

Power of Life and Power of Death.
On the “Judgement of Solomon”.

Jean-Jacques Delfour*

For a long time, one of the characteristic privileges of sovereign power was the right of life and death. Michel Foucault is doubtless right to assert that, during the classical age, “the ancient right to *take* life or *let* live was replaced by a power to *foster* life or *disallow* it to the point of death.”¹ Thus, as sovereign power became bio-power, power over life, by means of an anatomo-politics of the human body and a bio-politics of the population, which consisted in producing and adding to the lifeblood of the nation, the “right of death” manifested itself “as simply the reverse of the right of the social body to ensure, maintain or develop its life.”²

This continuity does not prevent there being a “startling dissymetry” in the old right of life and death:

The sovereign exercised his right of life only by exercising his right to kill, or by refraining from killing; he evidenced his power over life only through the death he was capable of requiring.³

* The author is a senior secondary school teacher of philosophy, preparing students for entrance examinations to France’s elite “grandes écoles”. He manages the philosophy website of the Toulouse regional education authority (<http://pedagogie.ac-toulouse.fr/philosophie/index.html>).

¹ Michel Foucault, *The History of Sexuality* (London: Penguin, 1990), p. 138. See also the lecture delivered at the Collège de France on 17 March 1976 in Foucault, *Society Must Be Defended* (London: Penguin, 2004), p. 240.

² *The History of Sexuality*, p. 136.

³ *Ibid.*

Sovereign power's effect on life is exercised only when the sovereign can kill. The very essence of the right of life and death is actually the right to kill; it is at the moment when the sovereign can kill that he exercises his right over life.⁴

When Foucault characterizes this right of life and death as the right to “take life or let live”, he eliminates the masking of dissymmetry that is effected by the traditional formula, in order to stress the characteristic of modern power as “exactly opposite”.⁵

Among other difficulties, this analysis of the power of life and death fails to resolve the problem of the articulation between power's capacity to kill and the need for that effective possibility of killing not to be implemented. Indeed, though “the power of life and death” is exercised over life only at the moment when it can kill, it is nonetheless certain that this possibility of killing produces power effects if, and only if, it is not really exercised (at least on those who are to be made subject, for what point would there be in reigning *over* corpses?). Admittedly, power (to kill) may content itself with instilling fear and, thus, with merely showing that it really possesses the ability to kill and that it is capable of deciding to use it, though this presupposes that power make its capacity to kill credible, both as *effective* and as *suspensive* capacity.⁶ Is it not essential that sovereign power withhold its capability of killing? Is it not fundamental that power exert this capability to kill only in the mode of a possibility that is denied to everyone (is this not one of the ends

⁴ *Society Must Be Defended*, p. 240.

⁵ *Ibid.*

⁶ As Foucault says, allusively since it is not his main theme, in the first volume of *The History of Sexuality*: the sovereign exercises “his right of life *only by exercising his right to kill, or by refraining from killing*” (my emphasis); to exercise that power or to refrain from so doing is not to actualize it purely and simply.

assigned to sovereign power: to prevent violent death, killing or being killed) and also, in a sense, to itself?

So much so that this “power of life and death” has perhaps to be determined not as power to *take* life or *let* live, but precisely as power *not to kill*; to the point where its essence would culminate in *the suspension of the capacity to kill*. But, at that point, another problem arises for power. How can it enforce its rule?⁷ Who would obey a power that consists precisely in not being exercised? In what ways are we to ascribe authority to a force that refuses to exert itself? This assumes a dialectic that cannot be described simply by the difference between “making” and “letting”, between acting and abstaining from acting. It is neither withholding the power to kill that produces the effect of authority nor the threat of killing. In the former case, power would be in danger of losing its credibility; in the latter, its authority (based on the fear of dying) could turn into authoritarianism. How to avoid the collapse of power by lack of authority or by excess of it?

A particular reading of the “Judgement of Solomon” can cast light on these entanglements and this dialectic. By contrast with the idea that power pacifies the community by rooting out violent tendencies or by deterring their expression, this myth shows the many-sided ways in which power is exercised. It has, admittedly, the ability to resolve conflicts; but it is a just power if it attunes itself to truth, if it differentiates between true and false speech, if it grants their proper place to both the desire for life and the desire for death. It does this by utilising fictions and simulacra in which possibilities of being human are expressed that are themselves violent – a death wish. The ordering of these fictions is the work of power, and in that work are articulated the real and the phantasmic, the

⁷ Hobbes rarely mentions a power of life and death; there are two occurrences in *Leviathan*, II, 21 and III, 38; one occurrence of a right of life and death in *De Cive*, I, II, 18.

destructive potentiality and that which *should be* - the morally necessary or the just - which, in the real, is lacking.

Untangling a Situation of Omnipotence

The First Book of Kings begins with the narrative of Solomon's accession to the throne. He is named by King David as his successor and fights against his own brother. The first two chapters relate the violent acts by which he first seized the kingship and then strengthened it.⁸ Solomon lays hold of power: he avenges the person who has to be avenged (David) and punishes his rival (in putting to death his brother Adonijah). His power is based on putting to death. Obedience to power is based here on the fear of dying, that is to say, on his real power, potential and exercised, to take life.

And yet Solomon admits that he does not know how to act as a leader. One of his difficulties is how to govern a multitude that "cannot be numbered", a people so numerous that they are beyond counting. "Give therefore thy servant an understanding heart to judge thy people, that I may discern between good and bad: for who is able to judge this thy so great a people?"⁹ This multitude is of such variety and dimensions that it is beyond knowledge. Power is conceived as being incapable of being backed by knowledge, the possession of which determines the difference between divine and human power. In fact, according to 2 Samuel 24: 10, it is a sin to number the people, because it is God who

⁸ 1 Kings 2: 46. All references to the Old Testament are taken from the Authorized King James Version.

⁹ 1 Kings 3: 9.

keeps the register of who is to live and who is to die.¹⁰ Another reading is possible. To say that a multitude is innumerable is not simply to make the exercise of power depend on a technical knowledge that is not so difficult to obtain, but, above all, to imply the unknowable character of human subjects. Thus Solomon is saying that he cannot yield power if he does not know who the subjects of that power are. It is identity, both historical – of acts and deeds - and psychical, internal, that is beyond grasp.

Solomon, renouncing this total knowledge of the acts and deeds of his subjects, asks God to bestow upon him the faculty of judgement and the power to discern good from evil. He is aware that power, as long as it is reduced to using force for its own preservation, suffers from the lack of a fundamental element: legitimacy. This is not granted with power or its possession; nor does it derive from the exercise of power (which can either cause him to lose it or, conversely, confer it upon him). In the Old Testament perspective, legitimacy comes to the king from his knowing how to bring justice into being in the society. Thus, the apparently irresolvable case of a conflict over maternity that is offered up to Solomon in his wisdom is the test by which he proves he is worthy to exercise the royal power David has bestowed upon him.

In the case in question, the father of the child is not identifiable: it is one of the clients of one of two harlots living under the same roof. The problem of this child is that he loses his identity by suddenly having two

¹⁰ An ambivalent formula that draws a parallel between the act of counting the dead and the living and the act of taking life or letting live. In this Jewish understanding of power, the right to kill does not belong to human power. Does it belong to the God? The answer comes at the beginning of Genesis chapter 9: the God commits himself not only to no longer punishing men (see Genesis 8: 21), but blesses them and urges them to be fruitful (Genesis 9: 1-3, and also at 1: 29 and 9: 7) on one condition: that they refrain from killing (Genesis 9: 4-6). In other words, the God gives up the operation of justice and entrusts it to men themselves. It is because He commits himself to maintaining life and, hence, because He withdraws from the world as a real power acting on nature, that He asks a reciprocal commitment from men not to violate human life. In a sense, this Noachic covenant is the prelude to the sixth of the Ten Commandments: “Thou shalt not kill” (Exodus 20: 13). If, then, the God has renounced the power to kill, to whom or to what does it belong?

mothers or, more exactly, by acquiring a dangerous proximity to a newborn child who is of the same age but dead.

Then came there two women *that were* harlots, unto the king, and stood before him./ And the one woman said, O my lord, I and this woman dwell in one house; and I was delivered of a child with her in the house./ And it came to pass the third day after that I was delivered, that this woman was delivered also: and we were together; *there was* no stranger with us in the house, save we two in the house./ And this woman's child died in the night; because she overlaid it./ And she arose at midnight, and took my son from beside me, while thine handmaid slept, and laid it in her bosom, and laid her dead child in my bosom./ And when I rose in the morning to give my child suck, behold, it was dead: but when I considered it in the morning, behold, it was not my son, which I did bear.¹¹

The difficulty of the situation is twofold: on the one hand, the involuntary killing – at least it must be supposed such – of one of the two children; on the other, the absence of a father, which makes it impossible to differentiate between the living and the dead children in terms of their genealogy. Hence the impossibility of pronouncing on the identity of the child and determining who is the mother of the dead child, who of the living one. The child's personality, which is defined by genealogical discourse, disappears beneath the death of his specular double, the other child, almost equal in age and indiscernible from him, except to the mothers. The child's identity becomes blurred, becomes double, meandering between that of a live son and a dead one amid an exchange

of tragically identical words that mirror each other without any difference emerging to trouble these claims, for, admittedly, the one speaks in bad faith, but the other speaks only in good faith:

And the other woman said, Nay; but the living *is* my son, and the dead *is* thy son: and this said, No; but the dead *is* thy son, and the living *is* my son.¹²

It is not the accidental death itself that gives rise to the difficulty: it is the desire on the part of each woman to be the mother of a living child, combined with the absence of a father, that produces the inextricable situation Solomon has to untangle. The mother of the dead child will not give up her desire for a child; the substitution she carries out without the other woman's knowledge has no other aim than to preserve an actualized force of being, motherhood, that has accidentally been lost. The fictive character of this substitution is subjectively acceptable by dint of the relative anonymity of the newborn and because the desire will not modify itself in response to the changed facts of the situation – in such a way that the death is denied. The indeterminacy of the father renders the children borne by the two women equivalent, to the point where the non-differentiation between the dead and the living children echoes the indifference of their fathers to the harlots and the harlots' indifference to their "clients". In the fathers' existences, the child is a nothing for thought and a relational nothing.

The eclipsing of the paternal figure here leaves the woman alone in her status as mother, her situation enhanced by the child (which can be understood as a force of being waiting to be restored to itself – to be

¹¹ 1 Kings 3: 16-21.

¹² 1 Kings 3: 22.

restored to a self, the building of which it falls to culture to set in train). What the force of being specific to the child may become is governed by cultural mechanisms and oriented towards socially useful ends. In this case, the power of child-bearing is left to itself, in isolation from others and from the social order: “We were together; there was no stranger with us in the house, save we two in the house.” This “save we two” is a state both of precariousness (“only we two”) and of freedom – there is no one to account to, “we two and no one else”. This limited, fusal and exclusive community is the relational pendant to the social marginality peculiar to the condition of harlot or prostitute. That condition tends to delay the child’s passage into the realm of social utility; this utility is a power with which parents always have to negotiate their right to raise their children and impress their own “mark” upon them (or at least attempt to do so).

These three elements, the absence of a father,¹³ the status of prostitute and the communal life of these two women, combine their centripetal tendencies and play their part in setting up a situation of omnipotence. This situation is characterized by the dependency of the child and by its being handed over absolutely not just to the desires of its mother, but also, and above all, to those same desires stripped of the limitations deriving from the countervailing powers that are the father, an acknowledged – and therefore norm-governed – individual social position and the intertwining of the field of immediate life with general social life (the embedding of the home in the regulative bonds of its neighbourhood). These three aspects, which are absent here, are sources of limitation: in each case they provide an obligation to negotiate, share

¹³ The father here, reduced to the rank of begetter, has no personal face, no identity; his absence of personality rebounds upon the child himself, who, in terms of phantasy, is almost nothing but an empty, anonymous biotic receptacle. This child is the residue of prostitutional activity. That socially

and combine the force of being with the desires of others, with the father as much as with the social rules that govern individuals both in their behaviour and in their internal mental elaborations – negotiations that are all the more necessary for the fact that childbirth is also, in certain respects, a phantasmic experience of omnipotence.

The situation of omnipotence derives from the concatenation and superimposition of several closed psychological spaces devoid of sources of moderation: genealogically, in the indeterminacy of the child's identity, in his lack of a name; instinctually, in the indeterminacy of the sexual and personal status of the two prostitutes (possible mothers, unwilling mothers and/or sexual dustbins); socially, in the indeterminacy of the relational field of the children by dint of the social characteristics of the place where they live (a "brothel" or "house of ill-repute").

It is the accumulation and coordination of these different strata which here produce a real, and not merely phantasmic, omnipotence, provided that one grants the absence of countervailing power or other legitimate power and the closure of the living space the character of real conditions. That closure is not simple, for the life of a prostitute implies a sort of permanent public exhibition and hence an absence of private or personal life – or merely a residual one – since that life is, sexually speaking, an activity linked to the "work" of prostitution. Closure refers here both to the relaxation of the social norms of regulation of generative potency and to the absence or contraction of the private space in which personal imaginative elaboration may exist, a fantasy life uncoupled from social reality and its ascendancy. It is in this sense that the child is nothing but a receptacle for phantasmic projections for which there are no normal outlets. He is, from the outset, separated from the social regimes

outcast status further increases the hold of the two women over their child, a hold that is partially unbound from a normative reference to the social order by the condition of prostitute.

of identification and determination that confer a “reality” on him, that assign him a field of human possibilities for being. Thus, omnipotence appears when the force of being has no *countervailing powers* limiting it, or *dividing lines* articulating it to reality.

This is perhaps why, in the myth, one of the two children died, one night, “because she overlaid it”. To “overlay” – or fall asleep on – a fantasy or a creature so indeterminate and socially disgraced as that nameless child is not likely to produce a great disaster. He is, indeed, detestable, insofar as he represents the involuntary, contemptible consequence of loveless sexual relations: he is the burden and the living trace of unknown, uncaring men. Neither entirely hers, because he is not desired but suffered, nor entirely other, because he is the product of the activity of prostitution; impossible to refer to another since the begetter is indeterminate and indeterminable – to the point, perhaps, where the two children may be brothers – and, at the same time, irremediably hers since he issued from the mother’s body and she has necessarily to look after him. Detestable and given, derisory and dependent, this creature is at the same time very much alive: it is “overlying him” that kills him - whether to protect him, to take him back into her womb, to suffocate him, to be done with him, or to punish his “father” through him and, with that, the place of his birth, out of vengeance or weariness, in what was probably a trance-like state, and at any rate an unconscious, involuntary one (otherwise how are we to explain the subsequent substitution?).

This involuntary killing is the actualization, where the child is concerned, of the situational omnipotence – of a power to give birth which becomes *a power of life and death* in a particular sense. Namely, that the nocturnal suffocation is in no sense a deed produced by a conscious, deliberate act, but rather the opposite, unexpected effect of an effort to protect life; it is, then, as power of life that tragically this mother

kills her child. Quite unlike the political power “of life and death”, which consciously decides to let live or, by the manifest contrary, to kill, the mother here, *by striving to keep him alive* puts her own child to *death*.¹⁴

In the face of this factual non-differentiation between life and death, the mother whose child has died strives to banish that reality by means of an illusion: the nocturnal substitution, the switching of the children. This is both the encounter with a real limit to omnipotence and the attempt to extend the omnipotence in an act of child-snatching that is the more plausible and the more effective, in spite of its fictive character, for the fact that the two children are equivalent in their genealogical, existential indeterminacy. This moment is a divided one. For the extended omnipotence appears illusory: the abandonment of the dead child and the exchange of that child for the living one is as much the denial of the difference between life and death as the implicit or *de facto* acknowledgement of an absolute limit. To which there corresponds a denial *de actu*.

However, that denial does not continue purely and simply in words at the point when the protest is made to Solomon and the living child is claimed. A new element is added to it: the assertion of an identity of her own by the assertion of a desire of her own – the desire “to be the mother of a living child” – through the affirmation of a bond of possession. The desire, on the one hand, wants only the acknowledgement of what is, but is hidden; on the other hand, it would like the continuation of what is no longer in the order of reality, but which, as desire, still exists. In both cases, acknowledgement of the difference between life and death is made, but nothing can come of it because the reality of the death of one of the children is incompatible with the desires of each of the women.

¹⁴ We shall see that just power (represented by the action of Solomon), by striving to act as if to kill the child, helps the law of life to prevail.

Also, the recourse to a third party, the judge Solomon, implies the decision to acknowledge that the real situation represents an insurmountable impasse. Each woman now attempts unsuccessfully to establish herself in a state of omnipotence: the mother of the living child would like to be believed simply at her word, whereas the mother of the dead child would like her desire for a child to be met and the denial of the death of her child to be accepted without mediation. In reality, both feel the pain of this difficult situation; each knows that her claim cannot be met and that a third party has to be brought in if it is to be possible once again to distinguish desire from reality and accord the reality of the child's death its place.

The Apparent Injustice of the Judgement

How does Solomon deal with the difficulty? He listens to the desire of the two women and, rather than resist, is receptive to the omnipotence that manifests itself in that desire:

Thus spake they before the king./ Then said the king, The one saith, This is my son that liveth, and thy son is the dead: and the other saith, Nay; but thy son is the dead, and my son is the living./ And the king said, Bring me a sword. And they brought a sword before the king./ And the king said, Divide the living child in two, and give half to the one, and half to the other.¹⁵

Solomon registers the silence in respect of the dead child and listens literally, so to speak, to the desire of the two women, who advance the same claim on a living child who is, in reality, indivisible into two

halves. He acts as though the child were divisible without its integrity being affected, as though the real, living child were identical to the two halves of the same dead child. This fiction presupposes, in fact, a phantasmic support on omnipotence: the sort that can raise human power to a kind of divine power for which death would be no obstacle.

But this fiction is the fiction of desire itself. The two women do, in effect, advance an equal claim, which admits neither of compromise nor negotiation, and which therefore desires to be totally satisfied, and shows indifference to the other woman's position. Each shows no concern whatever for the other's experiences, the other's specific situation. This desire to be blinded to the other masks a tangible difference between the significance of their words, even though these are formally identical. They know exactly how things stand; they know who has a living son and who a dead one. The woman whose child is dead speaks in the mode of desire: she would like her son to be alive and the other's child to be the dead one. By contrast, the woman whose child is alive acts as though the pain of having involuntarily killed one's own son were equal to her own pain at not having her son, who is still alive, with her; the extreme violence the other woman undergoes has no other status than that of a threat to her own possessive enjoyment.

Each woman refers, in her desire, to an omnipotence capable either of bringing the dead child back to life or containing the other's desire and protecting her own. Far from acknowledging the non-differentiation of life and death in which the child died, Solomon proposes repeating the killing of the child, but in an entirely new modality: it is a question now of substituting for the past, involuntary death, the conscious, future act of murder. In this proposal, Solomon takes upon himself the injustice and omnipotence immanent in the situation and in the two women's claims:

¹⁵ 1 Kings 3: 22-25.

but in a way that consists neither in repeating these nor subscribing to them. Solomon assumes omnipotence in the same way as the two women's desire assumes it; but he does not adopt it, does not make it his own. He obeys the two women, so to speak. They each want an identical "thing" and will not accept the slightest modification. He attempts to meet their desire without judging it, without expressing the obvious consequence of such a division and, prior to that, of such intransigence.

In order to cure them of omnipotence, Solomon accepts a provisional, strategic identification with the morbid position of each of the two mothers, the position specific to each of them. For, if the one is wrong to deny the death of her own son and to demand from the other a child on whom she has no legitimate claim, but which she has simply taken by force, the other woman is wrong, for her part, to regard the first woman's suffering as negligible, not to consider any compromise solution and to show no compassion for the woman who has involuntarily killed her own son. Moreover, the mother of the living child is essentially focussed on her own desire, her own satisfaction, with no regard for the personality of the child, here conceived as a thing, whose status resides in the mother's desire for him – which desire is a desire to *be* a mother.

In a general way, Solomon takes upon himself and expresses openly the death drive every parent feels towards his/her children, for the child signifies the inexorable passage of time, inevitable ageing, imminent death. He holds out to the two mothers, and to all who read this text, a logical mirror in which the unfortunate consequences of situational omnipotence can be discerned. In this way, he opens up the possibility of an ethical desire by expressing or reflecting the desire or drive inherent in the claim in its real consequences. Ethical desire is, ultimately, a drive that would accept losing, or not possessing, its object.

It is because he pretends to subscribe to this omnipotence, because he submits to their exorbitant claims, because he takes on himself in word and deed – words pregnant with future deeds – the desire formulated in their own speech, that they are placed in a situation where they can modify their desires and renounce omnipotence. The possibility is then opened up of an ethical choice on the part of the two mothers between humanity and life, on the one hand, and death and violence, on the other.

Then spake the woman whose the living child was unto the king, for her bowels yearned upon her son, and she said, O my lord, give her the living child, and in no wise slay it. But the other said, Let it be neither mine nor thine, but divide it./ Then the king answered and said, Give her the living child, and in no wise slay it: she is the mother thereof./ And all Israel heard of the judgement which the king had judged; and they feared the king: for they saw that the wisdom of God was in him, to do judgement.¹⁶

The mother whose son is alive chooses life for her son and thus accepts the modification of the desire underlying her claim: she gives up treating her son as prize or booty, as the exclusive correlative of her desire to be a mother. She transforms her desire by introducing into it the limit of the situational reality and the recognition of the personality of the child as source – and hence object – of duty. Solomon here merely shows up the consequences of the mother's position (the omnipotent demandingness and exclusivity), in such a way that her obstinacy is in danger of becoming responsible for the possible, future killing of her child. Thanks to Solomon, she is able to arrive at the conclusion that her own desire is incompatible with the condition of motherhood. She then

accepts the essence of motherhood, which consists in bringing a child into the world, in offering the child to the world, in giving him to himself, in accepting, then, that he has a life in the first person, and that one day he will leave to live that life elsewhere and with others.

The urgency of the situation and the self-evidence of the criminal power of Solomon, who is preparing to murder the child, mean that the renunciation of omnipotence over the child gives rise to an original ethical position (as choice of life and humanity and also as rejection of violence and brutal death). This mother's choice brings justice genuinely into being. The particularity of this moment consists in the following: that the renunciation of omnipotence and the emergence of justice are one and the same event.

The dead child's mother also changes her tune and, rather than claiming the infant, seems to choose putting it to death. Yet she is not entirely outside the realm of justice. She speaks truthfully, in a sense, though she does so in a veiled way. To say of the child, "Let it be neither mine nor thine" is to acknowledge that it is not hers (in the sense of genealogy and filiation). Moreover, she also gives up a total claim on the child. Admittedly, this is doubtless because it became clear in that very moment that the mother whose child is alive is the one who can forego having him near her provided that he remain alive, so that no one is in any doubt any longer as to the genealogical identity of the child. But the fact that the child is safe, that justice has reemerged in this inextricable, confused situation, is what enables her to formulate a desire that the living child, who is not hers, should die (whereby she in fact attests that the child is not hers), a desire for death which perhaps signifies the wish that the other mother should be punished for her good fortune, but a

¹⁶ 1 Kings 3:26– 4:1.

desire which has, above all, the character of being just that, of being desire – and hence representation and words, not an act or an acting-out.

There is nothing, it seems, to prevent us from saying that the mother of the dead child shows herself here to conform to the picture we had formed of her from the obscure nocturnal event: a woman “of instinctual drives”, tending to absorb her child into her own body, as though the image of her child were not that of a person, but of a piece of herself whose loss would threaten both her psychological and bodily integrity (this fusional relation having a clear incestuous dimension).¹⁷ It is more judicious, however, to stress here that omnipotence has been abandoned in favour of renunciation, and of an explicit posture of violence that is of the order of the force of being and not of omnipotence.

Thus the effect of the “judgement” of Solomon is to restore the justice appropriate to the given situation (Solomon gives to each his own, to use the phrase attributed to Simonides); to introduce into the desire of each of the two mothers a twofold – real and symbolic – limit that is the internal necessity for the child to live and the legal necessity for the protection of his person; to restore truth as a match between words and things; and, lastly, to get back to the original ground of ethics: the choice of life and humanity, absolute respect for the human person.

The “method” followed by Solomon is enigmatic. On the one hand it commands admiration by its effectiveness; on the other, it exerts a violent pressure on the two women. In the implicit ultimatum it addresses to the two mothers, sovereign power presents itself as the power of death,

¹⁷ This is what Denis Vasse does in *Un parmi d'autres* (Paris: Le Seuil, 1978), p. 68. To refer to the mother of the dead child as a “non-mother”, to reduce her difficult position to a perversion, is to disqualify the death wish that is expressed here and is, nonetheless, crucial; this death wish directed at the child also exists in the other mother, as it does in all parents. To create such a clear-cut opposition between the “true mother” (p. 62) – the woman who refuses “the death of the child in the name of her desire and at the cost of giving up the object of her instinctual drive” (ibid.) – and the “non-mother” is to mask the overlap between these two positions and render incomprehensible the dialectic that is possible on the basis of that overlap.

and does so in its most unjust form: the murder of a child who is wholly innocent of the affair in which he is caught up. And yet that power, which runs the risk of being absolutely unjust, receives justice from the hands of the mother of the living child. It is she, in fact, who chooses life and humanity, who chooses the renunciation of omnipotence and the justice which ensues from it, so that power emerges triumphant from the risk it has taken: it emerges both as just and true. But, on the other hand, it is because power embodied the greatest possible injustice – and did so in the virtual mode of speech (in the order of representation) – that it morally constrained the two women to take upon themselves the task of bringing justice into being.

The sovereign power forces justice upon them by representing the consequences of the intransigent positions of the two mothers. For its own turn toward justice, it depends, then, on the decision of one of the complainants to choose ethics; by its own power, the power over life and death, it assumes the countenance of the omnipotence buried in the dark recesses of the situation, particularly in the most private, hidden recesses of the two women's desires. Deep down within themselves lurks a desire for omnipotence, an omnipotence that takes on solely *the mask of a power of death*.

Solomon draws out this terrible countenance buried within the collusive connection between the similarly selfish desires of the two mothers, and makes it his own. So, the power to kill is not merely an attribute of power; it is also a predicate of the desire of human beings in community. This power to kill was a product of the identity of – and equally of the contradiction between – maternal claims. Neither woman produced it herself. This morbid power is a possibility that belongs to the two women taken together. Sovereign power embodies it, only to

abandon it subsequently, after the one woman will have decided *for the two of them* – and *for power itself* – to reject this capacity to kill.

There is a difficulty. Power diffracts into various capabilities and into what are perhaps heterogeneous moments. The whole of the operation carried out by Solomon assumes the co-existence and succession of different forms of power. First, without the real power to kill, available to Solomon, neither of the two women would feel bound by any obligation towards him. Second, the power to judge remains in his hands and yet does he not hand over to the two women the decision and task of determining the essence of that – violent or just – power? Let us imagine, in fact, that the two women choose violence and death, Solomon's power would seem murderous and, even if the responsibility for it could be imputed to the two women, the clear failure of the sovereign power would remain. There would, admittedly, be nothing to stop him seizing the child and removing it from the two mothers' violent grasp. But he would be left in a contradictory position between the initial proposition of putting the child to death and its rescue *in extremis*. On the other hand, he would have failed in the task of manifesting truth, of saying who is truly the mother of the living child. What, then, is the dialectic of these shifts of position effected in and by power?

Wishing for Justice

The essential element consists in the exchange between Solomon and the two mothers. Solomon gives them the possibility of choosing between life and death, between justice and violence. They give him legitimacy; they produce a state of affairs in which power is just and attest to its capacity to have conflictual reality give rise to its own supersession.

More precisely, he enjoins them to make such a choice. When Solomon says, “Bring me a sword. And they brought a sword before the king./ And the king said, Divide the living child in two, and give half to the one, and half to the other,” he forces each woman to make up her mind to change her desire so that a solution may appear. Set before the imminent putting to death of the child, announced by the sovereign power, they are summoned to choose. This summons has a particular status since it is aligned to the consequences of their mutual intransigence. It is because neither woman will let go, that the killing of the child is possible. Solomon aligns power with their desire *taken as a whole*: he makes *them* the masters of the situation. However, he does not allow them to act delusionally, but articulates their desire to real acts, mediated by power. It is thanks to him that each woman’s desire can encounter reality as a whole – in this case a terrible reality since we are speaking of the reality of a killing provoked by the intransigence of desire.

In a sense, this is perhaps the first task of any power: “to ask” the subjects of that power what reality they wish the power to put in place. Power runs the risk of injustice in order that the subjects of that power may be certain to wish for justice.

In that moment, power does violence. Desire is forced to speak itself, to express itself and, from that point onwards, to consider its own effects. The initial operation of power is to offer desire, in the mode chosen by power, the means of its fulfilment, in such a way that desire is brought face-to-face with the possibility of its satisfaction and hence with its own reality – that is to say, face-to-face with the possible, potential world of which it dreams. In this way, it forces desire to manifest itself and therefore to appear full in the light, in the public space opened up and

circumscribed by power. That, perhaps, is the first act of power: to open up a space of publicness, in which two aspects come together.

On the one hand, all are called to this space and are, then, constituted as a community by this call, even if it amounts only to a call to be present. All are then witnesses to the activity of power, to the way in which it receives the parties and regulates conflict. But to witness the work of power is also to become matter for power. Power also acts among us, the “spectators”, by developing effects analogous to those it induces among the parties in conflict. Namely, first of all, the interrogation of our own desires and the questioning of our own intransigence and our capacity to modify those desires; second, the recognition of the justice of power – or its injustice – and, consequently, adherence to that power or its rejection.

Solomon’s power exerts itself in the open and this *a priori* openness indicates that that power has no hesitation in basing itself upon justice in its formal structure, namely, as preparation of a liveable world in which each can develop his possibilities for being human in harmony with others. For this world to be liveable, it has first of all to be *a* world, that is to say, *a* community, which requires a function of unification, a space in which it can assume “knowledge” of itself in the sense of a consciousness of self, an auto-representation of itself. Hence the philosophical fact that power is a condition of truth, as a character of the community. There ensues from this a political structure of truth that is linked, on the one hand, to the essence of community, which, in order to exist as such in its own eyes, requires a mechanism for self-representation, but also, on the other hand, to the essence of truth, which, in order to be something other than a personal conviction, must be recognized as such by others. If the members of the community know nothing of each other or, more precisely, if they cannot recognize each

other mutually - if, for example, grave uncertainties withdraw certain members of that community from the common field that brings them together - then community is impossible. Thus, the first operation of power is to create that publicness in which the community represents itself, contemplates itself as human community.

On the other hand, the complainants are called into this public space not just with what they say, and with what constitutes the substance of their claims, but also with what they are, that is to say, with their own ability-to-be, which implies virtual possibilities immersed in desire and capable of actualization. So long as desire merely dreams or demands, it has no call to determine itself further. When it intervenes, power appears first as the capability that can respond to desire in reality. Hence the question posed to everyone by the existence of power: do I still desire what I desired before, once the means of fulfilling that desire are offered to me. This points towards a basic desire for political power as the force capable of accomplishing desire in reality; yet power is not desired only as servant of my desire, but also as the mediation of desire in its passage towards reality. So that it is to an encounter of desire with itself as “fulfilled” desire that power proceeds. The essential operation of power in respect of desire is to “im-pose” upon it the question of its ability to compromise (or, *a contrario*, of its permanence) as a task it must take on and determine.

Thus, where the question of the power of life and death is concerned, the essential aspect is the purging of the social body of its socially morbid desires. When Solomon calls for the sword, it is the symbol of the morbid possibility inscribed in the intransigence of desire, *insofar as* that desire encounters other desires and other realities. Far from being only the symbol of the capacity to punish those who disobey power, the sword is also the symbol of a *possibility* for being that is

immanent in the community of subjects, and hidden. In this sense, the “power of death” is always at the same time “power of life”, because political power withdraws the power to kill from the community in such a way as to let life alone prevail. This power to kill is not originally the property of sovereign power, but a quality of the whole, considered from the standpoint of the synthetic effect of everyone’s desires. At the same time, the power to kill is not entirely eliminated. To the relief of everyone, it remains available in spite of everything. It is therefore possible to interpret the ancient formula, “the power of life and death” as follows: it ensures that life prevails because it contains – in the sense both of holding within it and of channelling – the capacity to kill. Channelling: that is to say, offering it to the subjects as an available possibility that has to be considered here and now in its consequences, by responding ultimately to the question: will you, now, compromise?

Power Confronted with the Force of Desire

The two aspects referred to above are desire and the real. The originary event of power is both the encounter of desire with the real, in which power expresses and annihilates itself as exteriority, and their separation, in which power appears as necessary and, precisely, as virtualizing desire, as restoring the distance – and distancing – of desire from its object and the real. This second moment is the moment in which the operation of power is repeated within subjects; it is on condition that this occurs that the external manifestation of power is sufficient. Power in fact does the work that is its own when it assigns each person to limit their own desire, to determine a limit; that is to say, ultimately, when it forces desire to become the object or matter of power, but of a power over oneself.

What is it, in fact, that takes place within the mother who chooses life and justice? The text indicates that her pity is stirred for her son (1 Kings 3:26) and that she then decides to give up possession if that renunciation is to result in the preservation of the child's life. In other words, the mother takes power over her desire and subjects it to a rule – that of the preservation of life and of the personality of the child – to the detriment of the satisfaction of her own desire, which treated the child as a means. Power's effect on the subject is to *make the subject a being that has power over itself*.

Solomon says to the two mothers: “I am making your desires king”; that “kingship” enables the desire to attain its own truth and, from there, to encounter the real. Now, this encounter in the mode of actualization would have the effect of destroying the real being that is the still living child. If desire is intransigent, and if it has the means to actualize itself in reality, then it becomes lethal. It is violence; it leads to death and injustice. By offering the desire of the two mothers the means to actualize itself, power expresses this essential connection with desire, namely, that it is its servant: it is, therefore, with the lack inherent in desire, with its radical impotence, that the personal relation to power articulates itself. But if it merely made itself an accomplice of desire it would destroy itself; more precisely, it would destroy itself as a just power and, ultimately, in the long term, as power, for in that case it would be the capacity to destroy the obstacles to desire indefinitely set by desire itself on its own pursuit.

In fact, power submits itself to desire not as predicate of an individual, but as predicate of a collectivity, which has a *de facto* existence as soon as persons desire common objects. Summoned to decide whether to continue to be what it was or to modify itself as a function of the real consequences of their intransigence, each woman's

desire is obligated to consider the other's existence, not just as legitimate source of desires (the other mother or others in general), but also as real being (the child who manifests no desire, but who exists as a person whose personality and life must be respected). Suddenly, under the impact of the violent summons by power to choose itself in reality and not merely in words, desire changes, and the expectation from power changes with it. *Rather than expecting power to satisfy desire, desire actually expects that it should not do so.*

It is in this ebbing movement that power itself is born; both as collective and external agency and as internal agency (there is doubtless real power only when these two types of agency are reciprocally connected). Subjectively, power inscribes itself in the want-in-being [*manque à être*] inherent in desire, in such a way that desire has need of another agency [*instance*] before it can be satisfied. The fact of the existence of other desiring agents or the mere fact of the existence of obstacles to desire arouses the expectation which power makes good. But, on the other hand, if desire made power its accomplice, it would become tyrannical and, consequently, lethal, since it would destroy the desires of others. Now, desire does not seek satisfaction, and the object that is the most appropriate to it is the human being (and not, in any sense, things).¹⁸

Thus, it is objectively that power takes its place in the collective existence. Desire, in its "complete" essence, demands the community of human beings and requires, therefore, a just power: that is to say, a power that is capable of leading desire back to its essence and its object, which

¹⁸ Others, understood as other forces of being, are the entities whose structures connect most adequately with desire. Human desire does not wish fundamentally to be satisfied, but to be maintained as force of being that is open once again to new potentialities. The desired satisfaction must not kill desire. There is, then, no desire for things, but a desire for that which, within the thing, is liable to unfold my force of being. The object most adequate to human desire is the object which, of all things, involves an indefinitely reiterable and unfillable lack. It is the human being that best responds to this status of ideal object of desire. It is thanks to the ontological structure of others that I am a force of being capable of unfolding itself in possibilities for being of unforeseeable productiveness.

is other than the ego. However, when it is unaware of its essence, desire requires power, but requires it as tyrannical. Unjust power is appropriate to the desire that wishes to be hegemonic, the desire which believes that its essence prescribes solely that it be satisfied, whereas just power is appropriate to the desire which knows that frustration is not the other of desire, but a constitutive aspect of its essence.

Jean-Jacques Delfour

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Traducteurs:

Anglais: Chris Turner
Arabe: Dr. Moustafa Maher
Chinois: Zhu Xiangying
Espagnol: Ofelia Arruti
Russe: Andre Naoumov

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