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Editorial

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In many disciplines – and as part of narratives of modernity the relation of formal behavioural codes (as defined by legal norms or by written behaviour guides) and informal dos and don'ts – rules of conduct were long connected to a set of hierarchical dichotomies that valorized one over the other. Law and universal and rational institutions such as the state were opposed to ethics, the particular, the personal, the "cultural". But as a result of decolonization, a shift within the economy towards the exploitation of "cultural" capital and knowledge, and also because of the poststructuralist critique of the Eurocentric bias of such a perspective, a new sensibility for this very opposition but also for the multifarious dynamics of the formal and the informal became the focus of investigations in anthropology and in cultural studies, but also in economics, political science and legal studies. The field of behaviour guides and law can therefore now be described as a dynamic one that allows for new perspectives both on current constellations (which can be characterized as post-national and post-bourgeois), on historical narratives of statehood and on the emergence of "sovereign subjects". This issue of Behemoth points to research perspectives that lie beyond, beneath and behind the common divisions of analysis and to research that approaches the topic from empirical evidence.

Jack Goody – as a social anthropologist one of the most outspoken critics of Norbert Elias' thesis of the co-evolution of modern statehood and the internalisation of courtly behaviour as a "taming" of drives – argues from a perspective that transcends the historical, social and economic bias of the Western notion of "law". He suggests the term "jural behaviour" to grasp a specific behaviour that can be found in European (literate) societies but also in oral societies. In his comparative overview of historical and anthropological cases, he argues that literacy enables the extension of local forms of

behaviour geographically as well as social mobility in some cases. Moreover, literacy allows for formalization, and this can result in "universalization": the claim of general prevalence for a specific, local code of behaviour.

Our own text provides the reader with an overview both of the hotspots of the discussion of formality and informality, universality and the particular (the universality of human rights, NGOs as political agents between and beyond traditional political bodies, the shifting grounds of state sovereignty and of international law, and neo-liberal forms of selfhood) and gives an insight in research perspectives on the topic in different disciplines (international law, international relations, political science, anthropology and social sciences, cultural studies, philosophy). We wanted to use this to open the discussion to an interdisciplinary exchange on these likewise central and contested concepts and practices, which has not so far taken place systematically.

Anton Blok, on the basis of his anthropological research, also argues against a clear opposition of formal and informal structures. With a focus on oral cultures in a Sicilian village, he explores informal behaviour codes in their interaction with law. His thesis is that state formation in Italy was not a procedure of rationalizing human relations but left people in peripheral areas to forge strategies of self-help and to negotiate support from patrons. But, as a result, these very networks of clientelism and their attendant behaviour codes further weakened the state's control over its southern periphery. This in turn reinforced the impact of informal codes and practices on the implementation of formal law. By interpreting Sicilian proverbs he shows that the periphery and the local is a locus of innovation and not only a deviation from the normalcy of legal systems.

From the perspective of media studies Tobias Nanz takes the "code" by its name. Analysing narratives of the "red phone" US-Soviet hotline, he shows both the increasing impact of technological systems and codes (to encrypt messages) on diplomatic contacts and the impact of media images on the representations of heads of state. In analysing the telex system that was installed between Washington and Moscow during the Cold War he shows that the increased speed of machine communication with its technical codes, which was itself triggered by a "technological" threat, led to a more direct form of politics than a diplomacy based on protocols and codes of etiquette permitted. At the same time, the legendary and imaginary "red phone" helped the US president to present himself as a capable leader with a cool mind and the potency to rule. This reinforced the idea of politics as being an informal deal between two powerful heads of states as opposed to the traditional, more artificial and institutional forms of negotiation and political action that were established as part of the Westphalian order.

Sven Reichardt steps into the discussion with a focus on leftist political milieus in Germany in the 1970s. From the perspective of contemporary history he shows that in the post-68 atmosphere it was not the metaphor of coldness and the affirmation of the modern era but the ideal of warmth that was the basis of the self-definitions and the practices of communication of otherwise differing "alternative" groups. His perspective on "warmth" as a metaphor for a certain set of practices enables him to develop a fresh view of the cultural history of post-war West Germany, its political "counter-cultures" and their effect of a cultural "modernization" of the German society.

The editors would like to thank the members of the journal's editorial board for their openness and interest in transcending disciplinary boundaries, and to thank the anonymous reviewers for their work too. Finally, this publication would not have been possible without the support of the International Research Centre for Cultural Studies in Vienna. Helmut Lethen and Lutz Musner welcomed our idea and hosted the international conference on "Behaviour Guides and Law: The Particular and the Universal of the (In)Formal", which took place on 3 and 4 December 2009.

In addition to the contributions on behaviour guides and law this issue of Behemoth includes an article by Burkhard Liebsch. The author discusses Chantal Mouffe's concept of the political that departs fundamentally from what she terms 'cosmopolitical illusion', i.e. the illusion that liberal-democratic forms of life could overcome antagonistic conflicts once and for all. Mouffe's opposed idea of a 'conflictual consensus' is critically examined with regards to the claim that it promises to sublate contradictory claims in agonistic forms of conflict. A critical evaluation of this thesis refers to the question whether such a consensus unconditionally requires the renunciation of any inalienable claim.