



# ORDINES

*Per un sapere interdisciplinare sulle istituzioni europee*

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## **How order emerges in an open-air swimming pool**

**ABSTRACT** - The theory that has long been hegemonic in the European tradition, namely that order necessarily presupposes an orderer and is therefore dependent on authorities, cannot be maintained. That is, a spontaneous order is possible. The “anti-authoritarian” thesis that order is at best boring and narrow-minded, and at worst repressive or totalitarian, is equally unconvincing, because this theory is based on the same false premise that order necessarily requires an organiser; and also it overlooks the fact that without order, no life and no good life is possible. It is true that order is relative; but not that it is completely contingent. There is room for a variety of solutions in the design of social order; at the same time, there are different types of constraints that limit the space for solutions. This article aims to analyze the concept of order under a new light, by emphasizing new perspectives and by offering a new conception of the rules governing the idea of order itself.

**KEYWORDS** - Order - Authority - Anti-authoritarian thesis - Contingency - Decisionism

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## How order emerges in an open-air swimming pool

CONTENTS: 1. *Introduction: At the open-air swimming pool* - 2. *Order and authority* - 2.1. *The authoritarian syllogism* - 2.2. *The anti-authoritarian syllogism* - 3. *Order and contingency* - 3.1. *How order is contingent* - 3.2. *To what extent order is not contingent* - 4. *Once again: order and authority* - 4.1. *Order without authority* - 4.2. *Limits of spontaneous order* - 5. *Summary*

### 1. *Introduction: At the open-air swimming pool*

Human thought has always been concerned with the subject of “order”, in particular with cosmic order, but also with social order, which was often seen as part of cosmic order. In this paper<sup>1</sup>, I will not be dealing with the cosmic order as such, and I will only be dealing with a tiny part of the social order: the order that arises when people go to the public open-air swimming pool. However, I hope to be able to make it clear that some of the considerations that can be made when looking at people in the swimming pool also shed light on the social order as a whole.

I would like to start with a photograph showing a random scene in an open-air swimming pool. It shows people in bathing costumes, as well as the objects they like to bring with them when they go to the open-air swimming pool: towels, balls, airbeds, sunshades, etc. (Fig. 1) The *first* question we have to ask with regard to Fig. 1 is, of course, whether what we see on it can be considered an ordered arrangement. The obvious answer to this question is no. We see people and things that appear to be scattered randomly across the terrain. A pattern is not immediately recognisable; rather, it seems to be a chaotic distribution.

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<sup>1</sup> This paper is a revised version of a lecture I gave at the *Università degli Studi “Magna Graecia” di Catanzaro* on 30 April 2024. I would like to thank Prof. Massimo La Torre for his invitation and all the participants in the colloquium for their comments and questions, which I will try to address at least in part in the extended version presented here. My thoughts on the subject of “order” are related to a research project within the *Excellence Cluster “Religion and Politics”* at the University of Münster.



Fig. 1. © Ursus Wehrli.

This impression is reinforced by the contrast with the second photo (Fig. 2), which shows the *same* people and the *same* objects on the *same* meadow. There is no question of chaos here. We see people and things arranged in a clearly recognisable pattern. – One may suspect that the second photo shows a swimming pool in Germany, where, as we know, everything is very orderly. But that is not the case, as I would like to say at the outset. The photo is not from Germany; and in any case, we don't bathe much more orderly in Germany than in Italy. I will say something about the origin and background of the two photos in a moment.



Fig. 2. © Ursus Wehrli.

But before that, I would like to raise a *second* question that can be asked with regard to the two photos. It concerns the genesis of the state that we see in them. With regard to Fig. 1, the assumption of a spontaneous origin suggests itself. “Spontaneous” in the sense that the depicted state is the result of the uncoordinated decisions of the depicted persons; that no external authority planned the state and guided its realisation. This is precisely what is difficult to imagine in the case of Fig. 2; hardly anyone would suspect that the state depicted there came about “spontaneously”. People who come to a swimming pool to bathe do not lie down on the lawn in this orderly fashion. Instead, we will (a) assume that this arrangement is the product of planning. And since planning requires a planner, we will (b) assume that the order in this photo is the result of the initiative of a planner or orderer who has a prior idea of order and sufficient influence to arrange the people and things on the meadow in such a way that they correspond to the idea. – In fact, the state we see in Fig. 2 was created in exactly this way. It is the result of an initiative by the Swiss comedian Ursus Wehrli, who has kindly given us the opportunity to follow the realisation of the arrangement in Fig. 2 on his website. In a short video, we see how he directs the people involved so that they take up the positions he has planned for them and how objects are systematically

arranged<sup>2</sup>.

It is easy to see from the video that we are dealing with a kind of performance. Its initiator is a comedian who wants to entertain his audience and, to this end, makes fun of the subject of “order”. However, this should not lead us to overlook the seriousness of the philosophical (but also theological and scientific) problem underlying Wehrli's performance. It is actually a whole complex of problems, two aspects of which I will deal with here: first the relationship between order and *authority*, second the relationship between order and *contingency*.

## 2. *Order and authority*

Since humans have been able to think, they have also been thinking about order. Of course, they have come to different, often contradictory conclusions. Nevertheless, a few basic positions can be identified, one of which has undoubtedly achieved a hegemonic position that has lasted for more than two millennia. This hegemonic approach confirms the first impression we gained from looking at the two figures. That is why I will start my reflections with it; I will deal with a second approach, which runs counter to it, at the end.

### 2.1. *The authoritarian syllogism*

When we look at the world as a whole, the cosmos, nature or society, the representatives of the hegemonic approach have argued time and again that two things must strike a thinking person. First, the highly organised order of nature and society! Just think of the constant regularity of the orbits of the heavenly bodies over thousands of years; think of the reliability with which heavy objects fall down, with which plants begin to grow in spring or with which water quenches our thirst. The more recent natural sciences emphatically confirm such findings; there is a series of physical parameters that would only have to be slightly larger or smaller to make life impossible<sup>3</sup>. From this, it is deduced, secondly, that this order

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<sup>2</sup> <https://www.kunstaufraeumen.ch>. The video can also be found on Youtube: <https://youtu.be/BuBg06Oc5i4>. Last accessed on August 15, 2024.

<sup>3</sup> I refer to only one publication: M.J. REES, *Just Six Numbers. The Deep Forces that Shape the Universe*, Basic Books, London, 1999.

cannot be accidental; that there is only one explanation for it: There must be an orderer. This is what I want to call the *authority thesis*.

With regard to the cosmos and (earthly) nature, only a God who, for example, fine-tunes the physical parameters so precisely that life in the cosmos is possible, can fulfil this role. The authors of the Bible were not yet aware of such a “fine-tuning” of the physical parameters; but even for them, it was clear that an external orderer was needed to turn the primordial chaos (called “tohu wa-bohu” in the Hebrew text) into the world order we know. In the first book of *Genesis*, God's activity in this regard is described briefly but impressively. In his dialogue *Timaios*, Plato reports in more detail how a divine craftsman (*demiurgos*) transforms the originally chaotic matter into a perfect cosmic order.

As far as *social* order is concerned, according to these hegemonic views, an orderer is also needed; however, not necessarily a divine orderer. No one would want to ascribe divine status to our comedian Ursus Wehrli, but his activity is remarkably similar to the processes described in *Genesis* and in the *Timaeus*. For just as the gods there form a cosmic order out of found materials, so he transforms an unordered collection of people and things into the order on the meadow that we can admire in Fig. 2. In terms of their creativity, the difference between him and the two gods is not categorical but only quantitative. – The crucial point in all cases is that order does not spontaneously arise in the things that are found, but must be imposed upon them from the outside. According to the hegemonic view, order can only be the product of an orderer who combines two characteristics in himself: (a) He must have planning competence, and (b) the power to realise his plans. I summarise these two characteristics under the term *authority*.

Aristotle provides a good example of this dominant view of order at the end of the famous XII. book of his *Metaphysics*. In answering the question of whether order should be understood as a distributive property of the parts of a whole, or as something that exists separately, he draws a symptomatic comparison with an army. Although the order there consists in the arrangement of the parts (=soldiers), it consists to a greater extent in the commander: «For the latter does not exist through the order, but the order through him». And Aristotle concludes the entire Book XII with the thesis that things do not want to be badly governed; followed by a quote from the *Iliad*: «Many rulers are not good; only one should be ruler»<sup>4</sup>. – In Thomas Aquinas, the same idea appears in a less political-military, but no

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<sup>4</sup> ARISTOTLE, *Metaphysics* XII,10 1075a11-14 and 1076a3-4. The quote is from *Ilias* II, 204.

less clear version. It is characteristic of him that he emphasises the planning competence (which he calls “wisdom”) of the orderer more than his power. He begins his *Summa contra Gentiles* with the question of what wisdom is and what the task of the wise man is, and in the very first sentence of the work he gives the following answer: «Multitudinis usus, quem in rebus nominandis sequendum philosophus censet, communiter obtinuit ut sapientes dicantur qui res direkte ordinant et eas bene gubernant. Ande inter alia quae homines de sapiente concipiunt, a philosopho ponitur quod sapientis est ordinare»<sup>5</sup>. This is not only to be understood as meaning that it is the task of the wise to create order; it also means that all order is based on wisdom (=planning) and thus on a (wise) orderer.

How can this view and its hegemonic influence be explained? And what reasons can be given to justify it? It is not unimportant to understand that this view has not come about arbitrarily, but rather arises from our daily life. For in this life, we are all constantly confronted with the fact that order does not come about by itself, but must be created by us (often with difficulty). In other words, we ourselves act as orderers over large parts of our daily lives. A portion of *pasta con le sarde*, for example, is undoubtedly a desirable state of order; and it is clear to each of us that this state does not arise by itself or by chance. It is very, very rare that we come across a plate that has been created by chance while hiking in the great outdoors; it would be a miracle if it also contained a portion of *pasta con le sarde* that had been created by chance. Although such an occurrence is not ruled out by the laws of nature, it is so unlikely that we would be well advised not to rely on such a stroke of luck when we are hungry. Instead, a person, i.e. the orderer, has to bring together the various elements that make up the dish at a certain time and place and prepare them in the appropriate manner. It does not take much ingenuity to realise that the same applies to almost everything that each of us does every day. For example, when we put scattered letters on paper in such a way that they form a lecture on order in the swimming pool.

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<sup>5</sup> THOMAS AQUINAS, *Summa contra Gentiles* I, 1. The “philosophus” is of course Aristotle. The English text reads: “The usage of the multitude, which according to the Philosopher is to be followed in giving names to things, has commonly held that they are to be called wise who order things rightly and govern them well. Hence, among other things that men have conceived about the wise man, the Philosopher includes the notion that «it belongs to the wise man to order».

The thesis “No order without an orderer” is therefore by no means far-fetched; it is an expression of what we all do all the time. And why do we do it? Quite simply because order is desirable and in many cases also essential to life. We can reconstruct this consideration as a deductive argument, which I would like to call (somewhat pointedly) the “authoritarian syllogism”:

P1: Order is desirable and necessary.

P2: Order requires an orderer.

C: Therefore, orderers are desirable and necessary!

## 2.2. *The anti-authoritarian syllogism*

Of course, this authoritarian syllogism has not gone unchallenged. I will limit myself here to objections that can be raised against it with regard to social order. The most obvious objection is that the thesis established by the authoritarian syllogism is ideological: “ideological” in the sense of an unjustified legitimisation of social, economic and political inequality. If social order can only be created by an orderer, i.e. from above, then it can no longer be considered a coincidence that the powerful and the rich have always been regarded as predestined for the role of orderer. And then it can no longer be considered a coincidence if the social order they create is also created in their favour. That is, that the powerful and the rich are not only the creators of social order, but also its profiteers. – We have already seen that Aristotle had linked the genesis of order with social subordination and superordination in a military context. He is no exception in this regard. The Greek terms *táxis* and *kósmos* both have a military meaning; and the same applies to the Latin term *ordo*, from which the corresponding terms in the more recent European languages are derived. *Ordo* was used not only to describe arbitrary arrangements or rows, but also the divisions of an army and the commanders of such divisions. The idea of order was thus inextricably linked with hierarchical concepts of its genesis and structure even in ancient times; order is not possible without subordination. Conversely, social equality has been considered the cause of social disorder; as the source of chaotic conditions that inevitably lead to the decline of the community.

In fact, the peoples of Europe (and probably also those outside Europe) have not had too many opportunities to have good experiences with their orderers and authorities. Order, it has therefore been concluded,

is at best boring or narrow-minded, and at worst repressive or totalitarian. Let us listen to the voice of the Austrian author Günter Anders: «When I hear the word “order”, my hair stands on end, because then I hear the scheduled trains of Eichmann, which were dispatched to Auschwitz with the phrase “it's all right”, thundering. It is the most terrible word I know»<sup>6</sup>. If Anders is right, the authoritarian syllogism should be countered with a completely different one, an “anti-authoritarian syllogism”:

P1: Order requires a controller.

P2: Controllers are bad.

C: Therefore, order is bad!

What may be psychologically understandable as a reaction to the extreme case of Auschwitz is, however, simply absurd as a theoretical statement. To see this, it is worth looking at the three components of this syllogism individually. I will start with the conclusion. To be able to defend the thesis that order is bad *in principle*, one has to disregard the fact that all life is only possible on the basis of order. Even the simplest living organisms are highly complex ordered systems<sup>7</sup>; the fact that they are also dependent on a reliably ordered environment in order to maintain their internal order was briefly mentioned above. This applies not only to a reliable natural environment, but also to a reliable social environment. As we have known since Hobbes at the latest, human life without social order would be «solitary, poor, nasty, brutish, and short»<sup>8</sup>. Those who think of concentration camps when they hear the word “order” should also remember the conditions for their liberation: if the Red Army had been a chaotic pack without any order, it would not have been able to push back the German troops and liberate Auschwitz. It is true that without order there can be no concentration camps; but it is equally true that without order they cannot be abolished. The question we face is therefore not “social order: yes or no?”; it is rather “what social order do we want or need?”. – We come to a similar conclusion if we turn to the second premise. The fact that there are bad orderers does not mean that all orderers are bad. Otherwise, all those who make *pasta con le sarde* would

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<sup>6</sup> G. ANDERS, *Philosophische Stenogramme*, Beck, München, 2002, p. 53 ss.

<sup>7</sup> The literature on this subject is endless. I would just like to refer to a small volume by André Lwoff (Nobel Prize 1965) entitled *Biological Order*, which deals with the functional order of individual cells; it is obvious that whole organisms require an even more complex order.

<sup>8</sup> T. HOBBS, *Leviathan*, edited by C. Brooke, Penguin, London, 2017, Chapter I, 13.

have to be considered morally reprehensible, as would all those who build houses or write texts.

The first premise deserves a more detailed discussion. I will return to it at the end of my talk; for now, I would just like to draw your attention to a remarkable fact. The authoritarian and the anti-authoritarian syllogisms *agree* on the thesis that order requires an orderer. Both assume a *necessary* connection between authority and order; a connection that – so much can be revealed in advance – does not exist.

### 3. Order and contingency

I have not yet said anything about the obvious question of what order actually is, but have assumed that we all have a sufficient intuitive understanding of this expression.

Nevertheless, it seems to me that it would be helpful for my subsequent argument to provide a kind of rudimentary definition. According to this definition, we should speak of “order” where (i) a set of elements is given, between which (ii) rule-based relationships exist.

I would like to draw your attention to two implications that arise from this definition. The first concerns the *improbability* of all order. If we take any set of elements (for example, the visitors to a swimming pool or the ingredients for a portion of *pasta con le sarde*), it is clear that these elements can be in a wide range of different relationships to each other: relationships of space or time, relationships of size or age, colour similarity or psychological sympathy, etc. Even between a very modest number of elements, an excessive large number of relationships can be identified. From this excessive large number of relationships, we now pick out a (relatively) small number of relationships with the concept of order: the regular relationships. But this means that, statistically speaking, order is an improbable state. That is why things on my desk regularly develop into a chaotic state when I leave them to themselves. Chaotic states are more likely than ordered states. In other words, disorder easily arises “by itself”, while we have to create order more or less laboriously<sup>9</sup>. If order always arose by itself, we would not be constantly busy creating it, as

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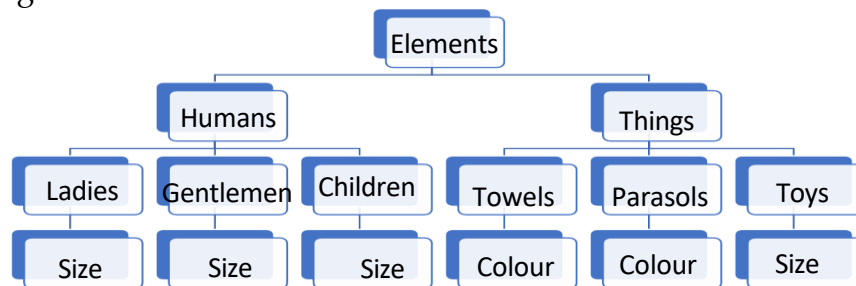
<sup>9</sup> Cf. the amusing and at the same time instructive text by G. BATESON, *Why Do Things Get into a Muddle?* In ID., *Steps to an Ecology of Mind. Collected Essays in Anthropology, Psychiatry, Evolution, and Epistemology*, Chandler Pub. Co., San Francisco, 1972, pp. 13-18.

explained above. Our lives (like all lives) are a ceaseless struggle against entropy.

### 3.1. *How order is contingent*

Although this first implication is significant enough, I would like to deal with a second one in more detail here. It becomes clear when we apply the aforementioned criteria of order to our two photos. It goes without saying that criterion (i) is fulfilled: a multitude of different elements can be seen in both. I would like to remind you that there are exactly the same elements in both photos. What distinguishes the states depicted in the photos are not the elements, but exclusively the relations between them. This brings us to (ii): The contrast between the photos is that in Fig. 1 no rule-based relations between the different elements are visible; people and objects seem to be scattered randomly over the terrain. In contrast, Fig. 2 shows us an arrangement whose rules are easily identifiable. There are (at least) three:

- (a) Distinguish the elements into persons and things!
- (b) Within these two classes, distinguish further subclasses according to common characteristics!
- (c) Arrange the elements of the subclasses next to each other according to size or colour!



Scheme of the arrangement in Fig. 2.

This arrangement can be analysed and commented on from various points of view. I will return to some of these points later. But first, I would like to emphasise the second implication that can be derived from the given definition. It becomes obvious once we realise that the people and objects depicted could of course also be arranged according to completely *different* rules. For example, they could be arranged in seven rows

according to the date of their birth or production, without distinguishing between people and objects.

The first row would contain all the people or objects born on a Monday, the second row those born on Tuesday, and so on. Another variant would be to arrange the people and objects alphabetically, i.e. in a circle according to the first letter of their name or designation. It is only a matter of imagination to think of any number of further rules that (this is crucial) would all lead to states of order. There is not only a difference between disorder and order; but also a difference between different types of order. This applies not only to outdoor swimming pools, but in general: any given set of elements can be arranged according to (many) different rules, so that (many) different types of order arise. – Order, we can conclude, is not only improbable but also *contingent*. This contingency arises from characteristic (ii): every order is relative to a set of rules and since (many) different sets of rules are possible, different orders are also possible. Any arrangement of elements that satisfies any set of rules is to be regarded as an “order”.

From this contingency it could be concluded that all order is arbitrary or random. That would be the *contingency thesis*. If the rules according to which a set of elements is ordered are not contained in them, then they can only be imposed on them from the outside. This is exactly what we have established in Fig. 2. It is obvious that this conclusion supports the anti-authoritarian thesis, according to which order is necessarily heteronomous and thus repressive. We can reconstruct the conclusion in the form of a further syllogism, which starts from different premises, but whose conclusion is similar to that of the “anti-authoritarian syllogism”:

P1: Order arises when one or more rules are added to a given set of elements.

P2: These rules are imposed by an external orderer.

C: Therefore, order is always imposed from the outside and can never be autonomous!

Should there really be an intrinsic connection between the authority thesis and the contingency thesis? In the history of Christian theology and political philosophy, there are impressive examples of such a connection. Let us first consider the Christian answer to the question of how order comes into the world. We encounter two different traditions here. One of the most important representatives of the first tradition is Saint Thomas, whose view of the origin of order in wisdom we have already become acquainted with. If we, like him, regard God as the ultimate source of

cosmic and social order, and ascribe wisdom to him, then we no longer have any reason to consider this order to be contingent; the assumption that the world order is contingent would be almost blasphemous. For, on the basis of his unlimited planning competence, which is of course coupled with an unlimited benevolence towards his creatures and an unlimited power of realisation, he will make decisions in the course of creation that can only result in a perfect world order. Leibniz's thesis of the best of all possible worlds is in line with this tradition of thought and expresses it in a memorable philosophical slogan.

The disadvantage of this thesis for God is that he has no choice: By his very nature, he *must* choose the best of all possible worlds. In order to escape this restriction of divine freedom, late medieval nominalists such as William of Ockham emphasised the arbitrariness of all God's decisions: God can create what he wants and how he wants it, without being bound by any given reasons. The created world and its order are contingent, because God could have created a completely different world with a completely different order. – This theological voluntarism (as well as the “rationalist” counter-position) has deeply influenced early modern metaphysics, e.g. René Descartes; but it has also had an impact on political philosophy. For example, on Thomas Hobbes, whose famous dictum *Auctoritas, not veritas facit legem*<sup>10</sup> can easily be recognised as a late echo of theological voluntarism. In the 20th century, Carl Schmitt took up this dictum and used it to found his decisionism, when he wrote: «The sovereign decision is therefore neither explained legally from a norm, nor from a concrete order, nor inserted into the framework of a concrete order, because on the contrary, for the decisionists, it is only the decision that grounds the norm as well as the order. [...] In Hobbes, the logical structure of decisionism becomes most apparent, because pure decisionism presupposes a disorder that is only brought into order by the fact that (not: how) a decision is made»<sup>11</sup>. Can there be a clearer indication of a close relationship between authority and contingency?

And is it not precisely this close relationship that we also noticed when looking at the two photos? While Fig. 1 presents itself to the viewer

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<sup>10</sup> The thesis is not found in the formulation, but in the matter of Hobbes' *Leviathan*, Chapter II, 26. I would like to point out that this formulation speaks of *auctoritas*, not, for example, of *potestas*. Not only Carl Schmitt, but also more careful interpreters have overlooked this choice of words.

<sup>11</sup> C. SCHMITT, *Über die drei Arten des rechtswissenschaftlichen Denkens*, Schriften der Akademie für Deutsches Recht, Hamburg, 1934, p. 28.

as a chaotic distribution of people and objects, we immediately recognise a clear and coherent pattern in Fig. 2. Furthermore, it has been shown that this pattern goes back to the initiative of an external authority that has ordered the people and objects involved according to certain rules. And thirdly, we have seen that this order is contingent in that the authority could have set many other, completely different rules. Ursus Wehrli seems, then, to have made an order (Fig. 2) out of a found disorder (Fig. 1) in the way that Carl Schmitt had claimed: by the fact that (not: how) he made a decision. In the open-air swimming pool, he seems to play the same role as the sovereign creator in the theology of the Nominalists and the political sovereign in Carl Schmitt: the role of a magician who conjures up a contingent order out of nothing.

### 3.2. *To what extent order is not contingent*

This allusion to magic already indicates what I think of the thesis of the fundamental contingency of all order and its close relationship with authority: not much! I will not claim that this thesis is completely absurd, but I will say that it is one-sided and exaggerated. There are two arguments for this. *Firstly*, we should remember the aforementioned characteristic (ii) of order: a certain quantity of elements forms an order when they are in rule-based relationships with each other. What does that mean? First of all, this: given a certain set of rules or a goal, it is by no means a matter of arbitrariness or caprice whether a set of elements can be regarded as an order. Rather, it is a question of fact whether the arrangement of the elements corresponds to the rules. The relativity of order to given rules therefore does not open up any scope for arbitrariness; what is relative is therefore not arbitrary by any means<sup>12</sup>.

This argument is open to an obvious objection. It may be a question of fact, it says, whether a certain arrangement can be regarded as an “order” as soon as a certain set of rules is given; but since the rules are freely selectable and thus contingent, the arrangements corresponding to them are (secondarily) also contingent! The contingency of the rules is

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<sup>12</sup> Irrespective of this, (a) a particular arrangement of elements may correspond more or less well to the given rules; and (b) it may be unclear or disputed which arrangement corresponds best to the rules. It is also possible that (c) several arrangements correspond equally well to the given rules. All this does not change the fact that not every arrangement can be considered an “order” as soon as a set of rules is given.

transferred to the order corresponding to them! There is no doubt that this objection is valid if its premise is valid, that is, if the rules are freely selectable and thus contingent. But are they? I would like to respond to this question with my *second* argument. It says that the contingency thesis is not wrong, but exaggerated; that there is indeed a margin for the choice of rules, but that this margin is smaller than the thesis suggests.

To see this, we must first recall that the subject of my considerations is only social states of order, such as we encounter, for example, in the public open-air swimming pool. Whether the laws of nature on which the cosmic order depends are contingent is a philosophically significant question, but it must and can remain open here. A fundamental difference between cosmic and social order is that we have no choice in the former. Whether there is a gravitational constant and what its quantitative value is does not depend on our decisions and actions. The social order, on the other hand, is the product of human action and is thus dependent on us<sup>13</sup>. It is precisely here, as the above objection could be refined, that contingency comes into play. If the social rules are based on human decisions, and if the decisions can turn out one way or the other, then they are contingent; and then the order corresponding to the rules is also contingent. – If we return to the two photos in this context, Fig. 2 can easily be interpreted as confirming the objection, as we have already seen. Mr Wehrli, in his role as orderer, has chosen a particular set of rules and the arrangement corresponds to these rules. However, since he could have chosen other rules, the resulting order is undoubtedly contingent.

However, we come to a somewhat different conclusion if we ask *why* Mr Wehrli chose these (above-identified) rules. It is hardly possible to answer this question without referring to the goals and purposes he was pursuing with his action. Human action (from which all social order arises) is defined as intentional, and thus always pursues goals. Now, as we have seen in the introduction, Wehrli intended a kind of performance, and it is not difficult to recognise that, as a comedian, he was pursuing a parodistic goal with it. Now, a parody is always a parody of something, and thus has a model that is being parodied, and is dependent on this

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<sup>13</sup> Older theories have tended to overlook this fact and to derive the social order from the cosmic order or to present it as a product of God; in this view, human beings are only involved in its realisation as tools of higher powers; consequently, they have no responsibility; and above all, they have no possibility of changing the social order. This view has come under increasing pressure in modern times and can no longer be regarded as philosophically or scientifically satisfactory (and possibly not even as theologically satisfactory). It is also politically unacceptable.

model. Contrary to what might appear at first glance, Wehrli's decision to choose the rules he did was not arbitrary: rather, he deliberately chose them in such a way that the resulting order stands in obvious contrast to the usual order in open-air swimming pools, as we see in Fig. 1. It is this contrast that gives the viewer of Fig. 2 the pleasure Wehrli intended to create<sup>14</sup>. With the parodistic aim he was pursuing and the reference to the social institution of the "open-air swimming pool", his decision in favour of the above-mentioned rules loses its contingency; at least it is greatly restricted. For although other rules would have been possible, not all of them would have served the intended purpose. An arrangement of the people and things according to the date of their birth or production would not have been recognisable as such for the viewer without additional information; it would have led to a (seemingly) random distribution and the intended contrast with Fig. 1 would not have occurred. The same applies to the arrangement according to names or designations. In short: Wehrli's choice was not arbitrary, but was subject to constraints that resulted from his goals and the conditions under which he pursued them. Consequently, the order resulting from his choice was not (entirely) contingent.

It is not difficult to see that this applies not only to performances in the open-air swimming pool, but to social behaviour and the orders that arise from it in general. However great the freedom that we enjoy in many contexts, it is not unlimited. There are always more or less tight constraints on our decisions and actions, and these can be divided into two broad groups. On the one hand, we are dependent on a variety of natural conditions; these include the general laws of nature, as well as the more specific characteristics of human nature. For example, we cannot go into the water without getting wet; nor can we dive for 20 minutes without harming our health. In general, elementary constraints for the choice of rules result from our anthropological interests. The most important of these interests is the interest in survival, followed by the interest in a good life. Both interests give rise to purposes of action that we cannot choose freely: for example, finding a job that ensures a decent living. To claim that these interests, including the purposes of action that result from them, are contingent and can therefore be replaced by others, would be cynical. We *must* eat and we *must* have a roof over our heads. Therefore, we also *must* organise the social order in such a way that these

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<sup>14</sup> Incidentally, it should be noted that the people involved in the performance also had a great time. The video mentioned in footnote 2 leaves no other interpretation.

interests can be satisfied.

On the other hand, restrictions on the choice of swimming pool rules arise from the fact that other bathers could feel disturbed by our actions. This might include, for example, naked bathing or firing firearms. I will come back to this source of constraints in the selection of rules at the end of my talk. Here are just two brief comments. We can ignore such social constraints (unlike natural laws), but then we have to reckon with more or less unpleasant sanctions. However, the crucial point is that social and natural constraints together counteract the arbitrariness of our purposes, decisions and actions, and thus also the contingency of the social order resulting from them.

#### 4. *Once again: order and authority*

If these considerations are correct, the anti-authoritarian syllogism cannot be upheld. But what about the authoritarian syllogism? Do we not have to conclude that it is correct if its anti-authoritarian counterpart has been shown to be untenable?

##### 4.1. *Order without authority*

To see that this is not the case, we should again turn to the two photos. We have seen that the arrangements they show us are different and have come about in different ways: Fig. 1 was apparently created without an external orderer and therefore seems to show a disorderly, chaotic distribution of people and things, while Fig. 2 is the result of an orderer's initiative and shows an easily identifiable order. – But can this first impression be maintained? Does it stand up to closer scrutiny? With regard to Fig. 2, these questions can undoubtedly be answered in the affirmative. With regard to Fig. 1, on the other hand, doubts arise that have their starting point in the goals and purposes that individuals pursue in the swimming pool.

We have seen that people usually seek individual recreation and fun with friends in the swimming pool. It is easy to derive rules from these goals and purposes that individuals follow when they visit an outdoor pool. There are two in particular:

2/2024

(1) If you want to visit an outdoor pool, then (a) arrange to meet the people you want to be with there and (b) take the things you need to feel comfortable and have fun!

(2) When you arrive at the meadow, sit/lie down (together with the selected people and things) in the place that you like best out of those available!

Several consequences can be derived from this simple analysis. The *first* concerns the arrangement that results from following these two rules; we see it in Fig. 1. At first glance, this distribution seemed chaotic to us because it does not show us any pattern based on any obvious rules; in contrast, Fig. 2 shows such a pattern and immediately reveals the underlying rules. However, it turns out that the arrangement in Fig. 1 also results from the observance of rules and is therefore *not* chaotic. This means that not only the characteristic (i) but also the decisive characteristic (ii) for order is fulfilled. In short: Fig. 1 exhibits order.

*Secondly*, this means that order does not necessarily have to be directly visible. Although this may well be the case, as Fig. 2 clearly shows, the majority of order states are likely to be hidden from direct view. Let us first consider the order of nature. With some exceptions (e.g. the above-mentioned regular rotation of the celestial bodies) it is notoriously difficult to decipher. So difficult, in fact, that we have had to develop an extremely elaborate and costly social institution whose sole purpose is to determine the hidden order of nature and the laws on which it is based: the natural sciences. The same applies to the social order.

Although we create it through our own decisions and actions, it is only partially transparent to us. The deeper structures of social life can only be identified with the help of science.

*Thirdly*: If the arrangements in both pictures show states of order, we will not be able to avoid qualifying the order in Fig. 1 as better. "Better" in the sense that it better corresponds to the purposes that people (usually) pursue in the swimming pool. The individuals here have come together in groups of friends, relatives, acquaintances; so everyone is with those with whom they want to spend their leisure time and have fun. Having fun also means that everyone has the objects they need for a comfortable stay on the lawn or for playing at hand. We therefore have a meaningful arrangement in front of us, i.e. one that is appropriate for the purpose. – The arrangement in Fig. 2 is grotesquely out of proportion to the purposes outlined. It is an order, but one that is obviously alien to the purposes that people usually pursue in an open-air swimming pool: it contributes

nothing to their realisation, and in all probability is even an obstacle to them. (On the other hand, of course, *this* is also the reason why Fig. 2 is funny and why Wehrli chose it. This arrangement is conducive to *his* parodistic purposes.)

*Fourthly*: A comparison of the two photos also makes it clear that Fig. 1 shows not only a better but also a higher order: “higher” in the sense of more complex. This is not least supported by rule (2). It differs from rule (1) as well as from the rules underlying Fig. 2 in that it controls a “historical” process. The places on the meadow are occupied one after the other. The first to arrive can still choose from all the available places; as these are gradually occupied, the following individuals have to make do with more limited options. The final result of this process is determined by the decisions that each individual participant has made under the conditions created by their predecessors. Unlike the result visible in Fig. 2, the result of this process is not predetermined from the outset, but emerges step by step from the decisions of the individual participants.

This also means, *fively*, that the final arrangement was not planned by any of the individuals involved. It emerges from the individual decisions, not from a collective decision.

The *sixth* conclusion is decisive for our examination of the authority thesis. The final arrangement arises from the decisions of the individual participants, who are guided by their individual purposes and goals. The rules (1) and (2), mentioned above, are “internal” in the sense that they arise from the needs that people (usually) pursue when they visit a swimming pool. In other words, the rules that give rise to the final arrangement in Fig. 1 are not imposed by an external authority, and the final arrangement is not the result of external planning. This makes it clear that order can exist without an external regulator. The authoritarian syllogism has been refuted.

#### 4.2. *Limits of spontaneous order*

Of course, this insight is not new. I have already indicated that, in addition to the hegemonic view that order requires an organiser, there have always been opposing currents of thought in European history that have assumed the possibility of a spontaneous genesis of order.

With regard to the order of the cosmos and nature, ancient atomism should be mentioned, as well as more recent theories of the self-

organisation of matter. The same applies to social order, which can arise not only “from above” but also “from below”: from the decisions and actions of the individuals involved. Reference should be made to the atomistic theory of the origin of culture in Epicurus and Lucretius, in whose tradition Hobbes also stands, whose teachings cannot be reduced to their authoritarian side. In addition, the social theory of the Scottish Enlightenment (Adam Smith and Adam Ferguson) should be mentioned, in whose tradition Thomas Paine stands, who is quoted as follows: «Great part of that order which reigns among mankind is not the effect of government. It has its origin in the principles of society and the natural constitution of man. It existed prior to government, and would exist if the formality of government was abolished. The mutual dependence and reciprocal interest which man has upon man, and all the parts of civilised community upon each other, create that great chain of connection which holds it together. The landholder, the farmer, the manufacturer, the merchant, the tradesman, and every occupation, prospers by the aid which each receives from the other, and from the whole. Common interest regulates their concerns, and forms their law; and the laws which common usage ordains, have a greater influence than the laws of government. In fine society performs for itself almost everything which is ascribed to government»<sup>15</sup>. It would be easy to name other authors from the recent past or present who have held similar views<sup>16</sup>. A more detailed examination of this very diverse theoretical current is not possible at this point. But it is not necessary either, because we have been able to achieve our goal (to prove that the authoritarian and the anti- authoritarian syllogism are unfounded) by closely examining the two photos, without having to resort to the results of this theoretical current. However, two concluding remarks regarding the scope of our findings seem in order.

On the one hand, it should not be concluded from the fact that spontaneous order is possible that *all* order arises in this way or that order can *only* arise in this way. It would be illusory to expect the spontaneous emergence of all desirable or necessary states of order. As a warning, we should remember the *pasta con le sarde*: if you are hungry, you should not

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<sup>15</sup> T. PAINE, *Rights of Man*, in ID., *The Writings of Thomas Paine*, Vol. II, collected and edited by M.D. Conway, G.P. Putnam's Sons, New York and London, 1894, p. 406.

<sup>16</sup> This includes Friedrich A. von Hayek, who in many of his publications insisted on the possibility of a spontaneous emergence of social order. Cf. e.g. F.A. VON HAYEK, *Arten der Ordnung*, in ID., *Rechtsordnung und Handlungsordnung. Aufsätze zur Ordnungsökonomie*, Mohr Siebeck, Tübingen, 2003, pp. 15-29.

hope for it to emerge spontaneously. The same applies to certain social states of order. – A comparison between natural and social order is revealing for the problem raised. In his already cited publication, André Lwoff describes the highly complex functional order of individual cells as a process of self-organisation and self-production. For example, a bacterium must produce the building blocks of which it is composed in certain proportions. An overproduction of a building block would result in the production of waste, which a cell cannot afford in the long term. Furthermore, there must be a balance between the various macromolecules, in particular between nucleic acids and proteins; an imbalance of one of the components would lead to disease or to the death of the cell. Furthermore, the cell does not live in a constant environment and must constantly adapt to changes in order to maintain its functional order. Relevant to our context is a comparison of the cell with a factory drawn by Lwoff. In both cases, a complex structure, i.e. an inner functional order, must be built and maintained in order to perform the tasks necessary for survival. A few pages later, Lwoff comes to a difference between factories and cells. «In a factory, one person, or one group of persons, directs the activity of all the others. Some readers may be tempted to ask the question: Who commands in a bacterium? Obviously, in a microorganism, no single molecule or group of molecules can be held responsible for the harmonious dynamic cellular balance. The functional order is the result of the interplay of the hereditary material, of the enzymes of the metabolism, and of the dual feedback mechanism. The metabolism itself is the result of the interaction of enzymes and the food, as provided by the environment»<sup>1718</sup>. The example of the cell or the bacterium shows that complex states of order can arise and be maintained without any controlling authority; that the self-control of the components is therefore sufficient. But why is it that humans apparently cannot achieve what a cell can? Why is it that the creation and maintenance of complex functional orders is not possible without authoritative leadership, when the components of this order are humans instead of molecules? I will not attempt to answer these questions; however, it should be clear

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<sup>17</sup> A. LWOFF, *Biological Order*, The MIT Press, Cambridge, Mass., 1962, pp. 60 ss.

<sup>18</sup> Here, of course, the question arises as to whether such “external” rules as (3) and (4) can also be understood as the result of a self-organised process. The contractualist tradition from Epicurus to Hobbes and on to the more recent theories of John Rawls, Robert Nozick and James Buchanan answers this question in the affirmative. In this lecture, I cannot go into these (very different) positions.

that it would have to be taken into account that humans (in contrast to molecules) are conscious and self-willed beings. A completely self-organised factory would therefore only be possible if the people working in it were replaced, if not by molecules, then by programmed automata.

On the other hand, we cannot assume that internal rules are *sufficient* to create social order. Let us return to our swimming pool example one last time to take a closer look at the arrangement shown in Fig. 1. We see a set of individuals (with things assigned to them) who have come together in a defined territory to realise a common purpose: recreation and fun. However, it is of far-reaching importance to realise that the term “common” is ambiguous. In the present case, we are dealing with a merely distributive commonality: every visitor to the open-air swimming pool *individually* wants to have a good time, but they have no intention to have a good time collectively. A collective interest can be supposed between the individual groups (family, friends), but it does not extend to all the visitors. This is a significant difference from a factory, a ministry or a football team, which have to cooperate with each other in a much more demanding way in order to achieve their genuinely collective goal.

Cooperation within the group of visitors to the open-air pool is primarily of a negative nature: it is reduced to not disturbing one another. However, even this minimal order presupposes certain rules, the observance of which ensures the peaceful state that we see in Fig. 1:

(3) If you want to take a place in the open-air pool that is already occupied by other people, then don't start an argument with them, and in particular don't use violence against them!

(4) If you need an object on the lawn (e.g. a sunshade or a ball), then only use your own objects; in other words, respect the property of the other bathers!

In addition to the two “internal” rules mentioned above (1) and (2), the order of the open-air swimming pool is apparently based on further rules that restrict the decision-making and action of the individuals involved to such an extent that each of them can follow the internal rules without being disturbed by others. Rules (3) and (4) can be seen as restrictions on individual freedom, but at the same time they are also conditions for realising the goals and purposes that individuals pursue in the open-air swimming pool. The goods they safeguard are so general that they are legally standardised and enforced by the judiciary and the police. Without them, Fig. 1 would perhaps show destroyed objects, a number of injured people, and possibly even corpses. Not all of the above-mentioned

theorists of social self- organisation have paid the necessary attention to these constraints. In the passage quoted by Paine, they are simply ignored (although the history of the USA also provides sufficient evidence of the risks resulting from the absence of such constraints). In any case, however, we should conclude that internal rules à la (1) and (2) are not sufficient for social order.

### 5. *Summary*

I would like to dispense with a detailed summary and instead formulate three short theses:

1. The theory that has long been hegemonic in the European tradition, namely that order necessarily presupposes an orderer and is therefore dependent on authorities, cannot be maintained. Spontaneous order is possible.

2. The (“anti-authoritarian”) counter-thesis that order is at best boring and narrow- minded, and at worst repressive or totalitarian, is equally unconvincing. This theory is based (a) on the same false premise that order necessarily requires an organiser; and (b) it overlooks the fact that without order, no life and no good life is possible.

3. It is true that order is relative; but not that it is completely contingent. There is room for a variety of solutions in the design of social order; at the same time, there are different types of constraints that limit the space for solutions.

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2/2024

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