Article

Marriage as Institution

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Abstract: The text develops philosophical considerations on the "institutional" dimension of marriage. First of all, the meaning of "institution" is problematized, as it is so much disputed and controversially interpreted today. On the one hand, in fact, it is circumscribed to denote a repressive reality—restraining, delaying, even disciplining—considered necessary and rescuing by some scholars, yet harmful and dangerous by others. On the other hand, accentuating its verbal form, "institution" is also understood in terms of movement, as the novelty that results from the act of instituting, as a discontinuity that opens a field of possibilities. Paul Ricœur considers institutions as part of the ethical tripod, i.e., of the ways through which human beings can flourish. In the context of these divergent understandings, this paper secondly considers the possibility to speak of marriage as an institution and to take marriage rituals as an example both of rite of passage and aggregation rituals. Bourdieu says that the separation achieved in rituals has a "consecrating" effect. Third, the paper questions whether functional and symbolic changes in marriage and marriage rituals can affect their institutional status and problematize their consequences.

Keywords: marriage; institution; ritual; wedding; function; relationship; ethics

1. Introduction

The text reflects on the possibility and the ways in which marriage can generally be understood as an institution. It, therefore, assumes the concept of "institution" before any qualification, that is, in its elementary signification, on the basis of which it then receives different declinations and sees its horizon of meaning thicken as a social, juridical, religious, and economic reality. We understand it, therefore, as an anthropological, quasi-transcendental fundamental, which variously occurs in its modes of giving itself. This does not mean that those adjectives are taken as irrelevant. They even express very different contents within different frameworks and thus come to reverberate the meaning of marriage as an institution in a very kaleidoscopic manner. But the text will not be able to articulate these aspects, which requires not only a multi-layered approach that I do not have at my disposal but also a patient weaving of the connections traceable in synchronic and diachronic order, which is impossible within the perimeter of this study.

Over the centuries, the 'matter' of the marriage institution has changed. In what we call the contemporary West (however vague the notion may be), what previously displayed the connotations of a patriarchal, pro-creation-based relationship has come to be reconfigured as a nuclear monogamous relationship based on feeling. Today, the picture is marked by lively conflicts of interpretation, with respect to the gender constitution of the couple, to the semantic arc covered by the reference to the sentimental dimension, and to the dimension of parenthood that the disengagement from the procreative essence and the insistence on the sentimental dimension itself bring with them. This insistence, moreover, has gone hand in hand with the contemporary (but already Romantic) divarication (and not just differentiation) between eros and nomos and with the markedly individualistic character of social evolution. Sexuality, in turn, in its decoupling from procreation, is often incoherently and unilaterally led back to the sphere of individual pleasure or to that of affective communication. In the trace of such transformations, albeit fluid and with

uncertain outcomes, one can read the shift in priority from a social pertinence of marriage to an individual (not necessarily narcissistic) pertinence.

At first sight, in the eyes of some, this seems to bring with it the disappearance of marriage as an institution. A closer examination of the connection may show rather that it is the crisis of a model, which in the emergence of new contents of meaning and in the onset of unprecedented tensions ramp up possibilities for revisions and new forms that may also open the ways to a more human world. The institution, as such, does not then seem to become an ornament to be disposed of, but can be configured as a condition of possibility to make marriage lean beyond the narcissistic solitarian or dual sphere: a counterbalance of form to the affective content, which brings the relationship to the complexity of thirdness.

2. Approaching Institutions

"Institution" is a word that powerfully combines the meanings of the act (or event) of establishing and the result of this act ("institution" as that which has been instituted).

Merleau-Ponty clearly points out this complexity and says that "Therefore by institution, we were intending [...] those events in an experience which endow the experience with durable dimensions, in relation to which a whole series of other experiences will make sense, will form a thinkable sequel or a history—or again the events which deposit a sense in me, not just as something surviving or as a residue, but as the call to follow, the demand of a future" (Merleau-Ponty [2003] 2010, p. 77). It is from the 1950s onwards that Merleau-Ponty develops this concept, working from the Husserlian concept of *Stiftung* (which has also been translated as "foundation" or "instauration"), which indicates the first act by which consciousness acquires and "founds" a certain objective meaning, which then remains as a stable and permanent achievement in its experience (Husserl 1950, p. 141; Terzi 2016).

The term comes into play, in Husserl's elaboration of genetic phenomenology, to express a dynamic found both at the level of the formation of singular consciousness and its *habitus*, and at the level of historicity, where *Stiftung* (more precisely *Urstiftung*) indicates the original establishment of a formation of historical meaning that then remains available as tradition. It is an inseparable nexus between, on the one hand, an establishing that opens up a field that goes beyond the movement of the establishing itself, reinscribing it in itself and, on the other hand, the being marked off this field with the trace of that happening by which it was opened. The question is to find ways of inhabiting that connection or to try to undo it, to recognize it, and to exercise multiform practices to handle it.

Roberto Esposito highlights the constitutive ambivalence of the category "institution", which has been applied with opposing and heterogeneous meanings.

In one respect, there is a coercive conception of the institution, which leads both to a "katechonic" interpretation of it, considering institutions oriented towards the necessary maintenance of order, and to the opposite messianic option for its dissolution. Esposito considers that even if authors like Sartre, Bourdieu, and Foucault cannot be ascribed, as such, to either the katechonic or the messianic side, however, a generally negative evaluation of the institution remains at the bottom of their perspective. Moreover, a large part of contemporary philosophy, regardless of the political stance of the interpreters, shares this position. He clarifies that if left-wing thinkers, such as Sartre and Marcuse, see the institution as an inertial element destined to block the free development of subjectivity, conservative authors such as Schmitt and Gehlen see it as a necessary immune/protective/defensive barrier to give stability to a human experience otherwise prone to ungovernable impulses. The function of institutions is, for them, to compensate for human-specific indeterminacy through a series of unreflective mechanisms (from another perspective; Bourdieu speaks about habitus; and for Goffman, Berger, and Lukmann, institutions are artificial devices necessary to compress natural human tendencies) (Esposito 2022, p. 11).

Esposito asserts that at the origin of this line of interpretation is Freud's thesis of civilization civilization as the inhibition of primary drives. "Civilization" defines the set of institutions serving both the purpose of protecting us from nature and regulating our

relationships with others. Therefore, institutions embody powers, exercise commands, and impose sanctions, without which humanity would implode. All we have to do is to adapt ourselves to this "discomfort", sacrificing part of our freedom. Indeed, to make them more effective, we must automatically obey the institutions, without even realizing we are doing so; although created by human beings, they acquire a natural dimension—almost a second nature, more rigid than the first—that inhibits the possibility to criticize them. They are, at the same time, the system of rules that govern the community and the power that compels respect for them. In different forms, institutionalization itself is violence, but revealing, on the one hand, a violence that precedes it and which it interrupts (primitive violence or terror), and, on the other hand, a violence that opposes it (corruption) (Bojanić 2012, pp. 89–90).

The social movement's opposition towards institutions—theorized especially since 1968—radicalizes the repressive interpretation of them, even if from the opposite point of view of an "affirmative ontology". If any institution is by its very nature coercive and exclusionary, if in any case, it functions as an inhibition of the free development of human beings, but there is no evil to be kept under control, then there is nothing left but to fight any institution at its root. They are not only useless but harmful. Hence, the value of immediacy must be affirmed against the mediation of institutions. Esposito concludes the following: "along this line of thinking, an authentic community is not qualified by its social bond but by its disintegration. The political or, better yet, the "impolitical" outcomes of this reasoning are plain for all to see today" (Esposito 2022, p. 13). Eventually, the total fluidification of a relationship requires the elimination of the relationship itself.

In *The Problem Problem of the Foundation Foundation of Moral Moral Philosophy Philosophy*, a text first published in French in 1975 and later in 1978 in an enlarged English version, Paul Ricœur proposes a very different conception of institution and Esposito points out that this is a very different voice. The French philosopher developed his own position in *Soi même come un autre*, where he defines the ethical intention "as aiming at the 'good life' with and for others in just institutions" (Ricœur [1990] 1992, p. 172). Therefore, "what fundamentally characterizes the idea of institution is the bond of common mores and not that of constraining rules" (Ricœur [1990] 1992, p. 194).

While Ricœur institutions must be included in the horizon of ethics, which conversely in the first instance does not include law, they are elements of the conceptual network that allows an ethic to be constituted (Ricœur [1975] 1978, p. 176), because "ethics is the movement between nacked and blind belief in a primordial 'I can', and the real history where I attest to this 'I can'" (Ricœur [1975] 1978, p. 177). He explains his conception by taking as his starting point the notion of self-determination of freedom and the requirement for a human being to give oneself a real history in real work. It is important because if one believes oneself not to be free, they also believe other people are not free.

Ricœur affirms the following: "the whole problem of ethics is born from the question, what does it mean for someone to attest to his freedom?" (Ricœur [1975] 1978, p. 177). However, "we truly enter into a problem of morality when we posit freedom in the second person, as the willing (voloir) of the other's freedom, the willing that your freedom might exist" (Ricœur [1975] 1978, p. 178). The negative aspect of obligation proceeds from the positive aspect of this recognition: Let your freedom exist! When the first positing of freedom experiences the limit constituted by the self's very inappropriateness to itself (one actualizes oneself through acts which are inadequate to one's existence), the second step meets the opposition of the freedom to another freedom. "Limit now signifies conflict" (Ricœur [1975] 1978, p. 179). He explains that the point of departure gives the principle of ethics, but not yet the content, which is the actualization of my freedom through your freedom and of your freedom through my freedom. This actualization has a specific history which has a history of conflict but does not imply "the exclusive emphasis on the idea of a struggle, in favor of a search for more peaceful experiences of recognition" (Ricœur [2004] 2005, p. 186). It is here that Ricœur introduces the word institution, in order to point

to the mediation between two freedoms: it is the mediation of "a neutral term", "in the third person", which has a status of "quasi objectivity".

The central point is that "no one is situated or can situate himself at the zero point of ethics" (Ricœur [1975] 1978, p. 180): choices, preferences, and valuations move in a historicity which precedes them and inscribes the action in an already open horizon of meaning. Ricœur mentions phenomena like Husserl's milieu of passive synthesis which have already taken place, like Humboldt's new *energia* which is already confronted with acquired *erga*, and like language itself which is prior before one begins to speak. He explains this factor of passivity, clarifying that human beings "can only act through structures of interaction which are already there and which tend to unfold their own history which consists of inertias and innovations which themselves are sedimented in their turn" (Ricœur [1975] 1978, p. 181).

There is no actualization, no history of freedom without the mediation of structures of interaction which are a "neutral term", the "nonperson" between people. Ricœur provides two reasons to introduce the term institution here. On the one hand, it leads back to a *Urstiftung*—a primordial mythical founding—"so that institution signifies that I am already within the instituted". On the other hand, "institutions found freedoms" (Ricœur [1975] 1978, p. 181), because they can posit themselves only by passing through an instituted-instituting which is a neutral term, the ethical mediation. Immediacy without any intermediary is only a dream. The moment of exteriority means that "the greatest part of our social life consists of coordinating roles, services, labor and work which are only slightly personalized" (Ricœur [1975] 1978, p. 181).

Ricœur exemplifies what he means by considering at first the notion of value. An act of evaluation proceeds from the will and actualizes one's freedom, but then one passes from evaluating to considering something as worthy of value: an element of recognition and not just of simple evaluation is at stake. What is "valuable" cannot be derived from the subjective evaluation of the evaluator, but neither can it be derived from the relationship between the evaluator and what is evaluated: rather, it presents itself as that which mediates, that in which the recognition of what is evaluated as something valuable can take place (Ricœur [1975] 1978, pp. 182–83). Ricœur says the following: "there are already institutions and a social order. The concept of 'value' is a 'mixed concept' which assures the compromise between the desire for freedom of individual consciousness and the situations which are already qualified as ethical situations" (Ricœur [1975] 1978, p. 183); there is always "an already sedimented institutionalized state of affairs" (ibid.): he uses the term "support" and "deposit", which has a "mixed status" that manifests itself in the "substantialization of value predicates". Certainly, since the example here concerns the term value, which is entirely positive in this case, any aspect of interdiction and of constraining does not emerge.

However, even if a "poetics of the will" (Ricœur [1975] 1978, p. 192) would prefer valuable and desirable to coincide, for human beings this does not always happen. When this does not happen, the desirable shows itself in the form of a rule or discipline. Ricœur notes that "the essence of the prohibition is not to positively designate what is preferable, but to negatively designate what is deviant as what is not to be done" (Ricœur [1975] 1978, p. 184). When it happens that what is desirable is separated from what is preferable, "the 'you should' begins to triumph over me as something alien to me, something other than me" (Ricœur [1975] 1978, p. 184). But what prohibition positively refers to is the desire to be a will, a not dispersed will, "a will in the face of desires" (Ricœur [1975] 1978, p. 184). It is "by means of a rational exchange between wills which include a specific moment of universality that the will educates itself to rationality"; therefore, the norm is also the exit from the arbitrariness of each individual being (Ricœur [1975] 1978, p. 185).

In what sense can all this have relevance to marriage, which instead seems to concern the vis-á-vis relationship par excellence?

The journey through Ricœur's reflection allows us to highlight almost all of these three aspects.

Every human act is necessarily immersed in a collective acting that precedes it, offering it a deposit of meanings and conferring significance on it. Thus, every affective and sexual relationship—that is not only thought or imagined, but also lived—is realized as a relationship which is removed from pure precedence and is inscribed within a collective acting, in some way within a sociality, a culture, a tradition, in which marriage is already given as its own possibility. Taking on this form, institutionalizing itself precisely as marriage does not seem to analytically lead to repetition (there is an idiom that speaks of marriage as the "tomb of love"), but it implies a certain stability that may mean the possibility of projection into the future. No predetermined outcomes can be deduced from entering into an "institution": rather, it seems to demand an interpretation of the "consignment", and to open possible new configurations.

The institutionalization of the relationship, moreover, implies in a twofold sense the irruption of "third parties".

On the one hand, the institutional configuration offers the spouses themselves the possibility to prevent the "other", who is the "you" of the affective–sexual relationship—perhaps the most intimate of relationships and, therefore, among the most engaging and risky one—from collapsing into being only "my Thou". In a certain sense, every "you" is always someone's "you", and therefore runs the risk of being subsumed into the "I" whose "you" it is. In the institution of marriage, the "you" has the possibility to be the "you" of a "me" who never can properly name it "my". Institutional mediation, as mediation whereby one always marries "in front of someone", can preserve the one and the other of the relationship from being resolved to the "Thou of mine". The other is not simply the object of my desire, what I want or I think she/he is, and the institutions offer just the field in which one remains irreducible to the relationship with the I of which one is the "you". One can preserve oneself as a "you" that remains, for the other I, an irreducible other. So to speak, the "you" remains as much a he/she, a third person, and the institution preserves (should it preserve? here the distinction between just institutions and those that do not do justice arises) the "Thou" as unavailable, making it "a third" for the I for whom it is also a "Thou". In this sense, the institution mediates because it is "impersonal", so that one can pass to the "we" without making it either a sum or a fusion of the ones (Ricœur [1975] 1978, pp. 321–22).

Finally, marriage, as an externalization of the affective–sexual relation which, in its historicity, is substantiated by the deposit of meanings of the historical-collective acting of its own time and place, involves other "thirdnesses". It loses the contours of the vis-á-vis relationship because it implies the restructuring of former family ties, which come to include new families; it involves the social groups of origin and new social relations. The "we" instituted is a new reality for "whoever".

It is clear that I do not mean here, when speaking of 'third' and 'thirdness', the institution itself (as for instance in Pierre Legendre); rather, it is the performative medium that makes thirdness possible. Indeed, as a thirdness, it also takes up and reinterprets the identity of those who marry: that medium—if not disregarded—deconstructs egotistical settings and makes each one, in the recognition received from the others and through alienation in the 'we', a transcendent not only for the other but also for oneself. Each one is given back to oneself as unavailable for oneself to submit to the other, leaning beyond the mere and contingent goodwill of recognizing the other as a partner in the relationship.

Of course, it is also the case that many unitive mechanisms covered by the rhetoric of love and institution are nothing more than mechanisms of devious, sometimes deceptive, control, even the cause of suffering. But this only says that the institutional passage is not a magical guarantee, so much as the opening of a condition of possibility for a new experience.

Eventually, it must also clearly be acknowledged that marriages are substantiated by symbolic, cultural, social, juridical, economic, and religious connotations which are very different in different contexts. These are not irrelevant characters, but qualifying ones. For religions, for instance, the experience of marriage has to do with the sacred. In the sphere

of Christianity (albeit in the permanent differences between the various confessions), for instance, the articulation of the 'natural marriage' (or 'of creation') in the 'marriage in the Lord' is not only understood as a 'ratification' that perfects the creaturely design but a leap on a Christological level (Tagliaferri 2008, p. 141).

Without being able to consider, in this work, the many variations that institutions, and marriages in particular, can bear (we shall quickly return to this in the last paragraph), a question must, nevertheless, be raised as a criterion for critical oversights on historicity. Let us again refer to the words of Paul Ricœur: "Je pense donc que la pierre angulaire d'une philosophie sociale est celle-ci: repenser toutes les institutions en fonction d'un unique critère: la réalisation et l'épanouissement de la liberté. L'institution n'est rien en soi; elle vaut pour les hommes; je définirai volontiers l'institution: l'ensemble des règles applicables aux rôles et aux comportements sociaux, permettant à la liberté de chacun de se réaliser sans nuire à celle des autres" (Ricœur 1971, p. 201).

Institutions, even if we argue them quasi-transcendentality, should not be exempted from the question of whether they are just or unjust.

3. Marriage and Wedding, Institution and Rituals

When we think of institution in the complex sense, we have tried to articulate between consignment and inventive openness; marriage emblematically seems to show that it lives off the chiasmatic inextricable nexus between narrativity and rituality, calling into play "third parties". This happens in a biographical and historical sense and both from the point of view of the very existence of the institution itself and for those who are involved with it. There are many different interpretations of ritual, from Emile Durkheim's and Bronislaw Malinovski's functional interpretation to Clifford Geertz's semantic interpretation, from the one that focuses on the concept of performance (Rappaport 2002; Turner 1982) to the more recent microsociological (Randall Collins) and cultural sociology (Jeffrey Charles Alexander) interpretations. This is not the place for such a discussion, certainly due to both the problematic nature of the ritual itself and its very fruitfulness. Nevertheless, it seems to us central to propose its heuristic value: a kind of institutionalization that acts in an anti-institutional sense by continually re-admitting tradition and law into the condition of a nascent state (Tagliaferri 2009, p. 464).

Rituals are relevant because they are "tools" for the implementation of potential spaces for living. They mediate differences and put them "into play" by negotiating the boundaries that separate them but without them being either eluded or eliminated. Ritual performance generates a "meta-communicative context" (Bateson 1972), in which individuals give rise to a world of "as if", an "imagined" world, based on the sharing of a "might be" (Turner 1969, 1982). According to Rappaport (2002), the formal properties of ritual make it possible for covenants to arise independently of the sincerity of subjective adherence.

Taking part in a wedding ceremony, for example, means accepting the order related to it and at the same time realizing it, regardless of what the participant's inner status is (Rappaport 2002, pp. 181–82). In this way, ritual gives rise to a process that leads from the "private" to the "public", from the "I" to the "we"; through it, the sharing of social meaning, and thus of a commitment to be, to act in a certain way, is both created and manifested.

Many scholars consider it a specific feature of ritual that it is a symbolic action: it deals with symbols, which it enacts in the course of particular performances. Victor Turner investigated, in depth, the aspects of ritual symbolism, which, for him, have a fundamentally dynamic nature. In rituals, the "symbolic" is not merely functional to represent and reproduce the existing order, but becomes a tool through which social actors alter and transform the relationships within which they are engaged. The semiotic power of ritual symbolism resides, according to Turner, in the fact that its symbols—especially those he defines as "dominant" (Turner 1967, pp. 20–22)—although subject to disparate and even conflicting interpretations—create a shared space, open to creativity and experimentation. In "playing" at simulating a "different" reality, participants in the ritual actively manipulate

the symbols of their cultural sphere, which, therefore, shows itself as an open system enabling individuals to transform the world around them.

The very reality of ritual, moreover, derives from its "corporeality", understood as an original, pre-linguistic way of relating to the world (Tagliaferri 2009, p. 99). What is crucial in ritual is not what is "thought" or "believed", but what is performed (Terrin 1999, p. 162).

Considering in particular, a wedding celebration, it can be interpreted as a rite of passage. Van Gennep subdivided them into rites of separation (e.g., funerals), rites of transition (e.g., birthdays), and rites of aggregation (van Gennep [1909] 1960, pp. 115–45). A wedding can be considered an example of an aggregation ritual, but it may also include the other subtypes (it is a separation rite, too). In addition, a wedding may be combined with other types of rituals (e.g., throwing rice is a fertility rite). A wedding ritual can be understood also in terms of role transition. It serves as a reinforcer of the transition to the new role of being married and works in two complementary ways: it reduces uncertainty about the new roles that people will occupy, and it provides approval for norm-guided behavior (Kalmijn 2004).

One can consider the wedding party, the religious ceremony, the honeymoon, the celebration of the anniversary, and so on. They all are embedded in specific time-places and can take different forms: from parties with hundreds of guests to short-lived events consisting of just a few signatures. They all involve issues such as clothes, the choice of the venue and its setting, the postures and positioning of the people attending, and activities for photographic or film documentation. More and more social media are also involved: in the digital era, it seems that they are co-producing—more than only re-producing—the event. This is a relevant question that Marie-Therese Mäder's Marie Curie Fellow research work "Promising Images of Love" focused on (Mäder 2024). Wedding customs are often passed down from one generation to the next: they are also formulated in etiquette books, popular magazines, and special wedding journals—one can look at them in trade fairs and television broadcasts. There are really trends in marriage rituals, even if some variables have changed over time (e.g., cohabitation and age at marriage).

A wedding, like other rites of passage, acts as a role reinforcer and, at the same time, following Pierre Bourdieu's (1982) concept, we can name it "acte inaugural d'institution".

Bourdieu points out the social function of rituals and the social significance of the line, the boundary, whose crossing and transgression are enabled by them. Rituals institute a lasting difference between those whom the ritual concerns and those whom they do not concern. This is why Bourdieu considers rituals more than involving passages: he would prefer to speak of rites of consecration, rites of legitimation, or rites of institution (giving this word an active meaning).

To speak of "institutional rites" indicates that rites tend to consecrate or legitimize. This does not mean a mere conservative acting. By solemnly marking the crossing of a line that establishes a fundamental division in the social order, a rite draws attention to the passage but the very important question here is the line. It is to take into account the symbolic effectiveness of "institutional rites", and the power they have to act on reality by acting on the representation of reality. Bourdieu says that to "institute" is to assign an essence, a competence, to impose "a right to be" that is "a duty to be". It is to signify to someone what one is and that one must behave accordingly; it also means imposing limits.

Moreover, the function of boundaries is both to discourage the temptation to cross over, to transgress, but also the temptation of desertion or resignation. To permanently discourage the temptation to deviate, the difference should be naturalized; it should become a second nature through a kind of incorporation in the form of habitus. He says that instituting rites are acts of "social magic" and "des actes de magie sociale aussi différents que le mariage ou la circoncision, la collation de grades ou de titres, l'adoubement du chevalier, la nomination à des postes, des charges, des honneurs, l'imposition d'une griffe, l'apposition d'une signature ou d'un paraphe, ne peuvent réussir que si l'institution, au sens actif d'acte tendant à instituer quelqu'un ou quelque chose en tant que dotes de tel ou tel statut et de telle ou telle propriété, est un acte d'institution en un autre sens, c'est-à-dire

un acte garanti par tout le groupe ou par une institution reconnue: lors même qu'il est accompli par un agent singulier, dûment mandaté pour l'accomplir et pour l'accomplir dans les formes reconnues, c'est-à-dire selon les conventions tenues pour convenables en matière de lieu, de moment, d'instruments, etc., dont l'ensemble constitue le ritual conforme, c'est-à-dire socialement valide, donc efficient, il trouve son fondement dans la croyance de tout un groupe (qui peut être physiquement présent), c'est-à-dire dans les dispositions socialement façonnées à connaître et à reconnaître les conditions institutionnelles d'un rituel valide (ce qui implique que l'efficacité symbolique du rituel variera—simultanément ou successivement—selon le degré auquel les destinataires seront plus ou moins préparés, plus ou moins disposés à l'accueillir)" (Bourdieu 1982, pp. 62–63).

The performative force of rituals is involved with the context in which they happen, with the recognition that certain "institutional act" receives. This means stability but also change, both of which are rooted in functions and meanings, esthetic experience, symbolic efficacy, and power relations. There are always third parties involved. In marriage rituals, the bride and groom confirm their decision to be married to each other via a third party in front of which one is married: be it the social group, the law of a State, or the church and God (Kalmijn 2004, p. 584).

4. Indeterminacy and Changing

When we think of institutions in the complex sense, we have tried to articulate between consignment and inventive openness. To consider the many different forms within the same institution Francesco Guala (2016) suggests articulating between token and type: a specific solution in some place in a time is (only) a particular instantiation (token) of the type of institution that one calls 'marriage'.

He proposes to consider the Florentine marriage during the thirteenth century: it is as a token because it is a specific contractual solution, a historical instantiation of the general institution of marriage (the type). One cannot derive from it what "marriage" in general is. Moreover, "to find out what marriage is in general—what marriage is as a type—we need to focus on the coordination problem as a whole, rather than on its specific solutions, because institution types are defined functionally, by reference to their goal or to the problems they solve. Since the same goal can be attained in many ways, the study of specific institutions tells us more about the specific solutions than about what they have in common. What all the institutions share is that they are solutions to the same problems, or equilibria of the same class of games" (Guala 2016, p. 196). He clarifies that "by means of 'institution-type' and 'institution-token' I am trying to distinguish different levels of ontological analysis using the limited linguistic resources of contemporary philosophy and social science. The important point, in any case, is that we cannot determine what marriage is (the type) simply by generalizing across a sample of token institutions, because the sample may be inadequate" (Guala 2016, p. 198).

However, the consideration that "by observing different solutions to the same problems of coordination, we are alerted to the fact that we are dealing with a game that has multiple equilibria" raises another question, namely whether we are really referring to the same problems of coordination.

Even more, we can ask ourselves to what extent the coordination problems that a certain institution solves can change in order for it to continue to be understood as the same institution. How "stressed" can an institution be by removing or inserting practices, so that we can continue to talk about the same institution? People can use, or will use in the future, different institutions to solve their coordination problem. Guala states that only scientists have the epistemic authority to affirm what marriage really is. He adds that normative factors and considerations play a legitimate role only when token institutions are concerned. Therefore, insofar as institutions are regulated by the law, "what a judge can do is to adjudicate whether the introduction of a certain concept in our legislation is compatible with the higher principles that are codified in the constitution" (Guala 2016, p. 203). However, he concludes, "neither the courts nor people's normative convictions

determine what marriage is as a social institution. The claim that heterosexual marriage is the only kind of marriage qua social kind must be adjudicated by scientific experts who are able to assess the claim in light of the best theories and empirical data that are currently available" (Guala 2016, p. 205). The conclusion seems to configure a position that is not only realist but also fundamentally settled on static essentialism, which assumes that social facts can be considered in the same way as natural facts, which experts can discover more and more in depth in their many dimensions, features, and expressions. What really are the functions that characterize marriage? Is it really neutral and objective to say "the institution of marriage regulates the behavior of two or more individuals who pool their resources to raise kids, manage property, and help each other in many different ways" (Guala 2016, p. XXIV)?

What makes something a marriage rather than, to say, a mere team or a group? It claims identification criteria. In the case of a functionalist approach, it requires identifying the specific function it has and, if it is a coordination problem, which coordination practices it should coordinate (it does matter what is on or not on the list), who can be involved in it and who is left out. This is not just a metaphysical problem, it has practical and political implications.

Moreover, although the meaning of "marriage" may be partly indeterminate, we are currently provoked not only to distinguish fair from unfair marriages, considering the ways in which coordination equilibrium occurs within and the quality one has with regard to the relations among the subjects the institution coordinates, but also to ask how much marriage can change by remaining the same institution (Guala and Hindriks 2020). The question does not only regard the extension of the right to marry to gay and lesbian people but also the functions people reserve for their marriage and the meanings invested in it.

Functions and social acts that fill them have both real and symbolic existence. The functionalist view highlights that institutions fill vital functions without which the existence of society is inconceivable, but institutions should not only be understood on the basis of this role, they are inextricably tied to the symbolic. This does not mean that real acts, whether individual or collective ones—work, consumption, war, love, and child-bearing, the innumerable material products without which no society could live—are (always, directly) symbols, but all of these, however, would be impossible outside of a symbolic network (Castoriadis [1975] 1987, p. 117). Cornelius Castoriadis asserts that institutions cannot be reduced to the symbolic, but each institution constitutes a particularly symbolic network. A symbolic system consists of "relating symbols (signifiers) to signifieds (representations, orders, commands or inducements to do or not to do something, consequences for actions—significations in the loosest sense of the term) ['Signifier' and 'signified' are taken here and in what follows *latissimo sensu*] and in validating them as such, that is to say in making this relation more or less obligatory for the society or the group concerned" (Castoriadis [1975] 1987, p. 117). Institutions "can be neither described nor understood in their very functionality except in relation to intentions, orientations, chains of significations, which not merely escape functionality but to which functionality is, in large part, subservient" (Castoriadis [1975] 1987, p. 136).

Castoriadis also stresses the imaginary component of every symbol and of every symbolism. "Imaginary" means "something 'invented'—whether this refers to a 'sheer' invention ('a story entirely dreamed up'), or a slippage, a shift of meaning in which available symbols are invested with other significations than their 'normal' or canonical significations ('What are you imagining now?' says the woman to the man who is chiding her for a smile she exchanged with someone else). In both cases, it is assumed that the imaginary is separate from the real, whether it claims to take the latter's place (a lie) or makes no such claim (a novel)" (Castoriadis [1975] 1987, p. 127). Therefore, "the institution is a socially sanctioned, symbolic network in which a functional component and an imaginary component are combined in variable proportions and relations" (Castoriadis [1975] 1987, p. 132). An institution enters a crisis when it loses its symbolic character, where the latter presupposes "the capacity of positing a permanent connection between two terms

in such a way that one 'represents' the other" (Castoriadis [1975] 1987, p. 127). When the significations attached to an institution diverge from the expression of the functions it is intended to coordinate, it may happen that it develops a form of autonomy from social life such that the institution no longer promotes a set of relations between its members and social life.

Symbolic transformations are not neutral for the institution's very functioning: the chains of meanings attributed to marriage, for instance, can imply a re-selection (inclusion and exclusion) or dismission of practices to be involved and coordinated. Conversely, the introduction of new practices can become so invasive that they can cannibalize others or transmute previous meanings. A form of alienation may thus be produced whereby the institution is experienced as discarding its previous (original?) coordinating functions or being incapable of taking on new ones.

Currently, the marriage institution seems really very stressed. There are many reasons, ranging from socio-economic contextual changes, like the new roles of women and their increasing independence, to cultural ones, like the sexual revolution since the late 1960s and, currently in the spotlight, the question of gender. Marie-Therese Mäder's research work "Promising Images of Love" has the merit of focusing on a so far scarcely considered aspect, that is nevertheless, of central importance: the impact of the digital revolution with its widespread "mediatization". The living milieu has been changed, bringing within it transformations in life forms and institutions.

The primary concern, then, with regard to marriage as with any institution, must be to exercise a critical vigilance that unmasks its potential to be structured in ways that offend people, injure their dignity, harm their rights, abuse their fragility, and reduce their space for autonomous decision-making and freedom. Moreover, it is a matter of fostering the taking up of the question of marriage in the public sphere in a non-reductionist manner and, therefore, not abdicating from seeking to question the ways of a fuller flourishing of the human. Today, in our cultural context, a strong social negotiation is underway: it radicalizes the affective dimension, on the one hand, and subsumes the procreative aspect in a broader concept of parenthood, on the other hand (one that struggles to consider duration but does not renounce the instituting rituality). While the risk is certainly the recurrent one of "narcissistic marriage", a hospitable free zone is also open to the recognition of the wholeness of the human and its consideration "always as an end and never as a means". To promote that horizon and avoid this danger, the reference to the marriage institution cannot be understood as a mere form of boundary. Rather, it must constitute the openness to "thirdness", through which, in many ways, it is possible to work out a generative perspective. This encompasses the perception of surplus, about which those who marry cannot say where it comes from, which they cannot know from the beginning where it will lead, and which, precisely, finds its place in marriage while also sustaining it.

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