Deleuze and Human Rights: The Optimism and Pessimism of '68

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Abstract

The paper takes as its point of departure the claim of Alain Badiou that the events of 1968 have two possible outcomes, "one pessimistic" and one "optimistic" (2015: 43-44). It suggests that one of the main manifestations of the pessimistic outcome is the triumph of human rights thought as a form of the only true measure of morality, a new transcendent subject. On the other hand, it suggests that one of the optimistic outcomes of 1968 is the political turn that the philosophical thought of Gilles Deleuze took as a result of the events of '68. The paper brings together these two oppositional manifestations of '68 by exploring and critically examining the critique of human rights of Deleuze. In particular, it focuses on his claim that rights are a new form of "transcendence." As such, the paper explores Deleuze's critical comments on the notion of transcendence and his preference for an immanent mode of thought, and it tries to connect this with his critique of rights, through the distinction he makes between ethics and morality. The paper argues that such an exploration, potentially, points towards a new way of thinking ethically about human rights or beyond them.

Prologue

This year marks the fiftieth anniversary of commemorating the events of 1968, but what exactly are we commemorating? In better terms what are the legacies of 1968? If, according to Julian Bourg, that which "we often celebrate [about 1968] is a fundamental sense of possibility" (2017: xii), then we have to ask; "how has this possibility (or possibilities) been, or may still be, actualised?" A potential answer to such a question was given by Alain Badiou who suggests that there are two possible outcomes of the events of 1968. The first is an outright "pessimistic one" (2015: 43). The revolutionary spirit of 1968 is dead and buried, the "counter-revolution" of conservative forces of reaction (Douzinas 2017: 148) have prevailed and, what Gilles Châtelet calls, the "(Neo)Liberal Counter-Reformation" is the outright victor of the post-1968 political and social milieu (2014: 3, 145). The capitalist market's fatalistic politics are dictating every step of each singular life and many of the "revolutionaries" of 1968, despite not fulfilling their dream of changing the world, efficiently managed to conquer "the heights of power in public and private sectors, in political parties and the media" (Douzinas 2017: 148), often becoming the very thing that they hoped to overthrow fifty years ago.

In this paper, we suggest that the triumph and "over-fetishisation" of human rights constitutes one of the central manifestations of this "pessimistic" outcome of the events of 1968. In the post-1968 world human rights discourse(s) came to substitute most of the

calls for a "real social revolution" (Ishay 2008: 248-249; see also Douzinas 2017: 148; Bourg 2017: xvi) by speaking and presenting their claims in a post-political language, beyond ideologies, preferring a so-called "moral" approach over a political one in dictating international affairs, legal and social norms and demands. Indeed, the often commended "post-ideological" form of human rights today puts forth a claim to a "universality" and an ability to unite people irrespective of their political, religious, ideological, national backgrounds or/and beliefs and class status (Douzinas 2000: 1-2). This supposed "impartial" and "inclusive" language of rights soon formed a "consensus" (Deleuze, 1995: 152) which suggests that the dominant position of human rights in our era is one of the primary manifestations of a sign of "progress," even the so-called fulfilment of the Enlightenment Project as a (post)modern form of the Kantian *jus cosmopoliticum* (Douzinas 2007: 4).

However, it became apparent very soon that these dreams were not about to turn into reality. Human rights and their values look like they are unable to address the numerous situations of suffering, violence around the world, the crises that we face today, e.g., the refugee and financial crises, and the predicament of the world's marginalised. In addition, we cannot overlook the crucial fact that human rights narratives are often, explicitly, utilised to serve, arguably, neo-imperial and neoliberal purposes (Hardt & Negri 2000: 17-18). Indeed, the consensus that human rights discourse(s) managed to achieve through their, very effective, use of post-ideological, even *a*-political language, formed "a moral righteousness" which serves as "a measure" (Motha & Zartaloudis 2003: 243) that decides what is morally good, or evil. Hence, it is not surprising that the inauguration of the so-called "human rights wars" during the 1990s (Virilio 2007: 49) was endorsed by many people, from different backgrounds, as a just cause against evil. These have led to the emergence of multiple critiques of rights' impotence or even neo-imperial character, be that political, religious, cultural, philosophical or anthropological. Nonetheless, the hegemonic position of rights does not seem to have lost significant ground, making us wonder whether they are truly *the last* – not so ideal – *utopia* (Moyn 2010). Instead, what usually happens is the condemnation of those critics as enemies of "progress" and "modernisation", (Badiou 2012: 4) as "fanatics" or "romantics" lost in their nostalgia for older times.

Returning to the issue of the legacies of 1968, in his work mentioned above, Badiou also speaks of an "optimistic" outcome of the events (2015: 44). The new singularities and subjectivities that emerged during the events of 1968 point towards the promise of a radical change, the dawn of new movements, a new *image of thought* for doing politics, for thinking about aesthetics and ethics. It is within this framework that the philosophical thought of one of the most significant French philosophers of the twentieth century, the late Gilles Deleuze – and after his fateful encounter with the militant psychoanalyst Félix Guattari – shifted towards a more politically oriented style and engagement. Deleuze's influence on a variety of disciplines, not only within the humanities or social sciences, with an abundance of works discussing his thought and concepts, is well-documented. Nevertheless, his brief, yet ferocious criticism of human rights remains significantly under-examined with very few exceptions (see Lefebvre 2012 and Patton 2012).

In what follows, we aim to bring together these two manifestations of the opposite outcomes of the events of 1968 (the pessimistic and the optimistic one). More specifically, we delve into and critically explore the critique of human rights presented by Gilles Deleuze. Our hypothesis is that such an exploration has the potential to open up new possibilities of (re)thinking about ethics or about different ethics, either within a human rights framework or beyond the notion of rights as such. The focus of our examination lies on a particular critical comment made by Deleuze, suggesting that human rights are "establishing new forms of transcendence, new universals" (1995: 152). Deleuze's philosophical corpus can be characterised as a polemic against the notion of transcendence as opposed to his preference for an immanent philosophical mode of thought.

As such, we start the examination with an exploration of the sum of Deleuze's critical comments about rights **(Section I).** Subsequently, we illustrate a brief exploration of the terms "transcendence" and "immanence" throughout the history of western thought, and we elaborate on Deleuze's critique of transcendence and his preference for immanence **(Section II)**. Finally, we draw a connection between Deleuze's criticism of transcendence and his preference for immanence and his criticism of human rights, with a focus on the distinction made by the philosopher between morality and ethics **(Section III)**.

I. Attacking human rights – *L' Abécédaire*, other interviews and *What is Philosophy?*.

Deleuze's direct comments on human rights are brief and dispersed mainly in a handful of interviews, with the only exception being some pages in his last collaboration with Guattari, *What is Philosophy?* Yet, as it was mentioned earlier, these brief comments are, usually, made in an excessively polemical tone, with the philosopher using strong words that show at first sight a peculiarly fierce contempt. Especially when, in section *G comme Gauche* of *L' Abécédaire de Gilles Deleuze,* a series of video recorded interviews with Claire Parnet, were Deleuze comments each time on a word on the basis of a letter of the alphabet. At some point during this section of the interview, while they discuss the issue of actual revolutions and the Deleuzian concept of "becoming-revolutionary," Parnet refers to "the rights of man" [*droit de l' homme*, meaning "human rights"] and she states the following: "And this respect for the 'rights of man', which is so fashionable these days, but it is not becoming-revolutionary, quite the opposite(?)" (2011). When Deleuze is asked to express his view on the above statement/question his body-language shows signs of discomfort and even exasperation. His instant response is vehemently vitriolic, stating the following:

> Listen, this respect for the 'rights of man' – this really makes me want to say, almost make some odious statements. It belongs so much to the weak thinking of the empty intellectual period that we discussed earlier [here he refers to his view that culture is in a state of decadence, as expressed in section *C comme Culture*]. It's purely

> abstract these 'rights of man'. What is it? It's purely abstract, completely empty. (2011)

As Alexandre Lefebvre notes, the particular section of the interview "has an extraordinary quality that can't be captured in a script. [Deleuze] sighs, pauses, starts and stops […]" (2012: 49). This is remarkable if we are to take into account the striking change of mood that characterises this part form the rest of the eight-hours long interview. For the majority of the time, Deleuze is distinctly calm, sometimes replying in a serious tone and at other times in a more cheerful manner. As John Marks remarks in his commentary on *L'Abécédaire*, "it is striking that Deleuze switches rapidly from moments of humour – ideas seem to suddenly strike him as humorous and he breaks out into a grin full of complicity, spluttering with laughter – to 'serious' philosophical points" (1998: 11). However, what are more precisely the main issues that he identifies as problematic with regard to human rights?

In *L' Abécédaire* (2011) and the "On Philosophy" (1995) interviews, but also in *What is Philosophy?* (1994), Deleuze – and in the last instance together with Guattari – refers to human rights as "universals" and "axioms" that in a very hypocritical manner "claim to restore the society of friends, or even wise men, by forming a universal opinion as 'consensus' able to moralize nations, the State, and the market" (1994: 107). In reality, however, human rights are mere "empty abstractions that belong to the weak thought of imbeciles [*débiles*]" (2011). Human rights, and, in particular, their declarations, as Deleuze states, "are never made as a function of the people who are directly concerned" (2011) and thus, not only do they usually neglect the people they are supposed to protect and give a voice to, but they are also accomplices to the capitalist market's politics of domination. As such, human rights are compromised in generating "human misery" according to the wishes of global capitalism, without taking into account the needs of the so-called subject of their protection (Deleuze, 1995: 172-173). In order to illustrate this view, further, Deleuze refers, in *L' Abécédaire*, to the example of the Armenians, which manifests the abstraction of universal human rights and their detachment from real-life cases brilliantly:

> There is an enclave, an Armenian enclave in another Soviet republic and there is an Armenian republic. So that's the first aspect of the situation. There is this massacre by some sort of Turkic group […]. This massacre of Armenians, in the enclave. So from the enclave, the Armenians retreat into their republic, I guess – please correct me if I am wrong – and then, there is an earthquake. You'd think you were in something written by Marquis de Sade, these poor people go through the worst ordeals inflicted by men, and when they reach shelter, it's nature that gets involved. When people say 'the rights of man' it's just intellectual discourse, for odious intellectuals. For intellectuals who have no ideas. First I have always noticed that these declarations are never made as a function of the people who are directly concerned, the Armenian society, the Armenian communities, etc. Their problem is not 'the rights of man'. (2011)

Using the above case, Deleuze succeeds in succinctly expressing a concrete example that manifests, in all its reality, the predicaments and actual catastrophes that the Armenian people were enduring. As stated by Alexandre Lefebvre, "the Armenian example is obviously an instance of the intolerable" (2008: 84). It is also a perplexing and quite unique case that "poses a singular problem to law: how to make this situation liveable" (2008: 84)? This is precisely the question that Deleuze wants to ask human rights to address, because for him a successful account of human rights – if such a thing exists at all – should treat all the unique cases in their specificity, try to find innovative solutions that reflect and express the particular issue that they are faced with. Nonetheless, what happens is quite the opposite. Human rights thought is so deeply entrenched in "eternal values" and fixed norms, which are deeply detached from real life, that they completely overlook the specificities of each and different case. Hence, what usually happens is that needs of particular people in a very specific situation are compromised according to the norms of static values that come "from above," and they are entirely separated from the concrete needs of life. Ultimately, rights are reduced to empty universals that form a consensus which, in its turn, turns concrete and unique singularities into mere abstractions.

At this point, some people may, rightly, object that Deleuze does not offer something unique in his critique of rights. Indeed, many thinkers, from different political backgrounds have, previously, attacked the emptiness and abstraction of rights (see Burke 1987; Marx 1978). However, what makes Deleuze's critique of rights quite unique is his reference to the problem of "transcendence" as opposed to his preference for an "immanent" philosophy and how transcendence relates to, what he conceives to be, the problem with the thought and tradition that dominate human rights. Consequently, Deleuze's critique of the emptiness, abstraction, and universality of human rights can and in our view should be incorporated within his wider critique of transcendence, as the term unfolds in the section below. As Deleuze states, human rights are perceived as "eternal values", and as such, they reintroduce and establish "new forms of transcendence" (1995: 153). This view echoes the Nietzschean reading of Deleuze and his – through the medium of Nietzsche's thought – understanding of morality as transcendent, which dictates and shapes our way of life through its eternal values, but in reality, these values hide an insidious "hatred for life" and everything that affirms it (2008: 122). As Deleuze states:

> They [moral, eternal values] are not created by acting but by holding back from acting, not by affirming, but by beginning with denial. This is why they are called uncreated, divine, transcendent, superior to life. But think of what these values hide, of their mode of creation. They hide an extraordinary hatred, a hatred for life, a hatred for all that is active and affirmative in life. (2008: 122)

In the same manner and as a result, Deleuze and Guattari suggest enigmatically at first sight perhaps: "human rights [forming the new (post)modern eternal values of our age] say nothing about the *immanent modes of existence*" (1994: 107).

II. Immanence and Transcendence: A brief examination

Both terms, immanence and transcendence, have a long and particular history within the philosophical and theological Western tradition, and they are known to manifest, depending on how they are defined, differentiated metaphysics; and as it is argued below different ethics too.[1] We conceive the terms as two manifestations of different "relations," i.e., of how we ethically or morally relate *to* or *in* the world, to ourselves, etc. and as such, these two different understandings of relations lead to distinct, even extremely oppositional, philosophical modes of thinking. To that extent, when we talk about relations of transcendence, we, often refer to "relations *to* something" (Williams 2010: 128). Here the *to* signifies a relation towards something which can be conceived as external, or "other-worldly". Transcendence has taken many forms in, predominantly, philosophical and theological ways and schools of thought, such as "God (at least a certain conception of God), the *Cogito,* transcendental consciousness – whether Kantian or phenomenological – the Other, the lived body and existence, all perpetuat[ing] the idea of a world essentially immanent, or given to some ontologically distinct principle or origin" (De Beistegui 2010: 24-25) even, regarding what we can call "the authority of the human subject", constituting a form of a transcendent entity, in the sense that it is conceived as "eternal", "static" and "pre-given". Such a subject understands the world outside of herself as something completely external – "the other-worldly" – as we referred to above (Colebrook 2002: xxix).

The theological manifestation of the term has dominated, and still dominates, an abundance of religious cultures, be they monotheistic, polytheistic and from both the Western and the Eastern religions. While a detailed examination of theological transcendence is far outside of the scope of this paper, we, nonetheless, consider it paramount to give some useful examples, in order to better understand the role that the term plays in the Deleuzian corpus. We focus, then, on one of the most conventional manifestations of the term, that is the one found in Scholastic thought and, in particular, the writings of St. Thomas Aquinas.

In its aforementioned manifestation, a transcendent Being often characterised as God, is that which is usually conceived as the "other-worldly", either above, beyond or outside of the physical world. The infinite Being and the finite creatures are characterised, according to the Scholastic thought, by a relation of *analogia entis*, which suggests that Being "is not being said of God and finite creatures in the same way" (Agamben 1999: 226). This relationship of analogy between God, the Creator, and His finite creatures,

[1] It should be noted here that Deleuze never made explicit his intention to produce a theory of "ethics" within his corpus. Nevertheless, as Michel Foucault writes in his preface of *Anti-Oedipus*: "I would say that *Anti-Oedipus* (may its authors forgive me) is a book of ethics, the first book of ethics to be written in France in quite a long time (perhaps that explains why its success was not limited to a particular 'readership': being anti-oedipal has become a lifestyle, a way of thinking and living" (Deleuze and Guattari 2013: xli).

according to Aquinas, starts by the fact that the being of the creatures is only received by virtue of the primary Being, that is God. As he writes:

> The creator and creature are reduced to one, not by a community of univocation, but of analogy. This is of two kinds. Either it arises from this that things share in something in greater or lesser degrees, as potency and act – and substance and accident – share the notion of being. Or it arises from this that one thing receives its being and definition from another, and such is the analogy of creature to the creator: the creature exists only to the degree that it descends from the primary being, and it is called being only because it imitates the first being. Thus it is with wisdom and all the other things which are said of the creature. (Aquinas 1997: Prol., q.1, art.2, ad. 2)

As such, the creatures exist only by virtue of God, and they are called beings merely because they imitate the aforementioned first Being. As a consequence, the being and the qualities of the finite creatures do not manifest the same meaning as the ones said for the Creator. Hence, for example, in the phrases "a human being is good" and "God is good", the goodness of the human to that of God is merely analogous but at the same time distinct. Hence, "God is independent of His creation, yet the creation must be referred to God […]" (Williams 2010: 128). The ultimate result is then that in such terms we have a kind of negative notion, where the transcendent Being, negates the finite and relative. Or in other words, the beings of the lower realm, find their meaning only in *relation to* the Being, belonging to the other-world.

Within the modern philosophical tradition, with a possible starting point the thought of Immanuel Kant, the term of transcendence is also used to signify that which lies beyond our experiences, that which can be an object of our knowledge or for the phenomenological movement that which "transcends" our consciousness. As Claire Colebrook suggests, Kant but also the "father" of phenomenology, Edmund Husserl both make a distinction between the transcendent and the transcendental.

> Transcendence, or the transcendent, is what we experience as outside of consciousness or experience. We experience the real world as transcendent as other than us or as external. A transcendental philosophy or method asks how transcendence is possible. For example, I can only have a real or outside world if I make some distinction between what appears to me (perceptions and appearances) and a world that appears (the perceived or appearing thing). Both Kant and Husserl argued that before there could be the transcendent or the real world 'outside of me', there had to be some concept of 'me' (or the subject) from which the real world was distinguished. (2002: xxix)

Hence, while modernity may signify the end of the medieval period's theologico-philosophical thought and the unquestionable devotion to a transcendent Being in the form of "God", the spirit of transcendence survived within modern philosophical thought. As we have seen in the previous section, modernity and modern philosophical thought may have "killed God", but they did not manage to escape the "ground" – that is the

ontological primacy and self-evidence of the origins of a being – in that case of the subject. As the nineteenth-century German philosopher Max Stirner notes, with the passage from "the ancients" to the "moderns", as he calls them, we have merely a substitution of the notion of the divine as "humanity" or the subject for that of "God":

> Therefore, by changing the predicate into the subject, the Christian essence (and indeed, the predicate contains the essence) is only more oppressively fixed. God and the divine would thus entwine themselves more inextricably with me. To expel God from his heaven and rob him of his '*transcendence*' cannot yet establish a claim to complete victory if with this it is only chased into the human breast and endowed with indelible '*immanence*'. Now it is said: The divine is truly human! (2017: 66)

On the other hand, and as opposed to the relations of transcendence discussed above, a concept of immanence is, usually, used to signify "relations *in* something" (Williams 2010: 128). In his extensive work on the issue of immanence in Deleuze and philosophy, in general, Christian Kerslake suggests that a preliminary definition of immanence can be derived from "two features – one formal, the other ontological" (2009: 2). He continues by stating that,

> formally, a philosophy of immanence is a philosophy that does not appeal to anything outside the terms and relations constructed by that philosophy. Ontologically, a philosophy of immanence promises that *thought* is capable of being fully expressive of *being*; there is not 'transcendence' of being to thought. (2009: 2)

Hence, starting again with the theological notion, such a conception of immanence, in contrast to a transcendent one, would support that God can be grasped as a divine spirit, which infuses the physical world and thus a theological account of immanence "would deny a God that [is] transcendent to nature" (Kerslake 2009: 42). To the same extent, philosophies of immanence – with Spinoza's being one of the most influential – suggest that there is not an external cause of the world, but everything is in God or Nature (*Deus sive Natura*) (Spinoza 1992: 29). In other words, everything "remains internal or remains within" (Widder 2010: 687).

Deleuze thinks an immanent philosophy or a philosophy of immanence, strongly influenced by Spinoza and John Duns Scotus' notion of the "univocity of being",[2] as well as Nietzsche's "Eternal Return".[3] His position is that western thought, since Plato, has

[2] John Duns Scotus' univocity of being opposes the equivocity of Thomistic thought, discussed above, in the sense that qualities such as "goodness, oneness, and truth" are "indifferent to the difference between finite and infinite being" and thus they pertain to being as such (Widder 2009: 35-36) Hence, for Scotus goodness signifies the same for man (finite being) and God (infinite Being). Deleuze expands the concept of univocity in order to suggest that no being or event or phenomenon holds more reality than any other.

[3] Deleuze reads Nietzsche's Eternal Return as the "affirmative being of becoming" which is the "self-affirming of becoming-active" (2008: 72). What he means in that sense, is that the principle of Eternal Return is that which affirms difference, without any prior ground, and as such any form of transcendence. This Eternal Return is not the return of the same but rather a process of "becoming". As

been infused by the "illusions" or "abstractions" of transcendence. The introduction of transcendence, he states, is "the poisoned gift of Platonism" (1998: 137). Platonism gave a "philosophical meaning to transcendence (triumph of the judgment of God)" (Deleuze 1998: 137). This happened, in Deleuze's interpretation, with the introduction of the Platonic *Idea*. For Plato, the world of Ideas is a non-material but substantial realm which manifests the most accurate form of reality. Hence, an Idea can be said to be the essence of the beings we encounter in the material world. However, all the material beings are but "shadows" of the real Ideas (Plato 2012: 463-468). As a consequence, a hierarchy of beings is formed, where some beings hold "more reality" than others. In this vertical mode of thought, then, the Platonic Idea is that which possesses a quality "first-hand". Since they come first in the hierarchy – they represent the most adequate reality – Ideas are used as a measure in order to determine which things possess the quality second-hand and so forth, in other words, which things possess more reality than others (Deleuze 1998: 136). As a result, we have the formation of "the One", the universal, objective and transcendent principle, in its different manifestations, be it God, judgment, morality, the state and so forth (Deleuze 2007: 266). The One, being the measure, dictates which creatures are more "real" or "authentic", according to their proximity to the transcendent, higher Being, and thus a hierarchical and vertical mode of thought is in operation – the "arborescent" way of thinking as Deleuze and Guattari call it (2015: 19). Since then, as we have mentioned above and according to Deleuze, "philosophy cannot be liberated by transcendence, from Descartes' *Cogito* to the personal form of an 'I' in Husserl's phenomenology" (2005: 32-33), because "philosophers were thinking about the transcendental as a field of consciousness" (Agamben 1999: 225). Thus, philosophers are "employees" of this transcendent "state philosophy" (Deleuze & Guattari 2015: 19).[4] What Deleuze, in his writings with Guattari, means by state philosophy is not something which is reduced to what can be conceived of as the "official" state apparatus with its most obvious institutional bodies (the government, police, military, etc.). Instead, the

Nathan Widder points out: "Affirmation of oneself comes through the dissolution of the self's idea of itself as a unified subject, without the promise of some later reconciliation or recognition" (2012: 87). Hence, here the Nietzschean Eternal Return points towards an immanent affirmation of difference, which dissolves the illusions of transcendence and of higher unities and ends.

[4] Brian Massumi, in his introduction in the *A Thousand Plateaus*, suggests that: "The established order, of course: philosophers have traditionally been employees of the State. The collusion between philosophy and the State was most explicitly enacted in the first decade of the nineteenth century with the foundation of the University of Berlin, which was to become the model of higher learning throughout Europe and in the United States. The goal laid out for it by Wilhelm von Humboldt (based on proposals by Fichte and Schleiermacher) was the 'spiritual and moral training of the nation', to be achieved by 'deriving everything from an original principle' (truth), by 'relating everything to an ideal' (justice), and by 'unifying this principle and this ideal to a single Idea' (the State). The end product would be 'a fully legitimated subject of knowledge and society' – each mind an analogously organized mini-State morally unified in the supermind of the State. More insidious than the well-known practical cooperation between university and government (the burgeoning military funding of research) is its philosophical role in the propagation of the form of representational thinking itself, that 'properly spiritual absolute State' endlessly reproduced and disseminated at every level of the social fabric" (in Deleuze and Guattari 2015: ix-x)

phrase is closely linked to the idea of transcendence in general, as something which thinks in terms of hierarchy and verticality, with its judgments being based on moral and eternal values (such as human rights). In that sense, philosophers, by failing to escape and by sustaining these "illusions" of transcendence into thought, act, for Deleuze and Guattari, (in)directly as functionaries and employees of this mode of thought, which the latter call "state philosophy".

On the other hand, Deleuze's account of a philosophy of immanence is, as he supports, "the only way to escape Platonism" (1998: 137). In his account of a philosophy of immanence, the One or Being is "univocal", and as such, it is characterised by a certain equality. "Every entity is equally being, in the sense that each actualizes its powers in the immediate vicinity with the first cause. The distant cause is no more: rocks, flowers, animals, and humans equally celebrate the glory of God in a kind of sovereign an-archy" (Deleuze 2007: 266).

Hence, Deleuze's account of immanence is a non-hierarchical one, which refuses static moral codes, instead it aims to a constant creative mode of thought, where everything is connected, yet, every different part's heterogeneity is not repressed under the authority of the One, but it is rather equally celebrated within the aforementioned "an-archic sovereign" – Deleuze and Guattari's paradoxical formula "PLURALISM = MONISM" (2015: 21). How does the formula work? For Deleuze and Guattari being is, as we have seen, univocal and as such, there is not any being that comes first in the hierarchy – it is for that reason that Deleuze and Guattari prefer rhizomes over trees, the nomadic war-machine over state apparatuses. In other words, they reject a being that transcends the others, and thus this univocity expresses their commitment to monism. At the same time, though there is a pluralism because all beings are situated on a single plane – the plane of immanence as they call it. Hence, "all beings express the same plane of immanence differently" (Colebrook 2002: 32).

Having seen how the two terms are manifested and explained within the Deleuzian corpus, we have to proceed by examining their relevance to the issue of human rights and the distinction that Deleuze made between ethics and morality.

III. Ethics vs. Morality and the Future of Human Rights(?).

Deleuze's immanence, then, calls for a different ethics and this is the point where we can draw a preliminary schematic relation between his critique of human rights as transcendent universals and his thought more generally. We have stated previously that Deleuze argues that human rights reintroduce transcendence into philosophical thought. This, as we argue, happens through the medium of the introduction of a notion of morality, with – and despite its post-religious or even secular language – theological features.

The above view echoes the views of multiple commentators referring to the "triumph of rights" (Douzinas 2000), the function of rights as "a paradigm" (Baxi 2008: 23), "rights as the [moral] measure for all time" (Motha & Zartaloudis 2003: 243). Human rights are

by now forming a kind of "secular theology" (Fitzpatrick 2007). Hence, Deleuze opposes the notion of morality as a transcendent value – a notion that dictates "what is good and what is evil", something that is detached from life and acts as a judge, which judges based on the "commandments" of eternal values. This notion of transcendent human rights and their moral, eternal values have as a result the imposition of "constraints" upon any new possibilities of ethical living (Smith 2012: 146), of experimenting and creating. In his second book on Spinoza, Deleuze states that transcendent values and morality are all these things "that are turned against life" (1988: 26). He continues by pointing out that it is through morality and transcendence that "life is poisoned by categories of good and evil, of blame and merit, of sin and redemption" (1988: 26).

Ultimately, all the above have as a result to place us in a situation where we merely and blindly follow values, rules, and norms that are coming "from above", without even evaluating why and if we have to follow such a transcendent moral code. Whoever or whatever refuses to follow the rules of our "masters" is, under this logic, characterised as an adversary of progress, even as evil or inhuman, and thus has to be fought and exterminated. Human rights are, thus, elevated to a divine status that supposedly holds the one, objective truth. It is in that way that the blind faith in rights and their values reduces us to vengeful spirits of *ressentiment*, wholly separated from life, placing us in a constantly judgmental mode of being and thinking – always in a negative manner, never creating.

On the other hand, as we have already stated above, Deleuze supports immanent ethics as "a set of optional rules that assess what we do, what we say, in relation to the ways of existing involved" (Deleuze 1995: 100). In this way, Deleuze's account of immanence can be said to propose a type of "vitalism" (1995: 91), a philosophy of *a* life based on constant strife for creation, a philosophy that engages constantly in "inventing new possibilities of life" (Marks 1998: 1) – that is *a* life which is not reduced to static, fixed, pre-given or "truer" identities and values, but rather follows a rhizomatic mode of constant and creative change that always proceeds "from the middle, through the middle, coming and going rather than starting and finishing" (Deleuze & Guattari 2015: 27).

Deleuze, in an interview about the work of Michel Foucault, states that both their philosophical thoughts are interested in "establishing different ways of existing, depending on how you fold the line of forces, or inventing possibilities of life that depend on death too, on our relations to death: existing not as a subject but as a work of art" (1995: 92). So we have to ask: Is such a way of thinking and acting through the medium of a different human rights mode of thought possible? In other words, can we think of an "immanent" account of rights based on ethics as opposed to morality, according to the distinction made by Deleuze? Can human rights accommodate the particularities and specificities of the singular cases we are faced with, or are they synonymous with a notion of transcendence that must be wholly overcome? Furthermore, if we respond to the previous question negatively and thus we are ready to concede that there is no future for an ethical or an immanent account of human rights then, we have to ask, what could be an alternative way of thinking beyond them?

This article may disappoint some people, in the sense that it neither aims to offer a definitive answer to the above question nor does it offer an alternative account of or for human rights as a kind of "manifesto". Nonetheless, we consider it paramount that prior to any attempt to offer an alternative, we have to seriously attempt to identify the problem with the focus of our critique (in that case human rights). This is because we are at the point where it is difficult even to think that there is an alternative to human rights and to that extent to neoliberal policies in general. Indeed, the pessimism of '68's outcome has become our everyday reality.

On the other hand, and despite not giving a definitive answer, we suggest that the above exploration and examination of the Deleuzian critique of rights and the philosopher's distinction between morality and ethics, possibly lead to a potentially new way of creative thinking and living in an ethical, expressive way that could do away from dogmas and hierarchies. Such a way of thinking and being, though, presupposes that we have to take a "risk" because creativity presupposes experimentation and experimentation does not guarantee absolute ends. Our, potentially, new inventive ways of living may lead to some peculiar results, and thus we have to be prepared to accept that we have to seriously revaluate human rights or any other values that are considered to be "sacred". Taking such a risk may cause an understandable uneasiness, but we are at a critical point where our "lack of experimentation" (Deleuze and Guattari 1994: 108) has led us to a nihilistic stalemate. Only through a radical revaluation of our transcendent, eternal values, do we have a potential – to paraphrase Antonin Artaud – *to do away with the judgment of our (secular) God(s).*

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