

On the Concept of Authority

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AUTHORITY IS OR PRESUPPOSES SOME SPECIFIC TYPE OF POWER. THE MARK of this particularity, the one that everyone will spontaneously agree to identify as such, is the index of *recognition* that accompanies authority, and makes of its power a *legitimate* one.¹ It is commonly understood that with this is linked the genesis, the status, and the regime of authority with the liberty of the subjects who attribute authority to a certain bearer. This way, the power of the authority is distinguished from every other form or type that involves violent coercion, which gravely restricts or suppresses the liberty of those who are subject to it. Otherwise said, authority is not only constituted as such on the basis of sheer imposition: there must be reasons to lend this quality to a person; the liberty of those who lend it reveals itself eventually if these reasons—which may be of very diverse nature (needs, aptitudes, competences, responsibilities, delegations, traditions, and so on)—are no more available, by virtue of which the recognition may be withdrawn, with the consequent collapse of the corresponding legitimacy index.

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However, it is clear that this explanation lies far from the actual character of authority. Although it can be granted that sheer imposition and naked force are not sufficient to constitute authority (though they can be concurrent to form its first installment), authority itself—whether it is vested in individuals or in offices—is imposing and enjoys a force of its own, which finds its only suitable responses in respect and obedience. When one pays attention to the mode in which these responses are concretely exercised by the subjects of a determinate authority, one can easily observe that the recognition that is at its basis does not require, but rather excludes consciousness of the reasons that may be involved in it. It is as if authority by itself were the sole depository of the reasons that establish it as such. The properness of an authority in full competence consists in that its resolutions and commands are not discussed. As Hannah Arendt conveniently points out, “Its hallmark is unquestioning recognition by those who are asked to obey; neither coercion nor persuasion is needed” (1970, 45). Consequently, what binds the subordinated to authority, less than an explicit set of reasons, is a belief in which the active forces are essentially affections: respect, reverence, awe, admiration, fear. There is, then, a multiple and complex determination—social and psychological, to mention only these aspects—at the foundation of authority, and this invites us to consider it, as Arendt herself does, as “the most elusive of . . . phenomena” to which political science applies, compared to the notions of “power,” “strength,” “force,” and “violence” (1970, 45, 43). To this extent, if on the one hand, it is foreseeable that the concept of authority will resist attempts to elucidate it precisely because of its evasive complexity, then on the other hand, the attempt to determine the specific type of power and the specific relation of power in which authority consists gives the opportunity for an exemplary test in view of the possibility of shedding light on what I would call the general economy of social power.

In the following I will try two ways of approaching this phenomenon. The first outlines an examination centered on the structural and generative aspects of the type of power and of power relation that would be characteristic of authority in the context of its relevant social processing. This examination seeks to make clear that there is a plus of power in which authority consists. In the second way I shall discuss this plus from the standpoint of a renowned

dictum of Montaigne on the “mystical foundation” of the authority of laws, paying attention to the commentary that Jacques Derrida devotes to this dictum in *Force de loi*.

I.

As I suggested in the preamble, in every analysis of social power—and this means by now of all institutionalized power—the concept of authority appears as a central idea. There is no social power without authority, or (what amounts to the same) social power does not consist merely in the difference between the powerful and the subdued, but it implies the difference between authorities and subjects. This difference is inseparable from the form and the reality of the institution; it presupposes some kind of regulation—a normative establishment of it, attended by shared signs of its recognition and support—and it contributes to determine the character of power in the context of social organizations. If it is possible to assert that the institution—according to the meaning that I have given the term—is a normative organization of social power (in whatever determinate form or modality it may adopt) endowed with continuity and stability, it seems timely to set the following premises in order to specify the place and meaning that authority assumes in it:

- A. The institutional organization of power gives a determinate form to a set of relations of power, according to which these relations become configured in terms of super- and subordinations.
- B. This hierarchical configuration must be stable in order to acquire a properly institutional sense.
- C. This stability depends on the existence of a set of norms (and values) that determine the meaning of the organization and rule its functioning.
- D. The normatively superordinate instance has the character of authority.
- E. Authority arises from a network of social relations that characterize themselves by attributing power to whoever invests it. Thus, the interpretation of the phenomenon of authority depends, on the one hand, on the appropriate comprehension and analysis of such relations.

- F. On the other hand, authority is a decisive factor in the differential articulation and stabilization of such relations to the same extent that it tends to be its principle, withdrawing itself partly from them. (This is what I will call the “auratic part.”)



The scope of these premises is simple, and to some extent trivial. What matters in them is the indication—here merely generic—of the network of relations that contribute to constitute authority, and on which the latter acts to consolidate its meaning and functioning. We may assume that these relations are triggered by specific operations, whose identification is the decisive point in the analysis of authority. It may also be assumed that this identification will be correct if it permits us to conceive the double game of authority in the process of its formation and in its regime. In fact, the analytic proposal I am trying here to advance concerns precisely this double game. It does not lack all verisimilitude to think that much of the elusive and even mysterious aspect of the phenomenon of authority—these traits have been particularly underlined by several specialists—is owed to such duplicity. For the elusive may not be the phenomenon itself in its multiple concretion—what is more trite, more accessible to the most common and primary experience than the figure of authority and the bonds that tie us to it?—but the logic governing it, that is to say, the logic that rules the aforesaid duplicity. It is tempting to guess that this is a most peculiar logic, and that the available schemes—including the dialectical one—may turn out to be unilateral. The elucidation of this logic can be attained only by a specific strategy.

A crucial element of this strategy consists in paying special attention to the *operations* that condition the emergence of authority. Under this heading I refer to the major modes in which it is concretely constituted and socially produced. No doubt it is judicious to indicate the anthropological and psychological presuppositions, and in general, all the ones that touch the human “nature” or “condition,” when trying to shed some light to clarify the phenomenon. But these presuppositions must be put to work in effective processes by means of efficacious operations. Such operations are surely numerous and frequently complex, simultaneously bearing multiple determinations, which are certainly attributable to those presuppositions as

well as to diverse socialization factors and mechanisms. However, it may be possible to distinguish within this complex of elements two major groups or series that could be made responsible for the production of authority. As I brought forward in my preamble, one of those series may be put under the heading of recognition, wherein the greatest number of theoreticians of authority coincides.² Anyway, the recognition at stake here is reciprocal and, if you like, dialectical. On the one hand it doesn't seem appropriate to speak of authority in the proper sense wherever it is not freely recognized by those who, by virtue of this act, become subordinated to it; on the other hand these nonetheless expect to be recognized by the authority, so that they attain from the affirmation of the latter the affirmation of themselves. That is why it is possible to explain the roots of the phenomenon precisely by having recourse to a need of recognition deeply imbedded in human beings, original and endemic, and to maintain that the commerce that takes place in the generation of authority in the end has its key in the social (and specular) construction of identity.

The other major series is marked—or *would* be marked, in that I have suggested it with only a merely hypothetical value—by what is usually pointed out (although in a rather marginal manner) as the least perspicuous aspects of the phenomenon. An example of this would be the concept of charisma proposed by Max Weber, which contributes to define the most dramatic and extraordinary effects of authority and of the faith with which it can come to be embraced.³ It is typical that these aspects are associated with the dominant personality (as in Weber's case), and that a kind of irrational compromise is accentuated, a compromise that goes from respect and obedience to sheer devotion. It is perfectly comprehensible that, setting aside the specific weight the theoretical options may have and on which basis the phenomenon is studied, there arise resistances, for strictly conceptual reasons, against the explanation of authority by this charismatic component, by this sort of irresistible fascination, just as it is also understandable that an emphasis is placed on the index of objectivity that accompanies authority. This is the case of the difference between authority and prestige introduced by Georg Simmel.⁴ Nevertheless, this cannot amount simply to discarding the factors in question, or to granting them only a marginal signification. On the

contrary, for an adequate comprehension of the issue it seems indispensable to understand that the phenomenon of authority is essentially determined by such factors. What I'm trying to do here is to gather those factors under the idea of an auratic element, which—according to the hypothesis I'm favoring—is not exclusively associated with personality, but belongs in itself and, on principle, to the phenomenon.

Consequently, I distinguish between operations of recognition and properly auratic operations. However, it must be immediately cautioned that the distinction is mainly formal, because the characteristic of authority seems to result from the overlapping of both types of operations, in a way in which the auratic element proves to be, in fact—that is to say, in the process as well as in the outcome—inseparable from the affective premises of the constitution of such an eminence. From a certain point of view, it may be argued that it is precisely the capital of recognition that grants to this eminence, as an incalculable yield, its auratic condition. From another point of view, insofar as this condition is essentially unobjectifiable—it is tempting to say, twisting a little the usual meaning of the term  "objectable"—for those who are subject to it, precisely to the extent that they are so  possible to suggest, then, that the operations of recognition unavoidably depend on this condition.

I will attempt now a closer approach to what I've proposed in order to lend some verisimilitude to the distinction I've made and particularly to the hypothesis on the auratic character of authority. In doing so, I do not pretend to offer an exhaustive account of the two kinds of operation, but I will restrict myself to what seems to me indispensable to establish a sufficient characterization.

If one takes as a starting point the general scheme of the institution as the context within which the concept of authority should be examined—I've tried to describe it very briefly as a normative, continuous, and stable organization of social power—one has to take primarily into account the following data in all that concerns the phenomenon of power, and particularly its import on the phenomenon of authority:

1. The organization has a *differential structure*, in the sense of a distribution of places, hierarchies, and attributions among the diverse agents involved.

2. The differential structure implies an asymmetry of the power relations, in one of which poles is placed authority.
3. The process of constituting authority presupposes a *complex web of determinations* of the power relations.
4. Such determinations define an added value (a surplus), a delta, or an *aura of power* that helps to ground the legitimacy of an organization of power.
5. This auratic power tends to consolidate the asymmetry in terms of an *irreversibility of the power relations* that constitute it.
6. In this sense, it could be considered that this aura becomes the *principle* of the institutional differentiation of power.

Each of these assertions—in thesis form—deserves a more detailed commentary.

With respect to (1): The institution is a normative organization of power, and as such it involves what I call a differential structure. It is a *structure*, not merely the kind of a differential character, that is inherent in every power relation. In its traits of reciprocity, interaction, interdependence, and polarity, this character may well be temporary or sporadic, it may be highly dependent upon contingent factors, and it may be exposed to dramatic changes: this is the case of the relations between the powerful and the subdued, wherever these relations lack or have not yet acquired a normative definition. In the structure this character becomes fixed, losing its original dynamism. Of course, this consolidation is not exempt from the possibility of great transformations and mutations if the supports of the structure collapse, but this is not proper to the times in which the normal forms of generation and distribution of power in a determined social order prevail, and this is precisely what is secured by the normative organization. The most immediate evidence of this is the *irreversibility* that the differential element acquires by virtue of that fixation. Certainly, such irreversibility concerns the places and ranks in which the structure is distributed, and not necessarily their occupants.

With respect to (2): The institutionally fixed power relations are essentially asymmetric: they are relations of super- and subordination; their differentiation is of a hierarchical nature. Authority lies at the top of each of the multiple

hierarchies that the organization may comprehend. Therefore, the quality and condition of authority is the visible index of the structure and of its internal hierarchical constitution. However, authority is not merely a symptom by which the structure is known; rather it is, formally considered, its principle, or at least, to say it more prudently, the expression of its principle. I shall say something more about this in commenting on my sixth thesis.

With respect to (3): Authority becomes constituted in a *process*. Just as there is no authority without it being attributed by those who are subject to it, nor is there anything like an absolute authority, one anterior to every social relation. (This would be the dream of God.) Even the charismatic authority that is at the origin of a group presupposes this interaction; for instance, in the aforesaid form of the will or hope of recognition. I hasten to add, however, that this does not prevent authority from being defined also by the essential tendency to affirm itself beyond the process of its constitution. It is plausible to think that such a tendency has to do with the complexity of factors—historical, psychological, axiological, and utilitarian—that concur in this process. This network is the most difficult to unravel in the analysis of the institution of power.

With respect to (4): There are certainly different forms of authority. Take, for instance, the one based on the possession of eminent knowledge or outstanding skills, which motivate in those who surround her or him a deep respect because of these qualities. Let's talk, for instance, of what is usually called an "authority on the matter." This is a *limited* form of the phenomenon of authority, to the extent that it remains restricted to the qualities that are relevant in each case, and does not extend to embrace the whole of the traits and attributes of the one who is recognized as the authority. He or she may be admired for some particular excellence, and scorned, say, for his or her faulty moral or emotional complexion. So, in the theories in use it is frequently maintained or implied that the phenomenon is fully present when the subjection occurs in inseparable connection with the *personality* of the one who holds the authority. From the perspective I'm suggesting here, it seems to me suitable not to take the concept of authority primarily in its psychological or moral meaning, but to follow the track suggested by the etymology of "person," which, as is well known, refers to the mask worn by ancient actors

to accentuate their features and to enhance their voices. In other words, it would seem necessary to conceive the “personality” as constituted by a set of operations that could be characterized, in their unit, as the production of presence, that is, precisely, as the enhancement of presence. Investiture and renown are, for instance, figures that express these operations. In this case, the product of the aforesaid network of determinations is always incommensurable with respect to its mere addition. This incommensurability is what I call the aura of power of authority. And it is not to be disavowed that, paradoxically, this aura (in that it integrates the historical, psychological, and axiological elements indicated before) gives authority a seeming objective (as was the point Simmel was interested in), and in this sense turns it into the expression and at the same time the guarantor of the normative character of the organization.

With respect to (5): Benjamin famously defined the aura as “the unique phenomenon (unrepeatable manifestation) of a distance, however close it may be” (1991a, 479).⁵ Assuming it valid to apply the notion of aura to the constitution of the phenomenon of authority, it should be possible to have recourse to the characteristic of distance, whether it is understood as separation or as exaltation, in order to conceive how the aura of power sanctions the irreversibility of the power relations that already belong, at least potentially, to the normative organization. But this sanction contains two things: it is not limited to endorsing the structural differences formally established, but rather it links them to specific traits associated with the mode of presence of authority (which, as I’m trying to suggest, does not only involve the psychological and moral condition of the personality, but what could be named a general capacity of figuration); it also bestows in its turn an aura of naturalness on the relations thus configured, subtracting from them (at least tendentially) their primary dynamic and social character.

With respect to (6): By virtue of its auratic quality, authority is not merely bound to express the principle of the normative organization. The plus of power that defines authority over-determines all the power relations through which it is constituted and on which it is grounded; the various efficacies that may be attributed to it (I’ve tried to summarize them in the two preceding commentaries) give account of the various modes adopted by such

over-determination. This is the way in which what may be called the compound and, as such, paradoxical articulation of authority becomes accomplished: it is at the same time the immanent outcome of a social process of differentiation of power and the transcendent principle of its institutionalization.

The previous notes propose the idea of a circle at the basis of the phenomenon in question, by virtue of which authority becomes the groundwork or the very principle of legitimacy that authorizes itself. This does not necessarily invalidate authority as a peculiar, original, and specific phenomenon, as if it were merely a masked form of sheer domination. It would suffice to think of the act by which an authority imperatively demands respect and obedience of its subordinates, invoking precisely its own rank as the sole reason to honor its dignity and to obey and fulfill its commands. It could be argued that this is the exact moment in which an implicit condition of the very definition of authority and of its legitimate ground becomes infringed: this moment—the one in which the recognition that is urged has to be extorted from the subordinates—would be, at least virtually, the beginning of a progressive weakening of the principle of authority explicitly invoked, and the transformation of this principle into open authoritarianism (or, if you prefer, patriarchal power). In a certain way, then, authoritarianism could be described as the dramatic actualization of the circle that lies at the foundation of the phenomenon of authority.


This suggests also that the circle is in no way a simple logical one: it does not concern solely the concept of authority and the ingredients of its determination. The circle of authority reveals an effective mode of circulation of power within the social organization. What I am trying here to highlight is what I would call the production of a revenue and a reserve in that circulation that, withdrawing from it, becomes its principle and its rule.

It should be clear by now that this production is the crucial factor in the analysis. The possibility to conceive it in its articulation and its dynamism strikes against obstacles that are not at all inconsiderable, because they consist of the notions with which we usually labor. For the modern political thinking in which we have been raised, authority has clearly a conventional character. From the moment in which the very possibility of the social is referred to as the fundamental condition of consensus upon which the

social forms of attribution and the constitution of authority should depend, the bonds with the naturalistic concept of authority are broken, which is a concept stemming from patriarchal atavisms and strengthened by religious practices and theological arguments. The conventional notion of authority emphasizes the factor of recognition and the reasons that motivate it, pruning as much as possible the frond of origins and ingredients that one is tempted to call mythical and magical; they could be granted some relevance only marginally, as I have mentioned when talking about the theme of personality, without this meaning in any way to banish the phenomenon to the reign of the irrational.

Nevertheless, as I have already suggested, it is proper to the phenomenon of authority that the reasons that motivate in an individual or group the recognition of a certain subject as authority are not explicitly part of the relations that this recognition shapes, and in this sense they do not belong to the effective grounds of determination of the behavior toward authority. I have said that the constitution of authority presupposes that such reasons are incorporated to authority itself and to its definition: in other words, the recognition implies what we could call an expropriation of the reasons that motivate it, and this expropriation is precisely an essential moment of the constitution of authority, a cardinal component of the production of the *auratic part* of authority. It is true that those reasons may eventually be overtly expressed by the subordinate, although regularly as elements of rationalization of her or his own behavior, affectively determined by the dependence on authority. The most peculiar thing about this expropriation lies in the generation of the plus of power I have commented on. But this does not entail that authority would be simply an elusive and mysterious phenomenon; its mystery is the result of the operations and relations that constitute it.

Anyway, this mystery is frequently associated with the peculiar character of the subordination and subjection to authority, which may intensify from respect to reverence and from veneration to fear: the English word “awe” conveys very well the whole spectrum of affective bonds proper to the people subjected to authority. In this sense, the phenomenon of authority provides an irreplaceable example to analyze the *affective* efficacy of power. You may consider also that the phenomenon of representation and delegation may be

referred to structures of recognition, as is regularly done in view of authority, and of course it is possible to describe the genesis of the latter as taking recourse in factors of representation and delegation. However, it is clear that these factors, in the institutional and organizational acts and processes that they presuppose, remain framed by the contractual conditions that empower the corresponding functions; in these functions, the interests on which those acts and processes are founded play an *explicitly* determinant role, and the same occurs with the specific capacities on which the delegate has to count in order to fulfill appropriately his or her function. To this is added, as another substantive framing condition, that representation is never exclusively a representation *of* someone, but always also a representation *before* someone; the delegate requires to be acknowledged not only by whom confers upon him or her this function, but also by the instance before whom he has to assert the interests of the one he represents. Nothing like this conditioning by a third instance—which makes interests all the more explicit the interests the more evident the conflict— present in the nuclear structure of authority. Certainly, a representative relationship implies an increase of power for the representing one, and it is obvious from every point of view that it will end in an acute asymmetry, firmly established and maintained. In such cases, by not omitting the consideration of the dynamic elements proper to the phenomenon of representation, it is presumable that there also exist meaningful links to the phenomenon of authority.⁶

To an extent that could not be exaggerated nor, perhaps, sufficiently emphasized, what I'm calling the affective factor determines the magnitude and profundity of the adhesion to authority and its figures, and affords the substance of the corresponding credit and faith. It is plausible to think that both of the latter do not derive only from the more or less objectifiable motives that are involved in their generation and support, but also, and maybe above all, from the expectations they presuppose and arouse. No matter how decisive these expectations could be, they are no more than recognition expectations. The faith in authority, which persists even where the recognition contract has been flagrantly and unilaterally violated, could not be explained on such grounds. There is always something more in those expectations. To this "something more" answers the plus of power of authority, and it does not

seem easy to reckon in what measure the former constitutes and determines the latter. If, in general, the economy of authority is well expressed by the sense of increase (*augere*) and intensification that records the etymology of the word, it is perhaps the idea of the *author* that defines what is most intimately contained in the affective specter presupposed by those expectations. What establishes authority by its sole eminence is the sense and sentiment of *order*. This is what finally lies in the relations of super- and subordination, in the respect and the obedience, in acquiescing and following. But beneath the particular order that authority is expected to guarantee, another order, deeper, is conjecturable, an order that gives the measure of how radical expectations can be which, on the surface, are no more than specific. I guess it could be said that authority is secretly revered as *auctor mundi*: a warrantor that there is order in the world, and this means that there is world. The plus of power of authority is, then, a power of plus: this “more” provides—and this is the essential belief of the aforementioned faith—the “that there is world” as a principle of the order in its whole, or, inversely, the whole of order. In any case, what is decisive is that authority is credited, by virtue of the plus that is attributed to it and on which it is recognized, with the capacity of establishing a wholeness of order that would always remain truncated without the principle that authority itself embodies, and that, in the last instance, is none other than this supplement of power.

If the hypotheses I have sketched may be esteemed of some validity, if—mainly—the last comment may be considered admissible, there remains the question whether this is the only and definitive physiognomy of authority, if the meaning of totality and of total order is in the end its inexorable determination. It is perhaps a question that interests not only those who are subject to authority; it is a question that interests the one who holds it. After all, the “auratic part” could also be well described as the *part maudite* (the “accursed share”), and this most peculiar gift that is recognition (not conceived merely as a subjective act, but as a gift, according to the exchange regime that is proper to it and implies always an incalculable surplus, without which, probably, personal identity could not be thought of nor experienced), this gift, I say, is something that definitively is unable to be received. It remains the question whether it could not be thought of, in an absolutely different

manner, as a figure of authority that does not erect itself as the principle of the totality of order, but of the articulations that make order itself possible, and that at the same time prevent its becoming total. It remains the question for what I would call a temporary, provisional authority.

II.

Let us briefly consider the result of my preceding approach from a methodological point of view, a strategic one, if I can call it that. Assuming that it may be pertinent in its outline, how could the plus of power, the “auratic part” that defines authority as such, be *thought*? Is it so that the argumentative disposition of discourse, the order of reasons, is prepared to resist the gravitation of this plus? The question may sound moody, but maybe it sounds so for a thinking that projects its themes as passive objects of inquisition, a thinking that for the same reason is not prepared to notice the repercussion, the countereffect, the force that the object may exercise on thinking itself. A thinking of this nature trusts that its own authority—say, the authority of reason—will prevail over its object. But when the issue is authority itself, would it not be commendable to revise this trust, which after all may not be as different as the faith in authority as such? It may perhaps be convenient to assume that the analysis of authority demands a twisting of the discourse charged with its analysis: it must primarily pay attention to the “auratic part,” and maybe this can only be done if it lets itself be affected by the plus of which authority consists as such, or rather if it is aware in advance of its unavoidably being affected by that plus.

Let us now turn to a case of attentive discourse that I deem exemplary, and that has come down to us in the guise of a critical consideration and skeptical demolition from the dawn of the modern epoch.

In a vast essay entitled “Of Experience,” Montaigne closes a long period on the law and the laws with a paragraph in whose center of gravity lays a forceful phrase:

Now, the laws keep up their credit, not for being just, but because they are laws;
'tis the mystical foundation of their authority [C'est le fondement mystique

de leur autorité]; they have no other, and it well answers their purpose. They are often made by fools, still oftener by men who, out of hatred to equality, fail in equity, but always by men, vain and irresolute authors. (2007, 1119)

The center in question, “the mystical foundation of their authority,” has the air of being an abyssal and particularly mystifying phrase. This, not only because it threatens to scribble the sense of what it says with the same gesture with which it is written—the mysticism of the foundation takes away the consistence of foundation itself, the mystical contamination of authority makes it radically problematic, not to speak of the irreversible discredit of the laws—but also because, if one overcomes the first impression of a catastrophe of meaning, it seems that one begins to learn some new things about foundation, authority, and “the mystical.” And this is certainly projected toward the horizon of a difference or a discord between law and justice, a discord that precisely comes to a resolution in this center: a resolution, a decision that, to do justice to justice, to not yield to some of the laws that the decision itself calls into question, and—perhaps even more—to not be modeled according to the form of the law, which is itself and as such called into question; a decision, then, that has to keep silent its own reason in order to lend ears to the singularity and becoming of experience, to protect the singularity and liberty of the individual.⁷ In this last of Montaigne’s essays, he maliciously argues against the prerogatives of reason, adducing the necessity of calling experience for help—that feeble partner whenever the other, the strong one, gives us no orientation. This obligation of silence that reason imposes on itself (and I mean by “reason”: faithful to the course followed by Montaigne, as faculty of law) is double-edged and seems as it were folded in on itself: to silence reason in favor of the emancipation of the particularity of experience is the event of a second mysticism, which goes unsaid and reserved beneath the first one, and of course runs the risk of being confounded with it in the inexorable violence that contains the decision that sanctions it. And if one considers that an eminent outcome of the critique of the laws undertaken by Montaigne is the proof that the enmity between reason and mysticism (as is initially presented by the *Apology of Raymond Sebond*) is merely apparent, and that, once reason is driven to despair about the achievement of its

object, and once it sets as a prerogative the autarchy of its faculty, dogmatism proves to be the fatal synthesis of reason and mysticism, so, then, one should consider the possibility of a mysticism of experience side by side with the mysticism of reason.

As regards the discord or the difference, the addendum of the sentence I quoted—and with what authority is dictated the sentence?—finishes the issue with an economy of insidious obliqueness, sharpness, and duplicity that was already present in what preceded:

There is nothing so much, nor so grossly, nor so ordinarily faulty, as the laws. Whoever obeys them because they are just, does not justly obey them as he ought [ne leur obeyt pas justement par où il doit]. (Montaigne 2007, 1119)

The closure plays on that hinge: the word “justly.” It is evident: the disagreement between obedience and duty is conditioned by the fact that the laws do not agree with justice. It could almost be said that this fact reveals the difference between fact and right.⁸ The fact commands: law is at its side; right remains orphan, vacant, or inane. But Montaigne is not suggesting that justice is the same as right, nor that justice be the adjustment; his is not the feeling of certain radical creeds of antiquity. Adjustment is only the hinge of the difference—and this is the game of the word “justly”—and if it were not irremissibly damaged by the human right, it would preserve the spoor of the difference itself, that is, of the disagreement between laws and justice: the spoor, then, of justice itself.

As is well known, Jacques Derrida has recourse to the phrase and to its forcefulness in the subtitle of a famous essay, “Force of Law: The ‘Mystical Foundation of Authority.’”⁹ The invocation of the phrase occurs early in the first of the two colloquiums reproduced by the book: “Of the Right to Justice / From Law to Justice.” Moreover, it occurs under the *innuendo* of a quotation from Pascal—from his *Pensées*, his *Thoughts*—which evokes in its turn, anonymously, Montaigne’s decisive sentence:

. . . one affirms the essence of justice to be the authority of the legislator; another, the interest of the sovereign; another, present custom, and this is

the most sure. Nothing, according to reason alone [suivant la seule raison], is just itself; all changes with time. Custom creates the whole of equity, for the simple reason that it is accepted [par la seule raison qu'elle est reçue]. It is the *mystical foundation* of its *authority*; whoever carries it back to first principles destroys it [l'anéanti]. (Pascal 1977, 87–88).

The quotation of the quotation marks Derrida's reference to Pascal's lesson on justice and its inevitable relation to force, and it levels the field for the consideration of the "force of law." Derrida does not stay very long on Pascal's passage, but he lets himself be driven through the slope that returns him back to the source in Montaigne, and although he certainly takes up again for a short while the conjunction of justice and force, and ends suggesting that, setting aside the Christian pessimism about the corruption of human reason, Pascal's *thought* is a premise or a germ of "*modern critical philosophy*" (2002, 241) no less than Montaigne's *essay*, he nevertheless does not ponder especially the terms of that passage; he does not linger in the revision of the diverse interpretations of "the essence of justice," in the fatal change that brings time to the "just itself" (another evocation of Montaigne, who speaks of the world as "a perennial quake" [Montaigne 2007, 844]), nor attends to the curious doubling of "the simple reason," the sole reason, which marks reason's impotence to give from its own capacity the just itself even as it points to the power of custom, of the agreed and transmitted. Nor does he spend a little time on the kind of suspense in which justice (or equity) remains, because reason can neither secure nor guarantee it as such and because custom (the law) has no more grounds for its regime than the fact of its circulating and being transmitted from one individual to another, from generation to generation. If not justice in itself, it is in any case the merely human possibility of reaching it (assisted by a corrupt reason) that becomes involved in a vortex that cannot but throw it into the abyss of what has its principle in the absence of principle; to observe law or custom simply because they are what they are, amounts to remaining exiled from justice. The will to found the law, giving account of its equation with justice, amounts to annihilating it.

Paying attention to these traits and setting aside the specific ideological differences that may be alleged, one could say that Pascal does not mention

Montaigne for “the sole or simple reason” that he repeats Montaigne’s *essay* in his *thought*, as can be inferred, if I’m not mistaken, from this paradoxical annihilation.


One should observe that Derrida alters the phrase slightly, substituting the possessive pronoun with the definite article, replacing “its” with “the.” The alteration probably does not leave the meaning unharmed, perhaps enhances it. From the law, from the laws, which Montaigne couldn’t stand, protesting against the arbitrary coercion they impose, denouncing the inevitable *regressus in infinitum* of their interpretations, rebutting their integrity and equity, their equation with justice, for the simple reason of their being human products, creatures of dullness, interest, and inconstancy, from the authority of laws, I say, the argument goes to authority *tout court*, to authority *in general*. Derrida does not warn the reader about this displacement, and it doesn’t seem prudent to attribute it to a slip, for it is reiterated so many times, it is stamped under the protection of the quotation marks in the book’s subtitle, not to mention that there are reproduced in their own letters the sentences of Montaigne and Pascal, which insist on the attributive formula. Is it that the authority of laws amounts to authority as such? Is what is at stake in the authority of laws the meaning or the essence of authority? What is *the* authority?

One could be perfectly tempted to acquiesce to the first two questions with no delay. There would, then, be a circle running from law to authority and back from authority to law; there would be a legal origin of authority no less than an authoritarian origin of the law. Law has had to be instituted, and this doesn’t mean only enunciated, formulated, proclaimed, promulgated, but also, and above all, *implemented*, that is to say, endowed with the means that assure its force and its validity, its obedience and observance: this is the theme of the “force of (the) law,” which Derrida brings in under the reference to the English expression “law enforcement.” Law is not only posed, it is imposed. But then the force that institutes (that imposes) the law, the force I’m calling the authoritarian origin of the law, and that is necessarily excessive with respect to the regime of the law it institutes, that is violent to the same extent that it is at the foundation of the law, is justified by the law that it imposes, is established, by the same act of imposition, as authority.

And this justification means and implies several things, always double-sided: on the one hand, that the authority will be validated as such in that it observes the limits of the law that it itself has imposed, and stays, in its exercise, within these limits, what supposes that authority does not depend only on a principle, but also on a *performance* continually renewed, continually maintained, standing nevertheless always suspended over the precipice of its own principle (or foundation); on the other hand, that authority has to enter into the space of communication and of symbolic circulation ruled by the law, that it needs to be itself subject and object of language, exposing itself to the critical powers of language, but always reserving and preserving itself like an *outside*, the silent suspense and the deaf outbreak of the decision.

Another way of arguing about this sort of equation of law and authority may be taken—a little against the grain—from certain formulations of Simmel, which I already recalled in the first section of this essay. Simmel maintains that authority is constituted in one of two possible ways: either an outstanding personality acquires for its opinions and decisions the credit proper to an objective instance, or a supra-individual power invests someone with the same value of objectivity. Certainly, the main argument of Simmel's essay from which I'm taking the assertion is directed to prove that the relations of super- and subordination presuppose a margin of liberty on the side of the subordinate, and that "[e]ven in the most oppressive relations of subjection there subsists always a relevant measure of personal freedom" (Selbst in den drückendsten und grausamsten Unterworfenheitsverhältnissen besteht noch immer ein erhebliches Maß persönlicher Freiheit) (Simmel 1908, 102–3). It is about, then, underlining the sociological relevance of the efficacy of reciprocity and interaction. But, as you see, the explanation of authority consists in the identification of the individual person with an "objective force or norm" (Simmel 1908, 103), and therefore in a condition that transcends every subjective constriction or limitation, with all its encumbrances of arbitrariness and mere opinion. It is the same identification diagnosed by Simmel that defines the circle between authority and law. It is obvious that the objectivity in question is, more than a property or an inherent characteristic, an attribution, and that this attribution of objectivity, rather than objectivity itself, is the essential element for the determination of authority. But this is precisely

what Simmel describes as “belief and trust” (*Glauben und Vertrauen*), two modes of faith that concur regarding this determination. Montaigne points to the same thing when he maintains—and Derrida, very appropriately, puts his eye on this—that “the laws keep up their credit, not for being just, but because they are laws”; “credit” is here the important word. Writes Derrida: “The word ‘credit’ carries all the weight of the proposition, and justifies the allusion to the mystical character of authority” (Derrida 2002, 240), making the observance of law an article of faith, and if you agree, an indefinite article that precedes and grounds every law: one obeys the law for “the simple [or sole] reason” that one believes in it, but this means in its turn that one obeys it because the institution of law (its foundation) imposes belief as the structure in which the institution itself takes place.

What is the authority? I ask.  The dictum about the “mystical foundation” of the authority of laws is meant to accuse their radical inadequacy to justice and thereby their injustice, does this not imply that a sense of authority could remain untouched by this foundering, so to speak *at this side of justice*, that is, not *here* but over there, in the indelible *beyond* of justice? And that the phrase, in demonstrating that the laws have their credit not on the ground of right, but by “the simple [and sole] reason” of their facticity, in denouncing that their authority does not lie but in a “mystical foundation,” would do none other than *disauthorize* the laws and the law, in content and in form, preserving for authority—for its concept—a supplementary meaning, a different rule? This was the question I left resounding at the end of the previous section.

It is perhaps not at all improbable that the aporias that Derrida seeks to make evident at the core of the concept of justice, of the value or valence of justice, and that may be summarized in the sovereign aporia of its possibility as impossibility (and vice versa), are connected by a thread as delicate and indestructible with this supplementary sense, and that they do no more than silently underline what I have called before the double meaning of the “mystical.” Permit me to stop briefly to ponder the few but significant allusions that Derrida makes in view of the mystical, which turn around an eminent meaning. We have already seen that Derrida associates the mystical with faith, with what we could perhaps call the economy of faith (thinking of

the “credit”); the association is probably motivated by the treatment of the issue by Montaigne himself, whether it is the faith in the divine as that which exceeds all human reason, or the faith in reason itself. But more decisively (and this term, I guess, has here its proper place), Derrida’s explanation of the mystical is inferred from the consideration of the instituting moment of right, inseparable from “what one calls force, power or violence” (2002, 241), though not as a determinate historical or social violence, but as a violence that would not consist in anything else—if I’m not utterly mistaken in my reading—than the unleashing of the very discourse that founds right. Derrida says,

Discourse here meets its limit—in itself, in its performative power itself. It is what I propose to call here [displacing a little the structure and generalizing it], the *mystical*. Here a silence is walled up in the violent structure of the founding act. Walled up, walled in because [this] silence is not external to language. It is in this sense that I would be tempted to interpret, beyond simple commentary, what Montaigne and Pascal call the *mystical foundation of authority*. It will always be possible to return to—or turn upon—what I am doing or saying here, that which I say is done at the origin of every institution. I would rather take the use of the word “mystical” in what I’d venture to call a Wittgensteinian direction. (Derrida 2002, 242; translation modified according to the 1994 French publication).¹⁰

Still a third time Derrida refers to this same sense, touching something that is not alien to it, namely “the experience itself of the aporia,” conceived here as the aporia of the infinite problems of the possibility of justice, which have in their center justice as the “experience of the impossible” (2002, 244).

Foundation, violence, and silence: certainly, this series is not far from what Montaigne and Pascal seem to think under the spell of that notorious phrase. But let us stop a while on the question of the mystical. The mystical would be the silence inherent in the violence of the foundation of law. Would this be *the* meaning of the mystical? And what about the double meaning of the mystical to which I was alluding?¹¹ What about that imposition of silence that seems to overpower the silence of the founding violence, or rather that

for the first time would let that silence be heard? For the possibility could not be discarded that there is a double silence, *another* silence, supplementary to the silence that—according to Wittgenstein’s advice—we must keep about that whereof one cannot speak. Or rather it is precisely this “must” (*müssen*), this necessity that unlimitedly exceeds the capacities of discourse, that constitutes this excess of silence; but in that case it would be, for sure, another kind of mysticism, not identical to the one to which the violence of foundation necessarily withdraws and from which it breaks.¹²

It is possible that—not precisely here, but in the second conference—in Derrida’s very problematic reading of Benjamin’s essay “Zur Kritik der Gewalt” (1991b) one may have a glimpse of this difference. I do not pretend to discuss here Derrida’s complex text, even less the more intricate text of Benjamin.¹³ I shall restrict myself to reproduce the passage that contains what occupies me more immediately. Derrida is in the course of commenting on an analogy that touches the problem of violence and right, in which he refers to a confrontation between a violence that is fateful (*schicksalhafte*) and employs legitimate means, on the one hand, and just ends, on the other; Benjamin underlines this with the “undecidability [*Unentscheidbarkeit*] of all the problems of law” (qtd. in Derrida 2002, 285), which becomes, then, a flagrant and insurmountable aporia:

Such a question opens, first, upon another dimension of language, upon a beyond of mediation and so beyond language as sign. Sign is here understood, as always in Benjamin, in the sense of mediation, as a means toward an end. It seems at first that there is no way out, and so there is no hope. But at the end of the impasse, this despair and hopelessness (*Aussichtslosigkeit*) calls for decisions of thought that concern nothing less than the origin of language in its relation to truth, destinal violence (*schicksalhafte Gewalt*) that puts itself above reason, and then, above this violence itself, God: another, a wholly other “mystical foundation of authority.”

It is not, to be sure, Montaigne’s or Pascal’s, but we should not trust too much in this distance [in their being too distinct]. That is what the *Aussichtslosigkeit* of law [*droit*] opens upon, as it were; that is where the impasse of law [*droit*] leads (2002, 285).¹⁴

I think one notices well that Derrida puts and takes away the difference, the complete difference—the completely different will not be in the end so very distinct—when it is about subscribing under Benjamin’s appeal to divine violence the celebrated phrase of Montaigne, once it is assumed that the so-called “mystical foundation” is one and the same with violence, but not—and here is where the distinction matters—not necessarily with one and the same violence. The hesitation has perhaps to do with a certain force of interpretation (a matter of violence, then, too) that Derrida exerts on Benjamin’s essay, which has been so accurately shown in another place.¹⁵ A violence that maybe reaches also what Montaigne and Pascal said, not unanimously, with nuances and disparities, and that could neither be attributed to a “legal” practice nor be protected by any law, but is as if imposed by the confrontation with what in the essay of Montaigne, in the thought of Pascal, in the text of Benjamin is the thing that is about to think.¹⁶ And this is a thing that is made out of folds and duplicities: two silences, two mysticisms, two authorities, two kinds of violence, which no dialectics could either mediate or bring together, because they are pure conjuncture, the fold of the fold.

I mentioned that it was not my pretension to abound neither in Derrida’s commentary nor in Benjamin’s writing. My only aim was to suggest a question about the reading which, under this double and here distant light, could be attempted of that unfathomable “mystical foundation,” of its relation to violence (and with which violence), of the complication that the discourse, which has gained the authority to reveal it, has necessarily to suppose, and finally of this strange, critical authority itself: indeed, a hypercritical, vertiginous authority in its abyssal condition, assuming that with its exercise it is authority itself that becomes exposed in its essential problematic character, that is “annihilated.”¹⁷

But concerning that discourse—which I had in mind to recommend in view of the attention that deserves what I have called the “auratic part” of authority, its plus of power, out of every measure—there remains a point to clarify. The exposition of the “mystical foundation”—if it makes sense to call it this, for, according to what was said, there lies in it also a moment or a movement of reservation, the imposition of a silence that would belong to another form or mode of mysticism—is equivalent to the exacerbation of a

critique of the laws and the law, of which, however, and without detriment of its radical effects, could be thought that it remains indebted with respect to that which the very principle of the law and the laws is called to bring into form, to guarantee, and to preserve: social order. The mystical of the foundation tends to suppress the effectiveness and the form of the social, in that it takes into its muteness the space and the reality of communication, that is to say, first of all, of relation. But maybe this very muteness is the origin of the social, the primogenital condition of order. The “mystical foundation” bail of every relation to the authority of law, and therefore of every relation of whoever is subject to law and authority, as one who is committed to that bail, is also what necessarily is reserved and preserved outside every relation, that what is essentially separated, which, in preservation of its absolute reserve, is shared out under the figure of the bail (of the “credit”) among all the committed ones destining them to relation.



NOTES

This paper is part of a research project entitled “Figures of Power,” which I developed from 2003 to 2007, funded by the Chilean National Endowment for Sciences and Technology (FONDECYT). It was read for the first time on the occasion of a conference at the Department of Comparative Literature at SUNY at Buffalo, on April 9, 2010. I am very much indebted to my dear friend David Johnson for helping me with my precarious English, as well as for generously considering that this text was worth publishing.

In the discussion after the reading of this paper, the contribution of one of the attendees encouraged me to confess its original motivation. I wrote these lines in search of an answer to the question, what does it mean to be an authority? At that time, I had recently been elected as Dean of the Faculty of Arts of the University of Chile—and allow me to say that I was elected in spite of myself, against my own intentions. Being entirely persuaded that I was not meant for the position but having to take on the responsibility, I began to observe my own behavior as an authority, trying to get some things clear out of it. This paper is the result of this exercise, sufficiently mediated by a careful distance and many references.

1. The recognition that, according to common opinion, is granted to authority is not merely formal, but involves affective, moral, and even identitary components, all of them deeply rooted. If, on the one hand, the authority has attributes that may be part of the definition of its office, on the other it embodies values that are important, even

vital, for the group that depends on it; if, on the one hand, the respect it awakens in its subordinates could be deemed merely ceremonious, on the other hand one has to count on the fact that the spring that motivates or activates this respect is probably never simply superficial, but intimate.

2. Heinrich Popitz, for instance, refers to the “bond” and the “effects” of authority on the desire of recognition as a primary anthropological datum (1999, 104ff.). Wolfgang Sofsky and Rainer Paris indicate the fact that authority “rests on recognition” as the third of its seven fundamental characteristics (1994, 24–25).
3. See Weber’s “Die drei reinen Typen der legitimen Herrschaft” (1922), especially pages 485–88.
4. “From authority has to be distinguished the nuance of superiority which is designed as prestige. It lacks in this the moment of intersubjective signification, of the identity of personality with an objective force or norm, here the entirely individual force is decisive for leadership; it does not only remain conscious as such, but, in contrast to the average type of leader, who always shows a certain mixture of personal moments and annexed objective moments, prestige stems from the pure point of personality, so as authority does from the objectivity of norms and powers” (Simmel 1908, 102–3).
5. In the second chapter of his essay Benjamin introduces a series of intimately related concepts (originality, authority, authenticity, authorship, tradition) to ground the notion of aura and to measure in this manner the impact of the generalization of reproductive techniques on art, which is proper to mature modernity. In the first place, it is about authority in connection with authenticity. Benjamin’s reasoning, in compendious terms, is the following: the originality of the work of art consists of its here and now, its unrepeatable existence in a determinate place, which constitutes the concept of its authenticity to the same extent that the latter can be accredited by virtue of its historical transmission. Authenticity, then, is a historical concept that is built on the specific spatial-temporal latitude of the artistic object. This construction is nourished and strengthened by the character of authority of what is authenticated in this way. But this is precisely what becomes intimately attacked and weakened by technical reproduction. In dissociating the work from its insertion in a historical continuum whose essential custody is named tradition and which is accredited every time anew thanks to historical testifying, the authority of that peculiar class of thing that is the work of art becomes definitively suspended. Benjamin summarizes the implications that enclose this crisis with recourse to the concept of aura: “in the era of technical reproduction of the work of art what becomes atrophied is its aura” (1991a, 477). Aura is, if it is permitted to say so, the *general effect* of the historic-social construction of originality. If the foundations and presuppositions of this construction are decisively altered—that is, in its very structure, its rules, and its dynamics—then two things happen to this general effect: on the one hand it becomes manifest as such effect, that is, the socio-historical conditions of its production are evidenced, losing its air of naturalness, and on the other hand, and for this same reason, the secular power that it has been capable of exerting weakens essentially.

It is usual to read Benjamin’s essay according to a key that assigns the aura a

certain weakness. Aura is what gives up to the violence of technical reproduction, almost without any resistance, in a process of shrinking, of “atrophy,” of evanescence. This aids the metaphor that Benjamin uses: aura is aerial, atmospheric. However, one has to think the fragility of aura together with its power, which is essential to it in that aura is power that models history. Benjamin himself warned about the social processes of restoration of the aura, for instance, in the emergence of Hollywood’s “star system” against the tide of the demolishing efficacy of cinematographic technology. In general, the fetishism of the merchandise shows in such processes its unbeatable force. The point, then, is this: aura is material, and its materiality is the meaning through which lives an epochal experience and from which it receives its sense of experience, as if there could be experience only in the auratic ambience, and defined or articulated by a mode of aura, which if it is dominant is no less specific. The Benjaminian notion of aura is (also) a confrontation with the problem of power, of power in history and the power of history. If its connection with authority is inseparable, its duplicity as a concept (which, by virtue of its critical efficacy, discovers also critical humors in what it itself designates) may help to think the phenomenon I’m addressing in its internal complexity.

6. For a sociological systematic analysis of representation, see Sofsky and Paris (1994, 157ff.).
7. I refer to the analysis I proposed in “Montaigne: Escritura y escepticismo” (Oyarzún 2003, 351–55).
8. With this difference everything becomes double: if one obeys the law, one does not obey with justice, because law itself is not just; if one obeys it on those terms, then one does not obey the law as it should be obeyed, that is, by mere imposition (one does not adjust oneself to what law is), but in this way one also neglects one’s duty, that which, reasonably, duty should be. These games of splitting are not simple rhetorical traits; they belong to the secret logic that has been evidenced in enunciating the “mystic foundation.” The adverb “justly” repeats the enunciation, measuring the law by the absence of justice.
9. The essay’s fame owes mainly to what has been called, *unjustly*, it seems to me, the “ethical turn” of the thinking of deconstruction.
10. The question of language and of discourse seems to be essential in the treatment of the problem of authority. I’ve already indicated the duplicity by which authority submits to the law of communication, but at the same time, *on the one hand* (the auratic part), preserves itself outside it, and this in a constitutive manner, not by an arbitrary or deliberate act. But to exaggerate the connection with language could lead to something like a hypersensibility of the just: it is possible that if one does not distinguish between two types of silence and two types of mysticism, one is condemned to understand that the sole fact of speaking brings injustice to the world. Certainly, one would be tempted to think so, if by speaking one means to claim for oneself (the property, the principle of) the word. And—it may be added—this is always something that begins in (the) silence.
11. It is left to inquire which relation could be between the mystic and meaning, between

the beyond of every discourse that is latent in discourse itself, in the innermost secret of language, and let's not say only of meaning, but of the very possibility of meaning. Could not this meaning be thought of as the moment of undecidability of meaning, which makes possible sense in its unity, its duplicity, and its dissemination, which makes it possible, perhaps, in all senses?

12. The reference *de rigueur* is to the concluding statement of Wittgenstein's *Tractatus Logico-Philosophicus*: "7. Whereof one cannot speak, thereof one must be silent" (Wovon man nicht sprechen kann, darüber muß man schweigen) (1921). There's perhaps a Pascalian echo in this "must" (*müssen*): at the beginning of Derrida's analysis of Montaigne and Pascal, in "Of the Right to Justice / From Law to Justice," a *pensée* is inscribed that argues in favor of the necessity that just and strong be united: "Therefore, we must then combine justice and might and, for this end, make what is just strong, or what is strong just" (Pascal 1977, § 298). Derrida underlines this "must" (*il faut*), which claims force by necessity and as necessity from the essence itself of justice (2002, 239).
13. Derrida's conference bears the title "First Name of Benjamin" and insists on the play between the author's signature ("Walter") and the meanings of *Gewalt* (violence, instituted power) and *walten* (to reign, to command, to prevail). I refer to the brilliant critique of Idelber Avelar (2004, 79ff.).
14. The passage in Benjamin's text, at the moment in which he is radically questioning the legal violence and its basic dogma, according to which "just [*gerechte*] ends can be reached through justified [*berechtigte*] means," is the following: "How would it be, therefore, if all the violence imposed by fate, using justified means, were of itself in irreconcilable conflict with just ends, and if at the same time a different kind of violence came into view that certainly could be either the justified or the unjustified means to those ends, but was not related to them as means at all but in some different way? This would throw light on the curious and at first discouraging discovery of the ultimate insolubility of all legal problems (which in its hopelessness is perhaps comparable only to the possibility of conclusive pronouncements on "right" and "wrong" in evolving languages)" (1991b, 196). The intolerable pressure to which Benjamin subjects the problem of right, of law, and of their relation to violence *produces*, on the ground of its own urgency, the crucial difference between the mythical violence, whose principle is power (*Macht*), and is at the origin of right and its mediate violence—according to the dialectics of means and ends—and divine violence, whose principle is justice, and is essentially annihilating of right (*rechtsvernichtend*) (197ff.).
15. Avelar indicates that Derrida's meticulous analysis is conditioned by a decisive omission. In discussing the phenomenon of the strike, which has exemplary value in Benjamin's essay, Avelar does not take into account the point that would be absolutely determinant in it: an "internal fracture" of the concept of violence, according to which strike would be "the moment in which the distinction between violence and non-violence becomes indecidable" (2004, 93). This fracture owes "to an objective contradiction in the founding of law, as opposed to a mere logical contradiction in the

- law" (94).
16. It would be right to say about Derrida's commentary what he mostly appreciates in Benjamin: "this heart or courage [*ce cœur ou ce courage*] of a thinking that knows there is no *justesse*, no justice, no responsibility except in exposing oneself to all risks, beyond certainty and good conscience" (2002, 287).
 17. Yes, I write "annihilated" framed in quotation marks to point out, on the one hand, the thread that connects the *anéantissement* of law of which Pascal speaks and the *Vernichtung* of right promoted by Benjamin, as if in the latter's text came to its accomplishment, in a mostly paradoxical way, through what the former insinuates and represses with one and the same gesture. And, on the other hand, to point to the idea that the discourse that attempts such annihilation doesn't do anything but evidence the *nihil* in which the plus of power and the "auratic part" consist in the end—a *nihil*, of course, which is not a sheer nothing, but the general effect of a complex construction.

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