

## The Problem of Freedom in Dystopias

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### 1. INTRODUCTION

In *Before the Law*, Franz Kafka gives us the picture of a man from the country who wants to enter the gate before the law. The gate is wide open, as it is, after all, always, but the entrance is guarded by the gatekeeper, who cannot grant him entry at the moment. Later, it will be possible, the gatekeeper says, but not now. When the gatekeeper moves to one side, the man from the country immediately bends over, eager to catch a glimpse of what is going on inside the law. Gatekeeper laughs at him and warns him that he is only the first gatekeeper and that further inside is the second, who is even more fearful, and the third, to whom he dares not even look. The man from the country subdues to the gatekeeper when observing his appearance, namely his fur coat, his large pointed nose, and his long, thin, black Tartar's beard. However, he decides to stand for his *belief* that the law should be accessible to everyone and everytime and will continue wearing the gatekeeper with his pleas to enter the law now, even giving him some offerings. In the eyes of the gatekeeper, he is insatiable, but he will accept them as he does not want the man from the country to feel guilty of negligence, and as great men do, he will even ask him some indifferent questions, e. g., concerning status. When the man from the country finally grows old and reaches his final days of life, he will ask the gatekeeper the question that sums up all his life experience, namely, why nobody was there to claim their rights except for him. Because of the difference in height, the gatekeeper responds by bending himself and shouting at him that this gate was meant only for him and that now, just moments before his death, when the man from the country is finally seeing the light streaming from the gate, he will have to go and shut the gate completely.<sup>1</sup>

In my opinion, Franz Kafka's literary account of what is going on before the law is the most condensed expression of the spirit of dystopia of the 20th and 21st centuries in the West (as pertaining to the most critically acclaimed works of art, e. g. Franz Kafka's *The Trial*, Zamjatin's *We*, Huxley's *Brave New World*, Orwell's *1984*, Rand's *Atlas Shrugged*, Atwood's *The Handmaid's tale* and Egger's *The Circle*), and its dialectic of spaces will enable us to better understand the problem of freedom encompassing it.

The great systems of Western *metaphysics* cannot grant any kind of freedom to a man, as their core *grounds* everything. In political philosophy, that core translates as sovereignty, which, as was highlighted many times by Hannah Arendt,<sup>2</sup> is fatal to building any political realm of freedom. Jean-

### Abstract

The paper analysis the problem of freedom (academic, civil, metaphysic) on the basis of a sample of dystopias of the 20th – 21th century.

### Keywords

freedom, dystopia, Hobbes, political realism

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<sup>1</sup> KAFKA, Franz. *Before the Law*. [online]. [2022-10-15]. Available on: <<https://www.kafka-online.info/before-the-law.html>>

<sup>2</sup> "Politically, this identification of freedom with sovereignty is perhaps the most pernicious and dangerous consequence of the philosophical equation of freedom and free will. For it leads either to a denial of human freedom—

Jacques Rousseau thus truthfully said that people have to be coerced by the so-called "general will" if they are not willing themselves to submit to its freedom.<sup>3</sup> And it is even for recent books of legal and political theory that they value freedom as an undeniable good of the West in order to impose necessary boundaries and restrictions on freedom in order to ensure the well-being (or, in the so-called libertarianistic paradigm, security) of society or the so-called reconciliation of individual freedoms. However, Thomas Hobbes, in his project to replace metaphysics with political philosophy<sup>4</sup>, understood the identification of order and freedom in the West with remarkable sincerity and consequently did not search for freedom in the political system itself, but only outside of it—spaces left untouched by political systems in the West constituted the only realm of freedom possible.<sup>5</sup>

However, with the decline of the West<sup>6</sup> on its incessant and tedious march, Western political systems themselves began to disintegrate, and, as a consequence, there is no longer a clear line between the spaces of political systems and the spaces of freedom. The manifestation of this truly epochal change was visible in the sudden rise in popularity of dystopias in the 20th century, which still continues.<sup>7</sup>

I would like to think of dystopia without prejudice and understand it not as a bad or evil place but as an insufficient place, a place that is fundamentally lacking.

The concept of dystopia as such could establish in the West a political realm of freedom *par excellence*, but with the lines between spaces of political systems and spaces of freedom blurred, the opposite has become true in the 20th and 21st centuries' dystopian thinking. Although dystopias constitute "open" places ("open" because of the lack of order), they are filled with methods of ideology and terror,<sup>8</sup> which are the necessary forms through which society can function *in deficiens* by means of fear and suspicion<sup>9</sup> when the order is disintegrated and its idea-base deconstructed as a myth.

In Franz Kafka's *Before the Law*, thus, we have a dystopian paradigm *par excellence* as we have an "open" space before the law, which, however, does not constitute the realm of freedom for a man from the country but is instead filled with mental barriers that have a mythical or ideological/terror nature. This abstract nature of the barriers imposed on a man from the country derives from the phenomenon of the *intervention of abstract truths into the world of facts*, which is typical of Western civilization.<sup>10</sup>

To avoid the disastrous consequences of the aforementioned phenomenon, which hides the open spaces left by declining *representative* democracy, with its concept of *individual* rights and liberties and *free-market* economy, it is necessary to view dystopia as a utopic endeavor that would enable us to establish a new legal and political order based on *participatory* democracy, with its concept of *collective* rights and liberties and *shared* economy, both of which are essential to any meaningful action in order to prevent various *crises* of the 21st century, such as the environmental crisis.

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namely, if it is realized that whatever men may be, they are never sovereign—or to the insight that the freedom of one man, or a group, or a body politic can be purchased only at the price of the freedom, i.e., the sovereignty, of all others" ARENDT, Hannah. *Between Past and Future*. London: Penguin Books, 2006, p. 149.

<sup>3</sup> ROUSSEAU, Jean Jaques. *The Social Contract*. New York: Oxford University Press, 1999, p. 67. Compare with ARENDT, ref. 2, p. 150.

<sup>4</sup> *Ibidem*, p. 80.

<sup>5</sup> HOBBS, Thomas. *Leviathan*. Indianapolis/Cambridge: Hackett Publishing Company, Inc., 1994, p. 136 etseq.

<sup>6</sup> See generally SPENGLER, Oswald. *The Decline of the West*. New York: Vintage Books Inc., 2006. 445 pp.

<sup>7</sup> See e. g. FLOCK, Elisabeth. George Orwell's '1984' is a best-seller again. Here's why it resonates now. In *Pbs.org*. [online]. [2022-10-15]. Available on: <<https://www.pbs.org/newshour/arts/george-orwells-1984-best-seller-heres-resonates-now>>

<sup>8</sup> For methods of ideology and terror as the novel form of government, see ARENDT, Hannah. *The Origins of Totalitarianism*. London: Harcourt Brace & Company, 1976, p. 460 – 479.

<sup>9</sup> *Ibidem*, p. 466.

<sup>10</sup> SPENGLER, ref. 6, p. 365 etseq.

## 2. ACADEMIC FREEDOM IN DYSTOPIA

The separation of state and science is beyond doubt one of the most significant achievements of Western culture. This rather improbable historical experience of the Western man proved to be vastly effective and enabled the unprecedented development of both at once. However, T. Hobbes stated in the 17th century that if scientific truths were contrary to the interests of the ruling class, they would be eradicated from the face of the earth: "*For I doubt not, but if it had been a thing contrary to any man's right of dominion, or to the interest of men that have dominion, that the three angles of a triangle should be equal to two angles of a square, that doctrine should have been, if not disputed, yet by the burning of all books of geometry suppressed, as far as he whom it concerned was able.*"<sup>11</sup>

I doubt that the potent consequences of the separation of state and science were not foreseen by T. Hobbes, but as a great political realist, he could not close his eyes to its cause—that sciences could develop freely only because relevant political factors were *indifferent*.

However, in today's declining Western political systems, calls for the popularization of science, as well as calls for so-called expert decision-making in public matters, have become increasingly common, which, according to the aforementioned T. Hobbes' theses, could lead to a cultural regression of the Western man and his return to pre-modern times. The "popularization of science" could be particularly dangerous in political *praxis* if it halts at the well-known scientific ideology, which (mis)uses the historical experience of Western people not to interfere in the affairs of sciences in order to justify rampages in the public sphere without sufficient political legitimacy.

The very possibility of freedom is thus weakened precisely by the loss of authority of the sciences—the *crisis of the sciences*<sup>12</sup>—and the inability of science to self-reflect on solid scientific foundations and not *vice versa*; the notion of "free science" is absurd and as such can be (and in reality was) abused, as science always has been one of the most coercive institutions—scientists are coerced by the truth in contrast to the political sphere, which at least in antique Greece was free.<sup>13</sup>

That phenomenon of the *crisis of the sciences* occurs during the transition from rationalism to mysticism,<sup>14</sup> which is present in all dystopian models of state regimes but is explicitly thematized in Ayn Rand's *Atlas Shrugged*; she understood that mysticism (rather than just the misappropriation of rationality principles) is a prerequisite of widespread dystopian *praxis* of using science as a technocratic and pragmatic tool for ruling classes.<sup>15</sup>

The dystopia of the 20th and 21st centuries is fundamentally built on these experiences related to academic freedom by the so-called *slippery slope*, imagining how state regimes evolved in a time when no truly political action was taken to counter scientific ideology. In Zamjatin, Orwell and Huxley, we observe dystopian models of state regimes in the far future with no existing separation of academia from the state. In Rand, the dystopian model of a state regime is not located in the far future, and so we can genealogically observe how clear lines between state and academia are continually blurred by the state funding of research. However, in Eggers and Atwood, the most contemporary expressions of dystopia, the nature of state interventions in academia is not financial but rather "persuasive" in order to ensure the most effective way of administering public affairs.

<sup>11</sup> HOBBS, ref. 5, p. 61.

<sup>12</sup> See generally HUSSERL, Edmund. *The Crisis of European Sciences and Transcendental Phenomenology: An Introduction to Phenomenological Philosophy*. Evanston: Northwestern University Press, 1970. 405 pp.

<sup>13</sup> ARENDT, ref. 2, p. 113.

<sup>14</sup> SPENGLER, ref. 6, p. 216 & p. 412 – 413.

<sup>15</sup> E. g. "An error of knowledge is not a moral flaw, provided you are willing to correct it; only a mystic would judge human beings by the standard of an impossible, automatic omniscience." & "Every dictator is a mystic, and every mystic is a potential dictator." RAND, Ayn. *Atlas Shrugged*, p. 957 & p. 970. [online]. [2022-10-15]. Available on: <[https://ia601601.us.archive.org/14/items/in.ernet.dli.2015.458873/2015.458873.Atlas-Shrugged\\_text.pdf](https://ia601601.us.archive.org/14/items/in.ernet.dli.2015.458873/2015.458873.Atlas-Shrugged_text.pdf)>

### 3. CIVIL FREEDOM IN DYSTOPIA

According to T. Hobbes, the guarantee of freedom in the modern Western state is that everything that is not forbidden by the law is allowed and that nobody can be forced to do what the law does not impose: "*For seeing there is no Commonwealth in the world wherein there be rules enough set down for the regulating of all the actions and words of men (as being a thing impossible): it followeth necessarily that in all kinds of actions, by the laws pretermitted, men have the liberty of doing what their own reasons shall suggest for the most profitable to themselves. (...) The liberty of a subject lieth therefore only in those things which, in regulating their actions, the sovereign hath pretermitted (...)*"<sup>16</sup>

However, with the advent of the so-called legislative storm and legislative optimism (a naive idea according to which every problem can be solved by adopting a regulation), the legislation has acquired gigantic dimensions, which causes, in addition to phenomena usually thematized such as lack of transparency, inconsistency, etc., a paradoxical *status quo* in which state bodies are much freer than the citizens themselves.<sup>17</sup>

The reason for these phenomena can be attributed to the law's inability (loss of authority, replacement of the law with human rights and freedoms, as well as by-laws, constituting Agamben's well-known *normalization of exception*)<sup>18</sup> to solve various crisis problems of state regimes at the beginning of the 21st century; it is precisely this loss of order that is replaced by other (sub-legal) measures that do not meet the standards set for the legal form of the law, thus constituting the method of terror, and not *vice versa*.

The dystopia of the 20th and 21st centuries is fundamentally built on these experiences related to civil freedom by the so-called *slippery slope*, imagining how state regimes evolved in a time when no truly political action was taken to counter the method of terror. In Zamjatin, Orwell and Huxley, we observe dystopian models of state regimes in the far future in which restrictions on civil freedom are felt as something *natural*. In Rand's dystopian model of a state regime, we can see political institutions that were once thought to protect individual rights and liberties alongside a free-market economy disintegrating under a continuous state of emergency under which exceptional state bodies and legislation were passed without any democratic control. However, for the most part, this exceptional legislation had the nature of soft law because its power lies in the state regime's "persuasive" power; e. g., Directive 10-289 stated that all patents and copyrights "*shall be turned over to the nation as a patriotic emergency gift by means of gift certificates to be signed voluntarily by the owners of all such patents and copyrights.*"<sup>19</sup> However, in Eggers and Atwood, the most contemporary expressions of dystopia, exceptional legislation passed during a state of emergency was sanctioned by pseudo-police forces.

### 4. METAPHYSICAL FREEDOM IN DYSTOPIA

When we speak about freedom, we necessarily fall into a problem of human nature (or human dignity), and in that context, we will address the problem of metaphysical freedom in dystopia.

In Western academia, freedom was for the most part a theoretical problem that hindered the scientific knowledge of the world (and as such, it was often devalued as the imaginary devil, e.g., in modern "Faustian" technology).<sup>20</sup>

<sup>16</sup> HOBBS, ref. 5, p. 138.

<sup>17</sup> In this sense, Pavel Holländer thematized these phenomena as the *deconstruction of the law*. See HOLLÄNDER, Pavel. Savignyho paradigma v době dekonstrukce práva. In *Metodologie interpretace práva a právní jistota*, p. 37 – 42.

<sup>18</sup> "One of the theses of the present inquiry is that in our age, the state of exception comes more and more to the foreground as the fundamental political structure and ultimately begins to become the rule." AGAMBEN, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press, 1998, p. 20.

<sup>19</sup> RAND, ref. 15, p. 746.

<sup>20</sup> SPENGLER, ref. 6, p. 216.

However, the problem of freedom became mostly practical in dystopias, and in dystopian *praxis*, we observe an effort to eliminate it completely from modern society.

This aim is undoubtedly very hard to achieve, and as such, it seemed for a long time to be in accordance with J.S. Mill's view on dystopia, as every utopia is, according to him, *in actualitas* dystopia because ideals can never include empiricism.<sup>21</sup>

However, as it was duly noted by Heidegger, by the means of the *future concern of philosophy* (which includes logistics, psychoanalysis and modern sociology), this aim to eradicate freedom completely could be finally achieved as it indeed surrounded *thinking* very effectively.<sup>22</sup>

That change would undoubtedly represent a new essence of the human personae, as we have known him across various cultures without significant changes from ancient Greece to the present.<sup>23</sup>

However, from the point of view of dystopia, a new essence of human personae is rather the so-called *last man*, and not the *superman* we all longed for in the West.<sup>24</sup>

Concretely, in dystopian *praxis*, we usually observe behavioral psychology applied alongside the so-called "eugenics"—a *praxis* of intervention in the human genome, but not for its improvement but rather to make civilians altogether suitable to the chosen division of work classes of a state regime.

Complementary to the afore-mentioned *praxis* is the will of the ruling classes of dystopian regimes to change the essence of human personae not only from the outside but also from the inside, e. g., by the means of voluntary confessions of guilt.<sup>25</sup>

This analysis *inter alia* revealed that the will is a primary element in dystopian *praxis* with its implied concept of man as the *ruler of being*.<sup>26</sup> However, as was magnificently observed by T. Hobbes, the *ruler of being* "(...) is mortal, and subject to decay, as all other earthly creatures are; and because there is that in heaven, though not on earth, that he should stand in fear of, and chosen laws he ought to obey."<sup>27</sup> Thus, we derive our fundamental human rights and liberties from the concept of man as the *ruler of being*, and not *vice versa*.

However, as the West continues to decline, the *ruler of being* faces extraordinary demands in *situations* over which he has no control or command, and as a result, he has become a target of ridicule.

It is precisely to mask it and preserve the illusion of his state as the *ruler of being* that he became the *last man* with his tyranny of Nobody, his automatization of action and his retreat from politics, as serving was never truly the intention of the *ruler of being*.

To become the *superman*, the Western man must paradoxically learn what it takes to be the *shepherd of being*, as Martin Heidegger's *Anaximander Fragment* first pointed out.<sup>28</sup> To that end, he must abandon sovereignty in the political sphere, as well as his pathologic desire to command processes that are simply *natural* in Nature.

The dystopia of the 20th and 21st centuries is fundamentally built on these experiences related to metaphysical freedom by the so-called *slippery slope*, imagining how state regimes evolved in a

<sup>21</sup> It is likely that this meaning of dystopia was firstly coined by John Stuart Mill in a speech in the House of Commons in 1868.

<sup>22</sup> HEIDEGGER, Martin. *What is called thinking?*, p. 21 – 22. [online]. [2022-10-15]. Available on: <[https://ia802905.us.archive.org/25/items/in.ernet.dli.2015.87365/2015.87365.What-Is-Called-Thinking\\_text.pdf](https://ia802905.us.archive.org/25/items/in.ernet.dli.2015.87365/2015.87365.What-Is-Called-Thinking_text.pdf)>

<sup>23</sup> Ibidem, p. 68 etseq.

<sup>24</sup> See e. g. NIETZSCHE, Friedrich. *Thus Spoke Zarathustra*. Cambridge: Cambridge University Press, 2006, p. 5 etseq.

<sup>25</sup> ORWELL, George. 1984. New York: Random House USA Inc, 1998, p. 83.

<sup>26</sup> For existential analysis of the concept of the *ruler of being*, see generally e. g. HEIDEGGER, Martin. Letter on "Humanism". In *Pathmarks*. Cambridge: Cambridge University Press, 1998, p. 213 etseq.

<sup>27</sup> HOBBS, ref. 5, p. 210.

<sup>28</sup> HEIDEGGER, Martin. Anaximander's Fragment. In *A Journal of Humanities and the Classics*, 1973/1974, vol. 1, no. 4, p. 602.

time when no truly political action was taken. In Zamjatin, Orwell and Huxley, we observe dystopian models of state regimes in the far future in which the *last man* is formed and artificially sustained. In Rand, the dystopian model of a state regime is not located in the far future, and so we can genealogically observe social pressure to form and artificially sustain the *last man*, and the means to achieve that end are rather persuasive. However, in Atwood and Eggers, the most contemporary expressions of dystopia, we observe that social pressure has backing from pseudo-police forces.

## 5. CONCLUSION

In the present paper, we have observed the problem of freedom (academic, civil and metaphysical) in the dystopia of the 20th and 21st centuries on the basis of a sample that consists of the most critically acclaimed works of art, e. g. Franz Kafka's *The Trial*, Zamjatin's *We*, Huxley's *Brave New World*, Orwell's *1984*, Rand's *Atlas Shrugged*, Atwood's *The Handmaid's Tale* and Egger's *The Circle*. We examined the various sources of dystopic literary experience from the 21th and 21st centuries in real-world practice, and to better understand the dialectic of space that encompasses it, we called on Thomas Hobbes, who understood Western identification of order and freedom with remarkable sincerity.

We concluded that it is precisely the loss of order in the West that is the source of the methods of ideology and terror of dystopian state regimes, alongside the inadequacy of the concept of man as the *ruler of being*, which is the source of the creation of the *last man*.

To prevent these regrettable outcomes, we shall strive to accept the Western loss of order and not mask it with methods of ideology and terror. The prerequisite to this acceptance is for the Western man to learn the ways of the *shepherd of being* rather than the ways of the *last man* he has been in times of the decline of the West so far.

However, that revolution seems to be already among us and is beginning to have a potent effect on dystopian thinking in the 21st century, contributing to the rising concept of *utopic dystopia*.