



Translating Dark into Bright: Diary of a Post-Critical Year

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Abstract

This is an account of a reading project that began in February 2020. Australia was burning, a pandemic was simmering, the two of us were early in our PhD journeys at the Melbourne Law School. Already, we felt exhausted by critical theory which seemed to amplify the affects we felt all too intensely. Our reading project began as an attempt to find and inhabit texts that might move beyond critique, that might allow us to find wonder and vitality in legal theory. Taking up the literary critic Rita Felski's invitation to craft a post-critical reading practice, our reading list evolved iteratively to encompass themes and concerns that we identified as possibly correlating with said practice. It evolved too, in conversation with Melbourne, as the city journeyed through different stages of the pandemic. Constantly changing restrictions changed the ways in which we met and conversed, influencing in turn the texts we chose to read and the manner in which we read them.

In this account, we pay attention to the time and place of our encounters with these interlocutors, and to the feelings these encounters generated. As such, this article takes the form of a series of (revised) diary entries: first written in 2020, then revisited in the corresponding months of 2021. What we hope emerges from these entries is a sense of how these theoretical texts train us to live in a world undergoing a compounding series of crises – and, perhaps, to imagine that world otherwise. In a more jurisprudential register, we hope that our experiment will identify the methods these texts might give us for (re-)engaging with law in a spirit of wonder and vitality.

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Introduction

Jurisprudence is boring.

In the opening pages of her textbook *Asking the Law Question*, Margaret Davies plays with this adjective (2017, p. 1). Boring not necessarily in the sense of dull but rather, borrowing Charles Yablon's invitation (1992, p. 1349), jurisprudence as an activity that bores into law, bores beneath its surface. Boring as a *topos* of depth.

But of course, jurisprudence can be boring in the more banal sense of the term. Legal theory can appear deathly dull. Costas Douzinas, in the twentieth anniversary issue of *Law and Critique* looks back to a time where 'law meant exclusively positive law [...] jurisprudence veered between sterile positivism and the celebratory moralism of rights' (2009, p. 1). A moment where 'legal theory generated a feeling of terminal boredom for student and academic alike' (Douzinas 2009, p. 1). The interventions of *Law and Critique* and a host of other radical/theoretical journals revitalized legal scholarship,¹ broadening the horizon of legality, reforging links between theory and practice. Douzinas identifies a number of critical schools pioneered in the pages of the journal, ranging from postmodernism to critical race and queer theory to post-politics (2009, p. 1).

This revitalized scholarship was the inheritance that awaited us as we began our PhD journey at the Melbourne Law School in 2019. We were both conversant in its lexicon to varying degrees thanks to a decade of prior legal education and practice. At the same time, the doctoral journey is something of a fresh start. As freshly minted academic apprentices, we are required to account for every text we engage with. Every choice signals a different intellectual tradition and the forging of a distinct journey. The stakes are high. In her instructive discussion of methodology as scholarly practice, Sundhya Pahuja notes that it is in the choice of theoretical lens that differences in training, sensibility and intellectual influences become most apparent: 'our theoretical orientation is where we find our friends' (2020, p. 14). There is a universe of possibility here, at its broadest at the start of the PhD, where the choice of intellectual friendships still feels like a choice, where multiple paths lie waiting before us.

As our PhD journey moved to the end of its first year at the start of 2020, wonder and vitality were not what we felt. Australia was on fire, and the first news items about a deadly virus had begun to circulate (Neuman 2020; Davidson 2020). The theoretical texts we encountered did not feel revelatory: they were confirming the world as we knew it. Worse, they seemed to confirm that this world—socially

¹ Douzinas doesn't make a list, but a snapshot might include some of the following: *Law Text Culture*; *Law and Literature* (Formerly *Cardozo Studies in Law and Literature*); *International Journal for the Semiotics of Law*; *Yale Journal of Law and Humanities*; *Canadian Journal of Law and Society*; *Law, Culture and the Humanities*.

distanced, burning—was the only world we could expect. Of course, that is not to say that these works of critical theory offered nothing constructive. After all, the belief that other worlds are possible animates a range of critical traditions.² Rather, at the beginning of 2020, we did not *feel* as if these critical texts were helping us live through the times we found ourselves in.

What to do with this feeling? One option was to put the feeling aside as unscholarly—perhaps even politically suspect. Almost certainly a distraction from the thesis. The other option was to follow the feeling and see where it led us. It was then that we came across the work of Rita Felski. In her 2015 work, *The Limits of Critique*, Felski describes the mood of critique as rife with suspicion (2015, p. 1; 6). The suspicious mood becomes a suspicious mode of doing critique. The critical reader is expected to dig down into the text, or stand away from it, both modes aiming towards uncovering that which is hidden (Felski 2015, p. 52). There is a correct interpretation to the work, and it is left to a certain kind of critic to unearth it.

The challenge, as Felski portrays it, is this: what else is possible? What else can we do to engage with a text? What are the other intellectual and imaginative alternatives we can bring to our practices of critical reading? In Felski's case, she brackets this 'what else' under the broad rubric of the term 'post-critique' (2015, p. 151).³

What could this challenge mean for legal theory? Encountering Felski in January 2020, we wondered whether 'post-critique' might lead us to another jurisprudence, one that didn't have to bore down through a text, or bore us (where knowing the final answer in advance is a kind of boredom). We decided to take up the challenge through a reading project, beginning with interlocutors that Felski explicitly identifies—Bruno Latour and his work on Actor-Network theory, Eve Sedgwick and her reparative reading practice. Our reading list evolved iteratively to encompass themes and concerns that we identified as correlating with a post-critical practice; it evolved too, in conversation with Melbourne, as the city journeyed through different stages of the pandemic. Constantly changing restrictions changed the ways in which we met and conversed, influencing in turn the texts

² See for instance Peter Goodrich's account of the element of novelty in satirical legal studies: 'the utopian ... is always a dimension of satirical critique'. Goodrich, Peter. 2004. Satirical Legal Studies: From the Legists to the "Lizard". *Michigan Law Review* 103(3): 397–517, 424. Critical legal scholars, especially those associated with Third World Approaches to International Law, are often animated by a conviction that other worlds are possible: see e.g. Eslava, Luis, Michael Fakhri and Vasuki Nesiiah eds. 2017. *Bandung, Global History, and International Law: Critical Pasts and Pending Futures*. Cambridge University Press especially Part V, 'Another International Law'. In a similar, but distinct, vein, critical Indigenous scholars are committed to Indigenous epistemologies and legalities that may well be incommensurate with Western systems of knowledge and law. Nevertheless, these same critical Indigenous scholars may offer their critique of Western laws in the spirits of helping "us envision what is possible even with the limited tools presented to us", Whittaker, Alison. 2021. Commentary: Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth [2013] HCA 33. In *Indigenous Legal Judgments: Bringing Indigenous Voices into Judicial Decision Making*, ed. Nicole Watson and Heather Douglas, Routledge (Taylor & Francis Group), 113.

³ In her subsequent book, *Hooked*, Felski explores a post-critical reading practice in greater detail. Felski, Rita. 2020. *Hooked: Art and Attachment*. The University of Chicago Press.

we chose to read and the manner in which we read them. The city opened up, the pandemic seemed to stall, utopias began to feel more concrete. Sedgwick's reparative hermeneutics led us to the utopian hermeneutics of José Muñoz; chasing utopia brought us to Davina Cooper. The city shut down, time began to warp in confusing ways. In Rahul Rao's work we found a reparative impulse entangled with a meditation on time, along with a recovery of Kimberlé Crenshaw's intersectionality—which then took us on to Critical Race Theory. We sifted through the alchemical work of Patricia Williams, finding unexpected glimmers of hope. The pandemic raged on, the city shut down even more fiercely, slicing into 5 km bubbles. The task of finding wonder began to feel increasingly wearisome. In the grim tedium of lockdown we found our way to Maria Tumarkin and wondered if repetition might hold hopeful possibility. 2020 ended, and then in 2021 we found ourselves reliving the year that had gone by.

This article is an account of that reading project. Our aim is to neither critique the texts we read nor draw from them a comprehensive 'post-critical legal theory'. Instead, what we offer here is more in the way of a report on an experiment.⁴ In the experiment, we try to see what happens when we pay attention to the time and place of our encounters with these interlocutors, and to the feelings these encounters generated. As such, the report takes the form of a series of (revised) diary entries: first written in 2020, then revisited in the corresponding months of 2021. In keeping with the idea of an experiment, we will not anticipate here the results, except to say that they were, in a way, unexpected—surprising, even. Instead of pre-empting our conclusion, then, we set out here our experiment's hypothesis, formulated as twin hopes. What we hope emerges from these entries is a sense of how these theoretical texts train us to live in a world undergoing a compounding series of crises⁵—and, perhaps, to imagine that world otherwise. In a more jurisprudential register, we hope that our experiment will identify the methods these texts might give us for (re-)engaging with law in a spirit of wonder and vitality.

⁴ See Genovese, Ann and Shaun McVeigh. 2015. Nineteen Eighty Three: A Jurisographic Report on *Commonwealth v Tasmania*. *Griffith Law Review* 24: 68 re the report as an academic and/or jurisprudential genre. See also Latour, Bruno. 2004. *Reassembling the Social*. Oxford University Press, where Latour encourages scholars to take 'the risk of writing a true and complete report about the topic at hand' (2004, p. 127).

⁵ We might find something productive in slowing down this declaration of crisis, perhaps subject it to critique. See Golder, Ben. 2021. From the Crisis of Critique to the Critique of Crisis. *University of Colorado Law Review* 92 (4): 1065.

Gathering, assembling (André, March 2020)



Image: the view from the common room on level nine of the Melbourne Law School.

In the long-ago days of early March, when time slowed down and we knew nothing, we read Bruno Latour's polemic against critique in the common room on level nine of the Melbourne Law School. The view from up here, looking north across the university's historic main campus, is removed, distant. It is a calming view. We can see the construction machinery digging a new train tunnel beyond the green lawns of University Square—Melbourne is a city always under construction—but we can neither hear nor feel their rumble. Up here, the news about a novel coronavirus in China is interesting but impersonal. We can talk about the virus like we can talk about everything else—Latour, our PhD projects, the promises of post-critique—in the measured tone of objectivity.

A few days after that first conversation, Melbourne begins to lockdown, and we are locked out of the university. We will not meet again in the law school for the remainder of our reading project. Instead, we chat over WhatsApp about Giorgio Agamben's articles on the virus. In the dread and panic of March, we think Agamben's intervention—which is all biopolitics, states of exception, tyranny—is a ready exemplar of the tired and paranoid moves of critique (Agamben 2020; Dean 2020). Latour, we say, might have a point. We ask ourselves—if not reparative reading now, then when?

And yet—the law school that I now cannot enter was the very place I learnt critique. Not only that—it was the learning of critique that kept me in law school. As an undergrad, the law school culture of cocktail drinks hosted by corporate law firms followed by intense competition for clerkships was profoundly alienating. And where legal training was not a training in corporate misdeeds, it was boring. It was only when I learnt to critique the law that I began to find it interesting. In Latour's (2004) terms, I had found a powerful weapon: it destroys, it debunks. Weapons are useful, vital even, in certain circumstances—Latour is the first to acknowledge it. In a war, you need a weapon. And so the Enlightenment, which we are to understand as a kind of war, had 'matters of fact', a very powerful descriptive tool for 'debunking quite a lot of beliefs, powers, and illusions' (Latour 2004, p. 232). Critique was just the weapon you needed when going to war with the Church, with God. Or, in my case, with (an undergraduate's conception of) law. Armed with critique, I could debunk the solid-seeming foundations of law's authority as little more than myth, and expose the injustices that lurk in the halls of justice.

But critique, says Latour, is the proverbial double-edged sword. It cuts both ways. Critique found itself 'totally disarmed once matters of fact, in turn, were eaten up by the same debunking impetus' (Latour 2004, p. 232). Put another way, Latour is worried that his enemies, the enemies of those who espouse critique, are now wielding this weapon for their own ends. He cites a Republican strategist who says in the *New York Times* that the way to prevent action on climate change is to 'make the *lack of scientific certainty* a primary issue.' (2004, p. 226) That, acknowledges Latour, sounds a lot like what he has spent his career doing, 'trying to show "*the lack of scientific certainty*" inherent in the construction of facts' (2004, p. 227). So what has become of critique, he asks, 'when there is a whole industry denying that the Apollo program landed on the moon?' (Latour 2004, p. 228). Or when DARPA, the US defense department's research and development agency, 'uses for its Total Information Awareness project the Baconian slogan *Scientia est potentia*? Didn't I read that somewhere in Michel Foucault? Has knowledge-slash-power been co-opted of late by the National Security Agency?' (Latour 2004, p. 228).

Following Latour, I wonder: what has become of critique when Agamben's arguments are taken up by right wing newspapers like *La Verità* and *il Giornale*? (Caldwell 2020). When the respectable papers—*La Repubblica*, *Corriere della Sera*, *il Foglio*—all call him a *negazionista*, a word usually reserved for Holocaust deniers? (Caldwell 2020).

Locked-down Melbourne follows a similar pattern. A prominent hotelier with right-wing links challenges the lockdown laws by appealing to community, mental health, freedoms. The left defend the restrictions by reference to science and expertise. I find myself oscillating wildly between these positions, between what Latour calls antifetishism and positivism (what is being smuggled in under the guise of social distancing? listen to the doctors! how is power being redistributed? wear a mask!).

Instead of—or perhaps, as well as—a weapon, Latour suggests that we need something else. It is not enough, he says, to 'dismantle critical weapons' like 'obsolete but still dangerous atomic silos' (Latour 2004, p. 243). We need to move from

matters of fact to matters of concern, which no longer debunk but, in an echo of Donna Haraway, protect and care. Here we finally move on from war to the gathering or the assembly. Latour writes:

The critic is not the one who debunks, but the one who assembles. The critic is not the one who lifts the rugs from under the feet of the naïve believers, but the one who offers the participants arenas in which to gather. The critic is not the one who alternates haphazardly between antifetishism and positivism like the drunk iconoclast drawn by Goya, but the one for whom, if something is constructed, then it means it is fragile and thus in great need of care and caution. (2004, p. 246)

Law, of course, is something constructed. But I struggle with the implication of Latour's injunction: that I must therefore take great care of the law. After law school, I fled from the law. I worked to trouble law's harsh reality by confronting the law with the stories of those marginalised by it.⁶ I thought that what I was doing was tearing law down, to make way for something else, something better. But was that really what I was doing?

Later in 2020, when we are allowed back onto campus, it will be a genuine relief to be able to return to my lightless carrel, to the books left scattered on the desk in March's panicked flight. Now I realise: I keep coming back. And it is critique that does it—that kept me in my law degree in the first place, and that brought me back to Melbourne, a notably critical school, to do my PhD. I have to admit it: if I keep coming back, it's because one way or another, I care about the law. Even the oral histories that I have produced with people abandoned by law—imprisoned indefinitely on Manus Island (Green et al. 2017), or stateless and so lacking, as Arendt put it, the right to have rights (Dao et al. 2021)—even those stories could be understood not as destructive but as additive. As giving to law its missing supplement—and then seeing what happens. This, at least, would be in keeping with Latour's injunction to the critic to add rather than subtract. Latour draws here on Alan Turing's famous paper on thinking machines, 'Computing Machinery and Intelligence', where Turing answers Ada Lovelace's objection that a machine cannot think because it can only do what we tell it to do, that it will respond to a 'certain extent' to an injected idea and then, like a piano string struck by a hammer, 'drop into quiescence' (Turing as cited in Latour 2004, pp. 247–248). Turing's answer to Lovelace is an alternative metaphor: instead of a piano, imagine a pile of atomic matter. If the pile is less than critical size, if it is sub-critical, then the injection of a neutron—like the injection of an idea—will cause 'a certain disturbance which eventually dies away' (Turing as cited in Latour 2004, p. 248). But if the atomic pile is large enough, if it is super-critical, then the disturbance caused by the incoming neutron 'will very likely go on and on increasing until the whole pile is destroyed' (Latour 2004, p. 248). Minds, writes Turing can be sub-critical, like an animal's, or super-critical. 'An idea presented to

⁶ For instance, through the work of Behind the Wire, an oral history organisation documenting the experiences of people imprisoned within Australia's immigration detention system: see www.behindthewire.org.au.

such a mind may give rise to a whole “theory” consisting of secondary, tertiary and more remote ideas’ (Latour 2004, p. 248). Critique, says Latour, must not drop into quiescence like the piano. It must be super-critical, multiplying, ‘generating more ideas than we have received’ (2004, p. 248).

Repair Work (Danish, April 2020)

From matters of fact to matters of concern. From debunking and dismantling to caring and protecting. Perhaps, to repairing?

There are repeated moments through the year when the texts we read echo or amplify the world as it rapidly shifts around us. Eve Sedgwick’s essay on Paranoid and Reparative Reading (Sedgwick 2003)⁷ takes this life-imitates-theory approach to an almost comical extreme. The week that we decide to read Sedgwick’s essay is when the law school shuts its doors, as Melbourne, Australia, the rest of the world, makes a first dash at trying to flatten the curve. We are now officially in a global pandemic, the world looks distinctly different. Questions proliferate about how the state apparatus will inevitably use this moment to expand its powers.

And so, when Sedgwick opens her essay with a story about another pandemic, HIV/AIDS, about questions that were being raised in the mid 1990s about the origins of the virus, about the state’s use of the pandemic to systematically target marginalised communities, it all felt a bit familiar. Too familiar, perhaps, as Sedgwick’s interlocutor in this opening segment pushes her to wonder. Sedgwick asks Cindy Patton, activist-scholar, about her thoughts on the possible natural history of HIV. Patton’s response: even if it were clear that the virus was a conspiracy, even if it was established that it was deployed to target gay men and drug users, that it proved their lives were held cheap—‘what would we know then that we don’t already know?’ (2003, p. 123).

How to know differently? How to ask different questions, how to subvert the ‘tracing-and-exposure’ project that underlies this line of enquiry? If paranoid enquiry of this form results in feedback-loops of paranoia doubling back upon itself, how to move into a reparative position that might yield different insights?

A year later, I’m thinking about Sedgwick as I shift uncomfortably in my chair at the rapid HIV testing clinic in Abbotsford. Or rather, the thought about Sedgwick comes after my trip to the clinic, because I don’t think of anything much at all in the 20 min between getting my blood drawn and finding the result. I have been getting tested regularly for a decade now, and every single test I take follows a familiar cycle. Mounting panic as I arrive at the centre, the dreadful inevitability of the needle that draws my blood, the knowledge my fate is now out of my hands. That period of not knowing, characterized by an increasing mounted dread. All the work of trying to unlearn the stigma of HIV eludes me at that moment, all the knowledge about

⁷ There are multiple versions of this essay. The first appears in Sedgwick, Eve Kofosky. 2016. Introduction: Queerer than Fiction. *Studies in the Novel* 28 (3): 5; the one we read was the final version in Sedgwick, Eve Kofosky. 2003. *Touching Feeling: Affect, Pedagogy, Performativity*. Duke University Press.

how it is a very liveable condition now evaporates. Instead, the shame that my body has buried from casual and not-so-casual encounters with men comes rushing to the surface. Of course this will be the test where I am disciplined for my sexual history.

The test comes back negative. As with every single time I have done this before, I feel my body exhale, now filled with the buoyancy of hope. Everything feels possible.

Sedgwick's characterization of a reparative practice follows a similar affective journey. When HIV infections were surging in the United States, when AIDS was essentially untreatable, the dominant tonality of the moment was dread. It was also the punishing stress of this dread, the ensuing need to mobilize powerful resources of resistance in the face of it, that imprinted 'a paranoid structuration onto the theory and activism of that period' (2007, p. 639).⁸ This dread was offset by the powerful, transformative hope of antiretroviral drugs, when 'the brutally abbreviated temporality of the lives of many women and men with HIV seemed suddenly, radically extended, not normalized'. Sedgwick talks about this as a moment whose tone was set by 'relief, hope, expansiveness and surprise'.

Relief, hope, expansiveness and surprise: these are helpful keywords for us to anchor a reparative practice. Something happens at the moment dread leaves the body and relief rushes in to displace it, if even momentarily. Sedgwick identifies this as a moment of surrender. We surrender the 'knowing, anxious determination' (2003, p. 146) that some form of harm might befall us. Instead, we open ourselves to surprise. This does not mean that the surprises are necessarily happy ones. Even the act of hoping to be surprised can be uneasy—Sedgwick notes that hope is 'often a fracturing, even traumatic thing to experience' (2003, p. 146). And yet: 'because there can be terrible surprises [...] there can also be good ones' (Sedgwick 2003, p. 146).

These affective orientations are complemented by a distinct spatial orientation. If critical theory's affects of alertness and paranoia are marked by an urge to look beneath, to uncover, Sedgwick considers that we might orient ourselves beside. As she indicates in the introduction to her 2003 essay collection *Touching Feeling*, she finds a grounding quality in beside, an 'irreducibly spatial positionality (which) also seems to offer some useful resistance to the ease with which beneath and beyond turn from spatial descriptors into implicit narratives of, respectively, origin and telos' (Sedgwick 2003, p. 8). Beside appeals to her because of its nondualism, the way in which it allows a number of elements to lie alongside each other. Like, to use another image she evokes, the palm of an open hand, where 'life, loves and ideas might then sit freely, for a while' (Sedgwick 2003, p. 3).

Life, loves and ideas do indeed sit freely (for a while) in her essay on Paranoid and Reparative Reading. In one particularly striking segment that we pause to re-read together, Sedgwick gives us a way into reparative knowing, through a story about friendship (2003, p. 148). Three other friends are part of this narrative, two of them thirty, the other sixty. Sedgwick herself is, at this moment, forty-five, right in the middle. In one version of this narrative, a regular generational story, their

⁸ Sedgwick recounts this journey in a later essay titled 'Melanie Klein and the Difference Affect Makes' in an edited collection. Halley, Janet and Andrew Parker. 2007. After Sex? On Writing Since Queer Theory. *South Atlantic Quarterly* 106 (3): 625–642.

relationship with each other would sit within a particular expectation of the passage of time. The youngest might find themselves where Sedgwick is at present, Sedgwick might look to the older friend as a potential future mirror.

But this will not be their story. Sedgwick has breast cancer, that will soon metastasize and become incurable. One of her younger friends lives with HIV at a moment where anti-retrovirals are yet to guarantee a full life. The other has advanced cancer. They live within a kind of contingency, unlatched from a clear *telos*. Their life narratives will not overlap. There is however,

[a]nother sense in which they slide up more intimately alongside one another than can any lives that are moving forward according to the regular schedule of the generations. It is one another immediately, one another as the present fullness of a becoming whose arc may extend no further, whom we each must learn best to apprehend, fulfill, and bear company. (Sedgwick 2003, p. 149)

This paragraph tells us some of the work that thinking ‘beside’ does for Sedgwick, as well as capturing the lived experience from which it emerges. To think beside is to think with, to live with, to join life and thought together.

What could it mean to bring a reparative practice in conversation with legal theory?

In an elegiac essay, Janet Halley reflects on Sedgwick’s legacy and the contested terrain that queer theory in general and a practice of repair in particular has to traverse for a potential embrace within the legal academy (Halley 2017). Without rehearsing her arguments about the difficulties of making this leap, in keeping with the spirit of this essay, I will stay with the possibilities that might emerge in doing so.

Halley notes the indignation she felt when first reading Sedgwick’s essay, given that ‘Eve [...] had been one of my teachers in the fine arts of paranoid reading’ (Halley 2017, p. 133). When she eventually attempts Sedgwick’s ‘playful translation of dark into bright possibilities’ (Halley 2017, p. 133), she registers a sense of excitement. The object of her reading is a 1998 US Supreme Court decision. On her first reading, months before her engagement with Sedgwick’s essay, Halley found that it fit neatly into a kind of dominance feminist account that she had been actively critiquing for its limited, carceral worldview. Subsequently approaching it with a reparative ethos, she experiences herself ‘cracking [...] out of a carapace of thought’ (Halley 2017, p. 134), instead finding a range of plural, horizontal possibilities emerging into view. Even in the case of what Halley characterises as an intentionally repressive legal order, it appears a reparative practice might allow us to attune ourselves to the ‘consequential plenitude’ (2017, p. 140) that such an order might entail.

On my walks around my neighbourhood, I start trying to crack myself out of my own carapace, pushing myself to notice new things, trying to attune myself to surprise. The unwelcome locked down familiarity of my surroundings starts to take on a fresh set of meanings. I notice the gentle undulations of Hotham Hill, which allow the sky to leap right into me as I walk around corners. An alleyway seems to empty out unbroken into a faraway slab of glass and concrete piercing the sky. Violent red leaves smatter the tarmac leading back up to my house.



Image: Lockdown Walks Around North Melbourne

Entanglement (André, April 2020)

To be beside something suggests proximity, a relation of some kind—but also a certain level of separation, or at least, the absence of total identification.

We read Karen Barad in April. If time slowed down in March, then it disappears in April—collapsing, as Danish says in our WhatsApp chat, into quick nothingness. Barad, we discover, uses the word ‘entanglement’ to describe this being beside, in relation but distinct, separate but linked (Dolphijn and van der Tuin 2012, pp. 48–70).

Barad’s invocation of entanglement is in opposition to the standard account of scientific objectivity, which presupposes distance between the observer and the object. We can think here of the critic who stands back from his object and so can see what no one else can see—how the object is a symptom of one of those great critical concepts: society, modernity, capitalism. For that kind of critic, to be entangled with an object is to be mystified by it, and what a critic does more than anything else is demystify.

But now, working from home, how can I untangle life from work? I no longer have access to that calm room on level nine of the law school. Instead, I work from the kitchen table while our three-year-old plays at my feet. I hold our six-month-old during Zoom calls while my partner cooks dinner in the background. There is an urgency, now, to our project. Learning to read hopefully, unlearning the conflation

of critical distance with scholarship par excellence—that all feels less like intellectual curiosity and more like a way of surviving. I have never felt more entangled.

In the same video call that we discuss Barad, we also talk about Davina Cooper (2018), whose blog post on reimagining law led us to Barad in the first place. In some ways, it feels strange to be reading about utopian practices, about reimagining the state. Indeed, even in 2018, when the post was first published, Cooper recognises the strangeness of the argument ‘given the frightening rise in authoritarian statehood’ (2018). But she insists that utopian reimagining is not, or not only, orientated towards some far away future. Instead, Cooper borrows Barad’s idea of the material cut to anchor the work of reimagining in the present. For the work she has in mind ‘is not about designing perfect future states, but making different “cuts” in the present’ (Cooper, 2018).

Barad’s material cuts undo the association between distance and objectivity by reminding us of the materiality of thinking. If we are entangled with the objects we observe then there can be no distinction between abstract knowing and material practice. Instead everything exists beside everything else—self, objects, knowledge, justice—in an interconnected fabric that Barad calls ‘spacetime mattering’. To know is to cut into this fabric, to artificially separate some measure of spacetime mattering for our own purposes. ‘Knowing’, says Barad, is a ‘direct material engagement, a cutting together-apart, where cuts do violence but also open up and rework agential conditions of possibility’ (Dolphijn and van der Tuin 2012, p. 52).

So this cutting—this knowing—doesn’t un-entangle us. On the contrary, she says that ‘what is on the other side of the agential cut is never separate from us’ (Dolphijn and van der Tuin 2012, p. 69). Which means that we are always responsible both for the cutting, and for what is on the other side of the cut.

As Barad says: ‘even the smallest cuts matter’ (Dolphijn and van der Tuin 2012, p. 69).

If every cut matters then that could mean that I have to think very carefully, lest my cuts do unintentional violence. Best to be on my guard, vigilant, suspicious even. The responsibility of thinking weighs heavily, but that is what political commitment feels like.

On the other hand, if every cut matters, perhaps this is cause for levity, for lightness. ‘Even the smallest cuts matter’—does that mean that now, in lockdown, I can give myself permission to make no big claims in my research, to make only small cuts—not as a defensive posture, presenting a small target, out of fear of being wrong—but out of curiosity? To see what will happen, as when my children push and pull and climb and roll, not knowing what is to come?

The heaviness of responsibility and the lightness of experimentation: these two poles do seem to be the order of the day. The heavy responsibility of trying not to spread the virus, of remaining in solidarity with neighbours and colleagues and family we cannot touch. The light experiments of filling in the time when you cannot leave the house, time that had once been for working—of making up new stories for the children and building a makeshift cubby out of bamboo stems from the garden. The two poles seem incommensurable—one speaking to a world in crisis, and the other to the domestic, to self- and family-care. But Cooper would do away with this dualism, and the ‘game of determining whether it is critique or hopeful reimagining that is most worthy of our time and attention’ (2018). For they are not so much in

opposition as they are dependent upon each other. So that the task is not to choose between them, but instead to think about their interconnections. Cooper says:

Play may be useful here as a way of thinking, in more complex and constructive ways, about their interrelationship. It's not simply a matter of critical work accommodating or integrating its more optimistic counterpart, any more than it's about creating clear divisions where one method trumps or sits discretely alongside the other. (2018)

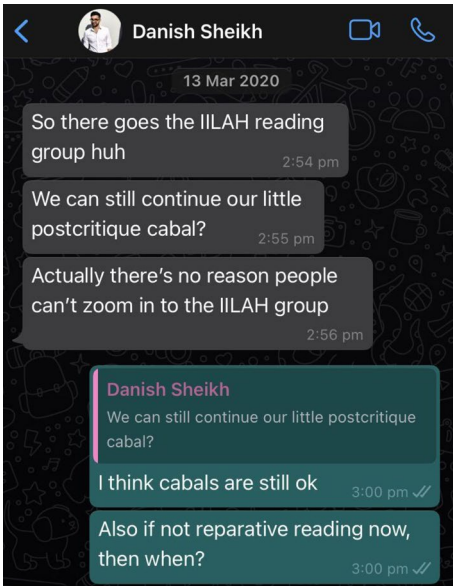


Image: screenshots from our WhatsApp conversations.

Two years after we began this reading project, I am revising this section on entanglement and I realise: all but the first year of my candidature—and all but six months for Danish—will have taken place during a pandemic. In that time, so many things—workshops, conferences, in-person connections—have been cancelled. And so one of the few places for play—in which we combine critical analysis with hopeful reimagining—has been this reading and talking interleaved with shared walks

and meals (when allowed), with messages sent back and forth sharing news, emojis, GIFs, memes.

Intersecting Grids (Danish, July 2020)

The announcement comes at four pm.

Eight hours from now, my postcode—3051, Hotham Hill and North Melbourne—will slide back into a Stage Three lockdown. No visitors at home, no visiting other homes, a limited set of reasons for leaving the house. We are told the lockdown will last for a month. I start to process this piece of news, but there's another announcement.

Starting now—this minute, this very instant—nine public housing towers less than a ten-minute walk from my house will go into lockdown.

But that means –

Yes, it means that residents will not be allowed to step outside the building for any reason whatsoever, for the next five days at the very least. Victorian officials on screen calmly talk about the crisis-level infections in the towers that has led to this difficult decision.

I'm thinking, mutely, about roads and patterns and lines that crisscross, that cut off one tower from the adjoining house, that cut off that block from mine, that cut off my postcode from the neighbouring 3003. Oblivious, thriving West Melbourne. Intersections are on my mind. We are reading Kimberlé Crenshaw's essay on Intersectionality this week, sparked by her tweet—'Intersectionality is not additive, it is fundamentally reconstitutive.'⁹ Reconstitutive seems to rhyme¹⁰ with reparative, and intuitively this feels like it is enough.

Eight hours to go, I dash out of my house before the latticework of law starts to descend. Down Curzon Street, a left onto King Street, and I'm in Flagstaff Gardens, diagonally across from the legal precinct. In this place, Peter Rush writes in a photo-essay, 'laws take place not only in relation to the building of courts and the occupation of varied professional legal associations; they are also generated by the conduct, representation and form of the precinct itself' (2016, pp. 216–252).

I follow the lines he traced out, finding my way to a laneway behind the Supreme Court of Victoria, emerging upon Lonsdale Street to a basement shop, 'Wunderkammer'. In Rush's essay, his attention is drawn to a figure of Justitia in the shopfront, that iconic icon of the rule of law. In the time between the publishing of the essay and my foray onto this scene, the figure has been removed. The only Justitia on this block is the one that sits above the Supreme Court.

⁹ Kimberlé Crenshaw (@sandylocks), Twitter (June 26, 2020, 1:41 PM), <https://twitter.com/sandylocks/status/1276571389911154688?lang=en>.

¹⁰ Poetic sensibility as method? See Anne Carson 2018, Merry Christmas from Hegel in *The Penguin Book of the Prose Poem*, where Carson tries on the 'mood' of a fragment of Hegel even as she acknowledges that her reveries might not, at first, have anything to do with Hegel.

Peter Rush, as it happens, is also my PhD supervisor. I message him about the Wunderkammer Justitia's absence, but also note how beautiful it was to walk about the city streets knowing we'd be going into lockdown in a few hours.

'Good to hear that beauty is still possible' he writes.

I echo a response André made back at the very start and reply:

'If not now, then when?'

The point is that Black women can experience discrimination in any number of ways and that the contradiction arises from our assumptions that their claims of exclusion must be unidirectional' (Crenshaw 1989, p. 149).

This is where Crenshaw's metaphor begins.

Consider an analogy to traffic in an intersection, coming and going in all four directions. Discrimination, like traffic through an intersection, may flow in one direction, and it may flow in another. If an accident happens in an intersection, it can be caused by cars traveling from any number of directions and, sometimes, from all of them. (1989, p. 149)

I've started drawing laneways trying to make sense of this image. The laneways have arrows on them to mark the flow of traffic. This attention to detail isn't helping. We are working our way through Crenshaw's essay, and are, quite literally, stuck at the intersection.

'Similarly, if a Black woman is harmed because she is in the intersection, her injury could result from sex discrimination or race discrimination' (Crenshaw 1989, p. 149).

This part is clearer at first glance. However, for Rahul Rao, it perpetuates a problem that leads to the deployment of intersectionality in the additive mode (2020, p. 12), the very mode that Crenshaw cautions against. The problem lies in that central metaphor of intersecting grids. If we imagine different forms of discrimination flowing from different directions and colliding at the intersection, we will tend towards thinking of identities in terms of separable analytics. The additive mode has, at its crudest, resulted in a conception of intersectionality where marginalised identities layer atop each other, magnifying the burden of marginalisation.

In his own work, Rao furnishes the concept of intersectionality with fresh meaning through detaching it from Crenshaw's referent (2020, p. 14). Through reading the work of Dalit scholar B.R. Ambedkar with the philosopher Elizabeth Grosz, Rao asks us to think of identity categories running along a mobius strip. In the case of Ambedkar's work, the mobius strip becomes a way of redescribing castes as the regulation of gender, which loops back to become a question of caste. At a broader level, the mobius-strip referent becomes a way of conceiving of intersectionality's roads as inseparable.

What happens, however, if we attempt to stay with Crenshaw's metaphor, if we perhaps take it more literally? If, instead of separating the metaphor from its referent, we linger with it, and watch what happens?

I am back in the legal precinct, months after that first nightmarishly beautiful walk. Out of lockdown this time, I sit and watch. I'm looking at the intersection of Lonsdale and William Street, at the crossing of bicycles and people, cars and buses, weaving through the legal precinct. To my left, the Supreme Court of Victoria; to my right, the County Court; straight ahead is the Magistrates Court, and diagonally across the Lego-like colours of the Commonwealth Law Courts. I am watching this intersection, and as I watch, I start to attune to the movement of the tram that cuts through it.



Image: The No. 58 tram as it crosses the County Court.

The Number 58. Bound south, it leads to Toorak, one of Melbourne's most affluent suburbs. Toorak, where a couple returned from a ski resort in Aspen early in March 2020. They turned out to be one of Melbourne's first international Covid cases, and were given orders to stay at home, orders that they repeatedly flouted. They received a stern warning (Houston 2020).

Keep watching, follow these lines. I step onto the tram, and ride 11 stops in the opposite direction. Stepping off on Flemington Road, I turn left to look at the first of the nine public housing towers looming up at me. An image from last July flickers in my head—a placard by a locked-down resident, asking for help.

In December 2020, the Victorian Ombudsman ruled that the timing of the lockdown was in breach of human rights laws, without a basis in direct public health

advice (Victorian Ombudsman 2020).¹¹ The State Government rejected the finding that it acted illegally, saying the urgency of the situation meant there was no option but to act quickly. ‘We make no apology for saving people’s lives,’ Housing Minister Richard Wynne said (Chingaipe 2021).

I climb back into the tram. What else might these intersections reveal?

Her Shape And His Hand (André, July 2020)

We read Patricia Williams’ *The Alchemy of Race and Rights* in July, when all of metro Melbourne is already in stage three lockdown. After dropping my kids off at childcare I drive to the edge of Royal Park. I’m early so I sit in my car, re-reading my notes. Not for the first time I’m struck by this line: ‘I don’t know how to find something to write about in the pain of this deadly world’ (Williams 1991, p. 5).

A masked man who looks like Danish walks past. I put my own mask on and catch up with him at the intersection. Like Crenshaw, Williams is writing about racialised and gendered violence, and how law is complicit in both. But Williams does not structure her writing with an overarching metaphor. Instead she starts with a mood: she’s very depressed. She’s thinking: ‘I *hate* being a lawyer’ (Williams 1991, p. 4).

There is a link between depression and boredom. To be depressed can feel like an absence of feeling. You can’t rouse yourself to be interested in anything; everything is boring.¹² What can law do for you in such a state of mind? Law is the most boring thing of all. Law can’t do anything about the pain of this deadly world, so what’s the point?

Somewhere in Royal Park, I tell Danish that Williams’ opening reminds me—strangely—of the graduate student day at the 2019 conference of the Law, Literature and the Humanities Association of Australasia—just about the last public event I attended before the pandemic. Almost all the papers I saw in the preceding three days of conferencing could be described as broadly critical, even suspicious. People were worried about state power, corporate power, the power of words and the power of art. We all, it seemed, woke up each morning and thought: I *hate* the law. But then, at the end of it all, Professor William MacNeil, dean of Southern Cross University’s Law School, led us graduate students in a chant: ‘I love law. I love law. I love law!’.

Williams says that she is writing to get her mood on to the page, to ‘get it out’ (1991, p. 4). She says she needs to ‘write fast from the heart until I’m healed’ (Williams 1991, p. 4). She says she is looking for ‘catharsis’ (Williams 1991, p. 4). It is only on a third reading that I realise that these are metaphors for a kind of

¹¹ ‘Investigation into the detention and treatment of public housing residents arising from a COVID-19 “hard lockdown” in July 2020’, available at <https://www.ombudsman.vic.gov.au/our-impact/investigation-reports/investigation-into-the-detention-and-treatment-of-public-housing-residents-arising-from-a-covid-19-hard-lockdown-in-july-2020>.

¹² C.f. Davies, Margaret. *Asking the Law Question*, 1.10: ‘All things are boring; jurisprudence is a thing; therefore jurisprudence is boring.’

scholarship—scholarship as healing. Is she trying to get from hate to love? From depressed boredom to cathartic interest?

Later, after our walk—still under lockdown but with the slightest easing in restrictions—I'm jotting these fragments down while watching my daughter play on one of the newly re-opened playgrounds. It's then that I think that there is still another metaphor Williams uses to describe what she's doing: scholarship as alchemy. Feeling my way through the metaphor, I wonder at its instability, its ambivalence. Alchemy is a pseudoscience, superstitious magic. It is also the transmutation of one thing into another—which subtly shifts the meaning of her other metaphor, about scholarship as healing. On its own, we might think of that opening—Williams, furious, depressed, in her terry-towel robe, obsessively consuming cable news—as falling within the genre of writing as therapy. But that reading is too individualistic. *The Alchemy of Race and Rights* is not—or not only—a diary, an exercise in self-care.

Much later again—exactly a year, in fact—and once again in lockdown, I read a chapter of Avery Gordon's *Ghostly Matters* named after a line from *The Alchemy of Race and Rights*: 'her shape and his hand' (Gordon 2008, pp. 3–30). In the year that has passed, we have been out and back in lockdown three more times. We followed the news of deadly surges in the northern winter, and then a horrific surge in India. For a few weeks, every time I see Danish he tells me another friend back home has died, then a relative, then more.

In *Ghostly Matters*, Gordon makes a list for her students of every possible explanation Toni Morrison gives in *The Bluest Eye* for why dreams die. The list is odd, ranging as it does from white supremacy and the dialectics of violence and hatred to 'the weather' and 'furniture without memories' (Gordon 2008, p. 4). Yet there is, says Gordon, a logic to the list. It insists that 'everything of significance happens there among the inert furniture and the monumental social architecture' (Gordon 2008, p. 4). We must constantly move between 'furniture without memories and Racism and Capitalism' (Gordon 2008, p. 4).

In the twelve months between reading Williams in July, in lockdown, and reading Gordon in July, in lockdown, we have oscillated between the Pandemic and discovering a new walk by the river, between Vaccine Politics and learning how to maintain friendships over screens, between Australia's Ever-Tightening Border Regime and teaching my daughter how to ride a bike. Everything important happens here, and in the space of oscillation between.¹³

Gordon begins her chapter with an epigraph, another line from *The Alchemy of Race and Rights*: 'That life is complicated is a fact of great analytic importance' (2008, p. 3). Gordon calls it a 'folk theoretical statement', one that 'guides efforts to treat race, class, and gender dynamics and consciousness as more dense and delicate than those categorical terms often imply' (2008, p. 5). We could add to that list Law, which is more dense and more delicate than is often implied.

¹³ 'Therefore I propose, making use of all the liberties and licences of a novelist, to tell you the story of the two days that preceded my coming here—how, bowed down by the weight of the subject which you have laid upon my shoulders, I pondered it, and made it work *in and out of my daily life*.' Woolf, Virginia. 1929. *A Room of One's Own*. London: The Hogarth Press, 6 (emphasis added).



Image: enjoying one of the newly re-opened playgrounds.

Back in July 2020, on our walk through Royal Park, Danish and I agree with Gordon (though we don't yet know it) that there is something striking about the line, 'I look for her shape and his hand.' We are each struck by the line but neither of us fully understands it. 'Her' is Williams' great-great-grandmother. 'His' is the thirty-year-old lawyer who bought her, aged 13. The man who raped her, who made her bear his children, his property. The man who was Williams' great-great-grandfather.

Williams says she is looking for his hand: it is a metaphor for his words, in legal writing and in judgments, his signature on bills of sale for his slaves. Williams says she is looking for her shape: it is a metaphor for the absence of her great-great-grandmother in the records. There is no death—neither cause nor date—recorded. No grave or body.

At the playground, watching my daughter on a see-saw, I think: the hand and the shape are metaphors for how history influences the present. Williams writes: 'I see her shape and his hand in the vast networking of our society, and in the evils and oversights that plague our lives and laws' (1991, p. 19). The hand—which is writing,

which is law—is force, violence, coercion, while the shape describes the absence of choice, the void where a person might be, erased by the violence of the hand ('The force he was in her life, in the shape of my life today' (Williams 1991, p. 19)).

But Williams, the alchemist, wants to reverse this. It is with her hand—her writing, her legal scholarship—that she seeks to fill in *her* shape ('I have tried to piece together what it must have been like to be my great-great-grandmother' (Williams 1991, p. 17)).

If Williams is both alchemist *and* healer then she is transmuting something painful, something incomplete, into something whole. She is taking a history of racialised and gendered violence, and transmuting it into—what? Or—is she taking her hatred of law and turning it into...love? How else, after all, to understand Williams' description of her project as belonging to a 'jurisprudence of generosity'? (Williams 1991, p. 8).

Gordon, referring to Williams' 'treacherous, very fragile' (2008, p. 6) project, says: '[w]e need to know where we live in order to imagine living elsewhere. We need to imagine living elsewhere before we can live there' (2008, p. 5). Gordon's own project in *Ghostly Matters* is to show that '[h]aunting is a constituent element of modern social life' (2008, p. 7). Indeed, we can also think of Williams as trying to speak with ghosts. Yes, in part to show how our forgotten or repressed pasts shape our presents ('her shape and his hand in the vast networking of our society'). But also, as Jacques Derrida (2006) points out in *Spectres of Marx*, to learn something about our possible future(s). We speak to ghosts to learn what must be done (as Hamlet learns from the ghost of his father), to learn how to live. Or as Gordon might say, to learn how to live *elsewhere*.

Repetition, Reading And Re-Treading (Danish, August 2020)

The dull, thudding repetitiveness of the not-so-new lockdown has finally gotten to me. For the first time since we have started this reading project, for the first time in my PhD journey, I look at the notes stacked on my table, at all my work, and think, calmly –

Fuck this.

We are at a point where the end is nowhere in sight. Everyday, I sink just a bit more into a sticky tar pit of depressiveness. The face staring back at me from the mirror is unrecognizable. I watch the Victorian Premier's daily press conferences with increasing bitterness. We must unite in the fight against this wicked stubborn virus he says, and all I can think is, where is this united we in the racial profiling, in the fingers pointed at migrant communities and precarious workers to cover-up the spectacular failures of contact tracing and health department communication?

Our reading project has come to an indefinite pause, our WhatsApp chat has gone silent. I flick through the conversation idly, hoping to find some way back, scrolling up to find a message from André when all of this began:

'If not reparative reading now, then when?'

Indeed.

In Maria Tumarkin's *Axiomatic*, we find a mirror and a balm for this bone-deep weariness.

'Can you remember the last time life felt long or kind, or like it was yours and mine?' (Tumarkin 2019, p. 77) she asks us.

Each section of the book is named after an axiom. 'Time Heals All Wounds' is the section that opens the book; 'You Can't Enter the Same River Twice' brings it to a close. With each of these axioms, Tumarkin takes an overfamiliar phrase, and parses through it to find something new. The constant repetition of these sayings in our lexicon risks rendering them meaningless. With her deliberated, curious repetition, Tumarkin shakes new meaning. In one sense, this is a technique familiar to practitioners of critique: take a thing that we consider familiar, then render it unfamiliar through a different reading. The difference perhaps with Tumarkin's way of reading is her open-ness to being surprised. It is never clear, seemingly even to her, what direction her unraveling of an idea will take.

This sense of surprise comes through powerfully in the section we are reading, which is titled 'History Repeats Itself' (Tumarkin 2019, p. 75). We linger over its observations about people who have come undone in their entanglements with the law – often caught in repetitive loops of drug abuse within an unsparing criminal justice system. Tumarkin meets a community lawyer, Vanda, battling within this system to roll the rocks out of her clients' way, even as they keep rolling back.

If this sounds unsparingly bleak and Sisyphean, Tumarkin comes to a surprising observation about repetitiveness, by way of Kierkegaard (Tumarkin 2019, p. 110). A metaphor is involved: a garment. For Kierkegaard hope's garment is new and stiff, while recollection's garment is discarded, it doesn't fit. Repetition, however, is an indestructible garment, it neither binds nor sags. We do not tilt back in time when we repeat—instead, we tilt, imperceptibly perhaps, into the future. There isn't some major transformative moment of repair here, no glistening utopia to be constructed. Instead, it is in the almost imperceptible of moments, the 'benign repetition of daily acts' she tells us, 'that an invisible net is cast, holding people up, protecting them [...] because the things being repeated are never the same. That imperceptible difference, same damn thing, same blessed thing, is what rescues it' (Tumarkin 2019, p. 110).

After we finish our conversation, I pick a cloth mask from my increasingly large pile, and head outdoors for a very long walk.

Whatever it might be as metaphorical garment, the weight of repetition feels physically heavy. I have scoped out every street within the five-kilometre radius that the State government has mandated us to stay within as we ride out this latest wave. In the landscape, Andreas Philippopoulos-Mihalopoulos tells us how law's control emerges in part from the corridors on which its subjects move (2015, p. 66). With every repetitive loop that I make of my five-kilometre radius, I reinscribe this control, through and within my body. It sinks deeper into my skin every time I find myself hurrying back home to make it in time before the eight pm curfew strikes. I desperately want to find something: another law, a moment of hope, a spark of inspiration, something that will shake me out of this stupor.

But nothing comes.

Instead, I walk with Tumarkin's words, and let the weariness settle into me.

A year later, the weariness has become a longer than expected guest, accreting through a series of losses, some of which I have in common with most of the world, some of which are very much my own. It is second nature, this weariness—my body has been trained into it. But perhaps something else has become second nature too, through a different kind of training. A training from conducting our particular reading project in this particular city across this particular period of time.

It is a chilly spring afternoon, and I am making tiny repetitive loops around Federation Square. We are well out of lockdown—past zonal restrictions and curfews and density caps. But here I am, very much within my five-kilometre radius, intently circling a fairly small space. Fed Square as it is referred to by the locals—and I catch myself realizing that I have become a local now—is a recent addition to the cityscape, formally opening in late 2002. The space was initially unpopular, in large part because of the jagged, shard-like buildings that frame half its borders. Those very patterns would go on to become part of Melbourne's cityscape, with the Square itself ultimately the object of a grudging acceptance. But I am not here today for the shards, I am not looking at the buildings. My gaze is trained towards the ground. Perhaps, you might say, towards my standpoint.

I am standing on a large grid of sandstone blocks that spiral across the length and breadth of Federation Square. This is an installation called Nearamnew designed by Paul Carter (2005). The official description will tell you that this is a three-part artwork, evoking the structure of federal organization which the square itself was built to commemorate. A larger whorl pattern, within which exist nine ground figures at random, and within each ground figure, an engraved set of texts. You cannot see the whorl pattern in any comprehensive sense from standing on the ground, neither can you discern a beginning and end to this installation. It resists any kind of immediate meaning-making by the observer, instead asking you to traverse its discrete figures in any order, dependent on which direction you approach the square from.

I've walked down from the bustling thrum of Flinders Street Station, and paused upon the first ground figure I've come across. The *wordsaresmashedtootightagainsteachotherlikethis* so that it takes some bit of parsing to make sense of them. They tilt at odd angles, run against words from other sentences, you have to keep reorienting yourself to read them.

You-speechless-newcomers-with-your-bags-of-hope-less-than-the-wear-of-one-mornings-feet.



Image: Neararnnew, Federation Square

Continuing to scan the ground, I find my way to another of these figures.

Then-treading-here-read-remember-mark-in-passing-you-are-here.

Still looking groundwards, and now the slope rises, here is another.

Where-you-stand-is-the-rendezvous-for-the-tribes-known-as-Waworangs-Boonurongs-Barraboobs-Nilunguons-Gouldburns.

This last set of words, I will later find, comes from an 1840 letter by Assistant Aboriginal Protector William Thomas (Carter 2002, p. 234). Other figures refer to events leading up to the formation of the Australian Commonwealth, to the journeys of migrants who converge on this land, to the water history of the river that runs alongside the square. An hour, two hours go by as I tread across and read each of these figures, my gaze almost constantly trained to the ground, my feet scraping across the shifting textures of the sandstone.

I start to walk home, down Flinders Street, now more attuned to the ground and its texture. This is one of the routes I have walked all too many times during lockdown, I know it all too well. I know that at some point I will hit Williams Street, cross down to the legal precinct, past Flagstaff, onto Victoria, a right at Errol, a left at Queensberry. I know it so well that I let the part of my body that guides me go free, while I continue to focus on the ground, feeling the bluestones against my shoes, sensing the gentle tilt of the ground.

And then, at what should be the halfway point to my house I look up to find myself on an unfamiliar street crossing, unfamiliar buildings stretching out on all four sides of me.

I might be lost.

Something buoyant rises within me. This city, this five-kilometre radius that I thought I knew everything about still holds a few surprises. This city still has the capacity to surprise me.

I still have the capacity to be surprised.

Conclusion

The title of our little experiment—which has gone on to span two years and change—is taken from an essay by Janet Halley (2017). We encountered the essay early in our journey, and we reference it early in this account. To recount, the phrase comes up in an essay where Halley reflects on her friendship with and learnings from Sedgwick, whose ethos she describes as the ‘playful translation of dark into bright possibilities’ (2017, p.133). For a while, we placed greater emphasis on the latter part of this phrase, the ‘dark into bright possibilities’, the search for hopeful meaning.

At the other side of this project, we find that it is the element of playful translation that holds greater weight for us. An emphasis on translation, approaching translation as ethos, recalls the work of James Boyd White. In *Justice as Translation*, White expresses an issue with literary criticism that mirrors issues he perceives in legal theory:

Too little attention seems to be given to the possibility that we have something to learn, as individuals, as communities, and as cultures, from the texts we study, and from the minds who composed them, as if they spoke to us [...] in literature and in law alike there is often a perceptible want of love for the subject matter, for the texts and what they mean, and for what can be learned from them. The driving emotion seems not to be love but a desire to dissect, to dominate, to conquer, both the past and one’s contemporary peers. (1990, p.99)

A certain ethos of translation on the other hand might dispel this urge to dissect, dominate, conquer:

[...] what happens in what we call translation—and drafting and interpretation too—is that we make one text in response to another. The heart of the process is learning the language of another not as material for transposition but as a language of meaning in its own right, then making a text of one’s own in the full knowledge that it will have a meaning of its own, different from but related to that of the original, and that one is responsible for the meaning one makes. (White 1990, p. 252)

In some ways, translation, rather than post-critique, may better capture the work we hope to have done in this article. The attraction of post-critique as a term is also

its danger: as a provocation, it encouraged us to think through the critical tradition into which we were being trained. Yet post-critique has in turn been the focus of intense debate in literary studies and in the wider humanities, waged in increasingly warlike terms. That debate, and the pressure to pick a side—either ‘for’ critique or ‘against’ it—distracts from our purpose here. More troublingly, both post-critique and the Latourian Actor Network Theory from which it derives so much have been criticised for being unmoored from explicit political and ethical commitments.¹⁴

In contrast, translation, as Boyd White points out, carries with it a sense of responsibility—both to the object being translated, a responsibility of fidelity and generosity, and for the object-in-translation, a responsibility for the new meaning that one makes. Translation also, as the saying suggests, carries with it the knowledge that total fidelity is never possible—something is always lost, which means that something is also gained. Translation is thus an imperfect, unpredictable endeavour. In this sense, our reading project has been an ongoing act of translation, as we sought to read our chosen texts into our lived experiences of 2020/2021. That is, we came to realise that we were reading a set of texts about hope, about translating dark into light, about repair—in a time when we had every reason to be paranoid and suspicious, to despair. We were also, with the exception of Tumarkin, translating texts written and published elsewhere to Melbourne, where we are both settlers—of differing duration—on unceded Wurundjeri Woi Wurrung lands. That fact added to our sense of responsibility. Ought we to be playing with these texts when the world is burning, when decolonisation is yet to be done, when we have PhDs to be finishing?

Perhaps our argument, to the extent we have one, seems circular. Perhaps we seem to go constantly back and forth between hope and despair, between enchantment and suspicion. This whiplash-inducing oscillation reflects our experience across these two years. It reflects too, an oscillation we perceive in the legal scholarship that surrounds us. Ours is hardly the first essay to wonder if critical legal scepticism might be tempered with something like critical faith.¹⁵ Indeed, it is not as if one cannot find, in the work of the paragons of critique, moments of surprise, wonder

¹⁴ See for instance Liming, Sheila. 2020. Fighting Words. *Los Angeles Review of Books*. <https://lareviewofbooks.org/article/fighting-words/in> which Liming, reviewing Felski’s *Hooked: Art and Attachment* detects a hint of ‘Trumpian logic’ to Felski’s call for a less sceptical approach to literary criticism. Liming compares Felski’s suggestion that more scepticism might be counter-productive in a time when climate change denial and fake news is rife to Trump’s plans to ward off ‘left-wing indoctrination’—understood to be critical thinking—in US public schools.

¹⁵ For three such examples see Meyler, Bernadette and Elizabeth Anker eds. 2017. *New Directions in Law and Literature*. Oxford University Press; Peters, Julie Stone. 2005. Law, Literature, and the Vanishing Real: On the Future of an Interdisciplinary Illusion. *PMLA* 120(2): 442–453, where Peters suggests that we might move towards a realisation that ‘to expose the made-upness of a thing is not necessarily to dim its prestige, let alone to do away with it’, and that to move past the examination of ‘realness’ is to shift away from the ‘hermeneutics of suspicion’ and to move ‘from disenchantment to re-enchantment’ (p. 451); and Berman, Paul Schiff. 2001. Towards a Less Suspicious Story: Notes Toward a Non-Sceptical Approach to Legal/Cultural Analysis. *Yale Journal of Law and the Humanities* 13(1): 95–128, in which Berman uses Paul Ricoeur’s analytic of the hermeneutics of suspicion to characterise the critical legal tradition. Berman then argues for a more generative vision of law, one which might take up the other pole of Ricoeur’s analytic, the hermeneutics of faith—but, crucially, one that does so without abandoning the insights of poststructuralism and the critical legal scholarship.

and attachment.¹⁶ In other words, there is nothing new in the impulse we followed in embarking on this experiment. Rather, we imagine that this movement back and forth continues because it is, in some way, vital to scholarly projects of emancipation and truth-telling. Thus, we have no interest in arresting this movement. Instead, keeping in mind the etymology of translation from the Latin for ‘bearing across’,¹⁷ we have experimented in this essay with reading as a kind of translation, which is to say, reading as a way of moving between dark and bright.

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¹⁶ To use Sedgwick’s lexicon, ‘it is sometimes the most paranoid-tending people who are able to, and need to, develop and disseminate the richest reparative practices’, Sedgwick (2003), p. 150.

¹⁷ An etymology we learned from Rushdie, Salman. 1992. *Imaginary Homelands: Essays and Criticism 1981-1991*. Penguin, 16.

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