

To cite text:

Song, Yifan. 2026. "Living Institutions, Violence, and Communal Forms of Life: Towards a Marxist Social Ontology." *Philosophy and Society* 37 (3): 605–630.

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LIVING INSTITUTIONS, VIOLENCE, AND COMMUNAL FORMS OF LIFE: TOWARDS A MARXIST SOCIAL ONTOLOGY¹

ABSTRACT

This article re-examines Marx and Engels's conceptualizations of what constitutes a "living institution." The concept of living institutions transcends the conventional state–civil society binary, revealing plural anthropological practices that are simultaneously emancipatory and normative. I trace the various manifestations of the "living institution" throughout the development of Marx's thought, from his early polemics against the historical school of law to the mature expressions of historical materialism. In the latter, Marx theorizes the ambivalence of violence, viewing it either as a manifestation of social vitality and transformation or as the "inorganic naturalization" of society in the service of social reproduction. Historical materialism implies that a new institutional imagination can only take root through the re-institutionalization of existing, concrete institutions. This imperative ultimately leads Marx in his later years to engage deeply with anthropology, ethnology, and non-Western societies. Specific forms of communal life, as Marx recognized, often outlive their own era, possessing an "afterlife" (*Nachleben*) that introduces heterogeneous and plural temporalities into contemporary society.

KEYWORDS

living institution;
habits; violence;
inorganic nature; non-
Western society

Conventionally associated with functionalist or conservative thought, where order and stability are posited as society's central objectives, the concept of the "institution" has long been marginalized within Marxist philosophy. Yet, in its essence, the institution, understood as an anthropological practice within plural forms of life, opens a conceptual horizon beyond the binary framework of state and civil society. It redirects attention to human actions across micro-level domains (such as the embodiment, habits, and imagination) and meso-level formations (such as clans, families, and matrimonial institutions).

¹ I am deeply grateful to Prof. Petar Bojanić, Prof. Tao Qi and two anonymous reviewers for their invaluable and constructive comments on the topic of life and institution.

This multiplicity resists reduction to, or territorialization within, any singular state form. The institution operates simultaneously as a condition of social existence (expressed in the Hegelian term “inorganic nature”) and, in its verbal sense (instituting), as a source of movement and radical imagination.

Recently, Roberto Esposito has rearticulated the genealogy of institutions through the lens of “to institute life” (*vitam instituere*): “How can we restore the connection between institutions and life, overcoming the theoretical and political deadlock that barred its expression throughout the twentieth century? Let us start from the first side of the question, that is, the oft-repeated need to ‘give life’ to institutions, in both senses of instituting and revitalizing them.” (Esposito 2022: 85) For Esposito, this genealogy of *vitam instituere* traces from Machiavelli and Spinoza to Hegel’s concept of “second nature.” Yet Marxist philosophy, a foundational source of critical social theory, is conspicuously absent from this narrative. The questions of how Marx synthesizes resources from both Spinoza and Hegel, and how his institutional thought emerges through his critiques of the historical school of law and Saint-Simonianism, remain largely under-examined.

Intriguingly, Marx and Engels themselves, when analyzing concrete institutional forms, consistently employ the terminology of “viability” (*Lebensfähigkeit*)². They repeatedly assert, for instance, that “it is not a question of restoring a bogus Poland, but of restoring *the state upon a viable foundation* (*Herstellung eines Staats auf lebensfähiger Grundlage*)” (Engels 1848, CW 7: 352; MEW 5: 334). Similarly, they note that “*the vitality of primitive communities* (*Lebensfähigkeit der Urgemeinschaften*) was incomparably greater than that of Semitic, Greek, Roman, and other societies, and, a fortiori, than that of modern capitalist societies” (Marx 1881, CW 24: 389-390; MEW 19: 386).

2 Marx and Engels occasionally distinguish between the terms “*Lebenskraft*” (e.g., the Mark community “infused new vitality [*neue Lebenskraft*] into dying Europe”) and “*Lebensfähigkeit*” (e.g., “restoring the state upon a viable foundation [*Herstellung eines Staats auf lebensfähiger Grundlage*]”). This distinction remains largely inconspicuous in English translations, which frequently conflate the two as “vitality” or “viability.” While both terms are inherently interconnected through their shared root of “life” (*Leben*), their connotations in German diverge subtly: (1) *Lebenskraft*, understood as a living force, emphasizes the immanent drive and impulse of life, a concept epitomized by “labor power” (*Arbeitskraft*). This lineage can be traced back to post-Kantian Romanticism, such as Blumenbach’s *Bildungstrieb* and the tradition of chemical physiology, notably Johann Christian Reil’s *Von der Lebenskraft* (1795). In his *Naturphilosophie*, Schelling sought to synthesize these two sources, arguing that even within purely inorganic matter, there exist conflicting principles of life, see Zammuto (2023). By interpreting nature as an organic and conflicting unity, this perspective exerted a profound influence on the young Marx, particularly during his doctoral dissertation period. (2) *Lebensfähigkeit*, which synthesizes “life” (*Leben*) and “ability” (*Fähigkeit*), leans towards a structural and existential possibility. It represents vitality as mediated through objective institutional forms. An institution may possess *Lebenskraft* (such as the collective identity of its people), yet it will nonetheless perish if it lacks *Lebensfähigkeit*, that is, the objective capacity to endure, such as a stable economic foundation or geographical advantage.

In their analyses of non-Western societies (such as India, Mexico, and Algeria), Marx and Engels persistently invoke the “viable” character of clan-based institutions to articulate resistance against colonialism, if they could be reactivated by modern communism.

These formulations resist straightforward assimilation into the “state–civil society” analytical framework. Instead, they suggest that communism cannot be reduced to a simple abolition of the state and institutions; rather, it must entail a re-institutionalization of communal forms of life, namely the establishment of “living institutions.” This implies, first, that the institution has its own life and possesses unique temporalities and rhythms, irreducible to the exclusive temporality of capitalist modernity; second, that the living institution must remain responsive to the living conditions of social members, reactivating the sediments, habits, and affects at the foundation of society³. In sum, this article addresses three intersecting themes: the relationship between life and institution, the role of violence, and communal forms of life. Together, these elements constitute the foundation of a Marxist social ontology.

The Institutional Debates in *Vormärz*: A Vitalist Reading of Young Marx

The *Vormärz* period plays a profoundly significant role in shaping radical thought in Germany. The era marks the impending demise of an old epoch, while the principles of a new world have yet to be firmly established. “The chasm of the great French Revolution closes only in outward appearance; in reality, the world stands at the beginning of a whole ‘Age of Revolutions,’ in which the masses win from the upper classes an independent political power” (Löwith 1969: 26). People anticipate that a just new order will emerge from conditions of suffering. Philosophically, this period signals the decline of German classical philosophy, as the reconciliation between reason and faith, or state and religion, seems increasingly untenable. Progressive intellectuals, influenced by the French Revolution, actively incorporate socialist ideas – particularly Saint-Simonianism – into their theoretical frameworks. The so-called *Verfassungsfrage* (constitutional question), concerning the distribution of power between the people and the monarchy, becomes a highly sensitive and critical issue. Young Marx, during his studies in Berlin, is undoubtedly familiar with this debate, as his two professors, Friedrich Carl von Savigny and Eduard Gans, represented opposing stances on the constitutional question.

Savigny inherits the romantic tradition’s emphasis on the vitality of “life” and the ideal of constructing a German nation-state. He argues that the law of

3 The discussion of “the institution” in post-war French philosophy emerged with Merleau-Ponty and Deleuze, extended to Cornelius Castoriadis and Claude Lefort, and has radiated to contemporary Italian thought (e.g., Esposito). At the same time, discussions on “the common” and institutions arose in the field of jurisprudence, as seen in the works of Maurice Hauriou and Santi Romano. see Seyfert (2011) and Spanò (2019).

the new world does not derive from the legislator's will but from the "common consciousness of the people" (*gemeinsame Bewußtsein des Volks*), infusing history with a sense of national unity. Law has a "twofold life" (*ein doppeltes Leben*) (Savigny 1999: 19). It is inextricably linked to the organic growth of the national spirit while also embodying a distinct technical and scientific life. The historical school of law seeks the origins of law in the customary practices of the people, but its essence is a defense of the *ancien régime*. In other words, the historical school romanticizes the feudal institutions of the Middle Ages, constructing a mythic Germanic world. The national habits, which Savigny regards as truly vital, are in fact remnants of an "inorganic nature." They resist reflection and fail to respond to the revolutionary affects of the multitude at the present. Even for many Old Hegelians (represented by Carl Friedrich Göschel, Hermann Friedrich Wilhelm Hinrichs, Heinrich Leo, etc.), their conservatism resonates with that of Savigny. Starting from the premise that "whatever is real is rational," they defend the status quo of Prussia and proclaim that the state already signifies the end of history. As Marx later remarks: "A school to which history shows nothing but its a posteriori, as did the God of Israel to his servant Moses, the historical school of law – this school would have invented German history were it not itself an invention of that history" (Marx 1843, CW 3: 177; MEW 1: 380).

In contrast to Savigny, Gans develops all the ambiguous elements of Hegel's philosophy of right into a clear radical liberalism. He demands a rational foundation for the modern state, rather than justifying it solely through shared national history. He advocates the transition from an absolutist state to a constitutional one, insisting that even the monarch must be subordinate to the functional structure of the state. Considering the intellectual debates of his time, it is difficult to categorize Gans simply within the Right Hegelians. In *Naturrecht und Universalrechtsgeschichte*, Gans continues Hegel's critique of Savigny:

This philosophy of positive law contains nothing more than *the presentation of appearance* (*Darstellung der Erscheinung*). No genuine thought is found within it, but merely a pure enumeration of what exists positively – a repetition of the nomenclature found in positive law. *Institutions, for example, have been elevated and disseminated simply because they have appeared* (*Die Institutionen z.B. sind deshalb erhoben und verteilt worden, weil sie erschienen sind*) (Gans 2005: 5).

He further insists that the idea of law must realize itself, breathing life into institutions rather than justifying and affirming what is remaining in the past:

The *Idea of law* would have been very weak had it not realized itself. For what does not come into appearance is weak, and what is truly Idea must appear [...] one must grasp the Idea and not remain stuck in *what institutions have been*. Instead, one must allow law to develop out of itself (so muss man die Idee auf-fassen und nicht dabei stehenbleiben, was die Institute gewesen sind, sondern man muss das Recht sich aus sich selbst entwickeln lassen) (Gans 2005: 6).

By advocating the idea of law as freedom, Gans arrives at several genuinely radical conclusions: “If the constitution of the people is not right for them, if it’s totally different from what they want, they’ll get rid of it and change themselves, and these are the foundational crises in history, the revolutions” (Gans 2005: 215–216). This radical stance earns Gans high praise from the Young Hegelians, who incorporates the liberal and socialist dimensions of Saint-Simonian associationism⁴ into his thought. However, Gans’s liberalism ultimately seeks a reconciliation with Hegel’s philosophy of the state. By defending the principles of individual freedom and private property – particularly evident in his staunch belief in inheritance rights – Gans promotes the establishment of free corporations, aiming to secure the ethical safeguarding of civil society through collective negotiation and contractual relations. (In the second section, I argue that Marx diverges from this view, positing negotiation as merely a process of normalization that obscures the violent foundations of institutions.)

It is evident that the theoretical origins of the young Marx align more closely with Gans than with Savigny. In 1842, when Savigny is appointed as the minister responsible for revising Prussian law, Marx composes *Das philosophische Manifest der historischen Rechtsschule*⁵ as a response. Ostensibly criticizing Gustav Hugo’s skepticism, which closely follows Kant in reinforcing the dichotomy between phenomena and noumena, Marx interprets the historical school as a betrayal of the German Idealist commitment to the “rationality”. The principle of reason guarantees that institutions must be founded on freedom, whereas the suspension of reason implies a justification for the oppressive and arbitrary elements of feudalism. “Therefore, he by no means tries to prove that *the positive is rational*; he tries to prove that *the positive is irrational*” (Marx 1842, CW 1: 204; MEW 1: 79). Hugo constructs a world consisting solely of historical remains. He reduces the domain of law to a purely natural, animalistic realm (for example, marriage is predicated not on ethical life but rather on sexual impulses), devoid of the dynamic interplay between life and institutions. Marx, as a precursor to genealogical critique, declares that positive law is essentially the “*law of despotic violence [Das Recht der willkürlichen Gewalt]*,” implicitly targeting Savigny—“*Hugo’s successor*”—as someone who is not “*fit to be the legislators of our time [die Gesetzgeber unserer Zeit zu sein]*” (Marx 1842, CW 1: 209; MEW 1: 84–85).

However, the position of the young Marx cannot be perfectly conflated with that of Gans. What emerges as crucial here is not the question of rationality, but rather the question of “life” as inspired by Ludwig Feuerbach’s naturalism. Feuerbach’s *The Essence of Christianity* (1841) delivers a profound theoretical shock to the Young Hegelians, introducing a special kind of naturalism into constitutional debates. The crux of the matter can no longer be confined merely to political emancipation; it extends to whether life can flourish on a natural

4 Concerning the intellectual relationship between Eduard Gans, the Young Hegelians, and Saint-Simonianism, see Breckman (2001) and Waszek (2015).

5 Young Marx’s debates with the historical school of law, see Kelley (1978).

scale and whether human solidarity can be achieved. Feuerbach's concept of genus, if correctly interpreted as an infinite openness of life, a unity of forms in metamorphosis⁶ rather than a simple, homogeneous essence, helps clarify why the young Marx turns to labor (a distinctly human capacity) to articulate the mutual transformation between organic and inorganic nature. Humans, as genus-being (*Gattungswesen*), possess the very ability *to institute* a certain kind of "second nature." This is a capacity that Catherine Malabou, in her reading of Hegel's philosophical anthropology, specifically attributes to the "plasticity" of the human body (Malabou 2004: 57–75), simultaneously transforming one's own inner nature and the objective world, rather than merely consuming and exhausting them as animals do.

Feuerbach seeks to reinterpret the formation of institutions through a naturalistic anthropology of the body. For instance, the sanctity of marriage, property, and civil law does not derive from religion conferring sacredness upon them; rather, these are regarded as divine institutions only because our "affections" within social relations encounter this sacredness directly. As Feuerbach asserts: "Property does not become sacred because it is regarded as a *divine institution* (*göttliches Institut*), but it is regarded as a divine institution because it is felt to be in itself sacred. Love is not holy because it is a predicate of God, but it is a predicate of God because it is in itself divine" (Feuerbach 2008: 224). Love represents the paradigmatic model of projection and objectification in life activity. It creates institutions, and conversely, established institutions affirm love. In this way, Feuerbach radically traces the origin of institutions back to certain forms of living experience. Law becomes empty when examined only from within; it must critically reflect on its own boundaries, namely, nature or life. If the debate over institutions is to break free from the confines of legal positivism, this "counter-right" must often be sought in pre-conceptual affections and the human sensuous process of objectification.

Feuerbach's discussion of the relationship between life and institutions marks a turning point in the young Marx's political and social thought. In his subsequent commentary on the debates over the theft of wood, Marx interrogates the "genesis of law," scrutinizing and reorienting Hegel's proposition that "law (*Recht*) is the existence (*Dasein*) of freedom" within specific,

6 Recently, Thomas Khurana, drawing on Hegel's philosophy of nature and philosophy of spirit, argues that the genus-process (*Gattungsprozess*) constitutes a third moment alongside the process of shape and assimilation. The genus (*Gattung*) differs from the species (*Art*). A species (such as the human species) remains an abstract universality, whereas the genus, in a certain sense, signifies the "completion of the idea of life." It emerges as the outcome of life undergoing complex morphological transformations and interactions with the external environment, and cannot be reduced to any form of anthropocentrism. This interpretation is particularly helpful for understanding Feuerbach's concept of *Gattung*, since for Feuerbach, the category of genus is broader than that of "human": drawing on a certain pantheistic perspective, the entire natural world manifests different levels of life through the genus, see Khurana (2022).

conflict-ridden conditions.⁷ The theft of wood reflects a struggle between the customary law of the aristocracy and that of the impoverished. From the perspective of positivistic institutional history, gathering fallen wood constitutes a violation of the private property rights of forest owners. However, Marx goes further, arguing that behind positive law lies the habitualization and normalization of the aristocracy's violent appropriation of social surplus products, which are, in essence, "customary wrongs."

The customary rights of the aristocracy are founded on "lawlessness" (Unrecht), fixing primordial relations of inequality as state-sanctioned rights and declaring themselves positive law. Codified Roman law, or so-called "enlightened legislation", precisely obscures this origin, concealing the very moment of "instituting" that occurred at its genesis.

Confronting the aristocratic customary law, Marx attempts to reconnect "life" with the "institution" – or, rather, to *revitalize the institution*. Beyond the positive legal system, there exists a customary law of the poor that remains unrecognized by the state, yet constitutes the true source of a living institution. In other words, Marx reinterprets the category of habit (Gewohnheit) not merely as something given, but as a battleground for symbolic hegemony.⁸

To be more accurate, the customary law of the poor possesses two characteristics:

(1) Plurality at the margins: The customary law of the poor predominantly exists in the indeterminate zones of property relations. Just as Marx affirms "contingency" in Epicurus's philosophy in his *doctoral dissertation*, embracing these accidents and ambiguities opens a gray area for life to flourish. Yet, these local customary laws are excluded by established institutions. Legislative minds, drawing on the abstract private law of Roman jurisprudence, try to erase all such contingencies. "Little thought is needed to perceive how *one-sidedly* enlightened legislation has treated and been compelled to treat *the customary rights of the poor*, of which the various *Germanic* rights can be considered the most prolific source [als deren ergiebigste Quelle man die verschiedenen germanischen Rechte] [...] They abolished particular customs, but in so doing forgot that whereas the wrong of the estates took the form of arbitrary pretensions,

7 Although Rancière's interpretation of genus and "species" here is highly problematic, I find his reading of the wood theft debates illuminating. Specifically, his observation that "the relation between feudalism and the 'epoch of general laws' is in fact not historical but ontological" Rancière (2019: 13) enables us to understand why, in the *Contribution to the Critique of Hegel's Philosophy of Right*, the distinction between democracy and other political forms is not merely a difference in forms of government, but rather an ontological difference. Only this ontological difference can substantiate a vitalist reading.

8 When reading Hegel's philosophical anthropology, Žižek has already realized this special meaning of habits: "habits are always 'unexpected,' contingent, an accident elevated to universal necessity. The predominance of one or another habit is the result of a struggle for hegemony, for which accident will occupy the empty place of the universality." see Žižek (2009: 119)

the right of those without social estate appeared in the form of accidental concessions” (Marx 1842, CW 1: 232; MEW 1: 117).

(2) **Vitality:** Marx further argues that, as the gathering of wood is an expression of life, the poor possess a “natural right” to resist naturalized “lawlessness” (Unrecht). Here, his position resonates with Spinoza’s doctrine of natural right or the right of war in the *Political Treatise*. Based on their existential needs and their status as a part of nature, the poor claim nature’s gifts as their own. This customary law remains a vital force that has not yet been assimilated into the established state system.

In these customs of the poor class, therefore, there is an instinctive sense of right; their roots are positive and legitimate, and the form of customary right here conforms *all the more to nature* (*naturgemäßer*) because up to now *the existence of the poor class* itself has been a mere *custom* of civil society, a custom which has not found an appropriate place in the conscious organisation of the state. (Marx 1842, CW 1: 234; MEW 1: 119)

The pursuit of a *naturgemäßer* form of life already contains the seeds of radical politics and establishes the framework for Marx’s critique of Hegel’s philosophy of right, which returns the institution to its vital roots. Later, following Spinoza, Marx distinguishes “democracy” from other political forms as the most natural form of life, an expression of life as the genus (Gattung). He extends Feuerbach’s concept of “genus-being” (Gattungswesen) into the political sphere, thereby decentralizing the state: “Democracy is the genus constitution (Verfassungsgattung). Monarchy is one species, and a poor one at that. Democracy is content and form. Monarchy is supposed to be only a form, but it falsifies the content” (Marx 1843, CW 3: 29; MEW 1: 230–231).

There are always certain aspects of life-practice that are not objects of state control, but rather processes of institutionalization and socialization. Marx is clear here that democracy is a form-of-life⁹ rather than a form of government. It is radical precisely because it fundamentally relates to the ontological status of all social members. Therefore, democracy is rooted in society instead of the state *per se*. It demands an institutional framework that engages all social members and activates human productivity and social vitality. Marx specifically notes here that the struggle between monarchy and republic remains a discussion confined to the sphere of the abstract state. “The *political* republic is democracy within the abstract state form.” (Marx 1843, CW 3: 31; MEW 1: 232) In this context, republic serves as the negation of monarchy only within the political domain (Marx here conceives of it through Rousseau’s idea of

9 The connection between Marx’s radical democracy and Spinozism can be traced back to the pioneering work of Maximilien Rubel, which is also an important resource for Miguel Abensour. Martin Saar explicitly interprets this radical democracy as a form of life, while Vittorio Morfino insightfully discerns its conceptual linkage to what Marx later describes as socialism in *On the Jewish Question*, see Saar (2013: 387–391) and Morfino (2013: 179–203).

public will), where the people must distort their own nature to become political man (*homo politicus*), coalescing into a single, unified will. However, democracy is actually an integral part of social emancipation, which must address how the pluralistic social members within civil society transform and reorient their own desires and needs.

The people (*potentia multitudinis* in Spinoza's term) create institutions, and in turn, the sphere of material life absorbs, nurtures, and activates the political domain: "Democracy is *the essence of all state constitutions*—socialized man as a *particular* state constitution [So ist die Demokratie das *Wesen aller Staatsverfassung*, der sozialisierte Mensch, als eine *besondere Staatsverfassung*]" (Marx 1843, CW 3: 30; MEW 1: 231). Hegel's class system merely fragments organic relations into oppositions between species. Just as the customary law of the poor stands in relation to that of the aristocracy, democracy represents a higher vital principle that activates the pluralistic forces within material society. Miguel Abensour, in his close reading of these texts, correctly points out, Marx encounters here a Machiavellian or Spinozist moment: the state must be "*reduced*" to the collective self-determination of the *demos*, namely, "a path beyond the political State would be opened by the democratic institution of society, such that the *demos* manifests and recognizes itself as *demos* in all realms of human life while respecting the specificity of each one." (Abensour 2011: 66) Moreover, in the preface to the Italian edition, Abensour focuses on the institutional dimension of "true democracy", which implies "a distancing, in the name of the institution, from sovereignty and the law; the only avenue open to the institution is that of greater plasticity, more openness to events, and a stronger disposition to welcome the new." (Abensour 2011: xxviii) The institution creates two temporalities -- the overthrow of a state system and the opening of a new communal form. This transitional phase begins with the people's desire for freedom and struggles constantly against the restorative efforts of the old state apparatus, thereby opening a space where conflict cannot be eliminated and the people are empowered with vitality. Abensour formally traces the idea of "true democracy" throughout the entirety of Marx's thought, specifically linking it to the study of the Paris Commune.

In sum, Marx's critique of Hegel aims at reviving the verbal dimension of "*vitam instituere*." Movement is inherent to the concept of the institution, granted by the mutability of life itself: "It becomes necessary that the movement of the constitution, that *advance*, be made *the principle of the constitution* and that therefore the real bearer of the constitution, the people, be made the principle of the constitution. Advance itself is then the constitution" (Marx 1843, CW 3: 57; MEW 1: 259). This new form of life requires the full activation and mobilization of "social life," reciprocally nourishing the formation of institutions and subordinating the state to the growth of society, creating more spaces for engagement and wild imagination. It may be argued that the young Marx's social philosophy is, at its core, a philosophy of the "living institution."

Violence and the Inorganic Nature in Historical Materialism

In this article, I do not intend to accentuate the alleged break between the young Marx and his later thought, but rather to highlight the varying manifestations of the “living institution” across different stages. The radical democracy advocated by the young Marx as a form of life soon finds a more comprehensive expression in socialism. In the *Economic and Philosophic Manuscripts of 1844*, Marx elaborates on the idea of social life: “His manifestations of life—even if they may not appear in the direct form of communal manifestations of life carried out in association with others—are therefore an expression and confirmation of *social life* (*gesellschaftlichen Lebens*)” (Marx 1844, CW 3: 299; MEW 40: 538–539).

However, this also raises a crucial question: if institutions inherently possess vitality, then violence may well constitute an essential element of the institution¹⁰. The Historical School and Gans’s free corporations attempt to conceal the presence of violence within the social framework, whereas Marx precisely grasps the ambivalent function of violence. This insight leads us to Marx’s mature formulations regarding social formations and historical materialism.

(1) On the one hand, *from the perspective of life*, a living institution cannot claim to be the antithesis of violence (*Gewalt*) or forces (*Kräfte*). As Balibar aptly observes: “Violence can’t be simply the other of politics, unless we want to imagine a politics without powers, power relations, inequalities, conflicts, or interests, which would be tantamount to a politics without politics.” (Balibar 2020: 386)

The very foundation of Marx’s social ontology, whether in the origin, maintenance, or dissolution of society, we invariably encounter the traces of violence. The mutual mediation between life and institution suggests that for any given society, its organic and inorganic spheres, the boundaries between nature and society, remain in a state of constant, dynamic adjustment. For Marx, nature is not an external object, but rather a ‘relation’ or a ‘network’ whose boundaries are demarcated by social practice; thus, the very act of naturalization inherently involves the intervention of violence. This point is most vividly illustrated in his application of the concept of “inorganic nature” (*unorganische Natur*).

As early as in the *Paris Manuscripts*, Marx has already theorized the dialectical mutual transformation between the inorganic and organic nature: “Nature is man’s *inorganic body* – nature, that is, insofar as it is not itself human body (*Körper*). Man *lives* on nature – means that nature is his *body* (*Leib*), with which he must remain in continuous interchange (in *beständigem Prozeß*) if he is not to die” (Marx 1844, CW 3: 276; MEW 40: 516).

¹⁰ Petar Bojanić has noticed these violent roots of institutions. “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” Bojanić (2022: 12).

On the one hand, this passage carries profound implications of political ecology. *Körper* belongs simultaneously to nature and humanity; through its divisibility, it manifests the entire life process as a continuous metabolism and interchange between individuals. Human objective activity cannot thoroughly “conquer” nature by transforming it into “organic nature,” but can only reactivate it. On the other hand, the text suggests that the organic and inorganic, life and death, are not two diametrically opposed categories with fixed boundaries. Rather, they represent two perspectives or possibilities of life itself.¹¹ Marx hence implies a unique while necessary reality of social reproduction: the vital and activated body (*Leib*) can also be transformed into a naturalized, inorganic physical body (*Körper*).

In the *Grundrisse*, Marx frequently considers the instituted part of social history as the inorganic nature of subjects (*unorganische Natur vorgefundener Leib seiner Subjektivität*). He relates this to the analysis of violent social reproduction: “In the relation of slavery and serfdom [...] one part of society is treated by another as the mere inorganic and natural condition of its own reproduction” (Marx 1857-58, CW 28: 413; MEW 42: 397). A core feature of pre-capitalist societies is that individuals are always presupposed within their “inorganic nature.” The objective conditions of labor are not the products of labor but exist as pre-given nature – namely the laborer’s land, means of production, and relations of consanguinity – which continuously reproduce the same individual. However, society constantly re-regulates the boundary between “inorganic nature” and “society.” For instance, war, as a representative institution of social interaction, incorporates plundered slaves into the category of nature while denying their social identity.

This usage of “inorganic nature” is already prefigured in Hegelian philosophy. In the *Phenomenology of Spirit*: “This past existence has already become an acquired possession of the universal spirit; it constitutes the substance of the individual, or, his inorganic nature” (Hegel 2018: 18). Here, inorganic nature represents the inherent dissonance of second nature, the discarded forms of Spirit that individuals confront externally and unreflectively. Furthermore, in the *Philosophy of Nature*, when Hegel discusses the second moment of life – the process of assimilation – he argues that inorganic nature is defined only through its relation to the organism (Chaput 2025: 183-208). The inorganic nature of the animal is its external environment (*Umwelt*), a totality in which it inhabits. The process of assimilation implies that the animal must violently posit this part of the living world as part of itself, consuming and destroying it to complete the reproduction of life: “The animals and plants which the animal consumes are, it is true, themselves organic structures, but for this animal they are *relatively* its inorganic nature” (Hegel 1970: 398).

11 Butler has correctly pointed out the mutual transformation between inorganic and organic nature: “The human organism is bound up with inorganic nature for its own life, and can become inorganic for itself, living as a being both animated in some respects and de-animated in others.” Butler (2019: 15)

Marx creatively grafts the term “inorganic nature” into the context of social philosophy. Inorganic nature is both the unreflective, presupposed condition of human being and a relation dynamically adjusted by society. The inorganicization of social members manifests itself in wars and slavery, where their labor sustains the community yet remains invisible to civilizational discourse. At the origins of capitalism, during the stage of primitive accumulation, Marx vividly depicts how early colonial activities violently posit non-Western indigenous peoples, cheap labor, and precious metal resources as the “inorganic nature” of the entire capitalist society.

However, we must refrain from simplistically considering the constitutive function of violence as either normative or emancipatory. If the institution is indeed a transitional phase between two temporalities, superimposing different times, then this original violence within the institution, its vitality, should be capable of opening up a new form of communal life. Productive force, the power by which a society manages its own life, at specific moments leaps out of the given institutional arrangements (modes of production). This is precisely the sense in which violence is the “midwife” of a society. Yet, simultaneously, this violent character is obscured by the capitalist legal system, which guarantees employed labor and social contracts between “free” individuals, even during the phase of “bloody legislation.” Consequently, in the stage of mature capitalism, the traces of this violence seem to vanish; in reality, however, the separation between the free subject and their inorganic nature has merely been completed in a structural manner – an entire working class has been excluded and posited as the inorganic condition of society. Violence is thus incorporated into the internal workings of the state apparatus.

In Benjaminian terms, this institutes a cyclical interplay of law-positing and law-preserving violence. In his analysis of the “working day,” Marx, in a tone of proto-genealogy, states: “Between equal rights, violence decides (*Zwischen gleichen Rechten entscheidet die Gewalt*)” (Marx 1867, CW 35: 243; MEW 23: 249). Within the sphere of circulation, state power retains the illusion of neutrality. Both capitalist and worker are formally equal under the laws of exchange. Yet, no “just” adjudication within this legal framework is possible. If the worker’s labor generates value equivalent only to the value of labor-power, surplus value evaporates. The capitalist thus insists on the buyer’s right to extend the working day, while the worker asserts the seller’s right to limit it within physiological bounds. In this constant struggle, a hidden civil war, the class that prevails through struggle imposes the so-called “normal working day.” However, this institutional violence does not posit a new beginning as a revolution should; rather, it confines conflict within the nation-state and institutes new forms of normalization through negotiation, which merely represents the effect of state ideology. In this sense, Marx must seek a “new” form of violence or social vitality to put an end to capitalism, a Messianic moment¹²

12 I find Balibar’s interpretation of the Messianic meaning of “the expropriators are expropriated” highly inspiring, see Balibar (2019).

that reverses the usage of violence, in which “the expropriators are expropriated” (Marx 1867, CW 35: 750; MEW 23: 791).

(2) *From an institutional perspective*, however, Marx also provides a critique of violence. Historical materialism acknowledges the presence of violence at the origins of history, yet refuses to reify it as an immutable inorganic nature, “without however, imagining that it was the plan or the destiny of previous generations to give them material, and without believing that these conditions were *inorganic* for the individuals creating them” (Marx 1845, CW 5: 81; MEW 3: 71). Historical materialists seek to redirect and re-institutionalization of vital force of society. Without the mediation of institutions, pure vitalism can also be taken advantage of by conservatism and lead only to pure destruction and blindness.

It seems there is always a constant tension between Marxism and anarchism in his era. When Marx asserts that “all social life is essentially *practical*,” this should best be understood as “a flexible, decentralized instituent praxis” (Esposito 2022: 88), rather than an Moses Hessian anarchist philosophy of act (Tat). The latter implies a contempt for nature (reduced to a mere projection of the animal kingdom), as if human history could only begin where natural history ends. “In natural life, contradictions are the forms in which *the idea of life (Lebensidee)* manifests itself, so that here, without contradictions, there would be no life. But natural life is not the realization of freedom.” (Hess 1962: 139) Hess further critiques the anarchism of Proudhon and Babeuf, arguing that they only conceive of the subject in action in a state of limitlessness (Schrankenlosigkeit) and non-determination (Bestimmungslosigkeit), a condition that inevitably relapses into the domination of one person over another. For Hess, true anarchism must be transformed into the self-determination of the actor, and open a new stage of human history by transcending its own pre-history, natural history, represented by the animal kingdom.¹³ Calling for the realization of divine history (heilige Geschichte), Moses Hess shapes an ethical socialism that summons activism through the categories of absolute “freedom” and “equality”, where people can find themselves in a pantheistic unity. Political action, to some extent, must transcend (or ignore) the various natural conditions presupposed by the institution.

Moses Hess and Max Stirner, despite their divergent appeals to “association” – whether conceived holistically or egoistically – demand that the world be arranged (eingerichtet) according to the self-determination of acting subjects. Yet, for Marx, the resulting arrangements (Einrichtungen) remain mere

13 Here I find Esposito’s distinction between instituent power and constituent power particularly illuminating. Constituent power aims to activate the political as such, sacrificing the instituted dimension for a one-dimensional constituting process, and presupposing always-ready revolutionary subject. “The resumption today of explicitly anarchic stances follows the same line of argumentation, alternating between revolutionary calls for constituent power and appeals to destituent power. What connects them, albeit in opposition, is a demand for immediacy that opposes any institutional mediation.” Esposito (2022: 13)

artifacts, detached from concrete social habits and the specificities of national character. Stirner revels in rebellion (*Empörung*) but shuns revolution. As Marx observes: “Every rebel in his ‘egoistical act’ is faced by a particular existing reality, over which he endeavors to rise, without regard to the general conditions” (Marx 1845, CW 5: 382; MEW 3: 366).

Here, Marx scoffs at the anarchists’ lack of institutional imagination: “The rebels who strove to be ‘without a constitution’ [...] ‘arrange things for themselves’ by ‘choosing’ for themselves a ‘constitution’ of landed property. We see that Sancho [Stirner] was right in not placing any brilliant hopes in new ‘institutions’ (neuen „Institutionen“)” (CW 5: 390–391; MEW 3: 375). If Marx and his pioneer Spinoza are thinkers of transindividuality, then they cannot be reduced to the perspectives of individualism or holism. In Marx’s view, anarchists, whether appealing to pantheistic unity (Hess) or egoist association (Stirner), fundamentally lack a radical imagination for new institutions; as a result, they either simply draw their inspiration from pre-modern feudalistic institutions or turn to the non-institutional free associations. The distinction between Marxism and its contemporary anarchist counterparts¹⁴ can be summarized in the following three aspects:

(a) In theorizing the relationship between revolution and institution, Marx eschews the overly “transparent” theories of emancipation found in Hess or Stirner (e.g., the divine history of linear progress, the *Bildungsgeschichte* of humanity, or non-coercive free associations). Instead, Marx insists on the ambivalent role of the state, the nation, and the imagination. While these institutional achievements certainly serve social domination, they inherently contain emancipatory elements within their revolutionary preconditions that allow for reactivation. Consequently, the revolutionary task shifts toward an immanent critique of the contradictory productive forces and social relations within society.

(b) Marx does not derive the acting subject from general ethical determinations or meta-normative categories (such as freedom, equality, or the “ego”). Normativity can only be conceived and realized through history. Indeed, the

14 Admittedly, Miguel Abensour has raised a formidable theoretical challenge here. He is equally keen to realize that Hess and Marx represent two distinct receptions of Spinozist philosophy: “If Hess pulls Spinoza over to the side of anarchy metamorphosed into ethics, Marx by contrast leads us back to Spinoza’s thinking of democracy” Abensour (2011: 51). Strictly speaking, Hess seizes upon Chapter 17 of the *Tractatus Theologico-Politicus*, the possibility of realizing a contemporary version of “true religion” modeled after the ancient Hebrew commonwealth. Marx, by contrast, focuses on Chapter 16, where democracy is understood as the most natural form of life. Within this interpretative framework, Abensour places greater emphasis on explaining the problem of democracy within the tradition of civic republicanism. I, however, place more weight on the naturalism inherent in the Spinozist interpretation. This means that my concern extends beyond the politicality of the *demos* to encompass the dimension of their natural and affective life. At the same time, for me, the institution is not merely a site for the possibility of conflict; I am also concerned with its broader significance, including its philosophical-anthropological connotations (such as imagination and second nature), collective action, and social solidarity.

notion that a subject can achieve total self-determination or construct a pure “philosophy of action”, is itself a construct of modern civil society. Capitalist society requires a subject endowed with labor power while stripped of natural constraints, acting as a pure agent of action (Fischbach 2006). Conversely, Marx asserts that “the social character is the general character of the whole movement” (Marx 1844, CW 3: 298; MEW 40: 537). Here, “social character” is not a sentimental bond of love or a naturally unified “genus-being,” but a social solidarity constructed through situational relationality, in which social members share the same fate.

(c) The idea of natural history (*Naturgeschichte*) differs fundamentally from that of divine history. From the perspective of social ontology, the living institution theory distinguishes itself from simple humanitarian or purely political-revolutionary stances. It focuses on the “gray zones” between society and nature, and between institution and life. In these zones, every social action must account for its relationship with non-human elements (this perspective of inter-objectivity is precisely what transindividual means); inorganic conditions, national sedimentations, external constitutive resources, and the “inner nature” of the people. While Proudhon and Hess attempt to purge “violence” from the social constitution, Marxian social ontology emphasizes that violence is an untransformable and unavoidable fact of natural history.

The living institution is neither a return to the past nor a project that “creates its poetry from the past.” Rather, the living institution is essentially a form of tension: while it operates within the presupposition of natural conditions, it must simultaneously resist the tendency of naturalization in every institutions, continually reactivating and transforming the institution from within. This transformation is also called social revolution. This stance permeates Marx and Engels’s positions on Poland, Ireland, and Asiatic societies. Society requires a certain “vital force” to forge communal forms of living and revolution must be thought precisely through its re-institutionalization.

Re-instituting Communal Living: From Margins of Europe to Non-western Societies

From the perspective of a social ontology, institutions possess a unique spatio-temporal characteristic. The temporality of institutions differs from the totalizing time of capitalism. The latter, through the concept of socially necessary labor time, tightly binds the entire modern world to an ever-accelerating, thoroughly quantified linear temporality. Yet institutions have their own life. Even when capitalist institutions have become rigid and lifeless, certain primordial institutions may still exhibit more dynamic vital forces (Tombs 2017: 58–77). If the capital-nation-state represents a narrow, monolithic form of life, institutions, by contrast, embody the absolute diversity of human life: a plural temporality that coexists with the totalizing time of modernity (for instance, people still perceive seasonal changes through their bodily rhythms). It is precisely on this basis that Marx, while analyzing capitalist society, actively

explores the institutional plurality at the margins of Europe, as well as in ancient and Asiatic societies. This plurality has the potential to become a powerful force of resistance against capital.

(1) Let us first examine the example of Poland, a peripheral European country, as mentioned at the beginning of the article. Here, I wish to distinguish between two concepts: the nationality of a society and the “principle of nationalities.”

The “principle of nationalities” was a maneuver frequently exploited by the imperialism of Marx’s era, most notably by Louis Bonaparte and Bismarck. The core idea of this principle is that the interests of a nation are merely bargaining chips to be exchanged within the capitalist world market; it respects neither ethnic pluralism nor a nation’s historical traditions, natural-geographical foundations, or the affective basis of people’s identity. Instead, it carves out territories through political violence (that is the reason why Engels comments on Bismarck’s politics under the title “violence”). As Engels notes: “As Emperor he [Bismarck] not only made politics serve the interests of capitalist profits and stock exchange machinations, but also pursued politics entirely according to the rules of the stock exchange and speculated on the ‘*nationalities principle (Nationalitätsprinzip)*’” (Engels 1887-1888, CW 26: 462; MEW 21: 414). The “principle of nationalities” has nothing in common with national self-determination; its purpose is to incite national competition and transform the movements of smaller nations into instruments for the counter-revolutionary policies. We can see the direct result of Bismarck’s *Machtpolitik* is the antagonism between nations and the violent exclusion of ethnic minorities (consider, for instance, Germany’s repression of Jews, Poles, and Danes in North Schleswig). Nationalities principle fabricates a political conception of nature, positing a biologically grounded, exclusive race as the basis for a political unit. This mode of organizing community is inherently closed, demarcated by a rigid “friend-enemy” distinction that inevitably leads to the exclusion, or even violent segregation of other ethnic groups.

Now let us turn back to the Polish Question. The “principle of nationalities” does not concern itself with the institutionalization of life; it abstractly asserts that every nation has an inherent right to independence (e.g., Romanians and Italians, Manx and Welsh, regardless of their historical institutional achievements or bonds of solidarity, should each become independent sovereign states): “*The European importance, the vitality of a people (Die europäische Bedeutung eines Volkes, seine Lebenskraft)* is as nothing in the eyes of the principle of nationalities” (Engels 1866, CW 20: 157; MEW 16: 158). If nation-states were constructed solely along ethnic divisions, existing communities would only fragment further. For a long time, Poland had been under the threat of the Russian-Prussian-Austrian alliance, with its internal population comprising a mixture of Poles, Jews, Lithuanians, Belarusians, and other ethnic groups. If left to the dictates of the “principle of nationality,” the Russian-speaking population in southeastern Poland would have been directly absorbed into the rule of Russia (Pan-Slavism), and Poland itself would have been fragmented into at least four separate states.

On the contrary, Marx and Engels approach Polish independence precisely from the perspective of life. An institution is an assembly of affects, imagination, custom, and social conditions. When an institution can effectively mobilize and guide oppressed groups, when it transcends nation-state-imposed boundaries to activate fluidity, it reveals the foundation of its vitality. As Marx argues in *Critique of Hegel's Philosophy of Right*, concluding the “genus of the constitutions” as a form of life, the Polish question is ultimately about shaping a form of communal living, allowing the principle of vitality to reciprocally nourish the state form, transforming habits and historical legacies into sources of communal living rather than obstacles. Nationality is essentially a phenomenon of solidarity characterized by natural aggregation and pluralistic coexistence. While it certainly encompasses the naturalization inherent in any institution, this nationality can, under specific spatio-temporal and strategic relationship, be transformed into a resistant force through the social revolution’s reactivation of its natural foundations. Hence, “it is not a question of restoring a bogus Poland, but of *restoring the state upon a viable foundation (Herstellung eines Staats auf lebensfähiger Grundlage)*” (Engels 1848, CW 7: 352; MEW 5: 334).

Here, the notion of “restoring the state” should not be simplified into the restoration of the bourgeois nation-state that needs to be ultimately abolished in classical Marxism. Rather, it is an instituent praxis, much like Spinoza’s account of the formation of the ancient Hebrew commonwealth, or Hegel’s idea of ethical life as a “living good” (*lebendiges Gut*). The viable foundation does not lie in the rigid demarcation of borders but in the awakening of shared sentiments and revolutionary consciousness. On the one hand, Poland needs independence, as it could serve as a bulwark for the socialist movement against Russian oppression. On the other hand, Marx and Engels deliberately tie Poland’s national independence to the social solidarity that the proletariat could inspire. A Poland built on a viable foundation transcends racial or ethnic divisions, achieving a solidarity oriented toward the “genus” (*Gattung*) of humanity—namely, a unity of all oppressed classes where the ethnic distinctions between German and Polish workers no longer take precedence. In a famous speech on Poland, Marx clearly confirms:

The victory of the proletariat over the bourgeoisie is, at the same time, victory over the national and industrial conflicts which today range the peoples of the various countries against one another in hostility and enmity. And so the victory of the proletariat over the bourgeoisie is at the same time the signal of liberation for all oppressed nations. (Marx 1847, CW 6: 388; MEW 4: 416)

Solidarity here is no longer confined to a closed, mono-ethnic unity but becomes a human solidarity forged through shared conditions and collective suffering. In short, the case of Poland demonstrates that the fundamental function of institutions is solidarity—an openness toward ever more members. This serves as a concrete starting point for revolution and resistance against imperialism.

(2) As entities stand upright and endure in time (in-statuer), institutions possess the capacity to accumulate, preserve, and transmit the emancipatory potential of the past into the present. Bojanić offers particularly incisive reflections on this, noting that the etymological roots of “institution” often intertwine with concepts like “will” or “testament.”¹⁵ Many of collective actions are undertaken for the sake of those who will join in later—to create the sediment that makes revolution possible, to open a space of possibility for the future. This dual function of the institution as “*sedimentation*” and “*for the future*” is crucial for Marxism.

A living institution often lives longer than its time, possessing what might be called, in Benjaminian terms, an *afterlife* (*Nachleben*). As in Engels’s retelling of European history, the “barbarism” of the Germans—specifically the Mark community—actually “infused *new vitality* (*neue Lebenskraft*) into dying Europe” (Engels 1884, CW 26: 254; MEW 21: 149). This primitive gentile institution “retained the *naturally evolved democratic character* [*naturwüchsig demokratischen Charakter*] which distinguishes the whole gentile order, and thus preserved a piece of the gentile constitution even in its degeneration, forced upon it in later times, thereby *leaving a weapon in the hands of the oppressed, viable even in modern times* (*lebendig bis in die neueste Zeit*)” (Engels 1884, CW 26: 251; MEW 21: 146). Engels also widely uses the terms “ein lebendiges Stück” and “noch lebendigen Erbschaften” to describe the heterogeneous and plural temporality created by the institution. What Germany bequeathed to Europe could not be the Realpolitik of Bismarck’s rule, but rather a certain redirected and rearticulated “vitality,” which initially appeared in a barbaric yet communal living. If democracy is understood as a naturally emergent form of life (which is profoundly a Spinozist expression), then Marx and Engels’s late anthropological studies deeply resonate with their earlier critique of Hegel’s philosophy of right, even accentuating the communal essence of such primal forms of life. These communal institutions could transcend established structures and transform into weapons in the hands of the oppressed.

In his late years, through his readings of Morgan and Kovalevsky, Marx turns his attention to the multiple forms of primitive communities, even borrowing geological terminology:

The history of the decline of primitive communities (it would be a mistake to place them all on the same level; as in geological formations, these historical forms contain a whole series of primary, secondary, tertiary types, etc.) has still to be written. (Marx 1881, CW 24: 358; MEW 19: 386)

15 “There are sundry examples: the essence of giving a toast is the expectation of others joining it, as I also toast to those not present; I hasten to move when the light turns green, so that as many cars behind me could also pass; when taking a coffee at a local bistro, I pay for another coffee, for one who will drink it without paying (*caffè sospeso*); I pay my charge and tax now, while employed, in advance, to help those who are currently out of work; etc.” Bojanić (2022: 31)

This geological terminology inevitably leads us to reflect on the “sedimentation” of institutions. Merleau-Ponty, in his lectures on institutions, employs a similar formulation:

Every institution involves this double aspect, end and beginning, *Endstiftung* at the same time as *Urstiftung*. That is what sedimentation is: trace of the forgotten and thereby a call to thought which depends on itself and goes farther (Merleau-Ponty 2010: 758)

Strictly speaking, sedimented matter is not a vanished past or a mute “fossil.” It possesses a porous and pliant quality (much like the tuff¹⁶ formed by volcanic sedimentation in Naples), revealing glimmers within its dense, forgotten materiality. Marx’s use of the geological metaphor here suggests that ancient communal institutions, though submerged in history, are not irrelevant to the present. Rather, they persist as a vital force sedimented at the foundation of institutions. Sedimentation, in turn, forms the ground for imagining future institutions.

In his excerpts on *Morgan’s Ancient Society*, Marx notes:

Communism in living seems to have originated in the *necessities of the consanguine family*, to have been continued in the punaluan, and transmitted to the *syndyasmian* under d. American aborigines, with whom it remained a practice down to the epoch of their discovery – (and the *South Slavonians*? and even *Russians* to a certain degree?) (The italics are added by Marx himself.) (Marx 1974: 115)

This paragraph seems to imply that the communist mode of life indeed belongs to ancient communal institutions, yet it is not dead. It accumulates within existing social structures – within their geological strata – allowing for reactivation under specific conditions and even potentially accelerating revolutionary processes within institutional frameworks. In other words, the communist mode of life cannot be transcendently blueprinted; it can only be lived out in each concrete social formation, varying from the South Slavonians to Russia, within specific institutional foundations and through contingent spatio-temporal practices.

The temporality of institutions also encompasses *contraction*, the “*tiger’s leap*,” and *surges*. For instance, when addressing the Russian commune, Engels particularly emphasizes:

16 In addition to Merleau-Ponty, I will also provide an example from the German tradition. Benjamin, Laci, and Bloch use Naples’ porous, soft tuff to reflect on milieu and architecture, institutions in the broadest sense, extending this auratic spatial structure into philosophical thought: “Porös wie dieses Gestein ist die Architektur[...] In solchen Winkeln erkennt man kaum, wo noch fortgebaut wird und wo der Verfall schon eingetreten ist. Denn fertiggemacht und abgeschlossen wird nichts. Porosität begegnet sich nicht allein mit der Indolenz des südlichen Handwerkers, sondern vor allem mit der Leidenschaft für Improvisieren. Dem muß Raum und Gelegenheit auf alle Fälle gewahrt bleiben.” Benjamin (1991: 309–310). Mittelmeier subsequently argues that this Neapolitan porosity serves as the hidden origin of Critical Theory, see Mittelmeier (2013).

The countries which have only just succumbed to capitalist production and have salvaged gentile institutions (*Gentileinrichtungen*), or remnants thereof, have in these remnants (*Resten*) of common ownership and in the corresponding *popular customs* (*Volksgewohnheiten*) a powerful means of appreciably shortening the process of development into a socialist society and of sparing themselves most of the suffering and struggles through which we in Western Europe must work our way. (Engels 1894, CW 27: 426/MEW 22: 428)

This unique surge of socialist time, combining the remnants of living institutions and popular customs, holds the potential to overturn the entire institutional framework of modern temporality. The Russian rural commune's contemporaneity with Western capitalism transforms historical development into an "aleatory encounter" between material conditions, circumstances, and popular customs, thereby activating the inherent "vitality" of communal institutions in the present.

(3) Institutions are not lifeless, inorganic remnants; they can also serve as potent weapons of resistance. In his discussions on the institutions of Ireland, Indigenous peoples, and India, Marx cautions against blindly transposing European historical frameworks directly onto Asiatic societies, particularly in interpreting the decline of primitive communes through the lens of "feudalization." Anthropologists like Maksim Kovalevsky simplistically categorize Indian institutions, such as military tenures, tax-farming, and clientelism, as part of a feudalization process. Marx, however, explicitly refutes this, noting that India lacks both the personal dependencies of serfdom and full land privatization. Thus, "the imposition of land taxes did not transform their property into feudal property, any more than the *impôt foncier* turned French estates into feudal holdings. Kovalevsky's entire passage here is exceedingly clumsy." (Marx 1879-1880, MEGA2, IV.27)¹⁷. Marx's critical comments underscore the complexity of institutions: their analysis demands not just formal comparisons between East and West but a meticulous examination of the forms of life they engender, each with its distinct institutional temporality and developmental trajectory.

Here, historical materialism once again clashes with the historical school of law. Another key source for Marx's study of Indian history is Henry Maine's *Lectures on the Early History of Institutions*. Maine, the erudite British historian who is also considered a member of the historical school of law, believes that customary law precedes written law, framing British rule over India (as fellow Aryans) as an inevitability: "Linguistic affinities prove community of blood. But wherever the political theory of Nationality is distinctly conceived, it amounts to a claim that men of the same race shall be included, not in the same tribal, but in the same territorial sovereignty." (Maine 1880: 75). Maine

¹⁷ In this article, I have cited Marx's excerpts on Kovalevsky's Communal Land Ownership (*Общинное землевладение*). This text was made available in Chinese as early as 1985 in Volume 45 of the Collected Works of Marx and Engels (Chinese edition), which was translated from the Russian second edition. However, the original German manuscripts were not published in a critical edition until 2023–2024 in MEGA² IV.27, see Marx (2023/2024). The translation is mine.

reads history through the formation of race. Marx's engagement with Maine's work reveals that the question of institutions never left his horizon. He extends his early critiques of Hugo and Savigny, exposing how customary law naturalizes aristocratic privilege and primordial inequality. Historical materialism, by contrast, treats custom (*Gewohnheit*) as a contested terrain of hegemony, reanimating it as a site of struggle.

Marx condemns Maine's advocacy for transplanting British legal institutions to India as a means of "dynamic" societies overcoming "static" ones, a reflection of Victorian anthropologists' progressive optimism. Rejecting this colonial gaze, Marx writes: "Sir Henry Maine [...] assures us that all the government's noble efforts to support the communes were thwarted by the spontaneous violence of economic laws! [spontanen Gewalt der ökonomischen Gesetze]" (Marx 1881, CW 24: 359; MEW 19: 386).

To write history is to shape a nation's collective imagination. The decline of communal institutions cannot be reduced to economic inevitability; like primitive accumulation, it is underpinned by colonial violence. Marx repeatedly emphasizes that communal structures, whether in Ireland, India, or America, must be preserved as bulwarks against colonial aggression.

On this issue, there appears to be a certain tension between Engels and Marx. For instance, when discussing the primitive communal system in Java, Engels refers to it as "state socialism" and argues that these ancient institutions actually served as instruments for Dutch colonial domination:

Here one sees how the Dutch have, on the basis of the communities' age-old communism, organised production *for the benefit of the state* [...] It also shows how there, as in India and Russia today, primitive communism (provided *no modern communist element comes to stir it up*) supplies the best and also the broadest basis for exploitation and despotism, and survives in the midst of modern society as an *anachronism* (*Anachronismus*) (to be eliminated or, one might almost say, turned back on its course) no less glaring than the Mark communities of the original cantons. (Engels 1884, CW 47:103; MEW 36: 109)

However, considering Engels' praise for the Mark community and the popular customs of the Russian commune discussed above, this does not contradict the theme of this article. Instead, it perfectly illustrates why "re-institutionalization" can only be an ambivalent rather than a transparent process. *Gewohnheit* (custom) itself is not a purely natural given entity, but a contested terrain of hegemonic symbols. It can be exploited and occupied by the dominated ideology, yet it can also be pivoted toward emancipation. Engels typically maintains a dual perspective when discussing primitive communes: one is the modernization perspective within world history, where old institutions must undergo a social revolution; the other is the anti-colonial perspective within the imperialist landscape. Indeed, it is during this same period that Engels devotes considerable energy to studying Irish history, customs, and the "character" of the Irish people, those institutional achievements bequeathed by nature. In the latter part of this letter, Engels actually praises Morgan's *Ancient*

Society and points out that a living institution is essentially an “anachronism” that must be “*stirred up*” by “modern communist elements.” In other words, the key here is not whether the old Javanese institutions can be preserved, but how the institution can reactivate itself by de-centering the state (no longer “for the benefit of the state”), that excessively solidified and exclusive institutional form, and thus galvanizing naturally emergent democratic power. An institution becomes more “alive” the more it is able to bridge the past, the present, and the future. After all, for a living institution, the primary goal is not the maintenance of function or the prolongation of its own survival, but the extent to which it enables the people inhabiting it to attain a better form of life. In the case of Indigenous peoples, Marx criticizes European colonists for imposing private property to dismantle local communal institutions. “The system of hereditary serfdom further perpetuated the practice – the systematic extermination of the Indigenous population and the seizure by colonists of their ancestral communal lands (justified under the pretext that they were ‘wasteland’). Finally, through this process, the kinship (clan) principle, which constitutes *the principle of life (Lebensprincip)* of these communal associations, was destroyed at the core of the village communities, so long as their transition into purely rural communes (сельскія) had not yet been fully completed.” (Marx 2023/24).

Notably, the term “principle of life” here is pivotal. Colonial strategies seek to sever communities from their naturalized bonds, dismantling the frameworks of collective inhabitation. Land distribution and privatization are forms of juridical violence – a process of suppressing local resistance while legitimizing colonial expropriation. Conversely, living institutions require reviving the truly vital elements of institutional achievements. They live through human history, create possibilities for understanding our communal living, and resist the domination imposed by capitalism.

Conclusion

Half a century after Marx’s turn to anthropology and ethnology, modern anthropology, represented by the Durkheimian school (deeply influenced by Saint-Simonianism), seems to arrive at a similar conclusion:

Conceived in this way, an institution is in reality merely an abstraction. True institutions live, that is, change incessantly [...] It is, then, living institutions, as they are formed, function, and are transformed at different moments, which constitute specifically social phenomena, the subject-matter of sociology. (Mauss 2005: 11)

Both Marx and Mauss appear to converge on the idea that institutions are collective social acts and instituted social facts themselves. Institutions even possess their own distinct temporalities, perpetually in flux and transformation. However, a Marxist social ontology places greater emphasis on the dynamic interplay, mutual permeation, and ontological entanglement between

life (force) and institutions. We might call this a “living institution” or, alternatively, an institutionalized yet unfinished form of life.

As Marx sarcastically notes, anarchists represented by Hess and Stirner, lack a social imagination for “new institutions,” attempting to conjure revolution from ahistorical “artifacts.” In contrast, Marx himself stresses that institutions are museums, accumulating revolutionary practices, constantly incorporating new members and new generations, and creating “us.” At the same time, Marxism demands that institutions justify themselves before the imperatives of life (including its requirement for diversity, autonomy, and collective flourishing). Thus, Marxism integrates social conditions and their reproduction into critical reflection and forever transformation—a dimension sorely lacking in positivist social theory.

If “institution” in its broadest sense refers to the immense diversity and fluidity of anthropological practices, then it cannot be centralized or localized within a singular bourgeois mode of life. It opens an intermediate field that transcends the binary opposition of civil society and the state. A multitude of plural institutional temporalities intermingle in the present, generating fluctuations and contractions of time and space, contesting social imagination against solidified “customs” and established structures.

It could be argued that living institutions provide a theoretical foundation for later anti-imperialist and anti-colonial struggles. On the one hand, the communal elements sedimented in natural history form a force of resistance against the violence of colonization and privatization. On the other hand, as Marx demonstrated in the cases of Poland, Ireland, and India, social revolution can only emerge from the re-institutionalization of existing, concrete forms of life. Different forms of life follow distinct historical trajectories that cannot be subsumed under a singular framework of modernity. Furthermore, the independence and self-determination of subaltern nations are necessary preconditions for communism. This insight offers an indispensable perspective for understanding contemporary practices in Eastern societies.

For instance, many Chinese sociologists today employ a “life-institution” framework to interpret social changes, attempting to move beyond the “state-society” binary: “Reform and opening up have brought a great transformation in the post-1949 formal institutions of Chinese society, a shift from a totalistic society to micro-management. This change arises from the institutional continuity of some of the reasonable demands of living subjects and has eased the general tension between institutions and life.” (Ying 2015: 82). Even within this unified nation, there exists a multiplicity of diverse forms of life—a hybrid of modernity and tradition. Social action, far from being directly rooted in the state, often emerges from the interplay of complex, institutionalized, and customary practices of life. Yet a Marxist social ontology must go further. It does not merely positively describe social reality but treats custom as a battlefield, imposing emancipatory demands on society and connecting the past to the present. It relentlessly probes how to forge broader solidarity and more flourishing forms of life.

Abbreviations

CW: Marx and Engels Collected Works, 50 vols., New York: International Publishers, 1975–

MEW: Marx-Engels-Werke, 44 vols., Berlin: Dietz, 1956–

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Jifan Song

Žive institucije, nasilje i forme zajedničkog života: ka marksističkoj socijalnoj ontologiji

Apstrakt

Članak preispituje konceptualizaciju kod Marksa i Engelsa značenje „žive institucije“. Koncept žive institucije prevazilazi uobičajenu dihotomiju država-društvo, ukazujući na višestruke antropološke prakse koje su istovremeno emancipatorne i normativne. Autor prati nekoliko vrsta manifestacija „živig institucija“ kroz razvoj Marksove misli, sve od ranih polemika protiv istorijske škole prava do zrelog izraza isotrijskog materijalizma. U svom poznom izrazu, Marks tematizuje ambivalentnost nasilja, smatrajući ga katkad izrazom društvene vitalnosti i transformacije, tj. „inorganske oprirodnjenosti“ društva u službi društvene reprodukcije. Istorijski materijalizam implicira da nova institucionalna imaginacija može nastupiti samo kroz reinstitucionalizaciju postojećih, stvarnih institucija. Ovaj imperativ konačno navodi Marksa u svojim poznim godinama da se temeljno bavi antropologijom, etnologijom, ne-zapadnim društvima. On uviđa da razni oblici zajedničkog života često nadžive sopstvenu epohu, tj. imaju život nakon života (*Nachleben*) koji uslovljavaju postojanje heterogenih i višestrukih temporalnosti u savremenom društvu.

Ključne reči: živa institucija, navike, nasilje, neorganska priroda, ne-zapadno društvo.