

INSTITUTION ROBERTO ESPOSITO

Translated by Zakiya Hanafi

Institution

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Les institutions sont la garantie du gouvernement d'un peuple libre contre la corruption des mœurs, et la garantie du peuple et du citoyen contre la corruption du gouvernement

Institutions are the guarantee of a free people's government against the corruption of morals, and the people's and citizens' guarantee against the corruption of the government.

Louis Antoine de Saint-Just

Translator's Note

Regarding the Italian *costituente*, *destituente*, and *istituente*: these words could be translated, using the present participle, as *constituting*, *destituting*, and *instituting*. The result is ambiguous, though: for example, is “instituting thought” an action or a way of thinking? To avoid this confusion, in agreement with the author, I have chosen to follow the paradigm of *constituent power*.

This usage has a long history in English translations of political philosophy from French (*pouvoir constituant*), Italian (*potere costituente*), and German (*verfassungsgebende Gewalt*). It also reflects the use of “constituent power” in a large corpus of scholarly works on the topic written originally in English, from Hannah Arendt’s *On Revolution* (1963) to Lucia Rubinelli’s *Constituent Power: A History* (2020).

While perhaps more distant from everyday language, “instituent thought” maintains its close genealogical kinship with the concepts and history out of which it arises.

Zakiya Hanafi

By Way of a Prologue

“*Vitam instituere*”/To Institute Life

In an obscure but crucial nook of the Western tradition, the expression *vitam instituere*, to institute life, poses a still unresolved question. At the heart of this phrase, which Humanist tradition linked to a text by a Roman jurist named Marcianus, stands the enigmatic relationship between institution and human life. We must resist the persistent temptation to view them as diverging poles, destined to meet up, or collide, only at a certain moment. Rather, they should be recognized as the two sides of a single figure that delineates at the same time the vital character of institutions and the instituent power of life. What else is life, after all, if not a continuous institution, a capacity for self-regeneration along new and unexplored paths? This is what Hannah Arendt meant when she said that human beings constantly start something new because, being born into the world, they themselves are a beginning.¹

This first beginning was followed by another, the

Institution

faculty of speech, which we can regard as a second birth. From that came cities – the political life that opened the horizon of history, although without ever cutting the thread that binds it to its biological roots. However different the regime of *nomos* may be from that of *bios*, it has never separated from it. If anything, their relationship has become tighter and tighter, to the point that it is impossible today to talk about “politics” without mentioning life. Institutions are at the center of this shift. They are the bridge by means of which law and politics shape societies, differentiating and uniting them.

This is why, even in the most dramatic circumstances, we can never stop instituting life and redefining its contours and objectives, or its conflicts and opportunities: because human beings are instituted by life, which ushers them into a common world, inseparable from the symbols that express it over time. This symbolic dimension shapes people no less than it is shaped by them, and it is not something added to human life from the outside: it makes human life what it is, distinguishing it from all other types.

No human life is reducible to pure survival – to “bare life,” to use Walter Benjamin’s well-known expression. There is always a point at which life projects out beyond primary needs, entering the realm of desires and choices, passions and projects. Given that human life has always been instituted, it never coincides with mere biological matter – even when crushed, by nature or history, and flattened into its hardest stratum. Even then, for as long as life is such, it reveals a way of being that, however deformed, violated, or trampled upon, remains what it is: a form of life. It receives this quality by belonging to a