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In-Statuere

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Figures of
Institutional Building

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Introduction

0 Propositions

It would be difficult for me to make a list in any given order, but I am certain that preceding any operation or set of actions that could be termed ›institutional acting‹ — acts that produce the institution or refer to it, acts ›conducted‹ by an institution — is a very complex and rather vague set of conditions or unconditional conditions. Considerations of two principal pre-institutional conditions — for several individuals to act together or immediately perform certain similar, simultaneous or pertinent acts and patterns in a directed, precise and disciplined fashion (which is to say, properly) — make this book only a threshold, placing it at the doorstep of the institution: a »book-preamble«, an unending introduction into the institutional. A precondition for a number of individuals to live together (in one another's proximity), in a form that can be arranged, or reconstructed and repeated, is also a cessation of violence, or at least its sporadic, dispersed, and inconsistent use. The conditions for a certain action to be jointly conducted properly, which is to say, the precondition for a group to sustain itself, to survive, indeed to live (without killing or violently dying out altogether), is the immediate suspension of two kinds of violence: arbitrary violence of the individual (spreading fear, terror, terrorism; of the kind that a hundred years ago was done by or ascribed to an »anarchist«), and the *proper* and consistent use of violence *together* (war, even defensive war, war for democracy, and war against terror and terrorism). Despite this second kind of violence being institutional, and despite war itself being an example of an institution — quite possibly implying that »war violence« immediately precedes all forms of »institutional acting« we are here dealing with — I am entirely uncertain whether it is possible to speak reasonably of a »transformation« of violence or victorious war into justice, legality, order, or the institution, or indeed insist on a »conversion«, »transition«,[1] »transformation« of subversive individual violence or war and group use of violence into any kind of joint correct »institutional acting« (Raimo Tuomela uses the phrase *institutional acting*, while Christoph Hubig uses *institutionelle Handlung*). It seems to me that the appearance of diverse institutional acts, practices, or actions (above all those that never eliminate, nor institutionally neglect remaining actors, others) is better described as the interruption or cessation of violence or war. A group of individuals (certainly

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[1]   In the introduction to *Anger and Forgiveness*, Martha Nussbaum uses these verbs for the operation of replacing cruelty and force with »legal institutions«, »health of the city«, and »procedures of reasoned argument« (pp. 1–13).

two or three at the inception)[2] produces institutional acts if its actors temporarily act in the same direction (properly, directly, directedly), but also at the same time while simultaneously and consciously counting on each other (taking care in counting one another to include belonging to a group and its harmony with others), are *a priori* consciously counting on all those not yet or not necessarily a constituent part of the group or part of some other group (or multiple groups at once) – in a word, the broader community of groups. In that sense, a group of individuals is certainly qualified to successfully conduct certain violent acts, but it does not do so, having acquired the status of a new entity or institution (»institutional« status), and is thus always hospitable to others, never completely or finally formed and constructed. If, on the other hand, the conditions of proper joint acting are fulfilled, the amount of so-called »negative acts«, »negative social acts«, or even simply »bad acts« (personal acts and »asocial« acts; written about by Adolf Reinach, Alfred Ayer, Gilbert Ryle, Huw Price, Bruce Vermazen and others) will be reduced, pushed back, diminished, even entirely eliminated.

In this new context of ways and procedures that might suspend violence, end war, and institutionalize peace,[3] war itself »figures« as one of the most important institutions ensuring the more or less long-term unity of a group, although it comes at the cost of major damage or even destruction of another, rival group; meaning that without war and victory in it, without »victorious war«,[4] the collective identity of a group would remain indiscernible. In addition to my interest in this problem, I am also interested in the position of negation in the great institutional construction, as well as the status and significance of various forms of negative or nullifying acts for a society and its institutions. In the preamble of this book,

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[2]   One of the designations of a group is that it comprises at least three members, which implies »interpersonal relations« (*relations interpersonnelles*, because two are always in a »personal relation«). Walter Ruprecht Bion mentions an interesting proverb: »*Deux, c'est l'intimité, trois, c'est la foule*«. Bion: Recherches sur les petits groups, p. 64. Probably when we speak of »group belief« it means at least three members. Cf. Lackey: What is Justified Group Belief?.

[3]   I am referring to the books *Nasilje. Figure suverenosti* (Violence. Figures of sovereignty, 2007), *Granica, znanje, žrtvovanje. O poslednjem ratu* (Border, Knowledge, Sacrifice. On Final War, 2009) and *Sila i oblici rata* (2012). The last book has been translated (with a few minor changes) into English as *Violence and Messianism*, and also into Italian, French, Spanish, and Russian.

[4]   In his doctoral thesis, dedicated to Otto Gierke, one of the first theorists of group acting, Erich Kaufmann thematizes victorious war as the ultimate norm that decides on the existence of a legally ordered state (or group). »The social ideal is not ›the community of free-willed persons‹, but victorious war, as the ultimate means for the highest purpose.« Kaufmann: Das Wesen des Völkerrechts und die clausula rebus sic stantibus, p. 153. ›Victory‹ is a carefully chosen word, since, on the one hand, it belongs to protocols of game and balancing (equilibrium) that constitute the institution (e. g., the institution of the game called tennis, with a given set of rules, but also requiring exchange and equilibrium of action), while, on the other hand, it assumes competition and gamesmanship, profit and gain, but also underhandedness, all of which eliminates poor players from the game and ultimately leads to the cessation of the exchange. A good serve (an ace) brings victory and confirms the institution, while it represents one of the rules of the institution of tennis, can, if it is the victorious point, bring the exchange to a close, breaking the relation between the players (and is a negative action).

in describing the first-known institutional ur-scene of building a monstrous corporation in Babylon, I insist on the traditionally unclear and complex function of negation and negative engagement of *Adonai* (the highest institutional instance) in destroying the tower, dissolving the group and sowing linguistic confusion among its builders. Further, I understand negation in the context of invisible and extreme violence, the possibility of genocidal acts, as well as a way to probe Immanuel Kant and various theories of negative quantities, negative numbers, and the institution of debt, in addition to certain anti-institutional practices, resistance to the institution, as well as the distinction between negative acts and negative social acts. Towards the end of the book, when I thematize »opposition«, and the word »counter« (*contre*), as well as the idea or institute of the »counter-institution«, certainly a pseudo-alternative attempt at institutionalizing and incorporating negation into a general institutional project, which is to say abolishing everything not an institution or that has not as such been institutionalized. Two propositions further complicate my endeavor: that there is nothing which is not institution or is outside the institution, and, in a deontological register, that nothing should or ought to be outside the institution, that is, exist outside the good or just institution. They do so by showing the various forms of institutional coercion and negation of freedom of certain actors to simply ›act‹ non-institutionally (negative social acts, such as inaction, various abstinences, or withdrawing from action). If there is such a thing as non-institutional or extra-institutional acting,[5] my intention would be to reveal in these actions not only resistance to coordinating action and balanced play with others (other actors) or subjection to rules and norms of an institution or community at large, but also some residual traces of pre-institutional violence that sometimes elicits from groups (and often some institutions) very aggressive, even brutal, comportment. The great French revolutionary and institutionalist Louis Antoine de Saint-Just, who understood the revolution as a comprehensive institutionalization of society (as they exist, above all, to protect society from corruption), ascribed asocial acting (although doubtful as acting at all) that denies all *affectio societatis* and thus negates or subverts the institution and institutional responsibility to those who were ›neutral‹ (who did not participate, are neither ›for‹ nor ›against‹, are not ›present‹) – these were the main enemies of the revolution. I differentiate such deformed »acting« and in general the »institute« of neutral

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[5]   This fiction is above all a »French matter«, enduring at some intensity since Madame de Staël to Foucault. Against Hegel's understanding of the institution of objective spirit, for example, Madame de Staël takes existing institutions to be neither »states of affairs« nor »states of the spirit«, which is why it is necessary to emancipate the spirit (meaning philosophy or action) from existing institutions. Cf. Gehlen: Moral und Hypermoral, p. 102. In her famous text, *On Literature Considered in Connection to Social Institutions*, De Staël insists that in a country in which enlightenment cannot penetrate the institutions there really exists or remains a facile philosophy or thinking that does not amend the lives of people. How can there be an extra-institutional field or a quasi-institutional potential not yet fertilized or built into already existing institutions?

or asocial actors (who *de facto* either do nothing or do so »poorly«), from forms of (in)action that are only seemingly opposed to protocols of institutionalization. I would like to produce a classification of negative acts as well as the presence and significance of asocial acts for the constitution of a group; further, I am interested in protocols and strategies of diminishment and neglect of such (in)activities, and the possibility of their elimination. Several problems present themselves: the first refers to the determination of asocial acts (of which negative acts are only a part), which I would define provisionally as acts that actively or passively endanger the relations that exist within a group, or (potential) relations of one group with other groups (i. e., apologies, complaints, justifications, tardiness, sluggishness, neglect, unresponsiveness, irresponsibility, hypocrisy, underhandedness, lying, delays, etc.). To what extent can such acts be ignored and go unheeded? Does the institution as »openness« (two words that should be synonymous) *a priori* diminish the significance and danger of such operations to the survival of the group or institution, that is, does the arrival of new members and increase of social connections perform this task? How can we preserve the right to difference and exception or the »right« to, for example, reject bearing and using fire arms for the sake of defense of one's group (recalling that the stamp *Asozial* and black armbands were infamously used for a particular group of prisoners in Dachau that included homosexuals, emigrants, political prisoners – in a word, those who did not conform to the demands of the Third Reich)?

The book must also give a convincing answer to the question of why violence or certain negative acts still cannot be entirely left outside the doorstep of institutional action. Committing violence together, eliminating the unfit from one's own group or destroying other opposed groups and formations have perfectly bound and united group members, and forcefully shaped its identity, collective consciousness and responsibility. The cessation of destruction and killing would bring an end to an enforced period of group unity. Is it then possible to find another directed common activity (at once, all together) that would have nothing to do with sacrificial rituals of killing or hunting, or rituals of persecution of others? The idea that violence can be transformed, which is to say preserved in a different and acceptable form, appears as a perfect fiction to keep a group, large or small, together. If the community is still active, that is, still acts jointly, with its members in close proximity to one another, sharing language, goods, money, affection, labor, etc. – this is a good sign that force has been, at least seemingly, successfully transformed, bad acts either hidden well or incorporated into a group holding together. What remains of war or readiness for war, killing, and slaughter, is only the group itself, being drawn into the group, memory of (non-)deeds past and successful violent (heroic) acts. Sacrifice, as one of the first institutions of transformed violence, is not efficient because it alters reality, but because it holds us together, giving form to the group through continuous repetition. Similarly religion, that

is, the trust in the ordering power of words and voices (like the efficacy of prayer when conducted together or learned communally), or else utterances made jointly (aloud) of forgotten text that recounts the fierce battle for living space of our ancestors, of experience of catharsis in theater, victory in sport, etc. Still, however successful and exemplary these illustrations of collective intentionality or communal focus of group actors towards the group – which also include banalities, such as soldiers marching, mentioned by Sartre, or its transformation into a podium dance, mentioned by Margaret Gilbert – a group stripped of violence as its primary integrative factor is truly forced to carefully and always anew construct the principle bringing and holding its members together in time, moving them in a single direction. Transforming or leaving behind violence for an entirely new and different form of acting or conduct is decisive for the possibility of creating a new institution.

Naturally, this book deals with the sluggishness of institutions in a time of new and future wars, and a time of continuous violent activity disseminating fear across the world and across borders (at airports as borders). In a time when institutions are degraded and lapse back into violent techniques that more easily ensure the unity and survival of a group, I have chosen to begin this book with a *de facto* defense of a »group on the move«, and the difficulties and problems it faces: namely, a group of migrants, coming from somewhere, is forced to pry open the doors of institutions it encounters, and build institutions it does not. And I have chosen to close the book with a vision of Europe as a new counter-institution, a Europe in permanent crisis, yet ever reducing the sovereignty of its constituent states, but open to those who wish to join or return.

Group (Ever) On the Move

What does it take for a group that can count itself »internally« to account for its members and add them up,[6] to become a new entity (have a new name, be an agent or subject) different and above all of its members? What is *institutio*? Is »institution« still a word used all too easily for a field that remains still unknown (Charles Parsons; Raimo Tuomela; John Searle)? I will reduce hundreds of definitions and variations of institutions and the institutional to only a few: the institution is an artefact – pure human invention, something nature cannot produce on its own

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6   The thematization and theory of the group appears relatively late in Western thought. It probably first appears in Otto von Gierke's Rector speech at the beginning of the twentieth century. Cf. Gierke: Das Wesen der menschlichen Verbände, pp. 3–32. Later, Tomoo Otaka's book surpasses earlier efforts in the Anglo-American philosophical world with the term ›social group‹. Cf. Otaka: Grundlegung der Lehre vom sozialen Verband.