



## Editorial

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In 1409, 600 years ago, several groups of professors and students from Prague left that venerable university and ended up setting up a new university in Leipzig; they left in search for more liberty. We might assume that they meant by this that they had been limited in their freedom of expression, their freedom of religion, or freedom of assembly – those would certainly be good reasons to leave one place in favour of another. Or we could assume that they had been stymied in their attempts at university reform, that is, their attempts to realise a better university life. Neither of these reasons caused the founding of this university, however. Rather, what seems to have happened was this: Prague University had been organised in “nations” (roughly what Oxbridge colleges are now), and after a dispute between the “Saxon”, “Bavarian” and “Polish” “nations” with the local regent, he had redistributed the weighting of their votes in local decision making processes. That is, the liberty they sought was the liberty to govern their collective affairs. The town of Leipzig accepted them, and the prestige they brought, and thus accepted the second university to be founded on what is now considered German territory.

Interestingly, people then were free to leave institutions and could take the institution with them if they left collectively. *Behemoth* – those organisations that threaten the state – was to some extent more flexible then, despite all the talk of mobility and small worlds that are often supposed to go hand in hand with “globalisation”. And 600 years later, the fight to establish some right to self-governance, both at the collective and the individual levels, continues. In particular the students of Leipzig university have been collecting their grievances for this sexcentennial anniversary year, grievances that have resulted from continued underfunding, a half-hearted reform of the degree programmes and a new law concerning university governance – and again, these grievances relate to issues of liberty: the freedom to choose interesting classes over less interesting ones, the freedom to not attend those same classes, the freedom to be a master of your own time, the freedom to develop and pursue academic and other interests. Like the Prague residents at the time, some are threatening to leave unless these liberties be granted.

These demands for greater freedom could be classified into freedom from interference, freedom to live authentic lives, and the freedom not to be governed by rules not self-chosen, not to participate in what Étienne de la Boétie termed *servitude volontaire*, the subjection to the will of another for no good reason other than custom, convention and maybe a measure of control.

What does all this local history have to do with *Behemoth*? It provides some context for the current issue. What, you may ask, does context matter? It matters because context shows what someone was, and is, doing in providing a particular argument: They are as a rule arguing for a particular state of affairs, and thus against another one. Arguments, even the most abstract ones, have a function in a social and political setting, to take a stance is to favour one perspective over another. To ask what a theorist wants to achieve

is thus a central aspect in understanding how political goals can be thought to be achieved.

But to provide a political argument is also to participate in a particular type of social interaction. And an individual contribution to a social interaction through political argument may be bound by convention – or seek to test or widen the rules of engagement. Thus, a focus on context provides us with examples of freedom in action: in mapping as carefully as possible the inter-subjective conventions that govern political thought in a particular period and the set of political problems at issue (as e.g. Quentin Skinner does), we can understand how political theorists have freed themselves from, challenged and sought to modify the reigning conventions of their time. Often these challenges involve modifying the dominant political vocabulary. And in this focus on examples of violating, expanding or negotiating the rules of political and theoretical engagement, Quentin Skinner has brought about a revolution in the history of political thought. For, similar to Foucault, the focus in Skinner's work is not the determination of men and women by their circumstances, their class, or the dominant modes of thought of their time; it is rather the multiplicity of ways of engaging in a rule-bound world, or, to use the vocabulary dominant here, to bring some disorder to an orderly world – what *Behemoth* is all about.

More specifically, strands of thinking about liberty are what *this* issue of *Behemoth* is concerned. We have collected four texts here on each of these liberties:

*Ian Hacking* warns about the limitations to our freedom to research that come with a set of conservative arguments against technological innovation; such constraints serve to limit some people's attempt to think, and live, outside the boxes set by convention.

*Pat O'Malley* argues that many restrictions to liberty are ill-conceived as such, and that much depends on our definitions of liberty.

*Christian Schmidt* argues that thick autonomy requires we set the rules by which we are governed, which means having a say in the institutions used to govern us.

And *Samuel Salzborn* argues that granting some people liberties within certain frameworks is actually counter-productive, if you choose a framework that is constraining enough: where belonging is ethnically defined, extending belonging to minority groups means casting ethnicity in stone.

To put this in a less narrow context, consider that conceptions of liberty and conceptions of a good order are interlinked: Only that state seems to satisfy the criteria of legitimacy that can to some extent guarantee the freedom of its citizens and the social order within its territory.

Let us briefly consider this second aspect of legitimacy here. It may well be that social order is only contingently connected with statism. Though it cannot be denied that social order is often attributed to the state; an increase of violence is one symptom of failing or failed states, and a relative lack of violence is a good measure of social order and a well-functioning state.

But peace is only one benchmark among others that helps us decide on the stateliness of a given polity – otherwise one would have to conclude that the US, with his relatively high level of violence in comparison to most European states, is a comparatively weak state. In fact, of course, violence is one indicator of the state in that its absence is a measure of the predictability of everyday life. Societies without states may or may not in fact have a higher level of street-level violence, but what does distinguish them is the relative lack of predictability of everyday life, the malleability of schedules, the private provision of justice, the heterogeneity of actors involved in the handling of public safety, the necessity to privately organise garbage disposal, electricity, water and so on.

The state is thus coterminous not only with a set of institutions laying claim to a monopoly on the legitimate use of force, but with a high level of organisation in the public sphere. This regulatedness has effects on private arrangements, as states determine who may be married to whom, to how many, on the manners in which children may or must be raised, on the level of hygiene that may be expected in a household with children, with what sort of vehicles we can drive on public roads, to whom we turn in cases of disputes with neighbours, employers, or public contractors, and so on. Thus, life in a state requires that individual members have relinquished certain types of freedom, not only to manage their own affairs, but also to decide on dispute resolution processes and the rules by which we are governed.

Thus, while the state dispenses us of time-consuming, onerous tasks, it also requires submission to rules not of our making and not always in our interests. When we get organised with others and succeed in setting up a sphere secured from public vigilance, this is where *Behemoth* comes in – the monster threatening to disorganise the state. *Behemoth* need not itself be disorganised – it suffices that it threatens the rules of order of the state for us to glimpse the precariousness of state order. Examples of this are mafia-like enterprises, neighbourhoods setting up vigilante policing and justice structures, or villages agreeing to participate in alternative orders as envisaged by right-wing groups who call them “National befreite Zonen” (right-wing, anti-diversity neighbourhood watch groups) with their own rules of belonging and exclusion, social welfare system and vigilante justice.

Whether the organisations are combated by state forces depends on a number of factors, not least of which may be the degree of threat to the legitimacy of the state itself that these organisations pose. Not all anti-state groups are *ipso facto* worth engaging with: a certain amount of counter-cultural dissent, low-level untaxed entrepreneurialism or private provision of additional security is par of the course in complex societies. So that not even publicly challenging the legitimacy on the state monopoly of violence need provoke a reaction – it will depend on whether an outcry occurs, raising the risk of statist institutions to be deemed weak or ineffective which itself may lead to a dialectic of ever increasing private security provisions that indeed may at some point challenge the predominance of the state.

As the world is getting “smaller”, we come to understand more the oddities of relatively firm states, their fundamental precariousness and the conventionalities that govern the behaviour of the vast majority of those who are governed by states. The polity as we know it is ever a contested order.

One necessary condition for successfully providing order is the ability to correctly predict the future in order to be able to plan for contingencies. Governing the future means being able to make predictions about the likelihood of certain events to occur, and if these events are disasters, famines, plagues or wars, what their scope might be and how best to prepare for them. Thus, governing has often been assumed to require conjecturing certain behaviours as very likely, maybe even determined. In terms of our considerations above, an organisation’s survival depending on its correctly *predicting behaviour* might be taken to imply that individual members are not at all free; that we have not merely relinquished the management of some of our affairs, but the option of breaking free of the conventions, rules and regulations governing our social spheres. *Pat O’Malley* is pursuing the question whether the dichotomy between freedom and a planned society is indeed tenable. In his article “Uncertainty makes us free”, he argues that there are different types of freedom, only some of which are incompatible with the assumption that our behaviours are predictable.

*Ian Hacking* tackles a similarly basic question as to the futures that statist planning should serve to prevent. In his paper “The Abolition of Man”, he tackles a set of dystopias and Jeremiads, i.e. a set of worst-case scenarios that need to be nipped in the bud. Sooner or later, people argue, things might go terribly wrong. Hacking cautions against the conservatism inherent in this assumption, a conservatism that often leads to preventing a development of new forms of sociality.

*Christian Schmidt*’s article is less concerned with planning and predictability, though he too takes up a topic of freedom. The thick notion of freedom has been called *autonomy*, which refers to the ability of persons to govern themselves (an ability, as we have seen, sometimes partially relinquished to the state). Is autonomy, Schmidt asks here, incompatible with submitting to a particular set of institutions we are born into? The questions Schmidt raises here are fundamental to our right *not* to submit to the state into which we are often born. As Robert Paul Wolff had infamously argued, a person who submits to state rule is *ipso facto* heteronomously ruled. Schmidt argues here that autonomy requires some institutions, even state ones – but that they have to be autonomously chosen, i.e., that the institutions need to be subject to criticism and submit to change if that is what a given generation opts for. The anarchist threat to *Leviathan* should thus use another venue for her argument.

Worse than the anarchist threat to democratically ruled states are persistent minorities. For minorities, submitting to majoritarian rule is often fraught with danger. What constitutes danger might have changed – and what counts as a minority has as well. For group distinctions can be drawn along the dichotomy of settled and nomadic, religious or ethnic differentiations. The latter came to the fore in the course of the 19<sup>th</sup> century in Europe. In democratic states whose legitimacy depends on participation of large sections of the population, the question of persistent minorities can become acute. *Samuel Salzborn* observes some of the answers to the questions of the status of minorities with a particular perspective on the solutions provided by the German and Austrian states in response to WW I. These states opted for setting out a set of ethnicised criteria of belonging, making different ethnicities a perpetual challenge to the legitimacy of rule. The Germanic solution was to partially ethnicise rule by setting up a separate set of legal provisions “in keeping with” their assumptions of the needs of these people thought of in terms of natural kinds. Salzborn here sheds light on the peculiar logics inherent in ethnicist arguments so prevalent in 21<sup>st</sup> century explanations of group strife.

As part of the 600-year anniversary since the founding of Leipzig University in 1409, two of the editors of this journal organised a lecture series on *Contested Orders* to celebrate the complexities of these differing forces of ordering our social lives. Ian Hacking and Pat O’Malley presented their papers published here in the course of this lecture series.

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