

The power of critique in the time of emergency: on normative fiction and critical fiction

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Abstract

This article begins by reflecting on crisis and democracy, arguing that the claim that democracy is in a state of crisis is a normative fiction that sustains rather than transforms extant self-other-world relations. An alternative is to frame the present as ‘the time of emergency’, which implies scope for ‘emergent’ possibilities. With a view to teasing out such possibilities, the article makes a case for critical fiction as a way of radicalising our relationship to the present, looking initially to Foucault’s writings on critique before turning (via a genealogical encounter with normative fiction) to the work of Denise Ferreira da Silva, who reads the present through the lens of a past that is not past, thereby troubling a future that need not come to pass.

Key words: Crisis, Critique, Power, Relationality, Temporality

Introduction: crisis and democracy

In 1975, the Trilateral Commission¹ responded to indications that the established democracies were becoming ‘ungovernable’ by publishing a report on *The crisis of democracy*. The future of democracy was perceived to be threatened not only by a ‘surrounding sea of dictatorship’ (p. 2), but also by forms of political and intellectual activism allegedly undermining the authority of government from within (1975, pp. 6-10). Reporting on the situation in the US, Samuel P. Huntington explained that ‘The essence of the democratic surge of the 1960s was a general challenge to existing systems of authority... People no longer felt the same compulsion to obey those whom they had previously considered superior to themselves in age, rank, status, expertise, character, or talents’ (Trilateral Commission 1975, p. 70). That political authority was called to order by a ‘democratic surge’² shines a critical light on the

¹ Founded in 1973 by David Rockefeller, the Trilateral Commission describes itself today as ‘an important venue to incubate ideas and form relationships across sectors and geographies’ ([About Us - The Trilateral Commission](#)).

² Huntington refers to ‘three major clusters of issues’ driving this surge: gender, race, and the military-industrial complex (1975, p. 78).

framing of this scenario as a ‘crisis’. Democracy is as much an idea as a set of codified procedures and institutional norms, or to put it in more pointed terms – here borrowing from Fred Moten (2014, p. 73) – ‘democracy is the name that has been assigned to a dream as well as to certain already existing realities that are lived, by many people, as a nightmare’. If the aim of the Trilateral Commission was to account for the cause(s) of the democratic surge that Huntington alludes to, then Moten takes us to the heart of the matter, in which case the warning issued in the report misses its mark, and by some distance. Beyond reflecting the normative commitments of the analysts who authored the report³, *The crisis of democracy* is a normative fiction – a story that pitches an idealised ‘governable’ past against an imagined ‘ungovernable’ future.

Today, the claim that democracy is undergoing a crisis is attributed to the rise of demagoguery, authoritarianism, and far-right populism (see Abramowitz 2018; Bachelet 2022), but with an eye to the 1975 report by the Trilateral Commission, to this list should be added a renewed ‘democratic surge’, evident in the Boycott, Divest and Sanction movement in support of Palestinians, Black Lives Matter, and Fridays for Future (to mention some examples). Moreover, insofar as there is an ongoing crisis of democracy, it does not merely approach from the future; it also presses down upon the present from the past. In the wake of the ‘democratic surge of the 1960s’ are the suffragettes at the turn of the last century and the labour combinations of the nineteenth century; indeed the crisis goes all the way back to the beginning – to the status of women and slaves in the Hellenic *poleis*. These histories haunt the present (see Gordon 2008). As for the crisis of ‘modern’ democracy, this was seeded through colonial conquest and wealth extracted through chattel slavery, and also through a process whereby democracy emerged in tandem with the territorial nation-state, with the *demos* bounded through the exclusion of those denied membership and/or the freedom to participate in the democratic process on the basis of birth-right, rank, sex and gender, ethnicity, ‘race’, age... (I resort to the ellipsis because this is a list without apparent end).

It is worth noting that the word ‘crisis’ came to the English language from Greek via Latin, and was originally used in the field of medicine to denote a turning point in the trajectory of illness or disease that ends in either recovery or death for the patient (Cresswell 2021). This binary reasoning persists in the field of politics today, binding us to a commitment to overcome the crisis, and thereby protect what we stand to lose in the face of

³ Huntington was one of three authors. The others were Michel J. Crozier, who reported on Western Europe, and Joji Watanuki, who reported on Japan.

disaster. Otherwise put, crisis is a form of blackmail that offers us a choice between two scenarios: recovery or disaster/ recovery or death. Crisis forecloses on what might otherwise emerge if we give ourselves room to breathe and to imagine other scenarios, which is why I am proposing that we think about the present conjuncture as the time of emergency.

Emergency of course has a chequered history in that it can be, and has been, used to declare a state of emergency, or what Agamben calls the state of exception (2005), whereby freedoms are suspended in the name of securing freedom against perceived or actual threats. However, and conceding that declaring an emergency can be a dangerous move to make, it nevertheless disrupts a politics of continuity. At stake is the difference between normative fiction and critical fiction. ‘The crisis of democracy’ is a normative story that enjoins us to sustain the existing order of things, and does so by offering us a choiceless choice, as though there is no other choice, and thus no other way of imagining and experiencing democracy. Emergency exceeds the constraints of a binary mentality, because ‘emergence’ is immanent to ‘emergency’. This undecidable generative property – and this is the currency of critical fiction – might be harnessed to imaginaries that refuse to be blackmailed.

Maybe now is the time to *lean into* the crisis, to *embody* the time of emergency as *Kairos* (Foucault 2008, p. 224) – an opening within the arc of *Chronos* wherein everything is at stake and nothing is ultimately determined. In short, at stake is whether the relationship between the ‘I’, the ‘we’, and ‘others’ can be reimagined and reconfigured. It is not enough to simply *know* that people all over the world exist under intolerable duress – to *know* that a young child in Rafah is suffering and crying out for parents who are not by her side; to *know* that an elderly couple in Kharkiv is without electricity and running water, unable to think about tomorrow because there might be no tomorrow; to *know* that a villager in Darfur is trembling because she might be raped and murdered if she walks to check on whether her cow is still alive; to *know* that young siblings are trying to cross the Mediterranean in a dingy in search of what Judith Butler (2022, pp. 55-66) calls a ‘livable’ life. If we are prepared to *hold* the entanglement of life and lives, and hold it close, then democracy might be experienced at a deep visceral level as *being-with* (on entanglement see Giraud 2019). In elucidating what I mean by ‘hold’, I defer to the eloquence of Jack Halberstam as he reflects on what Stefano Harney and Fred Moten mean by ‘fantasy in the hold’:

The hold is the slave ship but it is also the hold that we have on reality and fantasy, the hold they have on us and the hold we decide to forego on the other, preferring instead to touch, to be with, to love... if there is a way of being together in brokenness...then we must all find our way to it. And it will not be

there where the wild things are, it will be a place where refuge is not necessary
and you will find that you were already in it all along. (2011, p. 12)

To be clear on this, I am not suggesting that holding is an empathic relation, because empathy all too easily becomes a monological affirmation of the sovereign self – situations where the one who makes the claim that ‘I am you’ appropriates the suffering of the other as a way of improving the self (see Spelman 2001, pp. 130-131; on the sovereign self, see Kester 2023). Empathy is insufficiently onto-political, and so we need to find ways of *being-with* that do not reinstate the predatory logic of coloniality. Holding evokes the entanglement of relationality and temporality, and this is what I want to discuss in this paper by exploring the power of critique in the time of emergency.

Acknowledging that the practice of critique can and does take different forms (see for example Boland 2013; Koselleck 1988; Latour 2004; Sloterdijk 1988), the focus of this paper is how critique derives a certain power from fiction. If we understand the practice of critique to be implicated in generating, problematizing, and subverting enclosures of language and discourse – encompassing relations of power, regimes of truth, and modes of subjectivation (Foucault 2011, pp. 7-14) – then a question worth exploring in the time of emergency is how critique weaves fiction into stories that shape our understanding of who we are (relational entanglement), where we come from (temporal entanglement), and what we hope for as we look to the future (the entanglement of aesthetics, ethics, and politics). Otherwise put, the power of critique is a formative/transformative power that harnesses fiction in (trans)figuring the entangled relationality of life/lives, which in turn shapes our experience of present, past, and imaginable futures. Before continuing, I want to stress that this paper is not intended as a small step towards a utopian democratic future, because that would imply that there is a path ahead which is known to me, has been mapped by me, and which should be trodden by others. I do not make such a claim as I do not wish to script yet another normative fiction. Instead, I offer only a tentative *move* that might, in some small way, alter the flow of power relations⁴, thereby opening out what I will discuss below as an ‘interval’.

The paper is in three parts. In section one, I reprise Michel Foucault’s answer to the question ‘What is critique?’ The purpose of this section is not to claim originality in looking to Foucault, but rather to tease out the centrality of the fictive ‘as if’ that powers the practice of critique. Section two looks to the past as a way of troubling the enclosure of language and discourse that structures the time of emergency, and here we will see how the figure of Man

⁴ I owe this phrase to Spencer John.

is fashioned from normative fiction. Section three pivots from normative fiction to critical fiction, looking to Denise Ferreira da Silva's essay on 'unpayable debt', which might be characterised as post-Foucauldian critique and/or an example of how the fields of Black study and decolonial theory are refashioning the practice of critique. The overall objective is not one of offering solutions or remedies, because that would be to assume that we can somehow flee the time of emergency by escaping enclosure. We cannot escape, because there is no out.

The practice of critique and the fictive 'as if'

Critique only exists in relation to something other than itself.
Michel Foucault (2007, p. 42)

In a lecture titled 'What is critique?' delivered to the French Society of Philosophy in 1978, Foucault was – via Kant's 1784 essay *Was ist Aufklärung?* (What is Enlightenment?) – putting thought into practice. For Foucault, critique is not a generalizable procedure or method, but rather an attitude that one takes up in relation to the present. As for the substance of the lecture, Foucault claims that Kant was formulating a mode of critique in a context where liberal governmentality was emerging through a process of formation that Foucault calls 'governmentalization' (2007, p. 44). By taking up a critical relationship to his present, Kant was also apparently taking critical distance from his self, thereby opening out the question (and here is the link to the theme of governmentality), of 'how not to be governed *like that*' (2007, p. 44, original emphasis). The *like that* is crucial to the practice of critique as Foucault formulates it, and as we will see, it evokes the promise of a freedom that is paradoxically bounded by enclosure.

If Kant was taking up a critical relationship to his present at the end of the eighteenth century, then so too was Foucault in the second half of the twentieth century, as we must do today if we are to 'grasp the points where change is possible and desirable, and...determine the precise form this change should take' (Foucault 1984, p. 46). Critique does not yield to the quest for a transcendental truth. Instead it situates us 'in the position of beginning again' (Foucault 1984, p. 47), and thus marks a continual *re*-turn to *this* moment in time and *this* way of being governed. To confront the practicality of 'how not to be governed *like that*' requires adopting a critical attitude attuned to the specific enclosure of language and discourse that forms the relational manifold of power, truth, and the subject (see Foucault 2007, p. 47). To practice critique in this way is to push against the limits of enclosure, testing the boundaries of 'what is given to us as universal, necessary, obligatory'. Moreover, as an

attitude which is made practical, critique is an art form – ‘the art of voluntary insubordination’ and ‘reflected intractability’, which converge as a radical objective that Foucault describes as ‘desubjugation of the subject’ (2007, p. 47).

In *What is Enlightenment?* (1984), Foucault expands on the art of voluntary insubordination by proposing an ‘ethos’ that spans ethics, aesthetics, and politics, placing this under the heading of ‘historical ontology’, which is also an ‘ontology of ourselves’, meaning a mode of critical inquiry that is both archaeological and genealogical. If we can disclose ‘the contingency that has made us what we are’ says Foucault, then we might succeed in grasping ‘the possibility of no longer being, doing, or thinking what we are, do, or think’ (1984, pp. 45-6). So, critique is figured as an experimental practice, anchored in the archive – in history – and firmly grounded in the present and the problem of how not to be governed *like that*. Notwithstanding the quasi-formal aspects of Foucault’s archaeological and genealogical method, there is apparently more to this than historical reconstruction, and Foucault implies as much in an intriguing line in his *What is critique?*, where he says that ‘one has to make one’s own history, fabricate history, *as if through fiction*’ (2007, p. 56, my emphasis). What is Foucault proposing here? I think it is plausible to suggest that what Foucault is proposing can be explained by aligning it to what Judith Butler calls performativity. By fashioning critique into an ‘ontology of ourselves’, with all that this implies (refusing what we are, trans/forming the subject, desubjugation), and allowing for a fictive ‘as if’ in staging critique in this way – this amounts to a performative ‘speech act’ that ‘enacts the very process that it narrates’ (Butler 2002, p. 12/15).

To bring the ‘as if’ into sharper focus requires close attention to how Foucault *uses* fiction to toggle between the ethical and political dimensions of critique. More specifically, Foucault looks to literature – an example being his thoughts on Baudelaire’s characterisation of ‘the man of modernity’ (1984, p. 41-2) – which sees Foucault proposing (via Baudelaire) that ‘modern man’ stands in opposition to the figure of the *flâneur*, who is content to play the part of a spectator. I interpret this as Foucault gesturing to the etymological root of theory or *theōria*, which implies a detached/contemplative looking/seeing – a mode of inquiry that Foucault elsewhere describes as an ‘analytics of truth’ (2008, p. 20). Unlike the *flâneur*, the ‘man of modernity’ is purposeful, actively practising the freedom to ‘transfigure the world’ by ‘imagining it otherwise’ (1984, p. 41). As the imbrication of ethics and aesthetics, the task of reimagining and transfiguring the world folds back onto the self as a mode of ‘asceticism’, or what the ancient Greeks knew as *askēsis* (Foucault 2011). ‘To be modern’, suggests Foucault, is to ‘take oneself as object of complex and difficult elaboration’; it is to make

one's 'very existence' a 'work of art' (1984, pp. 40-41). Speaking through Baudelaire, Foucault is toying with the idea of modernity, but more importantly, he is playing with the figure of Man. Otherwise put, Foucault dangles this philosophical abstraction – which reaches back to thinkers such as Kant and Rousseau (and I will track this through the work of Rousseau in the next section) – in front of the reader as a reminder of what is at stake in conjuring normative and critical fictions (of which more shortly). As Butler might say (1993, p. 167), through a long process of iterability and citationality, the discourse of Man *produces* the subject it purports to represent, a subject moreover which is also an enclosure fashioned from language and discourse. And so, as Foucault wryly puts it (still speaking through Baudelaire) – and here he cuts across the grain of Man:

Modern man...is not the man who goes off to discover himself, his secrets and his hidden truth; he is the man who tries to invent his own being. This modernity does not 'liberate man in his own being'; it compels him to face the task of producing himself. (1984, p. 42)

It is worth mentioning that in one of his final lectures, Foucault would express this thought in more emphatic terms when he describes the '*parrhēsiastic* game' as the 'courage of truth', which in practice means doing 'battle in this world against the world' (2011, pp. 339-40). By invoking courage and battle – wrapped around a subject that is implicitly relational⁵, at once singular (self) and multiple (ourselves) – it becomes apparent that what is at stake in the practice of critique exceeds the grip of facts and norms.

To practice critique as Foucault formulates it is an ethical undertaking of self-formation and a politics of refusal staged at the limits of enclosure. It is the fictive *as if* that promises to take us beyond the limits of enclosure, and it is also at the limit that Foucault risks everything by gambling on aesthetics. Judith Butler (2002) calls out the wager that Foucault makes, noting that he edges close to a conception of the subject that he himself is refusing. By leaning on fiction (as with Baudelaire above, but also when he derives the notion of 'doing battle in this world' from the ancient Cynics, which is as much *mythos* as fact, and thus another quasi-fictional source), Foucault is flirting with the idea of a radically autonomous subject capable of shedding its socially-conditioned self. So, does Foucault fail in his endeavour? Has he made a move akin to sleight of hand, thereby reinstating the trans-historical and trans-cultural subject he attributes to 'humanism', which is captured succinctly

⁵ I say implicit because in Foucault's work, relationality is present but also generally understated.

by James Faubion as ‘the doctrine that, behind history or beyond it, looms the singular nature or the singular essence of the human subject’ (1994, p. xv)?

I’m inclined to agree with Butler’s claim that this is not in fact the move that Foucault makes. As Butler puts it (2002, p. 8/15), ‘The critical practice [that Foucault formulates] does not well up from the innate freedom of the soul, but is formed instead in the crucible of a particular exchange’, between a set of instituted constraints and transgressive acts that call those constraints into question, thereby opening out possibilities to be and do otherwise. What I would add is that an ethics of self-fashioning and a politics of refusal – dimensions of critique anchored in the archive – cannot do without an aesthetics of imaginable scenes that give form to the fugitive freedom that the subject desires. Yet Foucault stops short of taking that step, and while his grammar of critique – insubordination, intractability, desubjugation, refusing what we are, doing battle in this world – is radical, it is also ostensibly empty, with the result that it accomplishes only a deconstructive ethico-political project which is powered by an aesthetics of negation. In short, Foucault takes us to the limits of enclosure, but leaves us facing into a ‘void’ (1994, p. 152; see also Ryan 2024). The question that follows is where do we go or what do we do once we reach this precipice? An additional (and by no means trivial) issue is that Foucault tends to skirt the ways in which the European colonies were ‘laboratories of modernity’ (Stoler 1995). Notwithstanding his sustained engagement with technologies of power, Foucault did little to trouble what Sylvia Wynter (2003) calls ‘the coloniality of power’, which is what I will discuss in the next two sections on normative fiction and critical fiction.

When he says that ‘critique only exists in relation to something other than itself’, Foucault formulates a practice that harbours the power to disrupt the imprint of the past on the present, while also summoning forms of freedom that takes their cue from an unscripted future. The problem as I see it is how to think the outside without conjuring an ‘after’ or a ‘beyond’ that serves as an alibi that enjoins us to endure the present and defer the inauguration of transformative praxis. If we are indeed living the time of emergency, then the thought of the outside all too easily becomes a way of sustaining the present enclosure – if we can imagine a beyond or an after, then we have time on our side, and thus room to procrastinate. However, if we don’t imagine a beyond, then how do we act at all?

Insofar as the subject is capable of forming (or *re-forming*) the self, refusing what ‘we’ are, and doing ‘battle in this world against the world’, then this generative capacity can be figured as a relational entanglement of power relations that is *outwithin*. It is without the subject as enclosure of language/discourse, *and* within the subject as embodied subjectivity.

Importantly, in pressing against the limits of enclosure, and thereby also against the imprint of the past upon the present, Foucault is not invoking a ‘thought of the outside’ (1998) as an ‘after’ or a ‘beyond’ that promises salvation, reconciliation, or final emancipation. Instead – and this is the place of fiction in formulating a speech act that produces what it signifies – Foucault evokes an *out from the outside* that is inescapably *within* (1994, p. 154). Hence to practice critique is to assume ‘the position of beginning again’ (1994, p. 47), and so the thought of the outside returns, just as the practice of critique returns, but only to begin again. This is the paradoxical temporality of critique as a practice that is powered by fiction, or as Butler puts it, a mode of ‘self-making which is never fully self-inaugurated’, which is to say that insofar as the subject is self-forming, this is staged ‘within a set of formative practices’ already in place, and thus ‘there is no self-forming outside of the norms that orchestrate the possible formation of the subject’ (2002, p. 14/15). Inside/outside, now/then, here/there – the relational and the temporal are deeply imbricated in how we experience self-other-world relations, which folds into the onto-epistemological problem of grasping and holding the entanglement of life and lives.

There is the question of how this *has* been done, and then there’s the question of how it *might* be done otherwise, and I will tackle both scenarios in what follows below. By way of signposting the remainder of this paper, and to be upfront about the argument, what I am proposing is that, in the time of emergency, the thought of the outside must be configured as *Kairos* rather than *Chronos*, and it must take the form of critical fiction if it is to avoid the pitfalls of normative fiction. As to what is at stake in the distinction between normative and critical fiction, I begin with the former.

Normative fiction and the enclosure of Man

*Get ready for the future:
it is murder.*

Leonard Cohen (1994, p. 371).

Across the centuries, the discourse of Man has taken a variety of forms anchored in religion, science, and political thought (Foucault 1984, p. 44; Wynter 2003). As I am presenting it here, Man is an enclosure of language and discourse within which, as Foucault puts it, thought ‘cannot discover the unthought, or at least move towards it, without immediately bringing the unthought nearer to itself’ (2002, p. 357). In saying this, Foucault is attuned to the ways in which radical imaginaries can be recuperated by enclosure. Before suggesting a

way through this conundrum, I want to focus on the problem itself, and in this section I trace an outline of how Man is anchored in a decision that grounds itself in normative fiction, looking to Rousseau as an example of how this is done⁶. Moreover, this is a very specific fiction which is given ideational form by Agamben (2004, p. 33) when he writes about an ‘anthropological machine’, which produces not only the figure of Man, but also a temporality that leads to the time of emergency in our present. If we are, as Christina Sharpe proposes (2016, pp. 13, 18), to simultaneously ‘inhabit and rupture this *episteme*’, then we must become ‘undisciplined’ (the stress is on the *un*, as in un-bounding disciplinary enclosure). Reading Rousseau not through the lens of philosophy or political theory, but through the lens of normative fiction, can assist in staging a critical encounter with ‘a past that is not past’ (Sharpe 2016, p. 13). It is with this in mind that I take my cue from Derrida, who notes that it would be ‘frivolous’ to think of ‘Rousseau’ as the name of an author. Better to think of Rousseau as ‘the name of a problem’ (1998, p. 99). In what follows I present the problem of Rousseau as a window on the present.

Rousseau’s *Discourse on inequality* can be read as a critical diagnostics of the backstory informing Kant’s essay on Enlightenment (*Was ist Aufklärung?*), though Rousseau is more damning in his critique of ‘civilised man’, who is not merely under the yoke of what Kant described as ‘man’s...self-incurred tutelage’, meaning ‘man’s inability’ to make use of his reason ‘without direction from another’ (2007, p. 29). According to Rousseau, ‘man’ has been corrupted by property and avarice, and the question he poses in the *Discourse on inequality* (hereafter *Discourse*) is comparable to our own dilemma today: how did we get here, and what should we do? In approaching this question, Rousseau makes what, at that time, was a conventional move, but does so in an unconventional way. The convention is the idea of the state of nature as a way of thinking about power and freedom, or to adopt a critical perspective, a way of giving discursive form to enclosure. Without mentioning anyone in particular (though it is clear who he has in mind), Rousseau breaks from convention when he states that ‘The philosophers, who have inquired into the foundations of society, have all felt the necessity of going back to a state of nature; but not one of them has got there’ (2004, p.

⁶ Which is not to suggest that normative fiction in the field of political theory/philosophy can be consigned to the past. John Rawls for example explains that his ‘original position’ is a ‘hypothetical’ scenario that ‘corresponds to the state of nature in the traditional theory of the social contract’ (1971, p. 12). Jürgen Habermas is another example. In part informed by the Rousseauian tradition of civic republicanism, Habermas grounds his normative social theory in a ‘methodological fiction’ that serves to model an ‘ideal communication community’ (1987, p. 72; 1996, pp. 24, 323).

17). The mistake they have made ('every one of them' he remarks), is that 'they have transferred to the state of nature ideas that were acquired in society' (p. 16). He thus calls out the paradox – that in the state of nature, man (as shorthand for the human, we are not yet talking about Man) did not exist, and yet here we are. Moreover, Rousseau maintains that the enigmatic question of origins is a puzzle the sciences have yet to resolve (he mentions comparative anatomy specifically). In other words, Rousseau acknowledges that 'to judge rightly the natural state of man', it will be necessary 'to inquire what his animal system must have been at the beginning, in order to become at length what it actually is' (p. 17). So, man does not exist in the state of nature, and yet man somehow appears on the scene. How does this eventuate? Rousseau has no answer as such, because the evidence is lacking, and thus conjecture serves to fill the lacuna. Acknowledging the move he is about to make, Rousseau proceeds on the basis of a remarkably candid decision:

Without...any regard to the changes which must have taken place in the internal, as well as the external, conformation of man...I shall suppose his conformation to have been at all times, what it appears to us at this day; that he always walked on two legs, made use of his hands as we do, directed his looks over all nature, and measured with his eyes the vast expanse of heaven (p. 17).

This is part one of his decision: to conjure a recognisably human animal. The second step is subtractive. Rousseau 'strips this being' of 'all the supernatural gifts he may have received and all the artificial faculties he can have acquired only by a long process' (p. 18). Man thus appears on the scene as being indistinguishable from the animals, but at the same time, man is already poised to stand apart from the rest of nature. What makes this paradox plausible is implicit in the element of subtraction that prefigures the need for addition. Otherwise put, what distinguishes human from animal, and what Rousseau's conformation is poised to produce and possess, is the faculty of language. Rousseau begins to tackle the question of how language originates in the *Discourse*, and he takes it up again in his *Essay on the origin of languages* (1998). This is crucial to the present discussion, but before continuing with Rousseau, a few words on the import of his decision, which has already set in motion a fictional 'as if'.

In a section of *The open: man and animal* where he presents the idea of an anthropological machine, Agamben quotes Heymann Steinthal's *The origin of language in context* (1851), which can be read both as a reiteration of, and an elaboration on, the move that Rousseau makes:

...we have invented a stage of man that precedes language. But of course, this is only a fiction; for language is so necessary and natural for the human being, that without it man can neither truly exist nor be thought of as existing. Either man has language, or he simply is not. On the other hand – and this justifies the fiction – language nevertheless cannot be regarded as already inherent in the human soul; rather, it is by this time a production of man, even if not yet a fully conscious one... [I]t is the bridge that leads from the animal kingdom to the human kingdom. . . . But why the human soul alone builds this bridge, why man alone and not the animal progresses through language from animality to humanity: this is what we wanted to explain through a comparison of the animal with the animal-man. This comparison shows us that man, as we must imagine him, that is, without language, is...always already a species of man and not a species of animal. (in Agamben 2004, p. 36)

Agamben draws attention to how this apparently *necessary* fiction – necessary in order to separate the human from the animal – avowedly *produces* man, and how this anthropological machine operates by ‘excluding as not (yet) human an already human being from itself’ (p. 37). This is precisely where we encounter the constitutive power of the inside/outside relation, which articulates what Derrida calls the ‘system of opposition’ in Rousseau’s writings. Derrida makes the point that ‘It never varies: beginning with an origin or a center that divides itself and leaves itself, an historical circle is described, which is degenerative in direction but progressive and compensatory in effect’ (1998, p. 202).

Let me explain what I think Derrida is saying here. Rousseau’s *Discourse* and *Essay* re-present (and the hyphen is important) the fiction of a transition from state of nature to social state, which in Rousseau’s analysis is founded primarily on the evolution of language, but also the development of agriculture and industry, which is how the centrality of language in this story becomes entangled in property and ‘the faculty of self-improvement’ (2004, pp. 23-4, 41). In Rousseau’s hands, this (his)story is narrated not as a story of ascent – a developmental process that lifts humanity from bestiality to something higher and more noble – but a version of the Fall. The transition from nature to society corrupts Man’s nature (yes, Man is beginning to emerge now), and yet the future is in the hands of those morally debased ‘peoples’ who communicate through ‘civilised’ language (Rousseau 1998, p. 297). The languages spoken by ‘savage peoples’ and ‘barbarous peoples’ are closer to ‘natural language’ (p. 293),

which places them closer to nature itself, and thus further removed from the Fall, yet civilised man has nevertheless advanced with the aid of a language that is more precise, more attuned to reason as opposed to passion. Passion is how language originates according to Rousseau, but passion without reason characterises the mind of savage man. Civilised man has fallen from nature, and yet whatever future awaits humanity will have to emerge from civilised peoples alone, albeit with some help from Rousseau, who will adopt a prescriptive, which is to say, normative stance in stretching the fiction of man so that Man appears on the scene.

It would be appropriate here to move to Rousseau's *Social contract*— to the way this reiterates his story of the fall ('man was born free, but he is everywhere in chains', 1968, p. 49), to the axiom of the 'general will' as the organising principle of his ideal polity, and to the well-known provision he makes for dealing with those who externalise the general will, and who allow themselves to be enslaved to passion and self-interest (Rousseau would 'force them to be free', p. 64). I am going to look at this from a different angle however, approaching the figure of Man via Rousseau's treatise on education – *Emile* (1993). What we will see, and here I am indebted to Habiba Ibrahim's *Black Age* (2021), is how *age* operates not only to separate childhood from adulthood, but also to sustain a fiction that would go through a series of iterations and modifications from the late eighteenth century (and already in Rousseau's *Emile* we find the idea of developmental stages, which would later articulate the relation between ontogeny and phylogeny, and by extension, generate an evolutionary hierarchy of 'races'). As a measure of time, age is at once biological and chronological, and what begins with the figure of the child in *Emile* extends to the sequential spacing of animal and human, savage and civilised, passion and reason, the 'cry of nature' and language proper (Rousseau 2004, p. 28). In short, what can be derived from Rousseau is how age grounds the logic of Western modernity – developmental time as the normative gauge of progress and improvement. As this gathers momentum through the nineteenth century, the anthropological machine leaves a past in its wake which is also the outside that constitutes the interiority and futurity of Man.

To recap, the story narrated in the *Discourse* is that man's original freedom in the state of nature has been irretrievably lost. To the extent that the fall is precipitated by the extant social structure, then it is childhood that affords the means of salvation by hitting the historical-evolutionary reset button. As for how this can and ought to be done, Rousseau conjures an 'imaginary pupil' (1993, p. 20) whom he christens Emile, which sets the scene

for Rousseau to restate his starting point in the *Discourse* by claiming that ‘the wisest writers...are always looking for the man in the child, without considering what he is before he becomes a man’ (1993, p. 2).

The mimetic connection between Rousseau’s *Discourse* and *Emile* is hard to miss, and it would be difficult to exaggerate the part this has played in the history of biopower. The young child has yet to acquire language, and in this way, childhood resembles Rousseau’s natural man. Unlike natural man however, for whom the transition to civilised language is conditioned by contingent historical and cultural circumstances, children can be taught and trained, which makes it possible to form the subject of the general will from the living material provided by nature.

What then of the relation between power and the subject? Rousseau scripts the formative power to which Emile will be subject as a ‘Tutor’, who assumes the responsibility of fashioning life as embodied by his charge from birth through to the moment when the figure of Man emerges. Moreover, this biopolitical process of formation is a mode of aesthetic education (*aisthēsis*), with the Tutor acting through and upon Emile’s senses, and thereby shaping the boy’s intellect and ability to reason indirectly, through sensory experience (1993, p. 35). Emile is to be taught and trained without being aware that he is subject to power. He will grow and mature as though acting at all times of his own volition, and thus free to act otherwise.

As the story of *Emile* draws to a close, and as the boy approaches maturity as an adult, he entreats his tutor to continue to ‘advise and control us’⁷ (1993, p. 533). ‘As long as I live I shall need you’ says Emile, which concludes the transition from nature to society, passion to reason, man to Man. Fully formed, Man stands apart from what he no longer is: the animal and the savage, or humanity in its ‘child-like condition’, awaiting ‘improvement’ (Rousseau 2004, pp. 23-25). This is the ‘problem’ that Derrida draws attention to, and if we look closely, we see that the problem of Rousseau exemplifies the way that the figure of Man is constituted by what Denise Ferreira da Silva (2017) characterises as the ‘onto-epistemological pillars’ of ‘separability, sequentiality, and determinacy’. Together, these are

⁷ The ‘us’ is important, because at this stage of the story (Book V), the character Sophy is added as a supplement that completes the formation of Man. As Rousseau explains, the arrival of Sophy marks the moment when Emile’s ‘mode of thought, his feelings, his tastes, determined by a lasting passion, are about to become so fixed that they will be incapable of further change’ (1993, p.443). Just as Adam is paired with Eve in the Biblical version of the Fall, so Sophy will accompany Emile into a future modelled on the general will. Emile is incomplete without the means to procreate, and so Woman is added to the discourse of Man, but of course we know how this will go.

the pillars that ‘sustain linear temporality’ (2017, p. 83), and by extension, an historical consciousness wrapped in the normativity of progress, development, and continual improvement.

To return to Derrida’s reading of what is stake in the discourse of Man, then we can see that what enables the interiority of Man to cohere is the ‘spacing’ that ‘insinuates into presence an interval that separates’ (Derrida 1998, p. 203). Da Silva and Derrida can be brought into alignment here: the demarcation of inside/outside begins as a fictive spacing of separable categories of thought only to become a sequential series that acquire narrative form as history.

If we shift our focus from text to context – to the ways in which this normative fiction maps onto the history of biopower and liberal governmentality in the context of Western modernity – then the end continually returns to the beginning, because childhood is an ongoing iteration of the transition from state of nature to whatever version of the general will prevails, whether figured as state, nation, culture, or civilization. The figure of Man serves as justification for fashioning the subject from the raw materials of life as embodied in childhood, and thus the thinkable acts upon the actual, with Man’s interiority fabricated from what is projected into the future, what is left behind as past time, and what is cast outside as the other of Man. This is the constitutive power of normative fiction.

I want to bring this back to the outside that constitutes the interiority of Man, and how this porous boundary quilts together a series of oppositions that *appear* to exist along a temporal arc, but which are in fact *in relation*, rendered separable and sequential by a fiction that would gradually and relentlessly spawn an apparatus that gave the figure of Man form and substance. European Enlightenment is also Western Modernity, and Europe in Rousseau’s time was already moving ‘in the wake’ (Sharpe 2016) of chattel slavery and colonialism, even as it was undergoing transformation through the imbrication of democratisation, abolitionism, ‘scientific’ racialisation, and capitalist extractivism. This is ‘the problem of Rousseau’, but not Rousseau alone. It is the problem of Man which, in the words of Sylvia Wynter, is a problem of ‘overrepresentation’ – Man⁸ is a discursive construct and an apparatus of power that ‘overrepresents itself’ as ‘being isomorphic with the being of human being itself’ (2003, pp. 260, 310). Architectonically posited and positioned as equating to the fully human or the properly human, the figure of Man is a normative fiction,

⁸⁸ Wynter would say Man₂, distinguishing the science of Man from an older Judeo-Christian ‘master code’ she refers to as Man₁.

or as Wynter puts it, a ‘descriptive statement’ that operates as a ‘governing master code’ (2003, pp. 269, 271).

Historical consciousness, embodied in the figure of Man, has been fashioned from the axioms of development, progress, and improvement, suggesting a line in the shape of an arrow that traces an arc from origin to *telos*. As Alia Al-Saji argues (2023, p. 283), this ‘linear arrow of temporal progress’ consigns what it posits in its wake to a ‘perpetual past’ which is – in the way it is fabricated and sustained – ‘endemically incapable of catching up’ with a present that always seems to approach from the future. Against this determinacy, the temporality I have sketched above is a series of recursive circles that mark a continuous *return* to the thought of the outside, along with the generative power this encapsulates. Let us return to the thought of the outside again, this time not as normative fiction but as critical fiction.

Critical fiction: refusing an ‘unpayable debt’

The true leap...consists in introducing invention into existence.

Sylvia Wynter (2003, p. 331).

In 2017, the Documenta art exhibition, held every five years in the German city of Kassel, broke with its own tradition by co-hosting the event with Athens. The decision was not without controversy given the situation in Greece at that time – an EU member state struggling with a crippling austerity programme that the Syriza party had tried, unsuccessfully, to refuse. As Ben Eastham (2017) explains in an article for *e-flux criticism*:

By staging [Documenta 14] in Germany and Greece, and expressing the hope that an exhibition bankrolled by the former might effectively critique the infrastructures of power that have immiserated the latter, curator Adam Szymczyk signalled that this would be a Documenta defined by its internal contradictions. The embrace of paradox continued in the press conference for the Athens opening, during which Szymczyk spoke about the possibility of ‘learning from Athens’ through a process of ‘unlearning what we know’.

It is worth recalling the stance of Yanis Varoufakis on the ‘bailout’ loans issued to Greece to stave off the prospect of ‘Grexit’, or Greece exiting the Eurozone. Two years prior to Documenta 14, as he resigned as Finance Minister for Syriza, Varoufakis argued that the loans ‘represented not a bailout for Greece but a cynical transfer of losses from the books of

the private banks to the weak shoulders of the weakest of Greek citizens' (Varoufakis 2015). In effect, Varoufakis was claiming that Greece was bankrupt, while the country's people – not just adult citizens but also future generations – were being saddled with what da Silva calls an 'unpayable debt'.

Da Silva's essay on unpayable debt was published in the Documenta 14 Reader (2017), and yet she makes no reference to the situation in Greece, or indeed in Europe at that time. Da Silva does however briefly discuss the part that finance capitalism played in the 'crisis of the subprime' in the US. So, given the context for her essay, da Silva does something unexpected by turning away from the situation in Europe in order to focus exclusively on US, where people who had taken out sub-prime loans did so because they lacked assets, leading to a species of debt shouldered largely by minorities – working-class and lower-middle-class Blacks and Latinxs according to da Silva – who were otherwise unqualified to secure a loan, and found themselves saddled with 'exorbitant interest rates' (2017, p. 89). Moreover, it was 'their inability to obtain and pay for loans' that 'made their mortgages valuable financial instruments', in effect a situation of 'scarcity as excess' whereby value was both created and extracted from the 'financial deficit' of borrowers (p. 89). Da Silva goes on to claim that the subprime crisis 'was the most important racial event of this century' – that extracting value from embodied scarcity was a 'tool of colonial and racial subjugation'. I would see this as a timely reminder of how the idea of 'crisis' is a form of blackmail that plays out in sustaining the extant order of things, but it must be noted too that da Silva is staging an *un*-timely intervention, which is something I will come back to below. First I want to say a few words about da Silva's method and how she works elliptically in formulating an argument which, as we will see, shuttles between fiction and critical theory, thereby unsettling what I have presented above as the enclosure of language and discourse generated by normative fiction.

The way that da Silva does this is by conjuring 'scenes of value' from disparate sources, thereby placing the reader in a situation of having to make sense of the argument – which is audacious, nothing short of 'dismantling global capital' (p. 93) – by viewing it through interpretative lens' that don't align. Otherwise put, the key to decoding this text does not fit the equivalent of a reciprocal lock, neither critical theory nor genre fiction. To understand the argument we will have to (as da Silva reveals towards the end of her essay, attributing this to 'the Kantian program', p. 110) rely on 'imagination and intuition'. In this way, da Silva proposes that 'only a metaphysical move will rid us of unpayable debt'. So, here we have the positing of metaphysics not as a philosophical discourse, but an imaginative

and intuitive *move* whereby an *aísthēsis* informed by Foucauldian critique (p. 97) becomes a way of refusing subjection by assuming a starting point that is ‘notably improbable’ and ‘historically incomprehensible’ (pp. 83, 110). In short, da Silva’s method is to stage a *re-turn* to the here and now as a way of staging an intervention in a context I am characterising as the time of emergency – an emergent-yet-fugitive tactical move that engages critically with power relations spanning class, race, gender, and generation. All of this hinges on presenting scenes of value which, as noted above, do not align or cohere. The text opens with a fantastical scene (with echoes of Foucault’s reference to Borges in *The Order of Things*⁹) derived from Octavia Butler’s fantasy novel *Kindred* (1979), while later in the essay da Silva turns to Marxism and a critique of historical materialism. I will begin where da Silva begins, with the implausible and improbable.

In Octavia Butler’s novel, the main character Dana – a Black American woman – has just moved into a new home with her white husband Kevin. Both characters are novelists, and as they unpack and shelve their library, Dana is suddenly transported back in time to Maryland in 1815. Disorientated by the sudden change of scene, Dana takes in her new surroundings – trees, grass, the sound of a river, and then acts on impulse to save the life of a young boy who is drowning in the river. Dana pulls the boy from the water and administers mouth-to-mouth resuscitation, in the process learning that his name is Rufus. When her own life is threatened by the boy’s father, who sees in Dana not his son’s saviour but a renegade Black woman who is manhandling his boy, Dana is returned home and tries to convince Kevin that what just happened actually happened. As they both come to terms with what has transpired, Dana is again suddenly returned to the past, and she starts to realise that time passes very differently for her when at home and when in Maryland. This time Rufus is older, and Dana begins to piece together the puzzle of this seemingly impossible situation. In the future (which is Dana’s past) Rufus will inherit his father’s plantation, and along with it, his father’s slaves, one of whom will – as a result of coerced sex – become Dana’s maternal ancestor. Dana is repeatedly returned to save Rufus’ life when he would otherwise die, and in so doing, Dana is saving herself by ensuring her own existence, but paying that debt to her forefather (Rufus) also implicates Dana in the raw inhumanity endured by her ancestors, who

⁹ Foucault: ‘This book first arose out of a passage in Borges, out of the laughter that shattered, as I read the passage, all the familiar landmarks of my thought (2002, p. xvi). The passage in question is “a ‘certain Chinese encyclopaedia’ in which it is written that ‘animals are divided into: (a) belonging to the Emperor, (b) embalmed, (c) tame, (d) sucking pigs, (e) sirens, (f) fabulous, (g) stray dogs, (h) included in the present classification, (i) frenzied, (j) innumerable, (k) drawn with a very fine camelhair brush, (l) et cetera, (m) having just broken the water pitcher, (n) that from a long way off look like flies’”.

are valued only as property and as labour to be extracted from their bodies. Dana knows she is indebted to Rufus, and entangled in that debt is her belief – and here is an echo of Rousseau’s treatise on education – that Rufus is not born to be what he will become. It is a desolate hope, because Dana already knows who and what Rufus will become, but she seems compelled to try, for his sake, and possibly for her sake too, so that she can hold onto her humanity in a dehumanising situation. So, and this is da Silva’s purpose in using this story, Dana is burdened with a debt that she cannot repay, not least because the legacies of that debt have shaped Dana’s present in late 20th century America.

A second scene follows the first, but this comes later, after da Silva has drawn the reader’s attention to the ‘crisis of the subprime’. On this occasion, da Silva quotes Marx from *Capital Volume 1* (1996, p. 167) by way of drawing attention to what is remaindered in his theory of value:

By the general law of value, if the value of 40 lbs. of yarn = the value of 40 lbs. of cotton + the value of a whole spindle, i.e., if the same working-time is required to produce the commodities on either side of this equation, then 10 lbs. of yarn are an equivalent for 10 lbs. of cotton, together with one fourth of a spindle. In the case we are considering the same working-time is materialized in the 10 lbs. of yarn on the one hand, and in the 10 lbs. of cotton and the fraction of a spindle on the other.

The question da Silva puts to Marx is ‘why does the slave labour that produced the cotton not enter into this calculation of value, not even as dead labor?’ (p. 103). In the background to the critique that da Silva is formulating is what Marx referred to as ‘so-called primitive accumulation’ (1996, p. 736). Notwithstanding Marx’s disagreement with the ‘bourgeois historians’ (1996, p. 738) – and da Silva also has quite a lot to say about Rosa Luxemburg’s disagreement with Marx on this matter (2017, pp. 100-102; see also Luxemburg 1951, pp. 364-5) – the ‘secret of primitive accumulation’ as Marx presents it, which is a historical materialist account of plunder and violence, serves the analytical purpose of explaining the ‘genesis’ of capitalism.

The critique that da Silva derives from her reading of Marx (and Luxemburg) is that historical materialism – as a philosophy of the left that ostensibly champions the cause of the oppressed and the exploited – fails to provide an adequate account of ‘the colonial, racial, and capital triad’. The mistake, argues da Silva, is to assume a ‘linear temporality’ that ‘forces us to confront the starting point, which is that the racial, as a colonial mechanism, remains *anterior* to global capital itself’ (p. 92, original emphasis). Da Silva’s objective is to ‘violate

separability' and re-describe the triad as an entanglement encapsulated within 'a juridical-economic architecture' comprised of 'two modes of governance – the colony and the polity' (p. 106). Both modes of governance are anchored in specific ways of appropriating land and labour, which are also ways of producing and assigning value. On one side is a legally binding agreement that can be enforced, along with wage labour as an exploitative contract modelled on 'free labour'; on the other is the use of violence through conquest and slave labour, which is not the extraction of 'surplus labour' qua Marx, but the appropriation of the total value of labour. In other words, for the enslaved person, their labour is never counted as their property (p. 107). This is the crux of the matter for da Silva, for if we view the history of capital through the lens of this entanglement between colony and polity, wage labour and slave labour, then 'it is no longer ludicrous to demand the return of the total value yielded by slave labour and native lands' (p. 106). In terms of how this bears down on a past that is not past, da Silva folds fiction and history into the present, arguing that the 'post-slavery trajectory of black folks in the United states' today mirrors the way that emancipated slaves 'were dispossessed of the means of production' and 'the total value created by their and their ancestors' labour'.

Da Silva draws the reader deep into the imagery used at the start of the essay, enjoining the reader to *sense* the impossible situation endured by Dana, who is shouldering a debt that she cannot pay without also sustaining the violence and brutality that is producing a future she yearns to return to but also to refuse. Weaving a path through scenes of value that do not fit together as a linear narrative, da Silva short-circuits what she calls 'the arrow of time', which *re*-turns the reader to the relationship between text and context (the crisis of the sub-prime, the crisis of Grexit, the crisis of democracy), and to her argument concerning reparations for colonialism and slavery.

Da Silva's argument is situated at the intersection of race, class, and gender, and it extends to a generational relation that presses down upon the present from a future that is haunted by the past (see Gordon 2008). In other words, in the time of emergency, the trajectory we are presently on burdens future generations with a debt they cannot pay and should not have to pay. Like Rufus in Octavia Butler's novel, we are the ancestors of that future, but this is a future that can be refused.

Coda: on the untimeliness of critical fiction

I have suggested that da Silva makes an un-timely intervention. It is *un*-timely in that da Silva's 'metaphysical move' cuts against the grain of normative fiction which, as we have seen, is fabricated from 'the onto-epistemological pillars of separability, determinacy, and sequentiality' (da Silva 2017, p. 82). Reading da Silva's essay is to read the present through the lens of a past that is not past, which also troubles a future that need not come to pass. If, as Moten argues, democracy is the name assigned to a dream experienced by many as a nightmare, democracy also 'constantly threatens to overflow its limits', thereby emerging 'from the shadows' in 'outlaw form' as 'that which invades...from an alienated inside' (Moten 2014, p. 73). In the time of emergency, critical fiction gives form to the fugitive desires and aspirations that inhabit and overflow the limits of democracy. Like a work of art that acts upon the senses (*aísthēsis/poiesis*) as opposed to communicating directly to the intellect, critical fiction strains the reader's ability to make sense of what da Silva calls 'the implausible and improbable'. I stress the word 'sense', because whatever emerges from the time of emergency will not come from reason alone. To assume otherwise is to naively reinstate the fiction of Man. What can be sensed in making the move that de Silva enjoins us to make, a move that warrants a turn to intuition and imagination, is that the time of emergency is the time of *Kairos*. As noted in the introduction to this essay, *Kairos* is an opening within the arc of *Chronos* wherein everything is at stake and nothing is ultimately determined. This opening harbours an interval.

The interval is also the hold which, though haunted by the violence of the middle passage (think of migrants who are containerised today), is more than suffering and fugitivity. To cite Halberstam once more, the hold is 'a way of being together in brokenness' (2011, p. 12). In aligning the hold and the interval, I am looking to Saidiya Hartman, whose method of critical fabulism shares with da Silva a critical and imaginative approach to the archive as a way of transfiguring the present (see Ryan 2024). Hartman fashions the interval as a relational *between* and *within* that dismantles the logic of separability, sequentiality, and determinacy. In Hartman's hands, the interval is 'between too late and too early, between the no longer and the not yet' (2008, p. 14). It is a politics of refusal that opens out the interval, because refusal is its condition of existence (see Al-Saji 2023, pp. 306-7), and to practice holding within the interval is to refuse to be blackmailed by a politics of continuity framed as crisis.

I am going to finish with a question posed by one of the reviewers for this article, which is a question that readers of this journal might share. What happens to power in the interval? The question reminds me of a line from Barbara Kingsolver's novel *The lacuna*,

where she has a fictional version of Mexican artist Frieda Kahlo say ‘A story is like a painting...It doesn’t have to look like what you see out the window’ (2009, p. 258). Whether we communicate in written, visual or spoken form, language is more than representation, and this is applicable to power. Power lives in how we live, and just as there is no escaping enclosure, so there is no escaping power relations. At the same time, maybe it is possible to ‘lose power’ within the hold¹⁰. Otherwise put, if the power of critical fiction holds us within the interval, and if this way of *being-with* is *outwithin* enclosure, then perhaps we are free to let go of the hold that power has on us as subjects. This might be a way of practising refusal, and by extension, a way of putting democracy in the time of emergency to the test of practice. As Wynter puts it succinctly (2003, p. 331), ‘the buck stops with us’.

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¹⁰ I owe this thought to the anonymous reviewer mentioned above.

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