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ENGAGING INSTITUTIONS
ANGAŽOVANJE INSTITUCIJA

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INSTITUTIONAL CHANGE AND THE PARADOX OF (RESTITUTION AND) RESTAURATION OF THE INSTITUTION

ABSTRACT
My intention in this text is to present the most significant contribution of some French philosophers and anthropologists to the notion of reconstruction and advancement of institutions. The paradox of change, reform or transformation of the institution – is an entirely new institution possible? How do institutions die? – lies in the difficulty or even impossibility to change something that manifests what we are as a group. If institutions really present or represent the relations among all of us, how can they be changed in the first place? Whence the capacity for change? What allows for the idea of the "new"?

I would like to explore the notion of reconstruction of our institutions, that is, that our institutions (European as well as others) are in poor shape and in need of revitalization. What is this ability to detect their state and whence the feeling that we deserve better ones? What is it that has changed for the institutions to now be bad and overtly violent? How is the asymmetry even possible between the innumerable entities we ourselves produce through our mutual social acts and our attitudes towards them? Is it possible to speak meaningfully about that which we produce in relation with and to others, which lies between us (the public, the common good), and which can most straightforwardly be designated as concerning the institution?

This body of questions refers to corrections and amendments to institutions we, in conjunction with others, have created or inherited. How can we change institutions? Can old institutions stand simultaneously with new ones? How do institutions even die? If institutions serve to ensure and safeguard a specific set of transactions among ourselves, who ought to be and who can possibly be the subject of this change?

Yet all these complex questions are preceded by two other ones regarding the institution of institutions and institutional analysis: What is it that initiates or is the condition for any and all thematization of the institution? What is the preamble of any possible institutional analysis? In his 1930 *Autobiographie*, Marcel Mauss says that he is above all interested in common work, being part of a team

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(group), and in following the belief that collaboration with others brings much more than pretentious solitary and isolated search for originality (Mauss 1979: 209–210). If we reconstructed all of Mauss efforts and projects, from the various ritual, collective acting or institutions to the grandiose project of overcoming capitalism and competition through engagement for cooperatives (commons), we would see that his interest is always connected with the "act of a collective nature [*acte de nature collective*]" or "individual acts of a collective nature [*les actes individuels de nature collective*]". Which is further to say, his interest is always for the largest form of collective activity, "the nation or the very meaning of the social [*la nation ou le sense du social*]".[1] We can compare his critical and engaged project, with the various great collective critical projects and actions from the past: from Madame de Staël, Saint-Simon and Marx through International Associations, Paul Otlet, the Institute for Social Research, the Praxis School, to critical and social engagement of scholars applying for European humanities grants and the International Consortium of Critical Theory Programs. My own interest is certainly to reconstruct projects of intellectual association, that is universal, non-violent, urgent and obligation-producing (i.e. engaged: von Jhering uses a potentially analogous term in 1886, *die active Solidarobligation* [1969: 409–464]). And European. Among the diverse conditions implied by critical practice – resistance, negation, the concrete, totality ("ruthless criticism of all that exists"), change, decision, judgment, project, the radical, subversion, the universal, public, confrontation or "pseudo-activity" and resignation – engaging in critique always assumes the existence of a group, its urgent formation and the obligation of the group's members to participate in the articulation of collective critical action as a plural subject. Here is a sketch of a proposal for the reconstruction of the idea of collective intellectual work in three steps (each contributing to the introduction into any potential institutionalism):

existence of the group

a) critique is collective and it can only be efficiently conducted by the group of subjects. Transfer of agency from subject to critically engaged subjects, and then to the group as subject determines whether something is critique or not; that is, it is critique only if it is structured as 'our plan' (*unser Plan*) and can become, as Marx wrote to Ruge, 'our affair' (*unsere Sache*) (Marx 1982 [1843]: 486–489);

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1   Long before Husserl and Adolf Reinach, Mauss is practically the first to thematize "*l'acte sociale*". "Ultimately, without being obligatory, magic rites are nevertheless social. Obligation properly speaking is not for us the distinctive characteristic of things, of social acts and sentiments. We still regard the illicit magic act as social, without contradiction. This act is social because it retains the social form, which would not have meaning without it [*Enfin, sans être obligatoires, les rites de la magie sont néanmoins sociaux. L'obligation proprement dite n'est pas pour nous le caractère distinctif des choses, des actes et des sentiments sociaux. L'acte magique illicite reste pour nous social, sans qu'il y ait là contradiction. L'acte est social parce qu'il tient sa forme de la société et qu'il n'a de raison d'être que par rapport à elle*]" (Hubert & Mauss 1908: 186).

urgency

b) critique is urgent: crisis demands an urgent reaction by individuals to rapidly constitute themselves as a group and mitigate a crisis. If the crisis occurs as a combination of negative social acts and dispersed individual critiques, true critique, "as central motif of spirit" (*als zentrales Motiv des Geistes*) (Adorno), is the answer of the group that forms itself at the moment it announces "the crisis event" (Adorno 2003: 785–793);

engagement

c) critique consists of engaged acts when it obligates to urgent action. It obligates not only members of the group, but all future, inactive members/parts of the human community ("global commitment," J. Butler).

Marcel Mauss' thematization or reconstruction of the 'institution' is philosophical-anthropological and of course precedes Malinowski's and that of Mary Douglas, whose writing on the institution is also inspired. It implicitly contains all these mentioned steps,[2] but also carries several important and probably first models for understanding the institution today. It is, in other words, entirely current. I will list the models as well:[3]

Institutions depend on one another [*Les institutions dépendent les unes des autres*] (Fauconnet-Mauss 1901: 167–168).

Comparative history of law and religion has revealed the idea that certain institutions in combination with institutions comprise a system, and that none can be transformed without the others also transforming" [*L'histoire comparée du droit, des religions, a rendu commune l'idée que certaines institutions forment avec certaines autres un système, que les premières ne peuvent se transformer sans que les secondes se transforment également*] (Fauconnet & Mauss 1901: 167).

It is clear that the connections among the wills of individuals rule over individuals.

Such interdependence of phenomena would be inexplicable as the product of particular, more or less capricious, wills; the interdependence is explained, on the contrary, as the product of impersonal forces that dominate the individuals [*Cette interdépendance des phénomènes serait inexplicable s'ils étaient les produits*

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2   In "La magie", Mauss continues: "We seek first of all to understand the institutions, that is, the rules of public conduct and thought. In sacrifice – the public face of the institution – the collective nature of the act and its representations is quite clear [*Nous nous proposions au début de nos études, surtout de comprendre des institutions, c'est-à-dire des règles publiques d'action et de pensée. Dans le sacrifice, le caractère public de l'institution, collectif de l'acte et des représentations est bien clair*]" (Hubert & Mauss 1908: 187)

3   They are in an early text authored with Paul Fauconnet (Fauconnet & Mauss 1901: 165–176).

de volontés particulières et plus ou moins capricieuses; elle s'explique au contraire s'ils sont les produits de forces impersonnelles qui dominent les individus eux-mêmes] (Fauconnet & Mauss 1901: 168).

The institution is always connected to coercion.

A rule to which an individual is considered submitted cannot be the work of that individual: for all obligation implies a higher authority to the obligated subject, which inspires respect in him, an essential element of the feeling of obligation. Excluding interventions by supernatural beings, it is impossible to find, outside and below the individual, any source of obligation other than society, or rather the totality of societies to which he belongs [*Une règle à laquelle l'individu se considère comme soumis ne peut être l'œuvre de cet individu : car toute obligation implique une autorité supérieure au sujet obligé, et qui lui inspire le respect, élément essentiel du sentiment d'obligation. Si donc on exclut l'intervention d'êtres surnaturels, on ne saurait trouver, en dehors et au-dessus de l'individu, qu'une seule source d'obligation, c'est la société ou plutôt l'ensemble des sociétés dont il est membre*] (Ibid.).

The institutional precedes the individual or individuals.

[...] all forms of acting and thinking the individual finds pre-established and whose transmission is conducted most often by way of education are social [*sont sociales toutes les manières d'agir et de penser que l'individu trouve préétablies et dont la transmission se fait le plus généralement par la voie de l'éducation*] (Ibid.).

The name for social facts is institution.

It would be good if a particular word designated these special facts, and it seems that the word institutions would be most appropriate. After all, what is an institution if not the totality of acts or ideas, all presenting themselves to, and imposing themselves more or less on individuals? There is no reason to exclusively reserve, as it is customarily done, this expression to fundamental social arrangements [*Il serait bon qu'un mot spécial désignât ces faits spéciaux, et il semble que le mot institutions serait le mieux approprié. Qu'est-ce en effet qu'une institution sinon un ensemble d'actes ou d'idées tout institué que les individus trouvent devant eux et qui s'impose plus ou moins à eux? Il n'y a aucune raison pour réserver exclusivement, comme on le fait d'ordinaire, cette expression aux arrangements sociaux fondamentaux*] (Ibid.).

The institution, however, is not the past; it lives. Institutions transform. "Nothing comes from nothing [*Rien ne vient de rien*]" (Fauconnet & Mauss 1901: 169).

But, one might say, the institution is in the past; it is, by definition, a fixed entity, not a living one. [...] Nothing comes from nothing: new institutions cannot be made but from older ones, for those are the only extant. [...] True institutions live, which is to say, change incessantly [*Mais, dira-t-on, l'institution est le passé; c'est, par définition, la chose fixée, non la chose vivante.* [...] *Rien ne vient de rien : les institutions nouvelles ne peuvent être faites qu'avec les anciennes, puisque*

celles-ci sont les seules qui existent. […] *Les institutions véritables vivent, c'est-à-dire changent sans cesse*] (Fauconnet & Mauss 1901: 168–169).

There is nothing outside institutions.

The only facts one might without reason consider social, yet which would nevertheless be difficult to place within the definition of institutions, are those produced in societies without institutions. Yet the only societies without institutions are social aggregates, unstable and ephemeral (such as a mob of people), or else those undergoing formation. In neither case do we have societies properly speaking, but only societies in becoming [*Les seuls faits que l'on pourrait non sans raison regarder comme sociaux et qui, cependant, rentreraient difficilement dans la définition des institutions, sont ceux qui se produisent dans les sociétés sans institutions. Mais les seules sociétés sans institutions sont des agrégats sociaux ou bien instables et éphémères comme les foules, ou bien en cours de formation. Or des unes et des autres on peut dire qu'elles ne sont pas encore des sociétés proprement dites, mais seulement des sociétés en voie de devenir*] (Fauconnet & Mauss 1901: 169).

We find these basic designations of the institution in the classic text co-authored by Mauss and Fauconnet. They could once again be classified and reduced to a few directions. Institutions are under constant change, and change is their first characteristic (they transform, they are dynamic and living; as such, they represent a collection of acts or actions, etc.); institutions possess and produce strength and power, yet are resistant to violent protocols that stand at their origin (it is probably easily possible to justify this hypothesis from Hume); and institutions are a primarily European thing or a European philosophical thing. This last claim, which opens a whole slew of questions, refers to philosophy or possibly "European philosophy" that can amend itself, and with itself institutions. Sundry philosophers of various schools of thought would comfortably and convincingly claim that philosophy follows institutions and vice versa, that institutions are always bespoke to thought, that is, that they are but a mirror of '*thinking*'. And yet the collision or discord between philosophy and institutions is additionally complicated by the attribute 'European' (in the phrase "European philosophy"). It seems to me that this attribute distances us (even further) from other continents and thus from other kinds of understandings of institutions or real institutions: Jewish philosophy or Indian philosophy perhaps or probably suit the institutions of Israel and India, and it is difficult to speak of their institutional distinctions compared to institutions of any sovereign country of Europe. Furthermore, this attribute distances us from the imperative (a philosophical imperative, no less) that different institutions, cities or states should always be compared. Is not Hume already built into the very foundations of "European philosophy?" And what is more, is it not a basic fact that without Hume, we would have no "European theory of institutions" or "institutional epistemology?" (Hume awards considerable importance to institutions, much more than Hobbes who reduces the meaning of the noun 'institution' to the verb 'to institute'.) Indeed, without Hume, it

would be impossible to imagine living French republicanism and institutionalism. Without Hume, to put it bluntly, there is no Gilles Deleuze.[4]

I would like to briefly show how this paradox (using Rousseau's phrase "*le moment de l'institution*") (Rousseau 1990: 186) of change or restauration of the institution(s) has been thematized or problematized in the history of European thought or philosophy (along the axis of French institutionalism: Montesquieu, Rousseau, Madame de Staël, Saint-Simon, Mauss). To do so, I would like to posit an unconditional condition of any possible institutionalism. These thinkers, each in their own way, have confirmed this condition of all conditions, which today (or especially today) is neither obvious nor straightforward. In it resides the chief contrast between Hume and Hobbes, but also among the various German, Italian or French philosophers in history and today. This axiom, perhaps the first axiom for, if you will, a "European philosophy," could be formulated as follows: violence or force produces nothing or is not transformed into anything (does not produce right, justice, freedom, order or institutions). In contrast to Hume, this is clear to Montesquieu, Rousseau and Mauss. Thus, for them, any potential notion of protest or amending institutions or of restauration of institutions refers to the elimination of conflict, violence, and aggressive strategies that always already reside in institutions. In *De la littérature considérée dans ses rapports avec les institutions sociales*, M. Germaine de Staël writes:

> Military spirit runs equally through all ages and countries. It is not particular to any nation, nor binds a people to some given institution: it ought to defend them all equally. Rhetoric, love of literature and art, of philosophy can make a homeland of a territory by giving to that nation similar tastes, habits and sentiments. But force speeds past time and bypasses the will. Yet, by this very manner, it can establish nothing among men. It was often repeated during the French revolution, that tyranny was needed to establish liberty. Words of opposite meaning were thus put together into a mere phrase, which changed not one bit the truth of things. Institutions established through violence might imitate liberty in every way except in its natural course. It is thus like a doll that might scare you

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4   It seems to me that there is no "conflittualismo anti-istituzionale ereditato dal post-strutturalismo francese" (Esposito 2019) and that Michel Foucault's anti-institutionalism is a completely marginal phenomenon of no importance whatsoever to structuralism's or 'poststructuralism's' institutionalism or counter-institutionalism (*contre-institution* is both Saint-Simon's and Derrida's term). I have written about this in a text that analyzes 'uses' of the institution in Roberto Esposito (Bojanić 2015). Foucault is the origin and perfect example of this, if you like, neoliberal theater, because he is only concerned with his own engagement (similarly Sartre, although he sometimes vacillates). For him, there is no notion of collective work, collective action or collective change. Could anyone imagine Foucault writing applications, formulating budgets, writing final reports of projects or even simply asking for money for conferences, for joint work or for others... Foucault works for himself, and uses his perfect political connections, throughout the various periods of his life, quite well for his own positioning. I am even unconvinced that his role is particularly important in the construction of the University of Vincennes.

with its resemblance: you will see in it everything but life [*L'esprit militaire est le même dans tous les siècles et dans tous les pays; il ne caractérise point la nation, il ne lie point le peuple à telle ou telle institution: il est également propre à les défendre toutes. L'*éloquence, l'*amour des lettres et des beaux-arts, la philosophie, peuvent seul faire d'un territoire une patrie, en donnant à la nation qui l'habite les mêmes gouts, les mêmes habitudes et les mêmes sentiments. La force se passe du temps et brise la volonté; mais par cela même elle ne peut rien fonder parmi les hommes. L'on a souvent répété, dans la révolution de France, qu'il fallait du despotisme pour établir la liberté. On a lié par des mots un contre-sens dont on a fait une phrase; mais cette phrase ne change rien à la vérité des choses. Les institutions établies par la force imiteraient tout la liberté, excepte son mouvement naturel; les formes seraient comme ces modelés qui vous effrayent par leur ressemblance: vous y retrouves tout, hors la vie*] (De Staël 1800: 29).

In addition to life, since it is already incorporated within institutions, and is not (as the anti-institutionalist mantra goes) opposed to them, Madame de Staël insists on time: force speeds it up, introducing a false and uncertain short-term process. And she insists on will (elsewhere in her writing, the appearance of new institutions implies a new spirit of freedom and desire [*désir*]) (cfr. De Staël 1800: 24). She repeats, modifies and affirms as crucial, four models of "French institutionalism". First, entirely original, that above all literature, new linguistic forms and new expressions could disrupt the asymmetry between thought and institutions (writing, putting pen to paper brings forth something new, and thus new institutions). Second, also never before formulated as succinctly as this, that it is possible "to judge institutions philosophically [*à juger philosophiquement les institutions*]" (De Staël 1800: 148).[5] Otherwise, "philosophy is but a frivolous pastime of countries in which no enlightenment pierces the institutions [*la philosophie elle-même n'est qu'une occupation frivole dans un pays où les lumières ne peuvent pénétrer dans les institutions*] » (De Staël 1800: 262); the third model is inherited from Montesquieu and Rousseau (Saint-Simon also adopts it later): that it is necessary and certainly possible to compare institutions across cities and states. A comparative model of study presents differences among institutions and can advance them. Finally, the last idea Madame de Staël thematizes refers to observing institutions in time, their transformation, transience, obsolescence, and death. Here is how she writes of *chevalerie*:

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5   "Recall yet again the meaning I have given to the word philosophy throughout this work. Philosophy for me is inquiry into the principle of all political and religious institutions, analysis of characteristics and historical events, and finally, study of the human heart and natural rights of man. Such philosophy takes liberty as its guiding goal [*Il faut rappeler ici de nouveau le sens que j'ai constamment attach*é *au mot philosophie dans le cours de cet ouvrage. J'appelle philosophie, l'investigation du principe de toutes les institutions politiques et religieuses, l'analyse des caractères et des évènements historiques, enfin l'étude du cœur humain et des droits naturels de l'homme. Une telle philosophie suppose la liberté ou doit y conduire*]" (cfr. De Staël 1800: 144).

472 | PETAR BOJANIĆ

INSTITUTIONAL CHANGE

Any institution that is good at a given moment, but not for eternal reason, becomes incorrigibly onerous, having corrected previous wrongs. Thus, *chevalerie* was necessary to palliate military savagery through femininity and religious spirit. However, the order or rank of *chevalerie*, just like anything that divides instead of reuniting men, had to come to be seen as dreary as soon as it ceased to provide necessary remedy [*Toute institution bonne relativement à tel danger du moment, et non à la raison éternelle, devient un abus insupportable, après avoir corrig*é *des abus plus grands. La chevalerie était nécessaire pour adoucir la férocité militaire par le culte des femmes et l'esprit religieux; mais la chevalerie, comme un ordre, comme une secte, comme tout ce qui sépare les hommes au lieu de les réunir, dut être considérée comme un mal funeste, dès qu'elle cessa d'être un remède indispensable*] (De Staël 1800: 131).

This construction shows well how a given convention is initially established and regulated, enabling and ensuring transactions among members of a community and reducing militarism; and it shows how it degrades over time. If an 'institution' (is it now perhaps a little clearer what this noun designates or hides?), ceases to be a conduit and becomes an obstacle "that divides instead of uniting men [*qui sépare les hommes au lieu de les réunir*]", then urgent change is necessary. And indeed, there is something urgent in this diagnosis of the institution that has suddenly become dreary (*un mal funeste*). Yet, it is also entirely implicit that Madame de Staël indicates where the problem lies or where knowledge of the problem begins, and how to solve it. The diagnosis is simultaneously an urgent call to cooperation and action sent out to all members of the community.[6] If we say that an institution must ceaselessly institutionalize itself (so as not to become pacified), what that means, in my opinion, is that a group of individuals ought to produce an entirely different kind of act (individual and group social act) that might renew the unity of the group and ensure its transition into an institution (some new institution or counter institution). These I call engaged acts.[7] My premise is that a novel reconstruction of engagement (and related terms)[8] could introduce or advance or ease the shift into 'social freedom' (a term of A. Honneth). Furthermore, as in the case of Madame de Staël's chevalier, this is another negative example that confirms the necessity of certain conditions, or strictly speaking norms (even if they alone are insufficient), for something to be labeled a 'European Value'. For example,

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6   I think that the significance of cooperation for the institution could be Eloi Laurent's important distinction between collaboration that embodies association of usefulness and aims at efficiency. Cooperation, by contrast, is a sharing process of employing common knowledge (*connaissance communes*). Cfr. Laurent 2018.

7   Cfr. Bojanić 2019.

8   Two years ago, *La Stampa* published a lecture by Norberto Bobbio from 1997 about the relation of the intellectual and power. Interestingly, Bobbio makes simultaneous use of the words 'impegno' and 'l'engagement'. "Bobbio: filosofi e tecnici, meglio tenerli separati," *La Stampa*, 22.05.2017: "Il termine 'impegno' può sembrare inadatto a designare il rapporto tra l'esperto e il potere, giacché fa pensare a un'azione volontaria del soggetto che la compie, mentre il contributo che il tecnico dà al politico è quasi sempre richiesto da chi se ne serve".

'European values' does not refer to characteristics specific to Europeans, such as their willingness to urgently mobilize into a group and, for example, help one who is in harm's way or simply resolve some problem. European values would be twofold and concern something else: 1) normativity, since individuals *must* be together in order to be able to *have to* help one (or ones) in trouble; 2) although engagement precedes the norm, it nevertheless constitutes it if and only if there is 'communal engagement', which is to say if the engagement is free or willed (this is a specific aspect of obligation). Absent these acts of communal engagement, there can be no shift from group to institution, and thus no norm. If I say, for example, that the institution is actually a *repertorium* (*répertoire* is a relatively recent French word that means a set or list of elements), this assumes that the institution comprises diverse content and that it is potentially defined as a collection of acts – institutional acts.

My problem lies with the status of negative or perhaps even violent acts (better still, non-institutional, non-social or a-social, non-collegial acts, or "non-cooperative behavior"). Apart from that, I would like to try to imagine some kind of "institutional act" that could potentially be, at least partially, in disjunction with "negative acts". Although such acts might render a group or institution "simply bad" (M. Gilbert), I am not certain that it is possible to eliminate them. However, it might be possible for "engaging acts" or some kind of "provocative acts" (which I would like to provisionally outline) to improve the institution or further institutionalize it. Not only this. My position is precisely that "engaging acts" institutionalize a group (or transform a group into an institution) by reducing or removing negative social acts (which coincide with negative freedom). The more engagement, the more solid the institution. This paradox, which appears already in Montesquieu and Rousseau, is formulated more clearly by Madame de Staël.

When is the right moment for an institution? When and how begins, and when and how is it decreed that something ought to last and be preserved from time and in time? It seems to me that Montesquieu could help in determining what Rousseau calls "*le moment de l'institution*", concerning the beginning and founding of the institution. Rousseau thinks that an entry in Montesquieu's *Considérations sur les causes de grandeur des Romain et de leur décadance* is the paradigm the beginning of every institution should satisfy. In *Du contrat social*, Rousseau is paraphrasing the following statement.

> At the birth of societies, it is the heads of republics who found institutions; from then on it is institutions that form heads of republics [*Dans la naissance des sociétés, ce sont les chefs des républiques qui font l'institution, et c'est ensuite l'institution qui forme les chefs des républiques*] (Rousseau 1990: 380).

I would leave aside the heads who found the institution (here in the singular). I am interested in the way Rousseau tries to transform this already shifted causality in Montesquieu's sentence. The head makes something that will constrain and limit him. Norms form the one who declares or establishes them. An institution is an institution only if it satisfies the following condition: it must

form those who have the capacity to establish it, and this only after it itself has been established. Otherwise, it is not an institution and no institutional establishing has taken place. Rousseau takes another turn, indelibly disrupting the linear causality with an opaque scholastic combination. In the following passage, the people is sovereign (the head), but this time, the result of laws and institutions, the consequence to the people has to precede the institutional act. Thus, the people must already be formed prior to the establishing of laws and institutions. Rousseau's motivation here is still an attempt to purify the establishment of institutions and sovereignty of any form of violence:

> For a newly formed people to feel the reasonable rules of politics and follow the fundamental reasoning of the State, the effect needs to become the cause, the social spirit which ought to be the result of the institution needs to preside over the institution itself, and men need to already be that which the law would make them become. In that way the Sovereign could use neither force nor rationalization, he would have to turn to an authority of a different order, one that could lead without force and persuade without convincing. [*Pour qu'un peuple naissant put goûter les saines maximes de la politique et suivre les regles fondamentales de la raison d'Etat, il faudroit que l'effet put devenir la cause, que l'esprit social qui doit être l'ouvrage de l'institution présidât à l'institution même, et que les hommes fussent avant les loix ce qu'ils doivent devenir par elles. Ainsi donc le Législateur ne pouvant employer ni la force ni le raisonnement, c'est une nécessité qu'il recoure à une autorité d'un autre ordre, qui puisse entraîner sans violence et persuader sans convaincre*] (Rousseau 1990: 383).

Such constructions are quite rare in the history of European thought, as they seem to correspond very well to the complications we all encounter with restauration of institutions and with a universal theory of institutions. Rousseau tells us that "the communal spirit that ought to be the result of institutions precedes the institution itself, and requires that men be before law what the law is to make of them [*que l'esprit social qui doit être louvrage de l'institution présidât à l'institution même, et que les hommes fussent avant les loix ce qu'ils doivent devenir par ells*]". Fifty years later, Saint-Simon writes down his vision of "the institution of Europe", but relies on Montesquieu's formula to do so. Were we to confirm and take up Saint-Simon's idea that philosophy of the 21st century ought to be organizational, with a very strong power to institutionalize and protect various institutions, and were we to reorganize and amend Saint-Simon's vision of Europe, we would immediately encounter two paradoxes. The first dilemma or problem would regard the existence of two parallel kinds of institutions, the old and new, and whether such a state, that can sometimes be a state of violence on everyone's mind and lips, is something truly transitory. Regardless of Saint-Simon saying that old institutions disappear, the new European institution only partially and occasionally takes their place and limits them. How is this possible? The second paradox, that Saint-Simon mentions, and I would call fatal, refers to a line from Montesquieu, that "the institution forms people" (*c'est l'institution qui forme les hommes*). How is possible, then, for those same people, at the same time to create

some new and different institutions? Here is the passage in which Saint-Simon presents this difficulty:

It is the institution that forms men, says Montesquieu. Thus, a penchant for extending patriotism beyond the bounds of the homeland, a practice of considering the interests of Europe, rather than national interests, would be a required result of those who would compose the European parliament. This is true. Yet, it is also men who form institutions, and the institution cannot be established if it does not find them already completely formed, or at least prepared to be so [*C'est l'institution qui forme les hommes, dit Montesquieu; ainsi, ce penchant qui fait sortir le patriotisme hors de bornes de la patrie, cette habitude de considérer les intérêts de l'Europe, au lieu des intérêts nationaux, sera pour ceux qui doivent former le parlement européen, un fruit nécessaire de son établissement. Il est vrai : mais aussi ce sont les hommes qui font l'institution, et l'institution ne peut s'établir si elle ne les trouve tout formés d'avance, ou du moins préparés à l'être*] (Saint-Simon 1998: 36).

If Europe, that is, the European institution, forms people (Europeans), then this penchant or practice (*ce penchant*; *cette habitude*) of the institution forming people has as a consequence that patriotism surpasses the borders of states, and that European interest has replaced national interest. Surpassing the borders of nation states in this passage implies at least two new protocols: a greater openness of national states and hospitality for all citizens of Europe, and of course, the process of expansion of Europe by opening its new future borders beyond any European patriotism. The problem occurs in the second sentence of this fragment by Saint-Simon. Since it is people who form the institution, and the institution forms people as they are forming and constructing it, Saint-Simon assumes that the idea or form of this new institution already pre-exists in the minds of those who are soon to form it. In other words, the institution can be formed only if it "finds" people already prepared and educated to make it (or at least ready to make the institution and be formed by it as they form it). The problem or paradox of the institution as a subject of this second sentence, the institution that can already find (*trouver*) people who are *ad hoc* formed by the very institution (without it even existing yet), returns us, yet again, to the idea of dual or parallel institutions. Only once does Saint-Simon use the phrase "*doubles institutions*," in the very fragment that interests us, where he also only the one time uses the phrase "*les contre-institutions*".[9]

Here then are the various protocols initiated by a restauration of institutions.[10] Their differentiation is in the perspective of the actors' actions: indi-

9   Cfr. Bojanić 2016.
10   The 18th century, already the century of revolution is also always the century of institutionalization and restauration. What is 'restaurant'? Originally, food, "meat-based consommés intended to 'restore' a person's strength." Such strength or institutional capacity is, as we know, ultimately very limited. Institutions die. The mortality of those who feed is trivial. However, not trivial is that "a person's strength" is restored by eating together or in others' presence. We should always return to the group which implies restitution and vice versa.

viduals, sets or aggregates of individuals, or acts of the group as such. First, restauration always concerns an attempt at removal of violence from institutions by way of engaging everybody in the *esprit social*. Second, the relation between old and new institutions poses the problem of double institutions and counter-institutions. Third, the discovery of the institution of Europe as counter-institution, simultaneously coexisting with any institution, allows for the limiting of direct influence of institutions on one another and reduction of the possibility of conflict.

translated by Edward Djordjevic

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Petar Bojanić

Institucionalna promena i paradoks (restitucije i) restauracije institucije

Apstrakt

U ovom tekstu mi je namera da pokazem najvažniji prilog nekih francuskih filozofa i antropologa u vezi sa rekonstrukcijom i poboljšanjem institucija. Paradoks promene, reforme ili transformacije institucije (da li je moguća potpuno nova institucija i kako umiru institucije?) zasniva se na teškoći ili nemogućnosti da se promeni nesto što manifestuje ono sto mi kao grupa jesmo. Ako institucije predstavljaju ili pokazuju zapravo relacije koje postoje između svih nas, kako je moguće menjati ih? Odakle kapacitet za promenu i kako je uopšte moguća ideja „novog"?

Ključne reči: institucija, angažman, promena, restauracija, Evropa