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BUILDING THE LAW. WILL, NORM AND INSTITUTION AFTER MODERN AGE

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Abstract

The paper deals with social and political changes of contemporary governance, highlighting how they involve practice and theory of law. The pluralization of agencies involved in global dynamics breeds a trend to fragmentation of political order granted by modern State, revealing how modern legal categories are too narrow to contain today normative practices. The idea of institution, thus, could be a quite elastic definition for the plurality of practices, historically labeled as law.

Keywords

Law, norm, governance, institution.

Resumen

El artículo profundiza en los cambios políticos y sociales de la gobernanza contemporánea y pone de manifiesto la manera en que estos envuelven la práctica y la teoría

del derecho. La pluralización de los *agency* comprometidos en las dinámicas globales provoca una tendencia a la fragmentación del orden político representado por el Estado moderno, y revela que las categorías del derecho moderno son demasiado estrechas para contener todas las prácticas normativas actuales. De ahí que la idea de institución pudiera ser una definición bastante elástica para enmarcar la pluralidad de prácticas históricamente consideradas como derecho.

Palabras clave

Ley, norma, gobierno, institución.

Introduction

In present day the social and political diversification is a massive source of interesting issues for legal scholars. New managerial structures – fixed in gradual levels – and supervisory control of behaviour, confronts with governmental stability while providing a new model of interactions among power, which is increasingly complex and decentralized. Clearly, this condition affects the juridical analysis in terms of a profound ambivalence, which is brought about through two likely options: how we should represent law today?

The primarily attempts to answer the question should be oriented toward a theoretical definition which visualizes a broader understanding of the phenomenon. Thus, the questions should rather be: what are we meaning by law? What do words like law, *droit*, *diritto* – and so on – stand for? About the human experience which we regard as juridical, how similar these are? Otherwise, when the perspective becomes factual and operative, the attention is stressed on the juridical trait of the rules.

Then, we should ask ourselves: what does the juridical trait convey? By what means can we recognize these binding rules (to which we must obey categorically)? How should we behave toward them? Act toward them? Or still, by what criteria do we follow, utilize or even contradict the rules? How could it be possible to identify the very juridical trait across which we come on a daily basis?

It should be clear by now: a resolution could not be led unless these questions affect one another. The idea behind the law modifies its operativeness as much as on the way around. In other words, as the law performs differently and, thus, is perceived differently so are the categories by which it is conceptualized.

In the current scenario of a gradual re-balance of stability, resulting in the grinding and decentralizing of power we face, anguish as they are, the categories of the modern age as opposed to the wide variety of normative practices. After being partially released from the influence of state legalism, the law has regained the older poietic trait which defined it in premodern experience (Grossi, 2011; 2015). On the other hand, however, it is no longer predictable, certain and recognizable as these were guaranteed by the state narrative at its best.

In this regard, then, this work is designed into various sections.

The first one would reconstruct the current social pattern in constant progress, by means of recovering that complexity which is presented toward scholars and observers of any discipline through the new intersections of power.

The following section, indeed, would resume the category of institution – conceived by Santi Romano – which is based on the attention to the disparate historical modes of the social domain.

Finally the last section would disassemble the organizational pattern – grounded in the institutional theory – into its founding elements: rule, decision and recognition.

Flows and spaces within the normative realm

The national dispositif, to Saskia Sassen, is but the assembly of three elements: territory, authority and rights. Because of the institutionalizations are complex, subdued by duels and appealing dynamics, after extended time and space, they would reassemble themselves in different patterns whose capabilities were distinctly developed one by one. Indeed, these thrived by each specific assemblage, have historically allowed the access to the sequent framework (Sassen, 2006). The capabilities do not result in binding consequences, rather they are historically defined by occasions which the author has described as turning point. Therefore they come from a progressive nature which overlooks the given premises and transforming it unexpectedly. Briefly, the centralization of power and authority which is related to the national assemblage did entangle with the feudal capacities. And on the other hand, the advanced denationalization implies administrative and organizational capacities that States have developed on the national age.

It is then important to understand how such capacities are able to reassemble the realm generated by the system of state-nation, and its consequent new framework: the denationalization.

How do these capacities reassemble the society described by the nation-state system and produce the new framework of the denationalization?

Sassen claims that the flows of capital, labor and information outline new spaces, overwriting traditional boundaries of the nation-states. The global cities, for instance, play the part of nodes in a cross-border network. That is partially autonomous from the internal dynamics of the states to which the individual cities belong. A global city works as hubs of coordination and control for high finance and global capital. A large cluster of highly specialized services and skilled workers, allows them to exercise functions otherwise unachievable (Sassen, 1994).

It is important to emphasize at the outset that, according to Sassen, a global city is senseless as a single entity: cities can manage global flows only as part of a intertwined circuit of metropolises. They are nodes with very similar characteristics and social dynamics which, going beyond State borders, produce a denationalized space. In short, global cities draw a new geography which is divergent and semi-autonomous from the political, social and even legal framework of nation.

We, then, seem to infer that the actors and their activity are of a great importance. Their increasing participation redresses the balance of power, in new institutional structures. The normative production is empowering its relation to private subjects any time more, meanwhile these create regulatory instruments to pursue specific needs. This energetic entity within private subjects – that is applied in producing rules – involves even formal and public institutions. In other words, States are increasingly conditioned, in their political and administrative legislative – and even judicial – choices, by practices and normative and tools set up in private sector. Rating agencies seem to be a clear example of such a linkage.

The great proliferation of standard contracts, as well as the arbitration judgement – and broadly speaking – the progressive contractualization of relationships, both at national and international, made some scholars reflect over a possible return of *lex mercatoria*. (Ferrarese, 2006). This is a specific field of rules, raised in Europe during the middle ages by the economic practices of the merchants. It was a trans-territorial normative regime, unchained to local authorities and body of law. The current market -like the one at the time of the middle age- seems to produce a separate and trans-national normative field, a *boundless law* (Ferrarese, 2006; 2012).

As a matter of fact, the rationale of interest comes up alongside, and sometimes exceeds, that of the rights. This complex and decentralized framework, produced by non-homogeneous authors and through different practices, moves away from the idea of government and evokes the idea of governance: a functional order not founded by formal legitimacy of a superordinate authority, but by a sharing of goals. According to the well-known definition of Rosenau:

[...] governance is not synonymous with government. Both refer to purposive behaviour, to goal-oriented activities, to systems of rule; but government suggests activities that are backed by formal authority, by police powers to insure the implementation of duly constituted policies, whereas governance refers to activities backed by shared goals that may or may not derive from legal and formally

prescribed responsibilities and that do not necessarily rely on police powers to overcome defiance and attain compliance. Governance, in other words, is a more encompassing phenomenon than government. It embraces governmental institutions, but it also subsumes informal, non-governmental mechanisms whereby those persons and organizations within its purview move ahead, satisfy their needs, and fulfil their wants (Rosenau, 1992, pp. 4-5).

However, governance and sovereignty entrain a adaptable relationship with each other. This two configurations are opposed but complementary, hinges of a power that moves and develops through their continuous inter-relationship. Thus the most suitable approach, when referring to these configurations, other than set up these two against each other, should detect and reveal the ways in which they are interrelated. (Tucci, 2012, p.7).

According to what just said, the hard law, centered on the binary legal / illegal and enforced with coercive power, is flanked by a soft law able to direct behaviors, persuading more than obliging, dissuading rather than forbidding, convincing more than punishing. Contractual means are increasingly preferred to the legislative instrument on both the realms of individuals relationships and the public.

In the first case, general clauses and standard contracts – produced by law firms for companies – end up regulating a huge number of relationships, often many times larger than that regulated by the laws of some States. Their sophisticated structure is the outcome of a “legal engineering”, and requires the knowledge of private hyper-specialized legal workers. Which become then capable of producing regulatory frameworks valid for a very large number of subjects, residing in the most disparate regions. Moreover they are often adopted by third parties, becoming standard regulatory instruments.

Even at international level, agreements and negotiations become a central pivot in weaving interconnection between States and governmental and non-governmental organizations. While ignoring the previous dividing lines (internal / external, national / international, public / private), what this *boundless law* does is, overwriting previous delimitations and differences and producing a network in which a supposed absence of hierarchies would allow the free participation of interested parties in pursuing their specific interests. In short, a structure of equal and reticular relationship characterized by the lexicon of interests and absolute freedom.

On the other hand, this structure is not without differences and superordinates: far from being a smooth space of equal opportunities, the network of global governance

has a very complex stratification, in which differences and possibilities are distributed on many levels. Borders do not actually disappear, but rather they are redistributed into new assemblages and geographies.

Indeed, the construction of spaces becomes the main node of governance technology. In this sense, even the modern category of citizenship, with its burden of universal image, is parceled out into specific subjectivities, which is the outcome of intersecting sovereignty, governmentality and discipline. This technology aims at producing suitable individuals for fulfilling the specific needs of neoliberal logic. Even though this discourse can be applied to every latitude, yet it appears particularly evident in some regions of the planet.

By means of analyzing the conditions of workers in the Southern East of Asia, Aiwha Ong clarifies the functioning of this government technology. The concept of exception which Carl Schmitt placed at the origin of modern sovereignty (Schmitt, 1932) retains here a central role. However, in its traditional understanding exception was caught in its liminal space, as the pillar of political-judicial order because it was inferred as a foundational moment. But Ong identifies its productive presence constantly at work within the social organization, as a complex political device.

In its neo-liberal form, exception assumes a dual role: neoliberalism as an exception and exception to neoliberalism. The first one is an application of economic calculations in the management of populations and social spaces: by suspending democratic practices the neoliberal exception legitimizes political choices claiming their technical requirements. As a matter of fact, these decisions are removed from political discourse.

Vice versa, exceptions to neoliberalism can be invoked to create separate institutional enclosures in order to exclude certain populations which are often subjected to ferociously repressive sovereignty, these spaces still function within the economic rationale.

Even though these spaces serve the market, they exist outside the market. This criteria/dynamics, operates in both sense: it is as much an incremental device as a repressive one. For instance, exceptions to neoliberalism can debar part of a population from welfare, or instead it can guarantee exclusive protections and benefit. The neoliberal exception operates inside and across national boundaries, disjoining citizenship, to reassemble its component in specialized memberships.

This governmental device uses individual needs to produce 'docile bodies', steering populations to additional forms of life, or rather disciplining it through law enforcement. Citizens of same Country are submitted to different law regimes: even if citizenship formally don't disappear then, it is disassembled in a number of different and

temporary subjectivations. Citizenship still exists, but ever more as void form than a functional tool, overstretched by the actual set of right, bonds and memberships, born from what Ong calls sovereignty by intersection: an articulated framework in which companies, government and ONG lead the assembling of spaces and regimes. Special economic zones (SEZ) and special administrative regions (SAR), for instance, where Chinese government consolidates specific and different labor conditions, investments opportunity and markets.

Sovereignty then still exists, but as a part of this new framework it is a key for producing post development geography., created as a consequence of neoliberalism (Ong, 2006).

Whit Buddha is Hiding Ong (2003) had already highlighted, using Foucault's categories of *Homo oeconomicus* (Foucault 2004b) and governmentality, the practices processes of subjectivation / subjection to which Cambodian refugees in North America are subjected for acquiring citizenship. While refugees bend to a network of offices, welfare, vocational schools, hospitals and workplaces they reinvent it, building their own subjectivity as the result of a non-frontal resistance to a normative power. Subjectivity, in other words, is not played on an antithesis, but distributed, fragmented and constantly acted on the whole plan of social practice. The conscious assumption of the legal context of rights and obligations, implements a set of practices aimed at avoiding discipline. Nonetheless the disciplinary norm is recognized, adopted and bent to specific needs. Everything is played around the norm, through its use and its constant readjustment. Hence, norm is no more than an imposing device, which 'cuts' macro groups, creating stable memberships. Rather, it produces articulated, unstable and functionalized differences.

The sovereign does not disappear. Indeed, as we have seen, it is a fundamental element in neoliberal dynamics. Its presence, however, assumes unusual connotations, or hardly recognizable in the full modern experience: it is graduated.

According to Ong, graduated sovereignty is, the flexible administration of sovereign power, due to the modulation, by governments, of political spaces in behalf of the needs of global capital (Ong, 2006). These articulated framework rises from a combination of disciplinary, regulatory and pastoral devices, combined in relation to the needs of market. Unprofessional workers and migrants are governed through disciplinary techniques in productive areas, with the aim of "promoting both productivity and political stability, thus creating suitable conditions to global manufacturing. At the same time, highly skilled foreign workers and members of dominant ethnic elites, in different regions, are regulated in a lighter way, through a pastoral care (Foucault, 2004a; 2004b)

Two meanings of norm, thus coexists in this framework: from one hand norm is here a behavioural normalization, according to Foucault's theories; on the other hand norm can still be read, in the typical contest of legal language, as normativity, i.e. a binary criterion of the permit / forbidden.

Normalization is accompanied by the proliferation of legislative activity, which is demonstrated by the anthropological studies of Ong, and allows this standardization. The normative language is ramified, finding in the effectiveness a new effervescence. According to Cassese "le metamorfosi del diritto non vanno nel senso della sua fine, bensì in direzione opposta" (Cassese, 2009, p. 29).

However, this widespread and productive distribution and sharing of normative power, and the resulting organizational polymorphism, are not unusual in the history of law. Among others, Paolo Grossi reconstructs the complexity of medieval experience as coexistence and mutual interdependence of legal systems of different inspiration and structure. During this period the development of law in European political and social space has continuously produced disparate institutional forms, in a highly articulated overlap and interdependence: from *iura propria*, developed in the early centuries by notaries and local scholars, to *ius commune* of the most mature eras, born in the cradles of the universities and developed as a dialogue between learned and refined scholars; from the *ius usus feudorum* to *lex mercatoria*, a specific right arising from the commercial practice (Grossi, 2011). The medieval epoch shows how the juridical categories of modernity – mythologies, as Grossi calls them (Grossi, 2007; Romano, 1947) –, born from the monolithic and vertical structure of the State *eidos*, are too narrow to contain the actual phenomenon of law. Faced with the contemporary development mentioned here, Grossi speaks about a "return to law" (Grossi, 2015), meaning a restored creativity of law, a new trend to innovative tools and solutions to social problems.

The concept of Institution

Grossi suggests that Santi Romano's institutionalism is a doable analytical key to these diachronic and synchronic polymorphism. Indeed, Romano's consideration rose during the first half of the last century, in another time of crisis for the modern State, as we shall define it (Romano, 1910). The author was able to detect those years events with realistic attitude and accuracy, as Alfonso Catania wrote (Catania, 2006, p. 117). Facing these realistic view, the smooth body of the nation progressively returns to his complexity.

Therefore the value of these approach is, above all, methodological, and lies in the dispositions to detect positive developments, looking at the present without ideological or theoretical preconception.

According to Capograssi, this is a method based on pure observation and inventory (Capograssi, 1959), in the social domain the fact of law is visible as social order: *ubi societas, ibi ius, and ubi ius, ibi societas* (Romano, 1917, p. 26). The attention is particularly paid to the juridical reality in its complex, and this actuality unties the bound between law and sovereignty. With the words of the author:

Hanno torto e ragione nel medesimo tempo coloro che credono la sovranità requisito essenziale dello Stato e quelli che ammettono l'esistenza di Stati non sovrani: ambedue queste proposizioni sono vere, ma come soluzioni di distinti problemi, ciascuno dei quali è a porsi per un dato ordinamento. E per l'ordinamento statale, lo Stato è sempre sovrano (Romano, 1946, p. 71).

The sovereignty is revealed as the main characteristic of a specific kind of law: the paradigm of sovereign state, not of Law in general. The capability to express a single will and the possibility to resemble a strongly centralized power – able to conform to the common good – result in a contingent outcome of a very specific type of configuration. The sovereign law is a configuration historically given, made by fine and magnificent juridical devices (Romano, 1910).

The primary issue still demands to comprehend this organized unity, finding the source of its order. Indeed, once rejecting both norm and decision, the fact of institutional order leans on nothing. In light of said condition, by providing the concept of *ius involontarium* Romano attempts to create distance between norm and organization, and to disable the element of decision. Despite his endeavour, he offers, instead, a purely negative definition: through the *ius involontarium* we are only aware of what law is not: will.

Once more, Capograssi is of avail in detecting the series of issues left behind by the previous approach:

L'organizzazione, certo. Ma come e perché l'organizzazione dura, e dura anche qui non come mero fatto, ma pretende di durare, s'impone come necessità di durare, si impone perfino, si osa dire, a coloro che l'hanno promossa, trascende per così dire i suoi autori? Che strana realtà è insomma questa che non solo c'è, ma pretende di esserci, pretende di essere rispettata, di non essere violata, di imporsi come una necessità superiore alle mobili volontà dei soggetti? (Capograssi, 1959, p. 250).

Organization as an empirical and observable fact indeed, represent for Capograssi an amazing intuition: in the depth of reality lies something that is both law and the

source of law: “[...] che è diritto e da cui nasce il diritto” (Capograssi, 1959, p. 250). Still, this intuition is not suitable enough to solve the enigma of juridical order. Rather, by demanding great focus on the fact, issues are multiplied: what is this order? How does the fact -in its immediate disorder- become order?

Due to its being an analytical tool, order unbound the investigation from the need to detect a punctual origin of law. On the other hand, the aftermath neutralizes any institutional process. Therefore the institution transmutes in an ever-given order and, in this irenic view, law appears just as an assumed fact.

Romano’s institutionalism has the avail of redirecting the attention towards those aspects which underlines the contiguity between norms and citizens/actors, opening the label law to a cluster of social experiences, which would be otherwise hard to define (Catania, 2006; 2008). This explanation involves massive costs, neglecting in the end the basic ambivalence of juridical law, which is simultaneously endurance/stable and movement, agency and goal.

According to Bobbio, it is still trusty that plurality is a *condicio sine qua non* for conflict (Bobbio, 2007, p. 153); but in Romano’s institutionalism conflict remains between institutions, or rather is exiled, as an hypothesis or a risk to avoid. No tenseness is registered inside institutions. The conflict which crosses the order –allowing it – is simply neglected. Due to this, Romano is able to reduce the role of norms, designing them as *system’s chess-pawns* (Romano, 1917): by ignoring the *Polemos* that lies in the main core of institutional order, norm can be easily hidden by the mere fact of organization. Indeed, the word institution in Romano’s conceptualization an unsolved ambiguity:

Per un verso la parola chiave organizzazione non viene mai chiaramente definita; ora il diritto viene definito come ‘organizzazione’, cioè risolto totalmente in un’altra entità, [...] ora l’organizzazione viene considerata come ‘lo scopo caratteristico del diritto’. Ma se l’organizzazione non è il diritto ma lo scopo del diritto, che cosa è allora il diritto? (Bobbio, 2007, p. 147).

Conflict can’t be ignored, if we want a complete understanding of the actual functioning on institutional fact. Indeed, it has to be considered as a structural element of juridical order.

In conclusion, if it is true that the Law can be empirically detected as a firm institution – by Romano’s assertion –, we cannot interrupt the analysis based on the outer framework of the give fact. The tie between order and law is not a plain element, but a composite structure; an outcome rather than a pure essence. The fact of law is not

given, but a dynamic and contingent outcome which is made by a complex set of agencies, actors and proceedings.

Conclusions

The word institution itself preserves an internal ambivalence, meaning at the same time both a proceeding (to institute) and an outcome (instituted order). It reminds to a visible fact - the given organization - and yet is a perpetual work in progress: it is both a framework for individual actions, and an ever transactional outcome, produced by those actions. Both sides are united in a continuum of dynamism and durability.

That is why the element of will spans and sustains the entire juridical system (Catania, 2008). Indeed, law does not simply confer power, but it is founded on power conferring. Obviously, the sense of this powers is all within the juridical framework: a juridical power is the possibility to change the framework (the law) in which the actors play.

The void of will – suggested by *ius involontarium* – is conceivable as long as we mean it as the undetectability of decision, for it is melted in the entire institution, at any level: *ius* could be described as *involontarium* only if we mean it is impossible (or at least unsatisfactory) to identify an exclusive source of decision. I.e. if with it we mean a departure from the modern claim, *reductio ad unum*.

Through its being a human fact – i.e. an artificial creation – the institutional order is indeed deeply tied to voluntary actions. The will is thus the agent of development of institutional life, and its existence could be understood as an obliquus presence within the entire juridical order.

That is why Hart's theory should be read as an hypothetical reply to institutionalism weaknesses (Bobbio, 2007). Hart's secondary legal rules can explain the fact of organization, linking it to agencies and actor's choices. The actual functioning of this poietic power relies on a communicative tool: the norm. Decision can't be a solipsistic element, it makes sense – is effective – only in a public domain. It must be expressed in a knowable – and so formalized – way. For the purpose to leave the absolute individual domain, actions and decisions ought to be communicated and received. Norm is hence the formal element required by law, the crystallization of a will which guarantees its effectiveness. Only through this formalization, decisions could become criteria for future behaviors, producing any institutional framework.

References

- Bobbio, N. (2007). *Dalla struttura alla funzione, Nuovi studi di teoria del diritto*. Roma-Bari: Laterza.
- Capograssi, G. (1959). L'ultimo libro di Santi Romano. In G. Capograssi (ed.) *Opere*, V (pp. 223-267). Milano: Giuffrè.
- Catania, A. (2006) Formalismo e realismo nel pensiero di Santi Romano. In A. Catania (ed.) *Teoria e filosofia del diritto. Temi. Problemi. Figure* (pp. 111-120). Torino: Giappichelli.
- Catania, A. (2008). *Metamorfosi del diritto. Decisione e norma nell'età globale*. Roma-Bari: Laterza.
- Cassese, S. (2009). Eclissi o rinascita del diritto? In P. Rossi (ed.). *Fine del diritto?* Bologna: Il Mulino.
- Foucault, M. (2004a). *Sécurité, Territoire, Population. Course au Collège de France 1977-1978*. Seuil: Gallimard.
- Foucault, M. (2004b). *Naissance de la Biopolitique. Course au Collège de France 1978-1979*. Seuil: Gallimard.
- Grossi, P. (2007). *Mitologie giuridiche della Modernità*. Milano: Giuffrè.
- Grossi, P. (2011). *L'ordine giuridico medievale*. Roma-Bari: Laterza.
- Grossi, P. (2015). *Ritorno al diritto*. Roma-Bari: Laterza.
- Ferrarese, M.R. (2006). *Diritto sconfinato. Inventiva giuridica e spazi nel mondo globale*. Roma-Bari: Laterza.
- Ferrarese, M.R. (2012). *Prima lezione di diritto globale*. Roma-Bari: Laterza.
- Ong, A. (2003). *Buddha is hiding: refugees, citizenships, the New America*. Berkley-Los Angeles: University of California Press.
- Ong, A. (2006). *Neoliberalism as exception. Mutations in Citizenship and Sovereignty*. Durham-London: Duke University Press.
- Romano, S. (1910). *Lo Stato moderno e la sua crisi*. Pisa: Vannucchi.
- Romano, S. (1917). *L'ordinamento giuridico. Studi sul concetto, le fonti e i caratteri del diritto*. Pisa: Mariotti.
- Romano, S. (1946). *Principii di diritto costituzionale*. Milano: Giuffrè.
- Romano, S. (1947) Mitologia Giuridica, In S. Romano (ed.), *Frammenti di un dizionario giuridico*, (pp. 127-134). Milano: Giuffrè.

- Rosenau, J.N. (1992). Governance, Order and Change in World Politics. In J. N. Rosenau & E.O. Czempiel (Eds.), *Governance without Government: Order and Change in World Politics* (pp. 1-29). Cambridge: Cambridge University Press.
- Sassen, S. (1994). *Cities in a World Economy*. USA-London-New Dehli: Pine Forge Press.
- Sassen, S. (2006). *Territory, authority, rights. From Medieval to Global Assemblages*. Princeton: Princeton University Press.
- Schmitt, C. (1932). *Der Begriff des Politischen*. Berlin: Duncker & Humblot.
- Tucci, A. (2012). *Immagini del diritto. Tra fattualità istituzionalistica e agency*. Torino: Giappichelli.