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Institutions, History, Subjects¹

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Abstract

Recent years have seen an immense upsurge in developing the notion of institution with the aim of updating and reconfiguring its conceptualisation to make it correspond to present times. The stakes are high as the current Western institutional framework struggles to ensure its historical continuation—conceived broadly as political, economic, social, scientific, artistic, and other institutions—as the predominant global dispositive. In the article, we first review the current most significant orientations and disciplines that focus on institutions and proceed with a critical assessment of relevant events. In the second part, we question the subjective process and subjectivation of an institutional framework. If we reject the linguistic, empirical, or hermeneutic approaches, how can we capture the dynamics of change in a framework? What indicates that a subjective process is taking place? We draw on the cases of St. Paul and Giordano Bruno to illuminate the Law's historical repetition through cumulative cultural growth in re-inscribing the subjectivization of faithful and enduring—i.e. universalist—operations of rupture and dispute leading to a Decision against reigning particularisms of institutional setups.

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Institucije, zgodovina, subjekti

Ključne besede

institucije, Zakon, subjektivnost, zgodovina, dogodek, Giordano Bruno

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Povzetek

Zadnja leta smo priča izjemnemu vzponu in reartikulaciji pojma institucije. Namen teh refleksij je konceptualna posodobitev in prilagoditev pojma skladno s potrebami sodobnega časa. Gre predvsem za čas, ko se Zahodni institucionalni okvir utrjuje v svoji historični poziciji – zajemajoč politične, ekonomske, družbene, znanstvene, umetnostne in druge institucije – kot prevladujoči globalni dispozitiv. V prispevku se najprej osredotočimo na trenutno najpomembnejše orientacije in discipline, ki pokrivajo določitev pojma institucije, ter nadaljujemo s kritično obravnavo konkretnih dogodkov. V drugem delu nas zanima predvsem subjektivni proces ter subjektivacija v institucionalnem okviru. Če namreč zavrnamo lingvistični, empirični ali hermenevtični pristop, na kakšen način naj ujamemo dinamiko spremembe v okviru? Kaj označuje subjektivni proces v odvijanju? Na primerih sv. Pavla in Giordana Bruna prikažemo historično rekurenco Zakona, ki skozi »kumulativno kulturno rast« pre-vpisuje subjektivacijo zvestega in vztrajajočega – univerzalnega – v operacijah preloma in nesoglasja, ki vodita k Odločitvi proti prevladujočim partikularnostim institucionalnih redov.



What would be an intuitive and immediate answer to the question: “What are institutions?” We could say something along the following lines: Institutions are ubiquitously present in today’s lives. We explicitly talk about them as social, political, or economic institutions of concrete places such as parliaments, central banks, world trade centres, the United Nations, courts of justice, medical hospitals, etc. or refer to them in a more implicit manner, such as marriage, money, law, religion, the police, army, cultural traits or sportsmanship inclinations. This might just be our first sense of what they are and how we “see” them.

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The last fifteen years have unleashed an intensive restructuring of human institutions, paralleled by intensive research into new technologies, economic structures, political power, and social relations. The underlying circumstances for the project² *Institutions and Society: Towards a Critical Theory of (Economic) Institutions* were precisely the global financial crisis and the economic turmoil that started in 2007, with the collapse of the famous Lehman Brothers bank in the US and Europe’s sovereign debt crisis, which lasted for over 5 years. In either

² This project was part of my Marie Skłodowska-Curie Individual Fellowship awarded in 2020.

case, the political repercussions have been immense and sustained. The populist backlashes to the monetary union and attempts at preserving the monetary union, including proposals to integrate a monetary and fiscal union, which if adopted would significantly change the current institutional set-up, were sure to raise fundamental questions about the character and purpose of economic institutions in the following decades. In any case, we can conclude that the first decade of the century was not resilient enough to face the coming times. Unfortunately, these chronic economic issues were only the tip of the iceberg on an open road to a period of looming stagflation, eclipsed by an even bigger collective shock announced on the 11 March 2020—the Covid-19 pandemic. While collective panic during the Great Recession was confined to financial markets and businesses alone, sparingly affecting households and the general global population, impulsive and uncoordinated action unfolding throughout the pandemic became widespread. The severe virulence and pathogenicity with a relative high morbidity and mortality in the oldest age and immunocompromised cohorts sent both formal and informal institutions to the highest levels of alert. For pure theory, this situation crucially and vividly revealed the versatile character of institutions as a concept—exposing why they truly are a transdisciplinary concept—that fundamentally organises numerous disciplines. On the other hand, we must examine these consecutive definitions to uncover the essence and functioning of institutions. Just consider the intersection of definitions of institution as rules-equilibrium following, cumulative cultural growth, instituted behaviour of the collective body and its praxis, or even the abstract mathematical study of formal logical systems. All of these impose a number of difficulties when in search for a “generally” valid definition of the concept *institution*.

This project, however, has also had a particular angle of approach. It calls for a “back to the tables” approach that starts with reignited interest in the philosophical and sociological interpretation of economic concepts.³ Such an undertaking, however, presupposes a philosophical debunking of the prevailing conceptual and institutional dispositive, in economics in particular, but also more broadly, touching upon the historical and sociological conditions of institutional frameworks: cumulative cultural growth, vested interests, social/symbolic

³ We are faithful here to Herbert Marcuse’s remark that “philosophy appears in the concepts of economics”; Herbert Marcuse, *Negations: Essays in Critical Theory*, trans. Jeremy J. Shapiro (London: MayFly Books, 2009), 99.

significations, the dialectics of Law and desire, etc. The driving question of the present enquiry is the following: Does it not seem like that the current state-of-affairs is presenting us with an ever more opaque, chaotic, and yet completely oriented institution of reality? Or could it be just the opposite? We hear contemporary philosophers, like Alain Badiou, talk about living and thinking in absolute disorientation,⁴ while Jacques Rancière and Étienne Balibar⁵ turn the tables to emphasise the complete determinacy of (capitalist) orientation unfolding in our day and age. What is invoked here, although from opposing sides, is a pure problem of *politics*. Choosing either path, our initial question now becomes: Is our (instituted) reality (we choose to call it institutional framework) determined to such a degree as to make it impossible to critically reflect upon it? There are multiple layers to this answer: (1) the project of an adequate disambiguation, apprehension, reinterpretation and satisfactory fixation of economic categories is still very much in progress, a process taking absolutely far too long—for three centuries now; (2) the theoretical ramifications of the notion of institution and its many disciplinary aspects infused by consensual operations should be countered with emancipatory subjective processes, and (3) the (onto)logical and philosophical tenets of an institutional framework ranging from mathematics to linguistics and beyond provide us with new modes of thinking and representing such frameworks.

The scope, content and structure of this essay is set to deal only with the second (2) point outlined above and is thus composed of two distinct and interrelated sections addressing that point. The first part gives a general scope of the concept of institution with its most recent elaborations in various disciplines. The second part poses the question: How does a subject of modification/change in an institutional transformation come to be?

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Institutions in Theoretical and Historical Perspectives

Why do we encounter these difficulties when speaking about the notion of institution? It seems that the current state of literature on institutions in social

⁴ The title of Alain Badiou's seminar *Comment vivre et penser dans un monde livré à une absolue désorientation?* held at La Commune—CDN Aubervilliers in the 2021/22 academic year.

⁵ A presentation given by Jacques Rancière entitled *Quel est notre présent?* and in discussion with Étienne Balibar at Citéphilo 2021 on November 13, 2021.

sciences and philosophy is caught in a deadlock of endless conceptual back-and-forth. Today, we use the word as if it were second nature, confident of speaking about an agreed-upon determinate set of entities. Yet, we should bear in mind the striking fact that the word “institution” has not played a significant role for most of human history. These institutions are supposed to have been known to humankind ever since evolution first endowed the human animal with reason. However, historic analysis tells a vastly different story. The term “institution” itself is a relatively recent notion that describes human and social organisation, and as such, it only retroactively renders palpable the historical social structures that fall under the same notion today. There is surprisingly little use of the term in the contemporary sense anywhere prior to the seventeenth century if we discount its use in religious orders. Only later did it slowly begin to penetrate the legal and political discourses of the time, finally establishing its general meaning in the eighteenth century. This is attributed to the Enlightened Spirit in France, their merit in the final semantic transition from the term “establishment”⁶ to the almost universally comprehensible concept of the institution.⁷ The works of the German Historical School, the Institutional strands in economics, and the French School of Sociology have managed to turn a rather undetermined concept into an entirely new object of knowledge. In doing so, they unleashed a vast array of new theoretical insights on thinkers, ranging from Hobbes, Rousseau, and Montesquieu, but also Spinoza, Hegel, Marx, and Constant, all the way to latter-day thinkers, like F. A. Hayek, Richard Rorty, and other prominent liberals. A broader delineation of these thinkers can be summoned up into four general orientations that deploy the term “institution” in distinct manners: (i) the early principal usage, designating legislation and political discourse as a structure of power of a sovereign or religion, hearkening back to the ancient political philosophy of Plato, Aristotle, Cicero, and others; (ii) a dynamic/static social/logical entity, structure or organisation operating within functionally ascribed (tacit or explicit) rules, as in Max Weber’s *Economy and Society* as the prime example, but also contemporary (political) institutional theory or recent computer science model theory; (iii) the scientific concept, marking a genuine object of analysis for a discipline of sociology, as is done in the works

⁶ The term *establishment* once conveyed much of the functionalities known to be later promoted by the modern *institutionalisms*.

⁷ Alain Guéry, “Institution: Histoire d’une notion et de ses utilisations dans l’histoire avant les institutionnalismes,” *Cahiers d’économie Politique* 44, no. 1 (2003): 7–18, <http://doi.org/10.3917/cep.044.0007>.

of the French School of Sociology; and, (iv) an anthropological usage that provides insight into social habits of thought, social regularities and tendencies, instincts, drives and customs. A scrupulously intertwined impact can be most clearly seen in contemporary commentators of classical political dialogues and texts. Such commentaries may, for example, build on the Western heritage of Plato or Aristotle and *retroactively* re-interpret the contents of *Laws*, *Republic* or *Politics* for the institutional disposition of today's societies. This presumes that these contents and today's institutions are transhistorical, universal, and always already present.

Below are some examples of how the notion itself is defined relating to the above distinctions:

Sociology

“In fact, without doing violence to the meaning of the word, one may term an institution all the beliefs and modes of behaviour instituted by the collectivity; sociology can then be defined as the science of institutions, their genesis and their functioning.”⁸ (Émile Durkheim)

“[Institution is] an already instituted set of actions and ideas that individuals find before them and that impose themselves on them to a greater or lesser extent. [. . .] Institution, therefore, in the social order, plays the same role as function in the biological order; and in the same way that life science is the science of vital functions, so the science of society is the science of institutions thus described.”⁹ (Marcel Mauss, Paul Fauconnet)

100 “The institution is a socially sanctioned, symbolic network in which a functional component and an imaginary component are combined in variable proportions and relations. Alienation occurs when the imaginary moment in the institution becomes autonomous and predominates, which leads to the institution's becoming autonomous and predominating with respect to society. This becoming autonomous, or autonomization, of the institution is expressed and embod-

⁸ Émile Durkheim, *The Rules of Sociological Method*, ed. Steven Lukes, trans. W. D. Halls (New York: Free Press, 1982), 45.

⁹ Marcel Mauss and Paul Fauconnet, “Sociologie: Objet et méthode,” in Marcel Mauss, *Œuvres*, ed. Victor Karady (Paris: Minuit, 1969), 3:139–77.

ied in the material nature of social life, but it always presupposes at the same time that society lives its relations with its institutions in the mode of the imaginary, in other words, that it does not recognize in the imaginary of institutions something that is its own product.”¹⁰ (Cornelius Castoriadis)

Mathematics

“Whereas traditional model theory assumes a fixed vocabulary, institutions allow us to consider many different vocabularies at once. Informally, an institution consists of

- a collection of signatures (which are vocabularies for use in constructing sentences in a logical system) and signature morphisms, together with for each signature Σ ,
- a collection of Σ -sentences,
- a collection of Σ -models, and
- a Σ -satisfaction relation, of Σ -sentences by Σ -models.”¹¹ (Joseph A. Goguen and Rod M. Burstall)

“The theory of institutions is a categorical abstract model theory which formalizes the intuitive notion of a logical system, including syntax, semantics, and the satisfaction relation between them. Institutions constitute a model-oriented meta-theory on logics similarly to how the theory of rings and modules constitute a meta-theory for classical linear algebra.”¹² (Răzvan Diaconescu)

Heterodox Economics and Social Ontology

“Institutions are the kinds of structures that matter most in the social realm: they make up the stuff of social life. [...] Without doing much violence to the relevant literature, we may define institutions as systems of established and prevalent social rules that structure social interactions.”¹³ (Geoffrey M. Hodgson)

¹⁰ Cornelius Castoriadis, *The Imaginary Institution of Society*, trans. Kathleen Blamey (Cambridge: Polity, 1997), 132.

¹¹ Joseph Goguen and Rod Burstall, “Institutions: Abstract Model Theory for Specification and Programming,” *Journal of the Association for Computing Machinery* 39, no. 1 (January 1992): 95–146, <https://doi.org/10.1145/147508.147524>.

¹² Răzvan Diaconescu, *Institution-Independent Model Theory* (Basel: Birkhäuser, 2008), 1.

¹³ Geoffrey M. Hodgson, “What Are Institutions?,” *Journal of Economic Issues* 40, no. 1 (2006): 1–25.

“Institutions are particular forms of emergent social phenomena, mostly social systems, or structured processes of interaction, that are either intended to be (whether or not they are), or are discovered a posteriori to be and are recognised as, relatively enduring.”¹⁴ (Tony Lawson)

“Institutions are the rules of the game in a society or, more formally, the humanly devised constraints that shape human interaction. [. . .] They are a guide to human interaction, so that when we wish to greet friends on the street, drive an automobile, buy oranges, borrow money, form a business, bury our dead, or whatever, we know (or can learn easily) how to perform these tasks.”¹⁵ (Douglass C. North)

“The rules are symbolic markers that represent equilibria (or parts of equilibria) and help the players use a particular coordination device. Unlike in rules-based theories, the concept of pattern (equilibrium) is central in this theory. But unlike “pure” equilibrium-based theories, this account brings at center stage the representation of the equilibrium by means of symbolic markers (rules). This way, we obtain a satisfactory, consistent, and empirically adequate conception of institutions.”¹⁶ (Francesco Guala)

Observing the various definitions above one last time, we can derive the following propositions to formulate and group the ideas of different directions:

- (a) *the institutions themselves* as the object of the science of sociology,
- (b) *mathematical structures* conveying different logics through multi-signatures,
- (c) *the accepted system of rules or means* in philosophical discourse,
- (d) *settled habits of thought* in the social realm.

¹⁴ Tony Lawson, “What Is an Institution,” in *Social Ontology and Modern Economics*, ed. Stephen Pratten (London: Routledge, 2015), 553–77.

¹⁵ Douglass C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990), 3–4.

¹⁶ Francesco Guala, *Understanding Institutions: The Philosophy and Science of Living Together* (Princeton: Princeton University Press, 2016), 55.

The latest contribution to the concatenation of definitions is delivered by Roberto Esposito's short book reflecting on the institutional response to the pandemic bearing the simple title of *Institution*. Writing in the summer of 2020, he proposes these reflections on institutions: "Institutions [. . .] are the bridge by means of which law and politics shape societies, differentiating and uniting them."¹⁷ There are two intertwined distinctions to be drawn, (a) between law (*nomos*) and politics (Πολιτικά) and (b) between bare life (*zoē*) and instituted life (*bios/vitam instituere*), whose interplay is a continuous effort of *instituent praxis*. What Esposito posits is a contradiction between bare (biological) life and life that institutes and is instituted within institutions; a contradiction that manifests the unravelling of freedom and power relations. In rethinking the French sociological roots, German philosophical anthropology, and Italian legal institutionalism, Esposito relates the *instituent praxis* with the continuous and contingent contradiction of freedom and necessity, of subject and object, of the inside and outside. His functionalist description of institutions goes: "Whatever lies outside institutions, before being institutionalized itself, alters the previous institutional structure, challenging, expanding, and deforming it,"¹⁸ and ends his short treatise with confidence in mobilized mass movements (once again) becoming the subject of creative change in the institutional fabric. This point was also already highlighted by Giorgio Agamben with his posited division of political and economic theology.¹⁹ What both share is *nomoi*, either in relation to *politiká* or *oikos, oikonomia*, distinguishing political philosophy and modern theory of sovereignty from the modern management of bodies and lives through economy and governance, *biopolitics*.

To illustrate these points, numerous literary works could be evoked, covering different aspects of pandemics, dystopian futurist writings of (technological) apocalypse, inquiries into (micro)eschatologies, etc. Let us briefly mention just some of the most famous and insightful, as they relate to the pandemic in question. Surely one of the most general guidelines for interpretation is offered in Jean de la Fontaine's fable *Animals Sick of the Plague* (*Les Animaux malades de la peste*, 1678), where animals around the world are dying from a deadly disease.

¹⁷ Roberto Esposito, *Institution*, trans. Zakiya Hanafi (Cambridge: Polity, 2022), 2.

¹⁸ Esposito, 9.

¹⁹ See Giorgio Agamben, *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government*, trans. Lorenzo Chiesa and Matteo Mandarini (Stanford: Stanford University Press, 2011), 1.

The Lion declares it a punishment from the gods and seeks confessions from fellow animals, himself confessing eating sheep and the shepherd—a minor species. All other animals follow suit, while also saying how unworthy the sheep are of existence, downplaying the Lion’s original sin. Only the donkey confesses truthfully, eating the grass from an abbot’s field. The confession and punishment proves to be fatal. The fable in itself represents a classic example of the seclusion between (life) truth and (institution) power relations. However, how these relations *in concerto* unfold is famously captured in Camus’s *Plague* where the main protagonists Bernard Rieux and Jean Tarrou disapprove of the Law’s reactions (embodied by the Prefect and Dr. Richard—chief medical officer in the town of Oran) shown in a slow, muddled, and authoritarian response from the authorities and medical association. This kind of response was also very vividly seen in practice during the first phase of the Covid-19 pandemic in 2020. The second phase (starting in 2021) with the rollout of quarantine measures and vaccination programmes is brilliantly epitomized by José Saramago’s *Blindness*, boiling down to the question of how all these measures were *in fact* implemented by the institutions and how the distinction of bare life *versus* instituted life, inside and outside, was implemented as *biopolitics*.

What we saw with the global governmental responses to the pandemic was not just the execution of pre-planned pandemic playbook actions but also an orchestration of disproportionality and opposing set of actions, frequently contradictory measures, a science-ideology-driven narrative on different ends, further extended with authoritarian mass control, unnecessary fear-mongering and panicking at the same time, segregation of unvaccinated, war-like profiteering, blocking of non-mainstream viral remedies, and so on. In *Blindness* Saramago concomitantly captures a crucial angle and significant shift in the writing of maladies embodied in the character of the doctor’s wife, more precisely, her unique ability to retain vision in an epidemic of blindness. In attaching this supplementary role for the character Saramago provides an ethical context to the storyline, i.e. her imperative usage of this advantage for her cause and that of the community, all while fighting injustices imposed both by the mob and the authorities. What one can observe here is a transitional shift in the dispositive, i.e. a parallax, from the classical Antigone-like Law imposition on society, the struggle and defiance, power relations, etc., to an ever more nuanced position of an ethical judgement included in an “outside” point (the doctor’s wife with an uncompromising desire to declare the faithful search of a resolution in their

particular state of emergency). While the doctor's wife keeps her eyesight a secret and fulfils her individual role, what is at stake here is the ethical attribute of a subject "who can see/drill a hole in the full wall," both of the good and the bad, the benevolence of the (state) institutions, and also the nihilism of the authorities and businesses.

To put this in a more theoretical context, we can turn to what Cornelius Castoriadis called the difference between autonomy and heteronomy. If the term *nomos* usually describes the law—with Castoriadis it also acquires the meaning of social custom, convention, and institution—it is the difference between the *Autos* as self and *Heteros* as other that defines the situation. In today's societies, we do not enact an autonomous, i.e. emancipatory stance, against the institutional order. Rather, we all increasingly choose to passively witness the "rule of other(s)"—in a manner of a "lazy consciousness," which is in another sense a form of (self) alienation or suppression. This instance of the other(s) becomes an established vocabulary, knowledge, or signature, in other words, a recount of terms. This fact disables our capacity to see other possibilities, putting an amalgamation of concrete material practices, organisation and functioning securely in between institutional frameworks and our individual imaginaries. As Marx once put it: "For instance, one man is king only because other men stand in the relation of subjects to him. They, on the other hand, imagine that they are subjects because he is king."²⁰ Every historical society is heteronomous, with its institutional framework, i.e. its laws, customs, traditions and habits of thought. This heteronomy is reinforced by relying on a determinate ideology, symbolic structure, or social imaginary significations. Recall also Foucault's concept of heterotopias, a term describing the utopian synthesis of such concrete places and virtual spaces. Therefore, every society within a heterotopia first and foremost bears an autonomous potentiality, a capability of a scission, a discontinuity, a disclosed and enunciated wrong in a world of *standardisation and homogenisation* according to the Law. How does such an autonomous act take place in actuality?

Looking back at the last two years, we hear persistent talk about so-called "new reality," a social transformation kicking in. Let us call such a transformation *a change in the institutional framework*. How is this transformation unfolding?

²⁰ Karl Marx, *Capital: A Critique of Political Economy, Volume One*, trans. Ben Fowkes (Harmondsworth: Penguin, 1993), 149n22.

On close examination, one could hardly call this an unravelling revolution or a revolutionary break. The imposition of the Law in most time sequences does not work in this way. What we had and still experience can better be described as a culmination of smaller and greater evolutionary increments and the consequent adaptation and mutation of institutions. In this sense, we can here also recall and paraphrase Catherine Malabou's recent inquiries into a plastic modification of psychic/social frameworks.²¹ Today, we can simultaneously also observe a significant deterioration of world-wide trust in formal and informal institutions (particularly law enforcement and the press, media and digital social platforms, and, of course, the now perpetually crony, political establishment), reducing their credibility and giving rise to alternative institutions to substitute their tasks and actions. The latter can be seen as an autonomous response of a collective subject that seeks to establish a disputative space toward the *nomos*. It is the reflection of the part that has no part in the distribution of the sensible (Foucault, Rancière), leading to a demand for *equaliberty* (Balibar) with a recourse to the remnant (Agamben), in positing the undecidable and searching for an (antagonistic) decision (Laclau) that makes the subject resurface in the social body as something *universal*.

Who is the Subject of Modification/Change in an Institutional Framework?

From St. Paul

Recent decades have brought an extensive philosophical interest in the Jewish/Christian figure of St. Paul and his quest for universalism. The almost slogan-like, accepted statement that "There is neither Jew nor Greek, slave nor free, male nor female, for you are all one in Christ Jesus"²² has become a universalist operation of shedding difference in search of its concrete realization at an appropriate time, place, or event together with subsequent consequences. Contemporary philosophers,²³ ranging from Agamben and Badiou to Lyotard and Žižek, have endorsed a universality of truth stemming from the Christ-event and the enduring fidelity to it, thereby countering the now influential postmodern

²¹ See Catherine Malabou, *What Should We Do with Our Brain?*, trans. Sebastian Rand (New York: Fordham University Press, 2008).

²² Gal 3:28.

²³ All motivated by the preceding scholarly interest in Paul by figures such as Hegel, Nietzsche, Comte, Freud, Heidegger, etc.

pluralism of particular identities and differences framed in a capitalist mode of standardisation and homogenisation. Unfortunately, these latter instances are not akin to any search for truth, rather being characterised with an absolutely overt quest for power and struggling entities for hegemony. Such universalization of identitarian singularities will (have) all end/ed up in either unfavourable, untenable and reactionary outcomes, or in some cases in disasters. In the current nihilist age, both Badiou²⁴ and Agamben²⁵ therefore come to the conclusion that proper (political) subjects are indeed rare.

The Pauline example for our purposes convokes these two main hypotheses: (1) the Universality of infinite truths supported by an agent/subject and holding for everyone, and (2) the disturbance of the Law through the dialectic of faith (*pistis*) and law (*nomos*). Granted, once in accordance with these two operations, the subject's threshold becomes immeasurable and the consequences potentially limitless. However, we must point out the preceding path taken by Paul, formerly Saul, from his early days of being a Greek-speaking Jew, born a Roman citizen (?) in Tarsus (Asia Minor, present-day Turkey) and raised in Jerusalem. During his early years, he lived as a Pharisee and believed there is only One, true living God, while wishing to know nothing about the crucifixion of Jesus Christ and the doctrine of the Trinity. Yet, he also tried to resolve the contradiction between the law of the Torah and the teachings of Christ. Thus he tried to adhere to both a conception of righteousness under the law (Torah) and charity for all (Christ). This fact was his motivation for being a faithful observer

²⁴ In *Theory of the Subject* Badiou posits: "Every subject is political. Which is why there are few subjects and rarely any politics." Alain Badiou, *Theory of the Subject*, trans. Bruno Bosteels (London: Continuum, 2009), 28. Later in *Conditions* he recasts this thesis but withholds the scarcity of subjects: "Every subject is induced through a generic procedure, and therefore depends upon an event. As a result, the subject is rare." Alain Badiou, *Conditions*, trans. Steven Corcoran (London: Continuum, 2008), 305n12. Even later in his *Logics of Worlds*, Badiou had to give avenues on how to perceive and adopt structural transformations devoid of any subjective support, hence adding a distinction between modification and change occurring at a "site," becoming either a modification or a factual/singular change resulting from the site—event.

²⁵ The messianic concept of the remnant in *The Time That Remains*, for Agamben represent a figure of "the only real political subject" (Giorgio Agamben, *The Time That Remains: A Commentary on the Letter to the Romans*, trans. Patricia Dailey [Stanford: Stanford University Press, 2005], 57) as never coinciding with its own identity, prohibiting the closure of All (i.e. remaining non-All) maintains the potentiality of a subject to always evade inscription.

of the Law (*covenant nomism*) and strict critic of the nascent sect surrounding Jesus of Nazareth. Having observed his “earlier life in Judaism,” Paul experiences the Damascus transformation and conversion to becoming an “apostle to the Gentiles” not by renouncing his Judaism, but rather by adding to it his role as a messenger to Gentiles spreading the word about *God having raised Jesus*. What needs to be acknowledged here is how the forming-of Paul as Paul, not just his encounter with Jesus and the following revelation and universalist agency, but even more importantly, the prior course of his personal development had all in all attributed to his entire edifice and the consequences that followed. While his apostolic missionary status and achievement is generally underscored, the earlier circumstances leading to his initiation remain more opaque. It needs to be emphasised that for him to be able to freely fulfil the inclusion of Gentiles as the new peoples of God, starting anew the Christian “race,” he first had to go through his own journey of lawful torment applied to these peoples beforehand in order to finally transgress Law through the encounter with Jesus sending him to Damascus: “And I fell unto the ground, and heard a voice saying unto me, Saul, Saul, why persecutest thou me? And I answered, Who art thou, Lord? And he said unto me, I am Jesus of Nazareth, whom thou persecutest.”²⁶ With such a background in mind, we turn to a second example that even more pertinently depicts our current worldwide situation in transitory modification/change: the dispute between the Law and an individual.

To the Case of Giordano Bruno

Some fifteen centuries later, Europe had witnessed the unprecedented spread of the Christian religion, the Church now boasting tens of millions of adherents spanning from Europe to the Far East and South, adding the newly discovered territories over the Atlantic. Owing to numerous (ecumenical) reforms, missionary expansions and crusades, schisms, inquisitions, the development of ecclesiastical (canon) law, etc., this entire expansion was eventually initiated by a universalist grassroots approach laid down by Paul the Apostle. By the sixteenth century, the Church institution had already accumulated an enormous amount of cultural growth, habits and vested interests, traditions and rites leading also to many moral scandals, corruption at the highest ranks of the papacy, financial contrivances of the-now-already wealthy clergy, finally resulting in the Husite (Bohemian) and Lutheran calls for Reformation of the Church against such

²⁶ Acts 22:7–8.

aberrations. The Law was once again put to the test, responding in the form of a Counter-reformation with its famous heresy trials, surveillance of suspected heretics, excommunication, and persecution of Protestant Christians. When talking about the period from the Roman Empire in the fourth century CE (312) and all the way to the Early Middle Ages, but also the Renaissance, we have to acknowledge that the institutions of the Church and State were immensely interwoven²⁷—it was the French Revolution that finally brought about a secularised disentanglement of these relations—related particularly to their development and mutual influence of the Law. At the start of the fourth century CE, the crucial question was the unity of the Catholic Church and who counted as a Christian. With the first ecumenical council in Nicea (325 CE), the State began to support the Councils to maintain Christian Law, where these “tribunals of faith” had now become the State religion and the fight against heresy incorporated into laws of the Roman Empire with the Inquisition and the *Congregation of the Roman Holy Office/Congregation for the Doctrine of the Faith* as their operational posts.²⁸ What this implied was that the philosophical (with findings also originating in the natural sciences) and theological truths could not co-exist anymore, but rather had to be synthesised. This is the background that frames the current governmental and legislative structure of modern European nation states, with its ministries and bureaucracies, but also its obscurer side, the protection of secular and holy “truths.” The first and most famous historical figures to find themselves at odds with these new circumstances were Giordano Bruno and Galileo Galilei. These were the times and circumstances during which the

²⁷ Two further remarks can be made pertaining to Agamben’s distinction of political and economic theology above: (1) Observing a strictly *theoretical* conceptualisation arching from the arch-political theologian Carl Schmitt with his famous thesis “all significant concepts of the modern theory of the state are secularized theological concepts” to the already mentioned Marcuse remark about “philosophy occurring in economic concepts” culminates well in Marx’s politico-economic analysis of commodity perceived as “abounding in metaphysical subtleties and theological niceties.” (2) On the *practical* level, it was John Kenneth Galbraith who meaningfully coined the term “Bureaucratic Symbiosis” to depict the tendency of the executive bodies of public and private organisations to pursue a common objective. As was the case by the time he wrote *Economics and the Public Purpose* (Harmondsworth: Penguin, 1973), the symbiosis was well in effect between Pentagon and weapons firms, such as Lockheed, Boeing or General Dynamics, while today we have similar cases between the FDA and Pfizer, or the FBI, DHS, Global Engagement Center and Twitter, Facebook or Google.

²⁸ See Germano Maifreda, *The Trial of Giordano Bruno*, trans. Paul M. Rosenberg and Loretta Valtz Mannucci (New York: Routledge, 2022), 56–57.

most famous Italian philosopher of the Renaissance from Nola began his journey through European courts and universities. The lectures he delivered were extraordinary. In his childhood, he discovered his immense memory, leading him to master the art of memory and the application of the mnemotechnic in the lines of Hermetic tradition,²⁹ i.e. drawing from the resurgence of Renaissance magic and alchemy to master his own memory, soul, and being. Another correlated theme is his rejecting of Aristotle for a Neo-Platonist version of Ideas as shadows of divinity that pushes human understanding to light and knowledge (*On the Shadows of Ideas/De umbris idearum*, 1582) and towards unity of the human soul with the infinite One. His opposition to Aristotle's physics, which was a generally accepted philosophical doctrine of the Catholic Church at the time, combined with his endorsement of Copernicanism and the open and infinite Universe with a plurality of worlds with intelligent beings, was the second of his heresies. To keep these claims intelligible and coherent, Bruno relies heavily on relations between nature (atoms), human understanding (cognitive methods), metaphysics (matter and form) and mathematics (monadology; points, geometry). This pantheist (Spinozist-like) basis was a third marker of profound disagreement with the Church. What this all adds up to is a stipulation that his goal was to introduce theoretical foundations (a general reform) to a world where the philosophical, natural and theological spheres would fall under one canopy, free from unintelligible dogmas and rites, while remaining a pure Christian one.

Bruno's name unquestioningly joins those of Copernicus, Galileo, Gilbert, Kepler, and Brache in the preparatory period of the early modern times scientific revolution, however, there is another aspect to his endeavours. It was his personality, torn between an intellectual and imaginative scholarship and personal impatience, quarrelsome and hysteric nature that eventually makes him a *subject of faith*. Which of Bruno's particular qualities therefore made him a subject of modification/change? It could not have been his scholarly discoveries—although he did make unprecedented observations and practices—but rather his synthetic abilities to migrate different theories in a unified corpus and disseminate them imperviously. He did so with fierce fidelity both to his ideas and to his cause, defending his theoretical positions wherever he was invited to orate and prompting the legitimate interest of the Inquisitorial bodies. This second aspect, which

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²⁹ The seminal book on this topic is by Frances A. Yates, *Giordano Bruno and the Hermetic Tradition* (London: Routledge, 1964).

associates him with Paul, is the spatial trajectory that gave him enough leverage to both develop his own theories and simultaneously promote his teachings to all progressive European lands. The method he employed can be likened to drilling small holes into the Law, by way of opposing or seeking a contradictory argument, thereby probing different cornerstones of a monolith finitude of the Church—all with the clear aim and justification that it was the good and the true he was pursuing when promulgating ideas. To this kind of subjective process Balibar gives the name *equaliberty*³⁰—taking on the demand, i.e. maintaining an untenable stance of persistence in an endless (impossible) “drilling” of the Law—the present and future to be retroactively and ceaselessly re-shaped by the past. As one biographer observed, these traits ran in Bruno’s family:

Dès lors, Bruno prend les armes tout comme l’a fait son père: il est excubitor, soldat plutôt qu’académicien, prêt à combattre, à réformer ou à détruire les idées comme les institutions qu’il juge vieilles, obsolètes, impropres à satisfaire aux besoins de son temps et de ceux à venir. Penseur éminent et de haute volée, il est aussi homme d’action, engagé dans la bataille; maître de la pensée, il en est aussi le témoin sur tous les champs de dispute ; il en sera finalement le martyr. Il n’est donc jamais à court de mots cinglants et durs pour se moquer de ses confrères trop doctes, les provoquer en duel, les combattre et les vaincre. Ils sont, écrit-il dans *De la cause, du principe et de l’un*, « aussi bon marché que les sardines: comme elles se multiplient, se trouvent et se pêchent sans peine, elles s’achètent également à bas prix ». Lui revendique de ne pas être un mercenaire, mais un philosophe libre, « académicien de nulle académie », proclame-t-il fièrement dans *Chandelier*, missionnaire de sa propre pensée, la nolana filosofia [. . .].³¹

A militant for free thought, Bruno anticipated Kant’s message delivered to the question *What is Enlightenment?*³² and paid for his struggles with power by sac-

³⁰ See Étienne Balibar, *Equaliberty: Political Essays*, trans. James Ingram (Durham: Duke University Press, 2014).

³¹ Jacques Arnould, *Giordano Bruno: Un génie, martyr de l’Inquisition* (Paris: Albin Michel, 2021), 52–53.

³² We rely here on a distinctive reading of Kant’s usage of private and public reason in an attempt of positing an “universalization of emancipatory politics, understood as a singularity of—that ‘thing in particular,’” proposed by Rado Riha in his interpretation of real politics, i.e. universalization of the real. For more, see Rado Riha, “Kako je mogoče misliti singularno univerzalno?,” *Filozofski vestnik* 20, no. 1 (1999): 193–203.

rifing his very life at the stake. Both Paul and Bruno stand for the faithful militants of presented events, unconditionally maintaining the truth that arises out of them, opposing the established and vested institutional dispositive, maintaining the dispute to be enforced at any cost. As Bruno declared in his last declaration to the pope: “The debate will not be closed by my stake, but rather on the contrary, opened after it and perhaps because of it to all humanity.” This Messianic gesture designates a rupture in the established scientific purview that was only left to the likes of Galileo, Kepler, Gilbert and Newton, with philosophers Bacon and Descartes to finally conclude the scientific revolution and abolish the existing scientific law of the Middle Ages. On the one hand, this signified a historically repetitive, but also confused and unconvincing, reaction coming from the Law towards the promoters of misdeeds, indicating on the other hand a thorough transformation of the institutional landscape taking place.

* * *

Why are the two figures of Paul and Giordano Bruno important for us? It is because they stand precisely at the crossroads of historical pathways on which our institutional frameworks are decided upon, displaying the recurring (potentially failed) mechanisms employed by the Law. Put obversely and concretely, their names represent the agents of instituent praxis stemming at least from the early Middle Ages, giving support to a new distribution of the sensible, new state of situation, new social imaginary significations, new content to floating signifiers, etc. Presently, we can posit along these lines a situation marked with a (rare) visible short-circuit between heteronomy and autonomy emerging from the two heterogeneous events—the Covid-19 pandemic and the Russia-Ukraine conflict. These give the latest empirical display of the dialectic of Law (states of emergency and martial law) and Faith (fidelity to a righteous stance, following through end-to-end, a Decision), that was however, already put in place throughout a long history of accumulated institutional growth, glimpses of which we tried to illuminate above.

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Just consider how elites in power have used the states of emergency (the facts regarding the course of events are used in an entirely non-pejorative way) to impose mandatory vaccinations as a condition to work, vaccine passports and quarantine hotels for restriction of movements and doings, media campaigns, as well as promulgating bizarre obligations of outdoor mask-wearing, banning

smoking outside, curfews, and the banning of public protests and manifestations. What recasts the case and trial of Giordano Bruno is the Law's response to any critical attitude against these measures and the entire development, promotion and instrumentalisation of the science-ideology driven narrative around the effectiveness and invincibility of newly developed mRNA vaccines. How individuals were being discredited and ousted for having questioned the "official executive narrative" and the agenda behind it has only recently been revealed with the publication of the so-called "Twitter Files" and other informal social media correspondence between high-ranking officials of the United Kingdom, the United States of America, and the European Commission. The IT and social media giants in cooperation with governments were and still are instructed to pool information about criticisms and to promote "official fact-checking" to fight "disinformation" and conspiracy theories against opposing views on either the pandemic measures or critical attitudes towards Western support for Ukraine in the Russian-Ukrainian conflict. Precisely in the same vein as Inquisitorial judges in pre-trial proceedings, these modern symbiotic administrators collect facts, use various mechanisms to admonish, disqualify and ban individuals from public spheres by resorting to talk about the "greater cause" or the "meaningless, but nonetheless valid Law."

Anticipating such a sequence, this is also what is covered by Agamben's distinction³³ between law of the state-of-exception and the Messianic (Kingdom state-of-exception) law, where the first instance indeed suspends the law(s) in force, but is nonetheless an "imperfect nihilism," a law without any significance, any content, and yet residing in validity, although *undecidable*. The law of the Messianic Kingdom ("perfect nihilism"), however, represents the suspension of validity itself by the Messiah, destroying any significance, opening "another use of the law [. . .]. What is found after the law is not a more proper and original use value that precedes the law, but a new use that is born only after it. And use, which has been contaminated by law, must also be freed from its own value."³⁴ It must, however, be maintained that such an excess over law, as was the grace for St. Paul coming prior to the law, is a parameter of sustained en-

³³ In reference to Walter Benjamin, Gershom Scholem and Franz Kafka. See Giorgio Agamben, *Potentialities: Collected Essays in Philosophy*, ed. and trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1999), 169–72.

³⁴ Giorgio Agamben, *State of Exception*. trans. Kevin Attell (Chicago: University of Chicago Press, 2005), 64.

durance, of insistence on the symptom, of fidelity to the decision that can suspend the time and alter the situation—or as Badiou has it: “An eventual rupture always constitutes its subject in the divided form of a ‘not . . . but,’ and that *it is precisely this form that bears the universal.*”³⁵ What is impossible or indifferent as far as the law of a determinate institutional framework is concerned becomes nonetheless possible or transcendental, a potentiality and a fidelity, either for a Christian convert, the Renaissance man, or for a contemporary seeker of material enjoyment.

By Way of Conclusion, the Coming of New Struggles

It was held not so long ago that the twenty-first century has not yet begun. With the overture of the financial crises of 2007–13 and the main events of the Covid-19 pandemic and the armed conflict between the Russian Federation and Ukraine, we can claim that it has finally begun. In the midst of all these events lie different institutions, international and domestic, tacit and formal, archaic and contemporary that supply us with modes of being and doing by shaping various relationships. A critical analysis of any institutional framework is always comprised of two stages: (1) the continuous tracking and assessment of plastic modifications *within* the institutional dispositive and a (2) new conceptualisation of a rupture and de/reconstruction of an existing framework. Our aim for the near future should be to formulate a new analytical framework, particularly in terms of (a) modern (critique of) political economy, that could tackle and build upon the extinguished projects of state-socialisms in the twentieth century, and simultaneously also confront the now abruptly declining model of liberal-democratic economies of the West. The upcoming circumstances dictate that the task of grasping and interpreting a new global setup—considering an interrelated web of burgeoning technological advancements of artificial intelligence, bio technologies, virtual spaces, big data economics—in a world of rising individual control and severe environmental changes is needed in the near future. Novelists such as Jonathan Franzen (in his novel *Corrections*) already portray the slow demise of our imaginary to grasp financial innovations, while Kazuo Ishiguro (*Never Let Me Go*) along with the entire cyberpunk genre (Neal Stephenson is a paradigmatic example of the latter) point to our limited (in)ca-

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³⁵ Alain Badiou, *Saint Paul: The Foundation of Universalism*, trans. Ray Brassier (Stanford: Stanford University Press, 2003), 63–64.

capacity for comprehending the technological ramifications waiting around the corner. To confront these challenges, our conceptual apparatuses need to reassess the historical conditions (economic, political, sociological, psychological, etc.) of the rise in new technological advancements, but also environmental damage, while sustaining the leitmotif of universal ideas such as equality, enlightenment, communism, and justice.

Why institutions then? Our concluding thesis here is the following: If the nineteenth century was dominated by class struggles and the twentieth century came absorbed in the struggle of grand narratives, the twenty-first century will have encountered the struggle of institutions.

Observing one last time the definitions of the concept of *institution*, we can posit that for us it does not present an extension of a linguistic model based upon rules and equilibrium (social ontology); it is not just a science of institutional origins with their functionalities, modalities and interpretation (sociology) and it can be only formally conceived as a (logical) model of different signatures, i.e. syntaxes and semantics (mathematics and computer science). Neither do institutions fall simply under an empiricist delineation of mainstream (neoclassical) economics. What institutions, and their particular mounting in a framework, need to have is architecture robust enough to institute different *logics*, *ontos* (ὄντος) and modalities of *creation/modification/change*. Furthermore, there is the question of the status of a subject. Is there a subject to/of institution? This was the topic of the second part of this paper: What are the (historical) conditions to instigating a subjective process of institutional alteration of a framework? What kind of events, occurrences, as well as contingent and necessary sequences evoke a peculiar situation where a dispute, objection, etc. is raised, uncovering the real state-of-affairs in the current institutional setup? We traced these doings to the acts of grace and fidelity, to the “keep going” moment, and the faithfulness of subjects that support and maintain such acts. What can be deducted from the examples of Paul and Bruno is that there has to be autonomous thought and the freedom to follow it through; there has to be a thought-out exception, i.e. a singular universal, a Decision, going into opposition to the Law and existent registers of knowledge; and there has to be support for the consequences, coming either from a revolutionary act that shatters all relations among objects and places new ones, or else a slow and laborious moulding of existing objects in a framework. This is because the recasting of the framework

had already begun by the time the names of St. Paul or Bruno were used to signify the irreversible re-composition of the institutional framework.

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