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Lawyers as mediators of humanity – reflection on legal emblems and the tripartition of human existence.

According to Adorno, emblems, or in Benjamin's translation: "Denkbilder"¹ [thought images], constitute a "philosophical form...in which spirit, image and language are linked." By reaching out for "something that cannot be said in words [des in Worten Unsagbaren],"² they counteract Wittgenstein's claim to be silent "whereof one cannot speak".³

According to Legendre, such a place of the "unspeakable", the abyss or "empty space", is the pivot of human existence: the lack, that each human individual, each human society is confronted with in the mirror paradigmatic interplay of identity and alterity, and that needs to obtain a speakable and visible form, to render human existence bearable and to ensure a non-delusional constitution of individual and cultural identity. To this end, every culture has to establish, by the use of "most simple mythological" means, a metaphysical entity, the *Reference*, that is staged as a fictitious "guarantor of that which has force of law for the subjects and individuals"⁴ as well as for the normative system itself.

For the sake of its effectivity, this guarantor needs to be mediated through esthetic and discursive means – a mediation that according to Legendre is taken on by lawyers, or in his terms: interpreters. According to him, the interpreters' position "is located within a distance between on one hand the instance of Reference and the mythological *déjà-su* and on the other hand all the social places"⁵, the individual claims for seeing and hearing – as well as for being seen and heard, i.e. authenticated by – the great Other. By staging this metaphysical Third and thus the legitimacy of existence in an emblematic, i.e. both linguistic and pictural, way, the interpreter draws upon the esthetic power of *monstratio*; he handles the mirror and exercises, just like the artist, a "sovereign power", by turning, like God, a nothing into something.⁶

Against the background of Legendre's dogmatic anthropology, this paper will examine to what extent lawyers are crucial to the constitution of social and individual identity – and in what sense their use of legal emblems fulfills a function in shaping a culture's legitimating foundation as well as in ensuring the individual's integration into the institutional, normative order.

¹ The term 'Denkbild' descends from the 18th century, where Herder chose this term as translation of 'emblem'.

² Cf. Adorno, T.W. (1970): 'Benjamins Einbahnstraße', *Über Benjamin*. Frankfurt a.M.: Suhrkamp, p. 52-58, here: p. 53.

³ *Tractatus Logicus Philosophicus*7.

⁴ Legendre, P. (2005) *Le désir politique de Dieu. Etudes sur les montages de l'Etat et du Droit. Leçons VII*, Paris : Fayard, p. XII

⁵ *Ibid*, p. 310.

⁶ Legendre, P. (2005), 'Valeur dogmatique de l'esthétique', Ruedi Baur (ed.) : *La loi et ses conséquences visuelles / Das Gesetz und seine visuellen Folgen*, Baden : Lars Müller Publishers, p. 322-341, here : 338.