

“Defective Institutions”

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Here is a characteristically provocative excerpt from Sylvia Wynter’s “The Ceremony Found: Towards the Autopoetic Turn/Overturn, its Autonomy of Human Agency and Extraterritoriality of (Self-)Cognition.” There isn’t much about “The Ceremony Found” that I endorse unreservedly, but her description here and throughout the essay of what she calls—with some significant variations of emphasis and definition—“autopoetic institution” strikes me as important. I’d like to take it as my way into asking after the specifically, even practically, political outcomes of critique today. This is Wynter. These sentences close the introductory section of “The Ceremony Found.”

[O]n the basis of a proposed new and now meta-biocentric order of knowledge/episteme and its correlated emancipatory view of who-we-are as humans (themselves as ones that will together now make possible our collective *turn* towards what I shall define as our *Second Emergence*), we can become, for the first time in our species’ existence, now fully conscious agents in the autopoetic institution and reproduction of a *new* kind of planetarily extended cum “intercommunal” community (Huey Newton via Erikson, 1973). And this new kind of community would be one, therefore, that secures the “ends” no longer of biocentric (neo)Liberal-monohumanist ethno-class *Man*(2), nor indeed that of the religio-secular counter-ends of the contemporary westernized imperialist and/or fundamentalist forms of the three Abrahamic monotheisms, but instead superseding them all, *inter alia*, by that of the We-the-ecumenically-Human. (194)

Just what “autopoetic institution” means is not yet clear. In the course of the essay, Wynter clarifies that her interest lies with the first of the term’s two primary senses: of the verbal and the nominal senses of “institution”—that which an agent does, the act of *instituting*; and that material and subsisting effect of the act, the *institution*—it is the first that matters here. Both aspects of “institution”—the concept’s verbal and substantive aspects, if you will—are subject to sociogenic codes “or *Masks*,” Wynter says: these are “the indispensable condition of our being able autopoetically to institute ourselves as *genre*-specific, fictive modes of eusocial, inter-altruistic, kin-recognizing kind.” (201) “[T]he terms of our eusocial co-identification as humans,” she maintains, “can never pre-exist each society’s specific mode of autopoetic institution, together with its complex of origin-narratively encoded socio-technologies.” “Autopoetic institutions” are then an agent’s generically determined acts (of institution) that make that agent part of We-the-ecumenically-Human, and which—and here lies in part the “turn” Wynter describes Fanon as taking, away from “the ostensible *indubitability* and *self-determined* nature of consciousness as expressed by the Cartesian *ego cogito*”—and which also institute that agent as the retroactive effect of “We-the-ecumenically-Human.” The solid, almost tautologous (the term will be of importance in brief) architecture of these specular acts of institution can then become a new “fundament,” to use Wynter’s term for Cartesian social ontology: a new fundament for the *second*, substantive sense of “institution,” the

persistent social device instituted to define, collect, guard, classify, and distribute resources among “We-the-ecumenically-Human” in what Wynter calls a “lawlikely” manner. What “institutions” instituted upon this autopoietic institution would look like is left unexamined—the question is not her concern; “We-the-ecumenically-Human” may well be such an institution, the first, the necessary one. Others may follow, founded on its fundament: that is not her essay’s brief.

Wynter’s essay, I said, dwells primarily on the first, verbal sense of “institution”: the essay is committed to thinking of institution as a *critical* act. I would like to consider institution as a *political* matter instead, that is, not as *act*, but as *substance*; consider it as it were from the perspective of the noun, of whatever-institution can be made to define, collect, guard, classify, and distribute resources among members of the “kind” that Wynter calls “We-the-ecumenically-Human,” in what she calls a “lawlikely” manner. I think it will be clear that I am skeptical that one can move from the critical act to the political substance without a wholesale rethinking of both, and in particular of the concept of (an) institution.

My purpose is then to offer a more or less formalized concept of “Defective Institution” that will serve small-r republican governance. The ultimate claim is that republicanism in its most radical form, in its wildest shape, is the intractable governance of defective institutions. (I’m aware that worlds are at stake in the ambiguous grammar of that sentence, the subjective-objective genitive expression “The intractable governance of defective institutions.” Coming up with a conception of sovereignty, that is, of governance, that retains and radicalizes this ambiguity—that’s probably also the task of this wild republicanism.) Minimally, the task of political philosophy today is not the critique of acts of critique or of actually-existing institutions or political concepts, with a view to establishing the fundamental continuity between one and the other, or out of a desire to strengthen actually-existing institutions and to clarify their relation to subtending political concepts, producing new and stronger institutions or new and stronger, more coherent political concepts. The task of critique in political philosophy is to produce defective political concepts and defective institutions. A fully and radically differentiated democratic society stands on the defectiveness of its institutions. The sovereignty of such institutions is always divisible; the time and conditions of their emergence and persistence is never given in the axioms of other institutions. Defective institutions persist and decline according to discontinuous logics and times. They entail regimes of representation, police forces, pedagogies, rhetorics and lexicons that do ephemeral work, with often reversible results, transparently. They are an-organic without being, exactly, machinic.

Well, then, “Defective Institutions.” I’ll eventually get around to an example—the example of a terrifically defective institution, the University. First off, though, a remark and some definitions. My title, “Defective Institutions,” is manifestly intended to excite the imagination in the mode of what’s called in psychological literature the “White bear” or the “polar bear” problem. “Try to pose for yourself this task,” wrote Dostoevsky in 1863, in a little travelogue called “Winter Notes on Summer,” “[try] not to think of a polar bear, and you will see that the cursed thing will come to mind every minute.” Hence the “white bear” problem. Pose for yourself this task: try not to think of a “defective institution,” and the cursed thing will perhaps come to mind—a raft of them, every institution you’ve had the chance or the mishap

to encounter. Electoral colleges, judiciaries, families, universities. Today, especially today, especially in the context of the last presidential election in the United States, of the Senate confirmation hearings that have followed Donald Trump's inauguration; in the context of Brexit, of the crisis of the project of the European Union; in the context of a University-institution in crisis also: today the "curse" of institutional defectivity is glaringly with us. Indeed it's hard to think of an "institution" that is not gravely defective, or weak, or misformed. The inverse exercise—offering for you, say, the provocation of the title or the concept "Effective institutions," or "Strong institutions," or "Working institutions" or even "charismatic institutions"—is likely to produce few such—few will "come to mind," to use Dostoevski's phrase. Whether in fact what we generally call "institutions" are more subject to defect today than they were (for instance) twenty years ago; or more subject to defect *here*, more defective here, for instance in the United States, than elsewhere, for example in France or the Netherlands—we'll agree, maybe, that today institutions are *represented* as being more defective than at many other times and places. Take this remarkable proposal by the political theorist Corey Robin, recently published in the journals *Jacobin* and the *Guardian*: "[T]he worst, most terrible things that the United States has done have almost never happened through an assault on American institutions; they've always happened through American institutions and practices. These are the elements of the American polity that have offered especially potent tools and instruments of intimidation and coercion: federalism, the separation of powers, social pluralism and the rule of law." Thus Corey Robin. He does not say so but we may infer that a commitment to the *converse* of this proposition has enabled "the worst, most terrible things that the United States has done" historically, and that this commitment will enable the United States to do further terrible thing in the next years. The strong "American institutions" serving to make concrete political concepts like federalism or the separation of powers will always and as a matter of course resist the assault of skewed, partial or totalitarian agendas or personalities *because* of their strength—a commitment to this notion *has enabled, and will enable*, the worst. *Because* institutions are believed to be strong, because these institutions suffer only minor defects of execution rather than disabling defects of structure, they have historically "offered especially potent tools and instruments of intimidation."

What counts as a "defective" institution? We make judgments regarding the value, coherence, strength and utility of devices and institutions in different ways historically—ways conditioned by what "making judgements" means socially, for whom, and under what conditions. Today, for instance, I buy a car or a blender. I have in mind something I want it for—I want my car for getting to work, my blender for making soup. If one or the other doesn't work to that end I'll say it's "defective," a lemon, broken. I trade it in for another that'll do the trick. An intentional structure is presumed: I have in mind this end for that device. We can be more or less loose with this conception, but its structure seems irreducible. Let's say, to be a little looser in my "making judgments," let's say I buy a car and I have in mind more than one end—the car gets me to work, but alas it doesn't serve the other end I intended, openly or perhaps even secretly, secretly even for myself—I wanted a car that would help me do what the advertising campain for this car also promises, find a glamorous partner and breeze down coastal highways romantically. My Volkswagen Jetta is perfectly good at one

thing, but perfectly useless at the other. I won't say it's "defective," since it gets me to work; I'll say it's disappointing, since it doesn't also get me a glamorous romantic partner. And now let's say that my therapist gets me, hours into expensive analysis, to disclose to myself why it is that my car, while not defective, still disappoints me. I had another unacknowledged end in mind for the device, and it's not working to that end. An *intentional structure*, even if my intention is or has been secret, still shapes my judgment. Our judgments about cars and blenders are, to use Kant's lexicon, *teleological*.

Are institutions to be understood in that way today? For not *all* judgments are of this sort, and not all objects of judgment are like blenders or cars: some, for instance, are like polar bears or white bears, or the color yellow, or a sunset. But institutions, today, are much more like blenders or cars than they are like bears or sunsets or poems. They have ends and they have use-values. For Corey Robin, political institutions in the United States have two sorts of ends and use-values. Political institutions serve to give shape to the political concepts or fantasies at the heart of the modern secular state-- federalism, the separation of powers, social pluralism and the rule of law. They *also*, as he says, "offer[] especially potent tools and instruments of intimidation and coercion." This latter may not be an explicit *end* of these institutions, any more than my desire for hooking a romantic partner is when I buy a useful car, but for some it can become so, and in any event when the astute therapist or philosophical diagnostician of current political disappointments reveals the secret, my secret, the institutions' secret, then political institutions can be held to the implicit end of producing coercion and intimidation, and found to be disappointingly wanting or excitingly effective. We might say that institutions today are the political form of use-value, and our judgments regarding the effectiveness, strength, utility and so on of institutions are not just teleological and technical, they are nakedly expressed in the language of political economy, of efficiencies, of excellences, of outcomes, customer-relations, and so on.

Is there an alternative? Are there ways of conceiving institutions that do not subject their concept, and judgments about their structure, value, effectiveness, etc., to the logics of the intentional structure, the teleological judgment, or the technical *a priori*? For Kant one answer lies in aesthetic judgments--judgments that are purposive without having purposes, and which we form with regard to natural objects (a towering cliff, a beautiful sunset, a polar bear) and (slightly differently) with regard to manufactured objects that we agree to call aesthetic because they have no technical function--works of art, the dome of St. Peter's (which has a function, of course, but which we do not admire *for* its function), or even something like a mathematical proof. That's not the direction I'm going to take, though my alternative does bear comparison to moments in Kant's *Third Critique*. I want instead to make an argument for conceiving institutions as *modal* objects--possible, necessary, contingent; and for making judgments about them in those terms.¹

¹ very much imagined as we would imagine judging the blender or the car. To make institutions "effective" again, or "strong" again, or "working," again, is to formalize notion of defective institution.

Let's approach the matter in hand with the work of the Jesuit philosopher and theologian Stanislas Breton, a thinker a generation younger than Walter Benjamin. Breton's extraordinarily rich essay, "Dieu est Dieu: Sur la violence des propositions tautologiques," of 1989, shows how the form of the proposition "Dieu est Dieu" on which monotheism stands is indeed inhabited by violence (as are, Breton marvelously suggests, three of the great principles of Western logic, thought broadly as the primary mode of articulation of reason, *logos*, or speech/thought, that Benjaminian "proper sphere of 'understanding,' language": the principles of identity; of non-contradiction; and of sufficient reason). The *form* of the proposition "Dieu est Dieu" on which monotheism stands is inhabited by violence, then, but so, in a general sense, would *any* tautological propositions be inhabited by violence, including the propositions "violence is violence" and "The University-institution is the University-institution," or the proposition, "It is what it is."

The claim can be made a little less broadly. Academic disciplines (though in principle we could show this proposition to be true for any corporate entity and of any coherent set of protocols, that is, any discipline, destined to produce an object, of any sort, from which it takes its value)—academic disciplines rest, tendentially, on just such tautological propositions. The rhythm of their identity is measured out in reference to these propositions. The techniques and the subject-matter we teach, what our students learn, the things we and they handle and the objects of knowledge we and they produce—inasmuch as these things and objects are identifiably the effects of our discipline, they also affirm our discipline's identity, and its value as a mechanism for producing such things and objects. Philosophy is philosophy, our tautological disciplinary proposition runs, inasmuch as it produces for inspection objects that are deemed to be, and can be consumed as, examples of a philosophical formation. In the academy we thus remark an uneasy reciprocity between the circulation and the processes of valuation and relating of academic things (of things, object, and matter in the academic context), and what the British researchers Roger Brown and Helen Carasso recently called "the Marketisation" of higher education. The thing-as-datum not only marks the finitude of the human animal, it provides *homo academicus* and his brethren with value tradable across markets and languages, and it transforms the University-institution into a cloistered factory for the production of globally-tradable, translatable information-commodities. Brown and Carasso's study focuses on the UK; the comparable work reflecting on the development of the modern University-institution in the United States (and globally) is Bill Readings' *The University-institution in Ruins*. Readings tracks the effects of the use of the vacuous criterion of "excellence" in assessing research and teaching outcomes. Here is how he describes the state of affairs: "[E]xcellence serves as the unit of currency within a closed field... a purely internal unit of value that effectively brackets all questions of

Negation. Use/mention. I can say, When I go to the zoo I'm particularly scared by the polar bears, and in all probability white bears will not come to mind—just the sense that I'm a bit of a coward, or a proper indignation that I'm a fan of zoos, or some such. Defect in the concept of concept.

Difference between "a polar bear" and "a defective institution." Representatio communis of the first, but of the second?

reference or function, thus creating an internal market. Henceforth," Readings concludes, "the question of the University-institution is only a question of relative value-for-money, the question posed to a student who is situated entirely as a consumer, rather than as someone who wants to think."¹⁶ "As an integrating principle," he maintains, "excellence has the singular advantage of being entirely meaningless, or to put it more precisely, non-referential" (22). Disciplines, especially those that took shape in funding regimes inspired in one version of the Cold War (Title VI programs, comparativist disciplines imagined as attending to cosmopolitan rather than narrowly national concerns, the modern humanities), find their standing in the University-institution in question when they appear to fail the test of non-referentiality. This failure might take one of two shapes, and each would be violent in its way. A discipline might fail to satisfy the conditions of "excellence" by seeking to link the free-floating commodity-form of the University-institution to some object or state of affairs outside of it (that is, by producing an object of knowledge that "refers" to an actually-existing object or state of affairs outside the closure of the discipline). Let's call this the *transcendent* failure of the University-institution-institution. The value of the "discipline" is then dependent on something it does not produce; the closure of the University-institution is threatened, but only to the degree that this "outside" cannot be reincorporate within the closure of the University-institution—cannot become the object-of-study for a future, notional discipline. And this inflation of disciplines is just what we see occurring, around the globe. The University-institution-machine is a capturing device, a translating device, I said—so a *transcendent* failure, critique of the reflexive University-institution value-form will not do the trick.

But a discipline might fail the test of non-referentiality in a second way. A discipline might produce, *within* the strangely self-referential value system that Readings imagines the University-institution to have become, excesses or lacks of reference—spots where the closure of the University-institution discourse is threatened from within. (In this case, we would say that the discipline produces "objects" which cannot, and could not, be valued in the terms given by other disciplines—it is an object analytically excessive or defective with respect to them, or both). We'll call this a sort of *immanent* failure of the disciplinary machine

Let's try to understand a little more clearly what it might take to produce this double failure, immanent as well as transcendent, within the University-institution, by submitting disciplines built on tautological bases to "translation" and "relation's" absolutization of the not-one; to the *modalization* of foundational propositions regarding the University-institution. A University-institution is a University-institution, except that the objects of study the University-institution produces, its most intimate result and the condition of its self-intelligibility and of its market value, no longer fall either within the scope of the University-institution, nor without it. They are, in sum, tautological propositions in a sense unlike the sort to which we are accustomed—the sort that underlie the principles of identity; of non-contradiction; and of sufficient reason. "Dieu est Dieu" offers Breton another gloss on tautology, as this new version that I am offering, "The University-institution is the University-institution," offers us another, im- pastoral gloss that leads to what Breton calls "a new imperative: 'Stop nowhere!', for He gives you movement in order 'always to go beyond.'" "God is God," Breton writes.

The essential thing here is not to condemn images: rather, to multiply them to infinity, so none of them, fascinating us, succeeds in seducing us. The person of faith resembles a sort of Don Juan, on the search for the eternal feminine. Searching for the eternal divine, he reads in this tautology a new imperative: 'Stop nowhere!', for He gives you movement in order 'always to go beyond.' 'One has to stop somewhere,' we often say: this is, though, an *axiom of laziness*, as every cliché [*évidence*] is." (139)

This imperative, Breton says, describes the form of thinking that he would like to choose—never to allow one function of the tautology of propositions to seduce him, thus allowing him to choose mercy over violence, Pauline humanism over the fundamentalism of the Unique Law. This, he says, is what he *would like*—and this would be the story of the Enlightened University-institution, which passes from the theologico-political violence of tautological propositions to the softer violence of instrumental or ancillary pedagogy, always leading-beyond itself, as the Augustinian sign always leads beyond itself toward an ultimate, grounding and transcendent sign. But Breton is too careful and too radical a philosopher and a theologian to accept this pedagogical, pastoral alternative, and the defective University-institution I imagine, and the disciplines that I imagine in and for it, should be no less radical. Breton closes the essay saying that he has no way of choosing between formally identical tautologies—which is a way of saying that he's located in thought, in *Logos*, the violence of the choice between tautologies: there is no sphere of thought untouched by violence.² Thought, the thought that Breton discloses for us, the thought of the language of the defective University-institution, the thought that the defective institution turns on in order to "understand," to express, to translate, and also to guard the violence of its theologico-political foundation: this thought *is* violence, and, much more troublingly, this violence *is* thought.

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² Careful—for breton, this is the moment of faith.