

INDEX AND NOMOS

A JURIDICO-POLITICAL CONTRIBUTION TO SPECULATIVE REALISM

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ABSTRACT: In this article, I seek to make a contribution to speculative realism by adding, to the “imperfect coupling” formed by Hilan Bensusan’s books *Indexicalism* and *Memory Assemblages*, a juridico-political dimension centred on a mythical concept of nomos, drawing mainly from Carl Schmitt and ontological turn anthropology. I introduce the concept of nomos at the intersection between the (universal) necessity of contingency defended by Quentin Meillassoux and the contingency of necessity that Markus Gabriel extracts from Schelling’s philosophy of mythology. I propose that it can help accounting for the actuality of contingent necessities in local world-orders. I argue that an open metaphysics is less politically relevant than a good-enough heuristic for mapping out the ways in which local necessities are made and undone. In my reading of *Memory Assemblages*, I play down the distinction between memory and myth, as well as the parallel one between spectres and spirits. Finally, I seek to show how the nomic indexicalism proposed throughout the paper allows speculative thought to avoid the common charge of “armchair speculation”, inasmuch as it grounds any possibility of metaphysical speculation on a “great outdoors” composed of multiple others.

INTRODUCTION

The so-called “speculative turn” in contemporary thought may be understood, in broad terms, as encompassing not only the philosophical movement known as speculative realism (in which object-oriented ontology may be included as a subdivision), but also movements such as new materialisms and the ontological turn¹ which share many of its main characteristics, such as a return to the

¹ While speculative realism is more strictly a philosophical movement (which has influenced other disciplines), new materialisms were associated with a more diverse network of humanities disciplines, while the ontological turn happened primarily in anthropology. For overviews of the three movements respectively, see Bryant, Srnicek et al. (2011), Coole and Frost (2010), and Holbraad and Pedersen (2017)

prioritisation of things in themselves (ontology, metaphysics) over our epistemically-mediated knowledge of them, and the consequent decentring of the human in favour of non-human realities. All those movements, each in their own way, performatively answer the question concerning what may come after the postmodern condition, the contemporary, the end of history—that is, what could possibly come after that which would seem to allow no “after?”. In that respect, impressive as speculative realism’s heroic feats might be in reopening the apparently bygone possibility of *real* philosophy, I would argue that the ontological turn’s performative response to the impasses of the Western philosophical tradition has a strength that is unmatched by either speculative realism or, arguably, new materialisms. That strength is in asking not so much what comes *after* (post)modern philosophy, but what is *elsewhere*—what can be thought from standpoints other than Western ones. Ontological turn anthropology—or its philosophical version, comparative metaphysics²—doesn’t seek to revive Western philosophy after its deconstruction, but rather propose that, besides the dream of philosophy as a special Western endeavour, what we have come to call philosophy has always been practiced by all peoples in different locations on this Earth³. It is inasmuch as it emphasises this spatialisation/positionality of thought that, in this article, I would like to recommend Hilan Bensusan’s indexicalism, developed in their recent books *Indexicalism* and *Memory Assemblages*, as a position within philosophy in general and speculative realism in particular. I will not, however, simply recommend indexicalism “as such” (as thought I could access such a thing), but rather a particular brand of it that I would like to produce by adding to it a juridico-political concept of nomos—a form, therefore, of *nomie indexicalism*.

In *Indexicalism*, Hilan Bensusan (2021, 12) defines their project in terms of “the metaphysics of the others”, an expression that, they tell us, “recalls a lecture [they] heard given by Eduardo Viveiros de Castro several years ago at a conference on the ontological turn”. Viveiros de Castro, Bensusan remembers, “thought the external world was akin to those others who are ‘the ones that

² See Charbonnier, Salmon et al. (2017).

³ This echoes the Deleuzo-Guattarian project of geophilosophy, although that project was itself limited by the division between the conceptual thought of philosophy and the image-based thought of non-Western sages (Deleuze and Guattari 2005).

think us through”. Viveiros de Castro (2012, 99) had noticed, in his studies of Amazonian and other Indigenous conceptual practices, that, for them, “self-references such as ‘people’” function as “personal pronouns registering the point of view of the subject talking, not proper names”. When the Yudjá, for example, use the word “people”, they refer to the Yudjá, but when peccaries say “people”, they refer to peccaries⁴. The same happens, across various peoples, to “substantives like ‘fish,’ ‘snake,’ ‘hammock’ or ‘canoe’” (Viveiros de Castro 2012, 110), which “are somehow used as if they were relational pointers, something halfway between a noun and a pronoun, a substantive and a deictic”. In a famous example, when jaguars say “manioc beer”, they do not refer to what humans call manioc beer, but to the blood of their prey—that which takes the place of beer (a nourishing, inebriating drink) in their world/perspective. The implication, for Viveiros de Castro, is that, in the cosmology or metaphysics of those peoples, people, animals, artifacts or spirits are not substances determined from a universal point of view, but indexes that vary according to different standpoints. This indigenous idea reconstructed by anthropology—that “the great outdoors”⁵ are made of nothing but *others*—is developed by Bensusan (2021, 11) through a heady philosophical concoction in which Lévinas is another important ingredient. The result is the doctrine that “reality cannot be described except through some position taken on the ground”:

Indexicalism is an attempt to thoroughly dismiss any overarching All by pointing towards a situated metaphysics. I like to think of it as an exercise in Jewish animism—everything is animated not by an internal agenda that could be exposed in a complete view of what exists, but rather by the impact of a transcending other. It is a form of perspectivism: whatever exists is situated. (Bensusan 2021, 12)

Bensusan’s subsequent book, *Memory Assemblages*, forms a pair with its precursor, although, as we will see, it departs from it in significant ways. We may begin by saying that it goes deeper into unpacking the temporal dimension of indexicalism. “The past that is operative in memory”, Bensusan (2024, 72) notes, “is itself indexical; it is past only with respect to a position”. The concept

⁴ The example is from Lima (1995).

⁵ The expression, which Bensusan uses often, is from Quentin Meillassoux (2006).

of memory assemblage refers to “a diachronic combination of what has been placed in retention and what comes to recall it” (Bensusan 2024, 2). One of the book’s main contentions is that retentions are never retrievable as such, because retrieval is always determined by an *addend*—something that is added to, and therefore changes, what was retained/is retrieved. That results in a *panmnemism* (memory is everything there is) and a *spectral realism* (reality is made of spectres), in the sense in which “the spectral [...] is what comes back and, as a consequence, lies in more than one time” (Bensusan 2024, 1). While *Indexicalism* was framed as a “paradoxico-metaphysics”—because it affirms, as a universally valid metaphysical doctrine, that no metaphysics is possible unless situated—, *Memory Assemblages* renounces metaphysics altogether, presenting itself as just one memory assemblage or spectral narrative among others. For that reason, Bensusan calls the two books an “imperfect coupling”: they hang together in some way, and complement each other, but form no stable, unified system.

My goal here is to make a contribution to the memory-assemblage that these two books constitute together by adding, to it, a juridico-political dimension centred on the concept of *nomos*. Through that gesture, I would like at once to make indexicalism into a juridico-political theory and to develop and clarify the metaphysical dimension and implications of the concept of *nomos*. In that way, I would like to contribute to the recent tradition of speculative/spectral realism, as well as to further of my broader project in juridico-political theory, which I have been calling nomic perspectivism or multiversalism, but which might as well be called a form of nomic indexicalism. It is part of the consequences of that project that it cannot separate itself, as a purely juridico-political theory, from the domain of ontology and metaphysics.

In the first two sections below, I analyse the “imperfect coupling” formed by *Indexicalism* and *Memory Assemblages* in order to position my contribution in relation to them. In the first one, I contrast the way in which the two books position themselves as books. I claim that the first expresses a position in the agon of philosophy, while the second makes an addition to the memory assemblage, ghost narrative of postcolonial archive of Chungara (this is the name Bensusan chooses to refer to what others call “Latin America”). I propose to make my own contribution not so much as a rival position to Bensusan’s, but rather as making yet another addition to the memory assemblage formed by

their two books. In the second section, I focus on the contrast between *Indexicalism* as a paradoxico-metaphysics which centres space, and *Memory Assemblages* as an ultra-metaphysical narrative that prioritises time. I argue that the way the latter book seems, sometimes, to want to “go beyond” indexicalism should not be taken at face value. After all, in order for the “imperfect coupling” to function as such, rather than resolving into one of its poles, justice must be done to the memory of *Indexicalism*. This allows me to maintain the indexicalist affirmation of the local possibility of metaphysics, disavowed in *Memory Assemblages*. I defend the alternative of situating, rather than overcoming, metaphysics, and thus provincializing, rather than cancelling, Western philosophy⁶.

In the third section, I introduce the concept of nomos at the intersection between juridico-political theory and metaphysics. More specifically, I place it at the articulation between the (universal) necessity of contingency defended by Quentin Meillassoux (2006) and the (local) contingency of necessity that Markus Gabriel (2009) extracts from Schelling’s philosophy of mythology. In that way, I propose that the concept of nomos can contribute, in a way perhaps inaccessible to purely philosophical concepts, to explaining the actuality of contingent necessities. I start from Gabriel’s, as well as Paul Livingston’s, discussion of the metaphysical valence of the Schmittian concept of decision. I argue, however, for a transition to the latter Schmitt’s emphasis on “concrete order thinking” as a way of avoiding a form of philosophical decisionism. I introduce nomos as a mythical concept concerned with how law emerges from the interface between peoples and the earth. In that sense, any concrete nomos establishes a world by at once separating physis and nomos and setting up the terms of their correlation. I argue that this concept allows one to make sense of the contingent emergence of necessities internal to local world-orders. On that basis, I argue that open metaphysics, or the metaphysical demonstration of radical contingency, have no necessary political consequence whatsoever. What is politically relevant, rather, is to have a local, contingent metaphysics that allows for a good-enough, transformable heuristic for mapping out the ways in which

⁶ In this respect, I agree with David Roden’s argument, in this volume, against the idea of ubiquity implied by the “pan” of “panmnemism”, and in favor of interpreting *Memory Assemblages* as a strictly local metaphysics (thus leaving space for a weirder “great outdoors”).

local necessities are made and undone.

Having established the mythical character of the concept of *nomos*, in the fourth section I turn to the relation between myth and memory, as well as to the parallel one between spectres and spirits, thus turning from indexicalism to panmnemism. I advocate for a reading that plays down and potentially dissolves those distinctions. The Bensusan of *Memory Assemblages*, possibly in order to evade metaphysics, often seems to avoid talk of myths and spirits. Spectral narratives sometimes seem to be opposed to mythology, as well as spectres to spirits. In contrast, I argue that spectral realism makes such distinctions irrelevant. Myths, I claim, cannot be but memory assemblages—retentions incapable of being retrieved without an addition that radically alters them, just as memory assemblages cannot separate themselves from mythical thought. In a similar sense, I argue that a realism about spectres implies their indistinction from spirits.

Finally, in the fifth section, I seek to show that the nomic indexicalism composed throughout the paper allows speculative thought to avoid one of the most common charges directed to it, that of “armchair speculation”. I argue that, for nomic indexicalism, speculation is only possible in correlation with a *nomics*, understood as the ordering of a form of life and its world. Such a world-order, however, must not be understood in institutional or physical terms, but in mythical and, therefore, supernatural terms—not in the sense of an ultimate, unquestionable narrative, but of a “great outdoors” composed of spiritual others. I emphasise the importance of anthropology, as well as that of juridico-political theory and international law, as ways of concretely indexing comparative metaphysics, bringing concrete others into the scene of thought.

1. THE AGON AND THE ARCHIVE

It is a peculiar predicament to reference an author by what, in the vocabulary of gender transition, is called a *dead name*. While it would be impertinent to speculate here about the context, reason or meaning of this change, the fact is that the philosopher formerly known as Hilan Bensusan now goes by the name of Shajara Néehilan Bensusan. This highlights something that is arguably true of any publication: The name that signs a work is always a dead

name, inasmuch as the person who has produced it has inevitably disappeared in an irretrievable past. The author, in short, is spectral⁷. Whether it is in *Indexicalism* or *Memory Assemblages*, the question is not whether Shajara or Hilan Bensusan's thought is truly like this or like that. What they actually think is neither here nor there, because the author-function (Foucault 1994) is only deployed through the device of the book. The books themselves are indexes and memory assemblages which presuppose an author, this Hilan Bensusan—or rather, in this case, two (at least) of them. Furthermore, these spectral authors can only be retrieved by adding something to their books, so that it becomes ultimately impossible to separate them from the spectral author that I, in turn, produce by publishing this paper. For that reason, I would like to start here by inquiring into the character of each of Bensusan's two recent books *as books*.

In one of the founding myths of the so-called Western tradition, philosophy is said to have been born from the agonistic dynamic of the Greek polis⁸. In such a dynamic, each philosopher puts forth his⁹ position, not only defining it in contrast to those of his main rivals, but showing how it surpasses them in some way, incorporating their positive contributions, refuting their errors, and so on. Such a procedure is contrasted to the non-agonistic character of mythical narrative, that, coming from superhuman sources, would be held as unquestionable, resulting in a stale form of thought incapable of progress. To this day and age, philosophy, at least in the continental and “post-continental”¹⁰ tradition, continues to propel itself forward through the motor of the agon. Speculative realism, in particular, stands out among its closest kin movements within the contemporary theoretical humanities (new materialism, ontological turn) for rehearsing this agonistic dynamic¹¹. Quentin Meillassoux and Ray

⁷ The theme, of course, is far from new. The death of the author was notoriously theorised by Barthes (1987), while the incapability of the author's signature to fix his intentional meaning to the text is at the centre of Derrida's no less famous essay *Signature Event Context* (Derrida 1997).

⁸ See Vernant (2012; 2006).

⁹ I use the masculine in situations where the paradigmatic figure is gendered so. In this case, the philosopher has not been historically figured in a gender-neutral way.

¹⁰ Speculative realism is sometimes referred to as a form of “post-continental” philosophy (Ó Maoilearca 2006), or as challenging (or ignoring) the continental/analytic divide.

¹¹ We can only speculate about the reasons, although the fact that speculative realism is, among those movements, the one most disciplinarily rooted in philosophy, or that it is the most masculine, might play a role.

Brassier are two titans of the agon, painstakingly delimiting and defending their positions in relation both to the tradition of Western philosophy and to their contemporary rivals. In that sense, I see Bensusan's previous book, *Indexicalism*, as an intervention in the agon of philosophy. Not only its "ism" title indicates the proposal of a distinctive philosophical position, but its publication in Graham Harman's "Speculative Realism" series ostensibly situates it within that debate. Bensusan offers a true tour de force by engaging with a wide array of historic and contemporary philosophical positions, whether it is analytic or continental philosophy; indigenous thought or the radical black tradition; Latin American film and literature or the natural sciences. Publishing a book, in this sense, is not simply about expressing certain contents—something that, in our current mediascape, could probably be done more effectively by other means—, but also about instituting an author-position within the history of philosophy understood as an ongoing debate.

Having been invited to engage with Bensusan's work in the "Memory assemblages" symposium, and subsequently in this Special Issue, has inspired and tempted me to try and make my own intervention in the field of philosophy and in speculative realism—something I might have been more reluctant to try spontaneously, especially since my formal training has not been in philosophy, but legal and political theory. I would like, however, to avoid positioning my intervention primarily or exclusively in that way. That is not only because I feel that, as a would-be philosopher, I am no match to Bensusan, Meillassoux or Brassier, but also because I strongly believe in a technique, originating from comedic improvisation, known by the formula "yes, and". According to that technique, when faced with a gesture proposed by another, one should avoid responding with what would translate as a "no, but", but rather seek always to respond in the form of a "yes, and". Instead of negating the other's suggestion and proposing an alternative to it, one looks for a way to affirm it while adding something to it. I want, therefore, to respond to Bensusan's pair of books not so much by saying "no, but", but by saying "yes, and"—by showing them under the best light I can while adding something interesting to them.

Since it is, in any case, too late to simply respond to *Indexicalism*—our task here and now is to engage with *Memory Assemblages*—, the "yes, and" approach seems indeed more adequate than the agonistic one. *Memory Assemblages*, as a

book, feels not so much as the taking of a position within the agon of philosophy, but rather as an addition to what we might call the *spectral (an)archive of Chungara*; not so much an intervention in the great and central tradition of Western thought, but an effort of retrieving a minor, peripheral, forgotten narrative tradition by contributing to it. Even though, like *Indexicalism*, *Memory Assemblages* is published in Europe and in English, it feels less like a Latin-American intervention in European philosophy (as *Indexicalism* was) than a contribution to an eminently “Global South” problematic that is largely indifferent to what reverberations it may or may not have for Philosophy as a European enterprise.

Bensusan (2024, 4) defines Chungara as

a continent of specters: filled with shards of the genocides of native peoples and of the ones brought from Africa to be enslaved. This is attested by the attention dedicated around here to many varieties of revenance, in particular in the last few decades. This book is part of this local spectral awareness, prompted by the link between the marks of violence and the insistence of specters becoming clear in different practices on the continent—including philosophy

Philosophy, therefore, is not irrelevant or out of the picture, but it seems much more as an afterthought than for *Indexicalism*. While the latter, as a book, could be understood as paradoxically indexing a metaphysical intervention at once in a local standpoint and a global stage, Bensusan writes, in *Memory Assemblages*, that “this book provides a narrative—which is itself a memory assemblage”. A spectral realist story, in the sense of Juliana Martínez (2020), even though it’s “not indifferent to speculation” (Bensusan 2024, 3). Perhaps a mythophysical narrative, in Viveiros de Castro’s sense (Viveiros de Castro 2017); a speculative fabulation in Donna Haraway’s sense (Haraway 2016); certainly, in any case, a ghost story. As Bensusan (2024, 9) writes, “the spectral is an effect of suppressed narratives”. These narratives, crucially, are not any more questions of fact than normative in character: “If narratives are haunted places, the spectral turn comes with a call to action: The past comes back with a demand, with something that asks to be settled” (Bensusan 2024, 10). This narrative register is so important for the book’s structure that the latter has what we might call its parodically non-foundational, non-central moment in

Bensusan's "fable/tale", "In the beginning"¹². Furthermore, Bensusan's follow-up book—the first published under the name of *Shajara Néehilan Bensusan*—, *Spectrophilia*, goes even further in deploying narrative and literary elements in its exploration of spectral realism. Thus, even though, for reasons related to my own philosophical project, I am interested here in engaging with *Indexicalism* and speculative realism, I feel summoned not so much to present a position to rival Bensusan's ("no, but"), but to add something to it ("yes, and"), and, therefore, not (only) to the philosophical tradition of speculative realism, but to the spectral (an)archive of Chungara.

If I am to add something to Bensusan's book, however, that something could hardly be a strictly philosophical concept, both because, as already admitted, I am no philosophical rival to Bensusan, and because *Indexicalism* seems to me, indeed, as the last word in speculative philosophy. I can see nowhere to go for philosophy, as a universal, delocalized enterprise, other than pointing, as Bensusan's book does, to the necessarily self-contradictory form that metaphysics takes at that (non-)place. Rather, my contribution will come from two non-philosophical, although philosophy-adjacent (*in the proximity* of philosophy, to use one of Bensusan's favourite expressions) positions: anthropology (as a mediation) and juridico-political theory (as a source). Regarding the former, I draw from the ontological turn in anthropology, or comparative metaphysics. I read that movement—which is itself at the foundations of Bensusan's indexicalism—as affirming that, if metaphysics has become impossible as a universal, non-situated endeavour, it has, at the same time, shown itself to be eminently possible as a distributed, multiple and non-totalisable network of local metaphysics. A network that Anthropology, provided it goes through the necessary transformations, might be better equipped to map out than philosophy as such.

While ontological turn anthropology is not at the core of the contribution I would like to make to philosophy (both because I am not an anthropologist and because its contribution has already been made by others), it opens the way for a contribution from juridico-political theory, and especially from a kind of speculative juridico-political theory that I have been seeking to develop under

¹² More on this in section 4 below.

the names of nomic perspectivism or multiversalism. I believe such an addition may be helpful since, on the one hand, Bensusan has shown an active interest in the juridico-political interfaces of their thought¹³—, and, on the other, the theme of law is scarcely present in the book. It is, indeed, much less preeminent than themes of ethics and justice—themes that are, of course, close to law, but also, in certain cases, in stark contrast with it, as Derrida (2005) himself has famously emphasised. However, before introducing my juridico-political contribution, I must prepare the terrain by putting forth a particular interpretation of how *Indexicalism* and *Memory Assemblages* come together as an “imperfect coupling”. Only then will the relevance of adding, to that coupling, a certain conception of nomos, become apparent.

2. ON THE LOCAL POSSIBILITY OF METAPHYSICS

Bensusan (2024, 9) writes that, in its commitment to the “Great Outdoors”, *Memory Assemblages* is “coupled to [their] previous book, *Indexicalism*”, adding:

However, no coupling is a perfect match, as Deleuze once hinted. At least one of the sides, and often both, is wounded in the process. Several main indexicalist ideas are operative in this book, but here there is no metaphysics of paradox. Indeed, I take a rather resolute rejection of all endeavors metaphysical, and the resulting storytelling is not itself paradoxical—although there is room for paradoxes in what is proposed and there are several metaphysical gestures in its elaboration.

In other words,

The coupling between indexicalism and the pan-mnemist spectral realism recommended here is itself not perfect: there is a tension concerning totality, for while the former advocates a paradoxico-metaphysics where an indexical totality fails to be itself indexical, the latter posits that no collection of memory assemblages can be anything but another memory assemblage. (Bensusan 2024,

¹³ Bensusan joined us for a conversation at the Speculative Legal Theory Network study group about “Situated legal metaphysics”, available online. See Bensusan (2023)

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In this section, I will explore the implications of this “imperfect coupling”—one in which *Memory Assemblages* is, we might say, added to *Indexicalism* as a way of at once remembering and modifying it. I will focus on what it means for *Indexicalism* to be posed as a “paradoxico-metaphysics”, and as such an intervention within metaphysics, while *Memory Assemblages* is presented as an “ultra-metaphysical” narrative, as well as on how that difference might relate to the apparent centrality the first book seems to accord to space, in contrast with the priority given, by the second one, to time.

In *Indexicalism*, Bensusan’s intervention in philosophy is self-consciously paradoxical. They perform the indexical gesture of the Western metaphysical tradition—the absolute index that seeks to point at everything at once—, but only to claim that all metaphysics must be indexical. In that way, they seek to show how the very endeavour of metaphysics, conceived in terms of this universal, unsituated philosophical debate, results in self-contradiction. This intervention, while inherently ambiguous, is in no way ironic. It is an entirely serious position aimed at exploding metaphysics as a non-situated endeavour and, consequently, fragmenting or fractalising it. Indeed, my favourite way of describing Bensusan’s philosophy, since *Indexicalism*, has been “Derrida, but literally”¹⁴—supposing that Derrida was, to use Rorty’s expression, the pinnacle of “ironism” in Philosophy (Rorty 1989)—, and I don’t feel *Memory Assemblages* makes this any less true. By demonstrating that the only possible, perhaps invincible position within the great de-localized arena of Philosophy is reducible to the pure affirmation of paradox, Bensusan shows that all metaphysical positions with any content beyond the principle of self-contradiction are necessarily local, situated, parochial.

Thus, *Indexicalism* provincializes Western philosophy, but, more importantly, it *points to* the multiplicity of really existing metaphysics “out there”, in their worlds. In that way, it makes an alliance with Amazonian perspectivism (Viveiros de Castro 2012, 2014; Lima 1995, 1996) in claiming that the very fabric

¹⁴ Or perhaps it would be better to say “Derrida, but really”, or “Derrida, but seriously”.

of reality is made of pronouns. This goes well with Viveiros de Castro's recent efforts, for example in a 2023 graduate seminar that I followed at the Federal University of Rio de Janeiro, to invert what he sees as Western philosophy's prioritization of time over space—not necessarily to affirm a priority of space, but certainly in order to picture metaphysics, in the tradition of Deleuze and Guattari's geophilosophy (Deleuze and Guattari 2005), as a landscape composed by the thought of multiple peoples on the face of the Earth.

Memory Assemblages, in a way, starts from where *Indexicalism* stopped, and seems inclined—to use the Wittgensteinian image—to kick away the ladder. Rather than needing to intervene within the stage of metaphysics in order to cancel and situate it, Bensusan simply takes the situated character of any beginning for granted. They no longer find it necessary to put forth a position within metaphysics—not even a paradoxico-metaphysics¹⁵—, and, therefore, they move into what they call, following Malabou, “*ultra-metaphysical*” terrain¹⁶. *Memory Assemblages* does that by presenting itself as a situated narrative—as itself just another memory assemblage. Perhaps as a consequence of this gesture, Bensusan's focus is no longer so much on spatializing thought, but on temporalizing it. We move, we might say, from the radical contingency of space to that of time. As it was suggested in other parts of the discussion, we might say that *Memory Assemblages* exposes just one version, or a number of versions, of what a theory of memory assemblages might be. Indeed, as a memory assemblage, the book theorises how it can never be recovered as a single and true version of itself, but only through the multiple additions that we make to it, inevitably producing different versions in the process.

All of this seems, in many ways, to be taking indexicalism to its most radical consequences. At the same time, however, I feel some of the implied self-

¹⁵ According to Bensusan (2024, 113), “a pan-mnemist realism cannot portray the world as a landscape of memory assemblages”, since “the collection of memory assemblages cannot have the form of a retention that dispenses retrieval.” (MA 113). As an alternative, they propose that “instead of thinking of a landscape of memory assemblages, we can simply postulate a memory assemblage of memory assemblages” (Bensusan 2024, 114).

¹⁶ Malabou (2010, 35) refers to “a division between a traditional modality of being and a new modality of being, between the two modalities of presence: metaphysics and ultrametaphysics. The two flaps of the transformational mask—Hegel and Heidegger—figure the dissociation between a still- traditional thought of history and a new thought of change, between metaphysics and what it is no longer metaphysics.”

criticism directed by the Bensusan of *Memory Assemblages* to the Bensusan of *Indexicalism* might fail to do justice to the latter. Indeed, *Memory Assemblages*' addition to *Indexicalism* seems paradoxical inasmuch as some of the main elements it adds take the form of subtractions—the subtraction of indexicalism as a position in metaphysics; the subtraction of the paradoxical possibility of local metaphysics as such (as opposed to ultra-metaphysical narratives). I believe, thus, that to read the “imperfect coupling” resulting from adding *Memory Assemblages* to *Indexicalism* with a priority to the latter, as though it has somehow identified and overcome the failings of its predecessor, would risk to rehearse an image of time too reminiscent of the modern one. Indeed, I cannot help to hear in the name of “ultra-metaphysics” the echoes of the modern drive to “go beyond” the prejudices and illusions of the past, demystifying the world and so forth, which I don't believe show Bensusan's project in its best light. I am weary of the risk of assuming time to be somehow more transcendent than space—a trope familiar from the traditional modern anthropological notion that animistic “savages” were somehow trapped in space (and in a spatialized notion of circular time), while civilized peoples freed themselves from space precisely inasmuch as, first through theology and then through technoscience, they entered the realm of time¹⁷. I am wary, in short, of panmnemism's emphasis on time inasmuch as it presents itself as an “orientation toward the future” (Bensusan 2024, 61).

Consequently, rather than reading the “imperfect coupling” under, so to speak, a priority of the posterior—the *latest* book having the presumed upper hand in reinterpreting the older one, and not the obverse—, I prefer to read Bensusan's expression as suggesting that we entertain the coupling as a bilateral, unstable assemblage in which both books have their legitimate standpoint in counter-interpreting each other. To be sure, *Memory Assemblages* is not wrong in showing that, when it comes to time, there is a priority of the posterior, but that does not preclude that, from the standpoint of space, spatiality is central. Indeed, if we were to infinitely accelerate the recurrence between those two books—the contingency of time and that of space—, we might find the very distinction between space and time to be spatiotemporally contingent. So I

¹⁷ See Danowski and Viveiros de Castro (2020).

would like to take seriously Bensusan's formula by avoiding either interpreting both books as forming a totalized, coherent system, or privileging the perspective that either of the two projects of the other, as well as of their correlation. That means, to some extent, playing down *Memory Assemblages'* take on *Indexicalism*, by putting it on the same level with what *Indexicalism's* take on *Memory Assemblages* might have been if the Bensusan that wrote it were still with us, even if spectrally. In other words, I would like to free *Indexicalism* from being completely held hostage by *Memory Assemblages* as a posterior addition.

As mentioned before, my insistence on *Indexicalism*, and therefore on situated metaphysics, is connected to an affinity with the comparative metaphysics put forth by the edited volume of the same name, edited by Pierre Charbonnier, Gildas Salmon and Peter Skafish (2017), and featuring contributions by people like Viveiros de Castro, Patrice Maniglier, Bruno Latour, Philippe Descola and Eduardo Kohn. Indeed, although I agree with the more recent Bensusan that affirming a paradoxical position with an absolute index is unnecessary, I do not feel it follows that we must, consequently, overcome metaphysics. I prefer the alternative of situating all metaphysics, and therefore making metaphysics into an exercise of comparison within a network of local, yet interrelated, metaphysical systems. Not so much, therefore, a move forward in time (going beyond), as a lateral move in space (going elsewhere, stepping aside)—the less temporal, more spatial solution that was, I claim, already implied in *Indexicalism*. Therefore, the path I would like to draw is not from paradoxico-metaphysics to ultra-metaphysics to nomic metaphysics, but from paradoxico-metaphysics to comparative metaphysics to nomic metaphysics. In other words, I must retrieve *Indexicalism* as a comparative metaphysics to arrive at the place where nomic perspectivism might have something important do add to it.

The reason, in short, why I believe the critique or deconstruction of *Indexicalism* found in *Memory Assemblages* is unjust is that, while *Indexicalism* makes metaphysics impossible as a non-localized endeavour, it also provides a valid basis for the *local possibility* of metaphysics. To say, then, that it is necessary to go beyond metaphysics, as though metaphysics could only be non-localized, seems to ignore that, in *Indexicalism* as in comparative metaphysics, the other side of the coin, as it were, of the impossibility of delocalized metaphysics is precisely the possibility of localized metaphysics. In that sense, I believe the indexicalist

gesture is akin to how, through Schelling's *Philosophy of Mythology*, Markus Gabriel (2009, 26) adds, to Meillassoux' "necessity of contingency" (Meillassoux 2006), a principle—which he believes to be "even stronger"—of the "contingency of necessity"¹⁸. If, from the universal point of view of philosophy, absolute contingency is necessary, from the localized and, therefore, contingent point of view of mythology we are faced with necessity. In Gabriel's reading of Schelling, because "the indispensability of a mythology constitutive of intelligibility as such can never be rendered fully transparent by reflection, thinking, or poetry" (Gabriel 2009, 26), "being [...] turns into the fragmentary history of mythological images and narratives". The necessity of contingency, as a philosophical absolute, becomes paradoxical, as its own necessity is rendered contingent. The "principle of factuality"¹⁹ might abolish necessity from the point of view of the universe—if such a point of view were ever possible—, yet, from all concretely possible points of view, contingent necessities impose themselves. A throw of the dice may never abolish chance; yet, as anyone who has ever played with dice knows, the results of certain dice-rolls may drastically affect one's chance of winning or losing an ongoing game.

3. NOMOS: CONTINGENT NECESSITIES

In what follows, I would like to make an addition to the "imperfect coupling" formed by *Indexicalism* and *Memory Assemblages*, as I interpret it. I believe that such an addition might help to make sense of the possibility of local metaphysics I have been defending. Namely, I would like to add a juridico-political—but also ontonomic²⁰—concept of nomos as the contingent source of necessity. The concept of nomos, I argue, may account for how indexicals not only provide metaphysical descriptions of the world, but act to constitute worlds

¹⁸ Gabriel (2015), however, makes a distinction between metaphysics (as general/delocalised) and ontology (as local), framing his "new realism" as ontological but not metaphysical. The difference between his choice and the one I associate with indexicalism, in any case, seems to be rather verbal than philosophical.

¹⁹ In Meillassoux (2006, 99, my translation), the principle of factuality affirms that "if there is anything, it must be contingent".

²⁰ Schmitt (2003, 45) writes that "every ontonomous and ontological judgment derives from the land". The expression "ontonomous" may be interpreted as "adequate to being", but I would argue that it also implies the reciprocal ordering of being effectuated by law.

as such. All speculation, in that sense, is entangled with the composition of a spatiotemporal order. That doesn't mean, however, that one gets to arbitrarily make and know any world in any situation. My proposition is that the nomic character of indexes or retentions/retrievals is what accounts not only for the universal necessity of contingency, but for local, contingent necessities. Indeed, if Bensusan has tended to think the normative dimension of their metaphysics in ethical terms such as the idea of justice and the practice of conversation, I believe the addition of *nomos*, linked rather to law and politics, could supplement it with a more concrete quality. The normative problem, from a nomic perspective, does not concern only our relation to the other as beyond "us" and "out there", but also how "we" actively organise our world and our ways of life in a way that is always entangled with the world and ways of life of others.

Both Gabriel (2009) and Livingston²¹ refer to the world-determining character of the Schmittian political decision on the exception, which inevitably confounds the juridico-political and the ontological. For Schmitt (2005, 13),

Every general norm demands a normal, everyday frame of life to which it can be factually applied and which is subjected to its regulations. The norm requires a homogeneous medium. [...] There exists no norm that is applicable to chaos. For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists.

Livingston (2012, 20, italics in original) emphasises that this topology of sovereignty/exception—how the sovereign must stand at once inside and outside of the law in order not only to ground its validity, but the very possibility of it referring/applying to a recognisable world of facts—"can in fact be understood quite generally not only as the basis for specific empirically described political orders but for the normative forces of reason and measure themselves". Such a basis, he argues, "is recognized immanently as the *inconsistent* position at the paradoxical threshold of the constituted order and what it excludes". Every world-order, at once normative and referential, must be grounded on a paradox; or, in other words, paradox must always be found

²¹ See also Livingston's contribution to this volume.

at the level in which a determinate world meets its own contingency.

I would like to argue, however, that the decisionism of Schmitt's Weimar era holds a weaker metaphysical valence than his late theory of nomos, which links it to space, myth and the Earth. The idea that a sovereign, like a sky-father God, could unilaterally decide a "homogeneous medium" or world of reference into existence is dangerously solipsistic. It would seem much more reasonable to say, rather, that whether the constitutive gesture of a would-be sovereign "sticks", so to speak, or not—whether it appears *a posteriori* as the valid act of a sovereign rather than as something like a coup attempt—depends not on a sovereign decision about whether the situation is normal or exceptional, but rather on the concrete conditions of a situation that is exterior to the sovereign's will. Such concrete conditions, in Schmitt's later thought, point, in the last instance, to the Earth.

Nomos is introduced by Schmitt (2003) as the first appropriation and division that establishes the limits of ordered space, and thus as a conjunction of order and orientation (or localisation)—*Ordnung* and *Ortung*. He also emphasises that the "original" meaning of nomos he is interested in is prior to the opposition between nomos and *physis*, so that the very distinction and correlation between society and nature, subject and object, and therefore also norm and fact are posterior to the division of space that inaugurates a spatiotemporal order. That initial division, as the beginning of the *Nomos of the Earth* suggests, is mythical before it is theologico-political, legal (in the modern sense) or scientific: "In mythical language, the *earth* became known as the mother of law" (Schmitt 2003, 42, italics in original). Thus, when indexicalism affirms that any reference presupposes a situated standpoint, that is similar to how, in the late Schmitt, the "normal situation" that is presupposed by the applicability of law is not just the abstract content of a free decision, but a spatialised and spatialising world-order. Indeed, the first taking and division of the land (the *Landnahme*, or land grab) can only have an indexical form: first, "*this is mine*" or "*ours*"; then "*this part is for you, that is for them*"; and so on. Only after this indexical moment can names be linked to things, so that all

substantives must refer back to indexicals²².

In this way, the concept of nomos allows us to explain why certain indexes and assemblages are capable of establishing their own necessities in the worlds they constitute, as well as often colonizing other worlds under overarching orders. Furthermore—and in the same sense—it allows us to account for the relative objectivity and efficacy of science and technology, in spite of ontological relativism. If, outside any situation, everything is “up for grabs”²³, inasmuch as we find ourselves in a “normal situation” in which a *land grab* has already happened (certain groups, human or not, have already grabbed the land and divided it), that is not so much the case. That does not mean that any order can fully prevent its own subversion, but it accounts for how world-orders establish and maintain themselves as such. I believe that having concepts that account for such contingent necessities, allowing collectives to map the conditions under which they must undertake the task of transforming the worlds and forms of life with which they find themselves entangled, is more important than affirming, in a purely abstract way, that nothing is necessary. Although it may be true that closed metaphysics have politically oppressive consequences, it is not necessarily the case that open metaphysics have politically “emancipatory” consequences. Oppressive juridico-political orders are perfectly thinkable in terms of open metaphysics—which is good news, since it is practically necessary to think them. The best that any metaphysics can offer us in order to fight oppressive world-orders is a good-enough heuristic for mapping out the actual operations of oppressive systems, as well as designing different, less oppressive ones.

²² In our conversation at the Speculative Legal Theory Network study group, Bensusan (2023) argued that, in Schmitt, the Earth has to be substantive in order to guarantee the permanence of law. That correlates to how, in *Indexicalism*, one of their main points is that indexicals are never sufficient to fix reference “once and for all”. The Schmittian nomos, however, is not about the “once and for all”, but about maintaining reference *over its duration*. Such a consciousness of radical contingency is, indeed, at the root of reactionary paranoia.

²³ This is a reference to Bensusan’s older book *Being Up for Grabs*, whose “main contention is that contingency is what we should primarily look at in order to ultimately come to terms with the sensible or the concrete” (Bensusan 2016, 15), so that “metaphysics should first engage with the contingent”. In that book, Bensusan (2016, 29) admits the local possibility of subsistence, although “it is subsistence that needs to be explained, because substantiality—that some things tend to subsist—is not taken for granted”.

4. MYTH AND MEMORY

When it comes to *Memory Assemblages*, the adding of nomos, whether in a Schmittian or perspectivist mode, summons a further question that may be crucial for nomic indexicalism. That is the question of myth and its relation to memory, and therefore of the relation between spectres and spirits. In a section titled “In the Beginning: A Fable and a Tale”, Bensusan introduces what they call “the fable of the irrelevant beginning”, which may be abridged as follows:

First there was a Beginning—it doesn’t matter what it was. It brought with itself no power to start anything and be followed. That Beginning has since been incrementally and unceasingly covered with addends of all sorts. [...] Exterior to the Beginning, the addends continued coming until the Beginning was washed out, along with all its supposed intrinsic effects.

It is interesting, for the purposes of my argument, that Bensusan chooses to call this (non-)origin story both a fable and a tale, but not a myth. While the three words share a close semantic field, “fable” and “tale” are less serious than “myth”. Indeed, they are often how fantastic stories are described when they are no longer taken seriously as the cosmological grounds of reality. The word “myth” barely appears in *Memory Assemblages*. Its few appearances, mostly referring to Whitehead’s “myth of the isolated fact”, carry the negative sense accorded to myth by modernity—that of a false, mystifying belief to be overcome. Bensusan (2024, 35) connects this “myth” to facts assumed to be capable of being understood and preserved in themselves (without addition), as well as “a kind of memory in which retention can dispense with retrieval”. In that sense, spectral realism may seem as though it needs to establish a non-origin in the form of an anti-myth—not a myth of non-origin, but a mere “tale”²⁴. Paradoxically enough, it is implied that we must remember this particular (non-)origin tale, lest we might fall back into the trap of remembering an origin-tale.

I would like to push back against this strain within Bensusan’s book, or this reading of it, in which it might seem as though reaching a spectral realist panmnemism were necessary in order to “overcome” closed metaphysics,

²⁴ The absence of personified animals would arguably disqualify it as a fable.

whether it is modern rationalistic/scientistic foundationalism and non-modern mythical thought. Instead, I prefer to read *Memory Assemblages* as a “mythology of mythology” (Gabriel 2009, 78) or mythophysics (Viveiros de Castro 2017), i.e., as mythical through and through. Myth, in the sense that interests me, has no problem establishing a literal, non-ironic and non-paradoxical origin story that indeed narrates an origin, while at the same time keeping that story in flux (both the story can be re-told again differently, and its time can be actualized in any space). Indeed, according to the very principle of addition that is proposed by Bensusan and narrated in their tale, it is entirely unnecessary for an origin-story to be self-cancelling in order for it to be “hostage” to additions. Indeed, even though mythical stories tend to be of the form “in the beginning such and such happened”, myths themselves are constantly changing, constantly retold versions of one another and, as such, not totalising or self-enclosed at all. I would rather read Bensusan not as adding their an-archic principle to myth as such (as though myth lacked it), but only to the outdated anthropological conception of myth that relegates it to an immutable, because non-historical time and, consequently, to a type of thinking qualitatively different from that of philosophy. What Bensusan’s panmnemism should remind us of is that myth is never retold in its original form, but always in a contemporary form, i.e., as a new version of itself. Read in that way, memory assemblages or spectral narratives become indistinguishable from mythical narratives.

A parallel question appears in the relation between spectres and spirits. Both terms evoke a combination of normal invisibility, exceptional visibility and active potential. They have, however, some opposing connotations. While “spirit”, etymologically linked to breath, tends to refer to the non-physical *essence* or *principle* of something or someone, especially as such essence is normally invisible, “spectre”, deriving from “*spectrum*” (appearance, image, that which is seen), evokes an *apparition*—especially one that does not or should not correspond to any real essence. “Spirit” is, in that sense, a metaphysical, possibly even substantialist term, whereas “spectre” is thoroughly phenomenological. For that reason, spectres appear to be a modern phenomenon, while spirits are primarily pre- or non-modern. We might say that spectrality is how spirits appear—exceptionally—in modern eyes; how they manifest inasmuch as the “modern constitution” (Latour 1993) excludes them at once from the realm of

nature (as physical, and therefore explainable and manipulable bodies) and from that of culture (as social, and therefore acting persons). Spectres *haunt* modernity, whether it is the white modernity of Western philosophy and science, all the way through to speculative realism, or the dark underbelly of modernity-coloniality in latin-american post/decolonial narrative. Spirits as such, by contrast, are present in non-modern cosmologies as a third element that is either above the human (in “pre-modern” analogistic theology) or as a point of indistinction/mediation between humanity and non-humanity (in nonmodern animistic/perspectivist mythophysics)²⁵. Kopenawa’s *Xapiri* do not haunt him, but come down and dance for him (Kopenawa and Albert 2015). Spectres and spirits are, in that sense, the obverse of one another. Spectres’ appearance (inasmuch as they come into consideration at all) is a given, while their essence is problematic. Conversely, the being of spirits is taken for granted, while their visible or invisible status is that which varies. In short, spectres are that which one sees, but does not believe, while spirits are those one knows exist, but (normally) cannot see.

Bensusan once said to me “I believe in everything”. That made me happy because I myself had often voiced variants of that phrase. It is in that vein that, just as I insisted in reading them not as opposing myth and memory, but as equating them, I would do the same regarding spectres and spirits: just as panmnemism is a mythophysics, spectral realism is a supernaturalism²⁶. Although their emphasis on the spectral, in the vein of Derrida, might seem like a “return” to deconstruction²⁷ rather than a form of fidelity to the event of speculative realism, we should remember that spectral realism is still a *realism*²⁸. According to the definitions stated above, it seems to me impossible to be realist about spectres without identifying them as spirits, or, in any case, making

²⁵ See Descola (2005).

²⁶ I mean this in the sense in which Viveiros de Castro (2012) associates humans, animals and spirits with culture, nature and supernature respectively.

²⁷ In *Being Up for Grabs*, Bensusan (2016, 17–18) had gone as far as equating Derrida’s “Age of Hauntology” with strong correlationism, in which philosophers sought to “circumvent ontological preoccupations and find alternative ways (semantic, epistemological, textual or scientific) to deal with issues that were once considered metaphysical”; adding that “maybe this age is now over”.

²⁸ Consequently, inasmuch as Derrida is key here, he should be read in the realist/materialist way proposed by recent reading such as those of David Roden (2006), Moysés Pinto Neto (2013) and Deborah Goldgaber (2020).

spectres and spirits, as it were, two sides of the same coin. Discussing Fabián Ludueña Romandini's project, Bensusan (2024, 134) writes of an ultra-metaphysics or post-metaphysics that would “welcome spectres instead of discarding them”, i.e., “include in the metaphysical quest ghosts, phantasmagoria, revenants, and possessions that have been systematically sidelined by the compromise with presence and its figures: spirits, closures, and self-sufficient matter.” But what would it be to welcome spectres and include them in metaphysics, if not to make them indistinguishable from spirits? At least inasmuch as we read them in the perspectivist sense—in which the very fabric of reality is composed of interweaving perspectives, i.e., is indexical—, spirits appear as metaphysical, but not substantial. Spirits are not, as modern prejudices might assume, supposed realities beyond appearances (or lack thereof), but rather interfaces of visibility/invisibility, humanity/nonhumanity in a multiverse that, since it is composed of nothing but perspectives, does not make a difference between appearance and reality. The possibility of reading *Memory Assemblages* in such a way seems clear, for example, when Bensusan (2024, 123) writes that “Kopenawa's picture is of a spectral realism”, and refers to “Kopenawa's spectrology,” although Kopenawa speaks of spirits.

If myth—and therefore spirit/supernature—is at the indexical foundation of any world-order, then I would argue that memory and spectres are the way in which the contingency of such a foundation exceptionally appears from within the world-order in question. That is why nation-states are so allergic to processes of memory. Uncovering the violence at the root of law threatens to destabilise the state from its self-identity, as well as to scatter the nation into a multitude. Spectres constantly return to haunt the sovereign nomos, whether it is Hamlet's father or the spirit of *La Llorona*, who, in Jayro Bustamante's eponymous film, comes back to haunt a Guatemalan military dictator facing trial for genocide. But, if spectres as such expose the contingency of an apparently necessary world-order, it is as spirits that they point to the virtuality of other worlds. Spirits indicate not only the possibility that this world and nation might change, but also the reality of other worlds and peoples out there in the “great outdoors”—especially those who do not appear as people from “our” perspective. Drawing from indexicalism's proximity to perspectivism, we might retrieve, from the latter, the notion that supernature is the plane in which

all human and non-human peoples appear to each other as human. If that is the case, then the “natural law”, as well as the “laws of nature” (both figures of necessity), of a world-order show themselves to be contingent to a constantly renegotiated network of international relations between multiple other peoples who do not appear to us as people—which is to say, between spirits.

5. ON “ARMCHAIR” SPECULATION

I would like to conclude by further specifying how the addition of the concept of *nomos* discussed above, at the intersection of law, politics, ontology, myth and space, could constitute a contribution, from the standpoint of juridico-political theory, to speculative/spectral realism. My hypothesis is that speculative philosophy may reach a limit as long as it remains separate from *nomics*, or, in other words, unless it is connected to concrete modes of life-on-earth. In order to escape this limitation—so goes the hypothesis—, speculation must be done in association with (some form of) *nomic* process, i.e., in correlation to a world-order²⁹.

One of the main problems that has long faced speculative theory is the accusation of “armchair speculation”—a lack of contact with experience, as well as the consequent difficulty of finding ways to adjudicate between competing metaphysical systems. There is a lack of criteria—which makes sense, considering the idea is precisely to do something other than critique. That is a curious expression especially because “armchair speculation” is never contrasted with some other kind of speculation—let’s say, “field speculation”—that would be less reproachable. On the contrary, all speculation is assumed to be something one does from the armchair. I believe, however, that juridico-political theory, especially in conjunction with ontological turn anthropology, can make a key contribution to speculative philosophy precisely inasmuch as it ties any metaphysical speculation to some kind of relation to a form of life, a form of inhabiting space, a *nomos*. It takes speculation out of the armchair and

²⁹ That does not mean that concepts are mere superstructural expressions of underlying material realities, nor that world-orders are structured top-down by a metaphysics. Rather, concepts and forms of life remain heterogeneous and irreducible to one another while linked in a double bind or disjunctive synthesis.

throws it into the plane of differences and relations among world-orders.

This takes us back to the relation between philosophy and myth. From the universal point of view of philosophy, myth seems to appear always as a generality. It tends to be thought only in its correlation to philosophy. Even though Schelling (2007), for example, gives myth fundamental importance in the genesis of human thought and being, myth (especially polytheism), for him, is subsumed within in a teleological path leading to an achieved monotheism. Cassirer's neokantian approach, although quite different, also submits myth to a hierarchy, even if now it is critical and scientific cognition which constitute a telos (Cassirer 1955a, 1955b). Myth as such appears as a mere mediate form between sensory perception and proper scientific understanding. From the point of view of the philosophy of mythology, we may find that there is a mythical unthought at the root of every philosophy; we may even arrive, as Gabriel (2009) does, at the contingency of necessity as a consequence of the founding role of myth in thought. Myth, however, seems to remain an empty generality, or a generality the content of which is absolutely contingent, unless mythical thought is reactivated as such. Myth becomes the locus of absolute contingency, but, in order for the "*any other*" thinking enabled by such contingency to emerge, it would seem that a radical philosophy of mythology should necessarily be paired with a mythology of philosophy and, in the last instance, with myth *tout court*. Not philosophical thought about the concept of myth, but mythical narratives which, as such, will thematize everything (the origin of the world, the separation of culture and nature etc.), except myth.

I believe that the concept of *nomos* provides us with some orientation when it comes to the grounding role of myth in any philosophy. Specifically, I believe it may help us avoid the mistaken conclusion that the presence of an irreducible mythical element in every philosophy would imply a sort of philosophical decisionism—that any philosophy would appear as the product of an arbitrary decision, as Gabriel's and Livingstone's appropriations of Weimar-era Schmitt (discussed above), might suggest³⁰. Such a conclusion only arrives if we think of

³⁰ Laruelle (2013) has theorised the "philosophical decision" as the foundational gesture of every philosophy as such, through which philosophy divides the real in order to make it thinkable by philosophy. However, Laruelle argues that the philosophical decision is not a free act of will, but a consequence of the real itself, which determines philosophy in the last instance.

myth as a mere form of thought or narrative. As I hope to have shown, however, myth is inseparable from a concrete *nomos*—a concrete ordering and orientation of space, as well as a form or manner of life-on-earth, which is not decided upon by any individual or collective self-contained sovereign, since such a sovereign is only available *après-coup*. One way to conceive of this, I believe, is as an unpacking of Schelling’s assertion that myth *is not a human invention*, but rather the non-human invention of peoples as such (Schelling 2007). Gabriel (2009, 91) does stress that “mythology is bound to institutions and that it is not up to the free imagination of individual thinkers and seers”, which would be in line with the convention of referring to Schmitt’s later works such as *The Nomos of the Earth* as part of an “institutionalist” (Cf. Croce and Salvatore 2016, 2022) phase³¹. That, however, seems to me inappropriate unless we rely on a highly unusual conception of institution. Myth must, I would argue, be something more fundamental than institution—something prior, for instance, to the distinction between “brute” (i.e., natural) and “institutional” (cultural, social) facts (Searle 1989).

The mythical/nomic foundations of any philosophical endeavour suggest that no metaphysical position can be adequately appraised without reference to the world and form of life in correlation to which it exists. Conceptual systems are not independent from nomic worlds; they emerge from a certain nomic conjuncture and act upon *nomoi*, both to reproduce and transform their conditions of possibility. That is the sense in which the nomic perspectivism or multiversalism I propose could be complimentary to *Indexicalism*’s self-consciously paradoxical position in metaphysics: it points to the multiple *nomoi* to which different metaphysics are indexed, and from the perspective of which they are, albeit contingently, possible. If, from the absolute perspective demanded by metaphysics *stricto sensu*, it might be impossible to adjudicate between competing theories, that becomes possible within concrete orders. Juridico-political perspectivism implies, in that sense, not only that all juridico-

³¹ Schmitt (2004) introduces his turn from decisionism to “concrete order thinking” or institutionalism in his 1934 book *On the three types of juristic thought*. According to Bendersky (2004), Schmitt’s institutional turn was part of a conservative effort to mitigate the disruptive character of the National Socialist regime. In any case, I believe the way Schmitt conceives of a “concrete order” changes considerably between that intermediary phase and his late, mythical phase, passing from a more social to a more metaphysical status.

political theory is inseparable from metaphysics, but also that all metaphysics is entangled with nomic practice/experience. Philosophers, despite themselves, have always followed Marx's 11th thesis on Feuerbach. They have always participated in the changing of worlds, even while having their thoughts shaped, to some extent, by those worlds.

In nomic indexicalism, however, the context or situation that conditions local metaphysics should neither be understood in terms of social/institutional norms or natural/physical constraints, but of a "great outdoors" composed of *others*: "If reality itself is indexical, it follows that there are others [...] in it" (Bensusan 2021, 12). Such others are thought by Bensusan in a combination of perspectivist and Levinasian terms. While, however, in *Memory Assemblages*, the "messianicity" of such others (they are "*to come*") is emphasised, in *Indexicalism* others are positioned less in temporal than spatial terms. They are not as much *to come*, but rather *elsewhere* (here, there, outside)³². It is not that indexes do not concern time—"before" and "later", "today" and "yesterday" etc. are all deictics—, but simply that, rather than a centrality of time, here we find a priority of space. Rather than subsuming space to time, time is figured spatially: others might be, so to speak, *elsewhere in time*.

Such a spatialised approach tends to emphasise the perspectivist over the Levinasian/Derridian (or the animistic over the Jewish) element of Bensusan's conception of the others, which favours my insistence on ontological turn anthropology. Indeed, a particularly tricky aspect of Bensusan's proposition of a deictic metaphysics in the arena of philosophy, in comparison to Viveiros de Castro's metaphysical comparativism, is that the latter relied quite heavily on keeping at least one foot firmly in anthropology. One foot, that is, not only outside of the philosophical arena, but in the "great outdoors" where others are concretely found. The importance of anthropology's situated standpoint for Viveiros de Castro's brand of indexicalism should not be neglected, as it is precisely what enables his deictic speculations about others' deictic speculations. Without being able to rely on such an element, Bensusan risks remaining stuck on a level of abstraction at which indexical metaphysics cannot deliver anything

³² Granted, the Bensusan of *Indexicalism* often refers to others as "*to come*", but we might read that in terms of coming from *over there*, from *beyond the border*, from *the outside* etc.

other than its own paradoxicality, if not impossibility. As long as others remain abstract and delocalised, the resulting metaphysics risks being neither here nor there. That is why I insist, when it comes to indexicalism, on recovering perspectivism, as well as on adding the concept of nomos. After all, juridico-political theory and international law are also ways in which others may be brought into the scene.

In nomic perspectivism, the way others (such as the Yudjá) are brought into consideration is mainly in terms of how they, in turn, bring other others (such as peccary spirits) into consideration. While modern thought sees nature as universal and law as particular, perspectivism affirms the continuity/universality of nomos and the discontinuity/singularity of natural worlds. In modern mononaturalism (Viveiros de Castro 2014), the law/nature correlation is epistemic/cultural/*de jure*, while an underlying monism of nature is metaphysically presupposed. For that reason, the correlation is supposed to emerge from natural necessity. It is also expected to be eventually reduced to a natural monism through the advancement of science (contingency reduced to necessity). In perspectivism, by contrast, the law/nature correlation is a natural given within any world-order, while worlds as such emerge from a the socially constructed, political and *de jure* monism of society/politics/law that is mythical time. Consequently, world-internal correlations result from juridico-political processes, and, therefore, can always be politically renegotiated through reactivations of mythical time. In that sense, the nomos that conditions speculation is not a self-enclosed “homogeneous milieu” in Schmitt’s sense, but rather a multiplicity of others, or others as multiplicities. The decision or normalisation that determines local necessities does not result from a sovereign act, but from a multilateral negotiation in the “*jus gentium*”. “Armchair speculation” is impossible because any metaphysics attempting to come forward as a science can only be endeavoured in conjunction with multilateral practices of making and unmaking worlds. Nomic indexicalism implies a form of theory-practice in which the problem of how to live, how to occupy spacetime, is just as essential as that of what to think; one in which how to live and how to think are never problems posed in isolation from networks of myriad others that think and live differently.

CONCLUDING REMARKS

In this article, I sought to make a contribution to speculative realism by adding, to Bensusan's "imperfect coupling" of *Indexicalism* and *Memory Assemblages*, a juridico-political concept of nomos. Through that gesture, I advanced a form of nomic indexicalism as a position in metaphysics. That implied emphasising indexicalism's kinship with perspectivism, ontological turn anthropology and comparative metaphysics, and, in a way, turning it into a channel through which those currents may manifest as positions not only in anthropology, but in contemporary realist philosophy. In the process, I had to play down or dissolve the opposition between metaphysics (as necessary and universal) and mythical narrative (as contingent and local) in favour of a non-totalisable landscape of local mythophysics. That implied insisting that myth is always a memory assemblage, just as memory is inseparable from myth. It also entailed that a spectral realism must be a realism about spirits, even if spirits have no reality beyond the spectrality of appearances. Although that might seem to jeopardize Bensusan's emphasis on transcendence by downplaying the Levinasian/Derridean side of their project in favour of the Deleuzian immanentism that pervades Viveiros de Castro's work, I do not think that is the case. Indeed, I believe the very importance of the immanence/transcendence opposition might deserve downplaying. After all, commitment to pure immanence—an immanence that is not *to something*—does not entail totalisation or preclude the radical otherness of others. Inasmuch as there is no absolute standpoint, there can be no totalised immanence, while, from local standpoints, relative transcendence is enough to make space for radical otherness. Absolute transcendence, by contrast, seems to me to figure others in a purely negative, messianic vein incompatible with ecological thinking and practice. In such a framework, others cannot be figured as entangled, even externally, with the very possibility of our own lives.

Perhaps Bensusan's insistence on transcendence itself stems from an emphasis on the epistemic/ontological as opposed to nomic dimension of relations with others—although the problem is, of course, recognised as ethical. Bensusan is committed to safeguarding others from the extraction of intelligibility, in terms of which their inclusion equates their reduction to how they appear to us—whether that is how we know them (epistemically) or how

their being manifests in relation to us (ontologically). The problem, however, should only appear in such terms from within a naturalist metaphysics, in which the continuity implied by immanence is associated with the domain of nature. From a perspectivist standpoint, immanence is articulated primarily in nomic terms. Others are not included as determinate in their being, but as participants in international relations. If there is an immanence of the others' natures, it is downstream from the juridico-political constitution of world-orders, and thus not figurable in terms of intelligibility. Others' natures can only be reached by going through transworldly inflections that are themselves not natural. The risk, therefore, of immanence implying unlimited intellectual colonialism seems absent.

Although I have sought to privilege a “yes, and” attitude as opposed to a “no, but” one, I realise I have done so only partially. Perhaps paradoxically, I seem to have been more capable of saying “yes, and” to *Indexicalism*, while, when it comes to *Memory Assemblages*, I often found myself reacting in a “no, but” fashion. Be it as it may, I hope that my disagreements with *Memory Assemblages* have been at the service of foreshadowing the best version I could conceive of the coupling between the two books, so that the overall result takes the form, indeed, of a “yes, and”. Furthermore, as much as I faulted Bensusan's approach for remaining at an excessive level of abstraction, I myself can scarcely claim to have been much closer to the ground. All I can say in that respect is that I have not so much proposed a metaphysical position as *pointed* to the reality of multiple metaphysics of others that compose our reality. That pointing was, in a way, already done by ontological anthropology, and my contention is that it could also become the task and method of juridico-political theory and practice, and especially the practice of international law.

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