” a revival of past traditional cultures fighting against capitalism, and Americanisation or other things.

We also saw that these individual items are to be considered from a convergent perspective; this means that any observer/decision maker is supposed to take into account the fact that all items are related to each other and affect each other. Therefore, in order to carry out a really effective counter terroristic action, it is necessary to investigate the nature of this conceptual relationship. In our opinion, what matches all those items is the modern and global character of terrorism. Most of the traditional representation media cognitive severity labels depict terrorists as traditional, fanatic islamists, who want to restore Islam to an anarchic order.

In our opinion, Eisenstadt's considerations about integralism also refer to this kind of terrorism. The so called Jihadist is part of a network that recruits followers, buys weapons and sells slaves using the internet. The fighters engaged in face to face conflict, like in Syria, come from many countries of the Islamic and Western world; they show unexpected mastery in mass-media based campaigns and in fact they habitually rely on the internet, including Facebook, and Twitter to take credit for their deeds and to spread fear. Furthermore, high technology is an instrument of increasing utilization by terrorists to communicate, make decisions and organize attacks. In other words, terrorists are social actors that can easily move in the global context and are skilled to take advantage of the anonymity and freedom that the web has to offer. As Eisenstadt states: “They are anti-traditional in

that they negate the living traditions, with their complexity and heterogeneity, of their respective societies or religions and instead uphold a highly ideological and essential conception of tradition as an overarching principle of cognitive and social organization (...). Most fundamentalist groups tend to espouse a principled denial of the continued unfolding of tradition and of its interpretation – which does, of course, in itself constitute a very distinct, new, and innovative mode of interpretation. The fundamentalists are in principle oriented against any innovation or lenience within the existing traditions – even if such innovation has been a continuous component in such tradition”²³. In other words, integralism and terrorism are not traditional phenomena, they are the result of thoughtfully conceived strategies to acquire power. These social actors do not want to impose upon millions of people a lifestyle based upon what Islam used to be, but rather on what Islam should be based upon their own opinions and a literal interpretation of the Quran and other sacred Islamic writings. They use politics to impose these ideas of change upon society. We have proposed six pillars to fight terrorism in the pages above. These pillars refer to different domains of social life, communication, normal production, and lifestyles. The strong link among these six pillars is that there is not a local, national way to fight against terrorism and there is not a local cultural attitude to find different ways to fight Terrorism.

1. Communication. The characteristic in which terrorist attacks are represented is pivotal for the fight against terrorism. We have seen, in fact, that the manner in which any attack might

²³ Eisenstadt S.N., *Fundamentalism, Sectarianism, and Revolution: The Jacobin Dimension of Modernity*, Cambridge University Press, 1999, pag. 98.

be narrated can be a powerful instrument for terrorists. In fact, the emotional accent used in characterizing the attack, the way the victims' pain is characterized and the sentiment of fear when transmitted to large audiences produces a strong sentiment of insecurity which fulfils the purpose the terrorists seek to begin with; the creation of political and social instability. From a global dimension, two different critical points emerge from this framework. Social media has a global influence and, for each terror attack, an emotional response will cross the borders of the international information systems which involuntarily fulfils the terrorist objective. The second point is with regards to the politics necessary to achieve these communication goals. Imposing a cold communication style is impossible, especially in democratic states, and at the global level, an authority is missing that might impose this style of communication upon media. In such a case, the global information system will need to adapt to its environment.

2. Human rights. In a global society, the fact that human rights are not global is not only a violation of the principle of equality, but also a dysfunction. This condition of inequality, in fact, is the cause of social imbalances and conflicts that might stop any kind of economic development, generate poverty, mass-migration and all the phenomena of social ostracizing that is one of the main causes of radicalization.
3. Lifestyles. It is important that personal freedom remains outside the realm of politics and that each individual choice is without social consequence. Life-style choice is often a target of terrorists. The most recent Western attacks affected places of religious and sexual freedom (Bataclan and Orlando) or targeted international

youth gatherings (Paris II). Recent attacks in the Middle East were on religious minorities and international workers and investors. And a recent attack in India was on women. While terrorism in the 70's and 80's was principally aimed to change the political élites and the basis of state organization, so that hitting random people had the exclusive objective of creating instability; contemporary terrorism seems to be aimed at each individual choice implying an attack on self-determination and non-conformity to any tradition (Riesenbrot, Eisenstadt). Consequently, stressing the symbolic importance of the possibility to become a citizen with a more cosmopolitan, knowledge intensive breadth meant as entrepreneurial spirit and capacity for social autonomy and self-organization. These seem to be the most viable citizens, properly hypercitizens, strategically and emotionally able to face terrorism as it is; modern terrorism, one of the most advanced media guerrilla tools in a globalized, borderless planet.

Turner states: "Since the concept of citizenship and the rights that go with this are unavoidably linked with the development of the nation-state (no nation-state, no citizenship), and given the continued predominance, despite all the current talk of globalization, of the nation-state in world affairs in the twenty-first century, there is a growing theoretical need for a concept of 'denizenship' with the increased settlement of people throughout the world in countries in which they are denied full citizenship rights.

Various attempts have been made to refine the idea of citizenship for a global world, such as semi-citizenship, flexible citizenship and postnational

citizenship, but I am not sure this conceptual transition can be easily achieved”²⁴.

3. Conclusion.

From these brief considerations, what emerges is that effective counter-terrorism activities should always take place at a global level locally applied but not locally bearded. Furthermore, the fight consists of two levels of action: the institutional and the cultural level which should be implemented at the same time.

The institutional level of action consists of a global intelligence agency, or maybe a network of national-local agencies that swap information in real time with no legal-bureaucratic boundaries.

The cultural contrast to terrorism is related even more to the global dimension. In fact, local-based representations of terrorism imply national systems' self-representations²⁵ i.e. traditional approach to war; on the contrary, a globally-spread representation implies the narration of a terrorist fighting against a global system consisting of universal human rights and respect for individual freedom. Within this framework, terrorism is much closer to Sun-Tzu's art of war and consequently, much less scary and much easier to fight.

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²⁴ Turner B., *The Religious and the Political*, Cambridge University Press, 2013, pag. 79.

²⁵ Luhmann N., *Social Systems*, Stanford University Press, 1996, pag. 145.

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