

**of other histories:  
philosophical archaeology,  
historiology, and  
paradigmatology**

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This article contributes to the discussion of philosophical archaeology in Foucault's early works by reexamining its influences and recent developments using two concepts that appear in *The Order of Things*—a *history of the Same* and a *history of the Other*. Foucault viewed his work in *The Order of Things* as a departure from his earlier archival research into madness because madness is the object for a *history of the Other*, while order is the object for a *history of the Same*. A *history of the Other*, he says, is: “that which, for a given culture, is at once interior and foreign, therefore to be excluded (so as to exorcize the interior danger) but by being shut away (in order to reduce its otherness).”<sup>1</sup> Eventually, Foucault would

pursue this in his “Lives of Infamous Men” essay and *Parallel Lives* project.<sup>2</sup> A *history of the Same*, by contrast, is “that which, for a given culture, is both dispersed and related, therefore to be distinguished by kinds and to be collected together into identities.”<sup>3</sup> It is the history of a culture that does the Othering, deployed as a means of preserving that culture against the encroachment of “foreign” influences. I will use this distinction throughout the paper to figure various archaeological projects in relation to one another. I will reexamine philosophical archaeology through these two categories and the permutations that result when they are brought to bear on one another.

This paper includes seven sections and a conclusion. In the first section, I argue that when thinking about archaeology through these concepts, it becomes apparent that Kant’s non-transcendental project provides us with the best sense of what Foucault thought was at stake in philosophical archaeology. In the second and third sections, I argue that by placing Kant within a history of the Western search for order, Foucault brings forth a paradox in Kant’s philosophical history, showing it to be a mere *history of the Same* against which Foucault’s early *histories of the Other* were situated. In the fourth, I name this insight as *historiological* because it raises the question of the relation between possible histories. This, in turn, highlights the agonism of Same and Other within any history—being able to “think *that*” or not. In the final three sections, I show how attempts to avoid the *history of the Same* have led post-Foucauldian scholars to develop three hybrid categories of history: the *history of the Other within the Same*, the *histories of the Same among others*, and the *histories of others among the Same*. In the fifth, I describe how Agamben’s extension of Foucauldian archaeology produces the *history of the Other within the Same* in his *Homo Sacer* project. Then in the sixth, I turn to Agamben’s work on paradigmatology, which I consider in conversation with Colin McQuillan’s recent critique of this method.<sup>4</sup> I draw from Agamben’s alternative logic of the example (*para-deigma*) to argue that archaeology takes place *between* the posit of an historical *a priori* and its exposition.<sup>5</sup> The example an archaeologist chooses determines the conditions of inquiry for Agamben—not universally,

but as “one singularity among others.”<sup>6</sup> This means archaeology cannot claim to found a universal rational history, as Kant wanted, but this does not make it useless. In the seventh section, I argue that the modality of the singular entails a reconsideration of the example’s critical and productive capacities, particularly in relation to that constellation of events it collects as archaeology. This is what I call a *history of the Same among others*. In closing, I consider critiques of Kant, Foucault, and Agamben, which also lead us to think about a *history of others among the Same*.

## READING FOUCAULT THROUGH KANT

Scholars have described several influences on Foucault’s concept of the historical *a priori*—including Husserl, Heidegger, and Levi-Strauss.<sup>7</sup> Recently, several excellent Continental scholars produced a volume on the historical *a priori* in Foucault and Husserl, which contains valuable insights about the future compatibility of phenomenology and quasi-transcendental projects (i.e., as critical phenomenology).<sup>8</sup> However, it seems they were unable to find a substantial agreement about the nature of the historical *a priori* itself. For Husserl, it is “the overarching, ideally possible structure of meaning-constitution: of intentionality itself systematically and modally construed.”<sup>9</sup> For Foucault, it is something geared toward the historicization of projects like Hegel’s, concerning or aiming at some kind of universal history: “Foucault’s aim is to offer a genealogy of history.”<sup>10</sup> The co-editors ask, “Can the threads of this *prima facie* aporetic bind between the eidetic and the historical be productively woven?”<sup>11</sup> Yes, they argue, in several senses, though it appears this productivity is qualified. As they also note in their introduction: “this volume is a testament to the fact that rich and productive dialogue across traditions is possible even in the face of deep and even intractable disagreements.”<sup>12</sup>

Colin McQuillan argues that we should look instead to Foucault’s early interest in Kant to understand the historical *a priori*.<sup>13</sup> To my mind, the most convincing evidence for this view is the fact that Foucault himself says so. After the publication

of *The Order of Things*, George Steiner accused Foucault of obscurantism for choosing the term “archaeology.” Foucault replied sharply in writing: “Mr. Steiner does not know that Kant used this word in order to designate the history of that which renders necessary a certain form of thought.”<sup>14</sup> This does not appear to be a random appeal to authority. Kant was particularly important for Foucault early in his career. His most substantial work on Kant, *Introduction of Kant’s Anthropology*, can help us think about the historical *a priori* and his developing archaeological method.

Kant’s *Anthropologie* text, drafted just three years before the 1775 “Different Races” essay, raises important questions of method for the empirical sciences.<sup>15</sup> In his *Introduction* text, Foucault insists on the fundamental divide between the realms, methods, and aims of anthropology and critique: “In the *Anthropology*, the relationships between synthesis and the given are the mirror-image of how they appear in the *Critique*.” They are related through an “inverted analogy that casts the *Anthropology* as the negative of the *Critique*.”<sup>16</sup> This is because there are two *a priori*s at work in Kant’s transcendental and non-transcendental projects—the *a priori* of knowledge and the *a priori* of existence. These two cannot be immediately transposed onto one another; the *a priori* of knowledge appears in anthropology only as “the density of a becoming where its sudden emergence infallibly assumes the retrospectively constituted meaning of the already there.”<sup>17</sup> In *Anthropologie*, in other words, the given is not pure, but “grouped and organized, as having already been given the provisional or solid figures of synthesis.”<sup>18</sup> The *a priori* in the realm of knowledge becomes what Kant elsewhere calls an embryo, “an originary which is not chronologically first, but which, having appeared in the succession of figures of the synthesis, reveals itself as already there.”<sup>19</sup> On the one hand, this is the *arche* or seed crystal of those natural purposes we cannot help but posit (albeit regulatively) in the third *Critique*. But on the other hand, it gave Kant a way to encounter these purposes “in the reflection of concrete existence, lit up by muted lights which give it the depth of the already occurred.”<sup>20</sup> At this point, Foucault argues, Kant’s theory of the method becomes “a regressive analysis that aims to uncover...the primitive

seed of the powers.”<sup>21</sup> It is a way to use the non-transcendental world of history as a confirmation of the course it ought—and therefore must—have followed. I think this is Kant’s sense of what Husserl will later develop as the historical *a priori*, though here, it is more like an *a-historical a priori*.<sup>22</sup> Foucault, on the other hand, argues that this double movement constitutes a confusion of the ‘*a priori*’ with the ‘fundamental’, via the intermediary notion of the ‘originary’. He writes:

The intermediary character of the originary and, with it, of anthropological analysis, situated between the *a priori* and the fundamental, is what allows it to function as an impure and unthought hybrid within the internal economy of philosophy: it will be accorded both the privileges of the *a priori* and the meaning of the fundamental, the preliminary character of critical thought and the realized form of transcendental philosophy; it makes no distinction between the problematic of the necessary and that of existence; it confuses the analysis of conditions with the interrogation of finitude. One day, the whole history of post-Kantian and contemporary philosophy will have to be envisaged from the point of view of the perpetuation of this confusion—a revised history which would start out by denouncing it.<sup>23</sup>

If we want to follow Foucault’s recommendation here, it appears we must construct an account of the perpetuation of Kant’s “originary *a priori*” to continue, so we must pass over a further analysis of Foucault’s *Kant’s Anthropology*. I will pursue this account in the following two sections, by analyzing Kant’s non-transcendental project using the concept of a *history of the Same*.

## A PRIORI HISTORY: A HISTORY OF THE SAME

The historical *a priori* is not found directly in Kant, but its development alongside philosophical archaeology can be demonstrated from passages in his mid to late career. As McQuillan notes, a discussion of the problem of a rational history first explicitly appears in the final section of the first *Critique* (1781), where Kant suggests a history of philosophy from a merely transcendental point of view.<sup>24</sup> McQuillan also discusses Kant's 1793 essay, "What Real Progress has Metaphysics Made in Germany Since the Time of Leibniz and Wolff?," which argues for the conceptual possibility of a history of philosophy that proceeds according to a sequence "founded in the nature of man's cognitive capacity."<sup>25</sup> Yet, these are only two moments in a longer train of Kant's thinking, which he instigated before the first *Critique*, and to which he returned until the end of his life. In four essays between 1775 and 1788, Kant deals with the problem of history from the perspective of the non-transcendental realm as well. While these four essays have rightfully been the target of critique for their racist characterizations and anecdotes,<sup>26</sup> they productively reveal how Kant grappled with important questions of method. Together, they provide a stronger background for understanding Kant's initial formulation of philosophical archaeology in the 1793 essay.

At issue in these earlier essays is the question of writing a rational history, a history based on the nature of reason instead of on empirical facts—what I call here an '*a priori* history'. By the time Kant formulates his concept of philosophical archaeology, however, the issue has shifted to the question of writing a history of reason, an account of the development of the rational faculty as progressively employed by humanity—what I call a 'history of the *a priori*'. In the rest of this section, I will look at Kant's attempts at an '*a priori* history' through a series of four essays. In the following section, I will turn to the transition between these two projects and give an account of his later attempt at a 'history of the *a priori*'. Finally, I will argue that both are instances of Foucault's *history of the Same*.

First, Kant's 1775 essay, "Of the Different Races of Human Beings," gives a theory of the common descent of all humans. We descend from a "single phylum" containing the "germs" of non-essential variation, which manifest in us in relation

to different environmental factors.<sup>27</sup> Many of his racist opinions are on full display in expounding upon this theory, though Kant acknowledges that the “boldness of opinions” is not a substitute for a “*history* of nature, which is a separate science and which could gradually advance from opinions to insights.”<sup>28</sup> To this end, Kant formally announces a plan to examine the empirical world through non-empirical means [*Weltkenntniss*], which he divides into the study of nature (physical geography) and human beings (anthropology). Both of these should be considered cosmologically, “not with respect to the noteworthy details that their objects contain...but with respect to what we can note of the relation as a whole in which they stand and in which everyone takes his place.”<sup>29</sup> This principle of holism in the examination of the natural world is a first clue that Kant is seeking a *history of the Same*—of what can be “both dispersed and related, therefore to be distinguished by kinds and to be collected together into identities”—though he assumes this can be done universally, and not simply “for a given culture.”<sup>30</sup>

Kant begins this anthropological program ten years later in his 1785 essay, “Determination of the Concept of a Human Race.” There, he states that the historical investigation of inessential human factors, like race, must be guided by a “previously determined...concept that one wants to elucidate through observation before questioning experience about it; for one finds in experience what one needs only if one knows in advance what to look for.”<sup>31</sup> It is awkward to claim *a priori* that something inessential can nonetheless bring about hereditary changes without reverting to mere opinion, so Kant bases his determination of the concept in a “maxim of reason” [*Vernunftmaxime*] instead.<sup>32</sup> He worries if the “magic power of the imagination” is given reign—either in the development of species over time, or in the philosophical study of them—no account of the human species would be possible: “one would no longer know at all [that] from which original nature had started, or how far its alteration could go...given that the human imagination knows no boundaries.”<sup>33</sup> To counter the botching influence of imagination, Kant thus posits a maxim that preserves the identity of the human across all possible epochs. It states: “that throughout all of organic nature, in all

changes of individual creatures, their species is preserved unchanged.”<sup>34</sup> For Kant, this “monogenetic” thesis is the only one possible in order to speak intelligibly about the history of any given species *as a species*.<sup>35</sup> Any other maxim, he argues, would ultimately be to promote a “raving penchant to the art of magic.”<sup>36</sup>

Third, in “Conjectural Beginning of Human History” (1786), Kant attempts an *a priori* history of human development using this maxim. While he generally eschews the imagination when examining natural kinds, Kant allows that a certain amount of conjecture is permissible in historical accounts. Conjectures here are works of the “imagination, supported by reason.”<sup>37</sup> Rather than simply invented, conjectures can be deduced from experience. As he writes:

In the progression of a history it is indeed allowed to insert conjectures in order to fill up gaps in the records, because what precedes as a remote cause and what follows as an effect can provide a quite secure guidance for the discovery of the intermediate causes, so as to make the transition comprehensible.<sup>38</sup>

Here, Kant conjectures that “what was experienced at the beginning of history was no better or worse than what is experienced now — an assumption” he says, “which accords with the analogy of nature and which has nothing presumptuous about it.”<sup>39</sup>

Precisely because his history is now a journey beginning from the imagination, Kant believes he is justified in adopting his own ‘map’ for the journey, just as previously he adopted his own maxim. Likely in mockery of Herder’s 1774 “Oldest Document of Humankind,” which patterned human history on Genesis,<sup>40</sup> Kant chooses this same “sacred document” to guide his narrative. He predicts this history will be so true to its map that the reader can follow along in Genesis



2–6, step by step.<sup>41</sup> After taking the reader through an imaginative tour of the cosmological beginnings of the world, Kant confirms his own choices of map and maxim for this tour by concluding “the result of an oldest history of humanity attempted by philosophy is contentment with providence and with the course of things human on the whole—which...develops gradually from the worse toward the better.”<sup>42</sup>

Finally, in “On the Use of Teleological Principles in Philosophy” (1788), Kant clarifies the limits of the use of human reason in the search for the origin of the human species. He reiterates that, in the study of “knowledge of the world” [*Weltkenntniss*] the purely theoretical path of inquiry is limited, and a teleological explanation based solely on arguments from experience is insufficient. Thus, we stand in need of “an end that is given and determined a priori through pure practical reason (in the idea of the highest good) that may supplement the shortcoming of the deficient theory.”<sup>43</sup> When we search for the origin of any history, we find ourselves in search of a basic power of causality, as Foucault rightly noted.<sup>44</sup> However, reason has a “hereditary defect”: it cannot concoct *a priori* powers, but can only work toward an account that assumes as few of these powers as possible, ideally only one basic power.<sup>45</sup> Since we can only know basic powers through cause and effect, we cannot posit an origin that did not take place, nor can we posit an origin that failed to entail some purpose. Whatever this power might be, therefore, it must be decipherable by reasoning from effect to cause, just as in “Conjectural Beginning,” here adding that the relation between the two must be seen as purposeful.<sup>46</sup> However, from the third *Critique*, published two years later, we know that relations of purpose in nature are always subjective, regulative principles.<sup>47</sup> Thus, in the writing of a rational history of the empirical world, it appears there is no objective, non-regulative principle that can ground an account of human origins.

With the maxim of nature’s regularity as his guide, Kant produces both an arbitrary table of categories (the Genesis schema) and an overarching principle of order (purposiveness), which together ensure that all he describes in his conjectural

history will be grounded in the structure of the whole—as *a priori* history. Kant’s choice of Genesis in the 1786 essay, therefore, is not innocuous, for it succeeds in producing its own confirmation through a *history of the Same*—and from reason’s point of view, necessarily so. This is what causes Foucault to call Kant’s originary *a priori*: “an impure and unthought hybrid within the internal economy of philosophy.”<sup>48</sup>

## PHILOSOPHICAL ARCHAEOLOGY: A HISTORY OF THE A PRIORI

Taking these moments together, we can return to the 1793 “What Real Progress...?” essay with a stronger sense of Kant’s trajectory. Here, Kant sets this conception of an “*a priori* history” in opposition to his search for a transcendental “history of the *a priori*.” He describes the latter as a search for the “rational grounds... concerning all things,” an enumeration of the concepts and categories of reason in general, before or without any object.<sup>49</sup> It is an examination of the categories undergirding reason’s development. Although human reason was bound to come to its truths over the course of its development, it could not have done so *via* experience with necessity. Thus, Kant says that a history of the *a priori* could not possibly come from historical narrative but must proceed from the nature of reason. In other words, this history of reason must be possible *a priori*, and he dubs the search for it “philosophical archaeology.”<sup>50</sup> Reconstructed, the original justification goes like this:

- 1.) If there were an *a priori* schema for reason, it would show the history founded upon it to be necessary, demonstrating that “the epochs and opinions of the philosophers so coincide, that it is as though they had had this very schema before their eyes, and had progressed by way of it.”<sup>51</sup>
  
- 2.) If this is the case, that *a priori* must have existed since the beginning of philosophy as “wholly prefigured in the soul, albeit in embryo.”<sup>52</sup>

3.) If *this* is the case, the writing of a ‘history of the *a priori*’ *could* follow, despite its episodes having taken place over time. Such a history would be different from a non-philosophical history because it would detail, not the haphazard order of events by which humans came to understand reason more fully, but the necessary path of “reason developing itself from concepts.”<sup>53</sup>

This shift in focus—from the *a priori* history to a history of the *a priori*—can be understood through a shift in Kant’s understanding of the basic nature of systems from the earlier essays, a theme which is forefronted in the third *Critique*’s division between the mechanistic and (apparently) purposive. Without giving a detailed discussion of the significance of embryology in Kant, we can note that the principle to which he is alluding in the 1793 essay is what, following Foucault, I call the “originary *a priori*.” Kant is staunchly opposed to introducing existence based on regulative principles, but he still wants to find a “wholly permissible” principle of systematicity, one which ensures the events related in any history belong together as stages of perfection of one rational faculty. To achieve this, however, he must reinvent his notion of purpose.

In the first *Critique*, Kant treated purpose as a way of relating the necessary order of nature to the contingent order of technical pursuits (as a mechanistic form of making), which we can see in his earlier attempts at an *a priori* history. The nature of reason is the template to which any history must ultimately cohere, since nothing can ever happen without a reason, and the nature of reason itself is perhaps the ultimate non-empirical reason for human development in the empirical world. In the third *Critique*, however, Kant attributes purpose only to the necessary order, seeing that order as having a structure, thus a plan, thus a purpose. This shift is born, first, out of the reflection judgment makes about itself, and second, out of Kant’s decision to grant the technical model of purpose from

the first *Critique* a transcendental position regarding the maxim about organic purposiveness. In the introduction, he writes:

Hence, though the understanding cannot determine anything a priori with regard to these (objects), still it must, in order to investigate these empirical so-called laws, lay an a priori principle at the basis of all reflection on nature: the principle that a cognizable order of nature in terms of these laws is possible....*This harmony of nature with our cognitive power is presupposed a priori by judgment, as an aid in its reflection on nature in terms of empirical laws.*<sup>54</sup>

Kant claims that the presupposition of the systematicity of nature is required to ensure that we can find at least some empirical concept for any empirical intuition.<sup>55</sup> In other words, he needs this decision to avoid empty empirical intuitions, from positing a natural law that does not exist in nature.

However, as Paul Guyer argues, the univocity of the world Kant seeks to ardently defend is not something reason can demonstrate for itself. It is not a straightforward condition for the possibility of cognition; it is, at most, a principle of efficiency. Guyer writes:

But here Kant does claim that the presupposition of the systematicity of nature is required not just to ensure that we can systematize our empirical concepts, which are themselves discoverable without reference to such systematicity, but in order to ensure that for any empirical intuition we can find at least some empirical concept. A restricted number of uniformities in nature is necessary for that purpose, Kant argues. He also seems to assume that such a restricted number of uniformities will be hierarchical,

leading to classifiability of lower species under even smaller numbers of higher ones. Strictly speaking, that does not follow.<sup>56</sup>

Again, Kant claims that judgment must presuppose the systematicity of nature to be assured of always being able to find empirical concepts for its intuitions. He further claims that this presupposition is “equally transcendental” with the laws of understanding itself, but he draws back from asserting that the discoverability of empirical concepts is a condition of the possibility of the unity of apperception (the *a priori* of knowledge). He also holds back from asserting that the presupposition of systematicity is as secure as the postulation of the categories (the *a priori* of existence). I therefore side with Guyer here, highly suspecting that the unity of experience depends on this later presupposition of systematicity and is itself only a regulative ideal.<sup>57</sup>

We can find support for this suspicion in the 1793 essay itself. Despite Kant’s consistent desire to keep separate reason and experience, the division between the *a priori* and the historical—between the maxims of reason and episodes of experience that comprise the history of reason—remains troubled. He says the necessity ascribed to a history of reason could only be legitimized by those episodes it comprises, which means these events would have to be both determined by the *a priori* and serve as the proof of its aptness. Looked at this way, a “history of the *a priori*” is, in fact, no less conjectural than Kant’s Genesis history. Synchronically, reason must serve as its own sacred map and as the standard of its own legitimation. Diachronically, the regularity of reason and nature must extend across the arc of the history produced, for nothing can be determined to be part of this history of the *a priori*, he says, “without knowing beforehand what should have happened, and also what can happen.”<sup>58</sup> This formulation of philosophical archaeology requires that reason place a regulative principle before itself to ensure its own identity. Thus, although Kant intends the “history of the *a priori*” to be a transcendental endeavor, it seems there exists no verification of reason

independent of the history one's maxims produce—again, a self-production of order, another *history of the Same*.

## HISTORIOLOGY: BEING ONE HISTORY AMONG OTHERS

We are dissatisfied with this result because writing either an “*a priori* history” or a “history of the *a priori*” requires a *reconciliation* of the transcendental and the empirical that Kant, sitting on the threshold of the modern *episteme*, could not achieve.<sup>59</sup> McQuillan points out that Foucault avoids the same trap by denying that the relation between the historical *a priori* and its history must be necessary.<sup>60</sup> In his reading, Foucault instead positions the historical *a priori* as a “quasi-transcendental principle: one that conditions the order of knowledge, without being universal or necessary.”<sup>61</sup> Because the postulation of an historical map must happen before or outside the bounds of the history's own terms, no such posit can avoid or discredit the claims of any other historical *a priori*, and that history must ultimately exist, therefore, as *one history among others*.

Philosophical archaeology has potentially many futures from this vantage point. When thinking about the three elements of Kant's original *a priori* history—1.) a maxim, 2.) a table of categories, and 3.) an overarching principle of order—we find that the third has already been altered to transform the *a priori* history into a history of the *a priori*, and thus it cannot strictly speaking be necessary. The first two may be similarly modified by the philosophical archaeologist in ways that would radically alter the history thus produced. Regarding the first element, what if we suppose that nature is not universally regular, but only regionally so, as Einstein's Theory of Special Relativity implies? Or perhaps it is human nature that might be otherwise than Kant imagines. What if we were to posit certain “intuitive” human capacities, as Goethe does by claiming Kant's archetypal intellect for himself in his *Scientific Studies*?<sup>62</sup> Or, certain “magical” ones, as Marcel Mauss does in his *A General Theory of Magic*?<sup>63</sup> Regarding the second element, what if we were to choose a different and surprising sacred text as our guide? What if we were to choose a polytheistic text, like Hesiod's *Theogony*, instead of a monotheistic

one, like Genesis? Upon what divine order could we rely, on what name could we swear, and on which occasions?<sup>64</sup> Or, perhaps we choose Jorge Luis Borges' "Chinese encyclopedia"—which Foucault cites in the introduction to *The Order of Things*—and write a history that is only thinkable on the basis of *its* categories. By that table, dogs would never be dogs first, but always "royal," "embalmed," or "frenzied" in their essences, and only ever barking and loyal accidentally.<sup>65</sup> This inversion of Aristotelian substance and accident could never be grounded in the structure of the whole Kant has chosen, but why not in some Other? I take this to be the point of Foucault's nervous laughter that opens that work. Given that these dimensions of writing a history for Kant were only elements of the regulative posits required for a *complete* human conception of nature, these alternate maxims, posits, and assumptions could succeed in producing incommensurable and incomplete histories with technically equal right, and they would not have to exclude one another because of their plurality. A history of magic, for instance, could find itself locked in an antinomy with Kant's rational history, its polythetism wrapped around Kant's monothetism, or alternatively perhaps, as a history of what is beyond the bounds of reason alone.

The register of inquiry that philosophical archaeology opens for philosophy at this point is what we should call "historiology"—not a science of history, but a discourse about the conditions of writing any history in a philosophical context. In other words, historiology is the dimension in which incommensurable historical systems and their assumptions can be dealt with comparatively. For instance, how should we evaluate Kant's assumption that history always moves from the worse to the better in relation to, say, Oswald Spengler's diametrically opposed view? Or, where do we stand to weigh Kant's assumption that the human has always been the same in essence against Foucault's project of tracking the construction and epistemic transformations of "Man"?

Fiction writers like Borges, Umberto Eco, and Herman Hesse operate best in this space, modulating histories in relation to one another, and allowing fictions and falsities to intermingle and affect well understood maxims of the Western tradition.

Thinking Otherwise is not confined to the fictional, of course. Foucault's studies were of madness, criminality, possession, and deviance, but there are many other figures outside of "Man the rational" or "Man the knower" (*homo sapiens*); and they are not all "mad." *Homo faber* and *homo ludens* both come to mind; in my work, I also consider *homo magus*, the figure of a self-possessed polythetic master behind its different genealogical masks—as the sorcerer, heretic, witch, illusionist, superstar, and so on. This would be a fantastic history of the "infamous men" power rejected but could never quite catch or destroy. Nothing in such a history would be true *a posteriori*, but this is because, like the histories of madness, such archaeologies would be *histories of the Other*. If the truth of a history is ultimately derived from its being merely a *history of the Same*, we nonetheless need to begin to consider the formal historiological structure and value of these "untrue" *histories of the Other*.

There are also important questions here from postcolonial and decolonial studies that challenge even Foucault's best understanding of the limits of archaeology. For Gayatri Spivak, Foucault hits his limit quickly regarding non-Western histories, giving only the barest thought to Western ethnology and its theoretical and practical implications.<sup>66</sup> Her point is not only about how sparsely he deals with any non-Western Others, but how in failing to do so, the non-Western world also becomes the non-historical Other. In Spivak, we are reminded that Western academic cultures are not neutral in their choices, even when they are able to recognize their limits. These complex critiques of Man call for more nuance than a simple bifurcation into *histories of the Same* and *histories of the Other*.

## HOMO SACER: A HISTORY OF THE OTHER WITHIN THE SAME

According to Giorgio Agamben, the beginning of every history is situated on the edge of what he calls "the fringe of ultra-history" and so hovers between *a priori* necessity and the cultural bounds of "thinking *that*," as Foucault says of Borges.<sup>67</sup> Agamben muses that perhaps nothing is technically impossible in this space. In his 2010 essay, McQuillan gives a critique of this historiological claim. For McQuillan,



“the movement of freedom” is central to Agamben’s archaeological method. Agamben does not propose “an objective account of the past as it was” but instead develops the “poetic license” of Foucault’s archaeology to conjure “an image of the past, which it then proceeds to deconstruct.”<sup>68</sup> McQuillan finds this development in conflict with Foucault’s own characterization of archaeology—as “the history of that which renders necessary a certain form of thought.”<sup>69</sup> As he writes, “it is impossible to recount the history of that which ‘renders necessary’ a certain form of thought, when one has suspended questions of causal determination, explanation, and influence.”<sup>70</sup> This is certainly an important consideration. Any critique of the present must be willing to suspend these determinations to some extent, but not the questions surrounding them, and not to leave them in suspense indefinitely. When Agamben proposes *homo sacer*, for instance, the posit of this figure and its logic of exclusion does indeed suspend our Western political categories of causal determination, but only to refashion our view of history from the point of view of that chosen figure’s logic.

In his essay entitled “Philosophical Archaeology,” Agamben is focused *not* on the imaginative possibilities of his method, but on the necessity of the act of positing itself—one necessity Kant wants to deny. McQuillan sidesteps this problem when he argues for Foucault’s continuity with Kant, as both “motivated by the experience of order and its effects upon knowledge,” not because it has been conjured up by a certain form of inquiry, but because “it has regular and observable effects on knowledge and discourse.” He continues: “Even if order is historically contingent and different orders obtain in different periods, *the fact of order* remains, along with its effects.”<sup>71</sup> While this describes one aspect of Foucault’s inquiry, it is not all encompassing. Indeed, I think we are hard pressed to hear Foucault’s nervous laughter in response to Borges as a confession of faith in the priority of order. If Foucault can be said to be indebted to phenomenology in any sense, it is through his recognition that order shows up as an anticipated structure of experience only through its loss or overturning. What appears primary to Foucault, rather than “the fact of order”—which is perhaps an oxymoron in my reading—is the

orderability of beings by a principle of differentiation, an historical *a priori* utterly different from the one that appears to us in slipping away and being overturned. And the one that appears to Foucault *via* Borges is that structure displayed in Kant's *histories of the Same*.

Foucault does not consider the logic required to posit any historical *a priori* in itself,<sup>72</sup> but this logic raises ontological questions which Agamben nonetheless undertakes to explore. *That* Agamben recognizes the necessity of *producing* any historical *a priori* does not mean the archaeology based upon it will be arbitrary or trivial; rather, he is concerned about how the production of the *a priori* takes place. Because there can be no account of the moment history itself arose, the historical *a priori* hovers in the place of the regulative posit, which is not easy to differentiate formally from Mauss' "magical power of the imagination." Strikingly, Agamben suggests his idea of the historical *a priori* originates more from Mauss than from Kant, because Mauss accepts that such a posit also conditions magical representations in a society, "making magical ideas possible in the same way as we have categories that make human ideas possible."<sup>73</sup> I agree with McQuillan that Agamben's logic of the exception is not the most fruitful for archaeology in the present, but this is because *homo sacer's* logic of exclusion more closely resembles the logic Foucault attributes to a *history of the Other*: that which is at once interior and foreign, therefore to be excluded by being shut away. When this Other shows itself as "bare life" for Agamben—as the inhuman sequestered within the human—it becomes central to every *history of the Same*, and hence, is a *history of the Other within the Same*.

The figure of *homo sacer* and its structure of bare life, however, cast a dark shadow on his presentation of current and future archaeological inquiry. We might follow Lisa Guenther in observing that Agamben's analysis "of the inhuman becomes practically indistinguishable from radical dehumanization."<sup>74</sup> Furthermore, if we are speaking about Agamben's desire to identify *the* paradigm of Western politics, however—even as a *history of the Other within the Same*—it carries the danger of reduplicating the totalizing character of Western Man's *history of the*

*Same* and remains an accessory to it. As Alexander Weheliye argues, *homo sacer* “discursively duplicates the very violence it describes without offering any compelling theoretical or political alternatives to our current order.”<sup>75</sup> Following Franz Fanon, Weheliye asks how the process of introducing “invention into existence” might appear differently when we “focus on how humanity has been imagined and lived by those subjects excluded from this domain?”<sup>76</sup> His posit of racialized assemblages, I think, manages to provide an archaeological figure, but in a way that questions the necessary unity of the figure to be posited.

### PARADIGMATOLOGY: HISTORIES OF THE SAME AMONG OTHERS

While I acknowledge these critiques of Agamben’s *Homo Sacer* project, I also agree with Agamben that universality need not be the purpose of any philosophical history. The force of these critiques relies mainly on Agamben’s use of the exception, and the zones of indistinction this logic creates. But the logic of the exception is not the only archaeological engine Agamben offers. In his essay “What is a Paradigm?”, Agamben demonstrates how to use the logic of the example in conversation with Foucault, showing the way toward what we can call a *history of the Same among others*.<sup>77</sup> The paradigm is not arbitrary; it is an historical phenomenon, raised to the status of a singular *a priori* posit, as an historical *a priori*. This thematizes the phenomenon into the *arche* of an archaeological history, at once constituting and making intelligible a broader context. Agamben believes Foucault used this strategy often. As he writes: “The great confinement, the confession, the investigation, the examination, the care of the self: these are all singular historical phenomena that Foucault treats as paradigms, and this is what constitutes his specific intervention into the field of historiography.”<sup>78</sup> Ewa Ziarek notes that the paradigm clarifies the “relation between belonging and the expropriation of identity.” In being beside itself, the chosen phenomenon becomes “singular, irreplaceable and, at the same time an exemplar for all the other singularities with whom it shares—not just particular qualities—but precisely the fact that it is called at all.”<sup>79</sup> For Agamben then, the paradigm represents a nexus of naming, or being-called [λέγω-], and becoming

intelligible, which together ground archeological inquiry.<sup>80</sup>

A paradigm can do this work only by being purposefully lifted out of the archive in which it lays dormant as a possible *arche*. In Plato, this is called a *nome*; in Heidegger, it is the poet's Word.<sup>81</sup> For Agamben, positing a paradigm is ontological because it requires transforming the being of the phenomenon from a particular to a singular, which in turn allows it to function as its own standard. It then becomes available as the justification for anything related to *it*. Agamben observes: "by exhibiting its own singularity, it makes intelligible a new ensemble, whose homogeneity it itself constitutes."<sup>82</sup> The paradigm is a figure whose posit "assures the synchronic comprehensibility and coherence of the system" the archaeologist wishes to create.<sup>83</sup> Followed faithfully, each paradigm tends toward an internally self-consistent diachronic history—one which would be nonetheless foreign to that *history of the Same* we find in Kant. Like Kant's timeless reason, the paradigm is a singular figure that determines the bounds of intelligibility, but unlike reason, it does not seek to be the sole source of a rational exposition. For Agamben, the example is always "one singularity among others, which, however, stands for each of them and serves for all."<sup>84</sup> Thus, even a single author may re-cast her archaeologies in ways that broaden or cancel her earlier attempts—a freedom Foucault maintained throughout his career. According to Agamben, therefore, archaeology becomes "that practice which in any historical investigation has to do not with origins but with the moment of a phenomenon's arising and must therefore engage anew the sources and tradition."<sup>85</sup>

As a singularity, the paradigm must have a definite, non-arbitrary structure with virtues and limitations, but no one "map" can exhaust or ultimately exclude its Others. To extend this logic outward for the sake of bringing forth ensembles of knowledge is not to fictionalize them; only in claiming universal status for itself would this posit become a fiction. And yet, by assuming a position outside the history it "makes arise," we must consider the mode of its existence and the determinate, non-necessary effects a given example has upon those events it helps make intelligible. The logic of this "paradigmatic ontology" is not one of

cause and effect but a logic of self-showing and self-appropriation. For Agamben, philosophical archaeology is always a paradigmatology because “the paradigm determines the very possibility of producing in the midst of a chronological archive.”<sup>86</sup>

## HOMO MAGUS: HISTORIES OF OTHERS AMONG THE SAME

While I support McQuillan’s critique of *homo sacer* for failing to overcome its own particular paradoxes, I disagree that acknowledging the contingency in our practice leads us into a place of trivial fiction-making, no matter whether this is meant to bear on the past or on our present.<sup>87</sup> For instance, *homo magus* is a figure I find as a remnant in many *histories of the Same*, which can be used to productively critique the naturalness of Western Man’s sense of order when centered within its own *history of the Other*.<sup>88</sup> Here, I am interested in what we might call *a history of Others among the Same*, the history of paradigms excluded from philosophy’s search, whether as a straightforward *history of the Same*, like Kant developed, a *history of the Same among Others*, like Foucault and Borges developed, or a *history of Others within the Same*, like Agamben developed.

My choice of the magician as the figure of this history is neither fictional nor arbitrary; it gets at one of the central operations by which the West produces its Others in two ways. First, magic is that which is outside of reason. Early in Greek culture, it already denoted foreign, incomprehensible, and dangerous cultural forms to be countered by religion and science, a view that persisted and even intensified through the Roman and Medieval eras.<sup>89</sup> In each of these epistemes, magic did not truly exist to reason; but to power, magicians have always existed, and they have always posed challenges to authority over nature and history in their times. Their role is often “disfigured” in the historical record, as Weheliye writes of *habeas viscus*, but the magician is not merely an assemblage.<sup>90</sup> In every age, we find the figure, or specter, of the magician as an important political, religious, or scientific foil, and it is often thought to be *more* than a typical individual. A history of almost any European law code prior to 1735 can confirm they are persons whom

the law holds accountable,<sup>91</sup> but their personal histories confirm they are not merely “infamous,” since they often also escaped power’s grasp.

Second, magic describes the imaginative mode by which Western powers produced their foils, especially among those attacked by colonizers and whose histories and cultures the mechanisms of coloniality destroyed. As Achille Mbembe argues, colonialization in practice functions like Kant’s “permissible conjectures,” by bringing its arbitrary schema to bear on the lives and cultures of its Others. Mbembe writes:

At the root of colonization is thus an inaugural act, within a jurisdiction all its own, that of *arbitrariness*. That act consists not only in ordaining without limits, but also in freeing oneself from reality’s limits. But the effort in freeing oneself from all determinations is aimed at acquiring power, of a particular type: the power to paint the real either as a void or as unreal, on the one hand, and, on the other, the power to posit every thing represented and representable as possible and realizable. Colonial arbitrariness knows neither cause nor effect, since the one may be the other and vice versa. Since law lacks validity, one can submit everything to oneself.<sup>92</sup>

Like a *history of the Same*, colonization means to “summon” what is self-Same and what is Other, what is being and what is nothing, what is figure and what is void, and so on. *Homo magus* is one who defies and grates against this effort. Speaking from the view of the colonized, while simultaneously revealing the magic at the heart of colonial attempts to bring his people or culture “into the fold” of Western history, Mbembe takes up his position here as an *Other among the Same*.<sup>93</sup> Spivak and Mbembe are concerned with showing that Western sovereignty and colonialism

have employed arbitrary and racist regulative judgments for cosmological aims like Kant's—in Mbembe's words, "destroying and creating, creating by destroying, creating destruction and destroying the creation."<sup>94</sup> As an archaeological figure, *homo magus* provides a "whatever" view, living and speaking without respect among the recognized and powerful. Better, she provides a "somehow" view that speaks against the limits of her own history and grammar. In this act, she exists also as an enemy produced by the "magic power of the imagination" who is then routinely blamed for using magic.

## CONCLUSION

In this article, I have contributed to the discussion of philosophical archaeology by strengthening the connection between Foucault's stated influence for the notion and the actual source texts Kant composes to formulate it. Rather than querying the historical *a priori* directly, I used Foucault's distinction between a *history of the Same* and a *history of the Other* to show how philosophical archaeology has developed through a series of interactions between the two types of history. Initially, Kant's *a priori* history and history of the *a priori* attempted to integrate the inessential and non-transcendent in human experience systematically into the necessities of nature and of reason itself. This succeeds in nothing but a *history of the Same*, outside of which there is nothing historical. After Foucault's historiological insights, however, archaeology can only produce *histories of the Same among others*. And, after Agamben, this means either as a *history of the Other within the Same*, (i.e., the state of exception that reveals *homo sacer*), or as *history of others among the Same* (i.e., the state of example that reveals *homo magus*).<sup>95</sup> Regardless of which historiological form we consider, academics today must consider the ontological work of the paradigm, and we must remain open to future products born from the magic power of the imagination; these singularities will not come *via* deduction. Finally, we must pay close attention to those moments in our institutional lives when one singularity foists itself from among the countless singularities waiting in our contemporaneous archives—as some future historical *a priori*.<sup>96</sup>

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## Endnotes

1. Michel Foucault, *The Order of Things* (New York: Vintage, 1994), xxiv.
2. Lauren Guilmette, “The Violence of Curiosity: Butler’s Foucault, Foucault’s Herculine, and the Will-to-Know,” *philoSOPHIA* 7, no. 1 (2017): 1–22.
3. Michel Foucault, *The Order of Things* (New York: Vintage, 1994), xxiv.
4. Giorgio Agamben, *The Signature of All Things*, trans. Luca D’Isanto with Kevin Attell (Cambridge: MIT, 2009), 32.
5. Giorgio Agamben, *The Coming Community*, trans. Michael Hardt (Minneapolis: University of Minnesota, 1993), 10. Agamben, *Signature of All Things*, 23.
6. Agamben, *Coming Community*, 10.
7. For Husserl’s influence, see: Thomas R Flynn, “Foucault on experiences and the historical a priori: with Husserl in the rearview mirror of history” *Continental Philosophy Review* 49 (2016): 55–65. Also: Rik Peters, “The Episteme and the Historical A Priori,” *Journal of French and Francophone Philosophy* 29, no. 1–2 (2021): 115–118. For Heidegger’s influence, see: Neil Levy, “The Prehistory of Archaeology: Heidegger and the Early Foucault” *Journal of the British Society for Phenomenology* 27, no. 2 (1996): 157–175. For structuralist influences, see: Roger Paden, “locating foucault—archaeology vs. structuralism” *Philosophy and Social Criticism* 11, no. 2 (1986): 19–37. Also: Donald J McDonell, “On Foucault’s Philosophical Method” *Canadian Journal of Philosophy* 7, no. 3 (1977): 537, 550. Also: Patrick Baert, “Foucault’s history of the present as self-referential knowledge acquisition” *Philosophy & Social Criticism* 24, no. 6 (1998): 114.
8. “Special Issue: Historical A Priori in Husserl and Foucault,” ed. Andreea Smaranda Aldea and Amy Allen, special issue, *Continental Philosophy Review* 49, no. 1 (2016).
9. Andreea Smaranda Aldea and Amy Allen, eds., “History, Critique, and Freedom: The Historical A Priori in Husserl and Foucault,” special issue, *Continental Philosophy Review* 49, no. 1 (2016): 5.
10. *Ibid.*, 7.
11. *Ibid.*, 2.
12. *Ibid.*, 9.
13. J Colin McQuillan, “Philosophical Archaeology and the Historical A Priori: From Kant to Foucault,” *Symposium* 20, no. 2 (2016): 145. DOI 10.5840/symposium201620222
14. Michel Foucault, “Polemic: Monstrosities in Criticism,” *Diacritics* 1, no. 1 (1971): 60. DOI 10.2307/464562
15. Michel Foucault, *Introduction to Kant’s Anthropology*, ed. Roberto Nigro (Los Angeles: Semiotext[e], 2008), 28.
16. *Ibid.*, 66.
17. *Ibid.*, 67.
18. *Ibid.*, 68.
19. *Ibid.*
20. *Ibid.*
21. *Ibid.*, 73.
22. Foucault sees this as an errant project:

Doubtless, this “destructuring” of the philosophical field, has never been more sensitively undertaken than in the wake of phenomenology. To be sure, it was Husserl’s initial project—such as it is set out in the *Logische Untersuchungen*—to liberate those regions of the a priori of forms that reflection on the originary had been deprived of. But, because the originary can never itself serve as the grounds for its own liberation, in the end the task of getting away from the originary

conceived as immediate subjectivity falls to the originary conceived in the density of passive syntheses and the already there. The reduction gives rise to a transcendental illusion, and never manages to play the role destined for it—which was to reserve a place for an elided critical reflection. Even the reference to Descartes, which, at one point in Husserl’s thinking, takes over from the predominance of Kantian remembrances, does not succeed in masking this structural imbalance. As soon as all openings onto the realm of the fundamental stop short of directing us toward what should have been its justification and its meaning, the problematic of the *Welt* and the *In-der-Welt* is open to the hypothec of empiricity. All forms of phenomenological psychology, and all the other variations on the analysis of existence, bear doleful testimony to this.

Foucault, *Kant’s Anthropology*, 106–107.

23. *Ibid.*

24. McQuillan, “Historical A Priori,” 145.

25. Immanuel Kant *apud* McQuillan, “Historical A Priori,” 146. Cf. Immanuel Kant, “What real progress has metaphysics made in Germany since the time of Leibniz and Wolff?” in *Theoretical Philosophy After 1781*, eds. Henry Allison and Peter Heath (Cambridge: Cambridge University Press, 2002), 357. (Ak. 20:246).

26. Robert Bernasconi, “Kant as an Unfamiliar Source of Racism,” in *Philosophers on Race: Critical Essays*, eds. Julie K Ward and Tommy L Lott (Hoboken, NJ: Wiley-Blackwell, 2002), 145–166.

27. Immanuel Kant, “Of the Different Races of Human Beings” in *Anthropology, History, and Education*, eds. Günter Zöllner and Robert B Loudon, trans. Holly Wilson and Günter Zöllner (Cambridge: Cambridge University Press, 2007), 85, 89 (2:430, 2:234).

28. *Ibid.*, 97 (2:443).

29. Foucault, *Kant’s Anthropology*, 32.

30. As Foucault writes:

For a long time, the “anthropologists” thought that they could absorb Kant’s teachings without any difficulty, without any rethinking on their part being required: Schmid, Hufeland, and Ith are the first to attest to this, but the list could go on and on, and is by no means confined to the eighteenth century. It would take the inflexible naivety of our contemporaries to congratulate anthropology for having at last moved beyond the dissociations—between body and soul, subject and object—in which the drought of rationalism would otherwise have been lost. But what they took to be the marvel of reconciliation was in fact just the more predictable miracle of their failure to register the grammatical ambiguity of *Menschenkenntniss*.

Foucault, *Kant’s Anthropology*, 117–118.

31. Immanuel Kant, “Determination of the Concept of a Human Race” in *Anthropology, History, and Education*, eds. Günter Zöllner and Robert B Loudon, trans. Holly Wilson and Günter Zöllner (Cambridge: Cambridge University Press, 2007), 145 (8:91).

32. *Ibid.*, 150 (8:96).

33. *Ibid.*, 150–51 (8:97).

34. *Ibid.*, 150 (8:97). He adds: “(according to the school formula: *quaelibet natura est conservatrix sui*).”

35. *Ibid.*, 152 (8:89).

36. *Ibid.*, 151 (8:97).

37. Immanuel Kant, “Conjectures on the Beginning of Human History” in *Kant: Political Writings*,

- 2<sup>nd</sup> ed., trans. HB Nisbet (Cambridge: Cambridge University Press, 1991), 221.
38. Immanuel Kant, "Conjectural Beginning of Human History" in *Anthropology, History, and Education*, eds. Günter Zöllner and Robert B Loudon, trans. Holly Wilson and Günter Zöllner (Cambridge: Cambridge University Press, 2007), 163 (8:109).
39. Kant, "Conjectures on the Beginning of Human History," 221.
40. Günter Zöllner, translator's introduction to "Conjectural Beginning of Human History" in *Anthropology, History, and Education*, by Immanuel Kant, eds. Günter Zöllner and Robert B Loudon, trans. Holly Wilson and Günter Zöllner (Cambridge: Cambridge University Press, 2007), 160.
41. Kant, "Conjectural Beginning of Human History," 164 (8:110).
42. *Ibid.*, 175 (8:123).
43. Immanuel Kant, "On the Use of Teleological Principles in Philosophy" in *Anthropology, History, and Education*, eds. Günter Zöllner and Robert B Loudon, trans. Holly Wilson and Günter Zöllner (Cambridge: Cambridge University Press, 2007), 195 (8:157).
44. Foucault, *Kant's Anthropology*, 73. "...a regressive analysis that aims to uncover to the primitive seed of the powers."
45. Kant, "Teleological Principles in Philosophy," 215 (8:180).
46. *Ibid.*, 216 (8:181).
47. Immanuel Kant, *Critique of Judgment*, trans. Werner S Pluhar (Indianapolis: Hackett, 1987), 20/181.
48. Foucault, *Kant's Anthropology*, 106–107.
49. Kant, "What real progress...?" 417 (Ak. 20:341).
50. *Ibid.* This is the first use of the term, and the only one in Kant, meaning it must be the moment to which Foucault refers in response to Steiner. Cf. Colin McQuillan, "Philosophical Archaeology in Kant, Foucault, and Agamben" *Parrhesia* 10 (2010), 39–49, 41.
51. *Ibid.*, 418 (20:342).
52. *Ibid.*, 419 (20:343).
53. *Ibid.*
54. Kant, *Critique of Judgment*, 24/185, sec. V. Emphasis added.
55. Guyer cites Kant here:

Thus the power of judgment makes the technic of nature the principle of its reflection a priori, yet without being able to explain this or determine it more precisely, or to have for that an objective ground for the determination of the universal concept of nature (from a knowledge of things in themselves), but rather only in order to be able to reflect according to its own subjective laws, according to its need, yet at the same time in accord with laws of nature in general (FI, 20:214).

- Paul Guyer, "Reason and Reflective Judgment: Kant on the Significance of Systematicity," *Noûs* 24, no. 1 (1990), 38.
56. *Ibid.*
57. *Ibid.*, 39.
58. Kant, "What Real Progress...?" 419 (Ak. 20:343).
59. "For the threshold of our modernity is situated not by the attempt to apply objective methods to the study of man, but rather by the constitution of an empirico-transcendental doublet which was called man." Foucault, *Order of Things*, 319.
60. "Foucault distances himself from Kant, because he does not consider the epistemic

configuration which orders knowledge in a given period under the sign of necessity.” McQuillan, “Kant, Foucault, and Agamben,” 45.

61. McQuillan, “Historical A Priori,” 157.

62. Johann Wolfgang von Goethe, “Judgment through Intuitive Perception” in *Scientific Studies*, ed. and trans. Douglas Miller (New York: Suhrkamp, 1988), 31–32:

In the moral area...we are expected to ascend to a higher realm and approach the primal being through faith in God, virtue, and immortality. Why should it not also hold true in the intellectual area that through an intuitive perception of eternally creative nature we may become worthy of participating spiritually in its creative processes? Impelled from the start by an inner need, I had striven unconsciously and incessantly toward primal image and prototype, and had even succeeded in building up a method of representing it which conformed to nature. Thus there was nothing further to prevent me from boldly embarking on this ‘adventure of reason’ (as the Sage of Königsberg himself called it).

63. Marcel Mauss, *A General Theory of Magic*, trans. Robert Brain (New York: Routledge, 1972), 41–42:

The mythical qualities of which we have been speaking are powers or produce power. What appeals most to the imagination is the ease with which the magician achieves his ends. He has the gift of conjuring up more things than any ordinary mortals can dream of. His words, his gestures, his glances, even his thoughts are forces in themselves.

See also: *Ibid.*, 145–146:

This concept means that the reality of magic need no longer be brought into question; doubts may even be turned to its advantage. It is an idea which is, in fact, the very condition of magical experimentation and permits the most unfavourable facts to have the benefit of the doubt. Indeed, it is above all criticism. It exists, a priori, before all other experience.

64. Robert S Leib, “I Nomi Degli Dei: A Reconsideration of Agamben’s Oath Complex” *Law and Critique* 31 (2020): 73–92.

65. Jorge Luis Borges, “The Analytical Language of John Wilkins,” *Selected Non-fictions*. (New York: Penguin, 1999), 229–232.

66. Gayatri Spivak, “Can the Subaltern Speak?” in *Marxism and the Interpretation of Culture*, eds. Cary Nelson and Lawrence Grossberg (London: Macmillan, 1988), 271–313.

67. Giorgio Agamben, *The Signature of All Things: On Method* (Brooklyn: Zone Books, 2009), 92. Foucault, *The Order of Things*, xiv.

68. McQuillan, “Kant, Foucault, and Agamben,” 43.

69. Cf. Foucault, “Monstrosities in Criticism,” 60.

70. McQuillan, “Historical A Priori,” 153.

71. McQuillan, “Kant, Foucault, and Agamben,” 45.

72. This is the primary reason why McQuillan critiques Agamben for going beyond Foucault, but Agamben recognizes this, and he says so explicitly. Agamben, *Signature of All Things*, 94, 8.

73. Mauss *apud* Agamben, *Signature of All Things*, 94.

74. Lisa Guenther, “Resisting Agamben: The biopolitics of shame and humiliation,” *Philosophy*

and *Social Criticism* 38, no.1 (2010): 66–67. Catherine Mills offers a stronger critique: that this specific figure of Roman law “operates without interruption through the ages,” she writes, “overstretches the notion of a paradigm along with historical credibility.” Even if it can be seen as uninterrupted as Agamben surmises, this does not prove that *homo sacer* is the central danger of Western politics. See: Catherine Mills, *The Philosophy of Agamben* (London and New York: Routledge, 2008), 87.

75. Alexander G Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human*, (Durham: Duke University Press, 2014), 82–83.

76. Weheliye, *Habeas Viscus*, 82–83, 8.

77. Agamben, *Signature of All Things*, 23.

78. Agamben, *Coming Community*, 17.

79. Ewa Plonowska Ziarek, “Feminine ‘I can’: On Possibility and Praxis in Agamben’s Work” *Theory & Event* 13, no.1 (2010), 5.

80. Agamben, *Signature of All Things*, 9.

81. Robert S Leib, “The State of Example: Sovereignty and Bare Speech in Plato’s *Laws*,” *The Journal of Speculative Philosophy* 34, no. 3 (2020): 407–423. Also: Robert S Leib, “Myth, Primitive Sign, Poetry: From Cassirer to Heidegger,” *Research in Phenomenology* 48, no. 2 (2018): 244–264.

82. Agamben, *Signature of All Things*, 18.

83. *Ibid.*, 92.

84. Agamben, *Coming Community*, 10.

85. Agamben, *Signature of All Things*, 89.

86. *Ibid.*, 32.

87. McQuillan, “Kant, Foucault, and Agamben,” 43.

88. Robert S Leib, “*Homo Sacer*, *Homo Magus*, and the Ethics of Philosophical Archaeology,” *The Journal of Speculative Philosophy* 31, no. 3 (2017): 358–371.

89. “To say that humankind has lived through three stages—magic, religion, and science—is an oversimplification. At every stage in the history of civilization, the three coexisted, as far as we can tell.” Georg Luck, *Arcana Mundi* (Baltimore: Johns Hopkins University Press, 1985), 1.

90. Weheliye, *Habeas Viscus*, 2:

As modes of analyzing and imagining the practices of the oppressed in the face of extreme violence...resistance and agency assume full, self-present, and coherent subjects working against something or someone. Which is not to say that agency and resistance are completely irrelevant in this context, just that we might come to a more layered and improvisatory understanding of extreme subjection if we do not decide in advance what forms its disfigurements should take on.

The question of the magician’s disfigurements or coherence remains open.

91. And many existed much later: “*De jure* decriminalization...occurred in very few jurisdictions prior to the end of the eighteenth century, and in those where it did, the repeal of laws was often incomplete, leaving some activities encompassed within the definition of witchcraft as prohibited.” Bengt Ankarloo and Stuart Clark, eds., *Witchcraft and Magic in Europe: The eighteenth and nineteenth centuries* (Philadelphia: University of Pennsylvania Press, 1999), 74.

92. Achille Mbembe, “Out of the World” in *On the Postcolony* (Berkeley: University of California Press, 2001), 188.

93. I would not say that *homo magus* “names” Mbembe’s position here, though. This figure is not one element in another meta-historical system; rather, it attempts to pick out actual speech

against the effects of Western Man's *history of the Same*. This speech invariably exists, in many cases even when the structures of that history were intended to eradicate or render such speech unintelligible. In characterizing Mbembe's perspective as serving an important and erosive critical function, I do not think I have "explained it" or given it place in any kind of system. Cf. Mbembe, "Out of the World," 186:

In desperation to endow the colonized with an essence and enshrine them in a fossil, the colonizer can confine them in a name. The colonized will later appropriate it for themselves, use it, and thereby become its co-users. They will have appropriated it with all the strength at their command—and will also have appropriated all its deadly effects. Thanks to this name given by the settler, the native will become a fragment of the real, an objective thing, matter. The world of things and the world of names will then be a single reality, and the settler able to make a representation of the colonized.

94. Ibid., 189.

95. Leib, "The State of Example," 414.

96. I would like to thank Lauren Guilmette for being my first and best reader. Thank you for your very helpful suggestions on several earlier drafts of this essay and for guiding me to a number of these texts for the first time.