HUMAN RIGHTS AFTER DELEUZE: TOWARDS AN *AN-ARCHIC* JURISPRUDENCE

A Doctoral Thesis Submitted to Kent Law School

University of Kent

In Partial Fulfilment of The Requirements

For the Degree of Doctor of Philosophy in Law

July 2020

Words: 99552

By Christos Marneros

<u>Abstract</u>

Having as its starting point the ferocious, yet brief, critique on human rights by one of the most prominent French philosophers of the 20th century, Gilles Deleuze, the thesis aims to critically examine – and, to that extent, to function as a possible 'exodus' from the current, predominant human rights mode of thought – other possibilities of thinking *beyond* human rights, in an ethico-political mode of, what we call an *an-archic jurisprudence*. Despite the indisputable influence of Deleuze's thought on a multiplicity of disciplines and areas of research, the philosopher's critique of human rights remains, fundamentally, underexamined not just within the legal field but more generally. Despite this, the thesis' main hypothesis is that Deleuze's critique is not only compatible with his broader philosophy (as well as an outcome of it), but it has the potential to provide a new impetus to the late modern critiques of human rights and especially so within the 'disciplinary borders' of legal and political philosophy.

The thesis delves into an examination of two of the most central notions of Deleuze's thought and investigates how they are specifically linked to the philosopher's critique of human rights. In particular, the thesis focuses on Deleuze's account of a philosophy of immanence (as opposed to a transcendent one) and on how such an approach leads to an understanding of an *an-archic* ethics as opposed to a dogmatic morality (where human rights, for Deleuze, remain a predominant manifestation of such a mode of being and thought). It further examines the philosopher's notion of *becoming* as something that opposes or disorients a 'fixed' notion of a 'sovereign' human subject as a 'holder' of rights by virtue of its 'humanity' (i.e. an otherwise central component of current human rights thought).

Ultimately, the thesis investigates and expands on the enigmatic use of the term 'jurisprudence' that Deleuze offers as an alternative to the dogmatism and *archism* of human rights. We argue that Deleuze's idiosyncratic use of jurisprudence as a creative philosophy of 'law,' opens up new possibilities of thinking about (human) rights, law and our relation with

them. Thus, by examining and expanding on the meaning of the term, the thesis aims *to think* in terms of and to point, in a preliminary manner, towards a non-dogmatic account of an *anarchic jurisprudence* that could facilitate thinking *beyond* human rights but also law and rights, in general.

<u>Acknowledgements</u>

Table of Contents

<u>Introduction</u>

i. Human Rights: 'A flashing light' of resistance, or 'the blinding light' of authoritarian tendencies and 'the death' of every potentiality?

> "[…] Have the fireflies truly disappeared? Have they *all* disappeared? Do they still emit – but from where? – their wondrous intermittent signals? Do they still seek each other out somewhere, speak to each other, love each other in spite of all, in spite of all the machine – in spite of the murky night, in spite of the fierce spotlight?"[1]

These are some of the seemingly abstract questions that the French philosopher, Georges Didi-Huberman, poses in his brief, but rich book *The Survival of the fireflies*. Didi-Huberman explains that the moving glimmers or flashes of 'the flies of fire' represent a potential form of escape out of the 'darkness' of our 'troubling state of affairs,' but also a way out of the 'blinding lights' of the powerful authorities and the demagogues of our times with their hollow speeches and promises.[2] On the contrary, these flashes of the fireflies function as 'humble' signals that, according to Didi-Huberman, 'seek out each other' in order to form together new relations based on a more positive mode of existence.

Through the reference to this poetic setting and unsetting of the fireflies, our 'contemporary, predominant human rights being and thinking' generate certain questions of a surprisingly similar nature perhaps. For example, can we say that human rights used to be, or still are, the fireflies of the 20th and 21st centuries and the 'darkness' of our times is a matter of the disappearance of rights (and in what sense)? Do human rights really possess this minor light of resistance against the 'pompous' light(s) of oppressive authorities and ideologies? For

---

[1] Georges Didi-Huberman, *Survival of the Fireflies*. Trans. Lia Swope Mitchell (University of Minnesota Press, 2018), 21.

[2] See, in particular, ibid., 1-15.

many this is the case. The human rights' 'era' has often been praised for its so-called post-ideological character, especially within the western world. To that extent, human rights are often, celebrated as constituting the (post)modern version of a Kantian *ius cosmopoliticum*,[3] which forms the "highest measure [of morality] for all time,"[4] or even a sacred "secular monotheism,"[5] uniting people under a new "universal."[6] In that sense, human rights are, often, seen as 'a common ground' or a form of 'a common language' shared by the totality of humanity.[7] This enormous influence of human rights-based discourses, especially, after the 1970s, can be historically situated and perhaps justified on the basis that the aspirations for a (social) revolution during the late 1960s (with the French May of 1968 and other revolutionary and/or insurrectionary events all around the globe being, probably, the peak of these dreams for radical change) started to fade out soon after.[8] For example, in France, this post-ideological discourse, supplemented by a strong support for an all-inclusive human rights language, was promoted by the movement of the 'new philosophers' [*nouveaux philosophes*].[9] Their calls to get rid of all the ideological sides as it is usually the case with all the movements of a so-called 'democratic consensus of normality' – with the emphasis of their criticism placed on the leftist or anarchist tendencies that informed the movements of 1968 and with the extremity of far-right fascists often appearing justified – can be summed up by their shared 'slogan:' "Marx is

---

[3] Costas Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007), 4.

[4] Steward Motha and Thanos Zartaloudis 'Law Ethics and the Utopian End of Human Rights' (2003) 12(2) Social and Legal Studies 243, 243.

[5] Stephen Hopgood, *The Endtimes of Human Rights* (Cornell University Press, 2015), xv.

[6] Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 1.

[7] Upendra Baxi, *The Future of Human Rights* (3rd ed. Oxford University Press, 2008), chapter 1.

[8] See for example, Micheline R. Ishay, *The History of Human Rights: From Ancient Times to Globalization Era* (University of California Press, 2008), 248-249; Costas Douzinas, Syriza in Power: Reflections of an Accidental Politician (Polity, 2017), 148; Julian Bourg in his *From Revolution to Ethics: May '68 and Contemporary French Thought* (2nd ed., McGill-Queen's University Press, 2017), xvi.

[9] However, May '68's legacy was not condemned only by reactionary, liberal and right-wing theorists and politicians but also by 'traditional' leftist, usually Orthodox Marxist groups. Such groups accused the legacy of '68 for leading to a triumphant of individualism. For a criticism of such unfair (the least) criticism see Κορνήλιος Καστοριάδης, 'Διασχίζουμε Μια Εποχή Παρακμής…' in Enrique Escobar, Myrto Gondicas and Pascal Vernay (εκδ.) *Ακυβέρνητη Κοινωνία*. Μετάφραση Ζήσης Σαρίκας (Εκδόσεις Ευρασία, 2010), 207-212.

Dead."[10] In other words, these calls aimed towards a homogeneous model of a society that would 'speak' the same language. Human rights have been, and remain so, a fundamental tool in promoting this consensus model.

Of course, we should acknowledge that human rights principles, laws or politics have, on numerous occasions, protected and/or promoted the interests of the world's marginalised against the oppressive tendencies of national, transnational and supranational entities. Nevertheless, our focus here centres on that it became apparent very soon that these consensus and radical change aspirations were not about to turn into reality. Human rights and their presumed values appear to many to be unable to adequately address the numerous singular situations of suffering of the world's marginalised, or the world-wide crises that we face today, e.g., the refugee and financial crises. In addition, we cannot overlook the crucial fact that human rights narratives are often, explicitly, utilised to serve arguably neo-imperial and neoliberal purposes.[11] Indeed, the only arguable consensus that human rights have managed to achieve through their very effective use of post-ideological, even *a*-political language, is 'a moral righteousness' that decides anew what is morally good, or evil in a depoliticized manner. Hence, it is not surprising that the inauguration of the so-called "human rights wars" during the 1990s was endorsed by many people, from very different backgrounds, as a just cause against evil.[12] This, in turn, led to the emergence of multiple and significant critiques of rights, be they political, religious, cultural, philosophical or anthropological.[13] Nonetheless, the

---

[10] Gilles Châtelet, *To Live and Think Like Pigs: The Incitement of Envy and Boredom in Market Democracies*. Trans. Robin Mackay (Sequence Press, 2014), 171. Of course, it was not just Karl Marx who was 'dead' but also many of the 'influences' of May's insurrectionists such as Friedrich Nietzsche, Jean-Paul Sartre, the Situationists and so forth.

[11] Michael Hardt and Antonio Negri, *Empire* (Harvard University Press, 2000), 17-18.

[12] Paul Virilio, *Strategy of Deception*. Trans. Chris Turner (Verso, 2007), 49.

[13] See, for example: American Anthropological Association, 'Statement on Human Rights' (1947) 49(4) American Anthropologist 539; Richard Rorty, 'Human Rights, Rationality and Sentimentality' in Stephen Shute and Susan Harley (eds.) *On Human Rights: The Amnesty Lectures 1993* (Basic Books 1993), 167; Joanne Bauel and David Bell, 'Introduction' in their (eds.) *The East Asian Challenge for Human Rights* (Cambridge University Press, 2009).

hegemonic position of rights does not seem to have lost any significant ground, making one wonder whether they are truly *the last* – while not so ideal – *utopian* aspiration.[14]

To that extent, this extreme effectiveness of rights' language 'to homogenise,' to promote a form of 'consensus'[15] and, more importantly, 'to pacify' any form of resistance or critique creates, as Alain Badiou suggests, a "human rights culture,"[16] that functions as a specific mindset within a framework of rights, shaping its, supposedly, heterogeneous politics in a rather homogeneous mode of being and thinking 'difference' or the singularity of one's suffering. This situation becomes more evident if we pay closer attention to the way that the critics of human rights are, often, characterised by supporters of human rights or, even, by paying attention to the way that some of these critics specifically articulate their criticism towards human rights. For example, critics who are dismissive of rights as tools of western (neo)imperialism or as a neoliberal mechanism of market domination, are often characterised as fanatics or utopians that are stuck on older times and who are still awaiting the fulfilment of the dream of a revolution that will, ultimately, lead to a fundamental and radical break from the current predicament.[17]

On the other hand, supporters of rights, while acknowledging that human rights may, indeed, face some difficulties in their implementation or the efficiency to protect the totality of their subject of protection – the individual human being, simply by virtue of its humanity – suggest that human rights were and *continue to be* a sign of 'progress' and that we *should* acknowledge that. So for example, the (in)famous human rights' advocate (or "human rights warrior"[18] as he was called by Anne Orford), Michael Ignatieff, understands that human rights

---

[14] Samuel Moy, *The Last Utopia* (The Belknap Press of Harvard University Press, 2010).
[15] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 152-153.
[16] Alain Badiou, *The Communist Hypothesis*. Trans. David Macey and Steve Corcoran (Verso, 2010), 2.
[17] For such critics see, for example, Michael Hardt and Antonio Negri, *Empire* (Harvard University Press, 2000), Introduction; Alain Badiou, *The Communist Hypothesis*. Trans. David Macey and Steve Corcoran (Verso, 2010), 2-5; Alain Badiou, *The Meaning of Sarkozy*. Trans. David Fernbach (Verso, 2008), 53-54.
[18] Anne Orford, *Reading Humanitarian Intervention* (Cambridge, University Press, 2003), 186.

implementation is, certainly, lacking in many instances, yet he suggests that it is "the most that we can hope for."[19] He bases his argument on the fact that human rights promote (the best possible) protection against certain actions which are, universally, considered to be heinous atrocities. Thus, rights should be seen as a minimalist but ideal strategy that strives for the prevention of "torture, beatings, killings, rape."[20] While this minimalistic approach towards rights has been subject to criticism, both from authors belonging to Ignatieff's liberal milieu[21] and from the left, whether from a normative 'social democratic' or more 'radical' manifestations of it,[22] his approach promotes a powerful ground for the importance of human rights. More specifically, Ignatieff's 'simplicity' is very effective in generating an 'attachment' or even a form of 'anxiety,' that renders any critique of rights 'too careful' to avoid an outcome, which would, potentially, lead to a chaotic situation, where the lack of rights' protection would, automatically, lead to a kind of Hobbesian state of nature, a never-ending civil war. Indeed, this ability of the framework of human rights to create an 'attachment' to rights in order to render them necessary, is something that deserves closer attention to. We argue, in fact, that the source of an effective critique against human rights must start with this power of rights to create an attachment often expressed by the argued fact that 'there is no other way' or the usual 'slogan' which suggests that 'human rights are not perfect but we must be grateful for what we have' aiming to directly or indirectly silence such questions as to whether rights' discourses are excluding certain groups of people or whether they are impotent and ineffective against oppression (without, of course, questioning the importance of such questions). To that extent, the understanding of such 'attachment' must be read in similar terms which Michel Foucault describes the term. According to Foucault "in this age we are concerned with, the aim of all

---

[19] Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton University Press, 2003), 173.
[20] Ibid.
[21] See, for example, Joshua Cohen 'Minimalism About Human Rights: The Most We Can Hope For?' (2004) 12(2) The Journal Of Political Philosophy 190.
[22] Costas Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007), 4-5.

these institutions – factories, schools, psychiatric hospitals, hospitals, prisons – is not to exclude but, rather, *to attach* individuals."[23] Expanding on this line of thought, The Invisible Committee states that this the way in which modern democratic states operate:

> "It goes without saying that the *attachment* of the French to the state – the guarantor of universal values, the last rampart against the disaster – is a *pathology* that is difficult to undo. It's above all a fiction that no longer knows how to carry on."[24]

Similarly, this 'human rights culture' in Badiou's terms, forms a form of a near-pathological attachment – a form that, in most situations, stops any other effort to experiment with a different, creative form of *doing politics* or *resisting* oppression. Thus, human rights and their principles can act as a form of dogma. To that extent, borrowing the term from The Invisible Committee, this dominance of human rights in shaping and dictating our modes of being and thinking, becomes a *pathology*.

This 'attachment' to human rights becomes evident if we pay attention to some of the aspirations of some of the celebrated critics. For example, coming from a more normative, social democratic (quasi-left) stance, Samuel Moyn's main argument, in his extensive work on human rights, can be summed up as a call for a further need to implement the theoretical principles of human rights in practical terms. As Moyn suggests, human rights should stop focusing on the negative liberties of liberal ideals (e.g. a right *not* to be subjected to a certain behaviour); they should be focused on promoting a form of distributive justice and socio-economic equality.[25] In his latest extensive work on rights, *Not Enough: Human Rights In An*

---

[23] Michel Foucault, 'Truth and Judicial Forms' in James D. Faubion (ed.) *Essential works of Foucault 1954–1984, Vol 3: Power*. Trans. Robert Hurley (Penguin, 2002), 78, [emphasis added].
[24] The Invisible Committee, *The Coming Insurrection* (Semiotext(e), 2009), 12, [emphasis added]; For further discussion on this understanding of attachment see Alden Wood, *The Cultural Logic of Insurrection: Essays On Tiqqun And The Invisible Committee* (Little Black Cart, 2013), 28-30.
[25] Samuel Moyn, *Human Rights And The Uses of History* (Verso, 2014).

Unequal World,[26] while he recognises that rights have fallen prey and are utilised by the capitalist market's domination, Moyn still shows sympathy towards, what he conceives of as some of the fundamental human rights principles, such as social justice and equality,[27] and for these reasons he remarks that in spite of their shortcomings, "human rights […] are essential – despite not being enough."[28] Nonetheless, rights can be enough, according to him, if our practices are informed and abide by the fundamental principles of human rights. The key problem with such a view is that it recognises something in rights' values and principles, but presents it as *unquestionably* 'precious' and without a single doubt something that is worth abiding by.

In similar ways, the more radical critique of human rights coming from critical legal theorists, such as Costas Douzinas and Upendra Baxi, is not ready to accept a move beyond human rights thinking, insisting on the idea of (re)appropriating the emancipatory potential of rights. Thus, despite their often ferocious critique towards the dominant understanding of human rights in our era and the ways that human rights contributed to the expansion and justification of (neo)imperial and neoliberal programmes and the further marginalisation of underprivileged groups of people, these critics do not go 'all the way' by thinking a possible alternative to a human rights framework. Douzinas identifies the problem with human rights as the fact that their language was 'hijacked' by the elites:

> "official thinking and action on human rights has been entrusted in the hands
> of triumphalist column writers, bored diplomats and rich international
> lawyers in New York and Geneva, people whose experience of human rights
> violations is confined to being served a bad bottle of wine."[29]

---

[26] Samuel Moyn, *Not Enough: Human Rights In An Unequal World* (Belknap Press of Harvard University Press, 2018), xii.
[27] Ibid., 4-6.
[28] Ibid., xii.
[29] Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 7.

His response to this problem is a call for an effort to try to restore the radical potential of rights. Douzinas' trust on an emancipatory potential of human rights, based on radical politics, manifests a certain element of belief in the potentiality of human rights to emancipate and to combat oppression, *if* they are used in a 'right' or 'the proper' way. As we will elaborate further on his account in the subsequent chapter, Douzinas' response suggests that rights must be seen as a promise, "a not yet"[30] and thus, influenced by Derridean terms, the utopian element of human rights lies in that they are always *to come.*[31] In other words, an engagement with human rights is a matter of an ongoing process, an agonistic aspiration, where through a form of an emancipatory, radical politics, people's "indelible right to resistance" facilitates them to move from right to right in order to gain 'recognition' of their singular characteristics, because as Douzinas suggests "rights are about recognition and distribution among individuals and communities."[32] To that extent, for Douzinas, human rights entail 'a utopian promise' and their catastrophic end "comes when they lose their utopian end."[33] Ultimately, then, a definition of human rights for Douzinas, is ever-changing. Nonetheless, this notion of 'change' remains bound to a particular starting point from which to change and perhaps through which to change, 'a ground' or an *archē* [ἀρχή] which takes for granted that human rights hide a radical, emancipatory potential.

Following a different path but also recognising an emancipatory potential in rights, Upendra Baxi makes a crucial distinction between two categories of human rights.[34] The first category speaks in terms of a politics *of* human rights and it refers to an elitist and 'hijacked' politics and laws of rights, that follow 'banal' rules made by bureaucrats and politicians in the name of careerism and the success of the market. In the name *of* human rights, according to

---

[30] Ibid., 145.
[31] Costas Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007).
[32] Costas Douzinas, *The Radical Philosophy of Rights* (Routledge, 2019), 194.
[33] Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 380.
[34] Upendra Baxi, *The Future of Human Rights* (3rd ed. Oxford University Press, 2008), Preface to the Second Edition and 6.

Baxi, this elite tries to justify its imperial and neoliberal purposes under the façade of the moral axioms offered by the very effective invocation of rights' values and principles. On the contrary, the second category speaks about a politics *for* human rights. It refers to the struggles of activists and non-hegemonic groups who try to investigate different possibilities for the futures of human rights. Baxi writes, in fact, that it is necessary to expose "this horrible practice of politics *of* human rights."[35] However, he states that we must be careful not to avoid altogether the 'true' values or principles offered by this politics *of* human rights. In other words, Baxi seems to recognise a value in the principles promoted by rights, and thus, as he implies, if we are able to *take back* from the elite their hegemony over the use of human rights' language, then these principles could become able to guide our politics *for* human rights. As a result, we can see again that 'this promise' or 'radical potential' of rights is something that is taken for granted as a presupposition of the critique.

Similarly, and despite their different approaches and also insightful remarks, 'the younger generation' of critical legal scholars engaging with a critique of human rights, remain 'faithful' to this radical and emancipatory potential. So, for example, the usual pattern is to try to present different historiographies of human rights, coming from non-western and marginalised groups[36] (e.g. the influence of the Haitian Revolution in promoting and enhancing human rights principles[37]). Or, by trying to "reclaim the radicality of human rights"[38] drawing upon feminist perspectives[39] and radical democratic theories, such as those of Chantal Mouffe

---

[35] Ibid., 183.

[36] See, for example, Richard Delgado and Jean Stefanic, *Critical Race Theory: An Introduction* (New York University Press, 2001); Makau Mutua, 'Critical Race Theory and International Law: The View of an Insider-Outsider' (2000) 45(5) Villanova Law Review 841.

[37] Illan Rua Wall, *Human Rights and Constituent Power: Without Model or Warranty* (Routledge, 2012), 15-26.

[38] Kathryn McNeilly, 'Reclaiming the Radical in Universal Human Rights: Universality as Universalisation' (2015) 4(2) International Human Rights Law Review 256.

[39] See, for example, Dianne Otto, 'International human rights law: Towards rethinking sex/gender dualism' in Margaret Davies, and Vanessa Munro (ed.) *The Ashgate research companion to feminist legal theory* (Ashgate, 2013), 197; Moya Lloyd, '(Women's) human rights: Paradoxes and possibilities' (2007) 33(1) Review of International Studies 91.

and William Connolly.[40] Again, the problem remains. The possibility of thinking an alternative mode of resisting oppression and authority *beyond* human rights is left significantly underexamined if not examined at all. The attachment to rights' values remains intact.

To go back to Didi-Huberman's example, shall we then consider that our 'missing fireflies' are, indeed, a quest for finding 'a true' radical version of human rights? We find such a solution problematic, because such 'a solution' does not go all the way, or at least trying to, think-otherwise and thus, to open up a potential of thinking *beyond* human rights. Instead, we suggest that we need to search for 'our fireflies' elsewhere or perhaps find entirely *different* fireflies. The 'place' for doing so, is to be found in the philosophical thought of one of the most prominent French philosophers of the 20th century, Gilles Deleuze.

ii. Why Deleuze?

"It's not a question of worrying or of hoping for the best, but of

finding new weapons."[41]

Despite the prominence that Deleuze's thought enjoys in a multiplicity of disciplines, his critique of human rights remains significantly under-examined. In particular, despite the use of many of his contemporaries (such as Michel Foucault, Jacques Derrida, Emmanuel Levinas and so forth) by the aforementioned critics of human rights, Deleuze's thought is strikingly absent.[42] This may be, among else, due to the fact that, Deleuze's brief comments on human rights, as we will examine them in depth in **Chapter I**, seem to be extremely dismissing

---

[40] Kathryn McNeilly, *Human Rights And Radical Social Transformation: Futurity, Alterity, Power* (Routledge, 2018).

[41] Gilles Deleuze, 'Postscript to Societies of Control' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 178.

[42] It is, indeed, striking that in his three extensive works on human rights Costas Douzinas cites Deleuze only once and this reference is not as to the philosopher's critical remarks on human rights; the reference in question is on Deleuze's work on Masochism and can be found in Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 237. Baxi, instead, uses Deleuze several times, but, again, does not engage with the philosopher's critique of rights as such.

of rights *as such* and are, also, made in a remarkably polemical tone. While, perhaps, this was a reason for many to dismiss the philosopher's critique of rights, we find it by itself something that renders the investigation of such a critique an interesting and challenging endeavour. But this not the only reason. We argue that Deleuze's critique, albeit brief, is rich and offers fundamental insights that are worth taking into account, since they could potentially lead to 'new weapons.' In particular, Deleuze's abhorrence for a 'transcendent mode of thought' (as we will explain in detail in **Chapter II**) – that is, according to Deleuze, a mode of thought that thinks in the guise of hierarchies and absolute dogmas in the name of 'a ground' or an *archē* [ἀρχή],[43]– and his equation of such a mode of thought with human rights and their asserted values, is a critical focal point for this thesis as it calls for a different approach towards the so-called benevolent nature of such rights. Deleuze's proposition, instead, for an immanent mode of thought, that is a mode of philosophy which is distinctively *an-archic* (without an *archē*), because it promotes a mode of being and thinking which refuses any dogmatic origins or foundations, is one that in this sense would question the mode of thought of human rights to its very core. Thus, in **Chapter II** we aim to examine the understanding of transcendence and immanence by Deleuze, composing the first thematic section of the thesis which can be summed up as an investigation of 'human rights in light of the problem of transcendence/immanence.'

Chapter III, forming the second part of the first thematic section, expands on this transcendence/immanence dichotomy by examining the distinction that Deleuze makes between transcendent, dogmatic morality on the one hand and immanent, *an-archic* ethics on the other. We will see how this dichotomy leads to the root for the formation of 'lifestyles' or modes of existing, in more general terms. The importance of this secondary distinction lies in

---

[43] The term *archē* means to be the origin, or to be prior to something, thus it is used here to signify the foundational principle, the beginning of everything that succeeds it. For a discussion of the term see Giorgio Agamben, 'What is a Command' in his *Creation and Anarchy: The Work of Art and Religion of Capitalism*. Trans. Adam Kotsko (Stanford University Press, 2019).

the fact that Deleuze classifies human rights as the image of moral values in what he calls the 'new age' *par excellence*. So, if rights, as Deleuze has it, equal hierarchy and dogmatic morality, then we have to question whether we can ever activate a genuinely radical potential within a human rights framework.

Furthermore, within the second thematic section of the thesis, **Chapter IV** examines Deleuze's preference and interest for impersonal *becoming(s)* as opposed to *beings* as closed, unchanged entities; and for our purposes here human beings with a concrete and fixed identity. In this chapter, we call into question the fundamental 'truth' of the subject of human rights – namely the *human* subject. This 'problem' is closely connected to the issues arising by the consideration of the first theme of the thesis – the opposition between transcendence and immanence. The focus here lies, however, not on 'human rights' but rather on their subject. As such, our focal point of investigation is the dominant understanding of 'the subject' within (western) philosophical tradition(s) and how this apposite Deleuzian notion of impersonal becomings disorients or even suspends the so-called 'sovereignty of the subject.' To that extent we ask anew: what could be the repercussions for human rights if *their subject* is put under scrutiny in this manner?

Chapter V aims to problematise and expand, in a preliminary manner, on an alternative, offered in fact by Deleuze against human rights, namely his notion of 'jurisprudence.' His use of the term differs, significantly, from the common Anglo-American and continental uses, since Deleuze understands jurisprudence as the 'creation of law or rights' – a creation, however, which is not based on a juridicalised and/or dogmatic principles which are dictated by the official laws of states or supranational institutions. As we will further explain, the Deleuzian notion of jurisprudence is *an-archic* in that it opposes the dogmatism and hierarchy not only of human rights, but of rights and law more generally. To that extent, **Chapter VI,** the *apodosis* of the thesis, aims to ponder on and offer some preliminary thoughts on how, what

we call, an *an-archic* jurisprudence could open up a set of new 'problems' that are worth examining further beyond the scope of this thesis – those of the relation between law, laws and rights and an anarchic mode of existing (*ethos*).

The overall schematic of the thesis can be summed up in the following table, where the left side shows the current issues identified as 'the problem' with human rights and the right side shows the proposed alternatives:

Transcendence as a dogmatic, hierarchical mode of thought.	Immanent philosophy as a non-dogmatic, *an-archic* mode of thought.
Transcendent morality and eternal values that act in a dogmatic mode of being.	Immanent ethics as the manifestation of this *an-archic* mode of being.
'Sovereignty of the human subject' with a concrete and fixed identity (being).	Impersonal becoming(s) which are always in flux and thus suspend or disorient this 'sovereign' subject's 'fixed' indentity.
Dogmatic laws and rights based on a Law as a form of 'a ground' or *archē* [ἀρχή].	*An-archic* jurisprudence as a non-dogmatic mode of thought *beyond* human rights and a way of thinking differently about law and rights, more generally.

The unsettling and problematic relationship between Deleuze and human rights, perhaps has something significant to contribute to the contemporary scholarship of legal and political philosophy that engages with a critique of human rights in that the 'outside' of human rights is redefined and can provide a critical lens through which to offer observations whether for or against human rights. To that end, the core aim in this thesis is to examine the possibility of thinking and existing *beyond or outside* human rights – *an exodus*, in the sense that we do not aim to offer an alternative account *of* human rights, or to try to salvage any of their so-called 'emancipatory promises.'[44] In other words, we ask: *What new potentialities does an investigation of Deleuze's thought open up for alternative, an-archic mode(s) of being and*

---

[44] Here we use the world 'exodus' in the similar way used by Paolo Virno when he stated that "exodus was understood as a radical politics that does not want to construct a new state." 'General Intellect, Exodus, Multitude: Interview with Paolo Virno' (2002) 54 Archipélago. Trans. Nate Holdren https://www.generation-online.org/p/fpvirno2.htm [Accessed February 27 2020]

thinking beyond human rights? Within this primary question arise the following key sub-questions:

1) What does the critique of human rights in Deleuze's philosophy entail and how does his critique relate to but, importantly, differ from current human rights critiques within the field of political and legal philosophy?

2) How does the Deleuzian critique of human rights relate to his broader philosophical thought? To that extent, how would a re-examination of, in particular, the Deleuzian notions of 'immanence,' 'becoming' and 'jurisprudence', potentially, help one to understand his critique of rights better and, ultimately, move beyond the dogmatic framework of human rights?

Ultimately, we hope that this (affirmative) critique will function as 'an opening,' in a preliminary or preparatory manner, to further questions and problematisations about our relation to the law, laws and rights more generally and to point towards a non-dogmatic and anarchic way of being and thinking (an *ethos*) – what we call an *an-archic jurisprudence*.

iii. A note on method as *problematisation*: What is the problem with *the problem*? Or how do we proceed?

We start our investigation by exposing 'the problematic' relationship between Gilles Deleuze and human rights (**Chapter I**). As we will see, the philosopher, in many instances, has been ferocious towards rights, not shying away from even reducing them to abstract and empty nonsense. As such, this extreme distaste for human rights calls for a problematisation – that is, in one sense, a closer engagement with the ferocity of his expression read not as a reference to something else (i.e. to try to justify what Deleuze says by saying that he did not mean exactly what he said, as it is usually done by other commentators, in order to avoid the uncomfortable situation where they have to justify a rather 'unpopular' position) but rather to the critical

investigation of the problem that human rights themselves create and appear to solve. Instead, through method as a 'problematisation' we aim to understand why he made such degrading and odious comments, without trying to discover what possible perspective on human rights he could hold or, indeed, justify his position. Instead, we aim to open or at least glimpse at new possibilities 'beyond' human rights, by taking the Deleuzian critique 'seriously'; so that the apparent 'mere' negativity that characterises the relationship of Deleuze with human rights can indicate the potentiality inherent in this critique towards a creative, affirmative notion of thinking *beyond* human rights. This *beyond*, then, should not be read as an appeal to 'another realm' (a reference to transcendence or a transcendent 'ground' or value). The *beyond* here, rather, suggests the aforementioned opening, 'the exodus' that may lead to a whole new different mode(s) of being and 'doing politics' – towards a different, *an-archic ethos*.

Hence, considering that for Deleuze human rights are a problem (i.e. the product of a problematisation), we hold it paramount to further examine the meaning of encountering 'the problem,' as this is manifested in the Deleuzian corpus. More generally, through this examination of the meaning of the problem as a problematisation, we aim to render clearer the way that the thesis intends to proceed. Is the identification of human rights as *a problem* something that triggers this thesis to explore, in merely negative terms – that is, with the sole purpose of finding or rejecting a solution? Is our quest a path towards that which is true, right, or the best for the future way of thinking and theorising about human rights? Admittedly not so. Indeed, this is, possibly the main pitfall that can be seen in the accounts of other commentators engaging with Deleuze's critique of human rights, as we will see in some detail in the next chapter. Their 'anxiety' in terms of finding a solution to the problem of 'Deleuze and human rights,' led them to examine only the possibility of some form of reconciliation, reducing their examination in, merely, asking questions such as: *What would a Deleuzian account of human rights look like? What may human rights look like through a transformation*

triggered by the Deleuzian critique? To that extent, these authors did not approach the problem as a *horizon* which entails a multiplicity of potentialities.[45] More generally, commentators and critics of human rights, despite their valuable insights and initial experimentation and coinage of concepts, fall short in their quest, in the sense that they end up with driven efforts to include a notion of 'human rights thought' in their given 'solutions.' Thus, they ended up returning to pre-existing normative political categories, leading them to their ultimate failure to take the proposed, as we shall see, Deleuzian *line of flight* and to further (positively) doubt and experiment. Can we try to understand *the problem* differently or to "reinvent it"[46] and how?

In his *Logic of Sense* Deleuze remarks that:

> "we must then break with the long habit of thought which forces us to consider the problematic as a subjective category of our knowledge or as an empirical moment which would indicate only the imperfection of our method and the unhappy necessity for us not to know ahead of time – a necessity which would disappear as we acquire knowledge."[47]

In another instance Deleuze and Guattari write that, through the whole western philosophical tradition,

> "the philosophical problem thus consists in finding, in each case, the instance that is able to gauge a truth values of opposite opinions, either by selecting some as more wise than others or by fixing their respective share of truth. Such was always the meaning of what is called dialectic and that reduces philosophy to interminable discussion."[48]

---

[45] Gilles Deleuze, *Logic of Sense* Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015), 57.
[46] Jean-Jacques Lecercle, *Deleuze and Language* (Palgrave and Macmillan, 2002), 37.
[47] Gilles Deleuze, *Logic of Sense* Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015), 57.
[48] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Hugh Tomlinson (Verso, 1994), 79.

Indeed, this habit of thinking about a 'problem' as something negative that we must overcome leads us to the aforementioned pitfalls, most importantly the obsession of finding a fixed and static answer, of discovering 'the truth' or of unveiling and condemning the supposed deficiency of that which has 'less truth' or is 'false.' "Philosophy has a horror of [such] discussions."[49] They are, indeed, interminable, the discussants try to impose their righteousness upon the 'losing' side – a kind of 'victor's justice' if we may call it so – this is how they always aim to solve the problem, 'I am right and you are wrong' – problem solved. For Deleuze, as we shall explore further later, philosophy is defined by the creation of concepts, not by posing and imposing and the pseudo-agonism that the latter entertains. As Deleuze says:

> "We are led to believe that problems are given ready-made, and that they disappear in the responses or the solution. Already, under this double aspect, they can be no more than phantoms. We are led to believe that the activity of thinking, along with truth and falsehood in relation to that activity, begins only with the search for solutions, that both of these concern only solutions. This belief probably has the same origin as the other postulates of the dogmatic image: puerile examples taken out of context and arbitrarily erected into models. According to this infantile prejudice, the master sets a problem, our task is to solve it, and the result is accredited true or false by a powerful authority."[50]

But despite the fact that a problem arises as a response to a particular issue and is, of course, interconnected with a particular solution, we need to be extremely careful in order to avoid suggesting that such a solution *exhausts* the problem, leading to its ultimate disappearance. Indeed, this 'negative' way of thinking about the problem dominates our mode of thought.

---

[49] Ibid., 29.
[50] Gilles Deleuze, *Difference and Repetition*. Trans. Paul Patton (Columbia University Press, 1994), 158.

On the other hand, Deleuze offers us the possibility to think differently and more positively on how we approach a problem. As he states, through his proposed new 'thought without an image' – that is his new way of thinking against the transcendent, dogmatic image of thought – he has tried to "give the problem a new impetus,"[51] where we "must think problematically rather to question and answer dialectically."[52] As Jean-Jacques Lecercle suggests, in his *Deleuze and Language*, this Deleuzian way of thinking about the problem gives to the latter a new characteristic, making it "interesting rather than true or false."[53] How so? In the earlier quote from the *Logic of Sense*, Deleuze continues by stating that "even if the problem is concealed by its solution, it subsists nonetheless in the Idea which relates to its conditions and organises the genesis of solution."[54] Hence, the problem does not disappear with its solution, but it is rather a *horizon* occupied by singularities and potentialities, which calls us to think. Subsequently we can call the problem a sort of 'a motor' of thinking problematically, which is in its turn a call for *experimentation or problematisation.* Deleuze in his book on Foucault states precisely that: "To think means to experiment and to problematise."[55] So, we could say that with a desire to experiment in thinking human rights and their 'problem' we are to be under a mode of constant problematisation in the sense that we are not locating a problem to which one needs to offer a solution but rather problematising the very problem-solving presupposition of a method to thinking and being that appears to lie at the core of human rights thinking, in order to think a multiplicity of positive and affirmative possibilities, without fixed and absolute ends.

---

[51] Gilles Deleuze in a conversation with Robert Maggiori, 'Breaking Things Open' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 87.
[52] Michel Foucault, 'Theatrum. Philosophicum' (1970), Critique, 885.
[53] Jean-Jacques Lecercle, *Deleuze and Language* (Palgrave and Macmillan, 2002), 38.
[54] Gilles Deleuze, *Logic of Sense* Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015), 57. See also in *Difference and Repetition*. Trans. Paul Patton (Columbia University Press, 1994), 158.
[55] Gilles Deleuze, *Foucault*. Trans. Séan Hand (Bloomsbury, 2012), 95.

Our aim is to think *problematically* about the issue of the Deleuzian critique of human rights in a way that is not a mere polemic, full of negativity and resentment, but an affirmative possibility for a *creation* of something 'new,' in terms of theorising and thinking *beyond* human rights. This 'new,' however, does not intend to position itself as something 'truer' to something else, but points to the core potentiality that predates the 'problem' *of* human rights, wherein one can find multiplicity and the impetus for creation. Deleuze offers us his "tool box"[56] and with it we aim to offer something which aims to think problematically about human rights, but more importantly to, hopefully, *think* beyond them in an interesting way that opens new possibilities for our mode(s) of being and thinking.

---

[56] Gilles Deleuze and Michel Foucault, 'Intellectuals and Power' in *Desert Islands: and Other Texts, 1953-1974*, Trans, Christopher Bush (Semiotext(e), 2004), 208.

Chapter I
Deleuze and Human Rights

Prologue

The philosophical thought of Gilles Deleuze – in both his works and the collaborations with Félix Guattari – enjoys by now a most prominent position within Anglo-American scholarship and more generally in the world. Since the (possibly) first English work that deals extensively with the philosopher's thought, that was published thirty years ago,[57] and especially so over the last twenty years, Deleuze's thought has had a very significant influence[58] in a variety of disciplines, not only within philosophy and political thought,[59] but also within the contemporary arts,[60] architectural and urban theory,[61] and even more recently legal thought.[62] Yet, despite this remarkable influence and the impact that many of his works and concepts have

---

[57] Ronald, Bogue, *Deleuze and Guattari: Critics of the Twentieth Century* (Routledge, 1989).

[58] Without the intention to take it as gospel or to draw any dogmatic deductions, Michel Foucault's joke that "perhaps, one day this century will be known as Deleuzian," potentially reflects some of this extensive and multiplicitous influence of 'Deleuzian' thought in many disciplines. See Michel Foucault. 'Theatrum Philosophicum' (1970), Critique 885, the phrase was drawn from a slightly amended translation http://www.generation-online.org/p/fpfoucault5.htm [Accessed 12 May 2018].

[59] The examples are multiple, e.g. Paul Patton, *Deleuze and the Political* (Routledge, 2000); Nicholas Tampio, *Deleuze's Political Vision* (Rowman and Littlefield Publishers, 2015); William Connolly, *A World of Becoming* (Duke University Press, 2011); Nathan Widder, *Political Theory After Deleuze* (Continuum, 2012).

[60] Again, the examples are multiple, with Deleuzian influence embracing multiple fields of the contemporary arts. Some excellent examples are Anne Sauvagnargues, *Deleuze and Art* Trans. Samantha Bankston (Bloomsbury, 2016); Elizabeth Grosz, *Chaos, Territory, Art: Deleuze and the Framing of the* Earth (Columbia University Press, 2008); and various edited collections such as Stephen Zepke and Simon O' Sullivan (ed.) *Deleuze and Contemporary Art* (Edinburgh University Press, 2010).

[61] Andrew Ballantyne, *Deleuze and Guattari for Architects* (Routledge, 2007); Constantin Boundas and Vana Tentokali (ed.) *Architectural and Urban Reflections after Deleuze and Guattari* (Rowman & Littlefield International, 2017).

[62] Within the Anglo-American, perhaps the first, 'purely legal' works directly engaging with Deleuze' philosophy are those of Nathan Moore. Nonetheless, many political theorists, such as Paul Patton, touched upon legal subjects, writing within a Deleuzian framework. The list of legal theorists who have used Deleuzian concepts in order to (re)think legal concepts includes Nathan Moore especially his works such as, 'So You Love Me' (2004) 15(1) Law and Critique 45; 'A Distant Hand Fell from His Shoulder' (2000) 11(2) Law and Critique 185; 'A Deleuzean Interrogation of Property and Subjectivity' (2007), Ph.D. Thesis, Birkbeck, University of London. Andreas Philippopoulos-Mihalopoulos, *Spatial Justice: Body, Lawscape, Atmosphere* (Routledge, 2015); 'Law Space, Bodies: The Emergence of Spatial Justice' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012). In Feminist and general legal scholarship, an example of a Deleuzian scholar in the Anglo-American world is Anne Bottomley, 'Shock to Thought: An Encounter (of a Third Kind) with Legal Feminism' (2004) 12(1) Feminist Legal Studies 26. Rosi Braidotti is another example, though her work is mostly philosophical, see her co-edition with Claire Colebrook and Patrick Hanafin *Deleuze and Law: Forensic Futures* (AIAA, 2009).

had and continue to have, his brief, yet ferocious, criticism of human rights remains significantly under-examined.[63]

This may come as a surprise to many, if we are to take into account the "unrivalled prominence"[64] and the emergence of an enormous amount of critical literature on human rights, within the realms of the philosophical, political and legal thought that are of particular interest in this thesis.[65] Unlike many other continental philosophers, whose writings on rights and human rights have been the subject of an abundance of debate and critical reflection,[66] the examination of Deleuze's critique of rights is often used as a mere 'prelude' that, ultimately, leads to general and unfocused discussions (on the matter of human rights), usually associated with his account of and preference for "jurisprudence as a creative force,"[67] or the so-called "expression in jurisdiction" as well as wider accounts of law and legal theory in a more general context.[68] The very scant engagement with his critique of human rights may be justified by the

---

[63] Alexandre Lefebvre writing in 2012, stated that "to date, commentators have not tried to flesh out a concept of human rights from his work." In Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 51-52.

[64] Costas Douzinas, *The End of Human* Rights (Hart Publishing, 2000), 245.

[65] The examples are multiple. Within the UK manifestation of the movement of the so-called 'Critical Legal Studies,' some of the most striking examples are: Upendra Baxi, *The Future of Human Rights* (3rd ed. Oxford University Press, 2008); *Human Rights in a Post-Human World: Critical Essays* (Oxford University Press, 2009); Costas Douzinas, *The End of Human* Rights (Hart Publishing, 2000), *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007); *The Radical Philosophy of Rights* (Routledge, 2019); Illan Rua Wall, *Human Rights and Constituent Power: Without Model or Warranty* (Routledge, 2012); Kathryn McNeilly, *Human Rights And Radical Social Transformation: Futurity, Alterity, Power* (Routledge, 2018); Ben Golder, *Foucault and The Politics of* Rights (Stanford University Press, 2015); Peter Fitzpatrick, 'Is Humanity Enough? The Secular Theology of Human Rights (2007) 1(2) Law, Social Justice and Global Development 14.

[66] The works of philosophers such as Alain Badiou, *Ethics: An Essay on the Understanding of Evil*, Trans. Peter Hallward (Verso, 2012); Hannah Arendt, *The Origins of Totalitarianism* (Meridian, 1962); Giorgio Agamben, *Means Without Ends*, Trans. Vincenzo Binetti and Cesare Casarino (University of Minnesota Press, 2000); Jacques Rancière, *Dissensus: On Politics and Aesthetics*, Trans, Steven Corcoran (Continuum, 2010) engage with the issue of human rights directly. There are multiple examples of secondary literature engaging with their philosophical thought such as Ayten Gündoğdu, 'Potentialities of Human Rights: Agamben and the narrative of fated necessity' (2012) 11 Contemporary Political Theory 2; Ayten Gündoğdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (Oxford University Press, 2014); John Lechte and Saul Newman, *Agamben and the Politics of Human Rights: Statelessness, Images, Violence* (Edinburgh University Press, 2015).

[67] Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 169.

[68] Edward Mussawir *Jurisdiction in Deleuze: The Expression and Representation of Law* (Routledge, 2011) especially chapters three and four; his article 'The activity of Judgment: Deleuze, Jurisdiction and the Procedural Genre of Jurisprudence' (2011) 7(3) Law, Culture and Humanities 463; Emilian Mārgārit, 'Deleuze and the Expression of Jurisprudence' 2012 4(1) Meta: Research in Hermeneutics, Phenomenology and Practical Philosophy,227; Gregory Kalyniuk 'Jurisprudence of the Damned Deleuze's Masochian Humour and Anarchist

fact that in both his personal works and his collaborations with Guattari – and despite the fact that he refers to *Anti-Oedipus* as a book of *political philosophy*[69] – Deleuze is not interested in offering a 'normative' political programme, a manifesto in broader terms, i.e. proposing or even prescribing how an ideal society could or should look like. What we mean by that, is that Deleuze and Guattari are not interested in engaging with and providing fixed norms, justifications and, certainly, they are not interested in expounding a 'clear' normative guidance which speaks the "familiar languages of politics of political theory."[70] Indeed, Deleuze and Guattari's political philosophy is not interested in elaborating on fundamental concepts, which are usually associated with liberal political thought and tradition, such as 'freedom,' 'justice' or 'democracy.'[71] Furthermore, while they both describe themselves as Marxists, albeit "in their two different ways"[72] (and while there is a strong link between Deleuze and Guattari's thought on the one hand and Marx's thought on the other[73]) we cannot 'classify' their political thought under the umbrella of orthodox Marxist theorisation, or even a clear-cut Post-Marxist tradition, since for instance, their work does not engage extensively on an analysis of class struggle, or "the classical forms of revolutionary politics."[74] Consequently and unavoidably,

---

Neo-Monadology,' (2013) 2 Ontological Anarché Beyond Materialism and Idealism 216; Russell Ford, 'Humor, Law and Jurisprudence,' (2016) 21(3) Angelaki 89; Laurent De Sutter and Kyle McGee, 'Postscript: A Brief Reflection on the Universality of Jurisprudence,' in their (ed.) *Deleuze and Law* (Edinburgh University Press, 2012).

[69] Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 170.

[70] Paul Patton, 'Deleuze and Democratic Politics' in Lars Tønder and Lasse Thomassen (ed.) *Radical Democracy: Between Abundance and Lack* (Manchester University Press, 2005), 50.

[71] Ibid. and Paul Patton, 'Becoming-Democratic' in Ian Buchanan and Nicholas Thoburn (ed.) *Deleuze and Politics* (University of Edinburgh Press 2009), 178-179. As Nathan Widder suggests "Dominant forms of post-war liberal political thought have frequently conceived the human self in minimalist terms, often justifying this move on grounds that it avoids controversial, baseless and ultimately metaphysical speculations about human nature or the good life." *Political Theory After Deleuze* (Continuum, 2012), 2. Evidently, Deleuze's political philosophy does not espouse these minimalist terms.

[72] Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 170.

[73] Nicholas Thoburn, *Deleuze, Marx and Politics* (Routledge, 2003). Félix Guattari's Marxist positions are, evidently, more widely documented than those of Deleuze, e.g. his collaboration with Antonio Negri *Communists Like Us* (Semiotext(e), 1990). Nevertheless, few months before his death, Deleuze made known his intention to publish a book entitled *The Grandeur of Marx*, from which nothing has survived.

[74] Paul Patton, 'Deleuze and Democratic Politics' in Lars Tønder and Lasse Thomassen (ed.) *Radical Democracy: Between Abundance and Lack* (Manchester University Press, 2005), 50.

the complexity of their political philosophy shapes their views towards rights, in general, and human rights, in particular. More specifically, regarding the issue of rights in general, as Michel Foucault states in his preface to *Anti-Oedipus*, Deleuze, and Guattari:

> "Do not demand of politics that it restore the 'rights' of the individual, as philosophy has defined them. The individual is the product of power. What is needed is to 'de-individualize' by means of multiplication and displacement, diverse combinations. The group must not be the organic bond uniting hierarchized individuals, but a constant generator of de-individualization."[75]

In a related vein, Deleuze has also stated that the notion of the subject "has lost much of its interest *in favour of pre-individual singularities and non-personal individuations*."[76] At this point, it is useful for us to ponder on what it may mean to *do away with "the self-evidence of the subject"*[77] or *the so-called loss of interest in the subject*? For Deleuze, the 'subject' is nothing more than a philosophical concept among others.[78] Within his philosophy, "the idea of a natural or spiritual identity of Man" as self-evident is contested.[79] Not only it is not self-evident but its continuous presumption is to be questioned. As he writes, "a philosophical concept fulfils several functions in fields of thought."[80] When such functions are supplemented by new ones, any concept can be made "useless or inadequate."[81] To that extent, the human subject (at least in its understanding as a being that possess a 'fixed' identity) is yet another

---

[75] Gilles Deleuze and Félix Guattari, *Anti-Oedipus* Trans. Robert Hurley, Mark Seem and Helen R. Lane (Bloomsbury, 2013), Preface by Michel Foucault, xiv.

[76] Gilles Deleuze, 'Response to A Question On the Subject' in *Two Regimes of Madness*, Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 355.

[77] Alain Badiou, *Ethics: An Essay on the Understanding of Evil*, Trans. Peter Hallward (Verso, 2012), 5, [emphasis added].

[78] Gilles Deleuze, 'A Philosophical Concept…' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 94. Deleuze's relationship to the concept of the human subject is examined extensively in **Chapter IV**.

[79] Alain Badiou, *Ethics: An Essay on the Understanding of Evil*, Trans. Peter Hallward (Verso, 2012), 6.

[80] Gilles Deleuze, 'A Philosophical Concept…' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 94.

[81] Ibid.

philosophical concept. Being such a concept, human being's 'usefulness' and 'adequacy' are to be contested by what Deleuze calls "functions of singularisation."[82]

Deleuze is thinking along with 'impersonal and pre-individual singularities.' Such singularities "preside over the genesis of individuals and persons; they are distributed in a 'potential' which admits neither Self nor I, but which produces them by actualising or realising itself, although the figures of this actualisation do not at all resemble the realised potential."[83] So, what we can infer from the above statement is the fact that when we speak of singularities we refer to something which is still within a 'thing' – singularities constitute, as we will see below, something which is 'immanent' to a 'thing' – but yet something which does not constitute a quality of such a 'thing' (be that colour or shape etc.). Singularities are rather something which participate in the production and generation of the qualities of a being. Nevertheless, as Deleuze's writes "the figures of this actualisation do not at all resemble the realised potential," so those singularities, while being 'a potential' for the production of an individual subject, do not follow a fixed and structured 'recipe' for such an actualisation. Instead, a potential actualisation in the form of an individual is a rather 'contingent' outcome of a certain 'arrangement' or 'assemblage' [*agencement*] "that indicates an emission and a distribution of singularities" in a particular manner.[84] A comprehensive explanation of the term assemblage is given by Claire Colebrook:

> "All life is a process of connection and interaction. Any body or thing is
> the outcome of a process of connections. A human body is an assemblage
> of genetic material, ideas, powers of acting and a relation to other bodies. A
> tribe is an assemblage of bodies […] There is no finality, end or order that

---

[82] Ibid.

[83] Gilles Deleuze, *Logic of Sense*, Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015), 105.

[84] Gilles Deleuze, 'A Philosophical Concept…' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 95.

would govern the assemblage as a whole; the law of any assemblage is created from its connections. (So the political State, for example, does not create social order and individual identities; the State is the effect of the assembling of bodies. There is no evolutionary idea or goal of the human which governs the genetic production of human bodies; the human is the effect of a series of assemblages: genetic, social and historical.)"[85]

To that extent, the understanding of a subject as an assemblage opposes the understanding of a fixed, self-evident and static, self-sufficient identity of a supposed subject. In this sense, Deleuze's theory of singularities, 'disorients' or even 'suspends' the 'primacy' of a notion of a subject, in a natural, fixed and determinable identity.

The above statements may be a 'nuisance' (or indeed more than that) to the predominant view of "the sovereignty of the subject"[86] that, according to Martin Heidegger, inaugurated and dominated (philosophical) thought and discourse throughout modernity.[87] Indeed, it has been argued, that the (modern) subject may be seen as a manifestation that derives from two etymologically related but semantically opposed terms, namely those of the *subjectum* and the *subjectus*. The *subjectum* or *hypokeimenon* [ὑποκείμενον], became synonymous with a foundation and it has been named many things through the ages, be that God, man, essence or substance and so forth. What is central to this notion is the fact that the *subjectum* "has the qualities of stance and stability, of permanent presence and of an unchanging relation with itself,"[88] a fixed and determinable identity. Through Kantian philosophy and the values of Enlightenment, in the 'age of reason,' the modern manifestation of *subjectum* tends to signify

---

[85] Claire Colebrook, *Understanding Deleuze* (Allen and Unwin, 2002), xx.
[86] Étienne Balibar, 'Citizen Subject' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 33. This discussion of the subject is the focus of **Chapter IV**. We, nevertheless, consider it important to offer some preliminary points here.
[87] Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000). Douzinas offers a summary of Heidegger's view on the matter, 201-207.
[88] Ibid., 204.

this subject, as a rational one who possesses freedom and autonomy and as such is "the holder of rights and the bearer of duties and responsibilities,"[89] by virtue of the (moral) law. The *subjectus*, on the other hand, signifies the subject who is under the command of the legal or political authority and is subjected and submitted to them.[90] Consequently, the modern subject is the one who possesses certain (static) qualities, such as those of reason, freedom and autonomy, but at the same time is under the command of a legal and political authority. In that sense, this – or in better terms – *the* subject came to signify something which is considered self-evident, self-referential and self-sufficient. To that extent, Costas Douzinas may be right when he writes that: "In a sense, all modern moral and legal philosophy is a long meditation on the meaning of the (legal) subject."[91]

It follows then, that such critical, as well as brief, statements about the 'place' of the human subject are of paramount interest in any attempt to understand, the inherent difficulty of thinking through and engaging with a Deleuzian critique of human rights which, in addition, as is our scope here, may be in conversation to – what is at least generally considered to be – the dominant idea of what human rights are and what they represent in our time. Since the predominant presupposition of human rights lies in this understanding of the subject as self-referential, self-sufficient and static as the ground of rights possessed by an individual subject/citizen,[92] it could be argued that the Deleuzian 'loss of interest' in the concept of the subject comes to shake, among else, the primary foundations of human rights thought.

Furthermore, it should be noted that Deleuze's complex relationship with the notion of the individual subject is not something unique within the French milieu of his time, but is, in

---

[89] Ibid., 216.
[90] Ibid., 217
[91] Ibid., 183.
[92] Ibid., 1. Thinkers that consider human rights to be the identical modern version of the natural rights traditions of the Enlightenment, usually suggest that human rights are entitlements held by the individual simply by the virtue of being human, e.g. Jack Donnelly, 'Human Rights as Natural Rights' (1982) 4(3) Human Rights Quarterly 391, 391. Brian Tierney 'The Idea of Natural Rights-Origins and Persistence' (2004) 2(1) Northwestern Journal of International Human Rights 1, 1.

fact, a focus that was shared with many of his contemporaries in the French academy.[93] Thus, many of his writings and those of his contemporaries have been characterised as 'anti-humanist,' albeit for different reasons, but with a common ground being a dissatisfaction with the particular – and quite dominant – tradition of modernity that considers the 'the human' or 'the subject' as self-evident. For instance, and despite their many differences, Louis Althusser's 'Marxist theoretical anti-humanism,'[94] or Foucault who famously declared 'the death of man,'[95] and Jean-François Lyotard in his rejection of 'metanarratives,' such as "the emancipation of the rational or working subject,"[96] share elements of an anti-humanism that questions this centrality of the subject.

However, unlike Deleuze's, for example, Foucault's thought especially in relation to rights and more broadly, has often been discussed by and has influenced a considerable amount of discourses with/against human rights.[97] This can be explained by the fact that unlike many of his contemporaries – who despite being critical of some aspect of human rights, (such as Foucault, Lyotard and Étienne Balibar) all participated in some way or another in human rights' movements[98] – Deleuze emphatically refused to participate in any such movement or a struggle under the banner of 'human rights.'[99] This may be interpreted as an apathy towards post-'68 movements, an '*apolitique* silence' on the part of Deleuze, as Raymond Bellour and François Ewald have suggested.[100] This view has also been expressed by Slavoj Žižek, who has

---

[93] For a general discussion on the issue of 'anti-humanism' in contemporary French thought Alain Badiou, *Ethics: An Essay on the Understanding of Evil*, Trans. Peter Hallward (Verso, 2012) 14-17; Vincent Descombes, *Modern French Philosophy* (Cambridge University Press, 1980), especially chapter 5, 'Difference.'
[94] Luis Althusser, *For Marx*. Trans. Ben Brewster (Verso, 2005), 196.
[95] Michel Foucault, *The Order of Things* (Routledge, 2002), 373.
[96] Jean-François Lyotard, *The Postmodern Condition: A Report On Knowledge*, Trans. Geoff Bennington and Brian Massumi (University of Minnesota Press, 1984), xxiii-xxiv.
[97] Douzinas aforementioned works have been significantly influenced by the Foucauldian concept of biopower and biopolitics. See also Ben Golder, *Foucault and The Politics of* Rights (Stanford University Press, 2015).
[98] See for example, Jean-François Lyotard, The Other's Rights' in Stephen Shute and Susan Hurley (ed.) *On Human Rights* (Basic Books, 1993), 135-149; Étienne Balibar, 'Citizen Subject' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 33-57.
[99] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 152.
[100] Ibid.

suggested that Deleuze is a "highly elitist author, indifferent toward politics."[101] Yet, this does not seem to be, in fact, the case. On the contrary, Deleuze famously participated in the 'Prison Information Group,' a group aiming to create the conditions that would enable prisoners to speak for themselves,[102] he stated his support for the Palestinian cause against Israeli occupation, multiple times,[103] he famously sent an open letter to Toni Negri's judges, criticising them for the unfair process of his trial,[104] and he even funded and publicly supported the presidential campaign of the then well-known French comedian Michel Gérard Joseph Colucci (aka Coluche).[105] Evidently, his distance from political movements is reduced, perhaps, to issues regarding human rights. Potentially, this is another reason why his thought has not been extensively examined with regards to the issue of human rights. Our hypothesis, is that commentators, seeing a limited possibility in 'harmonising' his thought with an (alternative) account of rights, or a relatively more conventional line of critique of human rights, have not delved further into the matter. Having said that, the significant degree of difficulty and the equally significant possibility of a blatant 'failure' in attempting to (re)think *beyond* human rights and especially so through the 'medium' of Deleuzian thought needs to be encountered anew and at least, in the worst case scenario, 'fail well' in attempting to do so.

Our hypothesis or speculation is that a detailed exploration of the Deleuzian critique of human rights, and of the place of such a critique within his broader thought, has the potential of doing so and, to that extent, to liberate any potential for *an-archic,* non-dogmatic and creative ways of resisting oppression. However, it should be stressed that such a critique,

---

[101] Slavoj Žižek, *Organs without Bodies: Deleuze and Consequences* (Routledge, 2004), 20.

[102] Gilles Deleuze and Michel Foucault, 'Intellectuals and Power' in *Desert Islands: and Other Texts, 1953-1974*, Trans, Christopher Bush (Semiotext(e), 2004), 206-213. Gilles Deleuze, 'Foucault and Prison' *in Two Regimes of Madness*, Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 277-286.

[103] Gilles Deleuze and Elias Snabar, 'The Indians of Palestine'; 'The Importance of being Arafat'; 'Stones' in *Two Regimes of Madness*, Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 194-200, 241-245 and 338-339.

[104] Gilles Deleuze 'Open Letter to Negri's judges' in *Two Regimes of Madness*, Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 169-172.

[105] François Dosse, *Deleuze and Guattari: Intersecting Lives*, Trans. Deborah Glassman (Columbia University Press, 2010), 301-302.

hopefully, will not be, yet another, polemic, with all the negativity that such a form of critique represents. Instead, we aim that our critique will express a 'constructive' or a 'creative' notion, which will, hopefully, manage to offer some 'affirmative' potentials.

This chapter aims to explore Deleuze's critical comments on human rights and by doing so, to also set the preliminary lines of inquiry for the subsequent chapters that examine the relationship between the wider realm of Deleuzian thought, in order to better understand the philosopher's 'distaste' for human rights. **Section I** begins with a presentation and examination of all the critical comments made by Deleuze with regard to human rights and it then outlines the seeming rationale that he directly or indirectly relies upon to express his criticism. **Section II** draws some preliminary, explanatory points on the main concepts that we are going to engage with in the subsequent chapters of the thesis, namely transcendence, immanence, being and becoming. It further, explains how these concepts relate to and contribute in making Deleuze's critique of human rights quite distinct and worth examining. Finally, **Section III** presents and critically comments on the key secondary literature that directly engages with the Deleuzian critique of human rights, with an emphasis on the particular work of Paul Patton and Alexandre Lefebvre. The focus on these two particular commentators intends to act neither as an 'endorsement,' nor as a 'polemic'. The choice is based solely on the fact that they are the two key commentators in the field that have, up to now, engaged with the issue at hand directly, at least to some extent.

I. Human Rights through Deleuze's eyes: Does the philosopher add something new to the multiple critiques of human rights?

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 polemic tone, with the philosopher using strong words that show at first sight a peculiarly fierce contempt. Especially so when, in the section titled 'What it means to be on the Left' in *Gilles Deleuze's A to Z,* a series of video-recorded interviews with Claire Parnet, where Deleuze comments each time on a word on the basis of a letter of the alphabet. At some point during this part of the interview, while they are discussing the issue of actual revolutions and the Deleuzian concept of 'becoming-revolutionary,' Parnet refers to 'the rights of man' [*droit de l' homme*, 'human rights'] and she states: "And this respect for the 'rights of man,' which is so fashionable these days, but it is not becoming-revolutionary, quite the opposite(?)."[106] 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:

> "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 constantly in decadence, expressed in section *C for Culture*]. It's purely abstract these 'rights of man.' What is it? It's purely abstract, completely empty."[107]

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 […]."[108] 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

---

[106] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze A to Z* (Semiotext(e) DVD, 2004).
[107] Ibid.
[108] Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 49.

manner. This is also noticed by John Marks in his commentary of *A to Z*, where he states "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."[109] But what are, more precisely, the main issues that he identifies as problematic with regard to human rights?

In *A to Z* and the "On Philosophy" interviews, as well as later in *What is Philosophy?*, Deleuze – and for 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."[110] In reality, however, human rights are mere "empty abstractions that belong to the weak thought of imbeciles [*débiles*]."[111] Human rights, and, in particular, their declarations, as Deleuze states, "are never made as a function of the people who are directly concerned"[112] and thus, not only, they usually neglect the people that are supposed to protect and give voice to, but they are also accomplices to 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.[113] In order to illustrate this view Deleuze refers, in *A to Z*, to the example of the Armenians, which manifests the abstraction of universal human rights and their detachment from real-life cases brilliantly:

> "I choose the example of the contemporary problems of Armenia, it's very
>
> recent. What is this situation, If I understand it well? One never knows,

---

[109] John Marks, *Gilles Deleuze: Vitalism and Multiplicity* (Pluto Press, 1998), 11.
[110] Gilles Deleuze and Félix Guattari, *What is Philosophy?*, Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 107.
[111] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze A to Z* (Semiotext(e) DVD, 2004).
[112] Ibid.
[113] Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995).172-173.

really, you can correct me, but that would not change it much. There is an

enclave in another Soviet republic, there is an Armenian enclave, an

Armenian republic so that's the situation, a first aspect. There is this

massacre by some sort of Turkish group […]. But here we have yet again

this massacre of Armenians. So in the enclave, the Armenians retreat into

their republic, I guess – you can correct all my mistakes – 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 at that.

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'."[114]

As Lefebvre states, "the Armenian example is obviously an instance of the

intolerable."[115] It is also a perplexing and quite unique case that "poses a singular problem to

law: how to make this situation livable?"[116] Besides, these comments, we, further, speculate

Deleuze's choice to refer to the Armenian example has a strategic aim, that helps him to,

successfully, point out the shortcomings of human rights and it also to be understood by a

broader audience of French society at the time since the Armenian case enjoyed great publicity.

Not to mention that the Armenian community in France is by far the largest in the European

Union.[117] In addition, the earthquake that Deleuze refers to, happened in Armenia in 1988

---

[114] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze A to Z* (Semiotext(e) DVD, 2004).
[115] Alexandre Lefebvre, *The Image of Law: Deleuze, Bergson, Spinoza* (Stanford University Press, 2008), 84.
[116] Ibid.
[117] David Zenian, 'The Armenians of France,' (1995) Armenian General Benevolent Union https://agbu.org/news-item/the-armenians-of-france/ [Accessed 14 June 2018].

causing the death of more than 25.000 people, while at the same time it left 500.000 people homeless.[118] The impact of these devastating news on the Armenian diaspora in France and the French public, in general, was very significant, and France was one of the main states sending assistance to the victims. What does Deleuze manage to do here? It seems that he manages to bring into the discussion a very 'real' and 'vivid' example that occupied the French media at the time of the interview and by doing so to emphasise the 'impotence' – and to that extent the 'abstraction' and 'emptiness' – of human rights when they are faced with real cases and the very concrete sufferings of people. The sufferings of the Armenian community – both since the end of the Ottoman empire but also later with Armenia's inclusion in the Soviet bloc – were very well known to the French public, but so was the impotence of human rights in alleviating such suffering. On the contrary, as Deleuze (and Guattari) remarked, 'defenders' of human rights are, often, ready to turn to their supposed 'values' in order to facilitate the function and the purposes of the capitalist market, even if by doing so they disregard, or add to, the suffering of the supposed holders of those rights.

But here we need to ask. Does this critique of rights offer something new? For example, the arguments that rights are often used to serve the capitalist market is a form of criticism that we encounter on numerous commentaries on human rights. For, example, another contemporary French thinker, Jacques Derrida, in his *Specters of Marx* also echoes the Deleuzo-guattarian critique of rights as accomplices to the market politics of domination. However, Derrida's position towards rights is far more sympathetic than the one held by Deleuze and Guattari. In the aforementioned book, he states that "international law should extend when he states that questions such as those concerning democracy, universal discourse on human rights and the future of humanity."[119] Derrida, seems to have a more positive view

---

[118] Mihran S. Agbabian and Michael G. Melkumian, 'After-Earthquake Reconstruction in Armenia' (1996) 11 Eleventh World Conference on Earthquake Engineering, 1, 1.
[119] Jacques Derrida, *Specters of Marx*, Trans. Peggy Kamuf (Routledge, 1994), 105.

on human rights. He sees some potential in human rights, among other things, which could be able, through the medium of international law principles, to create what he calls "a New International" – that is, something which

> "calls to the friendship of an alliance without institution among those who, even if they no longer believe or never believed in the socialist-Marxist International, in the dictatorship of the proletariat, in the messiano-eschatological role of the universal union of the proletarians of all lands, continue to be inspired by at least one of the spirits of Marx or of Marxism (they now know that there is more than one) and in order to ally themselves, in a new, concrete, and real way, even if this alliance no longer takes the form of a party or of a workers' inter- national, but rather of a kind of counter-conjuration, in the (theoretical and practical) critique of the state of international law, the concepts of State and nation, and so forth: in order to renew this critique, and especially to radicalize it."[120]

Nevertheless, Derrida comes close to the Deleuzo-guattarian critique of rights as 'functionaries' of global capitalism, when he writes that within the current political and dominant ideological situation, human rights are nothing more than "hypocritical alibis" that serve the global market.[121] As a consequence, rights not only fail to deliver their promises of universal equality and protection but in reality function only in favour of "the interest and first of all the interest of capital in general, an interest that, in the order of the world today, namely the world-wide market, holds a mass of humanity under its yoke and in a new form of slavery."[122]

---

[120] Ibid., 107
[121] Ibid., 117.
[122] Ibid.

This critical stance against human rights 'as accomplices to capitalism and neoliberal purposes' is a common target of critique coming also, within the legal field, from critical legal and socio-legal scholarship. Such an example is the work of Costas Douzinas, who carries decades of scholarship research on the issue of rights. Douzinas, writing within a post-Marxist and biopolitical framework in his multiple works on human rights, on what in fact could be termed 'critical human rights' in legal studies, suggests that through Marxist tradition the critique of human rights "was partially carried out and it was usually inadequate,"[123] but he recognises that "it would be a serious mistake, however, to jettison fully the Marxist tradition."[124] It could be said that one of Douzinas' central aims, if not the main one, that in fact may link all of his work on human rights, is to present a different account of human rights by following his own genealogical pathway of "radical natural rights" and as such to lead to a rather utopian and (im)possible end, that of "a cosmopolitanism to come" or, as he more recently re-called, it *the idea of Communism*."[125] This sense of cosmopolitanism is closely linked, if not identical, to what Derrida calls, as we have seen above, 'a New International' and it envisages to reconceptualise the future of human rights in a 'utopian' manner, where –for Douzinas – utopia signifies "the power of imagination,"[126] which acts as "a promise,"[127] that "disturbs every filiation, contests all sovereignty and hegemony."[128] In that sense, Douzinas' account calls for a radical rethinking of human rights that may lead to the re-emergence of an emancipatory potential that, for him, those rights are, possibly able to stand for.

With particular relation to the issue of abstraction and the empty universalism of rights, we can consider as a starting point, the sayings of Douzinas on the term 'humanity.' As he

---

[123] Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 169.
[124] Ibid.
[125] Costas Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007), 294-298; 'The Paradox of Human Rights' (2013) 20(1) Constellations 51, 65.
[126] Ibid (2007), 296.
[127] Ibid., 296-297.
[128] Costas Douzinas, 'The Paradox of Human Rights' (2013) 20(1) Constellations 51, 65.

states in many instances, "the idea of 'humanity' has not fixed meaning and cannot act as the source of moral or legal rules. Historically, ideas have been used to classify people into the fully human, the lesser human and the inhuman."[129] Hence, "humanity has always existed against a background of 'conditions of inhumanity,' which exclude those of the wrong colour, gender, religion, sexuality or economic standing."[130] Douzinas proceeds, following his genealogical approach, to show how the term has been, significantly, altered through the ages. Hence, if – as he concludes – "humanity has no fixed meaning, it cannot act as a source of norms."[131] If, then, the notion of 'humanity' lacks a universal fixed and static meaning, it follows that Douzinas, just like Deleuze and Guattari, is critical of the idea of rights as self-evident 'axioms' based on an empty universalism of a shared notion of humanity. Indeed, echoing, Marx and Marxist critiques of rights, Douzinas suggests that the idea of universality of rights and their universal subject transforms the latter to nothing more than "an abstract cipher"[132]; someone who according to the human rights declarations is bestowed with rights by virtue of her humanity, but ultimately in real-life situations she is, usually, unable to have any substantial protection against oppression. Instead, for him, "a human being is someone who can successfully claim human rights and the group of rights we have determines how 'human' we are; our identity depends on the bunch of rights we can successfully mobilise in relations with others."[133] Hence, we can draw some parallel lines with Deleuze's critique of rights – and if we recall his example of the Armenians – and how their declarations are just 'empty words' unable to protect the so-called subjects of rights. Douzinas suggests something quite similar at this point, by suggesting that rights are not something which is a *given*, due to some shared

---

[129] Ibid., 51.
[130] Costas Douzinas, *Syriza in Power: Reflections of an Accidental Politician* (Polity, 2017), 181.
[131] Costas Douzinas, 'The Paradox of Human Rights' (2013) 20(1) Constellations 51, 65.
[132] Costas Douzinas, 'Adikia: On Communism and Rights' in his and Slavoj Žižek (ed.) *The Idea of Communism* (Verso, 2010), 83 and *The End of Human Rights* (Hart Publishing, 2000), 159.
[133] Costas Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007), 45.

universal characteristic (in this case: humanity) but something which has to be earned in 'real-life.'

Despite these similarities on the critiques of rights and the fact that Douzinas engages with and situates his thought within the framework of continental philosophy, it is, possibly at first instance, striking that there are no mentions of the Deleuzian critique of human rights.[134] Nevertheless, as it will be argued below, the above can be justified by the fact that the 'foundations' – if we may call them so – of the Deleuzian critique call for a different mode of being and thinking (an *ethos*).[135] This *strife* to examine the possibility for a different *ethos* is what makes Deleuze's critique of rights quite unique. The philosopher's 'ethical' dimension to the problem of rights is manifested by his reference to the problem of 'transcendence' as opposed to his preference for an 'immanent' philosophy and the issue of 'becoming' and how these two concepts relate to what he conceives to be the 'problem' with the thought and tradition that dominate 'human rights.' 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 we shall explore in more detail in the sub-section below. As Deleuze states, human rights are perceived as "eternal values"[136] and as such, they reintroduce and establish "new forms of transcendence."[137]

This view echoes the Nietzschean reading of Deleuze and his – through the medium of Nietzsche's thought – understanding of morality as a transcendent, which dictates and shapes our way of life through its eternal values, but in reality, these values hide an insidious 'hatred

---

[134] In fact, in the majority of his works and especially in his three books on human rights, there is a single mention of Deleuze's work and that is on the latter's definition of masochism.

[135] Douzinas' framework draws extensively from, so-called philosophies of 'transcendence' such as those of Emmanuel Levinas and Jacques Derrida. On the other hand, as we will see below, Deleuze is highly critical of the notion of transcendence, and he tried to combat it through an immanent philosophical thought. For a useful distinction of philosophers that espouse a transcendent notion and those who espouse an immanent one, see the diagram of Giorgio Agamben in his 'Absolute Immanence,' in Daniel Heller-Roazen Trans. and (ed.) *Potentialities: Collected Essays in Philosophy* (Stanford University Press, 1999), 239.

[136] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 153.

[137] Ibid.

for life' and everything that affirms it. In his *Nietzsche and Philosophy*, Deleuze offers a powerful description of how this 'hatred for life' dominates our mode of being. As he states:

> "Good and evil are new values, but how strangely these values are created!
> They are created by reversing good and bad. They 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 un-created, 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. No moral values would survive for a single instant if
> they were separated from the premises of which they are the conclusion.
> And, more profoundly, no religious values are separable from this hatred
> and revenge from which they draw the consequences. The positivity of
> religion is only apparent: they conclude that the wretched, the poor, the
> weak, the slaves, are the good since the strong are 'evil' and 'damned.' They
> have invented the good wretch, the good weakling: there is no better
> revenge against the strong and happy."[138]

But how are we do understand this notion of 'a hatred for life'? To put it in simple terms, it suggests a notion of 'alienation' or 'a detachment' with what can be considered as an 'everyday passing matter' due to the fact that an idea of the 'eternal' is fetishized as something which is 'purer' or 'truer.' In his *God And The State*, Mikhail Bakunin notes something similar to this Deleuzian 'hatred for life' when he states that:

> "Considering all that is, all that happens in the world from the point of view
> of eternity or of the abstract idea, they treat passing matters with disdain;
> but the whole life of real men, of men of flesh and bone, is composed only

---

[138] Gilles Deleuze, *Nietzsche and Philosophy*, Trans. Hugh Tomlinson (Columbia University Press, 2008), 122.

of passing matters; they [meaning the 'Divine zealots' or *doctrinaires* of religion as he calls them] themselves are only passing beings, who, once passed, are replaced by others likewise passing, but never to return in person."[139]

Perhaps then, it is in this manner and as a result of that, that Deleuze and Guattari suggest enigmatically at first sight: "human rights [forming the new (post)modern eternal values of our age] say nothing about the *immanent modes of existence*."[140]

II. Immanence vs Transcendence & Becoming vs Being: An introductory note.

1. Transcendence and Immanence

Before moving to the crucial, for Deleuze, issue of 'becoming' in relation to human rights, it is important to define some key parameters as to what Deleuze means by 'transcendence' and 'immanence.'[141] Both terms have a long and particular history within the western philosophical and theological western tradition and they are known to manifest, depending on how they are defined, a differentiated metaphysics; and, as it is argued below, a different ethics, too.[142] We shall conceive the terms as two *ethically* different manifestations of

---

[139] Mikhail Bakunin, *God And The State*. Trans. Paul Avrich (New Dover Publications, 1970), 54.

[140] Gilles Deleuze and Félix Guattari, *What is Philosophy?*, Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 107, [emphasis added].

[141] The two concepts will be extensively discussed anew in subsequent chapters as they constitute one of the major themes of the thesis. However, it is important to give a preliminary definition at this point in order to flesh out some of the main arguments of this chapter and point towards the thesis to come in a wider sense.

[142] It should be noted that Deleuze never made explicit his intention to produce a theory of 'ethics' within his corpus of work. Nevertheless, as Foucault writes in his preface to Gilles Deleuze and Félix Guattari, *Anti-Oedipus* Trans. Robert Hurley, Mark Seem and Helen R. Lane (Bloomsbury, 2013)*, xli: "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." David W. Smith, 'Ethics: The Place of Ethics in Deleuze's Philosophy: Three Questions of Immanence,' in his (ed.) *Essays on Deleuze* (Edinburgh University Press, 2012), 146, discusses the Deleuzian conception of 'ethics' as something opposed to 'morality.' For Smith –and Deleuze – the former is "a set of 'facilitative' (*facultative*) rules that evaluate what we do, say, and think according to the immanent mode of existence that it implies," 147. On the other hand, morality defines "any set of 'constraining' rules, such as a moral code, that consists in judging actions and intentions by relating them to universal or

different 'relations', i.e. of how we 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 usually talk about relations of/to transcendence, we, often refer to 'relations *to* something.'[143] Here the *to* signifies a relation towards something which can be conceived as ever-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 perpetuate the idea of a world essentially immanent, or given to some ontologically distinct principle or origin,"[144] even 'the authority of the subject,' that we discussed above, constitutes a form of a transcendence subject, 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 it above.[145]

The theological manifestation of the term dominates in an abundance of religious cultures, be that monotheistic, polytheistic and from both the western and the Eastern religions.[146] While a detailed examination of theological transcendence is far outside of the scope of this chapter, we, nonetheless, consider it paramount to give some useful examples, in

---

transcendent values […]," 146. We discuss this in **Chapter III** as to the distinction between an immanent ethics and a transcendent morality.

[143] James Williams, 'Immanence' in Adrian Parr (ed.) *The Deleuze Dictionary: Revised Edition* (Edinburgh University Press, 2010), 128.

[144] Miguel de Beistegui *Immanence – Deleuze and Philosophy* (Edinburgh University Press, 2010), 24-25.

[145] Claire Colebrook, *Understanding Deleuze* (Allen and Unwin, 2002), xxix.

[146] See for example in Islam, *The Qu'ran*, 'Al Hashr 59:23:' "He is Allah, other than whom there is no deity, the Sovereign, the Pure, the Perfection, the Bestower of Faith, the Overseer, the Exalted in Might, the Transcendent, the Superior. Exalted is Allah above whatever they associate with Him." In the Christian Catholic Church, *Catechism of The Catholic Church* (2nd ed. Libreria Editrice Vaticana 1997), 17, section 42: "God transcends all creatures. We must therefore continually purify our language of everything in it that is limited, image-bound or imperfect if we are not to confuse our image of God – the inexpressible, the incomprehensible, the invisible, the 'ungraspable' – with our human representations. Our human words always fall short of the mystery of God.: In Eastern and, in particular, in Buddhist tradition things are more complex due to the variety of religious groups or sects for the issue of transcendence in that tradition see for example William Franke, 'Classical Chinese Thought and the Sense of Transcendence' in Nahum Brown and his (ed.) *Transcendence, Immanence and Intercultural Philosophy* (Palgrave Macmillan, 2016), 35-66.

order to better understand the role that the term plays in the Deleuzian corpus. We focus, then, on one of the most conventional and exemplary manifestations of the term, that is the one found in the Scholastic thought and, in particular, the writings of St. Thomas Aquinas.[147]

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."[148] This relationship of analogy between God, the Creator and His finite creatures, 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. To that extent, Aquinas 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." [149]

---

[147] A more extensive analysis on transcendence will be operated in **Chapter II**. The choice to, briefly, focus here on the Scholastic tradition purely relies on the fact that we consider the example to be one of the most commonly used in order to give a comprehensive explanation of the term 'transcendence.' Furthermore, Scholastic thought can be thought of as both a part of western theological but also philosophical thought hence, its use as an example functions in accordance with the purpose of our inquiry. This is because such an example can function comprehensively as a passage from the discussion of theological transcendence to the distinct but historically related one of the philosophical uses of the term.

[148] Giorgio Agamben, 'Absolute Immanence,' in Daniel Heller-Roazen Trans. and (ed.) *Potentialities: Collected Essays in Philosophy* (Stanford University Press, 1999),226.

[149] Thomas Aquinas, *Commentary of the Sentences*, Trans. Ralph McIrnery (Basic Writings), Prol., q.1, art.2, ad. 2.

As such, the creatures exist only by virtue of God and they are called beings simply because they imitate the aforementioned first Being.[150] 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 […]."[151] The ultimate result is, that in such terms, we have a kind of negative notion, where the transcendent Being, negates the finite and relative.[152] Or, in other words, the beings of the 'lower' realm, find their meaning only in *relation to* the Being, their ultimate belonging to the other-world.

Within the modern philosophical tradition, with a possible starting point the (extremely influential for the legal field) 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. According to Claire Colebrook, Kant but also the 'father' of phenomenology, Edmund Husserl both make a distinction between the transcendent and the transcendental. As she writes:

> "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

---

[150] Ibid.

[151] James Williams, 'Immanence' in Adrian Parr (ed.) *The Deleuze Dictionary: Revised Edition* (Edinburgh University Press, 2010), 128.

[152] Eugene B. Young, Gary Genosko and Janel Watson, *The Deleuze and Guattari Dictionary* (Bloomsbury Academic, 2013), 162.

appearing thing). Both Kant and Husserl argued that before there could be

the transcendent or the real world 'outside me,' there had to be some concept

of 'me' (or the subject) from which the real world was distinguished."[153]

To that extent, while modernity may signify the end of 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 his function as a 'ground' – that is the ontological primacy and self-evidence of the origins of a being – in that case of the subject. As the 19th century German philosopher, Max Stirner notes, with the passage from "the ancients" to the "moderns," we have a mere substitution of the notion of the divine as 'God' with that of 'humanity' or the subject:

"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!"[154]

It seems that Deleuze was aware of Stirner's *The Unique and its Property*. Despite their philosophical differences, Deleuze in a brief comment on Stirner praises the latter for identifying that this substitution of God by man is not to be considered as a sign which suggests that we managed to escape our transcendent mode of being and thinking. It is, instead, a mere substitution of one transcendent entity with another. According to Deleuze: "Human or divine,

---

[153] Claire Colebrook, *Understanding Deleuze* (Allen and Unwin, 2002), xxix.
[154] Max Stirner, *The Unique and Its Property*, Trans. Wolfi Landstreicher (Underworld Amusements, 2017), 66.

as Stirner said, the predicates are the same whether they belong analytically to the divine being, or whether they are synthetically bound to the human form."[155]

On the other hand, and as opposed to the relations of transcendence, immanence is, usually, used to signify "relations *in* something."[156] 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 by "two features – one formal, the other ontological." 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."[157] 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. To the same extent, philosophies of immanence – with Spinoza's being one of the most influential[158] – suggest that there is not an external cause to the world, but everything "remains internal or remains within."[159] According to Kerslake a theological or 'religious factor' of an immanent account "might said to be pre-eminent: a philosophy of immanence would deny a God that was a transcendent to nature." [160]

---

[155] Gilles Deleuze, *Logic of Sense*. Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015), 108.

[156] James Williams, 'Immanence' in Adrian Parr (ed.) *The Deleuze Dictionary: Revised Edition* (Edinburgh University Press, 2010), 128.

[157] Christian Kerslake, *Immanence and the Vertigo of Philosophy: From Kant to Deleuze* (Edinburgh University Press, 2009), 2.

[158] For example, in Spinoza's 'Pan-en-theism,' as Seymour Feldman calls it in his introduction to *Ethics*, 'everything is in God,' whereas God is in some sense identical to Nature (*Deus, sive Natura*). See Baruch Spinoza, 'Ethics' in Seymour Feldman (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), Introduction, 11. Part I Proposition 14, 39: "There can be, or be conceived, no other substance but God."

[159] Nathan Widder, 'Immanence' in Mark Bevir (ed.) *Encyclopaedia of Political Theory* (SAGE Publications, 2010), 687.

[160] Christian Kerslake, *Immanence and the Vertigo of Philosophy: From Kant to Deleuze* (Edinburgh University Press, 2009), 42.

Deleuze clearly thinks an immanent philosophy or a philosophy of immanence, strongly

influenced by Spinoza and John Duns Scotus' notion of the 'univocity of being,'[161] as well as

Nietzsche's 'Eternal Return.'[162] 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

being as such.[163] Hence, for example, 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 hold more reality than any other. To that extent,

according to Claire Colebrook, univocity suggests that "there is only one being: perceptions,

anticipations, memories and fictions are as real as atoms, universals, concepts or bodies."[164]

More specifically, Deleuze's position is that western thought, since Plato, has been infused by

the 'illusions' or 'abstractions' of transcendence. The introduction of transcendence, he once

wrote, is "the poisoned gift of Platonism."[165] Platonism gave a "philosophical meaning to

transcendence (triumph of the judgment of God)."[166] This happened 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. An Idea can be said to be the essence of the beings

---

[161] While the notion of the 'univocity of being' is not something that we will examine in detail, we consider it important to offer some brief clarifications here as the notion of 'univocity' is closely connected with Deleuze's understanding of immanence, which is examined in the subsequent chapter, which engages with the Deleuzian 'immanence.'

[162] Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), 72: Deleuze reads Nietzsche's Eternal Return as the "affirmative being of becoming" which is "self-affirming of becoming-active." 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 Nathan Widder, *Political Theory After Deleuze* (Continuum, 2012), 87 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." 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.

[163] Nathan Widder, 'Duns Scotus' in Graham Johns and John Roffe (ed.) *Deleuze's Philosophical Lineage* (Edinburgh University Press, 2009), 35-36.

[164] Claire Colebrook, 'Univocity' in Adrian Parr (ed.) *The Deleuze Dictionary: Revised Edition* (Edinburgh University Press, 2010), 295.

[165] Gilles Deleuze, 'Plato, The Greeks,' in *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998), 137.

[166] Ibid.

we encounter in the material world. Yet, all the material beings are but 'shadows' of the real Ideas.[167] As a consequence, a hierarchy of beings is formed, where some beings hold 'more reality' than others. In this vertical mode of thought, the Platonic Idea is that which possesses a quality 'first-hand.' Since they come first in terms of 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.[168] 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.[169]

The One, being the measure, dictates which creatures are more 'real' or 'authentic,' according to their proximity to the transcendent, and thus a form of hierarchical and vertical mode of thought is under operation – the 'arborescent' way of thinking as Deleuze and Guattari call it.[170] 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,[171] philosophers were thinking about the transcendental as a field of consciousness.[172] Thus, philosophers are 'employees' of this transcendent "state philosophy." 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 phrase is

---

[167] See for example Plato's 'Republic' book VII, the 'Allegory of the Cave' in C.D.C Reeve (ed.) *A Plato Reader: Eight Essential Dialogues*, (Hackett Publishing, 2012), 514a-520a, 463-468.

[168] Gilles Deleuze, 'Plato, The Greeks,' in *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998), 136.

[169] Gilles Deleuze, 'Zones of Immanence' in *Two Regimes of Madness*, Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 266.

[170] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), 19.

[171] Gilles Deleuze, 'Immanence: A Life' in *Pure Immanence: Essays on A Life*, Trans. Anne Boyman (Zone Books, 2005), Notes on Sartre and Husserl at 32-33.

[172] Giorgio Agamben, 'Absolute Immanence,' in Daniel Heller-Roazen Trans. and (ed.) *Potentialities: Collected Essays in Philosophy* (Stanford University Press, 1999), 225.

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). The State, in that sense, could be seen as something that also dictates our modes of being and thinking, and it could also be said to be "inside of us."[173] The meaning of this 'state philosophy' is explicated, beautifully, by Brian Massumi in his introduction to Deleuze and Guattari's *A Thousand Plateaus*, and it is useful to cite it more extensively:

> "State philosophy reposes on a double identity: of the thinking subject, and of the concepts it creates and to which it lends its own presumed attributes of sameness and constancy. The subjects, its concepts, and also the objects in the world to which the concepts are applied have a shared, internal essence: the self-resemblance on the basis of identity. Representational thought is analogical; its concern is to establish a correspondence between these symmetrically structured domains. The faculty of judgment is the policeman of analogy, assuring that each of these terms is honestly itself and that the proper correspondences obtain. In thought, its end is truth, in action justice. The weapons it wields in their pursuit are limitive distribution (the determination of the exclusive set of properties possessed by each term in contradistinction to the others: logos, law) and hierarchical ranking (the measurement of the degree of perfection of a term's self-resemblance in relation to a supreme standard, man, god, or gold: value, morality). The *modus operandi* is negation: x = x = not y. Identity, resemblance, truth, justice, and negation. The rational foundation for order. The established order, of course: philosophers have traditionally been employees of the State. The collusion between philosophy and the State was most explicitly

---

[173] Alfredo M. Bonanno, *Insurrectionalist Anarchism: Part One*. Trans. Jean Weir (Elephant Editions, 2009), 16.

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." [174]

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 employers 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"[175] and thus, as Antonin Artaud's (one of Deleuze's key influences) homonymous essay states, the only way "*to have done with the judgment of God*."[176]

[174] Brian Massumi, 'Introduction' in Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), ix-x:

[175] Gilles Deleuze, 'Plato, The Greeks,' in *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998), 137.

[176] Gilles Deleuze, 'To Have Done with Judgment' in ibid., 126-35.

In his account of a philosophy of immanence, the One or Being is 'univocal' and as such, it is characterised by a certain horizontality. "Every entity is equally being, in the sense that each actualizes its powers in 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."[177] Hence, his account of immanence is a non-hierarchical one, which refuses static moral codes, and 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."[178] 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 hierarchy, in other words, 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.' Hence, "all being express the same plane of immanence differently."[179]

Deleuze's immanence, then, calls for a different ethics and this is the point where we can draw a preliminary schematic intersection 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 (and legal) thought. This view echoes the views of multiple commentators referring to the "triumph of rights,"[180] the function of rights as "a paradigm,"[181] 'rights as the measure for all time,'[182] a

---

[177] Gilles Deleuze, 'Zones of Immanence' in *Two Regimes of Madness*, Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 266.
[178] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), 21. It is for that reason that in his works with Guattari, they prefer rhizomes over trees, the nomadic war-machine over state apparatuses.
[179] Claire Colebrook, *Understanding Deleuze* (Allen and Unwin, 2002), 32.
[180] Douzinas (2000), chapter 1.
[181] Upendra Baxi, *The Future of Human Rights* (3rd ed. Oxford University Press, 2008), 23.
[182] Steward Motha and Thanos Zartaloudis 'Law Ethics and the Utopian End of Human Rights' (2003) 12(2) Social and Legal Studies 243, 243.

kind of "secular monotheism."[183] 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 and acts as a 'judge,' who judges based on the 'commandments' of some eternal values. On the other hand, he 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."[184] Deleuze's account of immanence can be said to propose a type of a philosophy of *a* life[185] based on constant strife for creation – that is *a* life which is not reduced by static, fixed, pre-given or 'truer' identities and values but one that 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."[186]

2. Becoming.

Deleuze makes a separate, yet closely linked, point regarding his critique of human rights, as to the notion of 'becoming.' As he writes, the 'consensus' promoted by rights and their 'eternal values' have as a result to "inhibit becomings," which results to the "fettering" of thinking and the blocking of "every analysis in terms of movement."[187] But what does he mean when he talks about the 'blocking' of thought and movement and, further, where does the term 'becoming' points to?

A becoming can be understood as a positive force of transformation, but not as an imitation, in the sense that someone does not become a dog by acquiring the features of a dog.

---

[183] Stephen Hopgood, *The Endtime of Human Rights* (Cornell University Press, 2015), ix.

[184] Gilles Deleuze, 'Life as a Work of Art' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 100.

[185] John Marks, *Gilles Deleuze: Vitalism and Multiplicity* (Pluto Press, 1998) suggests that this is Deleuze's 'vitalism.' For Marks this 'vitalism' is manifested in the philosopher's preoccupation with "inventing new possibilities of life." See also Gilles Deleuze and Robert Maggiori, 'Breaking Things Open, Breaking Words Open,' in ibid., 91: Referring to Foucault, Deleuze says that the former's work is 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."

[186] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), 27.

[187] Gilles Deleuze with Antoine Dulaure and Claire Parnet, 'On Mediators' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 121-122.

As Deleuze and Guattari put it: "becoming is certainly not imitating, or identifying with something; neither it is regressing-progressing; neither is it corresponding, establishing corresponding relations; neither is it producing, producing filiation or producing through filiation. Becoming is a verb with a consistency all its own; it does not reduce to, or lead back to, 'appearing,' 'being,' 'equalling' or 'producing.'"[188] Furthermore, "a becoming lacks a subject distinct of itself."[189] Hence, when we talk about becomings we refer to pre-individual singularities and not individual subjects, with a static and fixed identity. A becoming, then, is the imperceptible or the unthinkable – which, yet it must be thought – "a force, that which travels from one transformation to another."[190]

Human rights are mostly understood as the rights that are held by an individual subject. A subject with a static and fixed identity ('the human'). It is in that sense, that Deleuze suggests that through the medium of their eternal values, rights inhibit becoming and "restrict movement."[191] How are we to 'decipher' this phrase? It is important to pay close attention to how Deleuze uses the term 'movement' in this particular session of the interview. He suggests that movements are that which oppose the tendency to return "back to the question of origins," this is because movements manifest that which happens "in between."[192] In order to explain what he means by that, Deleuze gives the example of sports and habits, which are in a constant movement, in the sense that they were changing, creating new habits, experimenting, resisting the authority of the origins. As he states, sports like windsurfing resist the authority of origins by having as their beginning "a sort of putting-into-orbit."[193] On the other hand, as he says, philosophical thought faces a kind of a decadence and decay due to the return of "question of

---

[188] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), 279.
[189] Ibid., 278.
[190] Andreja Zevnik, 'Becoming-Animal, Becoming-Detainee: Encountering Human Rights Discourse in Guantanamo' (2011), 22 Law and Critique 155, 159.
[191] Gilles Deleuze with Antoine Dulaure and Claire Parnet, 'On Mediators' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 122.
[192] Ibid., 121.
[193] Ibid.

origins," rights and their "eternal values."[194] Hence, while movement suggests a constant strife for revaluation and creation, on the other hand, a fixation on fixed origins and absolute ends lead to a blocking of movements, and to that extent of thinking about rights differently. A response may suggest that rights are ever-changing, sometimes either expanded or reduced. Nevertheless, the mode of thought that they operate in are still the same, i.e. they are still the rights of the individual subject with a static and fixed identity. But as it was mentioned above a becoming neither refers to or leads back to anything, nor it produces. Instead, it calls for a different way of thinking about 'the human' and 'her rights.' As Andreja Zevnik writes,

> "a becoming opens up the possibility of a different ordering of the world in which borders between forms of existence are constantly negotiated and re-negotiated, and where rights, duties or laws can no longer address only a particular group of individuals and choose them exclusively as their subjects of law or as sole beneficiaries of rights." [195]

A becoming, then, becomes a matter of a different way of existing of a mode of life (an *ethos*) which does away with any fixed point of an identity or to what we refer above as 'the sovereignty of the human subject.' As a result, and as we will extensively discuss in **Chapter IV**, this notion of becoming generates a 'problem' with regards to the dominant understanding of the human being – the central subject of human rights' protection. To that extent, this concept of becoming comes as the second (but by no means secondary) aspect of the Deleuzian critique against human rights, which has as its point of critique the very identity of human subjectivity.

Before moving to the final section of this chapter where we see the response of two commentators that engaged with Deleuze's critique of rights, it is important to offer a brief

---

[194] Ibid., 121-122.
[195] Andreja Zevnik, 'Becoming-Animal, Becoming-Detainee: Encountering Human Rights Discourse in Guantanamo' (2011), 22 Law and Critique 155, 161-162.

summary of our line of preliminary analysis. We have tried to present the main arguments made by Deleuze against the tradition(s) of human rights. By doing so, we identified some similar remarks made by Deleuze and other commentators, such as the relation between human rights and the facilitation of capitalist market's modes of domination. This examination led us to suggest that Deleuze's critique, potentially, brings something 'unique' to the vast literature of critique of human rights, that significantly differs to the ones by other commentators. We based that fact on the connection he makes in his critique of rights, with his broader critique of the notion of transcendence and a static understanding of being, as these two notions are opposed to Deleuze's preference for an immanent philosophical thought and a process of constant becomings. His opposition is not just technical, but political and ethical. We considered that these brief analyses of the key philosophical concepts that the thesis engages with, is paramount in order to introduce the reader to another line of thought and to emphasise what we identify as the potential differences that a *thinking with* Deleuze on the matter of human rights has to offer to the current critical human rights literature. After offering a brief analysis of what these terms signify in the Deleuzian corpus, we proceed in the next section by engaging with and analysing the writings of commentators that examined, to some extent, the Deleuzian critique of human rights. The reason for proceeding in that way is to show that these brief examinations are still symptomatic of an attachment to a supposed *value* of human rights thought, which ultimately does not allow to even think a potential of *thinking beyond* human rights.

III. Commentators on Deleuze's critique of Human Rights: The cases of Alexandre Lefebvre and Paul Patton.

In this section we examine the views of two commentators that engage, to some extent, directly, with the Deleuzian critique of human rights. By doing so, we also aim to identify the main elements that could serve as critical entry points for the main pillars of exploration in the thesis itself. Furthermore, this examination aims to identify some lacking or misguiding aspects that the thesis aims to address, or at least expand upon. The focus, here, is on the work of Paul Patton and Alexandre Lefebvre and in particular on their chapters in the edited collection *Deleuze and Law*.[196] The choice of the two commentators as a focus of analysis is based solely on the fact that their respective works touch, to some extent, upon the issue of the Deleuzian critique of human rights as such, and not merely as a point of departure or a point of reference that leads to a different focal point of examination.[197]

1. Lefebvre – In search for 'an immanent' account of human rights.

In his chapter "Human Rights in Deleuze and Bergson's Later Philosophy," Lefebvre aims to present an account of human rights which is compatible with Deleuze's philosophy.[198] In order to do so, he focuses on the latter's 'swan song,' "Immanence: A Life" and Bergson's *The Two Sources of Morality and Religion*.[199] Lefebvre begins with Deleuze's harsh comments about human rights in *A to Z* and he sets the following rhetorical questions: "But what is it

---

[196] Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), chapters 1 and 3.

[197] Other commentators have referred to 'Deleuze and human rights' issue, nonetheless without engaging with the subject in detail. For such examples see supra (no 11).

[198] Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 48.

[199] The focus of the analysis in this section is only on Deleuzian critique since the Bergsonian analysis of Lefebvre does not fulfil the purposes of this chapter.

about human rights that bothers Deleuze so much?"[200] "Does Deleuze think that individuals should be denied legal appeal beyond the state? Does he dismiss attempts to protect human faculties?"[201] We can sum up all of the above questions by asking a single one that we consider to be Lefebvre's central point of examination: Is Deleuze against human rights *as such* – and to that extent can anyone be against human rights *as such* – or the philosopher's distaste is towards the traditions that dominate human rights discourse(s) and movements? He is ready to answer the question by saying that Deleuze is simply opposed to the traditions and discourse(s) of human rights but not to human rights *as such*. In a different passage, Lefebvre states that "*obviously,* Deleuze is not against rights per se (whatever that would mean) […],"[202] while in the current passage of our examination, he asks another crucial question; "for really how can one be against human rights?"[203]

We consider it paramount here to ask, what is that which makes Lefebvre so firm to his views that firstly and *obviously* Deleuze is not against rights *as such* and secondly, to examine, his rather problematic statement/question, namely "for really how can one be against human rights?"[204] Lefebvre's initial comments show a lot of precaution, even some – if we are allowed to say so – hesitation and perplexity. In the beginning, Lefebvre, indeed, concedes that Deleuze's ferocious comments on the issue of human rights suggest that the philosopher may "give the impression of direct repudiation."[205] He even suggests that Deleuze "appears as if he rejects the very idea of human rights."[206] Nevertheless, Lefebvre pays little attention to such a possibility. Instead, Lefebvre immediately rejects such a possibility by stating that "Deleuze is careful to specify that his criticism of human rights refers to the traditions that advance

---

[200] Ibid., 48.
[201] Ibid.
[202] Alexandre Lefebvre, *The Image of Law: Deleuze, Bergson, Spinoza* (Stanford University Press, 2008), 85, [emphasis added].
[203] Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 48.
[204] Ibid.
[205] Ibid.
[206] Ibid.

them."[207] Hence, it appears that for Lefebvre, it is clear from the very beginning that Deleuze is not against the very idea of rights but he is merely against the predominant discourse(s) or modes of thought that hold a primary position to what constitutes the tradition of rights, as Lefebvre calls it. Nonetheless, he later returns to the issue stating that, indeed, there could be an "ambiguity between tradition and thing,"[208] but again he is very quick in suggesting that Deleuze merely opposes the tradition of rights – namely that of 'new philosophers – that have dominated their thought, and has "the practical consequence of collapsing the distinction between human rights and the discourses through which we receive it."[209] He continues, by saying – and this is, potentially, the most striking and problematic statement in his chapter – that the possibility of someone being against human rights, and in that case Deleuze, "walks a fine line between principled opposition and monstrous proposition."[210]

It is true that, in some instances, Deleuze refers to the human rights tradition as "a sort of philosophy-as-marketing" promoted by the 'movement' of the 'new philosophers' in France, whom he abhorred.[211] Nevertheless, this reluctance of Lefebvre's to examine in more detail the possibility of Deleuze actually being against human rights *as such* and his readiness to, immediately, distinguish between rights *as such* and traditions or discourse(s) of rights in Deleuze critique is worth considering further. First, Deleuze does not clarify that he opposes a particular discourse of rights, and as it is widely known human rights discourses and traditions have been and continue to be multiple. In various instances, such as in the aforementioned interviews with Antoine Dulaure and Claire Parnet and with Antonio Negri, Deleuze refers to the troublesome "return" of philosophy to "eternal values" such as "the rights of man," without

---

[207] Ibid.
[208] Ibid., 49.
[209] Ibid.
[210] Ibid.
[211] Gilles Deleuze, 'On the New Philosophers (Plus a More General Problem),' in *Two Regimes of Madness*, Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 139-147. He calls them "TV buffoons." Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze A to Z* (Semiotext(e) DVD, 2004); Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 106-108.

any further clarification or distinction between a tradition or discourse and the 'thing' *as such*.[212] Could this not suggest that Deleuze instead refers to a unifying and universal idea behind these multiple discourses of rights, i.e. the problem of transcendence that they reintroduce?

Secondly, and importantly, Lefebvre's question and wording are problematic, in the sense that he elevates human rights to the very transcendent position, that Deleuze criticised. He considers the idea of rights *as such* as objectively 'Good,' as an ideal, which cannot be opposed, since, according to him, anyone opposing them, automatically, is 'guilty of a "monstrous proposition." This generic statement, perhaps inadvertently, 'de-humanises' every possibility of thinking otherwise, beyond human rights.[213] It, also, fails to take into account examples of groups that are, evidently, opposed to the very idea of human rights, or whose concepts of 'the human' and 'of rights' are radically different to western paradigms, so much so that they tend to refer to something completely alien to a western notion of rights.[214]

Without expanding further on the above matter, Lefebvre proceeds by enumerating further comments – as we have already identified in the previous section – made by Deleuze on human rights, regarding their emptiness, abstraction and their inability to offer protection

---

[212] Gilles Deleuze with Antoine Dulaure and Claire Parnet, 'On Mediators' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 121-123; Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 169-176.

[213] Lefebvre seems "to put into trial," as Alain Badiou, suggests, "anyone who opposes the very idea of rights, under the name of what is considered to be objectively 'Good' and a sign of modernisation." *The Rebirth of History: Times of Riots and Uprisings,* (Verso, 2012), 4.

[214] For example, tribes usually referred to as 'indigenous people whose concept of many things, among them, the concept of 'the human' is very different from the dominant western one. Alexandre Surralles, 'Human Rights for Non-Humans' 7(3) Journal of Ethnographic Theory 211, 212, where he refers to the problem faced with the rights of indigenous people he suggests that: "The third reason [of the problem] concerns the challenge posed by indigenous notions on the nature of things in general and on the definition of the limits and contents of what is human in particular, which can be very far removed from the ontological principles implicit in the history of the constitutional foundations of the modern state." Another example can be found in the very interesting work of Giorgio Agamben on Monastic order and their rules, *Highest Poverty: Monastic Rules and Form-Of-Life*, Trans. Adam Kotsko (Stanford University Press, 2013). In the book, Agamben examines the construction of a 'form-of-life' that is "a life that is so closely connected to its form that it proves to be inseparable from it," x. In this examination, he analyses the refusal of the Franciscan order to be included under the authority of law and their refusal to possess rights. As he states, The Franciscan order is an example of "how to think a form-of-life, a human life entirely removed from the grasp of the law' and therefore how to establish a community 'no longer on the level of doctrine and law, but on the level of life," xiii.

to real-life cases, in order to arrive at the conclusion that the main issue is, indeed, the problem of transcendence.[215] As Lefebvre states "these criticisms [of Deleuze] represent as it were the traps of transcendence that a positive account of human rights from Deleuze must avoid."[216] Lefebvre's response to the issue is to try to sketch a positive account of the 'human,' as he calls it, which avoids these 'traps of transcendence'. In order to do so, he proceeds by focusing on Deleuze's account of immanence as it is found in the essay "Immanence: A Life." His choice of the particular essay relies on the fact that, as he says, and despite its irrelevance with any issue regarding rights or legal issues in general, "it offers what we might call the inspiration of human rights, free from the sins of transcendence."[217] How so? Lefebvre states that Deleuze's essay offers some insights into thinking about the subject as both 'universal and singular' and, in that sense, leading to "the transformation of the very fact of subjectivity."[218] This happens, according to Lefebvre, when the philosopher suggests that a scene from Charles Dickens' novel *Our Mutual Friend*, where the scoundrel Riderhood is almost dead, defines in the best terms what Deleuze means by the term immanence. In this particular scene, the scoundrel who is hated by everyone "is found on the point of death, and suddenly those charged with his care display an urgent, respect, and even love for the dying man's least sign of life."[219] Later on, however, when he is revived, the feelings of contempt towards him and his vulgar attitude return. As a consequence, Deleuze suggests that this moment between life and death "is a moment where *a* life merely playing with death"[220] and that this is where a beginning of an immanent way of thought can be found. Lefebvre reads the above passage as a transformation of subjectivity, where the subject dissolves. In his reading, this moment can form a new ground

---

[215] Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 49-52.
[216] Ibid., 51.
[217] Ibid., 52.
[218] Ibid., 53.
[219] Gilles Deleuze, 'Immanence: A Life' in *Pure Immanence: Essays on A Life*, Trans. Anne Boyman (Zone Books, 2005), 28.
[220] Ibid.

for his account of human rights, based on the feelings of care, affection and love for the singularity of someone or something which is not to be conceived anymore as a subject but possibly, as an arrangement or assemblage.

In what follows we shall encounter, instead, what are in this reading the more interesting insights of Lefebvre's analysis. These are made by reference to the indefinite article in the title "Immanence: A Life." As he states, "The indefinite article makes immanence universal."[221] This is in the sense that '*a* life' is something which is not specific. As Deleuze puts it "*a* life is the immanence of immanence, absolute immanence…"[222] As Giorgio Agamben further suggests when he writes of the Deleuzian piece, such *a* life does not belong to a subject and thus, it is in that sense, universal.[223] At the same time, however, such *a* life does not subsume entities under a homogenising 'consensus,' but instead, as previously stated, "rocks, flowers, animals and humans equally celebrate the glory of God in a kind of sovereign an-archy."[224] Hence, they remain in their singularity. Lefebvre draws this relation in the form of a 'singular-universal,' since an account of rights based on that model, can account 'universally' for the unique needs of each singularity.[225] He will, ultimately, conclude that this kind of relation and mode of thought may lead to "the transition from 'the' to 'an,' the transformation of the 'individual' into 'a life,' the association of impersonality and singularity […]."[226] Consequently, for Lefebvre, such a transition opens up an immanent account of rights which is compatible with Deleuzian thought.

---

[221] Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 53.

[222] Gilles Deleuze, 'Immanence: A Life' in *Pure Immanence: Essays on A Life*, Trans. Anne Boyman (Zone Books, 2005), 27.

[223] Giorgio Agamben, 'Absolute Immanence,' in Daniel Heller-Roazen Trans. and (ed.) *Potentialities: Collected Essays in Philosophy* (Stanford University Press, 1999), 228; Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 53.

[224] Gilles Deleuze, 'Zones of Immanence' in *Two Regimes of Madness*, Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 266.

[225] Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 54.

[226] Ibid., 55.

However, his subsequent exploration and analysis for the creation of such an account shifts from a Deleuzian focus to a more Bergsonian one. As such, Lefebvre does not provide us with any further details relevant to Deleuze's critique of human rights. Certainly, his examination of Deleuze's final essay and the connections he makes between the insights offered by "Immanence: A Life" and the possibility of an immanent account of human rights are of significance and a valuable point of departure for the examination of Deleuze's concept of immanent thought in relation to rights in general. Nevertheless, as we have already seen there are some issues with Lefebvre's account, something that we will discuss further in the last sub-section after an examination of Paul Patton's view on the Deleuzian critique of rights.

2. Patton – A Normative Deleuze?

Paul Patton is one of the prominent Deleuzian scholars in the Anglo-American world, with the majority of his work engaging with multiple aspects of the thought of the French philosopher. His reading of Deleuzian politics is, fundamentally, an effort to situate Deleuze's political philosophy within a normative, democratic framework that corresponds to the main ideas of Anglo-American liberal political theories, in particular the thought of John Rawls. To that extent and in many occasions, Patton refers to and touches upon the Deleuzian critique of human rights, but when he does so the focus of his examination, usually, lies elsewhere, such as questions of democracy, democratic politics more broadly or the question of politics and the political in general.[227] The only possible exception is his chapter called "Immanence, Transcendence, and the Creation of Rights,"[228] where Patton's focus of examination is the

---

[227] Such example can be found in the following works of Paul Patton, 'Deleuze's political philosophy' in Daniel W. Smith and Henry Somers-Hall (eds.) *The Cambridge Companion to Deleuze* (Edinburgh University Press, 2012); 'Deleuze and Democratic Politics' in Lars Tønder and Lasse Thomassen (eds.) *Radical Democracy: Between Abundance and Lack* (Manchester University Press, 2005), 'Becoming-Democratic' in Ian Buchanan and Nicholas Thoburn (eds.) *Deleuze and Politics* (Edinburgh University Press, 2009); 'Deleuze and Democracy' in Paul Patton (ed.) *Deleuzian Concepts: Philosophy, Colonisation, Politics* (Stanford University Press, 2010).
[228] Paul Patton, 'Immanence, Transcendence and the Creation of Rights' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012).

relationship between Deleuze and the issue of rights – and not only human rights, on which we shall.

Patton's chapter focuses, like Lefebvre's, on the issue of transcendence against immanence, by following a different route and by offering more insights on the concept of becoming as an ahistorical aspect that is never exhausted by the historical, actual events that take place. Nonetheless, as we will argue below, Patton's insistence to present 'a democratic Deleuze,' and to that extent his readiness to accept that there is a fundamental value in the principles of what is broadly understood as a western, liberal and democratic state, and thus to a notion of human or constitutional rights, leads him to fall into the 'trap' of the very notion of a transcendent mode of thought. Despite that, Patton's reading of the Deleuzo-guattarian concept of 'a becoming-democratic' and his coinage of the term 'becoming-right' is a useful tool that will serve as the backbone for what we eventually aim to develop as an alternative to the current human rights mode of thought, namely an *an-archic* jurisprudence.

Patton remarks that Deleuze's thought, in general, is defined by "a radical immanentism" and thus, it "renounces all forms of appeal to transcendent values, concepts of history or human nature."[229] For Patton, this point of view is troublesome, because as he states; "If Deleuzian political philosophy is denied recourse to any kind of transcendence, how does it attain the necessary distance that enables it to be critical of the present?"[230] His response to this can be located in the distinction he draws attention to between the 'virtual' and the 'actual' in Deleuzo-guattarian thought.

In the ontology of Deleuze's and Guattari's, both the actual and the virtual are real, in the sense that none of the two possesses less reality than the other.[231] The difference lies in the fact that the actual realm is occupied by historical entities, individual persons, etc. – "the plane

---

[229] Paul Patton, 'Immanence, Transcendence and the Creation of Rights' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 15.
[230] Ibid.
[231] Gilles Deleuze, *Difference and Repetition*, Trans. Paul Patton (Columbia University Press, 1994), 204.

of organisation"[232] as Deleuze and Guattari call it. On the other hand, within the realm of the virtual, "the plane of immanence or consistency,"[233] we come across pre-individual singularities, becomings and events. This realm of the virtual is one of "incompossibles,"[234] where some of the virtualities are going to be actualised. Nevertheless, it should be noted that virtualities or actualities do not resemble each other, and thus an actualisation of the virtual "is always a genuine creation."[235] It is for that reason that Deleuze, in his discussion with Claire Parnet, suggests that 'becoming-revolutionary' is something different from the actual revolutions, and this becoming "is never exhausted by the historical events"[236] – the actual, historical revolutions.

By referring to that distinction, Patton manages to argue that Deleuze may indeed offer an account of criticism to the present, that at the same time does not fall back to the 'abstractions' of transcendence. This is because, as he claims, Deleuze's criticism can take the form "of identifying those social, intellectual and artistic or other movements in which pure eventness [of the virtual realm] or becoming is expressed."[237] This point can be linked to the earlier discussion about 'becoming' and the critical comment of Deleuze that human rights inhibits becoming. Human rights' 'obsession' with the individual subject prioritises the actual realm over the virtual and as such they fail to follow 'the lines of flight' which lead to different potentials of understanding singularities, in their pre-individual manifestation. Ultimately, the 'blindness' of rights incapacitates them from dealing with concrete scenarios due to their fixation with static, eternal values, and as such, turns them into 'empty abstractions.'

---

[232] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), 304-305
[233] Ibid., 304-305
[234] Nathan, Widder, *Political Theory After Deleuze* (Continuum, 2012), 38.
[235] Gilles Deleuze, *Difference and Repetition*, Trans. Paul Patton (Columbia University Press, 1994), 212.
[236] Paul Patton, 'Immanence, Transcendence and the Creation of Rights' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 16.
[237] Ibid.

This discussion leads Patton to, probably, his most important contribution in relation to the discussion of Deleuze and human rights, with regard to the 'creation' of rights. Patton coins term "becoming-right."[238] Through the operation of, as we shall examine in more detail later in the thesis, jurisprudence, a notion of a *becoming*-right is, potentially, able to pay attention to the uniqueness of singularities and proceed through a case-by-case immanent evaluation, rather than a top-down, judgmental, and detached, transcendent application of some eternal values. How is that possible? In *What is Philosophy?* Deleuze and Guattari suggest that "becoming-democratic is not the same as existing forms of constitutional state."[239] In similar terms, as we have seen above, Deleuze suggests that a becoming-revolutionary is not the same as the actual and historical revolutions. Nevertheless, he does not provide a concrete answer as to what may it mean to create a right. So, going back to Patton, his discussion of a Deleuzian understanding of human rights may lead to that potentiality of setting the foundations of what does it mean to think about a becoming-right. As he states, referring to the concept of becoming-democratic, it "reminds us that this pure event is also expressed in ongoing efforts to give institutional expression to its core egalitarian ideals, whether in relation to decision making, social status or the distributions of the material benefit for social cooperation."[240] In similar terms, becoming-right may suggest that this 'pure eventness' of becoming is not exhausted in actual rights, but is in movement, for the creation of new 'weapons' according to the needs and particularities that a singular situation encounters.

As Patton suggests, this dynamic understanding of the notion of becoming-right becomes more obvious in non-state territorial societies. Such societies

---

[238] Ibid., 28.
[239] Gilles Deleuze and Félix Guattari, *What is Philosophy?*, Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 113.
[240] Paul Patton, 'Immanence, Transcendence and the Creation of Rights' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 27.

"also have rights and even in societies governed by law it is common to criticise laws and other institutions for not recognising rights, or for recognising rights that they should not. The fact that there are cases in which we would agree that the rights of individuals or groups have not been respected, even though they were treated in accordance with the law, *is taken to imply that rights exist independently of their institutional expression.*"[241]

If this is the case, then people who are directly concerned will be able to work through their cases and create 'laws' and 'rights' according to the particular needs of the singular phenomenon and not just have to accept abstract rights, based on some pre-existing norms and values.

Yet, Patton, similarly to Lefebvre, seems to reintroduce an idea of transcendence. He does so by trying to harmonise his concept of a 'becoming-right' and to that extent, Deleuzo-guattarian thought, with norms of the constitutional state and normative political theories. If we look closer to his earlier passage where he refers to non-state territorial societies, Patton mentions that individuals in these societies also have rights. What we find problematic in Patton's account is that it seems that he reads this 'having of rights' of people that do not belong to a state in manner which is very similar, if not identical, to a 'language of rights' which is deployed by western liberal democracies. This becomes more evident, in the conclusion of his argument, where Patton argues that Deleuze is not actually against the very idea of rights but merely to the traditions promoting them. Nevertheless, neither does he comment further on this view, nor does he offer a convincing point of reference that may support it.[242] It could be argued that while Patton is ready to accept that the state and its institutions may fall short of protecting the rights of individuals and addressing specific situations and the resultant

---

[241] Ibid., 19, [emphasis added].
[242] Ibid., 28-29.

predicament of certain groups of people, this, in his view, should diminish the importance of a universal and transcendent notion of (human) rights, which, however in our reading remains very *normative* in a particularly *western* tradition of the transcendental grounding of normativity and its values.

Having examined the indicative works of the two prevalent commentators on the issue of human rights and Deleuze's criticism, it is not time to summarise the main points that, potentially, can set the starting point for the further examination aimed at in this thesis, and to outline what we find troublesome in the two respective accounts. The most obvious issue is, evidently, the length of the two studies that restricts a substantial and detailed examination of the Deleuzian critique of human rights, and what such a critique may have to offer for the future theorisation and thinking of rights. We have to also take into account that Lefebvre's engagement does not even direct itself at full length with Deleuzian thought, as in the second part, it engages with that of Bergson's (a major inspiration of Deleuze's but, in Lefebvre's approach, also a distinct starting point perhaps for his own take). As such, Deleuze's thought in relation to human rights remains under-examined. Nonetheless, we have to recognise that the two commentators, despite the limited length of their engagement, manage to provide us with invaluable insights that can be taken into another direction. For instance, in Lefebvre's analysis, the discussion about immanence and the concept of a relation of *a* life as both singular and universal is very useful for a discussion of the distinction between transcendence and immanence. Secondly, in Patton's analysis, the distinction between 'virtual' and 'actual' is closely connected to both the issue of immanence/transcendence, but also to that of 'being as becoming,' as opposed to a static manifestation of 'being.' Finally, Patton's expansion of the Deleuzian concept of jurisprudence and his coinage of the term 'becoming-right' has set, here, the basis for a further exploration of a potential way of thinking *beyond* human rights based on

a creative, immanent notion of what we shall explore further as an *an-archic* mode of jurisprudence.

However, as it was stated above, the two commentators fall short in their exploration by (re)introducing a transcendent notion in their accounts. This is performed by their refusal to operate within a different framework beyond their normative political thought and the refusal to examine the possibility that Deleuze was, indeed, against the very idea of human rights *as such* (Lefebvre is more vocal on that issue, but Patton's account appears to support such an idea also). Their – if we may call it so – 'anxiety' to remain within a particular normative political horizon and the need to give a definitive answer in terms of what it may be a true or false account of Deleuzian human rights, hinders them from going further and experimenting more on the subject. Lastly, their, partially, understandable commitment to certain parts of the Deleuzian thought and their effort to flesh out an account of human rights that is in accordance with the philosopher's thought is not adequate. This is because, as John Marks writes, Deleuze's philosophy is "systematic," it "is held together by a sort of conceptual scaffolding."[243] This suggests that if we want to, methodically, examine the possibilities that the Deleuzian critique of rights has to offer to thought, we have to do so by examining a multiplicity of interconnected concepts and thoughts of his.

This initial investigation then has taken us to delve into his particular comments on the issue of rights and we have identified as his core issue the fact that, according to Deleuze, human rights reintroduce a transcendent notion into our ways of thinking and mode of existence. As a result, we are reduced to what Douzinas calls, from a different angle, "abstract ciphers"[244] and to that extent we are detached, or even alienated, from real-life issues and situations, relying normatively on transcendent and eternal values. Transcendence is one of the

---

[243] John Marks, *Gilles Deleuze: Vitalism and Multiplicity* (Pluto Press, 1998), 11.
[244] Costas Douzinas, 'Adikia: On Communism and Rights' in his and Slavoj Žižek (ed.) *The Idea of Communism* (Verso, 2010), 83.

principal 'enemies' that Deleuze tries to fight in his work and rights as a manifestation, or better, *their* modern manifestation of transcendence, constitute something genuinely problematic, for the philosopher. To that extent, in the following chapter we will examine this notion of transcendence in a more detailed way, as this is understood by Deleuze's thought in order to then appreciate in a new light the philosopher's preference for an immanent – or one that is without an *archē* [ἀρχή] and thus, *an-archic* as we explain in the next chapter – philosophical mode of thought, and a different way of life (an *ethos*).

Chapter II
The Question of Immanence

Prologue

The previous chapter introduced the discussion on the understanding of the terms, 'immanence' and 'transcendence.' In particular, our preliminary examination started with a brief engagement on how the two terms were – and still are – understood within the western philosophico-theological tradition. We also indicated how the different understandings of the terms in question lead to differentiated metaphysics, modes of being and thinking and oppositional understandings of the world and our place within it. Such different understandings and ways of existing and relating, precisely, *to* or *in* the world have a significant impact not only upon the way of thinking, as a, supposedly, abstract or speculative contemplation, but also upon the way of enacting, especially in terms of *doing* politics.

The next preliminary step was to situate this differentiation within the thought of Deleuze by illustrating some schematic points on how the philosopher understands the two terms and how he conceives of an immanent way of philosophising, or, indeed, how he understands *a* life that is to be a tautology of *immanence*. As he writes, "we will say of *pure immanence that it is A LIFE*, and nothing more. It is not immanent to life, but the immanence that is nothing else is itself a life. A life is the immanence of immanence, absolute immanence [...]."[245] This quite enigmatic statement shall function, nonetheless, as our point of departure for delving further into the sense of immanence, the presupposed critique of transcendence and their relation to the question(ing) of human rights. If immanence is synonymous to *a life*, then we have to ask: what does it 'mean' to live an immanent life or a life 'defined' by immanence? To that extent, and especially for our purposes, if human rights, as Deleuze suggests,

---

[245] Gilles Deleuze, 'Immanence: A Life' *in Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books 2005), 27, emphasis is mine.

reintroduce and institute new "forms of transcendence"[246] which function as relatively new

eternal moral values, is it possible to think of an immanent account of human *rights*, in the way

that Deleuze understands the term?[247]

This, in our view, as it will be explained further, will predominantly be a question about

(a certain understanding of) ethics. Human rights, in their current manifestation(s) and in

Deleuze's critique, pose themselves as a (post)modern transcendent entity, a new moral

ground,[248] the *archē* [ἀρχή] of all values that are hierarchically (or vertically) derived from this

---

[246] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 153.

[247] We place emphasis on the word 'rights' in order to point out that the chapter does not delve into a specific discussion on the extremely important ground of human rights, that of the 'human.' Such a discussion on the human (subject) will take place in **Chapter IV**. However, we should clarify that our intention is not to shift our focus to a general discussion of rights completely, but solely to emphasise that in this chapter we do not focus on the special position that the meaning of the 'human subject' holds for the understanding of her rights. As such, we consider that the discussion of immanence is just one element, albeit an extremely significant one, for an adequate examination of a Deleuzian critique of human rights, with the other part being an examination of the 'question of the human subject' as this is manifested within the thought of Deleuze. Consequently, our position differs from other earlier investigations which tried to illustrate a Deleuzian account of rights with their focus being solely on the question of immanence. Unsurprisingly these accounts do not examine the question of human rights, in particular, but rights, in general. See, for example, the one presented by Paul Patton in 'Immanence, Transcendence, and the Creation of Rights,' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 19. Patton states that his "own interest in what follows lies in the concept of rights and the creation of rights rather than specifically human rights […]." Patton's positions is, in our view, problematic because it fails to pay enough attention to human rights as a 'special' mode of being and thinking which distinguishes them from any other kind of rights.

[248] In relation to the concept of 'the ground' as the *archē* [ἀρχή], Martin Heidegger suggests that western thought has built its understanding of being and thinking upon a conception of a 'ground.' Such a ground is, usually, conceived as a higher Being, a Being which is considered to be (the) One, the *archē* [ἀρχή] and as such it has an 'onto-theological,' as Heidegger calls it, manifestation (it can be said that it is very close to what we refer in this examination as 'transcendence' or 'the transcendent'). For Heidegger, this 'onto-theological' mode of being and thinking dominates western metaphysics. Hence, the 'onto-theological' constitution of western metaphysical thought led to the 'forgetfulness of the question of Being' by merely thinking about Being as the ground of all beings. See his two essays 'The Principle of Identity' and 'The Onto-theological Constitution of Metaphysics' in Joan Stambaugh (ed.) and Trans. *Identity/Difference*, (Harper and Row Publishers, 1969). Despite the significant chasm between the two philosophers, there is resonance in their ideas of – if we can call it so 'a groundless ground.' For a critique of a ground as 'a foundation' or 'primary principle,' influenced by Heidegger, see Reiner Schürmann, *Heidegger on Being and Acting: From Principles to Anarchy*. Trans. C-M. Gros. (Indiana University Press, 1987). However, it should be noted that for Heidegger this is not a way out of the western metaphysical thought and the 'forgetfulness of the question of Being', but rather of finding the right way 'in.' Deleuze, too, has never spoken about a need to overcome or go beyond metaphysics. Instead, he always considered himself as a metaphysician. As Deleuze states in a conversation with Robert Maggiori, 'Breaking Things Open' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 88: "I have never worried about going beyond metaphysics or the death of philosophy, and I never made a big thing about giving up Totality, Unity, the Subject." Their more significant differentiation may lie in their reading of Nietzsche and especially Nietzsche's notion of 'becoming.' As we will demonstrate and examine in **Chapter IV**, Deleuze is hugely influenced by this Nietzschean notion of becoming where Heidegger holds a critical position against it. For Heidegger's critique see Martin Heidegger, *Nietzsche: Volumes Three and Four*. David Farell Krell (ed.). Trans. Joan Stambaugh, David Farell Krell and Franka A. Capuzzi (HarperCollins Publishers, 1987), 64. For discussions on the similarities but also the vast differences between Deleuze and Heidegger see: Gavin Rae, *Ontology in Heidegger and Deleuze: A*

transcendent entity and that 'command' our way(s) of being and thinking. This is, indeed, evident if we consider the huge influence that human rights and human rights discourse(s) have on the way political 'demands' are articulated and how rights' language shapes the way several political activities or movements that operate in order to enunciate their claims for 'justice,' 'freedom' and to combat (state) authority.[249] Indeed, human rights are usually considered the moral ground that succeeds, in a sense, the natural or divine grounding of our laws and politics in the so-called secular or post-religious societies.[250]

But how is that connected to our subject of interest, i.e., the notion of the Deleuzian immanence?[251] If we recall our previous discussion on immanence in Deleuze's corpus, the philosopher calls for a non-hierarchical or *an-archic* way of being (*ethos*). Deleuze's writings on a philosophy of immanence are, usually, endowed by a certain call for horizontality among

---

Comparative Analysis (Palgrave Macmillan, 2014); Benoît Dillet, 'What Is Called Thinking?: When Deleuze Walks Along Heideggerian Paths' (2013) 7(2) Deleuze Studies 250; Daniel W. Smith, 'Deleuze and Derrida, Immanence and Transcendence: Two Directions in Recent French Thought' in his (ed.) *Essays on Deleuze* (Edinburgh University Press 2012), 271-286.

[249] See Costas Douzinas, *The End of Human Rights*, (Hart Publishing, 2000), 1-2.

[250] See for example, Dorhman W. Byers, 'The Morality of Human Rights: A Secular Ground' (2010) 26(1) Journal of Law and Religion 1. Byers' argument is that even with the absence of a divine element in a secular world we can find a moral ground in the idea of human rights. In that sense, human rights can be a moral ground for dictating our relations with other human beings in the world. As Byers' suggests: "If there are no other sources of value, at least I value my own well-being. My own well-being is the point of reference for everything else. […]" (41) He concludes that my own well-being is connected to the well-being of other human beings and this is a reason to commit to "the morality of human rights," (42). Byers does not clarify why the well-being of someone and that of others are dependent upon the morality of human rights as such, but it seems that he bases this idea on the fact that he believes that there is a fundamental moral ground in human rights that literally gives reason for adhering to their rules and demands. It is also worth considering briefly the view expressed by James Nickel, in 'Personal Deserts and Human Rights' published in Rowan Cruft, Matthew Liao, Massimo Renzo (eds.) *The Philosophical Foundations of Human Rights*, (Oxford University Press, 2015) 153-165. In this chapter, Nickel links the concept of personal moral desert (to deserve something due to moral reasons, in that case) and human rights. Nickel suggests that personal moral desert is operative within the human rights tradition and discourses that in this sense human rights can provide people with 'what they deserve' by virtue of being human beings. Hence, a human being has a right to life, expression etc., because s/he deserves it so by being human. Ultimately, the things that s/he deserves are, fundamentally, defined through a human rights framework, since, for Nickel, the idea of *moral* desert and *human* rights are closely interconnected.

[251] We try to avoid using the word 'concept' when we refer to the Deleuzian immanence. Following Miguel De Bestegui, this is because, as Deleuze and Guattari suggest in *What Is Philosophy*? (Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 35, 39) it is important not to think the 'plane of immanence' as a concept. As they write, "the plane of immanence is neither a concept nor the concept of all concepts." Furthermore, they also add that "it is essential not to confuse the plane of immanence and the concepts that occupy it."; Miguel De Bestegui, in *Immanence: Deleuze and Philosophy* (Edinburgh University Press 2012), 5, further states that "this concept [of immanence], however, is a complex as it is problematic. In fact, I shall ask whether it is a concept at all."

all beings, where an immanent mode of thinking dissolves any hierarchical relations of transcendence and so-called 'higher' beings. For example, as Deleuze states, there is "something in the proliferations[252] of immanence [that] tends to overtake the vertical world, to reverse it, as if the hierarchy bred a particular *anarchy,* and the love of God, an internal atheism proper to it."[253] So, if we are to think that an immanent way of philosophising calls for a differentiated account of morals or, in better terms, of *ethics* that are characterised by an anarchic [*an-archic*, and as such without a starting point or a ground as *the* principle] mode of thought – that is, a non-vertical way of living and thinking ethically – then we have to ask the following; 'what does this suggest for human rights, if rights are to be understood as transcendent and eternal values?' In other words, can we conceive of an immanent mode of thought of, or with, human rights, "that lacks any principle"[254] based on an "ethics without an *αρχή*" as Levi Bryant suggests?[255] Furthermore, is such an immanent way of thinking about rights even possible? And especially so, since, according to Deleuze, human rights are a transcendent mode of thought *par excellence*, and so there may not be any way of reconciling

---

[252] The word 'proliferations' does not seem to have any further meaning apart from the usual use of the word. Nonetheless, the use of the word by Deleuze in the particular context of his essay 'Zones of Immanence,' seems to be a well calculated one. By referring to "proliferations of immanence," Deleuze wants to present that, even in a world where, according to him, the transcendent mode of thought is the predominant one, there are still 'zones' that have escaped the influence of such transcendence and within that zones, a different *ethos* can take a shape and exist, 'escaping' the yoke of hierarchy and dogmatism. As such, despite the grim image of our world, we can always create new modes of being that refuse to get caught within these transcendent principles. We examine this in more detail in **Chapter III**, where we distinguish between what Deleuze calls a transcendent morality and an immanent, *an-archic*, as we call it, *ethos*.

[253] Gilles Deleuze, 'Zones of Immanence' in David Lapoujade (ed.) *Two Regimes of Madness: Essays and Interviews 1975-1995*. Trans. Ames Hodges and Mike Taormina (Semiotext(e) 2007), 267, emphasis is mine.

[254] Thanos Zartaloudis, 'Violence Without Law? On Pure Violence as a Destituent Power' in Brendan Moran and Carlo Salazani (ed.) *Towards the Critique of Violence: Walter Benjamin and Giorgio Agamben* (Bloomsbury Series in Continental Philosophy 2015), 174. Zartaloudis, while writing on the matter of *ethos* and the ethical in (human) law using an Agambenian framework in this passage, makes a point that resonates with our own investigation and the reading of what Deleuze means by distinguishing ethics and morality. In particular, he states that "truly human law would be an ethics, a way of life that fulfils itself" […] human life lacking any principle, *archē* (not even the empty but still powerful *archē* of an empty command to command) would affirm its ungovernability. An ungovernable human power is conceived as truly *epekeina, beyond image or concept*, in an absolute sense: without a possible relation to an identity or difference. *This is not, however, a naïve nihilistic life of 'anything goes'* (that would still be a relation to a principle, *a panomie, a plenitude out of nothing*)," 174, [emphasis added].

[255] Levi R. Bryant, 'The Ethics of the Event: Deleuze and Ethics without *Αρχή*' in Nathan Jan and Daniel W. Smith (ed.) *Deleuze and Ethics* (Edinburgh University Press 2011), 21-43.

an immanent mode of thought with some new redefinition or discourse of human rights? In other words, if we are ready to follow Deleuze and accept the equation *'human rights = transcendent values'* does any 'effective' critique of transcendence – and to that extent of human rights – presuppose that there is a need for a radical shift from the framework of thinking with, or 'in the name' of human rights? Do we need to articulate our demands (whether political, legal or social and so forth) and express our ways of existence (*ethē*) beyond the language and framework of human rights, and to that extent to base such demands and ways of existence on a radically *new image of thought*?

This chapter functions, then, as the first part of a wider thematic entailing the three concerns with Deleuzian immanence, ethics and human rights. The key purpose of this section is to investigate the relation and (in)compatibility of thinking in terms of (immanent) ethics, as they are manifested within the Deleuzian corpus, as opposed to what can be called 'the transcendent moral values,' manifested in the human rights framework and mode of thought that Deleuze critiques. In other words, we ask whether it is possible to think to an account of human rights based on an *ethics* of *immanence* (in the Deleuzian sense of both terms). Furthermore, we have to consider whether 'thinking *ethically*' offers an alternative framework, that points towards an 'existence beyond human rights.' Our hypothesis will be that a Deleuzian account of ethics is, potentially, able to offer new ways of thinking about and beyond human rights by escaping both the negative and constantly 'judgmental' transcendence of universal values and the 'chaotic' negativity of relativism.[256] But in order to arrive to the

---

[256] We will see in the following section how for Deleuze and Guattari, in *What is Philosophy?,* chaos can be thought in constant strife with the plane of immanence, a strife, however, which produces a productive, creative element, through experimentation. This "creativeness" of chaos, nonetheless, is also dangerous when chaos is presented as an "imposter" as Gilles Châtelet remarks. "Chaos would like to present itself as the Prince Charming who awakens virtualities." The market moguls, the (Neo)Liberal forces of Counter-Reformation, as Châtelet calls them, are ready to take full advantage of the so-called "creativeness" of chaos to lure everyone to the chaotic kingdom of possibilities offered by the market – empty promises and individualistic tendencies – 'be inventive,' 'be successful' become an 'entrepreneur' by taking your chances, everything is possible if you are 'creative.' All these empty chaotic promises of the market are, brilliantly, captured by Châtelet in the following passage: "- You want to capture the creative powers of chaos – just what we'd expect of Gardeners of Creativity – and to replace the big political choices with a *cyberpolitics* that would allow solutions to emerge graciously, delivered out of

question of ethics, we need to first delve further into the question of immanence and the sense of the term for Deleuze.

Section I of the chapter continues and expands on the discussion initiated in **Chapter I** as to the philosophico-theological meanings of immanence and transcendence. It aims to illustrate how a transcendent *image of thought* dominates western thinking. It further offers insights to the immanent thought of Baruch Spinoza, being one of Deleuze's main influences. **Section II**, the main section of the chapter, focuses on the chapter titled 'Plane of Immanence' in Deleuze and Guattari's *What is Philosophy?*,[257] while it also draws from the other writings of Deleuze (and Guattari) on immanence. In doing so, it further engages with the philosopher's understanding of 'the philosophical concept.' The reason is that an immanent philosophy, at least the one proposed by Deleuze, is characterised by its ability to be 'creative' and to construct (philosophical) concepts. Thus, the philosophical concept and the plane of immanence are two notions that are closely interconnected, yet distinct. According to Iain MacKenzie, "we know that the concept and the plane [of immanence] are intimately connected to each other, and yet wholly distinct."[258] Finally, **Section III**, aims to offer a 'closure' by way of an opening, whereby the aim is to reflect on how we are to think of 'immanence' in view of the distinction between ethics and morality and human rights, which will be the subject-matter of the next chapter.

---

disorder by self-organization, just as butter floats gently to the surface of buttermilk? Come now, just a few centimetres and our fingers will touch…completely ditch all politics and its *voluntarism*. Just be patient, that's enough: the chaos of opinion and microdecisions will always end up giving birth to something reasonable." The above statements can be found in his book *To Live and Think Like Pigs: The Incitement of Envy and Boredom in Market Democracies*. Trans. Robin Mackay (Sequence Press, 2014), 22-25. Hence, we assert that the matter of 'chaos' and a 'chaotic' venture must be treated with particular carefulness which, however, should not be seen as something which is purely manifested as a negative notion. Instead, what is needed is a careful experimentation and evaluation as we will see below in **section II.1.**

[257] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994).

[258] Iain Mackenzie, 'Creativity as Criticism: The Philosophical Constructivism of Deleuze and Guattari,' (1997) 86 Radical Philosophy 7, 11.

I. Immanence vs Transcendence: The Case of Spinoza

1. The Dominance of Transcendence

If we recall our previous discussion on the distinction between the philosophical and theological meanings of the terms, 'transcendence' and 'immanence,' we could say that a point that stands out is the illustration of these terms as a manifestation of *a relation*, albeit one of a, fundamentally, different kind in each case. Such *a relation* – either of transcendence or of immanence – is a powerful one because it significantly shapes modes of existence or ways of being (*ethos*). Such relations must be seen as a fundamental element in the process of how 'our realities' and 'our worlds' are created. To that extent, for example, the question 'how am I relating to the world and to other beings?' will, probably, receive radically different answers depending on which kind of relation we are consider ourselves to be parts of. In particular, we saw how a relation of transcendence is manifested by a relation to a higher entity which is, usually, not of *this world*. Following the definition that James Williams gives to a 'transcendent relation,' we could argue that this exteriority of transcendence is better understood as a syntactical form which relates something *to something*.[259] The proposition 'to' shows that a transcendent relation is structured and sustained by a syntactical cause which is external to the other part of the relation, and yet fundamentally necessary to it. Thus, we saw how, for example, a transcendent Being in its theological manifestation is considered as a 'divine Being' outside of our world, yet forming its very essence. Such a Being, transcends – while it forms – all the beings of our known world. To that extent, a 'higher' Being is characterised by an absolute independence from the beings that It transcends and, thus, such "an ultimate Being as conceived in transcendentism can *be* without the beings it transcends but not *vice versa*."[260] In other words, we – the beings of the lower realm – are parts of a vertical relation of dependency

---

[259] James Williams, 'Immanence' in Adrian Parr (ed.) *The Deleuze Dictionary: Revised Edition* (Edinburgh University Press, 2010), 128.

[260] Chin-Tai Kim, 'Transcendence and Immanence' (1987) 55(3) Journal of the American Academy of Religion 537, 538.

towards the absolute Being, the transcendent ground, which gives sense and definition to our existence, but at the same time It does not need us in order to exist or be sustained. This notion of a transcendent Being can be better understood in the form of an omnipresent and omniscient 'God' as He is traditionally represented in – at least the dominant – manifestations of Judaeo-Christian and Islamic theologies.[261] What we can identify as common ground in these theologies is the presentation of a God-Creator, a supreme lawgiver, who is situated in an outer world, a higher realm while being in the world, and who imposes His will upon mankind and the rest of the beings of this world.[262] Consequently, we can identify some of the characteristics of this manifestation of a transcendent relation, namely 'the absolute independence and power of the higher Being' and the 'necessary dependence and impotence' of lower being, constituting, in that sense, a relation based on "a radical asymmetry."[263] But, today, transcendence, despite its strong and long-standing theological features, cannot be adduced by or reduced, solely, to a theological understanding. Indeed, the philosophical understanding(s) of transcendence has a long history that, in many cases, precedes the origins of the aforementioned religions and, in some instances, it has been argued that it is, potentially, this early philosophical understanding(s) of the term that laid the foundations for the emergence of those particular theologies.

Deleuze, for instance, argues that the introduction of transcendence can be traced back in antiquity and Ancient Greek philosophy. For him, as we saw in **Chapter I**, the origins and emergence of transcendence into (western) thought can be traced back to Plato. It is Plato who,

---

[261] Such views are supported by Chin-Tai Kim, 'Transcendence and Immanence' (1987) 55(3) Journal of the American Academy of Religion 537, 537 and Yirmiyahu Yovel, *Spinoza and Other Heretics Volume II: The Adventures of Immanence* (Princeton University Press, 1992), ix.

[262] For such an understanding of the dominant Judaeo-Christian and Islamic traditions see Yovel (1992), ix. For a brief discussion of the manifestation of God as the absolute or supreme lawgiver, in (western) religious traditions see Saul Newman, *Political Theology* (Polity Press 2018), Introduction, esp. 6-7. See also **Chapter I** on a brief discussion of the theology of Saint Thomas Aquinas and another mention on the Qu'ran where the understanding of a transcendent God is explicitly manifested.

[263] Chin-Tai Kim, 'Transcendence and Immanence' (1987) 55(3) Journal of the American Academy of Religion 537, 538.

according to Deleuze, introduced his "poisonous gift" into thought by giving sense to the idea of a hierarchy amongst beings, according to his theory of *Ideas* or *Forms*.[264] Deleuze further suggests that since then the transcendent mode of thought dominates the western philosophical *image of thought* or mindset. As he writes:

> "A whole Platonic, neo-Platonic, and Medieval tradition is behind the idea of the universe as a 'great chain of being' as we have often been told. It is a universe suspended from the One as transcendent principle, unfolding in a series of emanations and hierarchical conversions. Entities have more or less being, more or less reality according to their distance from, or proximity to the transcendent principle."[265]

The above passage is useful for two reasons. First, it, precisely, manifests what we previously noted, namely that Deleuze understands a transcendent mode of thought as the dominant one throughout the philosophical tradition, from Platonic until Medieval times and beyond. Secondly, it clearly shows *which kind* of transcendence he opposes, or, in other words, *how* he understands the term 'transcendence.' As he writes, within this logic of transcendence there is a hierarchy amongst beings, dictated by a higher, transcendent principle or Being, the One. Or what he will later call – with Guattari – a transcendent thought as "the vertical, the celestial."[266] Indeed, this is a key point. If we are to take into consideration the multiplicity of understandings of the term in several disciplines and traditions, the way that Deleuze refers to transcendence significantly narrows-down the meaning of the term, i.e. how *he understands it* and to that extent indicating also the sense of transcendence that *he opposes*. Thus, the statement helps us

---

[264] Gilles Deleuze, 'Plato, The Greeks,' in *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998), 137.
[265] Gilles Deleuze, 'Zones of Immanence' in David Lapoujade (ed.) *Two Regimes of Madness: Essays and Interviews 1975-1995*. Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 266.
[266] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 89.

to illustrate and clarify our position towards the meaning of transcendence and its relevance to the inquiry of our examination, accordingly.

However, in order to understand how a transcendent mode of thought dominates western tradition we need to pay closer attention to the way(s) that transcendence infuses, more widely, our 'modern' and 'secular' *ethos*. This is because, and as noted earlier, the domination of transcendence does not remain within the boundaries of theological, religious and early Judaeo-Christian and Islamic philosophical traditions that rely on and expand their systems of thought in accordance with a divine principle or Being as their starting or end-point. In modernity, we may have 'killed God' but as Nietzsche writes, "given the way of men, there may still be caves for thousands of years in which his shadow will be shown."[267] Hence, not only the transcendent mode of thought survived the death of the divine but it, possibly, became stronger than ever. This becomes possible by the substitution of the divine from a variety of different *spuke* [phantasms or spooks],[268] that still distinguish between higher and lower realms or beings and which still operate in a hierarchical mode. These 'modern' and 'secular' *spuke* are, usually, coming into being through the introduction of 'noble' causes or 'higher' ends and 'fixed' ideas, such as human reason, freedom, Truth – where the capital letter manifests the absoluteness of one and singular Truth that must be followed – justice, democracy and, more relevant to our inquiry, human rights.[269] This condition of mankind is beautifully illustrated by Max Stirner who writes: "Man, your head is haunted; you have bats in your belfry! You're

---

[267] Friedrich Nietzsche, *The Gay Science, With a Prelude of Rhymes and An Appendix of Songs*. Trans. and Commentary Walter Kaufmann (Vintage Books, 1974), Aphorism 108, 167.

[268] Max Stirner, *The Unique and Its Property*, Trans. Wolfi Landstreicher (Underworld Amusements, 2017).

[269] For a recent discussion of Stirner's philosophy and the meaning of his 'spooks,' see John Blumenfeld, *All Things Are Nothing to Me* (Zero Books, 2018), esp. 29-31. Blumenfeld states that "Stirner's position is that no matter how far (God) or close (man), how honourable (freedom) or righteous (justice), how abstract (truth) or material (labour), *any separation* of myself from myself which would determine me as such is categorically equivalent: it is absolutely other – alien (30); Saul Newman, *Political Theology* (Polity Press, 2018), chapter 2, esp. 51-52, where he suggests that "the creation of a modern secular world [is] haunted by the legacy of religion. We are surrounded by spooks, ghosts, ideological abstractions, figments of our imagination that dominate our consciousness."

imagining big things and painting for yourself a whole world of gods that is there for you, a haunted realm to which you are called, an ideal that beckons to you. You have a fixed idea!"[270]

At this point, we consider it paramount to pay attention to the primacy that the idea of the human being and its 'reason,' gained through the Enlightenment. The choice of the Enlightenment era, and to that extent the examination of these two, closely interconnected terms ('man' and 'reason'), relies on the fact that Enlightenment values, significantly shape our modern condition, and thus they form a useful example on understanding the dominance of transcendence *beyond its Godly manifestation.*[271] According to Milan Zafirovski:

> "The Enlightenment represents the paradigmatic exemplar of cultural or spiritual revolution within western civilisation. It is especially an axiomatic (by definition) intellectual and rationalistic, including scientific, revolution, a revolutionary vision and process of enlightening, *rationalising, and liberating via human reason*, science, knowledge, and social progress, overcoming unreason, superstition, ignorance, stagnation and oppression."[272]

Hence, one of the highest of the values of the Enlightenment, the notion of *reason*, paves the way towards 'one's emancipation' from "immaturity" and the "dogmatisms" that kept one in bondage.[273] To that extent, reason gives one a chance to work a way out of *"self-imposed immaturity."*[274] Nonetheless it is through this dichotomy between a 'mature' and 'immature' beings that reason becomes a dogmatic ground.

---

[270] Max Stirner, *The Unique and Its Property*, Trans. Wolfi Landstreicher (Underworld Amusements, 2017), 61.
[271] For the pivotal role of the Enlightenment in shaping the modern and secular human subject, see; Sebastian Conrad, 'Enlightenment in Global History: A Historiographical Critique' (2012) 117(4) The American Historical Review 999-1027, 999: "The Enlightenment has long held a pivotal place in narratives of world history. It has served as a sign of the modern, and continues to play that role yet today."; Milan Zafirovski, *The Enlightenment and Its Effect on Modern Society* (Springer, 2011), esp. chapter III, 'The Enlightenment and Modern Culture.'
[272] Milan Zafirovski, *The Enlightenment and Its Effect on Modern Society* (Springer, 2011), 107.
[273] Immanuel Kant, *An Answer to the Question: 'What is Enlightenment?'* Trans. H.B Nisbet (Penguin Great Ideas, 2009), 1.
[274] Ibid.

Through reason, one becomes capable to question any form of authority and to conquer one's freedom through a process of rationalisation and knowledge.[275] So far, it seems that the values of the Enlightenment show the way towards the emancipation of human beings against dogmatism – a dogmatism which at the time was often institutionally promoted to the point that rationalist dogmas ended up being considered as an unquestionable 'Truth.' The Enlightenment values, in certain cases, provided some valuable 'tools' for questioning the then established truths and imposed forms of authority and thus it is justifiably considered as a revolutionary era. However, as we will elaborate further below, this change does not automatically lead to a way out of a transcendent mode of thought – it is in fact possible that quite the opposite happens. The 'paradox,' if we may call it so, of these so-called philosophies of the Enlightenment era lies in the fact that they may be critical of the dogmatism of the institutions of religious and political authorities, but in their effort to do so they end up relying upon yet another transcendent ground or principle.

A common ground, which can be identified as their main purpose, lies in the Enlightenment efforts to "purify the mind of false images [often caused by religious superstitions] and to eliminate the social and institutional obstacles built upon them."[276] Nonetheless, in the effort to combat the dogmatism of religious and political institutions *with reason*, one elevates a particular idea of reason, as an *a priori* ground to the level of a transcendental in itself. This, 'fetishisation' of reason is probably better identified in the philosophical thought of Immanuel Kant. In the part titled 'On Reason As Such' of his *Critique of Pure Reason*, Kant defines indirectly what he calls "the real use" of reason: "[…] reason itself contains the origin of certain concepts and principles that it borrows neither from the

---

[275] Ibid., 2.
[276] Yirmiyahu Yovel, *Spinoza and Other Heretics Volume II: The Adventures of Immanence* (Princeton University Press, 1992), 6.

senses nor from understanding"[277] but reason itself is "the power of our principles."[278] Here, principles can be understood as *a priori*, the conditions that "show[s], rather, how we can acquire in the first place a determinate experiential concept of what occurs."[279] To that extent, 'the real use of reason' or 'pure' reason can be understood as reasoning without any source of experience – without any data provided by senses, but instead, it is that which makes experience possible. The importance of reason, for Kant, becomes centrally evident when he defines philosophy as "the science of the reference of all cognition to the essential purposes of human reason *(teleologia rationis humanae),* and the philosopher is not an artist of reason but the legislator of human reason."[280] This statement succinctly illustrates Kant's progressive philosophical critique against both empiricism – the theory that all knowledge derives from the experience of senses[281] – and dogmatic rationalism – the notion that, indeed, "a rational being pursues strictly rational ends" but, in that case reason "recognises as an end still something and superior to it" (be that the Good, a higher Being and so forth).[282] Yet, Kant's inquiry, in one sense, can be summarised as a quest to 'purify reason,' that is make reason "the only judge of its own interests."[283] In other words, reason turns out to be the *judge* of its own "self-cognition"[284] and in this sense we could say that reason acquires the place of transcendence.

Kant writes: "[reason] set[s] up a tribunal that will make reason secure in its rightful claims and will dismiss all baseless pretensions, not by fiat but in accordance with reason's eternal and immutable laws. This tribunal is none other than the critique of reason itself: the

[277] Immanuel Kant, *Critique of Pure Reason: Unified Edition (with all the variants from 1781 and 1787 Editions)*. Trans. Werner S. Pluhar (Hackett Publishing Company, 1996), 352.
[278] Ibid., 353.
[279] Ibid., 354.
[280] Ibid., 760.
[281] Ibid., 489-492.
[282] Gilles Deleuze, *Kant's Critical Philosophy: The Doctrine of the Faculties*. Trans. Hugh Tomlinson (Continuum, 2008), 2.
[283] Ibid.
[284] Immanuel Kant, *Critique of Pure Reason: Unified Edition (with all the variants from 1781 and 1787 Editions)*. Trans. Werner S. Pluhar (Hackett Publishing Company, 1996), 8.

critique of pure reason."[285] It is useful here to pay attention to the idea of reason as a 'judge' and to the idea that reason entails 'eternal and immutable laws.' Starting with the first claim, if reason becomes the judge of its own interests – and to that extent, the *critique of pure reason* becomes "a call to reason about reason"[286] – then we have a situation where reason does not rely on any other, let alone higher principle. "Divine legislators" and the idea of a "Creator-God" are no longer necessary in order to "explain the work of nature" and thus, they are now substituted by an autonomy of reason and the potency of the human subject to act rationally and to prescribe to itself its own moral norms and even the laws of its own religion.[287] What results from this is a primacy of the human subject, which is now placed "at the centre of being and grounds all significant domains of reality in his free rational powers."[288] Human reason is now in a position to put everything into question and critique them, even reason itself. Nonetheless, in the above statement from Kant, the 'tribunal of reason' is set upon reason's 'eternal and immutable laws.' So, while Kant makes the critique of reason "a critique of illusion coming from reason as such,"[289] we arrive at a point where reason is critiqued by the principles of reason, which now acts as the foundation of every sort of critique, even a critique of its very self. As Deleuze writes: "Is this not the Kantian contradiction, making reason both the tribunal and the accused; constituting it as judge and plaintiff, judging and judged?"[290] As such, "Kant lacked a method which permitted reason to be judged from the inside without giving it the task of being its own judge."[291] In that sense, perhaps unexpectedly reason acquires something near-

---

[285] Ibid.
[286] Iain Mackenzie, *The Idea of Pure Critique* (Continuum, 2004), 9.
[287] Yirmiyahu Yovel, *Spinoza and Other Heretics Volume II: The Adventures of Immanence* (Princeton University Press, 1992), 7.
[288] Ibid.; See also a similar point made by Louis E. Wolcher, *The Ethics of Justice Without Illusions* (Routledge, 2016), 221: "Kant gave the human subject a form that did not need to be derived from any authority beyond its own capacity for rigorous self-awareness. Elbowing the deity aside, with Kant's assistance the primitive Cartesian thinking thing (*res cogitans*) grew into a wholly new *subjectum* and ground of everything that is, or rather, of everything that can be thought about or experienced by human beings. In the guise of pure reason, Kant's transcendental subject became a fixed and abiding being, hardwired from birth with 'forms of intuition,' 'faculties' and 'categories' that allowed it to organise and make sense of experiences."
[289] Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), 91.
[290] Ibid.
[291] Ibid.

equivalent to the status of the divine of Judaeo-Christian and Islamic theologies, in terms of a transcendent principle or grounding, whereby reason ties itself to its own 'sacred laws' that must somehow emanate from an a priori source outside its own experience. Ultimately, Kant ends up conceiving of "reason as external to nature (including nature within man), a foreign power that has to impose its laws upon nature from without. Reason cannot be construed as part of the actual world but constitutes a second, separate world over and above it, with man participating as 'citizen' in both."[292] In that sense, we could say that what Kant offers is a form of a 'secular theology' with reason being the transcendent ground.[293] Thus, man becomes 'the rational being' that must fight the illusions of transcendence, its dogmatism and phantasms but in his effort, man turns himself into the same *spuk* that he so passionately attacked. But one may ask what is the problem with elevating reason to a transcendent principle? The problem remains because, if we are to follow Deleuze, a transcendent mode of thought sustains a sense of verticality and dogmatism among beings, in that case not only between rational human beings and irrational beings but also between those human beings that *dare* to follow virtue and their duty to reason and those human beings that remain enslaved because of their "laziness and cowardice" that keep them in "lifelong immaturity."[294]

Before we move on to the next point of our examination, it is useful to, briefly examine, how transcendence can be manifested in an 'internalised' form, yet one which remains paradoxically 'other-worldly.' This way of dominance of transcendence stands out as a paradigm in our so-called secular (post)modernity and can be traced back to what has been called the "internalisation of God or the divine entity of transcendence."[295] This enigmatic

---

[292] Yirmiyahu Yovel, *Spinoza and Other Heretics Volume II: The Adventures of Immanence* (Princeton University Press, 1992), 7.

[293] The relationship of Kant with religion remains a question. This is evident in his *Religion Within the Bounds of Bare Reason*. Trans. Werner S. Pluhar (Hackett Publishing Company 2009), which some read it as an example of Kant's "total disdain of anything religious" while others argue that this is not the case (introduction, xvi-xvii).

[294] Immanuel Kant, *An Answer to the Question: 'What is Enlightenment?'* Trans. H.B Nisbet (Penguin Great Ideas, 2009), 1.

[295] Saul Newman, *Political Theology* (Polity Press, 2018), 63.

phrase suggests that God is not clearly understood as something 'other-worldly.' He may even be 'mocked' as a fantasy, he may be understood as something which was always dead, i.e. non-existent, yet His shadow engulfs the *psyche* of the modern, secular subject. Following Saul Newman, in order to explain the above statement, we take as our starting point the well-known Lacanian phrase that "God is Unconscious."[296] For Jacques Lacan this is the right formula that defines the condition of the atheistic or secular human being of modernity and not the Nietzschean 'death of God.'[297] What is meant by this is, precisely, the internalisation of the rules led out by religious teachings that, consciously and, more importantly unconsciously, shape our ways of being. So, for example, while in times when religious belief was thriving, human beings were acting in certain ways, according to 'laws' of the 'divine command,' now, they have the illusion that they act freely without such restraints, but in reality, these restraints are merely internalised. Hence, we end up having a paradox where the so-called external world of transcendence is not extinguished but rather shifts within, becoming deeply entrenched to human psychology, conscience and consciousness (perhaps, in the Christian paradigm, this is so from the very beginning in the sense of theologies that understand the liberatory message of Christ as grounded in the mutual, non-exclusive, freedom of God and the Subject). In this sense, the 'judgment of God' now comes from within one's conscience, taking the form of moral values and rules that we must adhere to and, more importantly, the commands of our 'superego' – which acts as "an agency that seeks to enforce the striving for perfection, as it holds out to the ego ideal standards and moralistic goals. As a consequence, the superego is the 'conscience' of the personality, and it can retaliate against the imperfections of the ego by inducing guilt."[298] It follows then that, the superego can be interpreted as the outcome of the

---

[296] Jacques Lacan, 'Touché and Automaton' in Jacques-Alain Miller (eds.) *The Four Fundamental Concepts of Psychoanalysis: The Seminars of Jacques Lacan Book XI.* Trans. Alan Sheridan (W.W. Norton & Company, 1978), 59.
[297] Ibid.
[298] Daniel K. Lapsley and Paul C. Stey, 'Id, Ego, and Superego' in Vilayanur Ramachandran (ed.) *Encyclopedia of Human Behavior* (2nd Elsevier Press, 2012), Volume II, 397.

internalisation of the 'judgment of God' becoming not only "the rational and moral agency of the law; [but] also a sadistic agency that enjoys tormenting the subject with excessive guilt."[299] Hence, we could say that the modern secular subject ends up being the most enthusiastic and liberated religious follower of transcendent norms and values.

Ultimately, the above brief discussion aimed to disentangle and elaborate in a schematic way on Deleuze's view that transcendence dominates the *image of thought* of the western philosophical and theological tradition. Indeed, as we have been arguing, any effort to fight off the illusions of transcendence tends to lead to an even greater repression, servitude and obedience to 'higher' values and to an even greater "hatred for all that is active and affirmative in life,"[300] i.e. an over-reliance on a dogmatic mode of being, a reactive and negative one, which operates through guilt and hatred for anything that escapes the command of these higher values, eternal truths and moral norms. Nonetheless, Deleuze states that beneath the dominance of transcendence, there is "a whole other inspiration that traverses the cosmos."[301] This inspiration can be found in, what he calls, 'zones of immanence' that are always in operation, ready to defy and demystify "the imperium of truth"[302]; that is, the dogmatism and hierarchy of the ground, the dominance of the One, and any transcendent principle.

The most influential immanent philosophical thought, for Deleuze, is that of Spinoza's. Deleuze's relation with Spinoza's thought is an intimate and special one. As he states, among all the philosophers that he worked on in his works on the history of philosophy, "it was on Spinoza that I worked the most seriously according to the norms of the history of philosophy – but he more than any other gave me the feeling of a gust of air from behind each time you

---

[299] Saul Newman, *Political Theology* (Polity Press, 2018), 72.
[300] Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), 122.
[301] Gilles Deleuze, 'Zones of Immanence' in David Lapoujade (ed.) *Two Regimes of Madness: Essays and Interviews 1975-1995*. Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 266.
[302] Martin Morris, 'The Critique of Transcendence: Poststructuralism and the Political' (2004) 32(1) Political Theory 121, 121.

read him, of a witch's broom which he makes you mount."[303] In *What is Philosophy?*, Deleuze and Guattari make an even grander statement, when they write that "Spinoza is the Christ of philosophy" because "he showed, drew up, and thought the 'best' plane of immanence – that is, the purest, the one that does not hand itself over to the transcendent or restore any transcendent, the one that inspires the fewest illusions, bad feelings, and erroneous perceptions."[304] The praise for Spinoza, and in particular about his immanent thought, calls for a closer look upon Spinoza's philosophical corpus in this regard, in order to get a better sense of Deleuze's account of an immanent philosophy.

2. Spinoza's immanent thought – the antidote to transcendence's poison?

Spinoza's thought can be summed up as an assault on the traditional and hierarchical Judaeo-Christian religious tradition and a conception of God as a transcendent Being. Drawn usually to the 'most tolerant' and liberal circles of Amsterdam, Spinoza started to question the "Jewish-Christian dogmas of the divinity of Scripture, the election of Israel, and the popular ideas of the Hereafter."[305] As a result, Spinoza and his circle "began to propound a more philosophical, or naturalistic, conception of God and religion."[306] Such a path, ultimately led Spinoza to reject both the teachings of the Scripture in Christianity but also Judaism, a religion that he was born into.[307] As he writes, in his *Treatise of Theology and Politics*:

> "Scripture is not to teach any matters of high-level intellectual theory but
>
> rather to present what I have called its *summa* or 'top teaching,' namely
>
> the injunction to love God above all else and to love one's neighbour as

---

[303] Gilles Deleuze and Claire Parnet, 'A Conversation: What is it, What is it for?' in *Dialogues II*. Trans. Hugh Tomlinson. (Continuum, 2012), 12.

[304] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 60.

[305] Seymour Feldman, 'Introduction' in his (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 3.

[306] Ibid.

[307] Gilles Deleuze, *Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005), 6-7.

oneself. Given that this is its purpose, we can easily judge that all Scripture

requires from men is *obedience*, and that what it condemns is not ignorance

but *stubborn resistance*." [308]

This rejection, even "anti-religious" stand,[309] shaped significantly his philosophical thought,

and had great impact upon the philosopher's life.

Spinoza drew an intimate picture of what 'doing philosophy' meant for him, a picture

which goes beyond the strict boundaries of disciplinary meanings of the term, as well as

scientific ones. For him, philosophy was not only a science but 'a way of life' and as such, a

philosophical inquiry was not something to be taken up without shaping throughout the

philosopher's *ethos*. Spinoza remained true to this quest – a quest for *his* truth and not for the

Truth – and for that he had to make sacrifices, as demanded by his faithfulness to this notion

of "philosophy as life."[310] Indeed, his philosophical ideas and his general lifestyle would lead

to his 'trial' from the rabbis of the synagogue, who condemned him of heresy and ultimately

to his excommunication.[311] Spinoza unmoved by the events would remain firm to his ideas and

would pay for this with his banishment from Amsterdam, because he was considered "a menace

to all piety and morals, whether Jewish or Christian."[312]

However, on the other hand and despite all the hunt and damnation from religious and

state authorities, Spinoza did not taste at any point the deprivation of his freedom behind

prison's bars or the threat of death. While, this may be the case of 'pure luck,' Antonio Negri

provides an interesting perspective on this. As he writes, "Spinoza is the anomaly"[313] because

---

[308] Baruch Spinoza, *Treatise on Theology and Politics*. Trans. Jonathan Bennett (Early Modern Texts, 2017), 108.
[309] Étienne Balibar, *Spinoza and Politics*. Trans. Peter Snowdon (Verso, 2008), 8.
[310] Roger Scruton, *Spinoza: A Very Short Introduction* (Oxford University Press, 2002), 1.
[311] For the detailed facts of Spinoza's excommunication, see Gilles Deleuze, *Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005), 5-7; Roger Scruton, *Spinoza: A Very Short Introduction* (Oxford University Press, 2002), 8-10.
[312] Seymour Feldman, 'Introduction' in his (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 3.
[313] Antonio Negri, *The Savage Anomaly: The Power of Spinoza's Metaphysics and Politics*. Trans. Michael Hardt (University of Minnesota Press, 1991), xvii.

he did not have the fate of other revolutionaries of his age. The reason that Negri provides for this is that:

> "[Spinoza's] metaphysics effectively represents the pole of an antagonistic relationship of force that is already solidly established: The development of productive forces and relations of production in seventeenth-century Holland already comprehends the tendency towards an antagonistic future. Within the frame, then Spinoza's materialist metaphysics is the potent anomaly of the century: not a vanquished or marginal anomaly but, rather, an anomaly of victorious materialism, of the ontology of a being that always moves forward and that by constituting itself poses the ideal possibility for revolutionising the world."[314]

Is not this constant moving-forward of being in Spinoza's thought an early glimpse of why he opposed transcendence? Does this not suggest that all the dogmas and their rules that are imposed upon beings must be extinguished, in order for beings to move forward?

This short biographical note on the life of Spinoza does not intend to 'introduce' either the philosopher as 'a hero' or 'a visionary.' It is, however, a perhaps surprisingly good way to begin the examination of what immanence is for Spinoza, and how this is opposed to the notion of transcendence. If we consider that for Spinoza philosophy was 'a way of life,' then his life would be the mirror-image of his philosophical thought. As such, the *an-archic* life of the philosopher and his unrepentant criticism of dogmas and hierarchies at any cost, could be a reflection, and a useful indication of the way he thought and expressed his philosophical thought, and in particular his notion of immanence.

---

[314] Ibid.

Spinoza's thought is against a dogmatic notion of philosophy – that is a mode of thought "that advocates, infinity, absolute permanence, and timelessness."[315] We saw above that Kant also referred to the purpose of his philosophy as going against all dogmatisms through the medium of reason. Nonetheless, Kant's project remained unfulfilled because through the external conditions of reason he re-introduced a notion of transcendence into his thought. Hence, what we have to assess, in order to arrive at the conclusion that Spinoza offers something different – an antidote to the poison transcendence – is whether he manages to avoid reintroducing hierarchy or primacy to any being as transcendent.

The first radical 'rupture' from any notion of a transcendent God as an external Being takes place in Spinoza's *Ethics*, with the well-known maxim *Deus Sive Natura* [God or Nature]. The use of the phrase is frequent in the book and it illustrates a God who is not a part of a separate realm, outside of Nature or we could say of our 'known world.' Hence, Spinoza's God escapes an external and anthropomorphic conception of God, the one that prevails in the theologies that we indicated above.[316] Furthermore, Spinoza identifies God or Nature, as "an absolutely infinite [and] indivisible substance,"[317] which is also the sole substance that can exist. As he notes "there can be, or be conceived, no other substance but God."[318] In addition, this infinite substance is consisted by "infinite attributes, each of which expresses eternal and infinite essence."[319] In other words, these attributes, which are infinite, are the qualities of this infinite substance. The justification for having an infinite attribute, thus, relies on the infinite nature of the primary substance – that is, God or Nature. Furthermore, Spinoza states that God

---

[315] Frank Lucash, 'Spinoza's Philosophy of Immanence' (1994) 8(3) The Journal of Speculative Philosophy 164, 165. Lucash further writes that "a dogmatic means [give] an account of nature of reality using only *a priori* reasoning."

[316] Chin-Tai Kim, 'Transcendence and Immanence' (1987) 55(3) Journal of the American Academy of Religion 537, 543; Feldman Seymour Feldman, 'Introduction' in his (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 23.

[317] Baruch Spinoza, 'Ethics' in Seymour Feldman (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 39, (Part I, Pr. 13).

[318] Ibid., (Part I, Pr. 14).

[319] Ibid., 37 (Part I, Pr. 11).

or Nature expresses Itself through an infinite number of ways or *modes*. Spinoza defines modes as "the affections of substance; that is, that which is in something else and is conceived through something else."[320] This suggests that a mode is an expression of the infinite substance or a property which is only conceivable through the infinite substance, or a mode *is only expressed through God or Nature.*

All these definitions manifest that Spinoza draws connections between the notions of substance, attributes and modes, following a long philosophical tradition. This manages to convey his hypothesis, despite a radical difference from his predecessors (especially Descartes), using a language which is familiar to the, then, audience of philosophy. So, in relation to the use of the term 'substance,' Spinoza follows its definition which goes back to Aristotle[321] and Descartes,[322] and to that extent, he defines substance as "that which is in itself and is conceived through itself; that is the conception of which does not require the conception of another thing from which it has to be formed."[323] But why is there no possibility of having another substance or many substances, similarly with what Descartes argues, for example? The existence of two or more different substances presupposes the idea that such substances are distinguished by their attributes and modes (their qualities and ways of expressing themselves would have been different). So, if a substance shares a quality (or attribute) with another or if it expresses itself in a similar way (shares modes) then we, automatically, speak of the same substance. However, could we suggest that a substance creates another and that is the reason behind the fact that the substance-creator shares attributes and modes with a substance-

---

[320] Ibid., 31 (Part I, Definitions 4).
[321] Aristotle, *Categories and De Interpretatione*. Trans. J.L. Ackrill (Clarendon Press Aristotle Series, 2002), 5 (chapter 5, 2a-11): "A substance – that which is called a substance most strictly, primarily, and most of all – is that which is neither said of a subject nor in a subject, e.g. the individual man or the individual horse." Hence, there is an independence of primary substance from any individual being.
[322] René Descartes, *Principles of Philosophy*. Trans. Jonathan Bennett (Early Modern Texts, 2017), 13: "All we can mean by 'substance' is 'something that exists in such a way that it doesn't depend on anything else for its existence'. Actually, there's only one substance that can be understood to depend on *nothing* else, namely God."
[323] Baruch Spinoza, 'Ethics' in Seymour Feldman, (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 31. (Part I, Definitions, 3).

product? Spinoza refutes this possibility when he states that: "Substance cannot be produced by anything else and is therefore self-caused [*causa sui*] – that is its essence necessarily involves existence; that is, existence belongs to its nature."[324] Here we get a first glimpse of Spinoza's understanding of a God or Nature as an immanent *cause*, a cause which dissolves the duality between constituent and constituted, of an independent God-creator and the dependent products of His creative force. Instead, the infinite substance, God or Nature, is 'self-constituted' ('it must therefore be its own cause') and thus, the distinctions between (higher) causes and (lower) effects are blurred and, ultimately, non-existent. In order to grasp better Spinoza's monism we need to refer a bit further to his understanding of attributes.

In relation to his definition of an attribute, Spinoza writes that it is "that which the intellect perceives of substance as constituting its essence"[325] – that is, in other words, the way we have some access the essence of this infinite substance, since each of the infinite attributes is an essential property of It.[326] In other words, an attribute can be defined as an essential quality or property of God or Nature, similarly to certain qualities that makes a being an animal or a human. Thus, by perceiving the attributes of God or Nature we can know that such an infinite substance *exists* via the perception we have of its attributes or its qualities. Indeed, Spinoza suggests that by denying that, we automatically refuse that the essence of God or Nature, involves Its existence (similarly, if I lose a certain property of my humanity or animality I cease to exist as such). This is because we need to give a reason for everything that exists or that which does not exist, according to Spinoza. As he states, though, "if [something] does not exist,

---

[324] Baruch Spinoza, 'Ethics' in Seymour Feldman, (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 34 (Part I Prop. 7 Proof).
[325] Baruch Spinoza, 'Ethics' in Seymour Feldman, (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 31 (Part I Definitions, 4).
[326] While there is a long academic discussion about the meaning and the definition of attributes in Spinoza's thought, with many different views, here we followed the Deleuzian understanding of it, as this the most relevant for the purposes of the chapter. See Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers 2001, 51-52; Seymour Feldman, 'Introduction' in his (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 23. For a summary of this discussion on the different definitions see, Noa Shein, 'Spinoza's Theory of Attributes' (2018) The Stanford Encyclopedia of Philosophy. https://plato.stanford.edu/entries/spinoza-attributes/ [Accessed 23 December 2018].

there must be a reason or cause which prevents it from existing, or which annuls its existence."[327] So, due to the infinite essence of God or Nature we cannot accept that there is a cause or reason to annul Its existence. Thus, there is a *necessity* of the existence of infinite attributes or qualities of this infinite substance.[328]

From the definitions of a substance and of an attribute we can infer two things. First, if God is identical to Nature and if He is the sole substance that can be, then any forms of dualism, i.e. two worlds, higher realms, a God external to our world and so forth, are to be rejected. God or Nature engulfs the whole of *this* world, or we could say that It *is* the whole of this world and nothing else.[329] Indeed, as Spinoza writes, "*whatever is, is in God, and nothing can be or be conceived without God.*"[330] This proposition suggests an infinite totality of beings situated or, in better terms, existing *in* God or Nature and thus it further strengthens the claim that there is only one and infinite substance that exists, God or Nature. This beings or modes are different expressions of the one, infinite substance, as stated above. As a result, the difference between beings is based solely on the fact that they are different expressions of God or Nature, thus their difference is not a matter of better *representation* of the 'Truth of God' or their proximity to an Idea (as in the case of Plato).

The second point that we can infer from the above definition is that God's essence can be perceived in an infinite number of ways, as He possesses an infinite number of attributes, but the human intellect can perceive Its essence, through two of them, namely thought and extension.[331] At this point, Spinoza offers another novelty with respect to his philosophical

---

[327] Baruch Spinoza, 'Ethics' in Seymour Feldman, (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 37 (Part I Prop. 11, Second Proof).
[328] Ibid.
[329] Chin-Tai Kim, 'Transcendence and Immanence' (1987) 55(3) Journal of the American Academy of Religion 537, 543.
[330] Baruch Spinoza, 'Ethics' in Seymour Feldman, (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 40 (Part I. Pr. 15).
[331] Seymour Feldman, 'Introduction' in his (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992) (1992) 23. See also Baruch Spinoza, 'Ethics' in Seymour Feldman, (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 64 (Part II, Pr. 1 and 2).

predecessors by stating that extension is an attribute of God and thus he gives a definition of God as "*an extended thing*."[332] This further manifests a shift from the transcendent understanding of (a higher) Being. This is because, if we are to perceive God as an extended cause of all the being in the world, then we have 'continuity' between the source of creation – that is the creator – and the creation. This is not the case with the God of transcendence, because as a detached creator, with absolute independence from the being that He created and thus unextended. The extended God of Nature permits an understanding of an immanent 'primary substance' because God or Nature *is present* in every expression of *this world*. Beings are not dependent – at least in a dependent relationship of subordination – on the creator to exist, they simply exist because they express this infinite substance and thus their existence is a matter of the creative force that engulfs them within It.

After a number of propositions where he tries to prove that God or Nature is the sole substance that engulfs everything that exists, Spinoza will arrive at a point where he, explicitly, states the immanent nature of his God. As he states, "*God is the immanent, not transitive cause of all things*."[333] As we have already noted above, everything that is something is in God and it must "conceived through God."[334] Consequently, we can conclude that since everything that exists is in God and since God is the immanent cause of all things, then everything that exists is defined by a pure relation of immanence *in* or *with* God. This is also, noted by Giorgio Agamben when he states that:

> "The identity of active and passive corresponds to the ontology of
> immanence, to the movement of autoconstitution and autopresentation of
> being, in which not only does there fail every possibility of distinguishing
> between agent and patient, subject and object, constituent and constituted,

---

[332] Spinoza, Ibid.
[333] Ibid., 46 (Part I, Pr. 18).
[334] Ibid.

but in which even means and end, potential and act, work and inoperativity are indeterminated."[335]

As a result, this links back to what we said previously, about the dissolution of higher causes which lead to dependent creations of lower realms. Spinoza's immanent God or Nature is not distinguished by its creations, and as such all the dualistic distinctions between causes and effects, subjects and objects are no more. There are no higher beings which are closer to God, as this is, usually, manifested through a transcendent mode of thought, but since all beings are different modes or expressions of God or Nature, they express this infinite substance in infinitely different ways. In order, to explain this in better terms we can think of the example of the sea, its waves, whirlpools and maelstorms. A sea can be expressed by its different waves, whirlpools or maelstorms – some have more intensity than others or they express the sea in completely different ways. Yet, we cannot say that any of them hold a place of hierarchy or proximity to the primary source, that is the sea. The sea is the cause of all three, but at the same time it also participates in these expressions – it is not unextended. In that sense, cause and effects are blurred – we can refer to the wave as a 'turbulent sea.' As observers or participants (swimmers, for example) we can grasp something that is fundamentally a part of the nature of the sea through these different expressions. Our knowledge of the sea becomes, then, a matter of different *encounters* with its different modes or expressions.[336]

So far, we have schematically demonstrated that the Spinozist definition of a God or Nature, which is of this world and where all the things that are, are necessarily in this infinite substance, anything which is not in Him or Nature does not exist. Consequently, unlike a relationship of transcendence, the Being named God "cannot *be* independently of the beings in which it is immanent, for they must be its manifestations or concretions."[337] But in order to

---

[335] Giorgio Agamben, *The Use of Bodies*. Trans. Adam Kotsko (Stanford University Press, 2016), 104.
[336] We expand more on ethics based on encounters as opposed to a morality that acts as a judge in Chapter III.
[337] Chin-Tai Kim, 'Transcendence and Immanence' (1987) 55(3) Journal of the American Academy of Religion 537, 538.

establish the 'purity' of Spinoza's immanence – that is, his success in not succumbing to the reintroduction of any form of transcendence – we have to examine whether he manages to account for a non-hierarchical position of any of the beings within nature. The fact that everything is in God or Nature and that all things can only be conceived through It, is a first indication pointing towards a horizontality of existence. But is it sufficient to establish that no being – humans, for example – is a better conception or expression of God and thus of a 'purer' nature? Spinoza, explicitly, refuses any primacy of being and to that extent humans. In the preface of the third part of *Ethics*, he rejects any idea which conceives of "man in Nature as a kingdom within a kingdom."[338] This is quite justifiable, if we are to conceive of every being as a part of Nature, which is the only substance, then we can speak of beings being an infinite number of expressions of the *same* God or Nature. As such, human beings do not possess any special place in Nature nor in God, they are rather an expression of It amongst others.[339] To conclude this section, we can say that the importance of Spinoza's immanent account of the infinite substance as God or Nature presents an *image of God* – and to the extent that everything is *in* God or Nature, an *image of thought* (a mindset) – which is radically different from the understanding of a transcendent, God as an independent creator. Such a God cannot act as a judge, since each being is simply a different expression of Its substance and not something that acts in terms of commands and 'higher principles.' This can be seen, then as a seed towards an *an-archic* mode of being and thinking.

In this subsection we drew some preliminary insights to the complex metaphysics of Baruch Spinoza, as a way to elaborate the way he conceives 'immanence' and how his thought

---

[338] Baruch Spinoza, 'Ethics' in Seymour Feldman (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992), 102 (Part III, Preface).
[339] Unsurprisingly Spinoza's thought has influenced thinkers arguing for a non-anthropocentric mode of being such as those belonging to the so-called 'deep ecology' movement. See for example, the work of the main figures in the movement, Arne Naess, 'Spinoza and the Deep Ecology Movement' in Alan Drengson and Bill Devall (eds.) *The Ecology of Wisdom: Writings by Arne Naess* (Counter Point, 2008), 230-251; Eccy de Jong, *Spinoza and Deep Ecology* (Routledge, 2004).

opposes the domination of the notion of transcendence that we described in the previous subsection. As we will see in the subsequent chapter (**Chapter III**), this way out of transcendence could be a potential guide towards a differentiated, *an-archic ethics*. Nonetheless, our aim at this point was to briefly present the elements of Spinoza's thought that manifest a *rupture* from the dominance of transcendence, in any of its manifestations, and how his conception of immanence manifests an an-archic state of world – that is world without a primary Being or a hierarchy amongst beings. Perhaps, this is what Deleuze identifies as the 'fresh air' in Spinoza's thought and the main influence behind his own conception of a new immanent *image of thought*.

II. A definition in constant flux: The (immanent mode of) Deleuzian immanence, or *how is immanence?*

Deleuze's engagement with immanence is evident throughout his work, starting from his earliest writings. We can say (without any intention to reduce any other aspects of Deleuze's philosophy to a lesser plane) that immanence functions as a 'driving force' in the philosopher's thought.[340] However, and while there are glimpses of what we can call as the notion of immanence, there is not a clear-cut definition of the notion until his later, and very last writings (*What is Philosophy?*, 'Zones of Immanence' and 'Immanence: A Life'). Indeed, in his first

---

[340] Certainly, immanence plays a significant role in Deleuze's philosophical corpus of which a great number of commentators, often talk of *a philosophy of immanence* when referring to the totality of Deleuze's philosophical thought. See for example Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 49; Another example is Fredrika Spindler, 'Gilles Deleuze: A Philosophy of Immanence' in Jonna Bornemark and Hans Ruin (ed.) *Phenomenology and Religion: New Frontiers* (Södertörn University Press, 2010), 149. Spindler, despite calling Deleuze's work *a philosophy of immanence* in her title, offers a better phrasing of the relation of the notion of immanence in Deleuze's philosophy when she states that in the sum of Deleuze's work "immanence is a key theme; it is both the measure, the condition, and the criterion of what for Deleuze constitutes philosophy itself." Describing immanence as 'a condition' is closer to its understanding as the 'driving force' in the philosopher's thought. As such, we consider this statement, substantially, a more open or moderate one, rather than the 'absoluteness' or the 'totality' hiding behind grand statements such as 'a philosophy of immanence.' The idea of immanence as a 'driving force' in Deleuze's thought is also used by John Marks, *Gilles Deleuze: Vitalism and Multiplicity* (Pluto Press, 1998), 46.

two, 'personal' philosophical treatises *Difference and Repetition* and *Logic of Sense* the direct reference to 'immanence' as such is minimal. Especially in the *Logic of Sense*, the word or any direct notion of a Deleuzian account 'immanence' is completely absent from the sum of the thirty-three series. This is very interesting if we consider that the book engages with an ethical perspective. Nonetheless, in the book, we encounter the idea of the transcendental field multiple times.[341] For example, Deleuze writes that "[…] An impersonal transcendental field, not having the form of a synthetic personal consciousness or a subjective identity – with the subject, on the contrary, being always constituted."[342] This is very interesting because we encounter again the notion of the transcendental field in the 'Immanence: A Life' essay, where Deleuze writes that the transcendental field is presented as "a life, [when is] no longer, dependent on a Being or submitted to an Act […]. The transcendental field then becomes a genuine plane of immanence that reintroduces Spinozism into the heart of the philosophical process."[343] To that extent, we can see that there is an immediate relation between the notion of the transcendental field and the notion of the plane of immanence, which shows a consistency and continuation within the whole of Deleuze's corpus. However, we must also consider the difference in the focal point of discussion in this two works and the other ones. As we already stated above, it is in Deleuze's later works that we get a better glimpse on the philosopher's notion of immanence.

Furthermore, the direct discussion of immanence in his works on the history of philosophy is also relatively absent. An implicit preference for immanence is, mainly, illustrated through the philosopher's critique of transcendence. In one of the works of the aforementioned period, the book *Nietzsche and Philosophy*, Deleuze makes a comment of admiration for one of his 'philosophical enemies,' Immanuel Kant, when he states that "Kant's

---

[341] Gilles Deleuze, *Logic of Sense*. Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015)
[342] Ibid., 101.
[343] Gilles Deleuze, *Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005), 29-30.

genius, in *the Critique of Pure Reason*, was to conceive of an immanent critique."[344] This comment of appreciation is very important – if we are, also, to properly appreciate the usual critical remarks of Deleuze's towards Kant.[345] This is because it shows that even in his early writings a notion of immanence, and the importance of such a notion for Deleuze, was, at least implicitly, existent.

Even, in his two works on Spinoza, *Expressionism in Philosophy*[346] and *Practical Philosophy*,[347] Deleuze does not offer a clear-cut account of what he means with the term 'immanence.' What is merely offered in his 'Spinoza period' is some sporadic remarks pointing towards an immanent mode of thought. We could argue that, in these two works, it is rather through his references to and critique of the notion of transcendence, morality and eternal values that we encounter some early glimpses of his immanent, *new*, *image of thought*.[348]

We encounter the idea of the 'plane of immanence' in Deleuze's *Practical Philosophy* book on Spinoza where Deleuze introduces the notion of the plane as "a plan, but not in the sense of a mental design, a project, a program; it is a plan in the geometric sense: a section, an intersection, a diagram."[349] In that sense, there are intersecting points, no beginnings nor ends.

---

[344] Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), 91.

[345] Gilles Deleuze, 'Letter to A Harsh Critic' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 6, [emphasis added]. Here Deleuze states that "my book on Kant's different; I like it, I did it as a book about *an enemy* that tries to show how his system works, its various cogs – the tribunal of Reason, the legitimate exercise of faculties (our subjections to these made all the more hypocritical by our being characterised as legislators)"; Hugh Tomlinson also in his preface in Gilles Deleuze's *Kant's Critical Philosophy*. Trans. Hugh Tomlinson (Continuum, 1995), xiii writes that: "But it is also remarkable, at first sight, that such a work should be written by, of all people, Gilles Deleuze. It is difficult to think of two philosophers more apparently opposite than old Immanuel Kant, 'the great Chinaman of Könisberg,' and Gilles Deleuze, the Parisian artist of nomadic intensities"; Lastly, in his conversation with Jean-Nöel Vuarnet, 'Nietzsche and the Image of Thought,' in Davide Lapoujade (ed.) *Desert Islands and Other Texts: 1953-1974*, Trans. Michael Taormina (Semiotext(e), 2004); Deleuze makes a comment which manages to, successfully, manifest in a phrase both his critical stand, but also his appreciation for Kant. "Kant, for example, is the perfect incarnation of false critique: that's why he fascinates me. But when you're facing such a work of genius, there's no point saying you disagree. First, you have to know how to admire; you have to rediscover the problems *he* poses, his particular machinery. It is through admiration that you will come to genuine critique."

[346] Gilles Deleuze, *Expressionism in Philosophy: Spinoza*. Trans. Martin Joughin (Zone Books, 1992).

[347] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001).

[348] As we will see, extensively, later on, and as Deleuze and Guattari suggest, "the plane of immanence is not a concept that is or can be thought but rather the image of thought, the image of thought gives itself of what it means to think. To make use of thought, to find one's bearings in thought." *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 37.

[349] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001), 122.

One is found in the *middle* of intersecting points and here living becomes a matter of installing oneself and encounters the world and everything else around it. Just like a diagram the plane becomes the intersecting point where one must "install oneself on this plan,"[350] according to Deleuze, in order to *create* a mode of living, a way of life. Evidently, we get a hint on the idea that the plane of immanence is what enables the institution of a way of life. However, this, rather, enigmatic statement does not help much our understanding of the meaning of immanence.

It is not until the 'Plane of Immanence' chapter in his last collaboration with Félix Guattari that we get a fully-fleshed account of the notion of immanence. This view is also supported by Fredrika Spindler, who argues that "the importance of the concept of immanence is manifest through the whole of Deleuze's work, but it is not until *What is Philosophy?* that it becomes the object of a specific investigation."[351] Indeed, in this particular passage, Deleuze and Guattari are at the point of "old age," as they say, at the point where they are able to speak concretely. This the point where they can, finally, ask "what is it I have been doing all my life?" It is at that point, they humorously state, that they can pose the 'grand' question; *what is philosophy?*[352]

It is in this late, comic mode that Deleuze and Guattari can, finally, offer a detailed account of one of the main 'forces' of the former's thought, immanence. We could argue, with De Bestegui, that *What is Philosophy?* could be seen as "a philosophical testament, almost – in which, among other things, Deleuze is concerned to identify the nature and ultimate significance of his philosophical trajectory as a whole."[353] It is perhaps already becoming evident why, in this chapter of what, or in better terms, *how* immanence is, potentially, a

---

[350] Ibid.
[351] Fredrika Spindler, 'Gilles Deleuze: A Philosophy of Immanence' in Jonna Bornemark and Hans Ruin (ed.) *Phenomenology and Religion: New Frontiers* (Södertörn University Press, 2010), 151.
[352] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 1.
[353] Miguel De Bestegui, *Immanence: Deleuze and Philosophy* (Edinburgh University Press, 2012), 5.

decisive, first step towards Deleuze's grand, yet enigmatic statement, that immanence is *a life*.[354]

1. Setting out the plane (of immanence)

Any attempt to give a clear-cut definition to the plane of immanence (or immanence)[355] is a demanding and even 'risky' operation. This is because the 'naming' of something (in the sense of naming something as a 'fixed' thing), in terms of a totality and of a definite answer ('what is that?,' 'what is the meaning of this?'), often leads to an 'absoluteness' a transcendent organism, a ground. In other words, by giving a definite name to something, we tend to give to that thing a concrete identity. As such, we fall into the 'trap' of transcendent, often made originary or primary, principles and ground(s). The definition of the plane becomes even more complicated since Deleuze and Guattari state that "the plane of immanence is not a concept that is or can be thought but rather the *image of thought*, the *image of thought* gives itself of what it means to think, to make use of thought, to find one's bearings in thought."[356] This statement is the cause of two fundamental difficulties. First, if the plane is that which makes thinking possible or is the *image of thought* as such, then how can we avoid speaking about a primary source, a ground or an *archē* [ἀρχή]. Secondly, and more importantly for our purposes here, if the plane is, in a sense here, an idea of the 'unthought' how can it be, then, defined and explained?

---

[354] Gilles Deleuze, 'Immanence: A Life' *in Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005).

[355] Here we distinguish between 'plane of immanence' and 'immanence.' Broadly speaking, the terms are used by Deleuze (and Guattari) to, often, signify the same thing. However, there is "slight variation." The plane of immanence is, potentially, used to refer to the field of philosophical concepts and thus it remains closely connected to the field of philosophy and to Deleuze and Guattari's answer to what philosophy is. On the other hand, when Deleuze refers to 'immanence,' especially in his 'Immanence: A Life' (2005) essay, he illustrates an immanent mode of thought that engulfs all aspects of life. Immanence then becomes an *ethos*, a way of being. See Eugene B. Young with Gary Genosko and Janell Watson, *The Deleuze and Guattari Dictionary* (Bloomsbury Philosophical Dictionaries, 2013), 162.

[356] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 37, [emphasis added].

In order to encounter and problematise this, it is important to start our investigation with the central question and title of Deleuze and Guattari's book, namely *What is philosophy?* Their seemingly simplistic, still peculiar answer is that "philosophy is the discipline that involves *creating* concepts."[357] Such 'concepts' must always be "new," because "the concept must be created, it refers back to the philosopher as the one who has it potentially, or who has its power and competence."[358] Already, we can, possibly, suggest that Deleuze and Guattari make a strong claim by defining philosophy as the discipline that engages in concept-creation, because such a statement points towards a refutation of any notion of a concept as a given principle or an *a priori*. A concept, then, is not something that it is there, pre-existing, something which is merely to be found or applied.

Hence, any approaches that refer to themselves as a philosophy but function as a means that aim towards the discovery of 'absolute truths,' 'universal and eternal values,' are according to the Deleuzo-guattarian definition of philosophy – in very crude terms – anti-philosophical. As such, there is a creativity in what it means to work within a philosophical framework, according to Deleuze and Guattari – "a philosophy as constructivism."[359] Consequently, Deleuze and Guattari explicitly state that philosophy is not "contemplation, reflection or communication."[360] But how did we arrive at a point where we, sometimes, think philosophy as something which engages with the three aforementioned actions? The answer is given once

---

[357] Ibid., 5.
[358] Ibid.
[359] Iain Mackenzie, *The Idea of Pure Critique* (Continuum, 2004), 28.
[360] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 6. This by no means suggests that the actions of contemplation, reflection or communication do not take place and that we are not performing them, but they are simply not what philosophy is or is, fundamentally, interested in. As Deleuze and Guattari explain further, philosophy is none of the above because the discipline is not needed for the occurrence of any of the three actions. "Mathematicians, as mathematicians, have never waited for philosophers before reflecting on mathematics, nor artists before reflecting on painting or music." See also Mackenzie, ibid., 29.: "Deleuze and Guattari are not suggesting that human beings do not 'contemplate, reflect or communicate,' nor that philosophy should not concern itself with these actions, only that it is a mistake to equate these actions with the philosophical activity itself."

we consider how Deleuze and Guattari understand 'the concept.' As such we need to understand what is meant by the term 'concept.'

A 'concept,' Deleuze and Guattari write, is a multiplicity in the sense that it has multiple "components" as a combination [*chiffre*].[361] As a result, by necessity, while "the concept is a whole, because it totalises its components, it is [nevertheless] a fragmentary whole."[362] Furthermore, Deleuze and Guattari add two critical statements, which question the idea of universals. First, they suggest that there is no "concept with only one component" and second that "neither is there a concept possessing every component since this would be chaos pure and simple."[363] These two points are necessary if we are to justify the definition of philosophy as 'constructivism.' This is because, if a concept has a sole component then it, automatically, becomes a 'concrete whole' with no need for other concepts and their components to exist or operate. It is, then, a 'closed whole' that becomes 'unchanged' and 'eternal' and to that extent a transcendent.

In similar vein, if a concept possesses all components it becomes 'a chaotic whole' in the sense that it was not created in order to correspond to a particular situation and thus it does not have a particular function. As a consequence, if this is the case, then, a universal concept is impossible, because it cannot be the outcome of a single component which has no need of the other components that form a whole. So, for example, as Mackenzie states, the Cartesian *Cogito* "involves the concepts of 'doubting,' 'thinking' and 'being."[364] Hence, in order to create the concept *Cogito*, we need to have a concept of what 'doubting' is. In addition, we need to have a concept of what 'thinking' is and in order to have a 'thinking being' we need to have a

---

[361] Ibid., 15. The English translation of *chiffre* is 'combination.' The translators note that "we have rendered *chiffre* as 'combination' to indicate an identifying numeral (in the sense of combination of a safe or an opus number, as in music) of a multiplicity, but which is not, however a number in the sense of a measure," ix.

[362] Ibid., 16.

[363] Ibid., 15.

[364] Iain Mackenzie, 'Creativity as Criticism: The Philosophical Constructivism of Deleuze and Guattari,' (1997) 86 Radical Philosophy 7, 8.

concept of a being. Consequently, these concepts with some of their components are coming together in Descartes' philosophy to create the philosophical concept of the *Cogito*. Such a concept is then a fragmented one but at the same time it is still a new whole.

Hence, a 'restriction' must be placed which ensures that a concept is the outcome of a multiplicity of finite components. In other words, there must be a clear-cut limit separating a concept and its function(s) from another one. In Deleuze and Guattari's words "even so-called universals as ultimate concepts must escape the chaos by circumscribing a universe that explains them (contemplation, reflection, communication)."[365] But how is that? Every concept has "a history" and "a becoming."[366] Concerning the issue of 'history,' we see that "in any concept, there are usually bits or components that come from other concepts […]."[367] Concepts are created as "a function of problems," which are different but which also have some components that are similar, and thus a concept "passes through: previous ones. A concept may operate differently, as a function of different problems but with using even "a bit of components" from other concepts.[368] Hence, what Deleuze and Guattari want to suggest here it is that there is no such a thing as a concept which started *ex nihillo* or which was already existing as a fundamental, indisputable truth.[369] As a consequence, if there is no such a thing

---

[365] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 15.

[366] Ibid., 17-18.

[367] Ibid., 18.

[368] Ibid.

[369] Consider how in another passage, on the 'Rhizome,' in *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), 26, Deleuze and Guattari try to oppose the 'arborescent,' the transcendent, hierarchical mode of thought, which dominates western thinking (what they call "a specifically European disease") with the concept of the 'rhizome.' The idea of the rhizome, also, opposes the notion of 'beginnings.' As they state: "A rhizome, ceaselessly establishes connections between semiotic chains, organisations of power, and circumstances relative to the arts, sciences, and social struggles" (p. 6). As such, a rhizome has a multiplicity of components, and it traverses through other concepts. Hence, "a rhizome has no beginning or end; it is always in the middle, between things, interbeing, *intermezzo*." Hence, for the rhizome there is no beginning nor an endpoint and thus it avoids any reference to hierarchies. As such, a rhizomatic thought is always in movement, never ceasing to create something new. Similarly, this is how Deleuze and Guattari describe concepts and concept creation, through the medium of philosophy.

as an absolute starting point, then a conception of a universal as 'the ground' is immediately shaken.[370]

Considering the matter of 'the becoming' of a concept, this suggests that, according to Deleuze and Guattari, there is a relationality between concepts which are situated on the same plane. In other words, the concepts link with other concepts, they "support one another, coordinate their contours, articulate their respective problems, and belong to the same philosophy, even if they have different histories."[371] So for example, as we have noted above a concept is created as a function of a particular problem, but some of its components may form another concept which is a function for a different problem. As such, there is a support of the respective concepts through the medium of their common components. Again, this idea is a direct blow to any notion of universality, or 'pure' concepts. No concept can be 'self-sufficient' or completely detached from others. In that sense, we move from a relation among concepts, which is defined by a conception of hierarchy and dogmatism (i.e. some concepts are in a more privileged position than others and they end up being considered as fundamental 'truths') to a relation of 'co-operation' and 'co-creation' among different concepts which share similar components.[372]

If we recall our discussion in the previous section about the absolute independence of a transcendent Being and its primacy, this dependence of each concept to another opposes any primacy of a concept over the others. Already, with the investigation of the sense of 'concepts,' we can observe some glimpses that point towards an 'ethology' which cannot privilege any

---

[370] It is in this sense that Deleuze criticises the notion of 'Platonic Ideas' as that which introduced transcendence into thought, by claiming to be an *archē* [ἀρχή] of what is the meaning of, for example, 'justice,' 'love' or '*doxa*.' For the respective investigation of the status of the three terms see Plato's 'Republic' book IV, and 'The Symposium' in C.D.C Reeve (ed.) *A Plato Reader: Eight Essential Dialogues*, (Hackett Publishing, 2012); For the concept of '*doxa*' see Plato, 'Theaetetus' in Myles Burnyeat (ed.) *The Theaetetus of Plato*. Trans. M.J. Levett (Hackett Publishing, 1990). Gilles Deleuze, 'Plato, The Greeks,' in *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998), 137; In 'Plato, The Greeks' passage, Deleuze suggests that Plato's theory of Ideas is the "introduction of transcendence into philosophy."
[371] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 18.
[372] Ibid.

concept among others, an ethology which is characterised by a horizontal relationality. These, however, are just the early, faint steps towards an examination of a Deleuzian ethical 'system' (if such a thing exists at all).

Having observed what the sense of 'philosophy' and of the 'concept' are, according to Deleuze and Guattari, we are now in a position to return to the main focus of our investigation – that is, the examination of the meaning of the 'plane of immanence.' Deleuze and Guattari begin their elaboration on the notion of the plane by stating thus: "philosophical concepts are fragmentary wholes that are not aligned with one another so that they fit together because their edges do not match up. They are not pieces of a jigsaw puzzle but rather the outcome of the throws of the dice."[373] Despite that, the concepts resonate with each other forming a 'consistent' whole.' Such a whole' is not a closed entity, it is concrete, yet open, it is "the unlimited One-All."[374] The plane of immanence, it is maintained, functions as a 'glue' which brings consistency to the concepts situated upon it. It is for this reason that it is also called the "plane of consistency".[375] The plane is "the horizon" or "the desert," where concepts, events, singularities are situated.[376]

---

[373] Ibid., 35.

[374] Here we again encounter a 'familiar' idea introduced in Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), 'Rhizome.' The paradoxical formula "PLURALISM=MONISM" that we discussed in **Chapter I**. The idea that a rhizome keeps on making connections (*n-1*), unlike a tree which is a closed whole, suggest that a rhizome is always characterised by a horizontality and an openness to more and more connections without limit. See Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015)), 21; A similar notion to the 'unlimited One-All' can also be found in the 'cosmology' of the Pre-Socratic philosopher, Heraclitus of Ephesus. Heraclitus is known as a philosopher who believed, "that all the things there are, are on the move and that nothing stays still" (the phrase is usually translates as 'everything is in flux'), see David Sedley, *Plato's Cratylus* (Cambridge University Press, 2003), 99. On the other in one of Heraclitus' fragments we read; "that which always, and is, and will be everliving fire, the same for all, the cosmos, made neither by god nor man, replenishes in measure as it burns away." See *Heraclitus: Fragments*. Trans. Brooks Haxton (Penguin Classics, 2003), 15, Fragment 20. Hence, here we see how the constant change in Heraclitus does not lead to a 'chaotic situation' instead 'a consistent,' still 'open,' 'One-All' cosmos 'always was, is and will be,' traversed by, what could be argued to be, an immanent force (fire). We discuss more on Heraclitus and his relation with Nietzsche on the concept of 'becoming' in **Chapter IV**.

[375] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 35: "It is a table, a plateau, or a slice; it is a plane of consistency or, more accurately, the plane of immanence of concepts, the planomenon."

[376] Ibid., 36. "Concepts pave, occupy, or populate the plane bit by bit, whereas the plane itself is the indivisible milieu in which concepts are distributed without breaking up its continuity or integrity they occupy it without measuring it out (the concept's combination is not a number) or are distributed without splitting it."

However, as it was stated above, "the plane of immanence is not a concept that is or can be thought."[377] It is rather something which must be regarded as "prephilosophical."[378] Nonetheless, the prephilosophical understanding of the plane does not suggest that it is something which exists before philosophy "but as that which constitutes the unspoken, the un-thought internal conditions of thinking itself."[379] In that sense, it is something which is not outside philosophy, but philosophy presupposes it. How is that? As Deleuze and Guattari write "philosophy is at once concept creation and instituting of the plane. The concept is the beginning of philosophy, but the plane is its instituting."[380] But we must be careful not to think about the plane of immanence as, say, the Concept of concepts. It is rather, to put it paradoxically, the *groundless ground*, something which "enables meanings,"[381] the image of thought, that which enables thought, but without any restrictions, it is the limitless horizon.[382] This is why the plane is a *sieve* which is in a constant – but productive – strife with chaos, in order to do what chaos 'undoes' and give sense to 'philosophy,' to 'life.'

This sense, however, is not decided upon presupposed values, rules or morals. The plane presupposes movement and experimentation – "to think is always to follow the witches' flight."[383] In contrast, with the introduction of transcendence into philosophy, there is a 'freezing' of movement, 'a barrier' to thought which leads to a situation where immanence is no more immanence to itself, but it becomes immanent to something else. There is a shift from internal relations to external ones and an idea of dogmatism and hierarchy is initiated.

---

[377] Ibid., 37.
[378] Ibid., 40.
[379] Fredrika Spindler, 'Gilles Deleuze: A Philosophy of Immanence' in Jonna Bornemark and Hans Ruin (ed.) *Phenomenology and Religion: New Frontiers* (Södertörn University Press, 2010), 152.
[380] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 41.
[381] Ibid., 155.
[382] As Iain Mackenzie, 'Creativity as Criticism: The Philosophical Constructivism of Deleuze and Guattari,' (1997) 86 Radical Philosophy 7, 8 writes "It is that which expresses the uncreated; that which thought – to put it colloquially – 'just does." Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 59 very enigmatically, but with brilliant style state that "*THE* plane of immanence is, at the same time, that which must be thought and that which cannot be thought."
[383] Ibid., 41.

Transcendence, as Deleuze and Guattari suggest, presents itself as the liberator – we need universal values to be conformed, 'to give meaning to our life.' A life which becomes a vicarious one, defined by 'an external' relation to 'an outside,' be that the world, God, the Law, the state, or "pure consciousness of the thinking subject."[384]

As a result, transcendence introduces the notion of universals, of eternal values that act as judges passing their judgment over every mode of life. Every aspect of immanent evaluation – that is, an evaluation which is purely based on the singularity of each situation and not on the 'commandments' of transcendence – is lost, and critique acquires a, fundamentally, negative understanding. Those who criticise without creating "are the plague of philosophy," state Deleuze and Guattari.[385] In that way, philosophy is mistakenly considered as the discipline of 'contemplation, reflection or communication.' Philosophers contemplate or reflect upon existing values that are considered external as 'facts,' as 'common sense,' as something which is given, an *a priori*. They are not creating – and if they do every supposed 'creation' takes place within a predetermined framework – they are solely contemplating and reflecting on how all modes of existence must conform according to the 'divine judgment' of these 'higher' rules and values, in short, all the transcendent values that dominate (western) thought, as we have already argued in the previous section.

Thinking, through contemplation and reflection, turns into a mundane action that leads to an impasse and a constant return of the same – following universalising and objectifying patterns in our modes of existing. On the contrary, for Deleuze, to think *is* a completely different and risky enterprise; "it is a capacity to set forces to play, once one understands that the play of forces doesn't just come down to violence but is to do with acting upon actions […]"[386] What does it mean to act upon action? In simple terms, we could say that it implies a

---

[384] Ibid., 46.
[385] Ibid., 28.
[386] Gilles Deleuze in Conversation with Didier Eribon, 'Life as a Work of Art' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 95.

sense of activity, of engagement, in contrast to a passive contemplation and/or reflection. It, further, suggests "a sort of groping experimentation [which] resorts to measures that are not very respectable, rational, or reasonable"[387] – all these things that seem inappropriate to the 'commandments' of what we referred to above as 'common sense.' In that sense, the action of thinking becomes, a somewhat more 'negligent' or even "a dangerous exercise."[388] "A thought's logic is like a wind blowing upon us on, a series of gusts and jolts. You think you've got a port, but then find yourself thrown back out onto the open sea, as Leibniz put it."[389] But with mere 'contemplation, reflection, and communication,' thought 'freezes,' it becomes 'dormant,' it is 'pacified' and 'domesticated.'

With regards to the understanding of philosophy as 'communication', this understanding generates problems that are similar to the understanding of philosophy as reflection and contemplation. However, it is worth delving further into the issue as it points towards a political and ethical element of the problem of transcendence and its dominance in our modes of being and thinking. This is due to the fact that, the reference to communication acts as a particular and targeted critique of Deleuze and Guattari, pointing towards the movement of 'the new philosophers' [*nouveaux philosophes*]. The movement was very successful in France, after the events of '68, in opposing Marx's political and philosophical or any other radical, anarchic, insurrectionist or revolutionary aspirations, and in dictating a 'consensus' around moral and humanist values, such as human rights. As they are brilliantly described in an overly polemical tone by Gilles Châtelet:

> "[The new philosophers are a] cartel of media interventionists, audacious
> enough to have succeeded in selling the bearskin without even having killed

---

[387] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 41.
[388] Ibid.
[389] Gilles Deleuze in Conversation with Didier Eribon, 'Life as a Work of Art' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 94.

the bear (see their cult book: *Marx is Dead*) and in convincing people that

the status of turncoat can be parlayed into an excellent legacy. [They] played

a determining role in the creation of the French reign of Suckers of

Consensus, rapidly recognised as the most effective sects born of the Liberal

Counter-Reformation."[390]

The new philosophers turn philosophy into marketing, according to Deleuze and Guattari, they

are "debaters and communicators inspired by *ressentiment*."[391] These debates function as a

mechanism which turns philosophical creativeness into arrogant monologues on empty

abstractions, in the sole purpose of forming a consensus around them. Creation is suspended

and with it, experimentation as well. The debates are revolving endlessly around on finding

'the truth' behind sole and privileged concepts. This building of a consensus leads to a dormant

state of thought, where nothing is questioned and nothing new is created, or when something

tries to escape the moralising language of consensus is automatically demonised.

On the contrary, the investigation of the meaning of the plane of immanence, has,

certainly, paved the way for our further understanding of the Deleuzian 'definition' of ethics.

We saw how the plane, potentially, points towards a more 'creative life,' a life which is always

in "constant movement"[392] not in the sense of today's 'hectic,' pseudo-movement, but a

movement characterised by certain creativity away from 'fixed' rules and transcendent values.

In Deleuze and Guattari's words:

"There is not the slightest reason for thinking that modes of existence need

transcendent values by which they could be compared, selected, and judged

relatively to one another. On the contrary, there are only immanent criteria.

---

[390] Gilles Châtelet, *To Live and Think Like Pigs: The Incitement of Envy and Boredom in Market Democracies*. Trans. Robin Mackay (Sequence Press, 2014), 171.
[391] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 29.
[392] Claire Colebrook, *Understanding Deleuze* (Allen and Unwin, 2002), 51.

A possibility of life is evaluated through itself in the movement it lays out

and the intensities it creates on a plane of immanence: what is not laid out

or created is rejected. A mode of existence is good or bad, noble or vulgar,

complete or empty, independently of Good and Evil or any transcendent

value: there are never any criteria other than the tenor of existence, the

intensification of life."[393]

Nonetheless, before moving to the discussion of the ethical (**Chapter III**), we need to

see how immanence 'becomes' *a life* or how a life becomes immanent, such a step is, in our

view paramount in order to illustrate better the relation between ethics and immanence, and to

that extent morality and transcendence. Hence, the shift from the understanding of the plane of

immanence and the understanding of immanence as *a life* is, in our view, the connecting link

between the philosopher's notion of immanence and that of ethics – forming, ultimately, the

understanding of an immanent ethics, which for Deleuze (and Guattari) is nothing less or more

than *a life*.

2. Zones of an Immanent Life – A precursor to a Deleuzian *ethology*?

In this subsection we delve into the final essay written by Deleuze before his suicide in

1995, 'Immanence: A Life'[394] and one of his earlier essays entitled 'Zones of Immanence.'[395]

The choice of these two essays is based on two reasons. First, the essays, despite that they were

---

[393] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 74.

[394] Gilles Deleuze, 'Immanence: A Life' *in Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005). As the editor, of the collection *Two Regimes of Madness: Essays and Interviews 1975-1995*, David Lapoujade notes, 416: "[The essay] originally appeared in *Philosophie* no. 47 (1995): 3-7. This is the last text Deleuze published before he killed himself on November 4, 1995."

[395] Gilles Deleuze, 'Zones of Immanence' in David Lapoujade (ed.) *Two Regimes of Madness: Essays and Interviews 1975-1995*. Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007). The essay is chronologically older from *What Is Philosophy?*. It was a tribute to Deleuze's professor and supervisor for his doctorate thesis, *Difference and Repetition,* Maurice De Gandillac. Our choice to examine the essay in this particular section is due to its resonance with the relation between immanence and life. Furthermore, as we will claim there are strong hints, in the passage, pointing towards an *an-archic ethos*.

written at two different stages of Deleuze's work, they manifest a sense of 'continuity' and we can say that 'Zones of Immanence' supplements, in a way, 'Immanence: A Life.' Secondly, and more importantly, we argue that these two essays have the ability to act as 'a passage.' Such a passage leads from the examination of Deleuze's account of an immanent philosophy to the ethical element of such philosophy, namely an understanding of an *an-archic ethos*, as we argue so in **Chapter III**.

As we have already mentioned, in his 'swan song' essay Deleuze defines "pure immanence" as *a life* and "nothing else."[396] We noted that the problem of transcendence reappears when immanence is thought as immanence to something else (i.e. God, Subject, Consciousness and so forth). Instead, 'pure immanence' is the immanence which is immanent to itself. In that sense, we could say that 'pure immanence' exists at a point where there is not a point of reference, of origin or end, and where there are no 'masters' in the form of transcendent values, dictating and judging modes of existence, there is only *a life*, an indefinite life. The use of the indefinite article, as Agamben suggests, succeeds to articulate "the fundamental character of Deleuzian immanence, that is, its 'not referring to an object' and its 'not belonging to a subject' – in other words, its being immanent only to itself and, nevertheless, in movement."[397] Here, we can see how pure immanence is not defined by anything which is external to life, independent from rules coming 'from above' or independent of any categories of transcendent values, that try to define or to represent what life 'is'.

---

[396] Gilles Deleuze, 'Immanence: A Life' *in Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005), 27; Perhaps, Deleuze's concept of *a* life as 'a force of transformation' or a constant strife for creation is influenced by his teacher Georges Canguilhem. See, for example, Georges Canguilhem, 'The Concept of Life' in Francois Delaporte (ed.) *A Vital Rationalist: Selected Writings of Georges Canguilhem*. Trans. Arthur Goldhammer (Zone Books, 2000), esp. 319. In this essay Canguilem examines the concept of life through certain periods and schools of philosophical thought. Near the end of his essay his states: "Knowledge, then, is an anxious quest for the greatest possible quantity and variety of information. If the *a priori* is in things, if the concept is in life, then to be a subject of knowledge is simply to be dissatisfied with the meaning one finds ready at hand. Subjectivity is therefore nothing other than dissatisfaction. Perhaps that is what life is. Interpreted in a certain way, contemporary biology is, somehow, a philosophy of life." Here we can see that life is based on dissatisfaction with monolithic *a prioris* and fundamental truths. Instead, this 'philosophy of life' according to Canguilhem is based on a quest for creating something new.

[397] Giorgio Agamben, 'Absolute Immanence,' in Daniel Heller-Roazen Trans. and (ed.) *Potentialities: Collected Essays in Philosophy* (Stanford University Press, 1999), 224.

The meaning and the importance of the indefinite article can be exemplified better in the example given by Deleuze. Deleuze refers to a scene from Dickens' *Our Mutual Friend*, where the scoundrel Riderhood is almost dead. The scene is a great example of getting a sense of the *how* of immanence. In this particular scene, the scoundrel who is hated by everyone

> "is found as he lies dying. Suddenly those charged with his care display an urgent, respect, and even love for the dying man's least sign of life. Everybody bustles about to save him, to the point where, in his deepest coma, the wicked man himself senses something soft and sweet penetrating him. But to the degree that he comes back to life, his saviours turn colder, and he becomes once again mean and crude."[398]

As a consequence, Deleuze suggests that this moment between life and death "[…] is a moment where *a* life merely playing with death."[399] Here as we explain below, we can grasp this moment as a manifestation of an ethical event. It seems that for a flash of a moment the 'definite' life of a particular individual is 'suspended,' in the sense that it is not judged by its qualities in terms of behaviour, characteristics or any other societal values and codes or norms. For that singular moment the dying person goes, arguably, 'beyond' the categories of 'good and evil'. At his time of passing away for a moment, we witness, as Alexandre Lefebvre puts it, a transformation of his subjectivity."[400] The encounter with the dying man makes the people around him to *evaluate* the situation, rather than judge the person in front of them. This is because, they do not rely on the scoundrel's previous life and habits, in order to decide their actions but they, instead, assess the situation – that is, the critical situation of the scoundrel – and they act according to the singular 'demands' of this situation. At this particular point the

---

[398] Gilles Deleuze, 'Immanence: A Life' *in Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005), 28.
[399] Ibid.
[400] Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 53.

scoundrel is a non-person, who nevertheless, can be seen as possessing a "spark of life"[401] within its manifestation as an 'impersonal singularity.'

It is important to note that this 'spark of life' does not belong to the individual as such, but it is to be described something between life and death – as Agamben, very beautifully puts it, that moment is "a kind of happy netherworld."[402] Here we need to ponder further on this suspension of individual identities and of previous qualities that defined the scoundrel (and to that extent every individual) before this 'moment between life and death.' At the moment between life and death, Riderhood can be understood as a manifestation of a *whatever being* or a *whatever singularity*.[403] Agamben explains:

> "The Whatever in question here relates to singularity not in its indifference with respect to a common property (to a concept, for example: being red, being French, being Muslim), but only in its being *such as it is*. Singularity is thus freed from the false dilemma that obliges knowledge to choose between the ineffability of the individual and the intelligibility of the universal."[404]

Riderhood's condition and the reaction of the people around him is not a negative indifference to his qualities as an individual human being, in the sense that they 'transcend' a mundane idea of an anthropological understanding but, instead, it is a limited, *ethical* moment where the singularity of the scoundrel escapes or suspends – in a positive manner – the fixed boundaries of his identity. This situation, however, is a matter of a moment, 'a mere flash' and to that extent, it is valid to question the purpose of paying attention to this moment, to a mere flash.

---

[401] Giorgio Agamben, 'Absolute Immanence,' in Daniel Heller-Roazen Trans. and (ed.) *Potentialities: Collected Essays in Philosophy* (Stanford University Press, 1999), 229.
[402] Ibid.
[403] Giorgio Agamben, *The Coming Community*. Trans. Michael Hardt (University of Minnesota Press, 1993), 1.
[404] Ibid.

Especially so since as we have seen from the scene, the behaviour of the people and the scoundrel turns back to 'normality' once the latter comes back to his senses.

Is this understanding of an immanent life just a flash that is prone to quickly disappear? Deleuze suggests that this is not the case. Indeed, as we mentioned above, he takes a rather pragmatic approach recognising that transcendence is dominating our modes of being and thinking. Nonetheless, as we saw he also supports that beneath 'the yoke of transcendence' there is "something in the proliferations of immanence [that] tends to overtake the vertical world, to reverse it, as if the hierarchy bred a particular *anarchy*, and the love of God, an internal atheism proper to it."[405] This is, perhaps, what happens here in this moment of suspension of Riderhood's identity. Immanence, 'a spark of life' overtakes transcendence. The people around him encounter a *whatever singularity* – a singularity which is *an-archic* in the sense that it is not defined by any foundational principle (man, moral, good, evil, scoundrel). The scoundrel and the people are caught somewhere 'in the middle', in the 'between-ness'[406] of a singular situation. The middle, as Deleuze and Guattari have taught, is the dissolution of the transcendent arborescent mode of being.[407] This 'between-ness' or the middle suggests that there are no fixed points, a starting point or an *archē* [ἀρχή] is no more, nor there are predetermined ends.[408]

To that extent, the importance of such a rare situation is that it opens up a multiplicity of possibilities for changing our mode of being and thinking (our *ethos*). Yet, it is a matter of being attentive to the specificity of the situation in order to be able to 'grasp' that in reality this singular mode of life is hidden in every moment. According to Deleuze, "we shouldn't enclose

[405] Gilles Deleuze, 'Zones of Immanence' in David Lapoujade (ed.) *Two Regimes of Madness: Essays and Interviews 1975-1995*. Trans. Ames Hodges and Mike Taormina (Semiotext(e) 2007), 267, emphasis is mine.
[406] Sue Golding, 'Curiosity' in her (ed.) *Eight Technologies of Otherness* (Routledge, 1997), 16.
[407] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), eps. 26.
[408] See Reiner Schürmann, *Heidegger on Being and Acting: From Principles to Anarchy*. Trans. C-M. Gros. (Indiana University Press, 1987), 6 and Saul Newman, *Post-Anarchism* (Polity Press, 2016), 12.

life in a single moment when individual life confronts universal death. *A* life is everywhere, in all the moments that a given living subject goes through and that are measured by given lived objects. ”[409] This is a place where a singular, a particular event and a universality of life are brought together forming a "singular-universal"[410] plane, an unlimited horizon of possibilities, of events, singularities. This is because a universal understanding of what it means to be a living subject (the scoundrel as an individual) is 'suspended,' as we have already seen, by the particular, singular situation (the scoundrel's near-death experience). Riderhood's state between life and death, makes him something akin to the 'concept' of 'the loveable.' Going back to Agamben, the philosopher explains that:

> "The singularity exposed as such is whatever you *want,* that is, lovable. Love is never directed toward this or that property of the loved one (being blond, being small, being tender, being lame), but neither does it neglect the properties in favour of an insipid generality (universal love)."[411]

This 'suspension' of the universal, then, can be seen as the meeting point between the universal and the singular, which leads to a new understanding of what it means to exist (or to be worthy of existing, to be loveable) or, in better terms, of what it means to experiment with new ways of *how to exist.* Consequently, the scene can be read, in that sense, as a 'mutual abandonment' of what we are and what we used to be, of what we think about each other (like the people in the scene). The people surrounding the scoundrel, perhaps, act so in terms of 'curiosity,'[412] standing before a singular case which is both unique in its singularity but also universal in the sense that it is somehow familiar (they see a person that they know in a moment of need). In

---

[409] Gilles Deleuze, 'Immanence: A Life' *in Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005), 29.
[410] Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 53.
[411] Giorgio Agamben, *The Coming Community*. Trans. Michael Hardt (University of Minnesota Press, 1993), 2.
[412] The term is used in a similar way to the one used by Jean-Luc Nancy, *Being Singular Plural* Trans. Robert D. Richardson and Anne E. O'Byrne (Stanford University Press, 2000), 15; See also Sue Golding, 'Curiosity' in her (ed.) *Eight Technologies of Otherness* (Routledge, 1997), Chapter 1.

this stage they are curious to approach and help the dying man. Their curiosity suggests that they slip away of a judgmental way of thinking because at the moment of curiosity they approach a[n] [un]known entity, *a whatever singularity*, which is stripped away by its individuality – its qualities are not important or, better, they give way to indefinite aspects. Deleuze gives the example, of very small children, who as he states a "all resemble one another and have hardly any individuality, but they have singularities: a smile, a gesture, a funny face – not subjective qualities."[413] Perhaps, the people in the scene become curious as the children, usually are, the dying man 'sparks' a potential opening for a different, child-like (in all the positivity of the term) *ethos*. Such an *ethos* is creative in the sense that it evaluates a situation with an open mind and, more importantly, with an open heart.

Perhaps, the ethical point of view calls for an identification of, or an awareness for, such moments where the encounter with a very particular, singular case or event calls for an evaluation, which escapes any higher norms, representations and fixed identities. At this moment an ethical, evaluative reversal has the potentiality to take place. We saw how transcendence hides a 'hatred for life' by dictating a mode of being and thinking which acts and thinks as if it is 'on a constant' trial and it is judged by a way of thought, which acts only through contemplation, reflection and creation. But through this "immanentist reversal,"[414] as Philip Goodchild calls it "life will no longer be made to appear before the categories of thought; thought will be thrown into the categories of life."[415]

An immanent life is defined by a 'dynamism' of movement, it is universal because it engulfs everything, nothing is external to it, it is pure immanence because it is immanent only to itself. There is movement because nothing stops creativity and innovation by manifesting a

---

[413] Gilles Deleuze, 'Immanence: A Life' *in Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005), 30.
[414] Philip Goodchild, 'Philosophy as a Way of Life: Deleuze on Thinking and Money' (2010) 39(1) SubStance #121 24, 24.
[415] Ibid.

preference for a particular mode of existence, as 'the pure one,' the one that as one must be the point of reference for everything else to imitate. This points towards, as we will see in the next chapter, an *an-archic* ethos, a mode of being and thinking which is based on horizontality and that that extent, one which leads to a dissolution of transcendence, its dogmatism and *archism*. This is precisely what Deleuze suggests in the 'Zones of Immanence' essay. He starts by recognising that the whole of the western tradition is based on the transcendent idea of the One.[416] A higher Being (both in its theological and secular manifestations), is, as we have noted earlier, 'the judge' who passes divine judgment upon the modes of existence. However, through these 'desperate' times, there are still, according to Deleuze, 'zones of immanence' in operation and they result to "a whole other inspiration [that] traverses the cosmos."[417] At these zones, all beings are equal. As Deleuze writes:

> "In other words, every entity is equally being, in the sense that each actualises its power in immediate vicinity with the first cause. The distant cause is no more: rocks, flowers, animals and the humans equally celebrate the glory of God in a kind of a sovereign anarchy. The emanations and conversions of the successive levels are replaced by the coexistence of two movements in immanence – complications and explications – where God 'complicates each thing' while 'each thin explicates' God. The multiple is in the one which complicates it, just as the one is in the multiple which explicates it."[418]

---

[416] See also Reiner Schürmann, *Heidegger on Being and Acting: From Principles to Anarchy*. Trans. C-M. Gros. (Indiana University Press, 1987), 87. Scürmann's understanding of anarchism is very close to this 'dissolution of transcendence' by 'zones of immanence' as Deleuze suggests. In particular Schürmann (p. 6) defines anarchy as that which "designates the withering away of such a rule [meaning the rule of primary principles and predetermined ends], the relaxing of its hold."

[417] Gilles Deleuze, 'Zones of Immanence' in David Lapoujade (ed.) *Two Regimes of Madness: Essays and Interviews 1975-1995*. Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 266.

[418] Ibid., 266.

Again, we can identify an ethical stand manifested through the above passage, where life, or every life, is *equally* celebrated in its difference. Akin to what Spinoza suggested, each being is simply a different mode, a way of expression of the immanent, anarchic 'divine.' Such a 'divine,' in its purely a-theistic form,[419] is at the moment of its absolute glory. This is because, if theism is to be understood as synonymous with a transcendent mode of thought, then here the a-theistic, suggests a way out of hierarchies, towards a horizontality of entities. Hence, all the distance between everything is dissolved, transcendence is suspended and everything is univocal, in the sense that each being equally explicates 'God' – where 'God' can be understood as an immanent force, that gives a meaning to everything, albeit different meaning ('complicates each thing'). But this 'explication' of the 'divine' is not the banal 'consensus,' celebrated by the new philosophers, it is rather characterised by a multiplicity of differences which, nonetheless, form a consistent whole, 'the One-All' as we have noted earlier. The anarchic element, which is evident in the above statement, does not call for a relativist 'matter of opinion', where with the dissolution of the *archē* [ἀρχή] a nihilism prevails. It is a call for an affirmative, joyful way of existing without an *archē* whose norms would dictate and formulate existence.

III. Conclusion: Where to after the affirmation of immanence?

In this chapter, we have illustrated the historical-philosophical distinction(s) between transcendence and immanence. We briefly schematised how a transcendent mode of thought is dominating the (western) philosophical tradition from the ancient times until our age. Nonetheless, we saw how beneath the 'triumph of transcendence' there is always potential for a non-dogmatic and anti-hierarchical, or in better terms *an-archic*, mode of being, an immanent one. Starting with an analysis of Spinoza's thought, we saw how a whole new inspiration led

---

[419] Ibid., 267.

to Deleuze's account of an immanent philosophical mode of thought. But what is immanence, or in better terms, *how* is immanence? Immanence, is something that escapes the strict boundaries of a fixed and dogmatic definition. As such it does not refer to a particular entity or a place that can be 'properly defined,' i.e. something that can have a proper identity. To that extent, immanence keeps its ability to slip dogmatic boundaries, and creates something new. This 'condition' or this *how* of immanence, is, possibly, the only expressive way to 'do justice' to a description of a mode of thought that thinks in terms of immanence. This is because, in approaching 'the question of immanence' as a question of a *how*, we sustain its impetus, its ability to operate 'as a living organism', as something which is in constant flux and something which engulfs every entity. Immanence, then, can be characterised by an *an-archic* constant flow, which is however consistent, as noted above – that is, a constant creative mode of *being*. As such, we could add that there is a sense of positivism towards life as we have also suggested in **Chapter I**, in Deleuze's account of an immanent mode of thought.[420] It is something 'living' in the sense that, it does not 'stop' at a particular predetermined end, nor does it 'originate' from a predefined, presupposed, foundational point; and thus, it could be said that as *experienced* is to be conceived not as the experience of this or that, but as *lived* experience of *being*, a life. An immanent, *an-archic ethos* cannot and does not need to justify its existence or being on the basis of codes or norms that are supposedly external to its own being.

All the above, at first glance, can, indeed, look as another 'mystification'. This view may also be supported by the use of an extremely idiosyncratic language and examples that are striking throughout the writings of Deleuze in his illustration of immanence.[421] It is in this vein

---

[420] This is potentially akin to what Deleuze and Guattari define as 'vitalism.' Gilles Deleuze and Félix Guattari *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 213, Vitalism is "a pure internal Awareness." This awareness creates "internal creative sensations, silent contemplations" that "it is necessary to discover, beneath the noise of actions."

[421] We do not have anything against a certain account of a mystical element or occult issues that are potentially a part of Deleuze's thought. In fact Deleuze is right, in our view, when he says that "thus the great souls – to a greater extent than the philosophers – are those of artists and mystics." Gilles Deleuze, *Bergsonism*. Trans. Hugh Tomlinson and Barbara Habberjam (Zone Books, 1991), 112. However, the way that critics refer to his philosophy as 'mystical' is fundamentally problematic and not very convincing.

that commentators have criticised the work of Deleuze as an 'idealist' or 'out of this world' and as such unable to account for the modes of existence and the cases that 'real' people encounter in the so-called 'real world.'[422] However, in our view, such an illustration of Deleuzian thought omits to pay attention to the *practical* aspect of the philosopher's thought. Certainly, our discussion on immanence so far can be characterised as mostly theoretically framed. Nonetheless, this discussion aims to lead to a more *practical* – in the sense of a practical philosophy or what Spinoza called 'a philosophy as life' – aspect of Deleuze's account of immanence, namely through his distinction between morality and ethics, towards an *anarchic ethology*.[423]

---

[422] Peter Hallward, 'Deleuze and Redemption From Interest' (1997) Radical Philosophy. Hallward supports that "Deleuzian 'becomings' are not of this world" (18) and Deleuze's philosophy is a "redemptive" one (6). See also his extensive oeuvre Peter Hallward, *Out of this World: Deleuze and the Philosophy of Creation* (Verso, 2006). In the same vein, Hallward presents Deleuze as a spiritual and other-worldly philosopher. Furthermore, recall how, as we saw in the first chapter, some commentators read Deleuze as an apolitical, "highly elitist author, indifferent toward politics." Slavoj Žižek, *Organs without Bodies: Deleuze and Consequences* (Routledge, 2004), 20.

[423] It is no surprise that Deleuze named his second book on Spinoza, *Practical Philosophy*.

Chapter III
Immanent Ethics and Transcendent Morality: Deleuze's *an-archic ethos*

Prologue

The previous chapter illustrated Deleuze's understanding of a (philosophical) notion of immanence as opposed to transcendence. We stressed from the very beginning of **Chapter II** that such a distinction between an immanent and a transcendent philosophical thought is predominantly a question about a certain understanding of an ethics; and to that extent, of an understanding, of what can be named the *an-archic ethos* of Deleuze's philosophical thought. This is because as Daniela Voss remarks:

> "A philosophy of immanence, it can be argued, makes a practical difference
>
> in ethics as well as politics. Immanence provides an orientation for thought,
>
> which is removed from normative regimes of transcendence and tends to be
>
> critical of religious and political authorities."[424]

What can be inferred from this is that these two oppositional notions (immanence and transcendence) lead to, fundamentally, differentiated ways of living, or being – that is, a different, in each case, mode of *ethos*. The *an-archic* element of an immanent approach to philosophy and *life* calls for an *ethos*, that is a way of being which strives to escape the boundaries of dogmatism and *archism* or hierarchy. This *ethos* is what Deleuze's contribution to an ethics has to offer. But why does such a notion of an *ethos* differ from any call to 'fixed' or 'grounding' moral or ethical principles? In other words, how can someone talk about immanent 'ways of being' without prescribing an equally transcendental 'normative code'?

---

[424] Daniela Voss, 'Immanence, Transindividuality and the Free Multitude' (2018) 20(10) Philosophy and Social Criticism 1, 4.

It seems that Deleuze did not manifest any particular interest in providing an account (let alone a philosophical system) that can be described as or classified under the 'genre' of a normative school of thought; whether in the form of a moral philosophy, or even a mere discussion of moral norms (for e.g. the conventional discussions as to the 'good' or the 'just').[425] Indeed, a moral or ethical 'programme,' 'a manifesto,' based on certain 'rules' or 'codes' is not to be found in any of his writings. In fact, any mention of such a programme-type manifesto by Deleuze is the opposite of his understanding of what it means to do philosophy and politics or even, to a certain extent, of what it means *to live*. Perhaps, this is the reason why he never engaged in a philosophical examination which could be classified as 'a philosophy of ethics or of morality.'

Unsurprisingly, this has provoked certain heated questions and criticisms. For example, consider the view that Deleuze escapes any reference to fixed norms which is contested by, for example, Todd May. May argues that there is (a sense of) normativity in Deleuze's thought,[426] by illustrating an 'inconsistent' Deleuze who, on the one hand, wants to do away with "the project of measuring life against external standards," but who, on the other hand, supports (as an alternative to external standards) an obscure call to "experimentation."[427] May reads such 'a call to experimentation' as relying on a framework of normativity and values, since the proposed experimentation is grounded on particular moral or ethical principles. For that reason, May concludes that behind the Deleuzian call for experimentation one can extract "several intertwined and not very controversial ethical principles."[428]

---

[425] Nathan Jun, 'Deleuze, Values and Normativity' in Nathan Jun and Daniel W. Smith (ed.) *Deleuze and Ethics* (Edinburgh University Press, 2011), 89; Nathan Jun 'Introduction' in ibid., 1; Daniel, W. Smith, 'The Place of Ethics in Deleuze's Philosophy: Three Questions of Immanence' in his (ed.) *Essays on Deleuze* (Edinburgh University Press, 2012), 146-159.

[426] Todd May, *The Political Philosophy of Poststructuralist Anarchism* (Pennsylvania State University Press, 1994).

[427] Ibid., 127-128.

[428] Ibid., 128.

Alternatively, Deleuze and many of his contemporaries, such as Foucault and Lyotard, have often been the target of criticism through accusations of 'relativism' leading to 'moral nihilism.' According to such critics, by refusing to recognise certain principles as values, these philosophers end up incapable of offering a substantial criticism on any worldly affairs or enabling a decisive stand. For instance, Jürgen Habermas reflects such a view when in commenting on Foucault's approach towards an ethics, argues that Foucault "resists the demand to take sides" and to that extent, he (and this can also apply to Deleuze) ends up in 'strong relativism' where "there is no right side."[429] Habermas' critique echoes similar accusations against Deleuze which portray him as a 'mystique' or an 'elitist,' who is completely indifferent towards 'common affairs.'[430] Such an indifference, according to the critics, is not only culpable of impotence and of lacking any substantial 'solutions' or 'methods' of resistance towards the machineries of the 'world's elite' and the domination of the capitalist market and so forth, but also ends up being an accomplice to these machineries and the predicaments of the world's marginalised.

Such a view is supported by Slavoj Žižek. Žižek, after offering examples that, according to him, illustrate the supposed 'indifference' of Deleuze and Guattari towards the unfolding of 'actualities' that take place in the world (such as revolutions), concludes that such indifference is not only a manifestation of impotence (to account for any revolutionary action) but also a blessing for contemporary capitalism.[431] As he states, "the conceptual machinery articulated by Deleuze and Guattari, far from being simply 'subversive,' also fits the (military, economic, and ideologico-political) operational mode of contemporary capitalism."[432] Žižek bases his

---

[429] Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*. Trans. Frederick Lawrence (MIT Press, 1982), 282.
[430] In **Chapter II** we mentioned two of these critiques, those of Peter Hallward, 'Deleuze and Redemption From Interest' (1997) Radical Philosophy; *Out of this World: Deleuze and the Philosophy of Creation* (Verso, 2006 (2006) and Slavoj Žižek, *Organs without Bodies: Deleuze and Consequences* (Routledge, 2004).
[431] Slavoj Žižek, *In Defense of Lost Causes* (Verso, 2007), 204-205.
[432] Ibid., 205.

position on the fact that (what he perceives as) the indifference of Deleuze and Guattari to the affairs of *this world*, and to that extent a supposed indifference to any form of moral or ethical stance against the machinations of capitalism, makes Deleuze and Guattari (and the people that, for Žižek, are considered to be their followers) to oppose any form of 'organised' resistance against the market's domination as yet another form of normativity and dogmatism. While these critiques are easier to counter (compared to May's one) by a simple juxtaposition of Deleuze's engagement with several political or social movements, and also the fact that Deleuze does not shy away from expressing a position on multiple, even highly controversial, issues (one of them being, of course, his views on human rights),[433] such critiques have gained popularity and approval within multiple academic and activist circles.[434] For this reason also then an examination of Deleuze's ethical mode becomes paramount in order to show that not only he is not indifferent to matters of 'this world,' but on the contrary his account of an ethics – being closely connected to his account of immanence – can be characterised as a 'practical' or a 'lived' philosophy *par excellence*.[435]

Yet, May's criticism is, indeed, a far more challenging one. If he is right that Deleuze relies upon a notion of 'not very controversial ethical principles' – and as such those principles can be found in several accounts of normative philosophies, then Deleuze's account of an ethics runs the risk of falling back into the same problem that it tries to overcome, namely the problem

---

[433] Other examples of Deleuze's political and social engagement were mentioned in **Chapter I**.

[434] See also Alain Badiou, *Deleuze: The Clamor of Being*. Trans. Louise Burchill (University of Minnesota Press, 2000), xi, 2 and 11. Here, Badiou attacks "the superficial *doxa* of an anarcho-desiring Deleuzianism making of Deleuze the champion of desire, free flux, and anarchic experimentation, is the first of the false images he sets out to shatter (xi)." Nonetheless, it does not seem Badiou, directly, attacks Deleuze or his thought as such (at least in that instance). According to Eleanor Kauffman, *Deleuze, The Dark Precursor: Dialectic, Structure, Being*. (Johns Hopkins University Press, 2012), 87, what Badiou attacks is "the position of the Deleuzian disciple[s]." Indeed, Badiou is, ferociously, critical towards a popular image of Deleuze "as the philosophical inspiration for what we called the 'anarcho-desirers' […] (11)." The problem with these 'disciples' and this dominant image of Deleuze is again the impotence to account for a 'realistic' political programme and to that extent to offer any revolutionary alternative to capitalist and neoliberal policies.

[435] This view is, often, supported by The Invisible Committee, especially in their two latest works *To Our Friends*. Trans. Robert Hurley (Semiotext(e), 2015) and *Now*. Trans. Robert Hurley (Semiotext(e), 2017). Deleuze is a huge influence in their work, despite only being, explicitly, mentioned three times. On the matter of their call for a practical ethics, the language they use is, evidently, Deleuzian with phrases such as ethical truths as "affirmations" or as a way of "experimenting" (2015, 46 and 125).

of transcendent, moral values. However, we aim to show that May's argument remains problematic since it fails to acknowledge that a Deleuzian *ethos* does not rely upon 'fixed,' 'grounded' or 'totalised' suppositions which come from above and exist *a priori*. This may, indeed, look contradictory, even 'paradoxical,' but as we will show below, one of the main factors that distinguishes Deleuze's ethics from a morality is the fact that his ethics engage with the particularity of an *encounter* and not with pre-existing values cemented upon an *a priori* ground, an *archē*. This notion of an *encounter* is to be understood as a form of 'a sensation' which cannot be thought or categorised by pre-given definitions or classifications. It is a matter, as Deleuze remarks, of "a-here-and-now […] from which emerge inexhaustibly ever new, differently distributed 'heres' and nows.'"[436] An encounter refuses to 'respond' to a mode of thought which is ready to judge and classify everybody and every-body under *a priori* values and norms. It is, on the contrary, something that (if treated with attentiveness) can open up possibilities for an unlimited creation of something new ('heres' and 'nows'). It is in this sense that this notion of the encounter points towards to, what we refer to as, an *ethos* which is fundamentally, *an-archic* (without an *archē*).

It is worth then placing emphasis anew on the desire of this chapter to emphasise the importance of 'taking seriously' the place of an ethics in Deleuze's thought. Foucault's statement that *Anti-Oedipus* "is a book of ethics, the first to be written in France in a quite long time,"[437] is not something to be overlooked, or to be considered superfluous. Following that, we will support the view that a question of *ethos*, where the term signifies ways of being or existing, of "styles of life,"[438] is not only relevant to Deleuze's thought but also occupies – despite its presumed obscurity – a significant position both in his philosophical writings and

---

[436] Gilles Deleuze, *Difference and Repetition*, Trans. Paul Patton (Columbia University Press, 1994), xx.
[437] Gilles Deleuze and Félix Guattari, *Anti-Oedipus* Trans. Robert Hurley, Mark Seem and Helen R. Lane (Bloomsbury, 2013), xli.
[438] Gilles Deleuze in Conversation with Didier Eribon, 'Life as a Work of Art' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 100.

political engagements. Furthermore, the question of an ethics in Deleuze's corpus is extremely key to the focus of our inquiry into the philosopher's devastating critique of human rights. If we recall his critical comments on rights, they revolve around Deleuze's understanding of human rights as the (post)modern form of transcendent, moral values *par excellence*. A discussion of the philosopher's understanding of an ethics in contradistinction to morality appears as a core element in the better understanding of his distaste for human rights.

Thus, this chapter acts as the second and final part of the first thematic section of this thesis, namely the examination of Deleuze's notions of immanence and ethics and of their relation to his critique of human rights, through the distinction between an immanent ethics and a transcendent morality (**Section I**). In **Section II,** we will examine how this distinction relates to Deleuze's critique of human rights and how the predominant human rights' thought is, indeed, the latest (post)modern manifestation of transcendence morality *par excellence.* To that extent, we will show that the calls from commentators such as Patton and Lefebvre, for the possibility of an immanent account of human rights, are in their very conceived sense contradictory to the idea of an immanent, *an-archic ethos* that energises the encounters of Deleuze's thought.

I. "To Have Done with the Judgment of God."[439]

---

[439] The phrase belongs to the homonymous essay, which was written and performed by Antonin Artaud (1947). Artaud's writings, plays and performances, significantly, influenced Deleuze and Guattari's thought. For example, in the essay titled 'To Have Done with the Judgment of God', Artaud refers to the notion of the 'Body without Organs' as the 'the way out,' the liberation of man from God's judgment, from divine commandments and moral rules. Artaud writes: "When you will have made him [meaning man] a body without organs, then you will have delivered him from all his automatic reactions and restored him to his true freedom." Antonin Artaud, 'To Have Done with the Judgment of God' in Susan Sontag (ed.) *Antonin Artaud: Selected Writings*. Trans. Helen Weaver (Farrar, Straus and Giroux Inc., 1976), 571. Deleuze and Guattari would later adopt and expand on the concept of the 'Body without Organs' in their collective works, notably in their *Anti-Oedipus* (2013) where they devote a whole chapter on the notion ('The Body without Organs'). Furthermore, Deleuze wrote an essay entitled 'To Have Done with Judgment' which explicitly refers to Artaud essay and the idea that transcendence dominates Western philosophical tradition, as "the triumph of the judgment of God."; in Gilles Deleuze, *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998), 126-135. The *ethical* notion of the 'body without organs' can draw parallels with what we described in the previous chapter as the notion of a 'whatever singularity,' in the sense that the body loses its individual qualities and, ultimately, becomes indifferent to the judgmental mode of being of transcendence. For an approach that investigates the

Deleuze made most of his statements regarding ethics in his earlier writings. We need to stress that (despite the fact that the direct discussion of his understanding of a notion of immanence takes place in later writings) such a turn to the earlier works aims at the manifestation of a dynamic sequence in Deleuze' immanent and ethical 'accounts' which can help us form a more coherent account of a Deleuzian *ethology* based, in part, on his account of immanence. This method of inquiry not only shows that an immanent mode of thought was an, extremely, influential notion – albeit remaining in the background – from the very beginning of his writings but also that, through the proximity of Deleuze's ethics with immanence, his immanent philosophy is not another 'utopian' and 'occult' narrative akin to the teachings of 'a sect' or a 'select few' but, it is instead, a mode of thought which is interested in the very particularities of life, of 'this world,' and remains 'an *an-archic* philosophy' at its very core.

The two distinct definitions that Deleuze gives to ethics and to morality shall function as our point of departure in such an inquiry. The definitions are given in his discussion with Foucault's biographer Didier Eribon. Discussing Foucault's account of an ethics in his examination of the Ancient Greek and Roman practices of 'the care of the self,'[440] Deleuze makes the following illuminating statement:

> "Yes, establishing ways of existing or styles of life isn't just an aesthetic
>
> matter, it's what Foucault called ethics as opposed to morality. The
>
> difference is that morality presents us with a set of constraining rules of a
>
> special sort, ones that judge actions and intentions by considering them in
>
> relation to *transcendent values* (this is good, that's bad…); ethics is a set of

---

ethical aspect of Deleuze's philosophy through an examination of the concept of the 'body without organs,' see Nathan Widder, *Political Theory After Deleuze* (Continuum, 2012), 141-148. We should note that, albeit the highly useful insights offered by such an approach regarding Deleuze's ethics, our approach of examining the question of an *ethos* takes a somewhat different route, by focusing on Nietzsche and Spinoza, since we consider such an approach more effective in showing the *an-archic* element in Deleuze's *ethos*.

[440] Michel Foucault, *The History of Sexuality, Volume III: The Care of The Self*. Trans. Robert Hurley (Penguin, 1990).

optional rules that assess what we do, what we say, in relation to the ways

of existing involved. We say this, do that: or say through mean-spiritedness,

a life based on hatred, or bitterness toward life. Sometimes it takes just one

gesture of word. It's the style of life involved in everything that makes us

this or that […]."[441]

Evidently, the above statement offers two clear-cut definitions of what Deleuze means with 'ethics' and 'morality,' respectively. However, it seems that the complexity of this statement is concealed in its very simplicity. Deleuze draws a straightforward distinction between the ethical and the moral, but in the meantime and especially so because he does not comment further on the matter in the particular interview, we do not get much information on how he arrives to that distinction; and crucially on what the meaning of 'optional rules' may be. What we can, at least to some extent, infer from the statement is that the ethical does not rely upon 'fixed' or 'eternal' norms, in the manner of: 'You should do as I say because it's *the right* thing to do!'; 'That's *wrong*, don't do it!' Instead, it is a matter of *evaluating* or *assessing* each situation and each encounter *as such*, stripped by the judgmental mode of moral values based on primary predisposed principles. One asks: '*How* does a particular situation or a particular encounter with an external body or an idea *affect* me? Before we move to answering these questions, it is important to, briefly, explain how this notion of 'affect,' or a body's capacity to affect and to be affected, is to be understood. As Brian Massumi explains in his introduction of Deleuze and Guattari's *A Thousand Plateaus*:

"AFFECT/AFFECTION. Neither word denotes a personal feeling

(*sentiment* in Deleuze and Guattari). *L'affect* (Spinoza's *affectus*) is an

ability to affect and be affected. It is a prepersonal intensity corresponding

to the passage from one experiential state of the body to another and

[441] Gilles Deleuze in Conversation with Didier Eribon, 'Life as a Work of Art' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 100.

implying an augmentation or diminution in that body's capacity to act.

L'affection (Spinoza's *affectio*) is each such state considered as an encounter

between the affected body and a second, affecting, body (with body taken

in its broadest possible sense to include 'mental' or ideal bodies)."[442]

A body's ability to affect and to be affected is not a matter of a subject's personal feelings and affects are not something that a subject possesses. They are rather independent of the subject and thus, prepersonal or impersonal. Affects can be thought as expressions of a body's capacity to act (or not to), the expression of the increase or the decrease of a body's power. Thus, affects are closely connected to the notion of the encounter and the way that Deleuze understands the ethical as opposed to the moral. This is because through the encounter certain affects operate and they lead to an increase/decrease of a body's capacity to act. An encounter then becomes bad or good (as we will explain further in the final sub-section of this section) not because it is dictated by external, moral values but because a body's capacity to affect and to be affected increases (and thus an encounter is characterised as 'good') or decreases (and so, it becomes a bad one) the particular body's power.[443]

On the contrary, moral rules claim to manifest a universality because they act as 'judges' of any actions – irrespective of an action's singularity – based on presupposed and eternal values, what Deleuze calls *transcendent values*. On the other hand, there is a '(im)personal' or a notion of relativity in Deleuze's account of an ethics, contrary to the 'claim of universality' made by moral values. It is, precisely, at this point that the complexity of the argument arises. Does this 'personal' element of the ethical suggest a chaotic situation where 'everything is

---

[442] Brian Massumi, 'Introduction' in Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), xiv.

[443] For more examples of works on affects, affect theory or the 'affective turn' in the humanities see, Brian Massumi, *Parables for the Virtual: Movement, Affect, Sensation* (Duke University Press, 2002); Sara Ahmed, *The Cultural Politics of Emotions* (2nd ed. Edinburgh University Press, 2014); Rosi Braidotti, *Metamorphoses: Towards a Materialist Theory of Becoming* (Polity, 2001).

permitted?' Furthermore, does Deleuze's position that moral values hide 'a hatred for life' suggest, in part, a kind of a 'moral nihilism' and as Deleuze's critics point out as 'a black spot' in his thought? In order to trace answers it is paramount to examine the 'origins,' or 'influences' behind the distinction between ethics and morality.

Deleuze's ethology draws, significantly, from the writings of two of his main philosophical inspirations, Baruch Spinoza and Friedrich Nietzsche.[444] Indeed, the 'presence' of these two philosophers can be read or 'sensed' in the vast majority of Deleuze's writings through a multiplicity of issues. Deleuze, himself, in conversation with Raymond Bellour and François Ewald, states: "I did begin with books on the history of philosophy, but all the authors I dealt with, had for me something in common. And it all tended toward the great Spinoza-Nietzsche equation."[445] In addition, the choice of those two philosophers as his 'precursors,' especially on the particular matter of ethics and morality is an interesting one, in itself. This is because both thinkers are usually considered as controversial figures and a target of contempt by their contemporaries and beyond. They have often been accused as "atheists, but even worse, for being immoralists."[446] Unsurprisingly, these two philosophers remained for a long period of time an 'unpopular' point of reference in the so-called 'mainstream' philosophical

---

[444] Commentators support that Deleuze's ethical account is based on either the one or the other, to a certain degree. For example, Michael Hardt, *Gilles Deleuze: An Apprenticeship in Philosophy* (University of Minnesota Press, 1993) focuses his account of a Deleuzian ethics on a 'Nietzschean' Deleuze. On the other hand, Julian Bourg in his *From Revolution to Ethics: May '68 and Contemporary French Thought* (2nd ed., McGill-Queen's University Press, 2017), talks about an account of Deleuze based on 'Spinozist Ethics.' More specifically he reads Deleuze's shift from the direct engagement with Nietzsche to that of Spinoza as "a departure or a development" (145). Bourgh recognises that despite Deleuze "continued to explore Nietzschean themes […] later works were more explicitly Spinozist…" (145). We are not making a distinction between the Spinozist or Nietzschean influences on Deleuze's ethical account but we follow a route akin to the one followed by Daniel W. Smith, in his 'Ethics: The Place of Ethics in Deleuze's Philosophy: Three Questions of Immanence,' in his (ed.) *Essays on Deleuze* (Edinburgh University Press, 2012), 146 and 'Deleuze and The Question of Desire: Toward An Immanent Theory of Ethics' (2007) 2 Parrhesia 66. Smith does not focus on one or the other philosopher, but he illustrates a Deleuzian ethical account based on both. Similarly, we read the ethical account of Deleuze as an outcome of a combination of the thoughts of the two philosophers. To that extent, we can say that Spinoza and Nietzsche supplement each other on the matter of Deleuze's understanding of an ethics.
[445] Gilles Deleuze in conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 135.
[446] Daniel W. Smith, 'Deleuze and The Question of Desire: Toward An Immanent Theory of Ethics' (2007) 2 Parrhesia 66, 67.

circles' and with particular regard to any discussions on morality. According to Smith, "at best the Spinozistic and Nietzschean critiques [within these philosophical circles] were accepted as negative moments, exemplary of what must be fought against and rejected in the ethico-moral domain."[447] Indeed, these statements resonate with our earlier, albeit brief, exploration of Spinoza's biography and it manifests that there is not a sense of exaggeration when Deleuze writes for Spinoza that, "no philosopher was ever more worthy, but neither was any philosopher more maligned and hated."[448] Perhaps, it is this element of worthiness and 'sacrifice' that Deleuze and Guattari recognise in Spinoza, and perhaps, what triggered them to go as far as to call Spinoza "the prince" and "Christ of philosophers."[449]

It may have already become apparent that the feature which Deleuze finds most interesting, in both philosophers, is their critique towards transcendence (as an *archē* [ἀρχή]), universal values and their engagement with an understanding of modes of existence in 'an affirmative,' 'active' and 'joyful' way. In Deleuze's words "Spinoza believed in joy and vision,"[450] and he adds, "he projects an image of the positive, affirmative life, which stands in opposition to the semblances that men are content with."[451] What Deleuze points to is that humans, for Spinoza, became entrenched to the primacy of certain moral values and commandments. Ultimately, this condition led humans to become contented with the habit of considering such 'semblances' as unquestionable and 'eternal.' They ended up leading their lives uncritical of these 'semblances,' and became the perfect obedient subjects to any form of transcendent authority.

Deleuze remarks that Nietzsche illustrated 'the philosopher of the future' as someone who unites life and thought, through creation and 'recollection' of "that has been essentially

---

[447] Ibid., 77.
[448] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001), 17.
[449] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 60.
[450] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001), 14.
[451] Ibid., 12.

forgotten."[452] In that sense, "modes of life inspire ways of thinking; modes of thinking create ways of living. Life *activates* thought, and thought, in turn, *affirms* life."[453] The 'play' of life and thought suggests 'a critical life.' That is, a life which is not satisfied with what Deleuze called 'semblances' but, instead, a life that aims to creation, through inspiration that motivates a *thinking otherwise*. Such a life is affirmative because is not satisfied with the contemplation of 'fixed' values and ideas, but is defined by an active thought that finds its inspiration within an equally active mode of living. Consequently, if we recall the earlier discussion on *a life* as pure immanence defined by creation and experimentation, we can observe a connection, or even a tautology, in such an 'affirmative' or 'joyful' life, as presented by Spinoza and Nietzsche.

Nonetheless, this connection is not, yet, enough to point towards a system of an ethics. In other words, we have to ask: 'what, exactly, do these 'points of view' of the two philosophers on the issue of life have to do with the distinction between ethics and morality?' The answer can be, potentially, found in what Deleuze identifies as the starting point for his morality/ethics distinction and a common ground between Nietzsche and Spinoza; namely, their abhorrence for transcendent, moral values. It is important to stress that Nietzsche and Spinoza's criticism of transcendence "is not merely theoretical or speculative – exposing its fictional or illusory status – but rather practical and ethical," rendering their importance, for understanding Deleuze's *an-archic ethos*, central to our purposes.[454]

1. Nietzsche – The ethics of the Antichrist

---

[452] Gilles Deleuze, 'Nietzsche' in *Pure Immanence: Essays on a Life*, Trans. Anne Boyman (Zone Books, 2005), 60.
[453] Ibid.
[454] Daniel W. Smith, 'Deleuze and The Question of Desire: Toward An Immanent Theory of Ethics' (2007) 2 Parrhesia 66, 68.

Nietzsche offers a devastating critique of Christianity, and the Judaeo-Christian tradition more broadly. What can be called as his central claim for that critique is the fact, that for him, the Christian world is akin to 'a spread of disease' that led to the ultimate decadence of all aspects of life and hence to the domination of 'weak' and 'feeble' values – everything that is against to his notion of 'a proud' way of existing and of "philosophising with a hammer."[455] In his own words, "Christian faith has meant sacrifice: the sacrifice of freedom, pride, spiritual self-confidence; it has meant subjugation and self-derision, self-mutilation."[456] But which one is the main aspect of the Judaeo-Christian tradition that makes it symptomatic of decadence? For Nietzsche, the so-called triumph of the 'slaves' is 'a process' which is facilitated by the values of Judaeo-Christian tradition. Subsequently, this process towards the dominance of 'slave morality' begins with the "revolt of the slaves," something Nietzsche identifies with the emerging influence and ultimate triumph of the Judaeo-Christian tradition over, what he conceives as, the "noble" values of the Ancient World.[457] As such, according to Nietzsche, the 'creation' – in the negative sense – of morality occurs with, what he calls, the *slave revolt in morals* and the consequent *reversal of values*. This view can be, better, grasped in the aphorism below, where he states:

> "The Jews – a people 'born into slavery' according to Tacitus and the entire ancient world, 'the chosen people' as they themselves say and believe – the Jews brought about that tour de force of *a reversal of values* that enabled life on earth to acquire a new and dangerous fascination for one or two thousand years. Their prophets fused 'rich,' 'godless,' 'evil,' 'violent,'

---

[455] Nietzsche's hammer can be read as a "diagnostic tool" that aims to 'hit' with force any so-called values and to that extent to destroy any of them that are 'hollow' and thus to manifest their decadent state. See for example, Friedrich Nietzsche, *The Twilight of the Idols or How to Philosophise with a Hammer*. Trans. And Intro. Duncan Large (Oxford Classics, 1998), xvi.

[456] Friedrich Nietzsche, *Beyond Good and Evil*. Trans. Marion Faber (Oxford World's Classics, 2008), 44 (aphorism 46).

[457] Ibid., 83 (aphorism 195). [emphasis added].

'sensuous,' into one entity, and were the first to mint the world 'word' as a

curse word. In this reversal of values (part of which is to treat the word

'poor' as a synonym for 'saint' and 'friend') lies the significance of the

Jewish people: the *slave revolt in morals* begins with them."[458]

Of course, we should be careful not to read the above aphorism in a naïve way that succumbs

to the fallacy of presenting an anti-Semitic or nationalist Nietzsche, as conceived by several

far-right and fascist ideologues and movements. Nietzsche's use of certain phrases and wording

can easily mislead and with catastrophic consequences to one's understanding.[459] Nietzsche's

'strong language' may manifest a certain notion of 'elitism' and, at certain points, a call to a

new hierarchy (e.g. the distinction between 'masters' and 'slaves'). Yet, such elitism has

nothing to do with any 'banal' nationalistic tendencies that call for the 'purity of blood', of 'a

race' or 'people.'[460] Nonetheless, this is what happened with the heavily distorted publications

of Nietzsche's writings and notes by his Nazi sister that, ultimately, led to his unofficial

proclamation as the philosopher of the Nazi Party, and the Führer's favourite thinker. Such a

reputation, unfairly, 'haunted' Nietzsche's thought for a long period of time.[461] However, as it

is well-documented in his writings, Nietzsche would have been disgusted to see his name

associated with such 'low' and 'slavish,' as he would have called them, ideologies and

movements. Instead, his critique of Judaeo-Christian tradition should be better understood as

---

[458] Ibid.

[459] For a brief discussion of such a fallacy and a warning to avoid these naïve interpretations of Nietzsche as an Anti-Semite see, for example, Walter Kauffman's 'Introduction' in his translation and edition of Friedrich Nietzsche, *Will to Power* (Vintage Books, 1968); Odysseas Makridis 'Notes' in Nikos Kazantzakis, *Friedrich Nietzsche on the Philosophy of Right and the State*. Trans. Odysseas Makridis (State University of New York Press, 2006), 99. Both cases highlight Nietzsche's abhorrence and distaste for anti-Semitism. This is, supposedly, one of the main reasons that led him to part ways with his 'mentor' Richard Wagner, with the latter's anti-Semitic views being well-documented.

[460] For a discussion of Nietzsche's 'elitism' but, also, his distaste for Nationalism see Robert C. Holub, 'Introduction' in Friedrich Nietzsche, *Beyond Good and Evil*. Trans. Marion Faber (Oxford World's Classics, 2008), xviii-xxii. For an extended discussion of these issues, see Walter Kauffman's 'Introduction' in his translation and edition of Friedrich Nietzsche, *Will to Power* (Vintage Books, 1968), xiii-xviii.

[461] For example, in France the name of Nietzsche was usually associated with right-wing, ultra-conservative circles. It took a great effort from French intellectuals, with Deleuze being one of them, to 'clear' Nietzsche's name from any association with National-Socialism and from reactionary circles in general. See François Dosse, *Deleuze and Guattari: Intersecting Lives*, Trans. Deborah Glassman (Columbia University Press, 2010), 129-132.

an assault towards the 'spiritual' and 'psychological' formation of the Judaeo-Christian subject, that is a being who holds dear to its ways of living all the decadent values of this tradition, that is all the values that go against, what Nietzsche, would call 'noble' or 'strong' – an affirmative position towards life.[462] Nietzsche's critique is not a superfluous assault on a particular race, but an attack of 'slavish' modes of existence. And this domination of the 'slaves' can be, indeed, established in all human beings, through a very particular process. As he explains, such values are based on an "imaginary revenge"[463] against everything that is 'noble,' that is against everything which says 'yes' to life and its encounters. Instead, the values of slaves turn beings into pitiful entities that merely 'react' to "external stimuli."[464] An example, of that would be for Nietzsche, the belief of Christians to an afterlife. Nietzsche would justify this belief in Christian's weakness to face the *encounters of this life*, to their *lack of will*. So, every difficulty or predicament they face would be downplayed as something which belongs to a lower realm, or as a 'test of faith' which would, ultimately, lead to the reward of heaven, as opposed to the punishment that awaits 'the masters' (who after the 'reversal of values' are considered to be evil). Thus, the values of the slaves are negative or reactive, in the sense that their response is based on external principles and, to that extent, they separate a being from its *active* power, that is form what is capable to do or become. As Deleuze notes, "we know that reactive forces triumph by relying on a fiction. Their victory always rests on the negative as something imaginary: they separate active force from what it can do."[465] In order to understand better how (human) beings became slavish, according to Nietzsche, we need to pay attention to his 'genealogy' of this slavish morality.

---

[462] In that sense, we could say that Nietzsche's critique echoes the critique of the Scripture by Spinoza. See **Chapter II**.

[463] Friedrich Nietzsche, *The Genealogy of Morality*. Trans. Carol Diethe, Keith Ansell-Pearson (ed.) (3rd ed. Cambridge University Press, 2017), 20 (Essay I, section 10).

[464] Ibid.

[465] Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), 87.

This process began, when the 'slaves,' 'plebeians' or 'the herd,' for Nietzsche, managed to "depose the Masters" and as a consequence "the morality of the common people has triumphed."[466] This takes place with a 'reversal of values.' The slaves, in order to keep their dominance over the masters, reversed values such as 'good and evil.' But what exactly is the problem with that? A simple answer would be 'a hatred for life.' The 'creative,' 'joyful' aspect of life is replaced by *bad conscience* (or guilt)[467] and *ressentiment*. For Nietzsche, the moment that the *ressentiment* of 'slavish beings' – those "who deny the proper response for action [and instead] they compensate [this lack] with imaginary revenge" – becomes 'creative,' albeit in merely reactive, negative sense, it gives birth to all these moral, transcendent values.[468] What characterises these values according to Nietzsche is their tendency to say 'no' "on principle to everything that is 'outside,' 'other,' 'non-self' and this 'no' is its creative deed."[469] As a result, a reversal of values takes place, by virtue of the need of the 'slave' to define itself through a vicarious relation to an outside, to an opposite – *evaluation* of the slave's self gives way to judgment of the outside. In other words, the slave morality relies on an exoteric principle in order to define itself, and as such it gives primacy to negation over affirmation. In Michael Hardt's example; "the slave mentality says 'you are evil, therefore I am good,' whereas the master mentality says 'I am good, therefore you are evil."[470] To that extent, while in the first instance the negation of the outside, opposite being 'affirms' the 'slave's self,' in the second one the affirmation of the 'master's self,' negates that of the 'slave.'

---

[466] Friedrich Nietzsche, *The Genealogy of Morality*. Trans. Carol Diethe, Keith Ansell-Pearson (ed.) (3rd ed. Cambridge University Press, 2017), 19 (Essay I, section 9).

[467] The issue of guilt is strongly evident in Spinoza as well and Deleuze's reading of him. Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers 2001), 23: Deleuze suggests that guilt is extremely self-destructive. More specifically he asks: "How can one keep from destroying oneself through guilt […]?" See a discussion in **Chapter II**, on how the transcendent commandments on 'the Divine' are internalised in the form of 'masochistic,' 'repressive' constraints that we imposed upon our own selves. The sense of guilt is one of the main manifestations of this internalisation of transcendence (e.g. in the form of the 'Superego').

[468] Friedrich Nietzsche, *The Genealogy of Morality*. Trans. Carol Diethe, Keith Ansell-Pearson (ed.) (3rd ed. Cambridge University Press, 2017), 20 (Essay I, section 10).

[469] Ibid.

[470] Michael Hardt, 'Preface' in Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), x.

However, one should not read these examples as, merely, a reversal of a current state of affairs, i.e., that the master, simply affirms itself at a particular moment and that this forms the end of the matter. The primacy of affirmation is a call for a way of existing based on an approach to life which is affirmative of *this life*, that is a life which is not dictated by higher rules and principles and which is not consider 'lesser' to a promised afterlife. Deleuze renders this point clear by reading the Nietzschean 'eternal return,' as a, predominantly, ethical principle. To that extent, Deleuze illustrates, the maxim "*whatever you will, will it in such a way that you also will its eternal return*" acquires an unprecedented gravity.[471] The 'eternal return' performs a selective process, in the sense that "the thought of the eternal return eliminates from willing everything which falls outside the eternal return, it makes willing a creation, it brings about the equation '*willing = creating*.'"[472] By this Deleuze aims to emphasise that the ethical plane of the eternal return requires that by willing the eternal return of something one is willing it as a *whole*, which is another way of saying that one wills in an affirmative and joyful manner. It is such an affirmative and joyful mode that effectively stands as a synonym for creation. Every encounter in life is taken in a 'light' spirit and is evaluated in accordance to the way of mutual affectivity, rather than be judged based on external conditions. The triumph of 'slave morality' is led by forces of reaction that prevail over active ones, and as such, in Deleuze's words:

> "Good and evil are new values, but how strangely these values are created!
> They are created by reversing good and bad. They 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 un-created, 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

---

[471] Ibid., 68.
[472] Ibid., 69.

and affirmative in life. No moral values would survive for a single instant if they were separated from the premises of which they are the conclusion. And, more profoundly, no religious values are separable from this hatred and revenge from which they draw the consequences. The positivity of religion is only apparent: they conclude that the wretched, the poor, the weak, the slaves, are the good since the strong are 'evil' and 'damned.' They have invented the good wretch, the good weakling: there is no better revenge against the strong and happy."[473]

This sums up, perfectly, the problem of moral values as transcendent foundations and the problem of a mode of existing which is faithful to primary principles and hierarchies. This is manifested by the use of the word 'un-created.' Moral values are 'un-created' because they are to be perceived and used as unquestionable foundations of 'the Truth' of every existence on the basis of prevalued evaluations of the present. Furthermore, they rely on 'higher notions' and so they are, merely, a conclusion of something external, a mere reaction as we stated above. Ultimately, the very fact that they are announced in the name of the universal or justice or the good, and in this sense are *a-genealogical*, i.e. they are not created by a present 'anyone' (e.g. just like, in one sense at least, with the Judaeo-Christian notion of God, who is a-genealogical) suggests, for our purposes, that they cannot be adapted or modified or be the subject of any critique or resistance, other than to be applied in the form of a judgment. They become the very opposite of an 'active,' or 'ethical' mode of living that is characterised by a creative mode. Such an ethical life can never be satisfied with any mode of existing which is imposed 'from above' in the name of such moral values, not because it necessarily 'judges' these values to be worse than others, but because in the first place the modality of the valuation is misplaced in that it hinders encounters in the present situatedness of one's life.

---

[473] Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), 122.

2. Spinoza's 'joyful' ethics

As we have already seen in **Chapter II**, the immanent philosophical system of Spinoza influenced like none other the thought of Deleuze, and especially his understanding of an immanent philosophy. We saw how Deleuze understands an immanent mode of thought as a 'weapon' or 'antidote' for doing away with the dominant transcendent tradition of western thought. Unsurprisingly, it is, again, in his reading of Spinoza, that Deleuze identifies that this critique of transcendence can also point towards a critique of 'eternal' values and morality. In one of his lectures at the University of Vincennes, entitled 'Spinoza's Concept of *Affect*,' Deleuze's notes:

> "Spinoza doesn't make up a morality, for a very simply reason: he never asks what we must do, he always asks what we are capable of, what's in our power, ethics is a problem of power, never a problem of duty. In this sense Spinoza is profoundly immoral. Regarding the moral problem, good and evil, he has a happy nature because he doesn't even comprehend what this means. What he comprehends are good encounters, bad encounters, increases and diminutions of power. Thus he makes an ethics and not at all a morality. This is why he so struck Nietzsche."[474]

Deleuze's reading of Spinoza on ethics helps him supplement his ideas on the issue, drawn by his earlier readings on Nietzsche, and ultimately leads him to draw his distinction between moral values and ethics. We also noted that Spinoza's philosophical thought is to be thought of as "a philosophy of life."[475] As such, Spinozist philosophy is very close to Nietzschean thought.[476] Spinoza's philosophy, writes Deleuze, "consists precisely in denouncing all that

---

[474] Gilles Deleuze, 'Lecture Transcript on Spinoza's Concept of *Affect*.' Trans. Emilie and Julien Deleuze, Vincennes 1978 http://www.webdeleuze.com/php/sommaire.html [Accessed 7 March 2019].
[475] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001), 26.
[476] See **Chapter II** for an extensive discussion on Spinoza's immanent philosophy and his notion for a 'philosophy of life.'

separates us from life, all these transcendent values that are turned against life […]. Life becomes "poisoned" when it is infused and judged accordingly based on categories of "Good and Evil, of blame and merit, of sin and redemption."[477] The emergence of moral ideas, of final ends, of a God who acts as a judge and punishes accordingly are nothing more than illusions (*illusion of values*), due to our *inadequate ideas* – that is, "ideas that are confused and mutilated, effects separated from their real causes."[478] These inadequate ideas lead us to confuse bad encounters in terms of factual capacity for morally (and in this sense juridically) prohibited and evil acts. This is the point, for Deleuze via Spinoza, where moral values emerge. So, for example, when parents say to their children 'don't eat this' children may perceive this as an absolute prohibition. What may actually happen though is that the coming-together of the children and the food can be perceived as an encounter between two 'bodies' "which are not compatible."[479] As a result, one could be affected by the other in a way that is *bad*, but the bad outcome of the encounter is due to the incompatibility with other body. This is not just a matter of perception but crucially of ethics or pedagogy.

In order to explain this, Deleuze draws a distinction between the transcendent, moral idea of Good and Evil on the one hand, and the immanent, ethical, notion of good and bad on the other. In the first case, the definition of something as 'good' and as 'evil' takes place through the judgment of transcendent values, the so-called "eternal truths."[480] In the second, 'good' and 'bad' define an encounter between bodies, as "a composition."[481] In this vein, something is defined as good when the two bodies that are combined "form a more powerful whole."[482] We could say that something is good because it extends the power of the body, its capacity to act. A bad encounter takes place when the encounter between two bodies results in

---

[477] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers 2001), 26.
[478] Ibid., 23.
[479] Ibid., 22.
[480] Ibid., 23.
[481] Ibid.
[482] Ibid., 19.

the decomposition of one or both, leading to a decrease of the intensity of its power. The distinction between good and bad is based solely on an *evaluation* of the intensities of a particular, singular encounter in its situatedness and not as a case of a general or generalisable category. Consequently, while the distinction between Good and Evil operates under the guise of a presumed transcendent universal, an unquestioned Truth, the good and bad distinction in the Spinozian expression, is just the singular outcome of a particular encounter.[483] A singular situation or encounter, in this sense, is a surface-encounter not a metaphor for the application of a universal yardstick. It is, in effect, not governable or manageable by a moral compass.

At this point, we arrive then with more intensity at the aforementioned distinction between ethics and morality in Deleuze. When we think of the encounter as a composition of two bodies, we evaluate "the capacity [of bodies, ideas, beings] to be affected."[484] The evaluation relies solely on immanent modes and thus, it is characterised by a *horizontally* (recall **Chapter II** and how different beings – humans, rocks – equally 'participate in the glory of God'). On the other hand, operating through a *vertical* relation, "morality always refers existence to transcendent values."[485] As a result, "morality [becomes] the judgment of God, the *system of Judgment.*"[486] It becomes perhaps clearer that this is what Deleuze meant by the claim that morality is "a set of constraining rules of a special sort, ones that judge actions and intentions by considering them in relation to transcendent values (this is good, that's bad…)"; while on the other hand, ethics is to be defined as follows: "ethics is a set of optional rules that assess what we do, what we say, in relation to the ways of existing involved."[487]

---

[483] The distinction is manifested in a better way in the Greek translation of *Spinoza:Practical Philosophy*. The Greek translator makes a distinction between *Καλό και Κακό* (meaning Good and Evil or Bad), as universal categories, irrespective of the particular encounters, and *καλό [για μένα] και κακό [για μένα]* (meaning 'good for me and bad for me'). Gilles Deleuze, *Σπινόζα: Πρακτική Φιλοσοφία*. Μετάφραση Κική Καψαμπέλη (Νήσος, 1996), 38.

[484] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001), 26.

[485] Ibid., 23.

[486] Ibid.

[487] Gilles Deleuze in Conversation with Didier Eribon, 'Life as a Work of Art' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 100.

An ethology is described by Deleuze as an attempt to "define bodies, animals, or humans by the affects they are capable of […]. Ethology is first of all the study of the relations of speed and slowness, of the capacities for affecting and being affected that characterise each thing."[488] It is a matter of evaluating the capacity of a body to increase or decrease its power when it encounters another. This evaluation of the encounter, as stated above, is based on the capacity of these bodies to affect or be affected, suggesting a different mode of being that prioritised the encounter over external, moral values. The encounter is not dictated by and is not judged by *a priori* principles but by the quality of the 'coming together' of the two bodies. It is in this way that immanent ethics are characterised by 'joy,' 'affirmation' and 'experimentation' in the sense that they do not now how their encounter will affect them, since it is not predetermined by transcendent rules.

What is the *practical* element of such a distinction? Potentially, an indication lies in Deleuze's distinction between the three personas of *ressentiment*, or the three personas that generate, sustain and turn *ad infinitum* 'the wheels' of domination and relations of transcendence and morality. These three personas are 'the slave,' 'the tyrant' and 'the priest.' The first, is the person of sad passions, with bad consciousness and negativity, in Nietzschean terms.[489] The second, the 'tyrant', takes advantage of the sad passions of the first, imposing its rule and domination over the slave. Finally, the 'priest' "is saddened by the human condition and passions in general,"[490] and as such he manifests a hatred for the 'worldly-life,' a contempt, and vanity. For the 'priest', the Kingdom of God is the final destination of the human, the absolute end and eternal truth. Is this not how 'masters' operate today? Is it not the case, that the 'sovereign,' 'the state,' and those persons in powerful positions in the world take advantage

---

[488] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001), 125.
[489] Friedrich Nietzsche, *The Genealogy of Morality*. Trans. Carol Diethe, Keith Ansell-Pearson (ed.) (3rd ed. Cambridge University Press, 2017), 39-40 (Essay II, section 4).
[490] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001), 25.

of sad passions as *fear* or *guilt* imposing their rule?[491] We are held responsible for crises that, usually, are an outcome of greed and the policies of the state (broadly understood as a hierarchical and dogmatic set of relations[492]), which through very effective mechanism it manages to impose upon as guilt and sad passions, that we internalise.[493] Usually, the help from the priest is paramount. The 'priest,' even in a so-called 'secular milieu,' promises redemption by asking for sacrifice(s).[494] Furthermore, the 'priest' 'pacifies' and keeps people in order by advising 'patience,' 'obedience' and 'praying.' As Anton Schütz writes:

> "if God is the immanent cause of all things, as Spinoza holds he is, then thanking God or praying to God or invoking God, or any other transaction involving God, appears as a pretty silly past pastime, but much worse must be said of letting one's own or other humans' lives be subjected to God's will, governed by god-appointed governors, or based on obedience to God's name."[495]

Is not the promise of redemption, 'a hatred for life' *par excellence*? A detachment and a barrier to thought and living experimentation that leads to the ultimate impotence and servitude? It is for these reasons that we call Deleuze's *ethos an-archic*, in the sense that it refuses to be subjected to any primary cause or foundation and to the commandments of 'a higher' Being that supposedly 'judges' and dictates an 'un-creative' life.

---

[491] It is striking how today the re-emergence of (neo)Fascism and (neo)Nazism operates through the cultivation of fear for difference, the 'other.' Furthermore, the operation of guilt is very effective in the new forms of 'imperialism,' in our 'neoliberal era' through an extremely successful mechanism of using an indefinite 'debt' as the ultimate 'weapon' for ruling over the states or persons, by presenting their debt as the ultimate guilt that must be repaid (e.g. the example of Greece). See Yanis Varoufakis, *And The Weak Suffer What They Must?: Europe, Austerity and the Threat to Global Stability*, (Bodleay Head, 2016) especially 9-10. The 'formula of guilt' works as follows: "A debt is a debt is a debt!" (9). See also how 'the state' presents itself as the outright, 'benevolent' entity that demands contributions from the indebted and egotistic citizens as 'a sacrifice.' This demand is justified because the citizens are, fundamentally, guilty *a priori* for their so-called 'egotistic nature.' For such view, see Slavoj Žižek, *The Year of Dreaming Dangerously* (Verso, 2012), 113-114.
[492] See **Chapter I** on how we understand the state as everything which acts in a hierarchical and dogmatic set of relations.
[493] See **Chapter II**.
[494] Saul Newman, *Political Theology* (Polity Press, 2018), 11.
[495] Anton Schütz, 'A Quandary Concerning Immanence' (2011) 22 Law and Critique 189, 196.

Hence, it becomes clearer how an immanent thought is linked to an ethics as opposed to a transcendent morality. We have seen how this distinction (of ethics and morality) is a matter of a *practical philosophy*, as a creative manner that, potentially, inspires new modes of existing. Consequently, we are now in a position to examine how the distinction between ethics and morality can account for the central focus of our investigation, namely, human rights.

II. Human Rights in a state of *abeyance*(?)

In his commentary on the Deleuzian notion of immanence, Giorgio Agamben, commenting on the aforementioned scene from Dickens' *Our Mutual Friend* makes a reference to the term *abeyance*.[496] Agamben explains that the term is used by Dickens to describe the moment when the scoundrel's 'spark of life' produces the caring and sympathetic behaviour of the crowd in the scene. The term, as Agamben states, originates etymologically "in legal parlance and that indicates the suspension of rules of rights between validity and abrogation."[497] Following this, we could, for instance, question whether it would be possible to have a new notion of human rights in a state of suspension from the juridical, transcendent, notion of rules and rights.

If we recall our discussion on Deleuze's direct comments and critique of rights in **Chapter I**, we saw that his main issue against them is that they manifest the new forms of transcendent, eternal values *par excellence*.[498] As such, according to Deleuze, they result to all the things that transcendent morality causes, namely a detachment from life, even 'a hatred for

---

[496] Giorgio Agamben, 'Absolute Immanence,' in Daniel Heller-Roazen Trans. and (ed.) *Potentialities: Collected Essays in Philosophy* (Stanford University Press, 1999), 229. According to the Oxford English Dictionary, the term means "the position of being without, or of waiting for, an owner or claimant." "It originates (legal sense from Late 16th century Old French *abeance* 'aspiration to a title', from *abeer* 'aspire after,' from a- 'towards' and beer 'to gape." https://en.oxforddictionaries.com/definition/abeyance [Accessed 9 February 2019].

[497] Giorgio Agamben, 'Absolute Immanence,' in Daniel Heller-Roazen Trans. and (ed.) *Potentialities: Collected Essays in Philosophy* (Stanford University Press, 1999), 229.

[498] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 153.

life,' which 'inhibits movement' and 'freezes' a potential for experimentation and creation of any new, (immanent) modes of existence. Commentators who have tried to harmonise Deleuzian thought with human rights (or more generally legal rights) have suggested that the philosopher offers a, possibly, unfair or even "outdated"[499] critique, or that his critique is not directed towards rights *as such*, but rather towards the dominant discourses and traditions of human rights thought.[500]

Is the Deleuzian critique of human rights outdated? The examples – within, for example given our focus, the legal, political and philosophical, literature – that refer to the prominence of human rights in our era remain multiple. Costas Douzinas refers to the "triumph of rights" as a result of the rights' ability to present a 'post-ideological character' that 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."[501] Rights are often described as the fulfilment of the Kantian call for a *ius cosmopoliticum*.[502] Upendra Baxi suggests that rights function as a "paradigm"[503] and purportedly form, according to Steward Motha and Thanos Zartaloudis, "the measure [of morality] for all time."[504] Finally, others such as Peter Fitzpatrick and Stephen Hopgood have characterised the triumph of human rights as the emergence of a universal "secular monotheism"[505] or even a "secular theology."[506] A key critique of the uses of claims of universalization of human rights or elevation in this or that

---

[499] Paul Patton, 'Immanence, Transcendence and the Creation of Rights' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012). 17.
[500] Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012).
[501] Costas Douzinas, *The End of Human* Rights (Hart Publishing, 2000), 1.
[502] Costas Douzinas *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007), 4.
[503] Upendra Baxi, *The Future of Human Rights* (3rd ed. Oxford University Press, 2008), Chapter 1.
[504] Steward Motha and Thanos Zartaloudis, 'Law Ethics and the Utopian End of Human Rights' (2003) 12(2) Social and Legal Studies 243, 243.
[505] Stephen Hopgood, *The Endtime of Human Rights* (Cornell University Press 2015), ix.
[506] Peter Fitzpatrick, 'Is Humanity Enough? The Secular Theology of Human Rights (2007) 1(2) Law, Social Justice and Global Development 14.

way lies with the exposition of their supposedly *ahistorical* emergence as universal values. As Schütz writes:

> "[…] a very common strategy of arguing universal norms, or of promoting their effective grasp, consists in erasing the historical aspect of their conditions of emergence, in claiming that universal values or norms are independent or separable from the idiosyncratic nitty-gritty that has brought them into existence."[507]

Subsequently, this 'ahistorical' element in the supposed almost immediate 'universalism' of human rights, can be compared as akin to the 'un-uncreativeness' of moral values, as criticised by Deleuze. Can anything be truly universal? Are values of all kinds not always historical artifices that cannot and should not ignore their historical emergence? Claiming for an ahistorical universality in any case can only assimilate the 'without origin', the a-genealogical claim of many transcendent notions. There may indeed be an obvious link between claims to an ahistorical universality and those claims that think about universal human rights as *the last utopia*[508] or, incredibly, as "the most we can hope for."[509] In this sense, Deleuze's critique suggesting that human rights are the ultimate, or we could say most recent, manifestation of transcendence remains considerably pertinent. Such manifestation may arrive at its worst consequence when, as is often the case, we find ourselves in the face of aggression and wars that are fought in the 'name of' such universal rights.[510] In such situations, of great suffering,

---

[507] Anton Schütz, 'A Quandary Concerning Immanence' (2011) 22 Law and Critique 189, 190.
[508] Samuel Moyn, *The Last Utopia* (The Belknap Press of Harvard University Press, 2010).
[509] Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton University Press, 2003), 173.
[510] The example of the so-called "human rights wars" and the engagement they receive stands out as the main paradigm. See Paul Virilio, *Strategy of Deception*. Trans. Chris Turner (Verso, 2007); Michael Hardt and Antonio Negri, *Empire* (Harvard University Press, 2000), 17-18, where human rights act as the morality of the 'Empire.' See also, Wendy Brown, '"The Most We Can Hope For...": Human Rights and the Politics of Fatalism' (2004) 103(2-3) South Quarterly Atlantic 451; Amy Bartholomew, 'Empire's Law and the Contradictory Politics of Human Rights' in her (ed.) *Law's Empire: The American Imperial Project and the 'War to Remake the World'* (Pluto Press, 2006), 161-189; Costas Douzinas *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007).

in the supposed war of cultures and 'civilisation', one finds that the human rightfulness attempts to erase the memory of its historicity, relativity and, in one sense at least, hollowness.

Relatedly, an issue that arises with Deleuze's definition of an ethics as 'a set of optional rules' lies in that it points towards 'relativism' as opposed to the 'universalism' that human rights claim to represent. Indeed, this often strongly polemical and heated dispute between 'universalists' and 'relativists' is possibly one of the most (in)famous discussions in human rights literature (across many fields, for example, legal, political, anthropological, philosophical, theological and so forth). On the one hand, the supporters of universalist claims, often enough base their defence of universal human rights on notions of objective truth, common moral values, and characteristics that are supposedly shared by the totality of humanity. Following that logic, the usual common ground found in all accounts supporting a universalism of human rights is that despite any kind of difference of, say, culture, race, class, political ideologies, gender and so forth, human rights are "entitlements" that are held by every individual solely by virtue of being a (universal) human being.[511]

On the other hand, the so-called 'relativist' criticisms of the idea of universality of human rights are based on different grounds such as anthropological, philosophical and so forth, or the fact that rights' discourse is a new form of colonialism as an "intellectual imperialism."[512] To that extent, for relativists, the "ideological universality" of human rights is

---

[511] Jack Donnelly, 'Human Rights as Natural Rights' (1982) 4(3) Human Rights Quarterly 391, 391. The universalist follows, for example, a rather ahistorical argument, considering the origins of human rights as irrelevant in front of their universal 'effectiveness' in protecting the totality of human beings. For such a view, see, for example, Brian Tierney, *The Idea of Natural Rights* (WM. B. Eerdmans Publishing Co., 2001), especially 346-347. Other authors supporting the universal ideas hold that the language of human rights is compatible with values found in non-Western cultures, such as Asian and Islamic ones. See, for example, Amartya Sen, 'Human Rights and Asian Values' (1997) 14 New Republic, 33; Heiner Bielefeldt, 'Western versus Islamic Rights Conceptions?: A Critique of Cultural Essentialism in the Discussion on Human Rights,' 28(1) Political Theory, 90; William J. Talbott, *Which Rights Should Be Universal* (Oxford University Press, 2005); Daniel A. Bell, 'Which Rights Are Universal?' (1999) 27(6) Political Theory, 849. The main premise and the common ground of the above commentators is the fact that, despite all the cultural or religious traditions, there is a 'common ground' in the language of human rights, uniting all people. For example, these commentators support that notions such as 'human dignity' or respect for the life and freedom are to be found in, or to be inferred from, the religious or sacred texts of different cultures.
[512] See respective examples for each case of relativist critique: 1) American Anthropological Association, 'Statement on Human Rights' (1947) 49(4) American Anthropologist, 539. 2) Richard Rorty, 'Human Rights,

not only false but it also "masks and legitimises a concrete politics of western imperialism, military interventions, and neo-colonialism."[513] However, we consider it paramount to stress the importance of trying to avoid engaging in a polemical, or 'reactive' way into such a polarised debate, which has dominated human rights literature for over half a century.[514] Indeed, in this manner, Douzinas is, in our view, right when he states that "perhaps both the relativism of historicism and ahistorical universalism of liberal theorists, for whom all societies and cultures have been or must be subjected to the discipline of rights, are wrong."[515] However, it should be made clear that Deleuze's supposed relativist ethics do not have anything to do with such a 'reactionary' relativism. As we showed above, his ethics are to be understood as 'affirmative' and 'creative.' Their relativism is based on the fact that they evaluate *a singular encounter in its singularity*, without any reference to founding principles. On the contrary, 'relativists' usually, engage in a 'reactive' polemic towards universalism, having as a founding principle or as their 'ground' the particularities of a culture. In that sense, we can say that they fall into the same trap of transcendentalism; to the absurd situation that just like the supporters of the universalism of rights they sometimes end up supporting the "more murderous," oppressive methods and morals, all nonetheless in the name of "the absurdities of localism."[516]

It should be made clearer perhaps here that the relativism of Deleuze's ethics needs to be understood as a critique against the usual claim of universalists that 'there is no alternative', outside the confines of the polarised positions between the relativists and the universalists of

---

Rationality and Sentimentality' in Stephen Shute and Susan Harley (eds.) *On Human Rights: The Amnesty Lectures 1993* (Basic Books 1993), 167. 3) Joanne Bauel and David Bell, 'Introduction' in their (eds.) *The East Asian Challenge for Human Rights* (Cambridge University Press 2009).

[513] Slavoj Žižek, 'Against Human Rights' (2005) 34 New Left Review 115, 128-129.

[514] Even a year prior to the original publication of the Universal Declaration of Human Rights 1948, The American Anthropological Association published their 'Statement on Human Rights' (1947) 49(4) American Anthropologist, 539. The statement was a response to the drafting of the UDHR and a ferocious attack on the so-called universality of human rights. The statement argues the following: "How can the proposed Declaration be applicable to all human beings, and not be a statement of rights conceived only in terms of the values prevalent in countries of Western Europe and America."

[515] Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 14.

[516] Ibid., 137.

human rights. Indeed, the triumph of human rights can also be manifested by the fact that since their emergence, they managed, in a significant way to be portrayed as another name for 'civilization' or the 'progressive way of living', the value that measures all other values, overshadowing even the possibility of expressing or thinking any alternative modes of co-existing. A number of commentators even suggest that rights came as a substitute for most of the earlier calls for "a real social revolution."[517] This substitution effect may also be evident in the fact that many of the critics of human rights are, usually, reluctant to question the foundation or the necessity for human rights to become our foundation *as such*. Instead, what often appears is a critique of a particular component of rights, discourse, or histories.[518] If these claims are correct, then one can accuse the use of human rights as the only platform of doing politics and global 'society' for one-sidedness or indeed for a wider lack of creativeness and experimentation, as Deleuze and Guattari claim.[519]

Arguably, at least to some extent, the reluctance to depart from the framework of rights is justifiable. This is because there is a usual and very common view that "without transcendence, without recourse to normative universals, we will fall into the dark night of chaos, and ethics will be reduced to mere 'subjectivism' or 'relativism.'"[520] Without question this a very valid claim, in one sense. If we are to take into account that in many instances the use of human rights language is a very successful strategy in shaping norms and policies that

---

[517] Micheline R. Ishay, *The History of Human Rights: From Ancient Times to Globalization Era* (University of California Press, 2008), 248-249; Costas Douzinas, *Syriza in Power: Reflections of an Accidental Politician* (Polity, 2017), 148; Julian Bourg, *From Revolution to Ethics: May '68 and Contemporary French Thought* (2nd ed., McGill-Queen's University Press, 2017), xvi.

[518] There are often calls for 'reclaiming the radicality' or 'radical potential of rights,' or of following a different history of the emergence of rights, distinctions between the use of the term 'human rights' between the (trans)national organisations and activist groups. For example, see Costas Douzinas, *The End of Human* Rights (Hart Publishing, 2000), *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007); Illan Rua Wall, *Human Rights and Constituent Power: Without Model or Warranty* (Routledge 2012); Baxi (2008, 2012). See also, for example, the reluctance of Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012) to, even, consider the possibility that Deleuze could be against human rights *as such*.

[519] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 108.

[520] Daniel W. Smith, 'Deleuze and The Question of Desire: Toward An Immanent Theory of Ethics' (2007) 2 Parrhesia 66, 67.

are, significantly, beneficial for people, then, the above claim acquires further dynamic. Finally, the inclusion of the term 'human' in the phrase 'human rights' offers a further aspiratory dynamic.[521] Nonetheless, this should not stop us from, delving, further, into a critique of foundations and universalist claims. If we are to take the ethical point seriously and explore all the possibilities of creation and experimentation, that we are capable of exploring, then it is paramount to take a certain 'risk' against, at least to an extent, both universalism and relativism in this regard. We are in need of taking a 'risk' since by definition creativity presupposes experimentation without guarantees and thus, possibly even a degree of uncomfortableness or uneasiness. Yet, this risk taking may, possibly, be the only way out from our current nihilistic, posing as universal, stalemate emptying out all *experimentation*. Such risking must be taken with responsibility, humility and full awareness of the related shortcomings and limitations. Deleuze, following Spinoza, usually, remarks that the ethical is defined by the expression: "*We do not even know what a body is capable to do.*"[522] As such no one knows the way a body will affect or be affected after an encounter since such a thing implies "a long affair of experimentation."[523] Following this logic, we should admit that *we do not even know what 'human rights' are capable to do, but it may be that we know what they cannot do*. To think human rights *on* their limit requires the modest admission that they cannot be the system of systems, or the value of all values.

---

[521] See the discussion of the dominant idea of 'a fixed' human subject in **Chapter I**. In the consequent chapter we are focusing on this issue much further, by examining whether such an idea about the subject can be (re)thought through the lens of the Deleuzian notion of 'becoming' and considering the consequences for human rights following such an exploration.

[522] Gilles Deleuze, *Expressionism in Philosophy: Spinoza*. Trans. Martin Joughin (Zone Books, 1992), 226.

[523] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001), 125.

Chapter IV
Questioning the Subject of Human Rights, or *How* is a *Becoming*?

Prologue

1. From Immanence to Becoming, or in what ways does a Deleuzian *Becoming* call us to think?

The previous thematic section of the thesis (**Chapters II** and **III**) examined the Deleuzian understanding of an immanent philosophy and ethics, as opposed to a specific notion of transcendent thought – a notion that, for Deleuze, dominates the western philosophical tradition(s). Such a mode of thought, typically, grounds its thinking in terms of binaries or dualisms and as such, in terms of distinctions and dichotomies between being and beings, or their actions.[524] To that extent, a transcendent mode of thought dictates a, by inception, dogmatic and hierarchical mode of existence or Being (i.e. a hierarchy amongst beings and/or Being, an inside and an outside, an existence and an essence, praxis and being and so forth). We examined how this immanent/transcendence binary, in itself, dichotomy led Deleuze to draw a further distinction between transcendent morality on the one hand and immanent ethics on the other, on the level of praxis. This latter dichotomy, manifests the epitome of Deleuze's *practical philosophy* – an *an-archic*, that is without an *archē* [ἀρχή], philosophy of life, as we called it, that aims to *do away with the judgment of our transcendent moral values*.[525] Notably, the aforementioned examination is directly linked to our main purpose due to the fact that the

---

[524] For a comprehensive understanding of how a transcendent mode of thought 'thinks' see Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*. Trans. Brian Massumi (Bloomsbury Revelations, 2015), 8, 19. Deleuze and Guattari write that "Transcendence [is] a specifically European [and we can here add Western] disease" which promoted an arborescent way, or 'a tree-like' mode of thought that 'thinks' in terms of hierarchy and as a result it "plots a point, fixes an order" that the lower parts must imitate or adapt (without its wanting, of course) to this "universal concept" of its 'rules' or 'commands.'

[525] We, briefly, explored in **Chapter III** how Deleuze was influenced by Antonin Artaud's essay 'To Have Done with the Judgment of God,' in Susan Sontag (ed.) *Antonin Artaud: Selected Writings*. Trans. Helen Weaver (Farrar, Straus and Giroux Inc., 1976). Deleuze suggests that the transcendent morality dictates our Western mode of thought and existence, more generally, since Plato. This is what he characterises as the "triumph of the Judgment of God." See Gilles Deleuze, 'Plato, The Greeks'; 'To Have Done with Judgment' in *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998), 126-135, 136-137.

vast majority of Deleuze's critical comments about human rights revolve around – and as it has

been argued, are incorporated within – the philosopher's broader critique of the dominance of

a transcendent mode of thought throughout the history of the western philosophical (and

theological) tradition(s).

As such, it comes perhaps as no surprise that the few authors who have directly

commented on Deleuze's critique of human rights, have focused almost the entirety of their

examination on this, in some sense, primary dichotomy between transcendence and

immanence.[526] Nonetheless, such an examination remains, significantly, incomplete since it

neglects an important aspect of Deleuze's critique of human rights, namely his critical view on

what he conceives as a 'restoration' of the notion of a subject as "a reflective subject [who is]

the bearer of rights."[527] This 'reflective' subject, writes Deleuze, leads to a human rights mode

of thought, which "say[s] nothing about people's *becomings*."[528] As a result, this human rights

mode of thought and its reflective subject "inhibit becomings," and results in the "fettering" of

thinking and the blocking of "every analysis in terms of movement."[529]

Evidently, these statements remain rather enigmatic and they, justifiably, generate

multiple questions and/or problematisations. First, what does Deleuze mean by 'reflective' and

why does this so-called 'restoration' of the understanding of the subject as a bearer of rights

lead to the 'decadence' of thought and its 'fettering'? Secondly, what *is* this enigmatic notion

of becoming, or in better words, *how* is a Deleuzian becoming? Finally, how is this exploration

---

[526] Patton Paul, 'Immanence, Transcendence, and the Creation of Rights'; Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy,' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 15-31, 48-67. An exception to this is Patton's brief remarks on the notion of the Deleuzian 'becoming,' when he distinguishes between the 'virtual' and 'ahistorical' world of becomings and the 'actual' and 'historical' world of "majoritarian" subjects (meaning the actual human subjects in their everyday forms) (16). However, this discussion is incorporated within Patton's broader discussion on the distinction between transcendence and immanence and its relevance to Deleuze's critique of human rights.
[527] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 152.
[528] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze: A to Z* (Semiotext(e) DVD, 2004) [emphasis added].
[529] Gilles Deleuze with Antoine Dulaure and Claire Parnet, 'On Mediators' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 121-122.

and examination of the Deleuzian notion of becoming connected to the philosopher's critical remarks on human rights and what, if anything, does it add to our earlier analysis in the first half of the thesis?

2. Prolegomena to the 'Human' of Human Rights

An immediate response to the first question would be that Deleuze's reflective subject corresponds to the identity of the dominant understanding of the human subject, as this is manifested throughout the history of western philosophical thought. This becomes clearer once we recall our discussion of Deleuze and Guattari's *What is Philosophy?* in **Chapter II**.[530] In this book, Deleuze and Guattari argue that the equation of philosophy to 'reflection' is the result of the 'poisonous infiltration' of thought by the dominant, transcendent way of being.[531] As a consequence, a misconception of what it means to philosophise is generated. To put it simply, according to this way of conceiving what the 'act' of *doing* philosophy is, human beings are, for instance, placed above the rest of beings, a positioning that relies on the conception that humans hold a privileged position as bearer or reason and reflection and so forth, which, ultimately, grants them an exclusive authority to reflect and pass judgment upon the world and the rest of beings.

This understanding of the human subject is akin to what the French philosopher Alain Badiou calls "a reflexive subject."[532] According to Badiou, this form of the human subject can be described as "the active [though we can add here active in its *passivity*[533]], determining subject of judgment."[534] This 'passively active' character of the reflective or reflexive human

---

[530] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994).
[531] Ibid., 6.
[532] Alain Badiou, *Ethics: An Essay on the Understanding of Evil*. Trans. Peter Hallward (Verso, 2012), 9.
[533] Here, we use 'passivity' to signify that the activity of the subject is a mere reaction, as opposed to an affirmative, active process of creation (an *ethos*) as we explained in **Chapter III**.
[534] Ibid.

subject presupposes an understanding of its existence as *a sovereign* one. This is because the presupposed capacity of a human being to reflect and to 'judge' posits, as well as supposes, a rational or a moral being; one that is, each time, able to recognise and distinguish between universal, moral (and *very* political) categories of what is considered to be 'good' or 'evil', 'rational' and 'irrational.'[535] A classic manifestation of how western thought has defined the human subject in terms of its primacy (as 'the standing above' being) could be said to be located within Descartes' famous understanding of the *Cogito* as *the* plane of existence of the human subject. A comment, in this regard, by Werner Marx is illuminating: "*Cogitatio qua representation* on the part of the subject means: I put something in front of myself, so that that which is thus put in place is an object at my disposal, my command, something I can figure out."[536] Thus, the human subject can be said to be characterised in terms of 'concreteness,' or by a notion of 'totality.' It becomes the 'centre of the universe' and everything else is at its disposal, the objects that serve its purposes. This supposed ability of the human subject to reflect on everything else – this 'standing above' – suggests that the human is sovereign.

Indeed, many thinkers have stated that 'Modernity' can be understood as the age which is inaugurated by the notion of the "sovereignty of the subject."[537] Commenting on Martin Heidegger's ontology, Manfred Frank states that Heidegger and also the *neostructuralist* philosophers (Frank classifies, it should be noted, Deleuze in this category of philosophers) became critical of the proposition that "western thought comes down to a 'subjectivisation' of Being."[538] The so-called 'subjectivisation of Being' has been so influential upon thought that:

---

[535] On the 'centrality' of the human subject see, for example, the work of the Italian Renaissance philosopher, Giovanni Pico della Mirandola, esp. his *Oration on the Dignity of Man*. Trans. Robert Caponigri (A Gateway Edition Henry Regnery Company Chicago, 1956).

[536] Werner Marx, 'The Thought and Issue in Heidegger' in John Sallis (ed.) *Radical Phenomenology in Honor of Martin Heidegger* (Humanities Press, 1979), 14-15.

[537] See for example, Étienne Balibar, 'Citizen Subject' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 33; Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 183.

[538] Manfred Frank, *What is Neostructuralism?* Trans. Sabine Wilke and Richard Gray (University of Minnesota Press, 1989), 191; Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 183 makes a similar point when he states that "Modernity is the epoch in which the world was 'subjectified.'"

> "[…] one can and may characterise philosophy, at least modern philosophy
> (and within it above all German philosophy), as thought deriving from the
> unity of the subject. If there was one theme that gave profile and coherence
> to thought in modern times, it was the role this one and central thought of
> the *subject* played in it." [539]

What renders this epoch-defining proposition problematic is that the human subject becomes presupposed as occupying a position where it, merely, reflects and fulfils the *a priori* projected abstract and universalising conception-as-normalcy of human being that are, in at least one significant sense, detached from its lived experience. As a result of such subjectivisation, first, one speaks of a subject with a fixed and unchangeable identity which is, often, characterised by a certain 'arrogance' towards the rest of human and non-human beings and the world. This is because it is attached, in what often appears as a manically obsessive manner, to its non-empirical values and norms, values and norms that it considers absolutely moral, universal and steadfastly rational. Second, this 'attachment' and refusal to experience rather than pre-empt, to *experiment* or *think otherwise*, render the human subject as an indifferent 'passer-by,' or, as it has been said, an "existential tourist"[540] in the world, given that all of its connections or relations are mediated by these *a priori* assumptions of a subjectivity *that does not live*, in the name of its supposed unity and completeness that it holds and is held by, without ever encountering the world and *life*.

Further to this, there is another, closely interconnected, element that renders this understanding of the human *subject*, as the ground of 'a subject of human rights.' While the subject of Modernity could be characterised by a certain predisposed and defensive arrogance, its arrogance is to a great extent a 'hollow' one. Its aspired-dominance is haunted by an

---

[539] Ibid., 191-192.
[540] Pedro José Mariblanca Corrales, *Tiqqun and the Matter of Bloom in Contemporary Political Philosophy* (Little Black Cart, 2015), 82.

inevitable insecurity, an anxiety or even fear, human moods that are, often, manifested in a peculiar apposite form whereby a human subject can feel that it is unworthy of its otherwise privileged position. The Italian philosopher, Gianni Vattimo encapsulated, perfectly, this inescapable crisis that 'humanity' faces throughout Modernity by his call to take seriously the common joke that goes as follows: "'God is dead, but man isn't doing so well himself."[541] While Vattimo proceeds towards a different direction in his analysis, this crisis of humanity which can also be called the crisis of humanism in the face of the failure of the human subject to fill the vacuum left by the 'death of God', offers a critical insight to our investigation. According to this ever-present crisis at the heart of the subjectivisation of the human being, the subject finds itself in a peculiar or conflicted position at the very moment of its triumphant claim to universality and modernisation. On the one hand, it is a subject who has come into a certain stage of 'maturity' and so, as Thanasis Lagios puts it, is: "[weaponised] by … its ferocious criticism and an uncompromised doubt [about and for everything] the human took the position of its Creator and replaced theology with anthropology, religion with politics."[542] While, on the other hand, this subject feels an insecurity as it has not been able to be a 'worthy successor' to the divine, due to the questioning of its human-all-to-human ability to 'become God.' We can echo then, with Vattimo, that "the human lays a siege to and banishes God, without murdering Him, because he does not want to get rid of Him once and for all, but, secretly, […] wants to replace Him."[543]

While doubting is by no means something to be condemned, such doubting haunts here itself by a certain sense of negativity, since it cannot be detached by a sense of arrogance given the supposed superiority of the human subject upon which it is derived. As a result, this subject

---

[541] Gianni Vattimo, *The End of Modernity: Nihilism and Hermeneutics in Post-Modern Culture*. Trans. Jon A. Snyder (Polity Press, 1988), 32.
[542] Θανάσης Λάγιος (Thanasis Lagios), *Stirner, Nietzsche, Foucault*: *Ο Θάνατος του Θεού και το Τέλος του Ανθρώπου* (Futura, 2012), 10 [translation is mine].
[543] Ibid., 15 [translation is mine].

is both the reflexive subject of judgment, but at the same time it is "a passive, pathetic [*pathétique*]"[544] subject who needs constant defence and reaffirmation. A reaffirmation that is ultimately secured by a return back to so-called transcendent absolute and universal values, of which the human is supposed to be both the creator and their subject. Furthermore, this is a subject, who is completely 'separated' or even *alienated*[545] from the rest of the humanity and the world, but who is also a fearful and resentful subject towards the rest of beings and the world due to its self-induced insecurity. The subject is posed as superior and self-governing leading then to its total alienation and *ressentiment* of *life*.[546] As a result, this subject is led to a supposedly self-sufficient moral solidity but simultaneously to an existential impasse, as it

---

[544] Alain Badiou, *Ethics: An Essay on the Understanding of Evil*. Trans. Peter Hallward (Verso, 2012), 9.

[545] The concept of alienation has a long history in the tradition of Western philosophical and political or sociological thought and other disciplines. It is, usually, used to describe "a symptom or a condition" of human beings, which is characterised by notions of 'detachment' or 'estrangement' from something or someone. See, for example, Ernest Mandel and George Novack, *The Marxist Theory of Alienation* (Pathfinder, 1973), 5-6. Probably, the most well-known analysis of the notion is offered by Karl Marx. Drawing from the writings of Georg Wilhelm Friedrich Hegel and, primarily, those of Ludwig Feuerbach on religious alienation, Marx uses the term in order to signify "a domination of a subject by an estranged object of its own creation," where the subject is man (more specifically the worker or proletariat) and the object of domination is the capital created by the former's labour. Consequently, the worker turns into a "commodity" and thus, he becomes alienated from the product of his labour and to that extent from the labour itself, which constitutes his essential activity This alienation leads to the estrangement of the individual from its nature and its humanity, to what Marx calls "self-estrangement." Karl Marx, 'Economic and Philosophical Manuscripts of 1844 Question' in Robert C. Tucker (ed.) *The Marx-Engels Reader* (2dn ed. Norton and Company, 1978), esp. 70, 74-6. However, we use the term 'alienation' in a much broader sense from the Marxian one and his understanding of alienation as 'the turn' of the human subject into a commodity. With 'alienation,' we want to describe a condition that expands on much broader categories or even the whole of the human experience, which can be described as a totality of a *disinterested passivity* towards the human milieu and themselves, a form of a nihilistic stalemate. This understanding of alienation is strongly influenced by the work of Tiqqun, especially their *Theory of Bloom*. Trans. Robert Hurley (Little Black Cart, 2012), 124. As Tiqqun write, the human being of today's Western world is completely alienated from its environment and itself, because all its relations are mediated by the dominant language and the *spectacular* images and signs of today's world order (Empire, as they call it). Hence, for Tiqqun, "this is how Bloom [this is the concept they use to define the condition of today's Western human being] would like to understand himself: as foreign, as external to himself." Tiqqun have further equated this abstract being with the concept of the citizen of the Western society. See, for example, *This Is Not a Programme*. Trans. Joshua David Jordan (Semiotext(e), 2011), 102, where Tiqqun define citizens as "those who, at the very heart of the general conflagration of the social sphere, persist in proclaiming their abstract participation in a society that now only exists negatively." In that sense, there is a persistence to continue participating in an already 'dead and buried' social, political milieu due to a lack of thinking otherwise, a certain 'pacification' and 'numbness' of any of its capacities to resist this condition of 'Bloom,' due to a nihilistic disinterest on behalf of the human subject to explore different modes of being.

[546] It comes as no surprise that the so-called era of the 'Anthropocene' can be defined as an intensification of this arrogance of the human arrogance of self-sufficiency towards nature. See, for instance, Susan M. Ruddick, 'Rethinking the Subject, Reimagining Worlds (2017) 7(2) Dialogues in Human Geography 119, 119. Ruddick, correctly, remarks that "in the era of the Anthropocene, the ecological crisis is an ethical crisis." It is a crisis deriving from our way(s) of being and perceiving the world.

becomes unable to conceive innovative ways of existing and co-existing with the world outside of a dogmatic framework of conceptual and moral forms and limits in the name of *human rightness*.

It is, precisely, at this point, where we can redraw a relation between this understanding of the subject and human rights. The impetuous emergence of rights in the twentieth century (re)affirmed the aforementioned primacy of the unified, human subject and thus, led to one step further towards 'the replacement' of God by man in the law-making process and the 'privilege of judging.' Hannah Arendt writes:

> "The Declaration of the Rights of Man at the end of the eighteenth century was a turning point in history. It meant nothing more nor less than that from then on Man, and not God's command or the customs of history, should be the source of Law."[547]

Human rights are considered to be the rights held by a being that can be defined as 'human,' or as Ben Golder puts it, "in most orthodox human rights texts [we encounter] the 'mystifying form': 'Human rights are rights we have by virtue of being human."[548] This form points towards an understanding of rights as something which suggests that a sole and complete classification of a being under the category of what can be defined as 'humanity' or human entity is a sufficient ground in order for this being to be granted rights – and in particular, a certain universal category of rights that are to be understood and to be recognised as *human rights*. However, this so-called universally 'inclusivity' of humanity has been questioned by many authors and in different ways. It was, Arendt's experience in exile, as a Gemran-Jewish, that made it clear to her that the 'abstract' notion of 'humanity' was insufficient or even deficient. What became evident to her was "that before there can be any specific civil, political,

---

[547] Hannah Arendt, *The Origins of Totalitarianism* (Meridian, 1962), 290.
[548] Ben Golder, 'Foucaut, Anti-Humanism and Human Rights' (2009) [Unpublished] 1, 5.

or social rights, there must be such a thing as a 'right to have rights.'"[549] What Arendt aimed to achieve with this statement is to stress the impotence of (human) rights and their so-called benevolent project to protect the totality of humanity when they are faced with the predicaments of stateless people who do not have the right to 'access' human rights. As she writes:

> "The conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human. The world found nothing sacred in the abstract nakedness of being human."[550]

Hence, the notion of rights becomes immediately impotent to address the sufferings of human beings who are nonetheless nothing more than 'human,' i.e. they do not belong into any form of political community. The most exemplary form of such an impotence is the distinction between the rights of the human and those of the 'citizen,' whereby, as Agamben writes, "in the system of the nation-state, the so-called sacred and inalienable rights of [hu]man show themselves to lack every protection and reality at the moment in which they can no longer take the form of rights belonging to citizens of a state."[551] In that case, we can postulate that something more than 'humanity' is needed in order for someone to be protected by (human) rights. At present, legal, political or some other sense of public membership or state recognition are essential 'features' that can, and for the most part only they can, turn a 'human' being into the 'human' that is protected by (human) rights.[552] What haunts the self-proclaimed

---

[549] Stephanie DeGooyer, Alastair Hunt, Lida Maxwell, Samuel Moyn, *The Right to have Rights* (Verso, 2018), 2.
[550] Hannah Arendt, *The Origins of Totalitarianism* (Meridian, 1962), 299.
[551] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen (Stanford University Press, 1998), 126.
[552] Giorgio Agamben, *Means Without Ends*, Trans. Vincenzo Binetti and Cesare Casarino (University of Minnesota Press, 2000), 15-28.

universality of human rights is then, we could say, the insecurity of those that have no right to have rights and who nonetheless belong to the otherwise declared all-encompassing set of humanity.

The syntagmatic issue of what determines the line-drawing between inclusivity and exclusivity with regard to righthood[553] – and, thus, the critical question of what fundamental quality is necessary to *actually* qualify someone as a beneficiary of the system of supposedly all-encompassing human rights protection – is of indisputable importance within the critical literature on the theory, practice and politics of human rights, given the ever-changing (whether progressively or regressively) boundary-shifting towards the erosion or recognition of new categories of the 'human' of rights,[554] our focal point lies elsewhere.

Our inquiry is especially interested in the hypothesis that human rights' thought promotes a particular theoretical framework that, as Deleuze writes, incessantly 'restores', reproduces and strengthens the 'authority' placed upon the reflective or reflexive subject as a presupposed unified, self-sufficient and closed (to whatever is posed as its 'outside') entity. To that extent, human rights could be said to be a device that (re)produces a subject that becomes even more alienated, even more arrogant and insecure, or something akin to what Herbert Marcuse calls a subject of 'one-dimensional' thinking, when its very sovereignty, self-sufficient and freedom are declared as absolute and all-encompassing. Marcuse lamented of

---

[553] Further to the discussion on whether human rights are potentially a new form of imperialism through the imposition of Western values worldwide and thus a form of a exclusion of anything non-Western as non-human (**Chapters I** and **II**), another striking example of this inclusion-exclusion issue is the question whether women are to be considered 'equally human' or 'human' at all and this is the question posed by Catharine McKinnon, *Are Women Human?: And Other International Dialogues* (Harvard University Press, 2006), 10: "Despite this level of acceptance of sex equality as a principle, women's actual second-class status continues to be concealed, therefore maintained, by pervasive practices, among which is the tendency of law to present functioning divisions of power as a discourse in ideas of right and wrong, garbing politics as morality."

[554] See for example, Gunther Teubner, 'Rights of Non-Humans? Electronic Agents and Animals as New Actors in Politics and Law' (2006) 33(4) Journal of Law and Society 497, 520-521; where Teubner states that "law is opening itself for the entry of new juridical actors - animals and electronic agent" as a result of an emerging ecological discourse that does not focus entirely on a notion of a "fully fledged human subjectivity in order to open new political dynamics." Following this line of thought it is possible that human rights may expand the subject of their protection to, potentially, protect animals or plants by moving further the boundaries of the definition of humanity. See also Costas Douzinas, *The Radical Philosophy of Rights* (Routledge, 2019), and especially the outline approach of the Prologue.

course the one-dimensionality of society and of the 'man' who has lost the potential to think otherwise than under the spell of the prevalent norms of existence:

> "Thus emerges a pattern of one-dimensional thought and behaviour in which ideas, aspirations, and objectives that, by their content, transcend the established universe of discourse and action are either repelled or reduced to terms of this universe. They are redefined by the rationality of the given system and of its quantitative extension."[555]

Similarly, our hypothesis is that this rights' mode of thought is one-dimensional in its observations of 'humanity', and in that it also (re)produces a particular form of subjectivity enshrined in legal personality that solidifies its 'one-dimensional' modality. To that extent, the 'uncreative' character of 'the human' of human rights subsumes all of its existence, leading to 'the blocking' and 'fettering' of becoming(s), as Deleuze argues, and thus, the human becomes impotent towards *thinking otherwise*. A subject's alienation from the immanent contingency within which it lives, is a *life* devoid of encounters.

Yet, this rather gloomy picture is not the endpoint of our critique and thinking, since the possibility of *transforming* the manner in which we find ourselves in the *situation* of the world (and, thus, not necessarily *changing* the world) cannot be made redundant. It is towards this potentiality of transformation and change to one's manner that Foucault points, perhaps, when he writes that:

> "In the course of their history, men have never ceased to construct themselves, that is, to continually displace their subjectivity, to constitute themselves in an infinite, multiple series of different subjectivities that will never have an end and never bring us in the presence of something that would be "man." Men are perpetually engaged in a process that, in

---

[555] Herbert Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (Routledge, 2006), 14.

constituting objects, at the same displaces man, deforms, transforms, and transfigures him as a subject."[556]

There is a potentiality to create new ways of being that move beyond the current 'uncreativeness' and impasse of the 'subject', and the Deleuzian rethinking of 'becoming' is, potentially, a way of "destroying how we are" and, to that extent, lead to, what he describes as, "total innovation."[557] It is with this in mindset that we arrive at the last and most important set of our aforementioned questions/problematisations – the problematisation(s) of 'becoming.' Deleuze and Guattari are clear, in their definition, as to what a becoming *is not*, namely: "[it] is certainly not imitating, or identifying with something; neither it is regressing-progressing; neither is it corresponding, establishing corresponding relations; neither is it producing, producing a filiation or producing through filiation."[558] However, when they come to the point of defining what a becoming *is,* their response is succinct but enigmatic.

Deleuze and Guattari write: "Becoming is a verb with a consistency all its own."[559] The complexity of examining this notion (as with the notion of immanence, discussed in **Chapter II**) arises out of the fact that by the time we impose a 'fixed' sense of identity upon it, we are led back to the problem of the understanding of the subject as a presupposed unity. Indeed, Deleuze's becoming is not about 'naming' (in the philosophically technical sense of giving an *essence* to a thing). It is rather "about the *circumstances of the emergence of a thing.*"[560] However, despite the 'refusal' of a becoming to 'respond' to the classical philosophical question (*what* is it?), it calls us to think about its sense, or the 'sensibilities', that it has the potentiality to cause – that is, a call to be *attentive* to 'becoming(s).' *It is in a sense the un-*

---

[556] Michel Foucault, 'Interview with Michel Foucault' in James D. Faubion (ed.) *Essential works of Foucault 1954–1984, Vol 3: Power*. Trans. Robert Hurley (Penguin, 2002), 276.

[557] Ibid., 274.

[558] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015), 279.

[559] Ibid.

[560] Constantin V. Boundas, 'Deleuze's Difference' in his (ed.) *Deleuze and Philosophy* (Edinburgh University Press, 2006), 11.

thought (or undefinable) that, yet must be thought. It is more appropriate, then, to ask the question of *how* a becoming is, because a becoming, as we argue below, is to be thought as a force of transformation that calls for an openness that suspends any notions of unity or 'wholeness.' It is, therefore, possibly conceived as a *tool* to be used in order to 'suspend' or 'disorient' this unity and to, in effect for our purposes, destruct the sovereignty of the subject of human rights. Thus, becoming's ability to destruct this supposed sovereignty of the human subject points towards a different mode of existing and thinking (an *ethos*) and of *doing politics*, as we will explore in this chapter. It is precisely this ethico-political aspect of becoming what gives importance to the exploration of the notion, because thinking in terms of becoming is, as we suggest, another step towards an *ethos* and a politics which are, fundamentally, *an-archic – a line of flight* out of the dogmatism and hierarchy of the subject of human rights – the human subject.

This chapter shifts the focus of discussion from the transcendent, speculative or 'other-worldly' Subject, to a subject of this very world, who turns up to be oppressor and oppressed. This chapter aims to think of the Deleuzian notion of 'becoming' as extensively as possible for the purposes. It begins, thus, with two explanatory 'demonstrations' and works its way towards an examination. The first two sections (**Section I** and **II**) that follow aim to expand on the earlier discussion on the dominant understanding of the human subject, and on the subject of human rights within the western tradition as a unified, closed entity. **Section III**, by examining the *how* of becoming, aims to challenge the current framework of the subject of rights and to offer some insights on how this 'challenge' opens-up a certain potential for new ways of *thinking*, for a becoming-*otherwise* of thought.

I. How did we become subjects of the *subject*?

1. *Subjectum*, *Subjectus* **and the Latin 'misnomers' of the Aristotelian** *hypokeimenon* **[ὑποκείμενον]** *and ousia* **[οὐσία]**

In **Chapter I**, we set the scene in relation to how a dominant notion of the subject came into being in western thought. In this section we aim to expand on that notion in order to demonstrate how the sovereign subject of Modernity became 'the precursor' of the subject of human rights – a subject which possesses a far more intensified sense of unity for itself and to that extent a notion of privileged, as well as vulnerable position. As, the French philosopher, Étienne Balibar observes, "the category of the subject is more central to philosophy now than ever before"[561] and this centrality led to the genesis of an etymological problem. He continues, and it is worth quoting further:

> "At the heart of the problem is more or less explicit 'play of words' found in the Latin etymology of the term [meaning the term 'subject']: on the one hand, we have the neutral term *subjectum* that philosophers since Scholasticism have considered as the translation of the Greek *hypokeimenon* [*το ὑποκείμενον*] (substratum or support); on the other hand, we have the masculine term *subjectus*, which is understood to be equivalent to the medieval *subditus* (subordinate)."[562]

The above passage of Balibar's illuminates further 'the double-character' of the human subject in the way we refer to it above, that is as both sovereign *and* vulnerable (or reflective *and* passive, in Badiou's terms), through a presupposed double-understanding of the human. These two formative terms in European philosophical doctrine as well as legal thought, *subjectum* and *subjectus* – the first being, more broadly, a matter of philosophical endeavours while, the

---

[561] Étienne Balibar, 'The Subject.' Trans. Roland Végső (2003) Ignorance of the Law 9, 9.
[562] Ibid.

second is, more broadly, a matter of political history[563] – are in a constant relation with one another, of which the outcome is, perhaps, the very form of the embodiment of the subject of Modernity as a subject.[564] To that extent, it is important to delve into a brief examination of the etymology of the two terms in order to shed further light to 'the formation' of the human subject as we know it.

Subjectum is the Latin translation of the Ancient Greek, and more specifically, Aristotelian notion of the *hypokeimenon* [*το ὑποκείμενον*]. Etymologically, the *hypokeimenon* can be said of this thing that 'lies under' one existing thing, 'the support' or 'the substratum,' as Balibar notes.[565] In that sense, we can say that the *hypokeimenon* in the above understanding can be conceived as 'a foundation' or 'a ground,'[566] something that can point towards the modern understanding of the term 'substance' or 'essence.'[567] Nonetheless, it is crucial to note that for Aristotle and the Ancients this understanding of the *hypokeimenon* and substance as *ousia* [*οὐσία*] is completely other to the way we tend to understand these terms – and in particular to our understanding of the human *subject*.

Indeed, when Aristotle refers to something akin to the modern understanding of a being (and to this category we can also include the human subject), the terminology that he uses is that of *on* [*ὄν*] or in their plural the *onta* [*ὄντα*] and thus, a human being is called an *anthropinon on* [*ἀνθρώπινον ὄν*].[568] In order to understand, however, how the *subjectum* (as the human

---

[563] Costas Douzinas, *The Radical Philosophy of Rights* (Routledge, 2019), 51.

[564] This is what is argued, apart from Balibar, by Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), and Andreja Zevnik, 'Becoming-Animal, Becoming-Detainee: Encountering Human Rights Discourse in Guantanamo' (2011), 22 Law and Critique 155.

[565] Étienne Balibar, 'The Subject.' Trans. Roland Végső (2003) Ignorance of the Law 9, 9.

[566] Félix Duque, *Remnants of Hegel* (State University of New York Press, 2018), 1.

[567] See, C.D.C. Reeves, 'Notes' in Aristotle's *Physics* (Hackett Publishing, 2018), 216.

[568] See for example, Aristotle, *Physics*. Trans., with Intro and Notes C.D.C. Reeves (Hackett Publishing, 2018), *Book I*. For the comparison made between the English and Modern Greek translations and the original Ancient Greek texts, we used: Αριστοτέλης (Aristotle), *Φυσικά: Βιβλία Α'-Β' (Αρχές, Φύση, Αίτια, Τύχη, Ανάγκη)*. Πρόλογος Δημήτρης Λυμπούρης. Εισαγωγή-Μετάφραση-Σχόλια Βασίλειος Μπετσάκος (Εκδόσεις Ζήτρος, 2010). Commentators suggest that we need to distinguish between this notion of the *anthorpinon on* or *anthropos* and the modern understanding of the human subject (deriving from the latin *humanitas*). For example, Nishitani Osamu suggests that *humanitas* as this notion of the reflective human subject is merely one (very western) version of *anthropos*. Instead, the notion of *anthropos* opens up new possibilities to think about the place of the human in and its relationship with the world as one of reciprocity. As he writes in his '*Anthropos* and *Humanitas*: Two

subject) came to acquire some of the characteristics of the Aristotelian notions of the subject and substance we need to delve, briefly, into some of the ways the philosopher defines or describes the *hypokeimenon* and *ousia* [οὐσία]. In his *Book I* of *Physics*, Aristotle endeavours in an investigation aiming at acquiring a scientific knowledge of nature. Such an endeavour is based on three features that characterise "all methodical inquiries in which there is knowledge,"[569] namely "starting-points (or principles, or primaries), causes and elements."[570] Hence, Aristotle remarks that the first task for arriving at a scientific knowledge of nature is "to try to determine the starting-points."[571] He then proceeds by refuting the arguments made by some of his predecessors such as Heraclitus, Melissus, Parmenides and Anaxagoras on the issue of the number(s) of movement or immobility of the starting-point, in order to arrive in Chapter VII of *Book I* to the presentation of his own account. Aristotle remarks that for every change that occurs (every *coming to be* [γίγνεσθαι] as he calls it), "there must always be some underlying subject that comes to be [something]."[572] To that extent, things are subject to changes and these changes can produce a multiplicity of outcomes, nonetheless it is paramount that there is an underlying subject in order for a change to occur. The philosopher proceeds by drawing a crucial point:

> "Things, though, are said to come to be in many ways, and some things are
> said not to come to be but to come to be a *this something*, whereas only
> substances are said to come to be unconditionally. In the other cases, by
> contrast, it is evident that there must be some underlying subject that comes
> to be [something]. For when a quality, a quantity, a relation to something

Western Concepts of The Human Being' in Naoki Sakai and Jon Solomon (ed.) *Translation, Biopolitics, Colonial Difference* (Hong Kong University Press, 2006), 272: "'*Anthropos*' is not a candidate for promotion to '*humanitas;*' it is the term for human beings placed under the gaze or relationship of reciprocity. We must now mirror the position of '*anthropos*' back to '*humanitas.*'"

[569] Aristotle, *Physics*. Trans., with Intro and Notes C.D.C. Reeves (Hackett Publishing, 2018), *Book I,* Chapter I, 184a9.
[570] Ibid., 184a10-11.
[571] Ibid., 184a15-16.
[572] Ibid., 190b14-15.

else, or a place comes to be, it is *of* some underlying subject, because a *substance is the only thing that is never said of any other underlying subject, whereas all the others are said of a substance.*"[573]

The above passage shows that things can become something else in multiple ways but substances (here the plural is important, since Aristotle shows that there are in fact multiple substances), are beings that come to be 'unconditionally.' Thus, substances, "the things that are unconditionally beings,"[574] are to be understood as a fundamental pillar that makes something what *is*, for example, a human being and not a dog. Substances, while are subjected to change – *they come to be*, according to Aristotle, they remain the same in a sense, or they do not lose their fundamental *beingness*. According to Nathan Widder, Aristotle's account in *Book I* of *Physics* can be summed-up as an account of "the universe [which] is presented as a multiplicity of substances governed by a plurality of principles, each substance having essential attributes but also capable of receiving changes while remaining the same."[575] For, example, following Aristotle, a human being can become from 'unmusical,' 'musical' by learning how to play the guitar or sing. In a similar fashion, if the same being, after years of non-practising with the guitar, forgets how to play the guitar, then its 'musical state' can shift towards an 'unmusical one.'[576] Yet, what remains the same, at least in a sense, is that this being will still be considered as a human being. From this, we can see how substances came to be characterised by a 'self-sufficiency' and a primacy, in the sense they are 'never said of any other underlying subject,' in contrast to other things that cannot be characterised as substances because they need substance to subsist (they are the attributes of the substance). This is crucial here, because this understanding of substances, and in particular the understanding of a human subject as a

---

[573] Ibid., 190a31-37, [emphasis added].
[574] Ibid., 190b1-2.
[575] Nathan Widder, *Genealogies of Difference* (University of Illinois Press, 2002), 64.
[576] Aristotle, *Physics*. Trans., with Intro and Notes C.D.C. Reeves (Hackett Publishing, 2018), *Book I,* Chapter I, 190a28-32.

substance (and thus as unchangeable in a sense), is a first step towards to the formation of the 'sovereign' human subject of modernity, as we will explain below.

A further passage that manifests a primacy of substance or *ousia* [οὐσία], in a form of an 'Eternal Being' is to be found in *Book II* of Aristotle's *Generation and Corruption,* where the philosopher states:

> "Coming-to-be and passing-away will, as we have said, always be continuous, and will never fail owing to the cause we stated. And this continuity has a sufficient reason on our theory. For in all things, as we affirm, Nature always strives after 'the better.' Now 'being' (we have explained elsewhere the exact variety of meanings we recognize in this term) is better than 'not-being': but not all things can possess 'being,' since they are too far removed from the 'originative source.' God therefore adopted the remaining alternative, and fulfilled the perfection of the universe by making coming-to-be uninterrupted: for the greatest possible coherence would thus be secured to existence, because that 'coming-to-be should itself come-to-be perpetually' is the closest approximation to eternal being."[577]

What Aristotle suggests here is that there is a hierarchy in the universe that dictates constant change (coming-to-be and passing-by) of all things, in order to drive them in accordance to the principle that 'Nature always strives after 'the better.'' This betterment of beings is achieved through this "eternal generation" "and according to the degree with which different kinds of natural entities manage to accomplish Being (where Being is to understood as substance or

---

[577]Aristotle, *Generation and Corruption Book II*. Trans. H. H. Joachim [online] http://classics.mit.edu/Aristotle/gener_corr.2.ii.html [Accessed 10 June 2019].

ousia [οὐσία]).”[578] In this sense, we can speak of a process of *mimēsis* [μίμησις], because beings, through their constant coming-to-be, become better by getting closer to the Eternal Being and thus they try in a sense to imitate Its 'perfect nature.' Here, then, there is a teleological element, a *telos* in the universe of Aristotle, that is manifested by the final approximation to the Eternal Being (which is also the *archē* [ἀρχή], the initiator of movement). Hence, we can also speak of a cyclical movement, where the Prime and unmoved mover initiates the constant coming-to-be of beings, with a final purpose the approximation to Its eternality.

As such, what we can observe from the above passages of the *Physics* and of *Generation and Corruption*, is that the underlying subject or the foundation/the substratum is characterised by a 'stability' and 'sameness' and thus, it stands firm to the changes that it is subjected to. Furthermore, especially from the passage of *Generation and Corruption*, we can observe an understanding of a hierarchy in the universe where an unmovable, Eternal Being dictates the movement of the rest of beings. This Eternal Being, as we stated above, was understood as an underlying principle, or a substance, an *ousia* [οὐσία].

Ultimately, from this brief examination of the Aristotelian definitions of *hypokeimenon* and *ousia*, we arrive at two significant, for our purposes, points. First, we saw that Aristotle does not refer to a substance or a subject in the way we perceive it today. However, secondly, we can see how the Modern subject, through the Latin misnomer of *hypokeimenon* as *subjectum* came to be further understood as a unity, a concrete and closed entity (hence having a teleological aspect, *a telos*), which is characterised by a certain sense of 'sovereignty' (or as Aristotle writes for substance, 'an unconditionality'). It is these translated and later

---

[578] Diana Quarantotto, 'A Dynamic Ontology: On how Aristotle arrived at the conclusion that Eternal Change Accomplishes *Ousia* in Mariska Leunissen (ed.) *Aristotle's Physics: A Critical* Guide (Cambridge University Press, 2015), 164.

Christianized or canonized features that, as we aim to show below, arguably led to a certain extent, towards 'the reflective side' or primacy of the human subject.

Having examined the one aspect of the modern manifestation of the human subject (*subjectum*), we can now move on to the second, that of *subjectus*. The *subjectus* is manifested as the other point of 'the spectrum of power.' What we mean by that is that while the *subjectum* is sovereign and primary, the *subjectus* is subordinated – it is important to consider how the *subjectum* is that which *under*-lies and thus, supports and the *subjectus* is that which is thrown *under* and thus, it is subordinated. As Douzinas writes, the *subjectus* "signifies subjection, subjugation, submission. It exists in a relationship of command and obedience, of inferiority to superiors."[579] Thus, the *subjectus* manifests a subject which is subordinated to a higher form of authority, be that purely divine (God) or earthly with theological features (under the authority of Kings or any other form of political or legal authority). To that extent, we could say that the identity *subjectus* was standing as 'a mirror' which was reflecting "the unity of the divinity – the uniqueness of the one God, and the correlative singularity of the sovereign."[580] Historically, the subordinated subject can be said to precede the sovereign subject, in the sense that the human being, before its so-called liberation during the Enlightenment era and Modernity, more broadly, was subjected to the aforementioned forms of authority. However, with the emergence of the 'age of reason' and the centrality that the human subject acquired in sciences and philosophy, we witness the beginning of the fusion of the *subjectum* and *the subjectus* and the emergence of the modern human subject.

With this brief examination of the two terms, we can now proceed to the next sub-section examining how they came to form the identity of the human subject of Modernity. In order to do so, we delve next into the philosophical understanding of the subject in the two

---

[579] Costas Douzinas, *The Radical Philosophy of Rights* (Routledge, 2019), 50.
[580] Peter Goodrich, 'Social Science and the Displacement of Law' (1998) 32(2) Law and Society Review 473, 476.

works of René Descartes and Immanuel Kant that have been arguably the most influential in the modern understanding of the subject.[581]

2. Descartes' *Cogito*

René Descartes' 'thinking thing' came to revolutionise the then philosophical tradition and to establish the centrality and primacy of the human in the world. It is due to this innovation that his philosophical legacy is, often, regarded as the inauguration, or "point of departure"[582] as Heidegger suggests, of modern philosophical thought.[583] Anthony Kennedy remarks:

> "It is true that Descartes initiated a new, individualistic, style of philosophising. Medieval philosophers had seen themselves as principally engaged in transmitting a corpus of knowledge; in the course of transmission they might offer improvements, but these remain within the bounds set by tradition. Renaissance philosophers had seen themselves as rediscovering and republicizing the lost wisdom of ancient times. It was Descartes who was the first philosopher since Antiquity to offer himself as a total innovator; as the person who had the privilege of setting out the truth about man and his universe for the very first time."[584]

But how does Descartes proceeds in order to cement the centrality of the human subject as the 'thinking thing'? Descartes' philosophical quest marks an effort to draw a new beginning by illustrating a method of philosophising by systematically doubting everything. This systematic doubt leads to a questioning of the 'truthfulness' of everything that 'enters the mind' is a mere

---

[581] The choice of the two philosophers as two important points for the formation of the 'modern subject' is, largely, based on Alain Badidou's remarks. Badiou identifies Descartes and Kant as two significant moments that lead to a subject's modern identity as a 'totality.' See Alain Badiou, *The Century*. Trans. Alberto Toscano (Polity Press, 2007), 16-167.
[582] Martin Heidegger, *Being and Time.* Trans. John Macquarrie and Edward Robinson (Blackwell, 2000), 71.
[583] Anthony Kenny, *The Rise of Modern Philosophy* (Oxford University Press, 2008), 33.
[584] Ibid., 40.

illusion ("I resolved to pretend that everything that had ever entered my head was no more true than the illusions of my dreams"[585]). Through doubting, however, Descartes notices that in order for doubt to take place, there must be an agent who is doubting and he bestows upon this agent, the 'I', an element of truth. "But immediately afterwards I noted that, while I was trying to think of all things being false in this way, it was necessarily the case that I, who was thinking them, had to be something; and observing this truth: *I am thinking therefore I exist*, was so secure and certain [...]."[586]

This is the first time in Descartes' corpus that we encounter the famous *cogito ego sum* (*I am thinking therefore I exist*). The 'thinking thing' is transformed into 'a ground' and a starting point for all doubting and knowledge to take place. Descartes' purpose becomes more evident in his *Meditations on First Philosophy*. He defined the purpose of his philosophy as a quest aiming towards the erasure of presuppositions that would, ultimately, lead to scepticism and as such, he tries to eliminate "everything in which there is the smallest element of doubt" by aiming to arrive at a point where he would find something which is *certain*.[587] Descartes' point of certainty is something to be consider "unmovable" and "unshakable", as he states.[588] To that extent, he avoids to define the human being in the way that the Scholastic tradition tended to define it as a rational animal.[589] As he stresses in *Meditation II*, we must avoid defining the human as a 'rational animal' because this train of thought would lead us to further questions, in a form of an infinite regress. "But what is a human being? Shall I say, 'a rational animal?' No, for then I should have to examine what exactly an animal is, and what 'rational' is, and hence, starting with one question, I should stumble into more and more difficult

---

[585] René Descartes, *A Discourse on the Method*. Trans. Ian Maclean (Oxford University Press, 2006), 28.
[586] Ibid.
[587] René Descartes, *Meditations On First Philosophy*. Trans. Michael Moriarty (Oxford University Press, 2008), 17.
[588] Ibid., 18.
[589] Scholastic philosophers based this definition of the human being o the distinction made by Aristotle on the soul of human beings between the rational and irrational part in his *Nicomachean Ethics* and thus, humans are to be distinguished by other animals and plants because of their capacity to reason. See, Aristotle, *Nicomachean Ethics*. Trans. Robert Crisp (Cambridge University Press, 2004) Book I Chapter 13, 20-23.

ones."[590] In particular, this definition of man as a rational animal would have led us to question the meaning of 'rationality' and 'animality' and then to account for a "series of objective presuppositions,"[591] such as questions of differences of genus. On the other hand, Descartes believes that he solves this problem by suggesting that by the time that we convince ourselves of something, even if this something is deceitful, false or the fact of our non-existence, we are certain that we exist because *we think* ("So that, having weighed all these considerations sufficiently and more than sufficiently, I can finally decide that this proposition, 'I am, I exist', whenever it is uttered by me, or conceived in the mind, is necessarily true"[592]). The *Cogito*, then, is sufficient for Descartes in order to avoid all the presuppositions and the questions that the aforementioned terms are capable of generating. The 'thinking thing' achieves here all 'its glory' by becoming the foundation for all knowledge and it further offers security and *certainty* against all the challenges faced by extensive and radical forms of scepticism.

It becomes evident that Descartes' dogmatism functions as 'a tool' against the scepticism of doubt. His 'invention' of the 'thinking thing' as the foundation, puts the human subject at the centre of the world and the whole of existence. The subject that meditates and thinks, turns the world into an 'object' for it to meditate upon, and thus the subject is within the world, but *separated* (standing above). It follows then that here we, possibly, witness the beginning of the *subjectum* element of the modern subject, in the sense that the human is recognised as 'the ground' that *reflects, or that subject that passes its judgment*. But if Descartes laid the foundations for the autonomy and sovereignty of the human, can we suggest that he progressed towards a 'way out' of the *subjectus*, by liberating the human from any form of authority? Our reply to this question is a negative one.

---

[590] René Descartes, *Meditations On First Philosophy*. Trans. Michael Moriarty (Oxford University Press, 2008), 18.
[591] Gilles Deleuze, *Difference and Repetition*, Trans. Paul Patton (Columbia University Press, 1994), 129.
[592] René Descartes, *Meditations On First Philosophy*. Trans. Michael Moriarty (Oxford University Press, 2008), 18.

The *Cogito* is assured of its correctness by the fact that it can see itself "clearly and distinctly."[593] Hence, it is true. But then how are we able to know that whatever we see clearly and distinctly is true – what is our *guarantee*? The answer that is given by Descartes is that God is the 'perfect Being', as he calls Him. Descartes' proof for the existence and primary position of God in the process of existence of the world in general, and of the human subject as a 'thinking thing' in particular, is a simplistic one. He, merely supports that with the same simplicity that I can think and establish basic truths in mathematical and geometrical terms, I can also establish the existence of the 'perfect Being' which is necessary for my own existence.

> "But now, if, from the fact alone that I can produce the idea of a given thing
> from my thought, it follows that everything I clearly and distinctly perceive
> to belong to the thing does in fact belong to it, cannot I also find here a
> further proof of the existence of God? Certainly, I find the idea of him, that
> is, of a supremely perfect being, in myself, just as much as I find the idea
> of any shape or number. And I clearly and distinctly understand that eternal
> existence belongs to his nature – just as clearly and distinctly as I
> understand that the properties I can demonstrate of some shape or number
> belong in fact to the nature of that shape or number. So that, even if not all
> the conclusions I have come to in my meditations over the past few days
> were true, I would still have to ascribe the same degree of certainty to the
> existence of God that I up to now have ascribed to mathematical truths."[594]

The proof for the necessity of the existence of God in Descartes corpus, brings in an interplay the two elements of the modern subject, potentially, for the first time. The primacy of the subject as the 'thinking thing,' the centre of knowledge established (*subjectum*), nonetheless it

---

[593] Anthony Kenny, *The Rise of Modern Philosophy* (Oxford University Press, 2008), 37.
[594] René Descartes, *Meditations On First Philosophy*. Trans. Michael Moriarty (Oxford University Press, 2008), 47.

is not freed totally by its subordinated position to a higher being and its commands, namely God (*subjectus*). Thus, we can conclude that Descartes may not have 'killed God' with the method of doubting – quite the contrary, as he strengthened the belief in Him through the belief in His necessity – but, he managed, to a great extent, to make human beings "masters and possessors of nature."[595]

3. Kant's Copernican Revolution and the Cartesian Subject

Immanuel Kant aimed to revolutionise the way of doing philosophy. For him, the age of Enlightenment is defined as "*man's emergence from his self-imposed immaturity. Immaturity is the inability to use one's understanding without guidance from another. This immaturity is self-imposed when its cause lies not in lack of understanding, but in lack of resolve and courage to use it without guidance from another.*"[596] As such, a central aspect of his philosophical revolution was to the aim to make a decisive contribution, that, would ultimately lead to the 'maturity' of the Cartesian subject, by establishing this subject as the indisputable centre of knowledge. Thus, Kant inaugurated the strong anthropocentrism of western philosophical tradition, deriving from the autonomy of the human subject. Wolcher remarks:

> "Kant gave the human subject a form that did not need to be derived from any authority beyond its own capacity for rigorous self-awareness. Elbowing the deity aside, with Kant's assistance the primitive Cartesian thinking thing (*Res Cogitans*) grew into a wholly new *subjectum* and ground of everything that is, or rather, of everything that can be thought about or experienced by human beings. In the guise of pure reason, Kant's transcendental subject became a fixed and abiding being, hardwired from

---

[595] René Descartes, *A Discourse on the Method*. Trans. Ian Maclean (Oxford University Press, 2006), 51.
[596] Immanuel Kant, *An Answer to the Question: 'What is Enlightenment?'* Trans. H.B Nisbet (Penguin Great Ideas, 2009), 1.

birth with 'forms of intuition,' 'faculties' and 'categories' that allowed it to organise and make sense of experiences."[597]

Following this line of thought, in this sub-section, we want to focus on how the Copernican Revolution of Kant in philosophy contributed to the formation of the autonomous subject, which is at the same time the subjected subject of moral law and 'duty.' Our thesis is that this subject reflects to a great extent the subject of human rights, and so we aim to demonstrate in the following section.

Just like Copernicus reversed the then common belief that the sun revolves around the earth by proving that it is the earth that revolves around the sun, Kant aimed to do the same for the common idea of his age on the relationship between subject/object and knowledge. In his *Critique of Pure Reason* Kant explicitly refers to this analogy by stating that:

> "Thus far it has been assumed that all our cognition must conform to objects. On that presupposition, however, all our attempts to establish something about them *a priori*, by means of concepts through which our cognition would be expanded, have come to nothing. Let us, therefore, try to find out by experiment whether we shall not make better progress in the problems of metaphysics if we assume that objects must conform to our cognition. This assumption already agrees better with the demanded possibility of an *a priori* cognition of objects – i.e., a cognition that is to ascertain something about them before they are given to us. The situation here is the same as was that of *Copernicus* when he first thought of explaining the motions of celestial bodies."[598]

---

[597] Louis E. Wolcher, *The Ethics of Justice Without Illusions* (Routledge, 2016), 221.
[598] Immanuel Kant, *Critique of Pure Reason: Unified Edition (with all the variants from 1781 and 1787 Editions)*. Trans. Werner S. Pluhar (Hackett Publishing Company, 1996), 21.

Here, Kant's, not so modest, analogy with Copernican revolution suggests a reversal in terms of knowledge or the mind of the thinking subject (cognition as he refers to it).[599] The question or problematisation of how our knowledge can conform to its objects, is now reversed and thus, we should begin with the notion that it is the object(s) that must conform to our knowledge. But what are the results of this reversal? Now the 'thinking thing' of Descartes becomes a subject that thinks about and experiences the world (the object of its thinking and its experience), based on its own capacities, since with the presupposition that all cognition exists in the subject, the subject becomes able to organise "the manifold sensations and representations that bombard [it and thus, these sensations and representations] can be synthesised and make the world appear, insofar as they belong to a subject."[600] Hence, the position of the thinking subject, or in better words the knowing subject, at the centre of knowledge is paramount for the organisation of the world which appears before it. Without the contribution of the subject to the aforementioned organisation, the sensations and representations would have been mere chaos, pure and simple. But in order for the subject to be able to organise its perceptions, there is a need for an *a priori* and universal form of knowledge, and, according to Kant, these are based on a "genuine universality"[601] of laws that are necessary for the formation and organisation of the 'subject's world.' This is because the subject needs to possess concepts of knowledge, which are independent from experience and they are universal, in the sense that they are to be found "in the mind prior to the perception of any object,"[602] in order to be able to generate a process of organisation (and here we can add of 'reflection' and judgment) upon its empirical encounters. This is what Kant calls *pure*

---

[599] For a further discussion on Kant's reversal see Levi R. Bryan, *Difference and Giveness: Deleuze's Transcendental Empiricism and the Ontology of Immanence* (Northwestern University Press, 2008), 1-4.
[600] Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 189.
[601] Immanuel Kant, *Critique of Pure Reason: Unified Edition (with all the variants from 1781 and 1787 Editions)*. Trans. Werner S. Pluhar (Hackett Publishing Company, 1996), xxiv, 45.
[602] Ibid., 80.

intuition as opposed to *empirical* one.[603] In consequence, this leads Kant to distinguish between two forms of knowledge, one that is *a priori* and it is, as we have demonstrated, independent of our empirical experiences and one *a posteriori,* which is an empirical knowledge based on experiences[604] and thus, it happens after the subject has organised the sensations and representations that it encounters. We can then, conclude that the Kantian subject gains a form of sovereignty. It is a subject that becomes conscious of itself and of its capacity *to organise* and, to that extent, *to create* its own reality, as the foundation of knowledge and truth.[605]

What interests us here, however, are the *practical* implications of this theoretical anthropocentrism of the Kantian Revolution. The human subject, being conscious of its capacities, is no longer in need of "a pastor or a holy book to supply [it] with *conscience*."[606] This is achieved with Kant's writings in his *Critique of Practical Reason*, which has been characterised as "the foundation of modern jurisprudence."[607] In his second *Critique*, Kant offers another reversal – which, as Deleuze suggests, is perhaps much more revolutionary compared to the aforementioned reversal – namely, the idea that the Good now revolves around the Law and not the other way around, as it was the prevalent belief of Antiquity.[608] Hence, similarly to what happened with the idea that the object must conform to subjective knowledge, now the Good must conform to the idea of the Law. Such notion of the Law is to be understood as a universal notion of a moral law, which is no more bound to any higher principle but one which is only bound to its *form – to the purity of its form*.[609]

By this Kantian *practical* reversal, the human is now an autonomous, or sovereign subject but also becomes a subject that *wills* (it has desires, preferences or inclinations). The

---

[603] Ibid.
[604] Ibid., 45.
[605] Louis Wolcher, 'Peace and Subjectivity' (2018) 26 The Journal of Human Rights 31, 36.
[606] Ibid.
[607] Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 191.
[608] Gilles Deleuze, *Masochism: Coldness and Cruelty*. Trans Jean McNeil (Zone Press, 1991), 83.
[609] Ibid.

will of the subject is subjected to two distinct categories of rules or principles. According to Kant:

> "Practical *principles* are propositions that contain a general determination of the will, having under it several practical rules. They are subjective, or *maxims,* if the condition [under which they apply] is regarded by the subject as valid only for his will; but they are objective, or practical *laws,* if the condition is cognised as objective, i.e., as valid for the will of every rational being."[610]

As such, for Kant, the human subject is a subject of freedom (a willing subject) and that extent, it has the capacity to form and organise the principles that shape its existence. If this organisation of principles is, merely, a matter of the subject's will, they are to be considered 'maxims' as Kant writes. At the same time, this subject has *a duty* to shape its way of acting and its conduct in accordance with the principles or *practical laws* of the one, universal Law. The moral law takes the form of the well-known Kantian principle of the 'Categorical Imperative' which dictates that one ought to "*act as if the maxim of your action were to become by your will a* universal law of nature."[611] Thus, Kant's subject does not obey the moral law because it will gain something from its obedience (elevate to the level of 'the God' or to gain a place in paradise, according to the will of a Higher Being); it does so, simply because it is purely bound by a sense of duty. To that extent, the imperative is "therefore unconditional conceived a priori as a categorical practical proposition by which the will is objectively determined absolutely and directly (by the practical rule itself, which therefore is here a law)."[612] But if our will is determined by the imperative, are we not in a similar situation with

---

[610] Immanuel Kant, *Critique of Practical Reason.* Trans. Werner S. Pluhar (Hackett Publishing Company, 2002), 29.

[611] Immanuel Kant, *Groundwork of the Metaphysics of Morals*. Trans. Mary Gregor (Cambridge University Press, 2006), 31.

[612] Immanuel Kant, *Critique of Practical Reason.* Trans. Werner S. Pluhar (Hackett Publishing Company, 2002), 31.

the situation of Kant's predecessors, where the subject was subjected to a higher form of authority? While, as we will see below, this is, partially, true the innovation offered by Kant and the strength of his argument derives from the power he bestows upon the subject's will and will's active participation in obeying the laws of the imperative. As Jean-Luc Nancy writes, "the imperative, then is not exactly an imperative. The imperative of our imperatives is that true imperatives *must not* have the character of constraint, of externality, nor must they be tied to the exercise of an injunction, an obligation or a submission."[613] Our submission is not a matter of an external boundary, but a matter of an internalisation of an 'ought to,' where, as autonomous subjects, we participate in this submission to the objective moral law and the imperative.

At this point, we arrive at 'the paradox' where the autonomous subject becomes at the same time the sovereign legislator and the subjected subject becomes the object of its own legislation. But because the Kantian subject is a subject that wills, its subjection to its own legislation is something that it is done according to its own will. However, as we have seen, this will is conditioned by the universal moral law, which is, nonetheless, something that does not transcend the subject – at least in the same manner as the earlier philosophico-theological notions of Divine law, or of the Good. The moral, universal law is without any reference to a higher entity, it is simply defined by its "pure form."[614] The result is that "no one knows nor can know what [the moral law] is."[615] As a result, it operates by internalising within the subject a notion of *guilt* – you need to act according to the commands of the moral law, or you, automatically, break your duty and thus, you are not worthy of your autonomy (you acted 'immaturely' contrary to the 'maturity' that defines pure reason).

---

[613] Jean-Luc Nancy, 'The Kategorein of Excess.' Trans. Gilbert-Walsh and Simon Sparks, in Simon Sparks (ed.) *A Finite Thinking* (Stanford University Press, 2003), 135.
[614] Gilles Deleuze, *Masochism: Coldness and Cruelty*. Trans Jean McNeil (Zone Press, 1991), 83.
[615] Ibid., 83-84.

Ultimately, what we have 'inherited' from Kant's revolution, is, as Wolcher notices, a *displacement* of the authority of the divine, as opposed to a *replacement*.[616] This is because the Kantian subject is still in need of a foundational principle which is characterised by a hierarchical structure, *an archē* [ἀρχή]. The rational, autonomous human subject, while being a sovereign *subjectum* (becoming the centre of the world and of knowledge) is, nevertheless, still subjected (a *subjectus*) – and this time with an unprecedented impetus – to its own commands in the aforementioned form of an internalised moral law. Following the Italian philosopher Giorgio Agamben, we could, then, add that this internalisation of guilt has not necessarily "expanded the real freedom of the subject in any way,"[617] but, perhaps, it has diminished it to unprecedented levels.

II. The Human Rights of an Alienated Subject and the Subject of Alienating Human Rights.

1. Arendt, Rancière and Agamben

In the introduction to this chapter we, briefly, revisited the critique made by Hannah Arendt, where she makes the point that the 'abstract humanity' of a subject is not sufficient to

---

[616] Louis Wolcher, 'Peace and Subjectivity' (2018) 26 The Journal of Human Rights 31, 36. Kant relation with religion is a matter of numerous debates. Yirmiyahu Yovel, *Spinoza and Other Heretics: The Adventures of Immanence* (Princeton University Press, 1989), 10, writes that Kant's "description of Judaism, Catholicism, the Byzantine Church, and the wars of religion following the Reformation are full of repudiation and moral indignation, sometimes injected with sarcastic venom." On the other hand, Edward A. Beach, 'The Postulate of Immortality in Kant: To What Extent Is It Culturally Conditioned?' (2008) 58(4) Philosophy East and West 492, 492 writes that: "According to Kant, the existence of God, the freedom of the will, the immortality of the soul, the ultimate triumph of good over evil, and so on are beliefs that we can and should accept on the basis of a rational faith, although we cannot demonstrate that any one of these beliefs is correct. Such transcendent truths by their very nature go beyond the limits of human understanding. Therefore, they cannot be known by theoretical reason, but only justified for moral purposes via practical reason. If anyone were to say that we ought not to believe such ideas, since we have no evidence to support them, Kant would reply that it is necessary to postulate them anyway – to live as if they were true – because of their tremendous importance for our practical and ethical lives. This latter version of 'an erratically religious' Kant seems more correct and resonates with the idea of displacement as opposed to a replacement of the divine or transcendent foundation."

[617] Giorgio Agamben, *Karman: A brief Treatise on Action, Guilt and Gesture*. Trans. Adam Kotsko (Stanford University Press, 2018), 9; Thanos Zartaloudis, *Giorgio Agamben: Power, Law and the Uses of Criticism* (Routledge, 2010), 147 draws a relation between the way human rights and the 'emergence of 'sacred life' and a notion of guilt. As he writes: "In modernity when the so-called 'sacredness' of life is ever more assigned to human life (i.e. through *human* rights), it destines human life to a presupposed pre-political state of guilt."

grant to it any sort of 'human' rights. For Arendt, a paramount precondition that a human subject must fulfil in order to be entitled to any form of rights, is the subject's membership to a political community, i.e. to be a citizen of nation. Arendt then, seems to reject outright the validity and efficiency of a universal idea of human rights, as something which is able to offer any form of protection to their subject, namely the 'merely human.' For her, the exclusion of stateless people from the sphere of law and rights is so characteristic of their situation that she remarks that "their plight is not that they are not equal before the law but that no law exists for them; not that they are oppressed, but that nobody wants to oppress them."[618] To that extent, they are 'non-existent.'

Since then, the critical literature of rights has, significantly, focused on Arendt's statement and thus, the discussions often revolve around the 'inclusion-exclusion' of human subjects within/from the protection of rights. Especially, in recent years and due to the on-going refugee crisis, her critical remarks have been rejuvenated and are enjoying unprecedented publicity,[619] even in more 'mainstream' sources.[620] However, what is problematic with this kind of literature is the fact that their efforts to 'rehabilitate' the exclusionary character of rights, usually, end up calling for a more inclusive version of human rights mode of thinking and principles as if the critique was not directed at the foundation of such rights. Nonetheless, within the field of (political) philosophy, Arendt's notion of the 'right to have rights' has led to, at least, two, significantly, important interventions on the critical literature of rights, that take as its point of departure Arendt's remarks on rights and they

---

[618] Hannah Arendt, *The Origins of Totalitarianism* (Meridian, 1962), 293.
[619] Stephanie DeGooyer, Alastair Hunt, Lida Maxwell, Samuel Moyn, *The Right to have Rights* (Verso, 2018); Ayten Gündoğdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (Oxford University Press, 2014); John Lechte and Saul Newman, *Agamben and the Politics of Human Rights: Statelessness, Images, Violence* (Edinburgh University Press, 2015).
[620] Kenan Malik 'Human rights mean nothing unless we defend real, threatened people' (2019) The Guardian https://www.theguardian.com/commentisfree/2019/mar/10/human-rights-mean-nothing-unless-we-defend-real-threatened-people [Accessed 9 July 2019]; Mass Gessen, 'The Right to Have Rights' and the Plight of the Stateless' (2018) The New Yorker https://www.newyorker.com/news/our-columnists/the-right-to-have-rights-and-the-plight-of-the-stateless [Accessed 9 July 2019].

expand further on them, those of the Italian philosopher Giorgio Agamben and the French philosopher Jacques Rancière.[621]

Rancière calls for an abandonment of the question of the subject of rights and remarks that we should focus on an emancipatory project of politics that engages with "those who have not the rights that they have and have the rights that they have not."[622] What he wants to signify with this is a potentiality of the excluded to form rights and demands through an emancipatory project of *dissensus*, as he calls it. As he states, excluded people (in his example he refers to women, in particular) "could demonstrate that they were deprived of the rights that they had, thanks to the Declaration of Rights. And they could demonstrate, through their public action, that they had the rights that the constitution denied to them, that could enact those rights."[623] So, Rancière proposes a more positive way of utilising and (re)producing rights, through public action that is enacted by political subject with a fluid identity. Hence, as his states "political names are litigious names, names whose extension and comprehension are uncertain and which open for that reason the space of a test or verification."[624] While Rancière effort to avoid the shortcomings of considering a notion of a subject of human rights with 'a concrete' identity and 'fixed' characteristics points towards a way of disputing the primacy of a sovereign subject, it seems to underestimate the power of rights to produce a certain kind of subjectivity that is distinguished for its 'one-dimensionality.' Rancière's project tends to be, significantly, optimistic on how the indeterminable *demos* can utilise and (re)produce rights in its own benefit and thus, by setting aside the question of the particularity of the subject of rights and the power of human rights framework (of their particular mode of thought), runs the risk of getting caught up within the very particular framework that it aims to combat.

---

[621] For a discussion of these group of critics (Arendt, Agamben, Rancière) see Ernst Van Den Hemel. 'Included but Not Belonging' (2008) 3 Krisis Journal for Contemporary Philosophy 16.
[622] Jacques Rancière, 'Who is the Subject of the Rights of Man?' 103 (2/3) South Atlantic Quarterly 297, 302.
[623] Ibid., 304.
[624] Ibid.

On the other hand, Agamben's critique does not (at least directly) refer to the paradox of the subject of rights as both a *subjectum* and a *subjectus*, his remarks offer some valuable insights to the current mode of thought of the dominant human rights framework, and how this framework intensifies the vulnerability of the modern subject, which in conjunction with its 'arrogance' that results from its self-recognition as a *subjectum,* leads to a notion of *ressentiment* and alienation. This is because the gloomy picture that he illustrates with regards to human rights manifests the rights' power to 'capture' their subject within a 'framework'. To that extent, Agamben successfully stresses the importance that the only way out is a completely different politics.

Agamben's insights offer a 'grim,' yet extremely timely, picture of the modern, human subject of rights, suggesting that the camp is the "biopolitical paradigm of the modern."[625] He identifies that Arendt's critique "does no more than offer a few, essential hints concerning the link between rights of man and the nation-state."[626] Yet, this relation is a far more complicated one. He continues by suggesting that "declarations of rights represent the originary figure of the inscription of *natural life* in the juridico-political order of the nation-state."[627] Through a framework that he draws from Foucault's biopolitics[628] and his equation of this biopolitical framework with Carl Schmitt's famous thesis on the state of exception ("sovereign is he who decides on the exception"[629]), Agamben suggests that through human rights and their declarations, the very tiny element of human existence is now inscribed into states' (bio)power.[630] As a result, bare life becomes politicised.

---

[625] This is the third part of his *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen (Stanford University Press, 1998).
[626] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen (Stanford University Press, 1998), 127.
[627] Ibid., [emphasis] added.
[628] Michel Foucault, 'Lecture 11' in Mauro Bertani and Alessandro Fontana (ed.) *Society Must Be Defended: Lectures at the Collège de France 1975-76*. Trans. David Macey (Penguin, 2004).
[629] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*. Trans. George Schwab (University of Chicago Press, 2005), 5.
[630] Jacques Rancière, 'Who is the Subject of the Rights of Man?' 103 (2/3) South Atlantic Quarterly 297, 300.

Through these mechanisms a fiction is generated. "The fiction that birth immediately becomes nation such that there can be no interval of separation [s*carto*] between the two terms."[631] This fiction then suggests an equation between human subject and citizen, or an immediate vanishing point of the 'mere human' at the moment of birth, that gives its way to the citizen. However, the figure of the refugee, according to Agamben, is that which exposes the existence of bare life within the political sphere of the politics of (bio)power.[632] The refugee, that for Agamben signifies today a large number of humanity (if not the vast majority of it), functions as a 'site' of the permanence of the situation of exception in the modern biopolitical sphere and the sovereign power's violence. As a result we are, in a sense, all included (or could be included) within this sphere of sovereign violence, and rights are the mechanism that enables our inscription to this sphere. Human rights are a mechanism of inscription into that kind of position, and to that extent, they contribute to the formation of this (bio)political sphere which is based on the exception of bare life. Hence, rights are unable to be radicalised or 'improved,' let alone offer a potential for an emancipatory political project, because, to put it simply, this is counter to their originary aim. Agamben's way out from this situation calls for a new politics:

> "Until a completely new politics – that is, a politics no longer founded on
>
> the *exceptio* of bare life – is at hand, every theory and every praxis will
>
> remain imprisoned and immobile, and the 'beautiful day' of life will be
>
> given citizenship only either through blood and death or in the perfect
>
> senselessness to which society of the spectacle condemns it."[633]

In order to arrive at this 'new politics,' however, we argue that it is paramount to examine the identity of the subject of rights and the specificity of its conditioning as an alienated subject

---

[631] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen (Stanford University Press, 1998), 128.
[632] Ibid., 131.
[633] Ibid., 11.

that results from a confusion which derives from its pseudo-paradoxical position as *subjectum* and *subjectus* simultaneously. This 'spectacular' (Agamben's use of the term here is influenced by Guy Debord,[634]) framework of rights manifests that the ambivalence of the subject's identity is intensified, leading to the formation of an entity with a fixed identity centrally characterised by *ressentiment*.

2. *Subjectum/Subjectus* Intensified

In the prologue we argued that the subject of rights is one which is characterised by a closed, unified identity. Subsequently, this identity could be understood as the outcome of this continuous 'dialogue' between the *subjectum* and the *subjectus* elements of the subject's identity. In order to understand why this identity of the subject is intensified through the current human rights mode of thought, we need to revisit Alain Badiou's critical comments on the matter.

Badiou identifies that the ethical foundations of human rights – here the ethical should be better understood as *the moral*,[635] which operates as an indisputable framework that dictates our modes of existing (our *ethos*) – is still informed by the Kantian understanding of an autonomous subject which is duty-bound to act in accordance with the moral, universal law. As he writes:

> "What essentially is retained from Kant (or from an image of Kant, or, better still, from theorists of 'natural law') is the idea that there exist formally representable imperative demands that are to be subjected neither to empirical considerations nor to the examination of situations; that these imperatives apply to cases of offence, of crime, of Evil; that these imperatives must be punished by national and international law; that, as a

---

[634] Guy Debord, *Society of the Spectacle*. Trans. Ken Knabb (Rebel Press, 1996).
[635] See **Chapter III**.

result, governments are obliged to include them in their legislation, and to accept the full legal range of their implications; that if they do not, we are justified in forcing their compliance (the right to humanitarian interference, or to legal interference)."[636]

The existence of a presupposed imperative points towards two things. First, there is a subject who acts only as the functionary of this imperative. Second, there are objective binaries that distinguish between a morally Good and immoral or Evil conduct or mode of being. To that extent, there is an *a priori* distinction as to what Evil is, an innate sense of danger and thus, a core notion of vulnerability that are inherent in the formation of the sovereign subject, as an agent duty-bound to the imperative. The sovereign subject of Modernity, then, if we go back to Vattimo's joke, 'does not do so well,' since it feels that its sovereignty is constantly threatened by the 'irrationality' or 'immaturity' (in Kantian terms) that rules over the rest of the world.

So, how do human rights relate to this configuration of the sovereign subject more precisely? Deleuze writes that human rights mark the establishment of "new forms of transcendence, new universals, [which restore] reflective subject as the bearer of rights, or setting up communicative intersubjectivity."[637] The vulnerable human subject turns again towards 'new Gods', this time even more powerful ones, as they are internalised and presuppose a god-blessed sovereign performativity, akin to what the Categorical Imperative demands from its 'rational' subjects. As such, it becomes a voluntary *subjectus* of an a-political, post-ideological framework of thought and being, that bases its authority upon a notion of a subjective universality. The 'enemy' again is delineated as the 'irrational' or 'immature' entity or idea that does not conform to the 'consensus' formed by the values of

---

[636] Alain Badiou, *Ethics: An Essay on the Understanding of Evil*. Trans. Peter Hallward (Verso, 2012), 8.
[637] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 152-153.

rights, values that are inscribed to the very depth of the subject's *psyche*. Here, Deleuze and Badiou seem to be in agreement. Deleuze states that "people want to produce consensus"[638] and rights are the mechanism through which they achieve to do so. Similarly, Badiou suggests that human rights "are held to be self-evident, and the result of a wide consensus. 'Ethics' is a matter of busying ourselves with these rights, of making sure that they are respected."[639] This consensus of rights is manifested at their very promise; to unite "left and right, the pulpit and the state, the minister and the rebel, the developing world and the liberals of Hampstead and Manhattan."[640] Thus, they are the rights of everyone who accepts to participate, to enter 'the age of maturity,' beyond the 'immature' conflicts of political positions. The mantra goes as follows: You are free and autonomous (and thus, better than the rest of beings), so be worthy of your rationality and embrace the fact that you are also vulnerable to the 'irrationality' of the world and of others. Thus, accept your subjection to human rights in order to avoid 'unnecessary' conflicts and tiresome *experimentations* of existing and *thinking otherwise*. Human rights, then, profess 'a passage into adulthood.'

Ultimately, the human rights framework needs a particular formation of a subject that will enable their sovereign performativity, a subject who is free to *will* its subjugation and its participation. To that extent, rights fulfil and intensify the Kantian sovereign subject, as both *subjectum* and *subjectus*. Rights, then, become a powerful imperative, which manages to internalise a value system in the name of 'humanity' as a unity and through this to form a concrete identity for its subjects. The level of internalisation of the values of rights is to such an extent that even when one realises that the rights 'won't save us', one is still reluctant to 'let go.'[641] This subject becomes *alienated*, as we argued above, because he is out of touch with its

---

[638] Ibid., 153.

[639] Alain Badiou, *Ethics: An Essay on the Understanding of Evil*. Trans. Peter Hallward (Verso, 2012), 4.

[640] Costas Douzinas, *The End of Human Rights* (Hart Publishing, 2000), 1.

[641] We have seen that in the **Introduction** and **Chapter III**, **Section II** with the calls for radicalisation of human rights or for a search for different non-western histories of rights.

reality or of any other way of existing differently. Hence, it is not enough to criticise the 'regime' or framework of rights (as we did so far), but one must also realise, to paraphrase Walter Benjamin, that "there is something rotten" not only with human rights but also with their subject.[642] These two are part and parcel. We suspect that both the call for a different human rights for a subject still defined by a concrete identity, and the call for another human rights for a subject with a more fluid identity (akin to what Rancière proposes) are not sufficient for a new politics that embraces *thinking otherwise*. Following this line of thought, in the next and final section of the chapter, we propose that, perhaps, the Deleuzian notion of becoming could be a way of suspending or disorienting, first, the sovereignty of the subject of rights and, subsequently, of human rights as such.

III. The ways of Becoming

In the prologue we stated that the Deleuzian notion of becoming is something that 'resists' its subjection to a particular 'fixed' identity. The difficulty of thinking, let alone writing about, becoming, as we stated, lies in the fact that once we ask the question 'what is a becoming?' we automatically lose its core sense and most likely all we can then do is turn to just another way of defining a subject (though this time as the being of a becoming); and this in a way whereby its identity still takes precedent from its experience, and thus acts as yet another concrete 'ground.'

On the other hand, an examination of the notion of becoming remains paramount and it has to be *thought* as, in our view, it is a way of, potentially, suspending or disorienting this primacy of the unified subject and, to that extent, of the human rights framework and their western mode of thought, in general. The question of becoming is from the start *ethical* and

---

[642] Walter Benjamin, 'Critique of Violence.' Trans. Edmund Jephcott in Peter Demetz (ed.) *Reflections: Essays, Aphorisms, Autobiographical Writings* (Schocken Books, 1986), 286. Benjamin writes that there is "something rotten in law."

political in its nature. The ethical plane corresponds to the question, 'how may we (re)shape our modes of existing differently on the condition that we start 'taking becoming(s) seriously?'' In other words how can our starting point be the living experience of the subject rather than a preconceived universal subjectivity that only acts at best as an aspiration for the vast majority of the planetary population? The political place which is of course closely interconnected to the ethical, asks 'how may these new ways of existing lead to a formation of 'a new politics?'

Deleuze's becoming is, often, examined from an ethical or a political perspective, with the attention centred on the notion, usually, accompanied with a hyphen and 'a something,' so that a formula ends up appearing as 'becoming-X.' So, we usually have discussions on Deleuze and Guattari's plateau on 'Becoming-Intense, Becoming-Animal, Becoming-Imperceptible'[643] and several becomings that are discussed there, such as becoming-woman and becoming-imperceptible. Further to that, in politically-oriented discussions with Deleuze we encounter the notion of becoming-revolutionary.[644] These 'becoming-something' have led to several variations in secondary literature such as, becoming-democratic,[645] becoming-right,[646] becoming-detainee[647] or even becoming-Deleuzian.[648] These discussions, however, often, focus more on 'this something' that accompanies a becoming. As a result the notion of becoming is left, significantly, under-examined in favour of the second component.

Instead, we must pay attention to what Deleuze and Guattari state, namely that "becoming is a verb with a consistency all its own."[649] In what follows, we aim to shed light

---

[643] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*. Trans. Brian Massumi (Bloomsbury Revelations, 2015), 271-360.

[644] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze: A to Z* (Semiotext(e) DVD, 2004).

[645] Paul Patton, 'Becoming-Democratic' in Ian Buchanan and Nicholas Thoburn (eds.) *Deleuze and Politics* (Edinburgh University Press, 2009).

[646] Patton Paul, 'Immanence, Transcendence, and the Creation of Rights'; Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy,' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012).

[647] Andreja Zevnik, 'Becoming-Animal, Becoming-Detainee: Encountering Human Rights Discourse in Guantanamo' (2011), 22 Law and Critique 155.

[648] Brian Massumi, 'Becoming-Deleuzian' (1996) 14 Environment and Planning D: Society and Space 395.

[649] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*. Trans. Brian Massumi (Bloomsbury Revelations, 2015), 279.

on this 'consistency' of becoming and by doing so, to highlight the ethical aspect of the notion – that is, the ability of a thinking in terms of becoming to point towards a mode of being and thinking that questions, or even destructs the dogmatism and hierarchy of the human subject as an entity with a 'fixed' identity and to that extent, to point towards an *ethos* which is fundamentally *an-archic* – as the better way in which to understand its philosophy or thought in Deleuze and Guattari. This is the first step that needs to be taken in order to be able to present, subsequently, the politico-philosophical element with what we shall name 'an *an-archic* jurisprudence' (**Chapter VI**). To that extent, we proceed in a similar fashion to our earlier examination of the notion of 'immanent ethics' in order to question the 'transcendent morality,' as this is manifested by human rights' values. This time the *ethos* of becoming comes to question an existence that thinks in terms of a unified subject, the subject of human rights. In order to do so, our examination focuses on Deleuze's solo works, in particular *Nietzsche and Philosophy*, but also some interviews where 'becoming' is discussed extensively.

1. Deleuze's observations and remarks on the unified subject

Deleuze engaged with a philosophical milieu characterised by a 'distrust' towards a unified understanding of the human subject.[650] The famous critical remarks of the so-called 'anti-humanists'[651] have often been the target of criticism, from both across the political spectrum, with the usual claim that anti-humanists, given their so-called 'distaste' for the

---

[650] In **Chapter I** we refer to some key examples – while one must have in mind that they are different to each other but at the same time they share a critique of a 'universal, unified subject' –of this so-called 'anti-humanist' tradition. We referred to Louis Althusser's 'Marxist theoretical anti-humanism,' *For Marx*. Trans. Ben Brewster (Verso, 2005), 196; Foucault who famously declared 'the death of man,' *The Order of Things* (Routledge, 2002), 373; and Jean-François Lyotard in his rejection of 'metanarratives,' such as "the emancipation of the rational or working subject." *The Postmodern Condition: A Report On Knowledge*, Trans. Geoff Bennington and Brian Massumi (University of Minnesota Press, 1984), xxiii-xxiv.

[651] For example, see, Louis Althusser's 'Marxist theoretical anti-humanism,' or Michel Foucault who famously declared 'the death of man,' and Jean-François Lyotard in his rejection of 'metanarratives,' such as "the emancipation of the rational or working subject." For the respective discussions on that see, Luis Althusser, *For Marx* (Verso, 2005), 196; Michel Foucault, *The Order of Things* (Routledge, 2002), 373; Jean-François Lyotard, *The Postmodern Condition: A Report On Knowledge*, Trans. Geoff Bennington and Brian Massumi (University of Minnesota Press, 1984), xxiii-xxiv.

notion of a subject, end up being unable to take any moral or political stand (or even holding an entirely *anti-political* stand[652]) on any matters facing 'concrete' human beings.[653] In short, they are often accused of nihilism.[654] While these critiques are, usually, unfair and misguided, it is important to pay attention to the remarks made by Deleuze in relation to the human subject, because they shed light on the key notion of becoming, and, consequently, on how we can continue to talk of a 'subject' that is capable of 'escaping' the boundaries set by its supposed identity. In addition, we shall see that there is a wider question mark as to Deleuze's relation to the very idea of a sovereign subject due to some of his further remarks.

Deleuze writes of the human subject in a short piece entitled 'A Philosophical Concept…'. In this piece, he writes of the functions of a philosophical concept, in a similar manner with the discussion on concepts in his and Guattari's *What is Philosophy?*.[655] As he states, "a philosophical concept fulfils several functions in fields of thought that are themselves defined by internal variables. There are also external variables (states of things, moments in history), in a complex relation with the internal variables and functions."[656] This passage, echoes the statement by Deleuze and Guattari that "philosophy is the discipline that involves creating concepts,"[657] and which opposes a notion of a philosophical concept that stands above everything else, as a universal Truth, since as Deleuze states, it 'fulfils several functions.' This suggests that a concept is something that is created in order to correspond to certain *problematisations* rather than a universal invariable essence or meaning.

---

[652] Paul Patton, 'Deleuze's Political Philosophy' Daniel W. Smith and Henry Somers-Hall (eds.) *The Cambridge Companion to Deleuze* (Edinburgh University Press, 2012), 201-205.

[653] For a discussion of these critiques see, Gilles Deleuze in conversation with Robert Maggiori, 'Breaking Things Open' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 84, 91.

[654] An example of that is the critique of Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*. Trans. Frederick Lawrence (MIT Press, 1982), briefly discussed in **Chapter III**.

[655] We discussed the functions of a concept in **Chapter II**.

[656] Gilles Deleuze, 'A Philosophical Concept…' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 94.

[657] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 37.

A further related point that points towards the anti-universality of a philosophical concept is the fact that the functions of the concept are defined by external but, most importantly, internal variables. The external variables are easy to be understood and they refer to actual events that take place in 'our world', such as historical events involving human beings with an 'identity.'[658] On the other hand, the internal variables are to be understood as 'impersonal' or 'pre-personal' in the sense that they do not correspond to actual, corporeal events but are rather 'incorporeal.' This incorporeal or immaterial events should not be understood as something which belong to another, higher realm, an ideal, which would lead to a transcendent mode of thinking. Instead, they are singular events that makes an encounter unique.[659] The (incorporeal) singularities are the small 'details' – pre-personal or impersonal – that make an encounter to stand out in its uniqueness and they enable us to perceive the world in an *attentive* fashion that pays attention to small, (im)perceptible, but singular events – "hearing the whir of a familiar watermill, […] being aware of waves of water striking the hull of a boat, or even […] sensing music that accompanies a dance of dust."[660] To that extent, the functions of a concept and the concepts themselves are characterised by the fact that they are created by multiple components, which are ever-changing, with none of each component holding a primary role over the others. Instead, the relation between the components of a concept, as we argued in **Chapter II**, is to be understood as a horizontal one. A concept, then, is a horizontal *multiplicity*.[661] This understanding of a concept, Deleuze states, suggests that a philosophical concept is not to become redundant, simply because someone decided so (e.g.

---

[658] Here, the use of the term identity may look contradictory to Deleuze's way of thinking and his strong opposition against the concept of identity. However, this opposition should not be read as something which stopped him from recognising the fact that people tend to live their lives in a certain fashion which is shaped by 'the habits' that they were born into. See, Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*. Trans. Brian Massumi (Bloomsbury Revelations, 2015), 1.

[659] On the ethical aspect of the encounter see **Chapter III**. See, also, Elizabeth Grosz, *The Incorporeal: Ontology, Ethics and the Limits of Materialism* (Columbia University Press, 2017), esp. Chapter 4.

[660] Gilles Deleuze, *The Fold: Leibniz and the Baroque*. Trans. Tom Conley (The Athlone Press, 1988), 86.

[661] Gilles Deleuze and Félix Guattari, *What is Philosophy?* Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 14.

because someone discovered 'the Truth' in another concept or gave primacy to a different one), but "only when new functions in new fields discharge it."[662] In other words, a concept changes or lose its interest when there is a 'shift of 'interest' towards different and new functions and fields. This is crucial because a concept's 'discharge' is not a matter of finding something 'truer' or 'better' – this would have suggested a notion of primacy amongst concepts – but, instead, something which is *more interesting* at a particular state of affairs and moment in history. The importance of 'being interesting' is highlighted by Deleuze with Guattari when they stated that: "Philosophy does not consist in knowing and is not inspired by truth. Rather, it is categories like Interesting, Remarkable, or Important that determine its success or failure."[663] Hence, philosophy (and, equally, a philosophical concept), according to Todd May, "is a practice whose point is not that of getting the right take on things but of making a contribution to our living. Specifically, that contribution is made in the areas of the interesting, the remarkable and the important."[664]

The crucial point is the fact that Deleuze refers to the human subject as a philosophical concept among other concepts, and thus, as something that "does not escape these rules."[665] According to Deleuze, the two distinct functions of the subject are that of "universalisation" and of "individuation."[666] The first posits a universal human subject, that shares certain common characteristics with every other human being, such as rationality, autonomy, duty, guilt and so forth. The individuation of the human subject corresponds to the supposition that someone possesses a concrete identity, or as Deleuze writes, "the individual can no longer be a thing or a soul, but is instead a person, alive and sentient, speaking and spoken to (I-You)."[667]

---

[662] Gilles Deleuze, 'A Philosophical Concept…' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 94.
[663] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 82.
[664] Todd May, 'When is a Deleuzian Becoming?' (2003) 36 Continental Philosophy 139, 140.
[665] Gilles Deleuze, 'A Philosophical Concept…' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 94.
[666] Ibid.
[667] Ibid.

As we have already explored in the previous section, the concept of the human subject with a concrete identity, 'a person, alive and sentient,' gained prominence with the philosophies of Descartes and Kant and it, later, became a central component of human rights mode of thought as the subject of rights' protection. But if the concept of the human subject does not function 'properly,' in the sense that it cannot address the ethico-political challenges that we face in our era, then we need to ask; what could be a new concept that has the potential to offer an interesting response to these issues? Deleuze responds that certain novelties in the field of knowledge such as "functions of singularisation"[668] came to discharge this centrality of the functions of the concept of the subject. These novelties led Deleuze to conclude that "the notion of the subject has lost much of its interest on behalf of *pre-individual singularities and non-personal individuations.*"[669] In *Logic of Sense*, Deleuze defines these singularities as "the true transcendental events." He states that:

> "far from being individual or personal, singularities preside over the genesis
> of individuals and persons; they are distributed in a 'potential' which admits
> neither Self nor I, but which produces them by actualising or realising itself,
> although the figures or this actualisation do not at all resemble the realised
> potential."[670]

Thus, the Self or the subject, as a concept, is no more to be understood, according to the Deleuze, as a closed entity, a unity. Instead, taking into account that a process of individuation takes place in a pre-personal level suggests that the subject loses much of their centrality to pre-personal or impersonal singularities. This realisation, as we stated above, does not suggest the discovery of a better universe or a higher cosmos, it is rather "another geography, without

---

[668] Ibid.
[669] Ibid., 95.
[670] Gilles Deleuze, *Logic of Sense*, Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015), 105.

being another world."[671] The examination of singularities instead of subjects is a shift of interest, as we indicated above, towards offering something new in the field of knowledge, or a matter of a *thinking otherwise*.

This shift suggests, for Deleuze, that the subject is an 'old-fashioned' concept, yet does this mean that the 'subject' has vanished? Another statement Deleuze made raises the question as to whether the philosopher later changed his view on the issue. In a conversation with the Robert Maggiori, Deleuze, distinguishing himself from Martin Heidegger and the tradition that followed his way of thought, stated: "I have never worried about going beyond metaphysics or the death of philosophy, and I never made a big thing about giving up Totality, Unity, the Subject."[672] While this may look contradictory, this is not the case. Deleuze at this point is a realist of a certain kind. That is a realist in the sense that he does not question the fact that we are all living our lives with some sense of identity, that we have the habit to live in this or that way and so forth, yet, for Deleuze this is nothing more than something which happens "out of habit, purely out of habit."[673] As he writes, further, with Guattari "it's nice to talk like everybody else, to say that the sun rises, when everybody knows it's only a matter of speaking."[674] This suggests that the critique of the unified subject is not an austere polemic, in nature, but an affirmative-creative stance, which aims to point out that, despite the habitual ways, 'there is another way' (and more!) which can be more interesting, more effective, happier.

The problem lies, for Deleuze, with the fact that the subject is conceived in "a minimalist way"[675] as presupposing a fundamental truth that, simultaneously, shuts down every other

---

[671] Ibid., 101.

[672] Gilles Deleuze in conversation with Robert Maggiori, 'Breaking Things Open' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 88.

[673] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*. Trans. Brian Massumi (Bloomsbury Revelations, 2015), 1.

[674] Ibid.

[675] Nathan Widder, *Political Theory After Deleuze* (Continuum, 2012), 2.

possibility of existing, it fortifies its way of living on the basis of "a fettering of movement," as Deleuze writes.[676] Nonetheless, a mere reactionary refusal to accept that the way of the 'subject' is a strong habit and a polemical habit against any alternative, is not the way forward. This is in fact put, lucidly, when Deleuze and Guattari write that what is at stake, in fact, is "to reach, not the point where one no longer says I, *but the point where it is no longer of any importance whether one says I*."[677] We shall attempt to reconstruct then a way of reaching that point is through what we call an *ethos of becoming*.

2. Following 'the path' of becoming

Deleuze takes as a point of departure a different legacy of western philosophical thought, one which can be characterised as 'marginalised.' The main figure that influences his account in this regard is again Friedrich Nietzsche, as influenced by Heraclitean thought. It is, then, helpful to pay some attention to what these philosophers think of 'becoming' and, in a sense, their common point of critique that the cosmos is to be understood better if understood as traversed by constant change.

Nietzsche's 'cosmology of becoming' is hugely indebted to the pre-Socratic philosopher Heraclitus of Ephesus. Heraclitus is known as the philosopher of 'flux' and of becoming, a cosmos of constant change. We come across this view about Heraclitus in the Platonic dialogues, though the Platonic interpretation of Heraclitus' thought on becoming, is informative as well as misguiding to a certain extent. In Plato's *Cratylus*, Socrates refers to the philosophy of Heraclitus by stating that: "Heraclitus says, I think, that 'all things are on the move and nothing remains', and in comparing the things there are to the flow of a river he says

---

[676] Gilles Deleuze with Antoine Dulaure and Claire Parnet, 'On Mediators' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 121-122.

[677] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*. Trans. Brian Massumi (Bloomsbury Revelations, 2015), 1-2 [emphasis added].

'you could not step in the same river twice.'"[678] In addition, in another Platonic dialogue, that of *Theaetetus*, Theodorus critiques the absurdity of the Heraclitean constant becoming and the 'communication breakdowns' that the 'instability' of the followers of this mode of thought – "they are always on the move"[679] – cause to language and any other kind of relating to others. Theodorus concludes that:

> "You will never reach any conclusion with any of them [meaning the followers of Heraclitus], ever; indeed, they never reach any conclusion with each other, they are so very careful not to allow anything to be stable, either in an argument or in their own souls. I suppose they think that if they did it would be something that stands still – this being what they totally at war with, and what they determined to banish from the universe, if they can."[680]

But this is not quite the case.[681] Heraclitus speaks about 'measure' or 'consistency,' in Deleuzo-guattarian terminology. As fragment 15, which explains how the world is one of becoming, reads: "that which always, and is, and will be everliving fire, the same for all, the cosmos, made neither by god nor man, replenishes in *measure* as it burns away."[682] The fragment suggests that the world is, indeed, one of becoming (it burns away) and it becomes, constantly by the force that traverses it ('the everliving fire'). However, this becoming happens in *measure*, it is not chaos pure and simple, but instead it is in constant strife with chaos (and chaos, for the Greeks, is what precedes, not something chaotic in a modern sense) in order to produce change and to constantly create a new, yet, consistent world. A similar view to the above is supported by G.S. Kirk, who focuses on the river analogy in order to criticise Plato's view as misguiding

---

[678] David Sedley, *Plato's Cratylus* (Cambridge University Press, 2003), 104.
[679] Plato, *Theaetetus*. Trans. M.J. Levett (Hackett Classics, 1992), 199.
[680] Ibid.
[681] Perhaps, Plato was more critical of Heraclitus' followers than Heraclitus himself. This view is held by Κώστας Αξελός, *Ο Ηράκλειτος και η Φιλοσοφία* (Εξάντας, 1974), 36-37.
[682] Heraclitus, *Fragments*. Trans. Brooks Haxton (Penguin Classics, 2003), 15, [emphasis added].

and supports that the 'measure' preserves the singularity of the thing, without refuting the fact that a constant becoming is in operation.

> "The preservation of the river's identity is due to the regularity and balance of that change, just as the preservation of a κόσμος [cosmos] is due to the μέτρα [*metra*, 'the measure' that we referred to above] which govern all meteorological and cosmological change. Plato and all the later ancient critics took the river-analogy to apply to changes in every individual thing, and to illustrate the continuity of those changes: actually it illustrates the measure which must inhere in large-scale changes taken as a whole. Heraclitus did not believe, any more than any of his predecessors, that everything was changing all the time though many things are so changing and everything must eventually change."[683]

Subsequently, we could argue that an Heraclitean becoming is a first step towards the suspension of a notion of permanence and not a paradoxical, chaotic notion of anything goes. It calls for an *ethos* that is open to change, which, in a Nietzschean reading, understands that permanence is a *reactive* resistance that must be overcome in order to create 'new worlds' or draw 'new' geographies, as Deleuze suggests. Thus, by disorienting or suspending permanence, the way or *ethos* of Heraclitus calls for an anarchic mode of existing, against a supposed state of permanence that presupposes a notion of hierarchical, eternal Truth.

Perhaps, this is what Nietzsche discovered in Heraclitus, when he praises him as follows: "I shall set apart, with great respect, the name of *Heraclitus*. If the rest of the philosophical populace rejected the evidence of the senses because they showed multiplicity and change, he rejected their evidence because they showed things as if they had duration and

---

[683] G. S. Kirk, *Heraclitus: The Cosmic Fragments* (Cambridge University Press, 2010), 366.

unity [..]. But Heraclitus will always be right that Being is an empty fiction."[684] What is interesting here, is the distinction that Nietzsche makes between becoming as the reality of the world and being as 'an empty fiction.' Nietzsche objects to an understanding of the world as a *uni*-verse as dictated by a notion of an objective, eternal Truth, characterised by permanence, identity and a supposedly observable absolute totality. As Heidegger remarks, "to elevate what is true of the 'world' to something permanent, eternal, and immutable in itself means at the same time to transpose truth to life itself as a necessary condition of life."[685] Such an understanding of the world of Truth, relegates becoming to a secondary category, as something which is merely a stage of two terminal points of being – 'something was something and it becomes something else,' with becoming merely being that process that leads from one point to another and then vanishes.

Becoming for Nietzsche is not a mere process that will lead us to another (usually higher) realm, or another world. Becoming is something of 'this world,' that does away with any notion of hierarchy that reduces life to a mere stage of something 'truer' than the existing world. Becoming, instead, affirms *this* life and *this* world – the only world, and thus, it is what keeps life going.[686] Similar to the Heraclitean 'everliving fire,' the Nietzschean becoming is the driving force as that which does not cease to traverse the world and all of beings, something which can be equated with his notion of the *will to power*. This will to power is contrary to the quest for 'Eternal Truth.' Nietzsche's will to power or becoming is a force, always in flux, against permanence and stability, which stand for *the* goal of the world and dominates the modes of existence of the west. Thus, Nietzschean fights all notions of eschatology and hierarchies. As he writes:

---

[684] Friedrich Nietzsche, *The Twilight of the Idols or How to Philosophise with a Hammer*. Trans. And Intro. Duncan Large (Oxford Classics, 1998), 16-17.
[685] Martin Heidegger, 'World and Life as 'Becoming' in David Farell Krell (ed.) *Nietzsche: Volumes Three and Four*. Trans. Joan Stambaugh, David Farell Krell and Franka A. Capuzzi (HarperCollins Publishers, 1987), 64.
[686] See Christoph Cox, *Nietzsche: Naturalism and Interpretation* (University of California Press, 1999), 185-193.

"If the world had a goal, it must have been reached. If there were for it some unintended final state, this also must have been reached. If it were in any way capable of a pausing and becoming fixed, of 'being,' if in the whole course of its becoming it possessed even for a moment this capability of 'being,' then all becoming would long since have come to an end, along with all thinking, all 'spirit.' The fact of 'spirit' as a form of becoming proves that the world has no goal, no final state, and is incapable of being."[687]

However, this lack of a *telos* should not be read as a descent into nihilism but as an ethical, affirmative call towards a new mode of existing that does away with the 'illusion of Truth.' This is not a reactive critique of a permanent subjectivity, but stands against the elevation of permanent subjectivity as the sole Eternal Truth. Permanence may be a condition of life, amongst others, and to that extent it has a function (though not an eschatological purpose), and through an *ethos* of becoming it is to be approached as one function among others. Nietzsche adopts and adapts the Heraclitean becoming to an 'essence of life' – "life not as the fixating and fixated, securing itself and secured in its permanence, but 'life' as a serpent, as what coils and winds itself and wills back into itself as into its own essential ring."[688]

3. The Deleuzian *Ethos* of Becoming

Deleuze revisits the Nietzschean and Heraclitean notion of becoming in his *Nietzsche and Philosophy* and he gives the notion a new impetus in his own particular way. The way he treats becoming in these passages is through the lens of an ethical mode of existing that is to be characterised by 'innocence' and 'playfulness', against the 'guilt' and 'subjugation' which

---

[687] Friedrich Nietzsche, *Will to Power*. Trans and Ed. Walter Kauffman (Vintage Books, 1968), 546.
[688] Martin Heidegger, 'World and Life as "Becoming"' in David Farell Krell (ed.) *Nietzsche: Volumes Three and Four*. Trans. Joan Stambaugh, David Farell Krell and Franka A. Capuzzi (HarperCollins Publishers, 1987), 65.

are presupposed by the fiction of an autonomous *subjectum/subjectus*, in the name of a unified identity (the person).

Innocence, as Deleuze writes, "is the game of existence of force and of will."[689] As such, a game is something that is defined by movement or force and game-players are not static, even if they do not physically move. They think, imagine and try to be creative and thus, they, actively, participate in their game. In analogous terms, innocence calls for an affirmative participation in life, in a way that someone's will to live and its ongoing 'movements' are not mutilated by presupposed naturalised categories of blame and worth. In Deleuze's words: "we create grotesque representations of force and will, we separate force from what it can do, setting it up in ourselves as 'worthy' because it holds back from what it cannot do, but as 'blameworthy' in the thing where it manifests precisely the force that it has."[690] Such an objection to guilt and blameworthiness leads Deleuze to re-examine the wisdom of Heraclitus, because the existential lack of a supreme judge points towards the refutation of a higher, more worthy world, or of an existential hierarchy between worthier and less worthy beings, ideas, senses etc. and thus of the refutation of a unity of beings rendered coherent and consistent by a universal or higher Being. According to him, "Heraclitus denied the duality of worlds, [and to that extent], he denied being itself."[691] But in denying being, in this particular sense, Heraclitus showed that there is a second element in his thought, distinct, yet inseparable from the denial of being, "like ciphers."[692] This second element, crucially, indicates becoming as that which affirms being, that is "being is affirmed in becoming."[693]

> "For there is no being beyond becoming, nothing beyond multiplicity;
>
> neither multiplicity nor becoming are appearances or illusions. But neither

---

[689] Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), 23.
[690] Ibid.
[691] Ibid.
[692] Ibid.
[693] Ibid.

are there multiple or eternal realities which would be, in turn, like essences beyond appearance. Multiplicity is the inseparable manifestation, essential transformation and constant symptom of unity."[694]

These seemingly enigmatic philosophical statements wish to critique the conception of being as a unified, universal, static entity or nature – but such a critique is not a reactively polemical one against, say, another strand of philosophising. The critique of being, in this sense, takes place through an affirmation of the being that happens in becoming, that is an affirmation of being's fragmented, but consistent, condition as a multiplicity, an affirmation of a being that is itself in being open to co-herence, change and movement. The denial of the supposed unity of being, as the true, indestructible and unchangeable essence of an existent being, is in fact to be shown through an affirmation of unity and co-herence through the multiplicity that being is. This echoes Deleuze's call for a shift of interest towards impersonal singularities that, through a process of individuation, constitute the formation of an 'actual' human subject who is not unified, as long as it is the outcome of individuation defined by multiplicity. The unity of the being of a subject, then, is only affirmed through its multiplicity of becoming. Further to that, Deleuze suggests that becoming or a multiplicity are not theoretical or speculative 'illusions,' they may not be corporeal or 'actual' in one sense, but they are *real* and in their realities they ensure that being is affirmed.

But how does this understanding of being as the being of becoming change our mode of existence, our *ethos*? The 'key' to understand its manner is to pay attention to the innocence/blameworthiness opposition that was referred to earlier. We have seen above that the autonomous, unified subject follows the imperative of the moral law and stands from the beginning within the accusation of blameworthiness. Since the supposed moral law, or as we called it a transcendent, dogmatic mode of existence, possesses no substance of being, but

---

[694] Ibid. 23-24.

stands above beings as an empty form, a universal nature or idea of being, each being becomes, automatically, blameworthy. A being's supposed freedom to act as an autonomous being, nonetheless presupposes that every step that may lie outside the commands of the moral law (for instance, the presupposition that a human being is to be defined primarily by its capacity to reason and to reason 'correctly' or 'democratically' or 'prudently' and so forth) are enough to render such a subject guilty at the level of its very existence or being before any act of blameworthiness is even committed.[695] To that extent, an *ethos* defined by guilt suggests an understanding of beings that must pay for their blameworthiness and guilt. Existence becomes culpable at the level of its being or nature. Think, for example, for a second of the category 'civilization' and how it was utilised by colonial powers throughout history to distinguish their worthiness and values from the unworthiness or inferior values of the barbaric 'other.'

Following Nietzsche, Deleuze identifies the ancient philosopher Anaximander as the strongest supporter of a blameworthy notion of existence. This is manifested by one of the fragments of the ancient philosopher which state that: "Where the source of things is, to that place they must also pass away, according to necessity, they [meaning beings] must pay penance and be judged for their injustices, in accordance with the ordinance of time."[696] The fragment suggests that beings are brought into existence by a higher source, or a place. Throughout their lives in 'this world,' beings must pay for their 'injustice' of coming into existence until their dying days and their return to the very source that brought them into

---

[695] Gilles Deleuze, *Masochism: Coldness and Cruelty*. Trans Jean McNeil (Zone Press, 1991), 83-85.

[696] Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), 20; See also, Friedrich Nietzsche, *Philosophy in the Tragic Age of the Greeks*. Trans. Marianne Cowan (Gateway Editions, 1996), 45-50. The translation of the original by Nietzsche, Deleuze, and the subsequent translations in English is disputable but for the purposes of our argument here we followed the analysis given by Deleuze. The original, Ancient Greek fragment reads: "Εξ ὧν δὲ ἡ γένεσίς ἐστι τοῖς οὖσι καὶ τὴν φθορὰν εἰς ταῦτα γίνεσθαι κατὰ τὸ χρεών· διδόναι γὰρ αὐτὰ δίκην καὶ τίσιν ἀλλήλοις τῆς ἀδικίας κατὰ τὴν τοῦ χρόνου τάξιν." An alternative translation could read: 'Beings return to the source of their origin as they pass away, according to [the rules] of necessity; this is because they are accountable and pay penance *to each other* for the injustice they have committed, in accordance with the ordinance of time." Nietzsche and Deleuze's translations misses the part which states that beings are accountable and guilty to each other than simply being accountable for their existence. The fragment in the original Ancient Greek can be found in Κορνήλιος Καστοριάδης, *Η Ελληνική Ιδιαιτερότητα: Από τον Όμηρο στον Ηράκλειτο – Σεμινάρια 1982-1983* (Κριτική, 2007), 281.

existence. As such, "becoming is an injustice (*adikia*) and the plurality of beings that come into existence is a sum of injustices."[697] In this world of injustice the "original being," that is for Anaximander the 'Apeiron' – in later Monotheistic religions it will become God and then in secular Modernity 'the subject' – "falls into becoming, into plurality, into a blameworthy act of generation, the injustice of which it redeems eternally by destroying them."[698] The blameworthiness of existence leads to the total alienation of the subject, which becomes totally 'out of touch' with life. Deleuze, through Nietzsche, identifies this alienation or nihilism, in three characteristics that define the psychology of the alienated subject, namely "*ressentiment* (it's your fault), bad conscience (it's my fault) and their common fruit responsibility."[699]

On the other hand, through Heraclitean innocence, becoming is affirmative of being rather than accusatory. Becoming is both in itself affirmative of being in that a change *is equal and not subordinate to being*, while a force of transformation and multiplicity can always swipe away all stability in order to create something new, without breaking some eternal moral law against otherness. Further to that, becoming is affirmative of being, by becoming the non-judgemental "justification of being."[700] Being's affirmation by becoming, suggests, by definition, an *openness* to change, and as such, an acceptance of the multiplicity and incompleteness of a being. A being or a subject is no more blameworthy for not conforming to a preconceived nature or essence of being. Subsequently, being is 'justified' simply by its *an-archic* openness, by the fact that there is no higher Truth to pre-empt its be-ing, there is only *this* life which ever-remains multiple in its be-ing. Paying attention to the becoming(s) of living suggests an active participation to be-ing, as opposed to the alienation of individuals caused by the stability of this or that unity of essence, truth or nature. A being lives as it becomes, without having to receive its preconceived livelihood in order to live. If a preconceived identity was to

---

[697] Ibid.
[698] Ibid.
[699] Ibid., 21.
[700] Ibid., 24.

be universally applied, we would no longer have to decide or think over anything, we would simply have to apply the command or moral law to our lives and 'do our duty.'

Shall we then say that becoming suggests a constant openness that leads to a situation that 'anything goes'? This is not the case. Becoming should not be understood as a chaotic (in a negative sense) change but as something *untimely*, something that takes place constantly and *returns*. As Deleuze reads Nietzschean 'eternal return,' what returns is not the same but, instead, that which is produced by repetition is difference.[701] Thus, the eternal return is to be understood as the "law of becoming"[702] What this means is that the eternal return points towards a refutation of the understanding of becoming as a mere 'passage' from a state of becoming to a state of being, it rather suggests that everything returns in its difference:

> "it is not some one thing which returns but rather returning itself is the one
>
> thing which is affirmed of diversity or multiplicity. In other words, identity
>
> in the eternal return does not describe the nature of that which returns but,
>
> on the contrary, the fact of returning for that which differs."[703]

To that extent, becoming constantly returns in its multiplicity and difference, in a manner that is not reduced by actual historical events or changes of state of beings that happens within the boundaries of countable time and thus, it is untimely. What we mean by this, is that becoming points towards a mode of existence that is attentive to the small 'details,' the singular glimpses of an encounter that are not exhausted by corporeal events. In a passage from the *Logic of Sense* this untimeliness of becoming becomes more evident, when Deleuze writes:

> "When I say that 'Alice becomes larger,' I mean that she becomes larger
>
> than she was. By the same token, however, she becomes smaller than she is
>
> now. Certainly, she is not bigger and smaller at the same time. She is larger

---

[701] Ibid., 48.
[702] Ibid., 24.
[703] Ibid., 48.

now; she was smaller before. But it is at the same moment that one becomes

larger than one was and smaller than one becomes. This is the simultaneity

of a becoming whose characteristic is to elude the present."[704]

In another instance, Deleuze with Guattari write that "becoming does not belong to history."[705]

We could add here that becoming(s) or impersonal singularities are not exhausted by historical

events, as such they are *unhistorical.* Yet, it is the unhistorical element that is fundamental for

a change to be felt, even if the actuality of the state of affairs does not manifest a change.

Becoming, then, is that which enables a *creative* process to take place because it pays close

attention to the singular. But if a clear-cut definition of what becoming *is* then how are we to

refer or try to describe its operation. In other words, how are we going to understand and

become attentive to our own becoming(s)?

Thus, with these questions we are led to the *how* of becoming as an answer to the

question 'what is becoming?'. We said that becoming cannot be defined but yet it *is* something

that "cannot but be felt [that] always escapes."[706] As Deleuze explains, "becomings – they are

the thing which is the most imperceptible, they are acts which can only be contained in a life

and expressed in a style."[707] We can also say that becoming is the will to power of Nietzsche

or the Heraclitean fire. However, whatever we name it, the definition will or is, automatically,

misguided and more importantly insignificant. This is why it is better to talk about a *how* rather

than a *what*. The *ethos* of becoming calls for an openness to change, to a creation of new worlds

within the sole world. It is a question, ultimately, of *how* we understand as possible that we

change our styles of life and, in general, of *how we exist*. While a human rights framework and

---

[704] Gilles Deleuze, *Logic of Sense*. Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015), 1.
[705] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 59.
[706] Brian Massumi, 'Becoming-Deleuzian' (1996) 14 Environment and Planning D: Society and Space 395, 395.
[707] Gilles Deleuze and Claire Parnet, 'A Conversation: What is it, What is it for?' in *Dialogues II*. Trans. Hugh Tomlinson. (Columbia University Press, 2015), 3.

their unified subject mutilate life, change and experimentation with their dogmatic resistance to change in the name of the driest form of stability (i.e. being=western subject=civilised citizen=human rights holder), becoming responds: "let us create something extraordinary."[708] Our 'new politics,' then, Deleuze argues, should aim towards "the Interesting, the Remarkable, or the Important."[709]

---

[708] Ibid.
[709] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 82.

Chapter V
Deleuze's jurisprudence:
Is there *phronēsis* beyond human rights?

Prologue

1. A way out of a negative polemic and the dangers of *ressentiment*.

The two previous thematic sections of the thesis (the first consisting of **Chapters II** and **III**, and the second engaged with in **Chapter IV**), dealt with the dichotomy between immanence/transcendence and the philosophical notion of becoming. This approach can be read as a resistance against a predominant human rights' proposition for a particular mode of being and thinking human being as attached to particular rights. Such a juridical mode of existence has, as it was argued by examining Deleuze's critical remarks in detail, two distinct yet closely interconnected characteristics and respective outcomes. The first characteristic manifests a dominant transcendent, essentially moral, mode of thought that relies on one type or another of a founding principle, a ground or an *archē* [ἀρχή] as we called it, and human rights can be understood as acting, in a wider context, as such a type of founding principle. The second characteristic, manifests a certain notion of primacy and hierarchy, but instead of focusing on the values that are dictated by a transcendent ground and mode of being, it focuses on the repercussions that the human rights' framework has on how a human being perceives itself and its relation to others and the world. The image, for instance, of the *subjected subject* of human rights, as was discussed in the previous chapter, is one characterised by a fixation on a stable identity that ends up being *uncreative* and, strikingly, arrogant towards its own milieu and those of others.

Evidently, the whole discussion so far can be, justifiably, characterised as a mere 'criticism', in the sense that it examines and tries to expose the characteristics of a particular problem, namely the dominant human rights' framework. However, if such a criticism merely

identifies a problem (in a negative, reactive, sense[710]) and it does not *problematise with* such a problem (and that notion of problematisation, as we explained in the introduction of the thesis, presupposes a positivity, in the sense of an 'openness' to experimentation as a process of learning anew, a constructive part – "to follow the witch's flight"[711] in Deleuze and Guattari's terms) it shall remain short-sighted. This reactive and negative criticism, ultimately, ends up remaining a stagnating polemic characterised by resentfulness feeling. As Deleuze and Guattari write of those who merely criticise:

> "To criticise is only to establish that a concept vanishes when it is thrust into a new milieu, losing some of its components, or acquiring others that transform it. But those who criticise without creating, those who are content to defend the vanished concept without being able to give it the forces it needs to return to life, are the plague of philosophy. All these debaters and communicators are inspired by *ressentiment*. They speak only for themselves when they set empty generalisations against one another."[712]

This passage is a powerful one, as it sums up the inspiration at the heart of this thesis also. It was stated earlier that we do not intend to side with one or other group of critics of human rights that do nothing else than arguing against the current state of affairs from their own perspective, without any intention to create something that breaks out of the boundaries of what is known, in other words, to break out of predominant dogmas when faced with realities that do not seem to interact with the perspectival reality one espouses. At the same time, we are not able to succumb to any form of some kind of a grand, supposedly, trans-perspectival

---

[710] Here the word 'reactive' is used in similar terms as in Gilles Deleuze, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006), 40-42. There Deleuze, following Nietzsche, describes the dominance of reactive forces as the first step that leads to the revolt of the slaves and the ultimate victory of their morality against the morality of the 'nobles.' For further discussion on this see **Chapter III**.

[711] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 41.

[712] Ibid., 28-29.

compromise and 'concede' that any form of critique 'against' human rights is itself a 'reactive,' negative tendency and, to that extent, that it must be abandoned or banned even, by accepting that the narrative of rights has a fundamental absolute value, that must be ever 'defended'. In Deleuze and Guattari's terms, precisely, thought needs to be open to not 'defending a vanished concept' (if so) when not able to give it 'the forces it needs to return to life.' Thus, we do not aim to make a 'call' towards reclaiming some elements of 'truth' or 'radicality' which were long-forgotten within the 'tradition' of human rights, or which were 'hijacked' away from their more positive potentialities. Such a line of argument, commonplace today, suggests that if we just manage to reclaim a positive aspect that *can* 'always' be found within human rights' thought, then we could use them anew as an ever more progressive or radical tool against oppression in its multiplicity of (rights-based and more pervasive structural) forms. However, this achievement would not be sufficient, as it would imply a sense of disbelief as to other new ways of existing or, at least experimentations in order to respond and act before a problematic situation, one that may be worth examining *beyond* human rights as a ready-made framework. Such resignation hidden in the view that the only discourse is 'human rights' could ultimately lead to a dogmatic fixation with 'what is known' as the stifling principle of self-sufficiency. Every other attempt or view would be only seen as an irritant at best or as a threat at worst.

To paraphrase Deleuze, it is neither a matter of 'worrying' that a detachment from the safeguards that are supposedly guaranteed by human rights will lead to an apocalyptic scenario, nor is it a matter of 'hoping' that rights and their principles will, fundamentally, improve in time; and that we will, ultimately, arrive at some glorious point where we can embrace the rights' hidden truth(s) – 'there' from the start but not quite 'here' yet. Instead, confronted with a situation it can be "a matter of finding new weapons"[713] if existing ones appear short-sighted or simply short.

---

[713] Gilles Deleuze, 'Postscript to Societies of Control' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 178.

To that extent, **Chapter IV** concluded by stressing the need to enable *a line of flight* out of our current nihilistic impasse. An impasse where, for instance, 'everyone' has human rights, while at the same time 'anything' goes, everything can be compromised with everything else and so forth. The broad predicament caused by this embraced emptiness as the late modern ground of the freedom of one's identity should be considered as a part of the, currently, dominant human rights mode of thought as not a, but *the* moral and politico-economic mode of existence (and not just as a juridical technique or tool) in the name of a, finally, identified 'humanity' that must be defended and saved. Earlier, we noted the importance of disengaging from the prevalent approaches that aim towards the revelation, each time, of a fundamental truth; deciding to focus instead on trying to *create* something that can – or at least try to – be closer to what can be characterised as *interesting*. This 'interesting' character is worth using against all cynicism in its usual usage, precisely because it possesses a "repulsive"[714] element in its ability to disorient our current state of numb affairs and 'normality.' Here, repulsive must be taken, paradoxically, in a positive manner. It suggests, something unfamiliar, and thus, 'new,' something that causes trouble to the monolithic values and their dogmatism and to that extent, it calls us to *problematise*, *experiment* and *create*. In order explore this in more detail as a possibility, we will examine and develop the Deleuzian concept of 'jurisprudence'.

2. Why jurisprudence?

The notion or concept of jurisprudence is not one which is overly used by Deleuze and, indeed, the comments that he makes about it are very brief and unquestionably enigmatic. Yet, despite this, an examination and further development of the Deleuzian notion of jurisprudence is significant towards a potential alternative to the human rights 'framework' criticised so far.

---

[714] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 83.

The first and more obvious reason for our focus on jurisprudence is the fact that every time that the philosopher expressed his distaste for human rights, he, subsequently, offered as an alternative to this dominance of rights a mode of thought that was said to operate through 'jurisprudence'. As we will see in the second section, the distinction between rights and jurisprudence was highlighted in all the interviews and passages where Deleuze expressed his views on human rights. Such examples include the following texts: 'What it means to be on the Left' in his *A to Z*[715] with Claire Parnet, in his 'Control and Becoming'[716] interview with Toni Negri, 'On Philosophy'[717] interview with Raymond Bellour and François Ewald and also in the brief passage 'A Philosophical Concept…'[718] where Deleuze distinguishes between the rights of a human subject with a fixed identity (see **Chapter IV**) and a mode of operating through a jurisprudential way of *singular becoming(s)*. As such, the notion of jurisprudence could be read as the 'arch-enemy' of the framework of rights. Evidently then, there is something in the way that Deleuze understands the way that jurisprudence could function as a concept and its potentiality to operate *beyond* the dogmatic framework of human rights, but what is it?

A further point that renders the concept of jurisprudence interesting is, of course, its particular relevance to law, legal thought and the issue of rights' creation in an institutional sense. Jurisprudence has multiple understandings coming from different legal traditions and/or histories of law and this multiplicity calls for a close examination in itself. This is because in order to better understand why Deleuze uses this particular concept to combat human rights we must gain a better understanding of the particular way in which he uses it. Indeed, we shall see

---

[715] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze A to Z* (Semiotext(e) DVD, 2004).
[716] Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995).
[717] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995).
[718] Gilles Deleuze, 'A Philosophical Concept…' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993).

that there is even evidence of Deleuze's interest and 'consciousness' of jurisprudence's specific

legal implications. When he speaks with Parnet, Deleuze states that:

> "I have always been fascinated about jurisprudence, about law... If I hadn't
>
> studied philosophy, I would have studied law, but precisely not 'the rights
>
> of man,' but rather I'd have studied jurisprudence. That's what life is. There
>
> are no 'rights of man', only rights of life, and so, life unfolds case by
>
> case."[719]

In another instance, when he was asked by Dominique Séglard why he chose to do his thesis

on Hume,[720] Deleuze, remarkably, replied: "Because of the law. My true vocation is the law,

philosophy, and the law."[721] These statements may come as a surprise considering the fact that

Deleuze expressed in many occasions his distaste for representation and judgment, two

undeniable characteristics of the legal mode of thinking and legal practice more generally.[722]

Further to that, and unlike some of his contemporaries, Deleuze did not, extensively, engage

with issues relating to law, such as the distinction between law and justice, or the sources of

the law and so forth.[723] Despite this, these earlier statements manifest that Deleuze had a strong

interest in law, but more importantly, his statements show that the meaning of the experience

of law for Deleuze is somewhat divergent to a conventional mode, at least to an extent. In

particular, we can observe that he makes a distinction of a law or, in better terms the law that

---

[719] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze A to Z* (Semiotext(e) DVD, 2004).

[720] Gilles Deleuze, *Empiricism and Subjectivity: An Essay on Hume's Theory of Human Nature*. Trans and Intro Constantin V. Boundas (Columbia University Press, 1991).

[721] François Dosse, *Deleuze and Guattari: Intersecting Lives*, Trans. Deborah Glassman (Columbia University Press, 2010), 121.

[722] The most characteristic examples are Deleuze's two books on Spinoza; *Expressionism in Philosophy: Spinoza*. Trans. Martin Joughin (Zone Books, 1992); *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers 2001), his book on Nietzsche; *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006) and the essay 'To Have Done with Judgment' in *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998).

[723] An obvious contemporary philosophical example of such engagement is the much celebrated, in the legal field, lecture given by Jacques Derrida, 'The Force of Law: The Mystical Foundation of Authority' in Michel Rosenfeld, David Ray Carlson and Drucilla Cornell (ed.) *Deconstruction and the Possibility of Justice* (Routledge, 1992).

operates through 'the rights of man' or 'human rights' and a law that operates through the medium of a *creative* jurisprudential notion of living, of a 'case by case' basis.

Finally, a third preliminary point that can be added is the fact that a better understanding of the meaning(s) of jurisprudence in further relation to the way Deleuze refers to the concept, as well as the way in which jurisprudence may then escape the said dogmatism of human rights, could ultimately help us develop, or at least indicate, a different mode of being and thinking about the creation of rights, beyond their 'eternal normativity' and grounding principles, towards, instead, a non-dogmatic (or an *an-archic*) jurisprudence – a jurisprudence characterised by a mode of being and thinking which strives to be *creative*.

To that extent, this chapter consists of two sections. In **section I** we delve into an examination of the different meanings of the term jurisprudence. This examination will help us to better understand the way Deleuze uses the term and the influences that he may have in mind when he refers to jurisprudence. Furthermore, it shall be argued that an ethical element in jurisprudence, which was, in fact, a fundamental aspect of the term in pre-modern times, has since vanished; and this shall have significance for our inquiry. In **section II** we examine the particular passages where Deleuze refers to the concept and explain why this is opposed to a dogmatic understanding of the conventional operations in a legalistic thought, and of the function of such conventionalism in the dogmatic uses of human rights. We argue that Deleuze's enigmatic and idiosyncratic interpretation of the term jurisprudence has the potential to (re)introduce a forgotten *ethos* of jurisprudence back to legal and philosophical thinking and to provide it with a new impetus. The above examination aims to develop this turn anew to jurisprudential thought to (re)think beyond the transcendence of rights and their dogmatism, in what we shall call in the subsequent and final chapter of the thesis, as an *an-archic* jurisprudence.

I. Which *jurisprudence*? – A multiplicity of meanings.

1. Etymological issues – How is the law 'prudent?'

The main difficulty in making sense of the meaning and the uses of the term 'jurisprudence' arises due to an inconsistency in the ways it is expressed or used.[724] At first, certain etymological elements can be noted, even though they may seem relatively, though deceptively, straight-forward. In fact, there are some key aspects in the etymology of the word 'jurisprudence' which are worth taking further into account. The origins of the term can be found in the Latin words *ius* ('law') and *prudentia* (usually translated as 'wisdom', but as we will see it refers to a specific kind of 'wisdom' deriving from the translation of the Greek *phronēsis* [φρόνησῐς], and it can also take the meaning of 'skill').[725] To that extent, as R.H.S. Tur notes "a jurisprudent is one wise or skilled in law."[726] Is it, then, possible to say that a jurisprudent[727] is synonymous to a 'good lawyer,' i.e. a person who possesses a particular skill or wisdom and who engages with legal issues in a masterful manner? Unquestionably, this equation between a jurisprudent and a lawyer, even an excellent lawyer, does not describe adequately the characteristics of a jurisprudent or a person skilled in legal matters.

In order to get a better sense of *prudentia* or *phronēsis* [φρόνησῐς] of *ius*, that plays a significant role in the formation and, more importantly, in the historical meaning of the term, we should refer back to the origins of the use(s) of 'jurisprudence.' The composition of the

---

[724] R.H.S. Tur, 'What is Jurisprudence? (1978) 28(111) The Philosophical Quarterly 149, 149.

[725] A. H. Campbell, 'A Note on the Word Jurisprudence' (1942) 58 Law Quarterly Review 334, 334.

[726] R.H.S. Tur, 'What is Jurisprudence?' (1978) 28(111) The Philosophical Quarterly 149, 149.

[727] As we will explain in the section where we examine and develop Deleuze's notion of jurisprudence, a jurisprudent does not refer to a particular individual. It is rather an ethical category, something that characterises this non-dogmatic, *an-archic ethos* of the account of jurisprudence that we support. The notion of the jurisprudent can be grasped as 'a persona.' This understanding of the jurisprudent is shared by Shaun McVeigh, 'Conditions of Carriage: Finding a Place' (2017) 21 Law Text Culture 165. This understanding draws parallels to Deleuze and Guattari's understanding of 'the conceptual persona' of the philosopher as the creative way that describe the philosopher's thought and helps the generation of philosophical concepts. See, Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), chapter 3. More on these in the second section of this chapter.

definition is, usually, attributed to the great Roman jurist, Ulpian.[728] The Ulpianic understanding of the term appears at the beginning of Book 1.1.10 of the *Digest* of Justinian and it reads: "*Iuris prudentia est divinarum atque humanarum rerum notitia, iusti atque iniusti scientia.*"[729] While a translation of the expression in English is only approximate, according to Henry H. Brown, an attentive translation would be as follows: "jurisprudence is the knowledge of all things human and divine, the science of the just and the unjust."[730] Another translation, this time from the contemporary translation of the *Digest* by Alan Watson reads: "Practical wisdom in matters of right is an awareness of God's and men's affairs, knowledge of justice and injustice."[731] The first point that draws our attention from these two slightly different translations is the equation of jurisprudence with 'practical wisdom.' This equation establishes that the wisdom of law is one of a specific kind.

The origins of the Latin terms *prudentia* can be located in their Greek source, in Aristotle's *Nicomachean Ethics* and more specifically in his definition of *phronēsis* [φρόνησῖς] as a specific 'branch' or 'kind' of wisdom. In order to grasp the meaning better we refer to the Aristotelian passage extensively:

> "We may grasp what practical wisdom is by considering the sort of people we describe as practically wise. It seems to be characteristic of the practically wise person to be able to deliberate nobly about what is good and beneficial for himself, not in particular respects, such as what conduces to health or strength, but about what conduces to living well as a whole.

---

[728] This view is held by R.H.S. Tur, 'What is Jurisprudence?' (1978) 28(111) The Philosophical Quarterly 149; A. H. Campbell, 'A Note on the Word Jurisprudence' (1942) 58 Law Quarterly Review 334; Henry H. Brown, 'Ulpian's Definition of Jurisprudence' (1921) 41(12) Canadian Law Times, 758.

[729] Ulpian, 'Libro Secundo Regularum 1.1.10.2' in *Liber Primus* of *Domini Nostri Sacratissimi Principis Iustiniani Iuris Enucleati Ex Omni Vetere Iure Collecti Digestorum Seu Pandectarum* https://droitromain.univ-grenoble-alpes.fr/Corpus/d-01.htm#1 [Accessed 17 October 2019].

[730] Henry H. Brown, 'Ulpian's Definition of Jurisprudence' (1921) 41(12) Canadian Law Times, 758, 758.

[731] Alan Watson Trans. And (ed.) *The Justinian Digest: Volume 1* (University of Pennsylvania Press, 1998), 2.

An indication of this is the fact that we call people practically wise in some

particular respect whenever they calculate well to promote some good end

that lies outside the ambit of a skill; so, where living well as a whole is

concerned, the person capable of deliberation will also be practically wise.

No one deliberates about what cannot be otherwise, or about things he

cannot do. So, if scientific knowledge involves demonstration, but there is

no demonstration of anything whose first principles can be otherwise (since

every such thing might be otherwise), and if one cannot deliberate about

what is necessary, then practical wisdom cannot be scientific knowledge.

Nor can it be skill. It is not scientific knowledge because what is done can

be otherwise; and it is not skill because action and production are

generically different.

It remains therefore that it is a true and practical state involving reason,

concerned with what is good and bad for a human being. For while

production has an end distinct from itself, this could not be so with action,

since the end here is acting well itself. This is why we think Pericles and

people like him are practically wise, because they can see what is good for

themselves and what is good for people in general; and we consider

household managers and politicians to be like this."[732]

Here, Aristotle distinguishes between three different kinds of knowledge or wisdom, that is

practical wisdom, scientific knowledge (or *epistēmē* [ἐπιστήμη] as is the term used by Aristotle)

and skill or *technē* [τέχνη].[733] What characterises practical wisdom or *phronēsis* [φρόνησῐς], is

the fact that in order to understand its essence we have to examine the particular features of the

---

[732] Aristotle, *Nicomachean Ethics*. Trans. Robert Crisp (Cambridge University Press, 2004) Book VI Chapter 5, 107.

[733] For the original Greek, see Αριστοτέλης, *Ηθικά Νικομάχεια (Τόμος Α')*. Μετάφαση Κυριάκος Ζαμπάς (Αρχαία Γραμματεία, 2009), 103-104.

people that are considered to be practically wise in this passage. In that sense, the notion of *prudence* is directly connected to *ethos*, that is the *mode of being* of the one who possesses such wisdom. Furthermore, the passage shows that a practically wise person must also be *experienced* and able to *assess* how to act in a particular situation that he or she is faced with. Aristotle makes it clear that the possessor of practical wisdom has to arrive at a certain point of experience in order to be considered practically wise. Thus, a young person is not, usually, qualified as such. As Aristotle states:

> "What I have said is supported by the fact that, though the young become proficient in geometry and mathematics, and wise in matters like these, they do not seem to become practically wise. The reason is that practical wisdom is concerned also with particular facts, and particulars come to be known from experience; and a young person is not experienced, since experience takes a long time to produce."[734]

Going back to Ulpian's definition of law's prudence or practical wisdom we can, now, observe more clearly that an understanding of jurisprudence suggests an attentive knowledge of law, gained by experience, engaging with the specificity of each and every situation in time and as a whole. Such an engagement is a matter of acquiring a certain level of experience, rather than a mere skill or a science that one acquires theoretically, and can then choose or not to apply to this or that situation. Thus, it is experience gained through a laborious and long engagement with cases in their particularity and holistic situatedness that enables a jurisprudent to distinguish between, or as Ulpian writes *to know*, what is good or bad, just or unjust in each particular situation, rather than speculatively. This knowing, crucially, is not a matter of arriving to an ultimate end-point, where the Truth of the law is revealed, achieved or mastered

---

[734] Aristotle, *Nicomachean Ethics*. Trans. Robert Crisp (Cambridge University Press, 2004) Book VI Chapter 5, 111.

once and for all, but it is rather a mode of thought that is *mindful*[735] of the situation that is encountered by the one who is experienced enough to wisely assess how to experientially act – and in that sense, not merely to react by applying *a priori* rules that are either good or bad in relation to their representation of the original principle or rule. A jurisprudential understanding becomes, then, by nature in this sense an open-ended process of reconsidering and creating the *tools* that you need to use in order to respond to novel situations as you encounter them.

Ulpian's definition refers to two other kinds of knowledge, namely *notitia* and *scientia*. According to Brown, *notitia* refers to a kind of knowledge "acquired by the exercise of our bodily powers,"[736] in other words we become acquainted to something by noticing it. *Scientia* is the kind of knowledge which is achieved by "the exercise of our mental powers."[737] Thus, according to Ulpian, we become bodily aware of, or *notice*, all things divine and human and at the same time we acquire mental knowledge that enables us to distinguish between the just and the unjust. These two kinds of knowledge are crucially *combined* under the prudence or practical wisdom of the law: jurisprudence. As such, we can observe again the ethical aspect of the term in that jurisprudence points to being learners mindful of the things around us through an ongoing process of experimentation and experiential learning.

This ethical aspect of jurisprudence is also indicated in the work of Costas Douzinas and Adam Gearey. When commenting on the etymological meaning of the word, Douzinas and Gearey focus on the second part of the word and the meaning of 'prudence' arguing that this particular wisdom or skill in law is what gives 'the breath' to the whole of the compound word 'jurisprudence.' As they write:

> "[…] And yet jurisprudence is the prudence, the *phronēsis of jus* (law),
>
> law's consciousness and conscience. What does this mean? All great

---

[735] A definition of *phronēsis* as 'mindfulness' is given by Thomas McEvilley, *The Shape of Ancient Thought* (Allworth Press, 2006), 206.
[736] Henry H. Brown, 'Ulpian's Definition of Jurisprudence' (1921) 41(12) Canadian Law Times, 758, 758.
[737] Ibid.

philosophers from Plato to Hobbes, Kant, Hegel and Weber had either studied the law or had a deep understanding of legal operations. Juristic issues have been central to philosophical concerns throughout history. Well before the creation of various disciplines, when thinkers wanted to contemplate the organisation of their society or the relationship between authority and the citizen they turned to law. Plato's *Republic* and Aristotle's *Ethics* as much as Hegel's *Philosophy of Right* are attempts to examine the legal aspects of the social bond, to discover and promote a type of legality that attaches the body to the soul, keeps them together and links them to the broader community."[738]

In the above passage there is a suggestion of a constant interplay of two qualities that contribute to the formation of a proper jurisprudential mode of thinking about law. These two qualities, consciousness and conscience, signify that a jurisprudent not only has to be a skilful *connoisseur* of legal principles, and thus be *conscious* of the law, but must also possess a certain conscience when he or she operates through legal principles; and not be a mere practitioner of the law, in the sense of applying standardised 'solutions' to equally standardised 'problems.' It is in this sense that we can speak then of a certain *ethos* that characterises and also distinguishes a person who acts through a jurisprudential mode, from a person who, merely, engages with what it is broadly understood, as legal rules, principles or general matters, be that a legal professional, a scholar of the law, a judge or legislator. To that extent, a person who operates through 'law's wisdom' is much more than (and, indeed, could be anyone who is *attentive* enough and *willing* to act through a certain *ethical* mode required by this *phronēsis* [φρόνησῐς]), a mere 'professional,' or an 'expert' in today's term.

---

[738] Costas Douzinas and Adam Gearey, *Critical Jurisprudence: The Political Philosophy of Justice* (Hart Publishing, 2005), 3.

However, we should not, by any means, underestimate the importance of a certain expertise in the law's own terms and practices, and this is quite important today considering the widespread ridicule and doubting which legal expertise, and all expertise in fact more generally, has to face and combat. As stated in the above passage, those philosophers who, in the past, engaged with the subject of the law, possessed an understanding of its functions and its operations. Again, we witness a constant interplay between a consciousness of the law and an ethical 'openness' to examine and to explore the setting of legal boundaries, and to that extent, not only to be able to comment on shortcomings, but also to be able to (re)shape them in a creative, living, manner. Douzinas and Gearey state that the law's conscience, could be characterised as "the exploration of law's justice and of an ideal law or equity at the bar of which the state law is always judged."[739] However, our exploration should be understood as something more than a mere quest for an 'ideal law' or, indeed, for 'law's justice'; a justice that is ultimately reduced to the matter of searching for law's ultimate truthfulness anew, or its true nature (its essence).

This understanding of jurisprudence, then, can be seen as a *quality* which is to be acquired through experience and practice, a wisdom that calls for openness and attentiveness to the specificity and singularity of the state of affairs that is before it. Yet, it seems that this core ethical element of jurisprudence is omitted or neglected in the modern definition(s) and legal understandings of the term, and tends to signify in today's legal academy and legal practices something almost entirely technical.

---

[739] Ibid.

2. *Prudentia* is no more: 'Jurisprudence' and '*La Jurisprudence*' in modern times.

Within the Anglo-American legal milieu, the term jurisprudence is used in an inconsistent way. The *Oxford English Dictionary* states, for instance, that the term signifies either a) a legal system and b) legal theory or the philosophy of law.[740] The *Oxford Dictionary of Law* comes to perplex things more when it distinguishes between jurisprudence, legal theory and philosophy of law by stating that:

> "[Jurisprudence is] the theoretical analysis of legal issues at the highest level of abstraction. Jurisprudence may be distinguished from both legal theory and the philosophy of law by its concern with those questions (e.g. about the nature of a particular right or duty, or a particular line of judicial reasoning) that arise within or are implied by substantive legal disciplines. [On the other hand] legal theory is often used to denote theoretical enquires about law 'as such' that extend beyond the boundaries of law as understood by professional lawyers (e.g. the economic analysis of law or Marxist legal theory). Legal philosophy or the philosophy of law, as its names implies, normally proceeds from the standpoint of the discipline of philosophy; that is, it attempts to unravel the sort of problems that might concern moral or political philosophers, such as the concepts of freedom or authority."[741]

The *Oxford Dictionary of Law's* definition seems to share some elements with the definition given by Ulpian, in the sense that jurisprudence is understood as an operation that engages with *particular* issues, and which is distinguished from the other two modes of engaging with law (theory and philosophy) and by the fact that it is not that interested in more general ideas such as freedom or authority, but has as its main interest the singularity of an encounter. Furthermore, we could infer from the above definition that jurisprudence is considered as

---

[740] https://www.lexico.com/en/definition/jurisprudence [Accessed 20 October 2019].
[741] 'Jurisprudence,' *Oxford Law Dictionary* (7th Oxford University Press, 2013), 308.

something which belongs to the boundaries of the narrower discipline of law, whereas legal philosophy is mostly seen as a branch of legal thinking that however belongs to the discipline of philosophy. This distinction between disciplines is important, since it manifests a further appropriation of the practice of jurisprudence by an expert, with a (legal) professional standing, rather than a person who could be defined by a jurisprudential *ethos*. In a sense, we could say, that jurisprudence in the ethical sense has been displaced, eroded even by being *disciplinised*.

Nonetheless, the *Oxford English Dictionary's* definition seems to now conventionally prevail. We could say that jurisprudence's common understanding within the present milieu of the Anglo-American academy and as a field of study in itself, is usually used to signify what may be relevant to the legal discipline, meaning the object of legal reflection about internally legal phenomena, rather than the more marginal and extra-disciplinary philosophy of law or legal theory. Hence, the Chair of Jurisprudence at the University of Oxford has been occupied throughout the years by prominent analytic legal philosophers/theorists; and many academic institutions, which follow the Anglo-American model of legal education, even refer to the courses of the philosophy of law or legal theory, using the term 'jurisprudence.' In addition, textbooks by scholars belonging to this tradition define jurisprudence as the 'philosophy of law'. For example, Denise Meyerson begins her *Understanding Jurisprudence* by stating that "jurisprudence is a branch of philosophy – the branch which deals with philosophical questions about law."[742] In similar fashion, though coming from different traditions, Scott Veitch, Emilios Christodoulidis and Marco Goldoni open their *Jurisprudence: Themes and Concepts* with the definition of jurisprudence by Adam Smith who defines it as "the theory of the rules by which civil governments ought to be directed', otherwise, the theory of the general principles of law and government." [743] Furthermore, the study of jurisprudence in this Anglo-

---

[742] Denise Meyerson, *Understanding Jurisprudence* (Routledge, 2007).
[743] Adam Smith, 'Lectures on the Province of Jurisprudence 1762,' cited in Scott Veitch, Emilios Christodoulidis and Marco Goldoni, *Jurisprudence: Themes and Concepts* (3rd ed. Routledge, 2018), 1.

American academic milieu, usually, revolves around the debate between the foundational natural and positive law theories, as well as normative debates about legal concepts in particular legal uses. Anglo-American jurisprudence is, to this extent, interested in questions about the nature of law, or the law's identity and validity. For that reason, a jurisprudent, as a philosopher of law or legal theorist (as these terms are usually used interchangeably), within this (analytic) philosophico-juridical tradition, raises questions about issues such as to the validity of law (i.e. what is it the element that distinguishes a law from a non-juridical rule?); or inquire into the relationship between law and morality – where classically, on the one hand, natural law theorists generally support that moral issues are a fundamental aspect of law which should act as constraints upon it,[744] and on the other hand, legal positivists would, generally, support either a strong distinction,[745] or a 'separability thesis'[746], that defines law and morality and sees law and morality as conceptually distinct, while it also accepts that there could be a potential for a compromise between them.[747]

For positivists, jurisprudence adopts a, we could say in one sense, sociological aspect,[748] as they see law as a social construct and so their interest lies on the examination of rules (for e.g., Hans Kelsen's 'basic norm' [*Grundnorm*][749] and H.L.A. Hart's famous 'rule of recognition'[750]), orders and how law is *posited* by legislators. Despite their differences, both admittedly broad schools of thought (and in general terms, possibly the vast majority of the

---

[744] See for example, John Finnis, *Natural Law and Natural Rights* (Oxford University Press, 1980); Lon Fuller, *The Morality of Law: Revised Edition* (Yale University Press, 1977); Robert P. George, *In Defense of Natural Law* (Oxford University Press, 2001).

[745] For example, Thomas Hobbes, *Leviathan* (Penguin Classics, 1986); Jeremy Bentham, *Introduction to the Principle of Morals and Legislation* (Batoche Books, 2000); John Austin, *The Province of Jurisprudence Determined* (Cambridge University Press, 1995).

[746] For the 'separability thesis' see H. L. A. Hart's seminal book *The Concept of Law* (3rd ed. Oxford University Press, 2012); Jules Coleman, 'Negative and Positive Positivism' in Marshall Cohen, (ed.) *Ronald Dworkin and Contemporary Jurisprudence* (London: Duckworth, 1984), 29.

[747] An example is Joseph Raz's *The Authority of Law: Essays on Law and Morality* (2nd ed. Oxford University Press, 2011).

[748] Leslie Greene, 'Introduction' in H.L.A. Hart, *The Concept of Law* (3rd ed. Oxford University Press, 2012), xvii-xx.

[749] Hans Kelsen, *Pure Theory of Law*. Trans Max Knight (University of California Press, 2009), 3-10.

[750] H.L.A. Hart, *The Concept of Law* (3rd ed. Oxford University Press, 2012), 94-95, 100-110.

traditional Anglo-American schools of legal thought) tend to situate the spectrum and the operation of jurisprudence in a purely theoretical (or, strictly disciplinary) position. As a result, the ethical, but also the practical, aspect of *phronēsis* [*φρόνησῐς*], as manifested in Ulpian's definition and which was so fundamental to the understanding of the term, is omitted, relegated to a secondary point of interest, or even completely evaporated.

A potential starting point for this shift of the understanding of jurisprudence as the practical wisdom of law towards a narrow and theoretical enterprise – which also becomes a, relatively, exclusionary and deeply *narrow-minded* area[751] of 'expertise' for the so-called 'professional' legal philosophers – can be located in the writings of Jeremy Bentham and it became fully developed in the writings of Bentham's close friend, John Austin, in the latter's highly influential series of lectures, *The Province of Jurisprudence Determined.*[752] For Bentham jurisprudence becomes a *science* "which contains the art of science of legislation."[753] As he notes:

> "Jurisprudence is a fictitious entity: nor can any meaning be found for the word, but by placing it in company with some word that shall be significative of a real entity. To know what is meant by jurisprudence, we must know, for example, what is meant by a book of jurisprudence. A book of jurisprudence can have but one or the other of two objects: 1. To ascertain what the *law* is: 2. to ascertain what it ought to be. In the former case it may be styled a book of *expository* jurisprudence; in the latter, a book of *censorial* jurisprudence: or, in other words, a book on the *art of legislation.*"[754]

---

[751] On the 'narrow-mindedness' of the traditional Anglo-American jurisprudential thought, see Thanos Zartaloudis, *Giorgio Agamben: Power, Law and the Uses of Criticism* (Routledge, 2010), esp. xi-xii.
[752] John Austin, *The Province of Jurisprudence Determined* (Cambridge University Press, 1995).
[753] Jeremy Bentham, *Introduction to the Principle of Morals and Legislation* (Batoche Books, 2000), 233-234.
[754] Ibid., 234.

Hence, 'jurisprudence' is reduced to an empty signifier which can only be understood and examined through an empirical study of the nature of law (confined between the 'is' and the 'oughts') in a 'purely' scientific manner. This 'turn-into-science' of jurisprudential thought would, ultimately, develop further with John Austin's work. For him, "the *matter* of jurisprudence is positive law: law simply and strictly so called: or law set by political superiors to political inferiors."[755] Thus, in his effort to establish the status of jurisprudence as a science, he tries to completely detach law from any moral constraints or requirements. As such he criticises Ulpian's definition of the term, because as he notes:

> "[In Ulpian's passage] jurisprudence, if it is anything, is the science of law, or at most the science of law combined with the art of applying it; but what is here given as a definition of it, embraces not only law, but positive morality, and even the test to which both these are to be referred."[756]

Austin, here, seems to recognise that jurisprudence combines both a science or a knowledge of law and an art of applying, that is a practical element. Nevertheless, in his effort to argue for a strong positivist approach to law, he, ultimately, ends up confusing the practical, ethical element of jurisprudence with what he conceives as a moral aspect of Ulpian's definition – what Austin calls 'positive morality.' Ultimately, for Austin's 'hard' legal positivism, law must remain pure from morality, but by doing so, Austin also 'purifies' jurisprudence from its ethical heart and thus, it ironically strips its *practicality* away.

As we stated earlier, this view of 'jurisprudence as science' seems to define the vast majority of (analytic) Anglo-American scholarship. To that extent, it could be argued that the shadow of Austin's understanding of jurisprudence's is still cast in one way or another over the predominant understandings of the term within the traditional jurisprudential circles,

---

[755] John Austin, *The Province of Jurisprudence Determined* (Cambridge University Press, 1995), 161-162, [emphasis added].
[756] Ibid., 18.

irrespective of the many and heavy criticisms of his account[757] – including those advances

coming from natural law theorists who argue for a close relation between law and morality,

without however, avoiding this narrow scientific understanding of jurisprudence as a merely

theoretical enterprise of a discipline that applies its own criteria to itself (as argued in **Chapter**

III, morality and practical, *an-archic* ethics could and should be distinguished).

Moving on to the different continental legal uses of the term, a first glimpse – and for

our purposes within the French modality, in particular, due to Deleuze's immediate, one can

presume, understanding – may show that the practical wisdom of law has survived its

practicality, at least in part. This is because jurisprudence or *la jurisprudence* in its continental

sense signifies "the working through cases rather than legal philosophy."[758] More specifically,

and according to the *Larousse, Dictionnaire Français*, "*la jurisprudence est l' ensemble des*

décisions judiciaires et administratives, qui constitue une source du droit [jurisprudence is the

set of judicial and administrative decisions, which constitute a source of law or rights].[759] To

this extent, we can notice a manifestation of an engagement with the *particular*, which,

possibly, resonates better with the Ulpian understanding of jurisprudence as the practical

wisdom of law. Is this continental understanding of jurisprudence, then, closer to what Deleuze

had in mind? Is it something that can bring something new to the Anglo-American

understanding of what it means to operate and think about law and rights more generally?

Regarding the first question, as we explain in detail in the next section, Deleuze's does

not directly define the meaning of jurisprudence that he had in mind. Nonetheless, his

understanding of the term, as stated previously, offers a new dynamic and impetus to our

---

[757] While, the main target of modern critics of legal positivism is H.L.A. Hart, Austin becomes also the target. See, for example, Ronlad Dworkin, *Law's Empire* (Hart Publishing, 1998). Furthermore, Austin's account is also attacked by legal positivists such as H.L.A. Hart, *The Concept of Law* (3rd ed. Oxford University Press, 2012).
[758] Nathan Moore, 'Icons of Control: Deleuze, Signs, Law' in Thanos Zartaloudis (ed.) *Law and Philosophical Theory: Critical Intersections* (Rowman & Littlefield International, 2018), 128.
[759] https://www.larousse.fr/dictionnaires/francais/jurisprudence/45213 [Accessed 24 October 2019]. English translation is mine.

understanding of jurisprudence, law and (human) rights. Regarding the second question, we argue that this continental understanding of jurisprudence is not unfamiliar to the Anglo-American legal discipline. It simply refers to another operation of the Anglo-American discipline of law. In particular, this 'operation through cases' does not transcend the narrow boundaries of a common law procedure in the development of the law, according to the mechanism of precedent which is set by the courts and which is based on judicial interpretation(s). In these terms, *la jurisprudence* is nothing more than "case law, or that part of the positive or actual law built up by judicial decision rather than enacted and laid down in statutes or code: what Bentham called 'judge-made law.'"[760] As a result, the two seemingly fundamentally different legal traditions, in terms of thinking about law and rights, do not escape a narrow – and rather dogmatic and *archist* – understanding of law and rights as a discipline. We can, then, conclude that in both traditions the second compound (*prudentia*) of the word jurisprudence is no more.

II. A Deleuzian Jurisprudence: Restoring the *phronēsis* and *ethos* of *ius*.

Deleuze refers to the notion of jurisprudence as a potential way out of what he conceived as the problem of transcendence and abstraction which dominates human rights' mode of thought. Yet, similarly to the difficulty we faced in the examination of how he understands and critiques human rights, the philosopher's use of the term jurisprudence remains as we have seen, significantly, enigmatic. In most cases, commentators on Deleuze's use of 'jurisprudence' share the view that the philosopher uses the term in its continental sense and, thus, they interpret his jurisprudential method as the engagement with (and a mode of legal

---

[760] R.H.S. Tur, 'What is Jurisprudence?' (1978) 28(111) The Philosophical Quarterly 149, 149.

operation through) particular cases.[761] So, for example, despite being a bit hesitant, Lefebvre, tries to respond to this 'enigma' of the Deleuzian concept of jurisprudence and states that:

> "[Deleuze] appears to have in mind a system of case law, one that creates law out of its concrete encounters and the controversies of its litigants; something more akin – but this remains conjecture on my part – to an Anglo-American (common law) and not a continental (civil law) approach. In this, view a philosophy of law – or jurisprudence, properly understood – appreciates the *case*, that is, the legal singularity, as the fundamental element and first principle of law."[762]

Here, it is important to notice that Lefebvre, and as we will see Deleuze as well, refers to jurisprudence as 'the philosophy of law.' We can infer that the term is not merely used to refer to 'case law', since it seems that Deleuze is aware of the use of jurisprudence to signify a philosophy of law in a certain sense. Thus, as we argue in the subsequent sub-section, Deleuze's jurisprudential notion seems to be a sort of combination of the different meanings of the term. This combination is what makes his use of the term innovative, and more importantly as we claim, it effectively restores the ethical aspect of the *phronēsis* [*φρόνησῐς*] of the law which has been increasingly omitted in modern times. A Deleuzian jurisprudence becomes a *practical* and *creative* philosophy of law – a law that is not reduced to the institutionally or systemically dogmatic sense of the word, but acquires a new impetus as to how to organise, how to respond to singular situations and how to live. In order to see how this becomes possible, we have to examine the specific parts where Deleuze speaks directly about 'jurisprudence' in some more detail.

---

[761] Nathan Moore, 'Icons of Control: Deleuze, Signs, Law' in Thanos Zartaloudis (ed.) *Law and Philosophical Theory: Critical Intersections* (Rowman & Littlefield International, 2018); Alexandre Lefebvre, *The Image of Law: Deleuze, Bergson, Spinoza* (Stanford University Press, 2008), 56.
[762] Ibid.

1. Deleuze's jurisprudence: A *practical*[763] philosophy of law.

In the same interviews where he expresses his distaste for human rights, Deleuze, also, expresses a preference for jurisprudence. In the section, 'What it means to be on the Left' in his *A to Z* series of interviews, continuing his reference to the example of the predicaments of the Armenian enclave (see **Chapter I**), he states:

> "I would say that it's not a question of 'rights of men,' it's not a question of justice, rather it's a question of jurisprudence. All the abominations that humans undergo are cases, not elements of abstract rights. These are abominable cases. You might tell me that these cases resemble each other, but these are situations of jurisprudence. This Armenian problem is typically what can be called an extraordinary, complex problem of jurisprudence. What can we do to save the Armenians and to help them save themselves from this crazy situation they find themselves in? Then, an earthquake occurs, an earthquake, so there are all these constructions that had not been built as well as they should have been. All these are cases of jurisprudence. To act for freedom, becoming-revolutionary, is to operate in jurisprudence when one turns to the justice system. Justice doesn't exist, 'rights of man' do not exist, it concerns jurisprudence... That's what the invention of law or rights [*du droit*] is."[764]

In this passage jurisprudence functions as an 'antidote' to the abstraction and impotence of human rights and their abstract declarations to the weak and marginalised of the world. According to Deleuze, the very real case of the Armenians and their very singular and specific

---

[763] Here we use *practical* in the same sense as we did in **Chapter III**, that is, in order to describe Deleuze's *ethos* or ethics. By *practical* we refer, then, to a non-dogmatic, *an-archic* and creative understanding of what it means to operate through jurisprudence as a philosophy of law.

[764] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze A to Z* (Semiotext(e) DVD, 2004).

situation and suffering are matters that can only be solved through a *jurisprudential* mode of operation. Such an operation, according to him, is what in fact invents law.

In similar terms, in the brief passage 'A Philosophical Concept…', as we have already seen in previous chapters, Deleuze criticises the abstract rights of a human subject – "who has lost much of its interest on behalf *of pre-individual singularities and non personal individuations*."[765] – and notes that this loss of interest for a 'universal' human subject can be manifested in law through a process of thinking in terms of *jurisprudence* rather than any idea of universal (human) rights. As he states:

> "The judicial notion of 'case' or 'jurisprudence' dismisses the universal to the benefit of emissions of singularities and functions of prolongation. A conception of law based upon jurisprudence does not need any 'subject' of rights. Conversely, a philosophy without subject has a conception of law based on jurisprudence."[766]

It seems that jurisprudence, in both passages, signifies a mode of 'working through cases', but this operation should not and cannot be reduced solely to the Anglo-American or common law understanding of the logic of precedent. The jurisprudential operation, equally, is not a mere interpretation of the facts of a case and an application of ready-made legal rules, as it, usually, happens in courts and the sum of the national and supranational so-called 'official legal entities.' The jurisprudential operation must not be reduced to this worn-out process, or as Deleuze argues, "we mustn't go on leaving this to judges."[767] The Deleuzian operation aims to be attentive to the singular case, in the sense that it *recognises* its singularity without reducing

---

[765] Gilles Deleuze, 'A Philosophical Concept…' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993), 95. See, also **Chapter II** for a discussion of *whatever singularities* and **Chapter IV** on becoming and singularities.
[766] Ibid.
[767] Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995),169.

the case and its particularities to universal hypotheses, *a prioris* and dogmatic rules and norms that lack any interest for the singular other than for the pacification of disputes.

Deleuze does not specify the meaning of jurisprudence only in this way, however. As it was mentioned earlier, what he employs is, arguably, a combination of Anglo-American and continental uses of the term. More specifically, Deleuze refers to jurisprudence as 'the philosophy of law' elsewhere. In his conversation with Raymond Bellour and François Ewald, Deleuze states: "Rights aren't created by codes and pronouncements but by jurisprudence. Jurisprudence is the philosophy of law, and deals with singularities, it advances by working out from singularities. All this may, of course, involve taking particular positions to make some particular point."[768] So, here we have the combination of the two dominant understandings of the term jurisprudence: 1) a philosophy of law and 2) a working through singular cases. This understanding of the philosophy of law, should not be confused with the common Anglo-American understanding of what it means to philosophise with or about the law. Instead, it should be read in the same, idiosyncratic, way that Deleuze and Guattari understand philosophy, namely as "the discipline that involves *creating* concepts."[769] Thus, in standard equivalent terms, jurisprudence as the philosophy of law becomes now the process for creating law or rights. But this *creation* of law does not rely upon established norms and rules and it is not a matter of 'expertise' – at least in the way we tend to understand this term within each particular field of practice. When law is understood as a dogmatic discipline, what we usually witness is "the application [of] universal rules to singular situations, thus often doing a real injustice to them."[770] The operation of law becomes a sort of Procrustes' bed of abstract and universal rules and values. In contrast, Deleuze's understanding of philosophy (of law) as a

---

[768] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 153.

[769] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 5.

[770] Saul Newman, 'Anarchism and Law: Towards a Post-Anarchist Ethics of Disobedience' (2012) 21(2) Griffith Law Review 307, 311.

creative operation, takes into account the particularities of each case, and operates through the *singular* rather than the *abstract* and *universal*. It is also a philosophy of life because it *demands* attentive, directly engaged where possible, learning of the situation and the way(s) of operating through a *jurisprudential* mode of being – that is with a specific *ethos*. An *ethos* of law-creativity outside the court (which does away with judgment), outside the centralised political-economic institutions, and so forth, not in order to enlarge the periphery of the court of law (in both senses of the term 'court') but in order to respond to living law's 'cases'. A jurisprudential *ethos* then – an *ethos* or law's *phronēsis* [*φρόνησῐς*] which was part of the ancient understanding of the term but is, as we argued, fundamentally, lost or sidestepped in modern times – has the potential to be restored through a fresh creative and critical dynamism, which comes to defy any form of dogmatism and abstract hierarchies of institutional and normative values, found, among else, in human rights and legal modes of thinking, more broadly. In order to understand how this may be possible, we need to turn our attention anew to this *an-archic* ethos that Deleuze's understanding of jurisprudence could regenerate.

2. The *ethos* of Deleuze's jurisprudence and the 'persona' of the jurisprudent.

This ethical aspect of Deleuze's understanding of jurisprudence becomes more evident, in the interview titled 'Control and Becoming' in conversation with Toni Negri, where Deleuze, explicit, states that: "What interests me isn't the law or laws (the former being an empty notion, the latter uncritical notions), nor even law or rights, but jurisprudence. It's jurisprudence, ultimately, that creates law, and we mustn't go on leaving this to judges,"[771] and, we can also add here, to the 'legal experts' too in a wider sense. Ultimately it seems there is an urge to reconsider the relation between life and law here for Deleuze. To that extent, Deleuze departs from the usual understanding of law as a form of authority or 'a ground' upon

---

[771] Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995),169.

which one raises or claims an action and so forth. We saw earlier how the philosopher abhors a mode of existence which is based on judgment. A notion of law which works as a fundamental ground for judgement and "requires mere [and we can also add here, in a Deleuzian sense, uninspired] application"[772] of pre-existing norms of what could be considered as 'just' and 'right,' or a law which, according to elevated (eternal) values over and above actual living conditions and capacities, defines and polices the meaning of what can be 'legal' or 'just,' cannot not have a place in Deleuze's understanding of an ethical, or, as we will explain further below, an *an-archic* creation of law or rights, whether within or without a legal system. Jurisprudence, in this sense, is ultimately a matter of everyday activity and creativity; it takes place in the most surprising or common places and enables the participation of anyone who is ready to create. Deleuze manages to highlight that point with a humorous example that is worth noting here in full:

> "I will give an example that I like a lot because it's the only way to help people understand what jurisprudence is, and people understand nothing... well, not all, but people don't understand it very well. I recall when smoking in taxis became prohibited... People used to smoke in taxis... So a time came when people were no longer permitted to smoke in taxis. The first taxi drivers who forbid people smoking in the taxis created quite a stir because there were smokers who protested, and there was one, a lawyer... […] So, [back to] taxis: there is a guy who does not want to be prevented from smoking in the taxi, so he sues the cab. I remember this quite well because I got involved in listening to the arguments leading up to the decision. The cab lost the case-today it would not have happened, even with the same kind of trial, the cab driver would not have lost. But at the start, the cab lost, and

---

[772] Nathan Moore, 'Icons of Control: Deleuze, Signs, Law' in Thanos Zartaloudis (ed.) *Law and Philosophical Theory: Critical Intersections* (Rowman & Littlefield International, 2018), 120.

on what grounds? On the grounds that when someone takes a taxi, he is renting it, so the taxi occupant is assimilated to the [status of] renter or tenant, and the tenant has the right to smoke in his rented location, he has the right of use and abuse. It's as if he were renting, it's as if my landlady told me, 'No, you're not going to smoke in your place...' 'Yes, yes, I am the tenant and I'm going to smoke where I live.' The taxi is assimilated to being a rolling apartment of which the customer is the tenant. Ten years later, that [practice] has become universalized, there are no taxis, or practically none, in which one can smoke. On what grounds? The taxi is no longer assimilated to renting an apartment, it has become assimilated instead to being a form of public service. ln a mode of public service, there exists the right to forbid smoking. All this is jurisprudence... It's no longer a question of the right of this or of that, it's a question of situations, of situations that evolve, and fighting for freedom is really to engage in jurisprudence."[773]

Let us reflect a bit further on this seemingly mundane example. Despite its comical character the example calls us to rethink the ethical aspect of the jurisprudence and the 'persona' of the jurisprudent as a 'personification' of the ontologically impersonal *ethos* of Deleuze's account of a jurisprudence.[774] In other words, the persona of the jurisprudent gives an *hypostastis* to the *ethos* of a non-dogmatic jurisprudence. 'The guy' in the above example shows, in fact, some of the qualities of the jurisprudent. Before explaining how, it is important to briefly explain Deleuze and Guattari's notion of a *conceptual persona* and of its relation to an understanding of a jurisprudent, that acts to restore the *phronēsis* [*φρόνησῐς*] of the *ius*. In *What is Philosophy?* Deleuze and Guattari explain that:

---

[773] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze A to Z* (Semiotext(e) DVD, 2004).
[774] Iain MacKenzie, *The Idea of Pure Critique* (Continuum, 2004), 35.

"The conceptual persona is not the philosopher's representative but, rather, the reverse: the philosopher is only the envelope of his principle conceptual persona and of all other personae who are the intercessors [*interscesseurs*], the real subjects of his philosophy. Conceptual personae are the philosopher's 'heteronyms,' and the philosopher's name is the simple pseudonym of his personae."[775]

This 'real subjects' of a philosopher's thought can be thought as the characters that "map out"[776] a thinker's thought and to that extent, they give material or "personality"[777] to the philosophical concepts that populate its philosophical plane. In other words, a persona should not be thought as an actual subject (i.e. not the person Socrates in the Platonic dialogues, but rather the 'persona' Socrates). A persona in this sense is the indicator of a territory that points out certain problematisations generated by the thought of a philosopher, a particular tradition or timeline (e.g. Spinoza's philosophy, 'poststructuralism' or 'Medieval' philosophy).[778] If philosophy is, according to Deleuze "like a novel,"[779] the personae can be thought as the protagonists of 'this novel' that materialise its story's *morale* or *ethos*. For example, the persona Socrates *territorialises*, in a geographical or temporal manner (for e.g., as in 'Classical Greek philosophy') certain problems posed by Platonic thought (for e.g., the meaning of *eros* or justice).

Following this line of thought we can say that the figure of a jurisprudent is such a conceptual persona that functions as the mapping out and the materialisation of the *ethos* that

---

[775] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 64.

[776] Ibid., 69.

[777] Gilles Deleuze, 'Life as a Work of Art' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 96.

[778] A conceptual persona can also help us to draw a sort of lineage of a particular thought, e.g. 'a philosophy of immanence' as opposed to that of transcendence. In **Chapter III**, we saw how Spinoza, Nietzsche and subsequently Deleuze oppose the 'persona' of the priest, which, we can argue, gives 'a material form' to the dogmatic machinations of transcendent morality.

[779] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 140.

Deleuze's meaning of jurisprudence entails – an *ethos* that is creative as opposed to the dogmatism of legalistic rules. According to Shaun McVeigh, the persona of the jurisprudent "is presented in terms of dissent from the (major) jurisprudences of rationalist legal traditions and state authority."[780] But how does the jurisprudent achieve that? The first step is a dissatisfaction with ready-made solutions which leads the jurisprudent to become 'an explorer'[781] or in the Deleuzo-guattarian jargon 'a nomad.'[782] What we mean by that, is that the *persona jurisprudent* explores different ways to respond to a particular case and, thus, freely wanders (as a nomad and not, necessarily, in terms of physical movement), including into uncharted or extra-juridical waters. Through this 'journey' the jurisprudent arrives at the second step of creativity which is invention. The jurisprudent strives to produce interesting and inventive ways to problematise and respond to a singular situation. Thus, the jurisprudent as the philosophical nomad, subject to no fundamental laws, is in a position to unleash 'an active' critique (as opposed to a reactive one, which simply opposes or compromises) – and to experiment, question and problematise – or even go against the supposedly, 'sacred' commands of the law and its norms of juridical creativity.[783]

Going back to the example given by Deleuze regarding the taxis and smoking, 'the guy' who sued the taxi driver can be said to be a persona that resonates with this persona of the jurisprudent. While the guy is 'a real person' (same as Socrates, for example) his function in this situation is to become a persona that materialises or gives an *hypostasis* to an inventive *ethos* of the jurisprudent. 'The guy' became attuned to the singular particularities of the case and responded adequately to its demands. He resisted a situation that he evaluated as 'bad' for

---

[780] Shaun McVeigh, 'Conditions of Carriage: Finding a Place' (2017) 21 Law Text Culture 165, 174.
[781] Panu Minkinnen, 'The Radiance of Justice: On The Minor Jurisprudence of Franz Kafka' (1994) 3 Social & Legal Studies 349, 361.
[782] We examine the notion of the nomad, further, in the next chapter.
[783] See also, Peter Goodrich, *Languages of Law: from Logics of Memory to Nomadic Masks* (Weidenfeld and Nicolson London, 1990). Goodrich talks about a nomadic understanding of law and a critic of the state of affairs as a nomad. While, Goodrich's purpose in the book is quite distinct from ours, the notion of the nomad draws similarities to Deleuze and Guattari's understanding of it in its attempt to escape the capture of the dogmatism of state law – with the state here being broadly understood (as we explained in **Chapter I**).

his own purposes (prohibition of smoking in taxis) not by relying on dogmatic principles (such as the usual ineffective and worn out slogans that we became used to, 'it's my human right to…') but by operating through a jurisprudential mode, by inventing something new. We, by no means, suggest that the outcome of this creativity is going to be a positive one, but it is a situation that permits rather than limits, by definition, a certain engagement, or evolution even. Another 'guy,' or 'jurisprudent,' may find the permission of smoking in taxis detrimental, and can also operate through creative jurisprudence to present something new in order to oppose the confronted state of affairs.

In other words, for the jurisprudent and its *ethos*, the creation of the law becomes more than, simply, a matter of strictly disciplinary boundaries (e.g. in the form of legal decisions by the courts) but instead, *is or could be* a matter of being attentive to the specificities of life and enabling one to respond in innovative ways, by re-evaluating values. This is, perhaps, what Deleuze calls in the example with the taxi as a *becoming-revolutionary*. According to Deleuze, this *becoming-revolutionary*, which is so fundamental to operating through jurisprudence, is significantly interconnected with how the philosopher understands the meaning of a stance towards life 'on the Left.' As he explains to Parnet, 'being on the Left' is a matter of 'perception.' That is, a way of approaching the world and the state of affairs around oneself with a creative attentiveness: "it's a phenomenon of perception, perceiving just the horizon, perceiving on the horizon."[784] On the other hand, the short-sightedness of governments or any hierarchical entities and their norms, rights or laws cannot perceive the horizon, because all they know is to judge actions and modes of existence that are acceptable or registrable to them, in a judgmental way full of *ressentiment*. Hence, Deleuze notes, "a leftist government does not exist since being on the Left has nothing to do with governments."[785] But if a government or

[784] Gilles Deleuze and Claire Parnet 'What it means to be on the Left' in *Gilles Deleuze A to Z* (Semiotext(e) DVD, 2004).
[785] Ibid.

an official entity which legislates and polices its rules, often imposing them upon its subjects, cannot, in that sense, take the type of ethical stance that Deleuze has in mind underlying the term or better the practice of jurisprudence, then what about the legal system? Could we be 'governed' by law, instead, in this *jurisprudential* way? Only perhaps in a particular sense, the sense in which Deleuze appears to propose an understanding of creating the law in the first place as a praxis. Deleuze, explicitly links law's creation or jurisprudence with this very stance of being on the Left, by saying "that's what being on the Left is, I think it's creating the law, creating the law…"[786] This 'being on the Left,' is a matter of *practical* engagement with life. A *becoming-revolutionary* is a practice, then, that aims to combat what Nathan Moore describes as a jurisprudence or "the law [which] functions as the basic or ground norm which everybody presumes to exist as the foundation of laws[…]."[787] A becoming-revolutionary, by definition, is the law's vertigo when it turns to look into itself, into its so-called fundament or ground. All it finds there is a dogmatic defence of an empty throne full of creative, free, riches. In other words, being on the Left, in this sense means finding in these riches the dynamic combat against any dogmatism for the old and 'washed out' laws that can be devalued or revalued.

But how is this different to a radical or more progressive leftist plan for legal reform? Aragorn Eloff is right when he argues that this Deleuzian jurisprudence "implied neither law nor constitution," but it means to engage with "situated ethics of unique instances far outside of any legal framework."[788] Yet, jurisprudence's proximity with the law or with a certain notion of a legal framework remains. After all, it could be said that what is really at stake in this ethical upturning of conventional legal thought about creating laws or lived laws is precisely the very

---

[786] Ibid.

[787] Nathan Moore, 'Icons of Control: Deleuze, Signs, Law' in Thanos Zartaloudis (ed.) *Law and Philosophical Theory: Critical Intersections* (Rowman & Littlefield International, 2018), 120.

[788] Aragorn Eloff, 'Children of the new Earth: Deleuze, Guattari and Anarchism (2015), Unpublished talk presented in 'The First South African Deleuze and Guattari studies conference' www.deleuzeguattari.co.za [Accessed 31 October 2019].

experience of what it means to create law itself. We have to openly question, however, whether we can actually operate through a (Deleuzian) jurisprudential mode of thought without falling into the supposed traps of legal dogmatism or legal anti-dogmatism, in either case a dogmatic *image of thought*, for Deleuze, when thinking with/against human rights. In the next and final chapter, we aim to indicate such an *an-archic* mode of engaging beyond the dogmatism of law or rights (or even thinking in terms of a paradoxical, *an-archic becoming of (a different) law*), in the form of what we call an *an-archic* jurisprudence.

Chapter VI
Apodosis:
Towards an *an-archic* jurisprudence

Prologue

If human rights, but also law and rights more generally, are susceptible to what we can call a systemic dogmatism in the sense that they can be understood as a transcendent authority that dictates and imposes hierarchising rules of and over living – in the sense we have noted in this thesis as an *archē* [ἀρχή] – that is, as a monocular prism of rightness upon a multiplicity of modes of being, acting effectively as "a limitation of actions,"[789] of what is possible, then we have to remain able to ask within and beyond the auspices of legal theory: is it possible to even think in terms of an *an-archic* mode of being?

Furthermore, how are we to respond to the usual protestation of any (legal) authority and, *especially*, of human rights as a universal framework of fundamental rightness, and especially so when it is often admitted that they 'may not be perfect', but they are 'the only' or 'the most socially efficient' way to be and to act? According to this line of thought, any form of criticism that points towards the overreach of a universal human rights framework of human values runs the risk of embracing an always-already characterised liminal situation where the absence of law or rights will signify the beginning of a much more chaotic outcome; akin to that where "the violent anarchy of the state of nature,"[790] a kind of Hobbesian state of *Warre*,[791] will become unstoppable and, as a result, life will become "solitary, poor, nasty, brutish and short."[792] This is especially pertinent when human rights claim to operate as something akin to what Carl Schmitt saw as the formation of a Christian Empire (or what we can call a moral

---

[789] Gilles Deleuze, 'Instincts and Institutions' in David Lapoujade (ed.) *Two Regimes of Madness: Essays and Interviews 1975-1995*. Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 19.
[790] Saul Newman, 'Anarchism and Law: Towards a Post-Anarchist Ethics of Disobedience' (2012) 21(2) Griffith Law Review 307, 308.
[791] Thomas Hobbes, *Leviathan* (Penguin Classics, 1986), 186.
[792] Ibid.

Empire of the West). In other words, as a *Katechon* [*Κατέχον*], a restraint of the coming of the Antichrist – and, we could add, the coming of *an-archy*.[793] While this view is problematic for various reasons that are not the central subject of our interest here, it remains of relevance since this 'sense' appears to have managed to influence, to a significant extent whether explicitly or implicitly, a large proportion of theoretical scholarship on human rights and law and authority more broadly. For example, we, usually, read of an explicit or implicit established by now belief that human rights and a wider notion of being governed by 'law and order,' or what Tiqqun call 'Empire,' are "the crowning achievement of a civilisation, the end-point of its ascendant arc"[794] and so forth. Perhaps, it is this successful fearmongering-consensus-building in the name of a defence against a supposed chaotic aftermath, if anyone was to doubt the universality, effectiveness or even the particular ways in which the values of human rights are procured and defended, that has led critics to be careful enough to avoid unleashing a, potentially, more powerful or, as it is tellingly termed, 'total' critique that questions, for good reasons, the very notion of a mode of thought that *thinks* that *thought itself* is now only possible within this human rights framework.

In addition, we can further speculate that, perhaps, the dominance of transcendence as a modality (grounding and thus, enabling law or right on the basis of some higher law etc.) and its morality-coding has rendered any *thinking otherwise* an extremely difficult, if not at times institutionally impossible and unwelcome task. Such a mode of transcendent thinking hierarchises among and above beings and ideas and has contributed to an understanding of *human* rights as a framework-concept above human experience, or as a value of values that – despite any flaws – represents something which can be defined as 'the good' itself or the mark of 'the civilised', once more above the level of the immanent experience of values. Perhaps it

---

[793] Carl Schmitt, *The Nomos of the Earth: in the International Law of the Jus Publicum Europaeum*. Trans. G.L. Ulmen (Telos Press Publishing, 2006), 59-62.

[794] Tiqqun, *Introduction to Civil War*. Trans. Alexander R. Galloway and Jason E. Smith (Semiotext(e), 2010), 127.

is for these reasons, that scholars researching on Deleuze's critique of human rights are not even ready to accept that he could be expressing a position against human rights *as such*.[795] Nonetheless, for us this is beside the point ultimately, since this 'overthinking' in itself about any *future* potential repercussions of a life beyond human rights does not have anything to say about the *present* and thus it tends, in itself, to be an *uncreative* and *reactive* over-investment.

Moreover, we need to ponder on the (im)possibility of thinking and using terms which are infused by a strong historical juridical sense (such as 'jurisprudence'), in order to point towards a non-dogmatic, *an-archic ethos* and way of thinking. Such a potential becomes even more difficult if we additionally consider that the relationship between law and anarchy tends to be characterised, to say the least, as an uncomfortable one. Taking a purely negative approach towards law, anarchist thought – in all its heterogenous tendencies – is, usually, characterised by a total opposition against law, which tends to be understood as an, irrational, immoral and oppressive 'tool' of the state apparatus that promotes the interests of the government against, and not for, its subjects.[796] Law has the ability to justify the obligation of the people to adhere to the rules of the state and to that extent, it justifies the state's monopoly of violence – "state behaviour is an act of violence, and it calls its violence 'legal right;' that of the individual, 'crime,'" writes Max Stirner.[797] These views are, famously, echoed by Pierre-

---

[795] See Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012), 49; Paul Patton, 'Immanence, Transcendence, and the Creation of Rights,' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012).

[796] Mikhail Bakunin even suggests that a main characteristic that defines someone as an 'anarchist' is the demand for the absolute abolition of juridical law. As he states in Mikhail Bakunin, *The Political Philosophy of Bakunin: Scientific Anarchism*. Trans and ed. G.P. Marximoff (The Free Press of Glencoe, 1964), 271: "The Negation of Juridical Law: In a word, we reject all legislation – privileged, licensed, official, and legal – and all authority, and influence, even though they may emanate from universal suffrage, for we are convinced that it can turn only to the advantage of a dominant minority of exploiters against the interests of the vast majority in subjection to them. It is in this sense that we are really Anarchists."

[797] Max Stirner, *The Unique and Its Property*, Trans. Wolfi Landstreicher (Underworld Amusements, 2017), 209. Individualist or egoist, anarchist tendencies, anarcho-nihilists and insurrectionists' affinity to 'illegalism,' in the pure sense of the term, is manifested by direct, insurrectional acts against the laws of the state. Such acts are considered by these tendencies to be the only answer to the oppression of the law. For examples of these tendencies and their relation or non-relation to the law see, Anonymous, *Enemies of Society: An Anthology of Individualist and Egoist Thought* (Ardent Press, 2011); Wolfi Landstreicher, *Willful Disobedience* (Ardent Press, 2009); Faun Feral, *Χαοτικά Μανιφέστα* (Δαίμων του Τυπογραφείου, 2019); Serafinsky, *Ευλογημένη η Φλόγα: Μια Εισαγωγή*

Joseph Proudhon when he states: "Laws! We know what they are and what they are worth. Gossamer for the mighty and the rich, fetters that no steel could smash for the little people and the poor, fishing nets in the hands of government."[798] But beyond being an "unworthy hoax"[799] that justifies and legalises the 'brutish' acts of the state, the law becomes also an insurmountable barrier that fetters any potentiality towards living a life characterised by spontaneity and revolt against hierarchy; and to that extent, it limits and at times terminates the ability of human beings to confront their immanent everyday problems and resolve them according to the particular and singular needs of a situation that they are faced with, without being attached to the commands of the laws of the state or 'enabled' in principle but, simultaneously, hindered in reality. According to Pyotr Kropotkin, people become

> "perverted by an education which from infancy seeks to kill in [them] the spirit of revolt and to develop that of submission to authority; we are so perverted by this existence under the ferule of a law, which regulates every event in life – our birth, our education, our development, our love, our friendship – that, if this state of things continues, we shall lose all initiative, all habit of thinking for ourselves."[800]

To that extent, people are unable to respond, engage, *create* and *think otherwise* because they expect to receive all the answers to their problems from a transcendent authority of the law of the state, or adapt to the modality that one thing will be valid in the name of a higher abstract principle (in this case human rights) but another will be valid in everyday reality (for example

---

στην Αντίσταση, στα Ναζιστικά Στρατόπεδα Συγκέντρωσης και τον Αναρχο-νιχιλισμό (Δαίμων του Τυπογραφείου, 2019); Alfredo M. Bonanno, *Insurrectionalist Anarchism: Part One*. Trans. Jean Weir (Elephant Editions, 2009).
[798] Pierre-Joseph Proudhon, 'The Authority Principle' in Daniel Guerin and Paul Sharkey (ed.) *No Gods, No Masters: An Anthology of Anarchism* (AKP Press, 2005), 90.
[799] Mikhail Bakunin, *The Political Philosophy of Bakunin: Scientific Anarchism*. Trans and ed. G.P. Marximoff (The Free Press of Glencoe, 1964), 136.
[800] Pyotr Kropotkin, 'Law and Authority' in Emile Capouya and Keitha Tompkins (ed.) *The Essential Kropotkin* (Palgrave Macmillan, 1975), 27.

the oppressive nature of third world debt and related restructurings or violent conflict in the name of profit).[801]

In the remainder of his 'Law and Authority' essay, Kropotkin explains how we became so accustomed to obedience and the need for ever-expanding laws that we cannot do without them. Thus, we accept any restraint to our freedom in the name of security, in the name of avoiding what Hobbes understood as the 'threat' of the state of nature, leading to the ultimate pacification of our social and political instincts and the degradation of our spirit of revolt. This leads Kropotkin to suggest that the only viable solution is the total destruction of the juridical system and the law. As he characteristically writes: "No more laws! No more judges! Liberty, equality, and practical human sympathy are the only effectual barriers we can oppose to the anti-social instincts of certain amongst us."[802] Despite its invaluable contribution and the ever-pertinent critique of the state of affairs, this 'classical' – if it can be named so – anarchist dismissive approach to law needs to be re-examined and rearticulated if it is to pose an effective nuisance to the mechanisms of domination and the oppression of dogmatism and dominance under a transcendent mode of being. This is a because, a head-on confrontation with the law and the state – a potential for a general insurrection – does not appear like a pragmatic, or even an effective solution due to the blurry meanings of the law and the state and the overcomplicated relations that characterise our (post)modern societies, including the difficulty of defining and identifying the boundaries of the state and its law.[803] Perhaps, it is the

---

[801] The similarity between this view and the way that Deleuze criticises human rights is striking. As we saw, for Deleuze, human rights signify a return to transcendent values, which are *uncreative*, leading to a fettering and blocking of other possibilities of thinking about and resisting oppression.

[802] Pyotr Kropotkin, 'Law and Authority' in Emile Capouya and Keitha Tompkins (ed.) *The Essential Kropotkin* (Palgrave Macmillan, 1975), 43. Again, it is striking the similarity between Kropotkin's contempt for the judges and the judgmental mode of thinking of the law of the state and Deleuze's appeal not to leave the jurisprudential operation to judges. Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 169.

[803] Giorgio Agamben is right when he states in *The Coming Community*. Trans. Michael Hardt (University of Minnesota Press, 1993), 84 that "the novelty of the coming [here we can add anarchic] politics is that it will no longer be a struggle for the conquest or control of the State, but a struggle between the State and the non-State (humanity), an insurmountable disjunction between whatever singularity and the State organisation." Following this line of thought we could argue that anarchic politics, if they are to be effective, need to focus more on how to form an *ethos* that escapes the dogmatic, moralising judgment of the state – of creating new ways of existing that

recognition of this impasse that led, more recently, to an emergence of work that tries to think 'seriously' about law and its relationship with anarchy in new and interesting ways, including analyses about how questions relating to a living of a life *beyond* law and the state can be placed in a different sense 'compatible' with an anarchic *ethos*.[804]

In a similar fashion, in this concluding chapter, we aim, in a merely schematic manner, to point towards an ethico-political account of, what we call, an *an-archic* jurisprudence, which is influenced by, but also tries to develop further, Deleuze's notion of the term 'jurisprudence.' Such an account aims to think 'beyond' human rights and think anew our relation with laws and rights, more generally. We should stress again, however, that our intention is not to provide a definite answer, as a sort of better 'solution' to the 'problem' of human rights (and law more broadly), a 'manifesto' or 'programme.' We argue that a development of Deleuze's understanding of jurisprudence (and his thought more broadly) has something interesting to offer to an *ethos* that tries to live immanently and do politics in an *an-anarchic* way, *beyond* the dogmatism of law and rights at least in their transcendent modality.[805] We should also stress that our choice to employ and to continue to use the juridical term, 'jurisprudence' in order to schematically describe our account towards future work, does not suggest any sort of

---

slips away from state's capture. We will support, further, this view in the subsequent section where we explain Deleuze's use of the term *nomos* to oppose the law of the state.

[804] See, for example, the work of Elena Loizidou, 'This Is What Democracy Looks Like' in Jimmy Class Clausen and James Martel (ed.) *How Not To Be Governed: Readings And Interpretations From A Critical Anarchist Left* (Rowman & Littlefield, 2011); 'Love, Law, Anarchy' in Thanos Zartaloudis (ed.) *Law and Philosophical Theory: Critical Intersections* (Rowman & Littlefield International, 2018); 'What is Law' in Carl Levy and Saul Newman (ed.) *Anarchist Imagination: Anarchism Encounters the Humanities and the Social Sciences* (Routledge, 2019); Saul Newman, 'Anarchism and Law: Towards a Post-Anarchist Ethics of Disobedience' (2012) 21(2) Griffith Law Review 307; Nathan Tamblyn, 'The Common Ground Between Law and Anarchism' (2019) 40 Law Review 65.

[805] We do not aim to argue that Deleuze himself was an anarchist and we are not interested in such mundane discussions which are trying to present an image of an author in order to serve certain political and non-political (or mere 'gossiping') purposes. We, simply, want to argue that Deleuze's thought may have something interesting to offer to our efforts to (re)think anarchy in terms of an *ethos* and a related politics. This is, of course, not a radically novel view, with Deleuze's relation to anarchy and his huge, direct or indirect, influence on many theorists of anarchy, anarchist group and movements being well-known. In fact, only within the last year, an edited collection on Deleuze and anarchism also a lexicon of anarchic concepts, which places Deleuze within the broader anarchist tradition were published. See respectively, Chantelle Gray van Heerden and Aragorn Eloff (ed.) *Deleuze and Anarchism* (Edinburgh University Press, 2019) and Daniel Colson, *A Little Philosophical Lexicon of Anarchism: From Proudhon to Deleuze*. Trans. Jesse Cohn (Minor Compositions, 2019).

reconciliation of anarchic thought with law or rights, or a another form of recognition of an emancipatory promise, in a more 'progressive' more 'inclusive' theorisation of law. It is rather an examination of how we can create different potentialities of life, which refuse to get captured within the dogmatism of a transcendent, moralising mode of a juridicalised being. To that extent, the use of a juridical term to signify a non-juridical *ethos* (or in better terms a non-juridicalised life) manifests a paradox and an irony which remains open to ponder on.

In what follows then, we examine the aforementioned modalities of such an *an-archic* jurisprudence as centrally formed by two Deleuzian notions: the institution (**Section I**) and the *nomos* of the nomads (**Section II**). These two notions are both placed in a direct opposition to the dogmatism of state law and rights (and for our purposes human rights). Ultimately, **Section III** functions as an 'inconclusive conclusion' – an *apodosis*– summarising and commenting on the main argument(s) of the thesis and pointing towards the potential next steps that new problematisations may lead us to.

I. Institutions against the law

In his first major work *Empiricism and Subjectivity: An Essay on Hume's Theory of Human Nature,* Deleuze makes a distinction between law and institutions. Following, David Hume's critique of the idea of a society based on 'a social contract,' Deleuze states that:

> "The essence of society is not the law but rather the institution. The law, in fact is a limitation of enterprise and action, and it focuses only on a negative aspect of society. The fault of contractual theories is that they present us with a society whose essence is the law, that is, with a society that has no other objective than to guarantee certain pre-existing natural rights and no other origin than the contract. Thus, anything positive is taken away from the social, and instead the social is saddled with negativity, limitation and

alienation. The entire Humean critique of the state of nature, natural rights, and the social contract, amounts to the suggestion that the problem must be reversed […] The institution, unlike the law, is not a limitation but rather a model of actions, a veritable enterprise, an invented system of positive means or a positive invention of indirect means."[806]

In this passage, we observe a distinction between the idea of law and that of an institution with the first said to be operating as a mere limitation of actions, a restraint. The 'idea of law' suggests that the people that create 'a society' form – and are formed by – a social contract based on a fundamental sense of law that places restraints on the 'brutish' impulses and passions which would be harmful to the rest of the population in the absence of such a contractual bond, very much akin to Hobbes' views as we noted above. Deleuze, via Hume, argues that a notion of the institution is quite the opposite of law, in the sense that the institution is something that operates as 'a model for action' that is characterised by a positive invention and, in that sense, it does not limit action but expands the possibilities of a wider range of actions and responses to the multiplicity of encounters one is faced with each time – the institution is a sort of an enterprise, which is ever-changing, and hence it cannot bind and restrain. Institutions are created in order to "satisfy [their] tendencies and needs"[807] and they are ultimately dissolved or changed if such needs are redundant. Hence, the importance of the distinction between law and institutions is, for our purposes, that thinking through or with institutions rather than law, in the sense described above, enables a different perspective about

---

[806] Gilles Deleuze, *Empiricism and Subjectivity: An Essay on Hume's Theory of Human Nature*. Trans and Intro Constantin V. Boundas (Columbia University Press, 1991), 46-47.
[807] Gilles Deleuze, 'Instincts and Institutions' in David Lapoujade (ed.) *Two Regimes of Madness: Essays and Interviews 1975-1995*. Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007), 19. We can draw a parallel between the function of an institution and that of the philosophical concept (see our examination of it in **Chapter II**), with the former functioning at a practical level (e.g. how to organise in order to respond to a particular, political/social issue) whereas the latter responds to problems of thought. In both situations, however, institutions and concepts are ever-changing and thus, *an-archic* and non-dogmatic as they do not prioritise any of their parts over the others.

thinking the social, an *an-archic* way as we explain below, which is "profoundly creative, inventive and positive."[808]

Despite not expanding further on this distinction, it seems that Deleuze held a fairly consistent approach to it. For instance, in his later book on Leopold von Sacher-Masoch, *Coldness and Cruelty*, Deleuze states that "laws bind actions; they immobilise and moralise them."[809] To that extent, law operates through the imposition of certain transcendent action-binding values; classically through the distinction of good and evil, right and wrong, judging actions by hierarchising beings in terms of these actions. In contrast, Deleuze remarks that "pure institutions without laws would by definition be models of free, *an-archic* action, in perpetual motion, in permanent revolution, in a constant state of immorality."[810]

An institution can be said to be envisaged as an open-ended, nomadic space, as we explain below, where we can *find each other*[811] and create with each other. It is a way of responding to a particular situation not because we are *a priori* commanded by transcendent norms (legal, or moral), but because a situation calls us to create something that is capable to respond to a singular need of the transformation of the social. Further to that, an institution should not operate just as a 'space' where we *find each other*, but as one where we have the capability of *losing each other*, of *losing or changing the institutions themselves and through our practices – which are never predetermined – losing our own selves and whatever we held as a dogmatic notion of truth and norms.* What we mean by that is that an institution is also "an indication of a need for distance, however elastic, temporary, revocable, that is, connected

[808] Alexandre Lefebvre, *The Image of Law: Deleuze, Bergson, Spinoza* (Stanford University Press), 54.
[809] Gilles Deleuze, *Masochism: Coldness and Cruelty*. Trans Jean McNeil (Zone Press, 1991), 78.
[810] Ibid., emphasis added. Here, perhaps, Deleuze had in mind the work of the French jurist Maurice Hauriou, who thought that the institutions are more important than their laws and contract. This speculation is made by François Dosse, *Deleuze and Guattari: Intersecting Lives*, Trans. Deborah Glassman (Columbia University Press, 2010), 113 and Natascia Tosel, 'Anarchy and Institution: A New Sadean Possibility' in Chantelle Gray van Heerden and Aragorn Eloff (ed.) *Deleuze and Anarchism* (Edinburgh University Press, 2019), 145.
[811] The Invisible Committee, *The Coming Insurrection*. (Semioetext(e), 2009), 97.

to those that turn out to be the transformations, the metamorphoses, of the social."[812] In our particular jurisprudential sense we need to always be vigilant for the situation where an institution loses its purpose, or becomes ineffective in responding to the particularities of novel situations. We need to maintain, in other words, the *courage* to do away with it and to that extent to be able to create something new against convenience, habit or 'common sense' or because its laws and norms dictate that we need to hold on to it even when it stifles life.

In that sense, an institution can be said to hold a paradoxical level of consistency which is determined by a different understanding of how one can operate through jurisprudential laws – if they can be called so – that are not reduced to a hierarchical permanent formation and set finality, since they are to sustain the potency to recreate their rules anew in the present; and as such to reorganise an institution according to the particular needs and *uses* before a specific and singular circumstance.[813]

We can observe an equation or, at least, a strong resonance between the way Deleuze opposes law with this notion of institution and how he does so by using 'jurisprudence' in the interviews that we examined in the previous chapter. We encounter in both an opposition to the dogmatic thinking and moralisation that is promoted by a dominant understanding of human rights and law as 'progress' or 'superior civilization' more generally, with institutions and jurisprudence calling for a creative method of establishing and re-establishing law and rights which are not reduced to any form of primary, permanent, causes or an *archē*. Deleuze, explicitly, points towards this relation between *an-archic* institutions and jurisprudence, when he explains to Negri in the aforementioned interview that there is "a whole order of movement in 'institutions' that's independent of both laws and contracts."[814] Institutions are a matter of a

---

[812] Ubaldo Fadini, 'Deleuze's Notion of The Institution: In A Direction of Different Distance' (2019) 13(4) Deleuze & Guattari Studies 528, 528.

[813] For a similar view, see Russell Ford, 'Humor, Law and Jurisprudence,' (2016), 21(3) Angelaki, 89, 94.

[814] Gilles Deleuze and Antonio Negri, 'Control and Becoming' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 169.

nomos or a moving jurisprudence, that has nothing to do with legalistic and dogmatic rules. This moving jurisprudence becomes, as we explain below, a matter of *thinking otherwise* about law and our nomic relation to it.

II. "It is a *nomos* very different from the 'law.'"[815]

Institutions can be understood as an open-ended space, a nomadic one, where their means are realised by what is called *nomoi*, as opposed to laws. Following this line of thought, in this part we aim to think beyond the dogmatism of human rights and law by examining a *thinking otherwise* of law and the creation of rights, in terms of what Deleuze names *nomos*. In *Difference and Repetition*, Deleuze refers to the practice of the distribution *in* land in its Homeric use as *nomos* [*νόμος*].[816] While, *nomos* [*νόμος*] is widely known as the modern Greek translation of the English word 'law,' according to Deleuze, its Homeric use significantly differs from our understanding of what law is or could be nowadays – "it is a *nomos* [*νόμος*] very different from the 'law,'"[817] says Deleuze and Guattari.[818] Following the analysis on the meanings of the word by the French linguist Emmanuel Laroche, Deleuze explains that *nomos* [*νόμος*] for Homeric society has a pastoral sense. For Deleuze, this meaning of allocation or distribution was not a matter of land distribution, because as the philosopher states the understanding of *nomos* as land-distribution was "only belatedly implied."[819] Instead, Deleuze remarks:

---

[815] Gilles Deleuze and Félix Guattari, *Nomadology: The War Machine*. Trans. Brian Massumi (Semiotext(e), 1986), 16.

[816] For a brief discussion on that, see Andrew Culp, *Dark Deleuze* (University of Minnesota Press, 2016), 56.

[817] Gilles Deleuze and Félix Guattari, *Nomadology: The War Machine*. Trans. Brian Massumi (Semiotext(e), 1986), 16.

[818] We should note here that probably Deleuze's use of *nomos* relates to the term *nomós* [*νομός*], that "relates to the 'distribution-sharing' of land among else, rather than *nómos* [*νόμος*] as 'law.'" According to Thanos Zartaloudis' *The Birth of Nomos* (Edinburgh University Press, 2019), 140 *nomós* [*νομός*] "relates to the family of *nemein/nemesthai* [*νέμειν/νέμεσθαι*] with regard to a sense of a certain 'ordering or distribution/sharing.'" This use "relates to pasture and herding." Nonetheless, since Deleuze does not distinguish between the two words, for our purposes, we consider just his explanation to see how this understanding of *nomos* [*νόμος*] as law calls us to think-otherwise about law.

[819] Gilles Deleuze, *Difference and Repetition*, Trans. Paul Patton (Columbia University Press, 1994), 309.

"Homeric society had neither enclosures nor property in pastures: it was not

a question of distributing the land among the beasts but, on the contrary, of

distributing the beasts themselves and dividing them up here and there

across an unlimited space, forest or mountainside. The nomos designated

first of all an occupied space, but one without precise limits (for example,

the expanse around a town) - whence, too, the theme of the 'nomad.'"[820]

Here the figure of the nomad, seems to counter the enclosed space – or, *striated* space in

Deleuze and Guattari's terminology – as provided by the official laws of a society based on a

so-called 'sophisticated' legal system and rights, for example, a distributor father-figure of a

state apparatus or a sovereign.

On the contrary, the nomad, in this particular sense, moves within a *smooth space*.

Deleuze and Guattari crucially explain that 'striated' or 'sedentary' space "is counted in order

to be occupied"[821] whereas smooth space is "occupied without being counted."[822] This suggests

that striated space, faithful to the calculable or metric mentality of the state apparatus and of

the law in the sense we described earlier, *calculates* which entities, ideas, rights and modes of

life are 'fit' to be included within the enclosed space of its boundaries of *rightness* and

propertyness – according to Deleuze and Guattari, the striated space "measures, puts barriers,

borders and hierarchizes between insiders and outsiders."[823] This 'calculation' is operated by

state's laws and customs which have as a 'measure' the transcendent morality of the state

apparatus and its interests – they act still in accordance with the model of the sovereign,

superior and unparticipated 'judgment of God.'[824] On the other hand, smooth space is a place

---

[820] Ibid.
[821] Gilles Deleuze and Félix Guattari, *Nomadology: The War Machine*. Trans. Brian Massumi (Semiotext(e),
1986), 18-19.
[822] Ibid., 18.
[823] Gilles Deleuze and Félix Guattari, *Nomadology: The War Machine*. Trans. Brian Massumi (Semiotext(e),
1986), 18-19.
[824] See **Chapter III** on ethics and morality and how Deleuze uses Antonin Artaud's work to oppose a transcendent,
judgmental mode of being.

for creation and invention without a predestined or pre-empted distribution of shares, rights and so forth. It is there to be occupied and moulded accordingly, in order to serve particular needs and respond to a particular situation – the institution, as explained above, corresponds to this understanding of a smooth space.

The nomads, as stated above, disorient the authority of the state apparatus and striated space because "such a static or striated formation of identities is insignificant [for them] since their constant movement ensures the dissolution of any form of identity that could supposedly claim any sort of purity."[825] Operating within a smooth, boundless space, the nomads are, thus, affiliated with a notion of an *an-archic* movement without a beginning or end. We can say that a nomad proceeds in a mode of *becoming*, in the sense that one refuses to be limited by any form of transcendent, moral, fixed or eternal rules, norms and identities – as such, the nomad comes to disorient the conformity of the obedient subject to the state (and for our purposes the 'human' of human rights).

According to Deleuze the nomads follow a *nomos* [*νόμος*], or we can say a *jurisprudence* which is based on an experience – and not an *archē* [*ἀρχή*] – of a 'nomadic distribution,'[826] which is "a sort of crowned *an-archy*, that overturned hierarchy [...]."[827] Similarly to the operation of institutions as opposed to the law, the nomadic distribution functions in an open space that is unlimited, without predetermined beginnings or limited ends. Perhaps, the most distinct characteristic of the nomads is then that they always try to slip away from the transcendent state apparatus, its laws and rights. While, the state always tries to appropriate nomadic creativity – presenting it even as 'entrepreneurship,' 'innovation' and 'progress' the nomads must remain vigilant and find the *line of flight* to escape capture, and to

---

[825] Gilles Deleuze and Félix Guattari, *Nomadology: The War Machine*. Trans. Brian Massumi (Semiotext(e), 1986), 18-19.
[826] Gilles Deleuze, *Difference and Repetition*, Trans. Paul Patton (Columbia University Press, 1994), 36.
[827] Ibid., 41.

continue to live in a creative *an-archic* space.[828] Thus, even though the *an-archic* distribution

of the nomads may, often, appear to be 'captured' within the dogmatism of law and the state

apparatus, this is not the case according to Deleuze and Guattari:

> "even though the nomadic trajectory may follow trails or customary routes,
>
> it does not fulfil the function of the sedentary road, which is to *parcel out a*
>
> *closed space to people*, assigning each person a share and regulating the
>
> communication between shares. The nomadic trajectory does the opposite:
>
> it *distributes people* (*or animals*) *in an open space,* one that is indefinite and
>
> non-communicating. The *nomas* came to designate the law, but that was
>
> originally because it was distribution, a mode of distribution. It is a very
>
> special kind of distribution, one without division into shares, in a space
>
> without borders or enclosure. The *nomas* is the consistency of a fuzzy
>
> aggregate: it is in this sense that it stands in opposition to the law or the
>
> *polis,* as the backcountry, a mountainside, or the vague expanse around a
>
> city ("either *nomos* or *polis*")."[829]

The *nomos* [*νόμος*] of the nomads, their distribution into space, paves the way for a necessarily

non-juridical understanding of a law, since it escapes the narrow preset boundaries of

juridicalised hierarchy and juristic dogmatism. It is in that sense *an-archic* "akin to a dispersal

---

[828] Gilles Deleuze and Félix Guattari, *Nomadology: The War Machine*. Trans. Brian Massumi (Semiotext(e), 1986), 22-30. Deleuze and Guattari explain how the state apparatus tries to appropriate nomadic science, incorporating into its royal (calculable) science. See also, Gilles Châtelet, *To Live and Think Like Pigs: The Incitement of Envy and Boredom in Market Democracies*. Trans. Robin Mackay (Sequence Press, 2014), esp. chapter 6. Châtelet explains how the market promotes the image of a flexible 'nomad' which seeks innovation and movement, all, of course, in order to serve the politics of the market. The nomad of the market is, often, the precarious, or worse, employed or unemployed who in the name of 'innovation' and fluidity is always vulnerable to any sort of exploitation. As Châtelet writes: "Young nomads we love you! Be yet more modern, more mobile, more fluid, if you don't want to end up like your ancestors in the muddy fields of Verdun. The Great Market is your draft board! Be light, anonymous, precarious like drops of water or soap bubbles: this is true equality, that of the Great Casino of life! If you're not fluid, you will very quickly become losers. You will not be admitted into the Great Global Super Boom of the Great Market… Be absolutely modern (like Rimbaud), be a nomad, be fluid – or check out, like a viscous loser!" (75).
[829] Ibid., 50-51.

[but] somewhat orderly."[830] Akin perhaps to the way a particular logic used in, say, mapping a geographical territory determines also what one sees (or not). Just like the unmapped *chaos* that accompanies *becoming* and *pure immanence,* the map of a nomadic distribution is possible as it is still 'consistent' in its *an-archy,* and that enables it to expose the transcendence-infused morality's 'blackmail' of the supposedly catastrophic results in the absence of an *archē* [ἀρχή]. The mapping of the rights-map is a 'sham' that permits the eternalisation of the pacifying domination in the form of rules disguising the *a priori* necessitated distinction between the 'masters' and the 'subordinates' and the ways in which they can each pragmatically 'exercise' their rights.

An *an-archic* jurisprudence is, then, an ethico-political action that aims to break the boundaries of the dogmatic mode of thinking and existing that is promoted with human rights, a supposedly transcendent morality re-establishing the primacy of a concrete notion of identity, as opposed to the constant movement of *becoming.*[831] It is a way to expose and to "disturb the state and the law [*and, for our purposes, juridicalised human rights*] from the outside."[832] In that sense, it is in a constant opposition and *strife* against the dogmas and hierarchies of any state apparatus, and it should be ready to respond adequately to any assault coming from them. It has to possess a *lethal* instinct ready to destroy any form of dogmatism and 'break the wheel' of the 'current state of affairs' (of what also leads one to say what they think but then also say 'yet, at the end of the day…'), refusing to compromise and to be 'pacified' by any call for pseudo-progress and *consensusualism.*[833]

---

[830] Thanos Zartaloudis, *The Birth of Nomos* (Edinburgh University Press, 2019), 142.
[831] For a brief discussion on the becoming of the nomads see John Sellars, 'Deleuze and Cosmopolitanism' (2007) 142 Radical Philosophy 30, 34-35.
[832] Saul Newman, 'Anarchism and Law: Towards a Post-Anarchist Ethics of Disobedience' (2012) 21(2) Griffith Law Review 307, 327.
[833] We are using here lethal and 'destruction' in similar terms to Walter Benjamin, 'Critique of Violence.' Trans. Edmund Jephcott in Peter Demetz (ed.) *Reflections: Essays, Aphorisms, Autobiographical Writings* (Schocken Books, 1986), esp. 297.

Such a jurisprudence is *an-archic* because it refuses to be subordinated by any form of pre-emptive hierarchising, and it refuses to prioritise a mode of being over another. Despite its anarchy, however, a jurisprudence remains within its own consistency, in the sense that it functions by '(re)organising' itself through institutions, or through what we can call *nomoi* [*νόμοι*], that are ever-changing and *expressive* (as opposed to *representative*) of a certain situation in question. This *ethos* is *an-archic*, because it operates through a mode of immanent being that does not rely on dogmatic, transcendent values, laws and rights. It is rather an immanent autonomous *ethos*, because since anyone who operates through this jurisprudential *ethos* is the cause and the consequence of the operation (or perhaps causes and consequences become so blurry that are no more). There is perhaps here the heart of creativity we spoke of earlier in that the *an-archic* persona of the nomad or the jurisprudent (as explained in the previous chapter) who wants "to become worthy of what happens to [it], […] to become the offspring of one's own events, and thereby to be reborn, to have one more birth, and to break with one's carnal birth […]"[834] Similarly to what Deleuze and Guattari define as *becoming-democratic*,[835] we can talk in this manner of a *becoming-law* or a *becoming-right* in the life of this jurisprudence where its 'essence' and its praxis are indissociable and it is this threshold that forms its *ethos*. A *becoming-law* or a *becoming-right* does not have anything to do with imitating any kind of supposedly progressive or 'civilising' human behaviour, or equally with betraying a 'principle,' or, indeed, with assimilating into a certain set ordering by once more

---

[834] Gilles Deleuze, *Logic of Sense*, Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015), 149.

[835] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 113: "A becoming-democratic that is not the same as what States of law are, or even a becoming-Greek that is not the same as what the Greeks were. The diagnosis of becomings in every passing present is what Nietzsche assigned to the philosopher as physician, 'physician of civilization,' or inventor of new immanent modes of existence. Eternal philosophy, but also the history of philosophy, gives way to a becoming-philosophical. What becomings pass through us today, which sink back into history but do not arise from it, or rather that arise from it only to leave it? The Aternal, the Untimely, the Actual are examples of concepts in philosophy; exemplary concepts." Here, Deleuze and Guattari clarify that a 'becoming-something' does not resemble the 'final' or 'identarian' form of this or that 'something' but, instead, its becomings hide a multiplicity of other potentialities that can be explored in perpetuity in order to form something new.

attempting to impose itself on others (like the many such attempts promoted also through or in the name of/or against human rights in order to rebuild soon to be again 'civilised' state apparatuses, or in our time equally 'woke' communities, among else).

As we explained in **Chapter IV** a *becoming* at a 'personal' level (though one that can no longer be labelled as such) is an ability to be attentive and open to what happens to us, to be able to appreciate and to be feasibly *curious* (and thus ready to let ourselves go and forget our certainties[836]) in order to live with the (un)known. Perhaps, one does so by embracing key characteristics, which define the radical ascetic virtue of all great philosophers, and which are, according to Deleuze, 'humility,' 'chastity' and 'poverty.'[837] It is through these fundamental but lived virtues that we are ready to accept and become worthy of the situations and cases that we are faced with – and this ability of becoming worthy of oneself is at the very heart of an *an-archic ethos*. In other words, not to be split between an ideal self (who believes in, say, human rights) and a real self (who is unable to make ends meet or be equal to others).

To that extent, our failures are not to be any longer the source of renewed *ressentiment* and our success not a matter of the arrogance of accumulation and progress. Instead, failure and success are closely connected and are accepted as some of the many immanent possibilities of living. A life with this *an-archic* jurisprudence then is able to accept and embrace its limits and 'the exhaustion of possibilities,' that will make the *strife* begin anew, rather than fall back into the 'tiredness' that bolsters *ressentiment*, dogmatism and transcendence.[838] For this reason everything is harder and yet more sustainable among ourselves.

---

[836] Lewis Caroll, 'Alice's Adventures in Wonderland' in *The Complete Alice* (Macmillan Children's Book, 2015), 15: "Curiouser and curiouser!" Cried Alice (she was so much surprised, that for the moment she quite forgot how to speak good English)."

[837] Gilles Deleuze, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001), 3.

[838] For the difference between 'exhaustion' and 'tiredness' see Gilles Deleuze, 'The Exhausted' in *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998).

III. (In)Conclusions

"It is good to have an end to journey toward; but it is the journey that matters, in the end."[839]

As explained in the **Introduction**, the aim of this thesis was to examine Gilles Deleuze's ferocious, yet brief, critique of human rights by drawing connections with and investigating notions of the philosopher's broader thought. In particular, the distinctions between immanence and transcendence, impersonal becoming(s) and human being. Our initial speculation was that Deleuze's critique of human rights was not a mere polemic, or a matter of disinterested 'taste,' or another 'world-perspective,' without a further *rationale*. These two speculative distinctions led us towards the examination of Deleuze's use of the term jurisprudence and how he understands it as a potential 'exodus' from the dogmatism of human rights. By examining and expanding on the term, we pointed in a preliminary manner towards the possibility of an alternative image of thought to that of the human rights' dogmatic framework, as Deleuze understood it: an image of an '*an-archic* jurisprudence'. By doing so we have tried to release a potential, and only, towards (re)thinking our ways of existing (*ethos*) and theorising or, indeed, of 'doing politics,' beyond the dogmatism and hierarchical mode of the dominant human rights' image of thought we have highlighted.

In **Chapter I**, we started the investigation with an exposition in detail of all of Deleuze's critical comments on human rights. In the same chapter we set the general parameters for our examination. Starting with an exploration of Deleuze's critical comments as a wider mode of thinking, we identified the main problems that the philosopher identifies about 'a human rights mode of being and thinking.' In particular, we tried to show how Deleuze's critique resembles in some sense (e.g. with his reference to rights as 'empty abstractions,' or the fact that rights function according to market's interests) with some of the most prominent and more

---

[839] Ursula K. Le Guin, *The Left Hand of Darkness* (Ace Books, 2000), 333.

conventional critiques of rights but, crucially for this thesis, how his critique also *differs* from such conventional critiques of human rights.

We identified that this 'difference' arises from the fact that the conceptual emptiness and abstraction of human rights are not what Deleuze identifies as the primary sources that render the mode of human rights' thought as dogmatic but also, in a sense, as with a strong attachment that renders any possibility of *thinking otherwise* an extremely difficult endeavour. Instead, it was proposed that the said emptiness and abstraction are the results of the human rights' transcendence mode of thought that (re)introduces into (western) philosophical, legal and political tradition, and at the very level of the *human* subject, a notion of a subject as 'a sovereign' with a 'concrete' *human* identity and eternal *rightness*.

According to Deleuze, human rights constitute the political and philosophical dominance of a mode of transcendence into (modern) thought *par excellence* and the unprecedented re-intensification of the dominance of a notion of a 'sovereign' subject who is also subjected to his/her humanity. A humanity that, as a 'founding principle,' claims to shape our existence as such and in doing so determine the horizon of not only what politics is, but more extensively what it means to be 'doing politics.'[840] We argued that such a mode of being and thinking is problematic because it is of course totalising, leading to a 'fettering' and 'blocking' for any potentiality for experimenting and *thinking otherwise* about our human all too human ways, of resisting dogmatism, oppression and any domination-*archē* [ἀρχή], including, if not especially so, when exercised in the name of 'humanity' at large. However, in order to establish that such 'a problem' is something that, fundamentally, defines the mode of thinking of this dominant human rights framework as such, we had to investigate in detail the philosophical terms within which Deleuze's critique of human rights was nurtured.

---

[840] Gilles Deleuze in Conversation with Raymond Bellour and François Ewald, 'On Philosophy' in *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995), 152.

As such, **Chapters II** and **III** formed the first thematic section of this thesis which thinks through 'the question of immanence' *with* Deleuze in some detail. **Chapter II** engaged with *how* a mode of being that thinks in terms of the particular notion of transcendence that Deleuze criticises, and which was defined as dogmatic and hierarchical, dominated western theological and philosophical tradition(s) to an extent that it is found to underlie in fact the inception and reception of human rights thinking.

As we explained there is a widespread tendency within the western tradition(s) to think in terms of foundational principles in a particular transcendental manner, i.e. where higher and lower beings and dogmatic rules that dictate their modes of existing are accepted as fundaments or even as 'natural' (after all, even nature itself has been naturalised by becoming a resource). We demonstrated how a different tradition of philosophers even within western modernity, with our particular focus being, in this case, on Spinoza, opposed this notion of transcendence early on, in order to think of/in an immanent mode, characterised by a certain horizontality, an *an-archy*, refuting fundamental beginnings and ends. Our choice to throw some focus on Spinoza's account lies in the fact that he is, arguably, the main influence behind Deleuze's immanent philosophical thinking. We, thus, explained how Deleuze understands an immanent account of philosophy, focusing on the *theoretical* aspect of such an account. This discussion aimed to explain and expand on the philosophical concepts of transcendence and immanence, in order to turn to the *practical* element of operating within a mode of being or another.

This more practical examination was the focal point of **Chapter III**, which formed the second part of the first thematic section of the thesis. Here, the 'transcendence vs immanence' dichotomy took the shape of a distinction between transcendent morality, represented for our purposes by human rights and their universal principles, and singular subjectivities and their immanent, *an-archic* ethics. Relying on the Deleuzian reading of Nietzsche and Spinoza we demonstrated how rights are characterised by a dogmatic and hierarchical thought, based on

'higher values' which operate 'from above' in a judgmental way and dictate our modes of being and their limits. In doing so, we aimed to examine whether it is possible to have an alternative account of human rights based on an immanent ethics.

We concluded that we are highly sceptical of the possibility of having such an alternative account – and to that extent, that what is instead needed is to experiment on different ways of resistance *beyond* human rights and their principles. Yet, we further clarified that in order to offer a more substantial critique, we need to examine more than the 'problem' with human rights, the 'problem' with their *subject*. This additional examination is needed for two reasons. First, Deleuze in his critique of rights drew a distinct point when he refers to the 'reflective subject' as promoted by human rights.[841] Secondly, commentators who engaged with a Deleuzian critique of human rights concluded that there is, in fact, a potential for an immanent Deleuzian account *of* human rights.[842] We argue that such a conclusion is partly based on the fact that they neglected to take into account the distinct critique that Deleuze unleashes upon the *subject* of human rights in the first place. They sought to re-place and in this sense bolster, what Deleuze wished to destruct.

Chapter IV, forming the second thematic section of the thesis, engaged with the examination of Deleuze's critique of the subject of rights as 'the human subject'. By briefly examining the notion of a subject's identity with the human, by some of the most prominent philosophers usually regarded in its light, such as Aristotle, Descartes and Kant, we indicated that western thought is dominated by an understanding of a human subject with a concrete and fixed identity that ultimately acts as a sovereign rational entity. In such a way the 'human'

---

[841] Ibid.

[842] Paul Patton, 'Immanence, Transcendence, and the Creation of Rights'; Alexandre Lefebvre, 'Human Rights in Deleuze and Bergson's Later Philosophy' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012). We should stress, however, that the main reason that these two commentators concluded that there is a possibility of thinking in terms of a Deleuzian, immanent account of human rights is their 'politics.' Both of them are coming from a liberal, normative tradition and they try to present a version of a Deleuzian philosophy which somehow belongs to such a tradition.

becomes the focal point of the western tradition's rationality, dominating and acting (often arrogantly) towards the rest of beings and the world. This centrality of the subject who acts in the name of an identity/humanity, and which due to its supposed self-referential concreteness excludes anything else that does not adhere to its value of identity, is, as we argued, intensified by the dominance of a human rights mode of thought that universalises this identity; resulting in a further intensification of a dogmatic and hierarchical mode of, more generally, human being and 'doing politics.' As opposed to the dogmatism of the subject, we proposed the need for a different mode of being that thinks in terms of what Deleuze calls impersonal becoming(s) (based on his particular readings of Heraclitus and Nietzsche), which are always in flux and thus, refuse the 'purity' of any identity with one's self and any potential hierarchy over another. Such becomings are never reduced or exhausted by the actualisation of a 'terminal form' which may be presented as a historical event (a revolution), or an identity (that or this person) but are the *cracks* or the *lines of flight* that can always have a potential to lead to new transformations, if we are attuned and attentive to them as becomings rather than as events or conflicts between sovereign subjects. A thinking that thinks in terms of becoming leads to whole new ways of existing and doing politics – an *ethos* and a politics that disorient any sort of 'purity' of identity or rightness' and the hierarchy of domination that supports it.

The last two chapters of the thesis, **Chapters V** and **VI**, act as our opening towards operating through an *an-archic* notion of jurisprudence as an alternative to the dogmatism of human rights thought, law and rights, more generally. **Chapter V** investigates some of the multiple meanings of the term jurisprudence in order to understand better Deleuze's idiosyncratic understanding of the term as 'a creative philosophy of law and rights.' Examining the etymology of 'jurisprudence' we showed that in antiquity 'law's prudence' pointed towards an *ethos* which goes beyond the juridical understanding of jurisprudence by the modern Anglo-American and continental legal traditions. In particular, we explained that within the

disciplinary boundaries of the Anglo-American tradition, jurisprudence tends to signify, purely, theoretical questions on the nature of law which are bound to a dogmatic and an *archist* mode of thinking. Thus, 'jurisprudence' as the philosophy or philosophies of law is reduced to a mere discipline that relies on a transcendent ground, asking repeatedly worn-out questions that are, fundamentally, detached from 'life.'

We further saw, that the continental use of jurisprudence or *la jurisprudence* suggests an understanding of the term which signifies a 'working through cases,' similar to the way that common law tradition functions. Yet, such an understanding is reduced solely to 'a working through *legal* cases' and as a result, jurisprudence does not escape from the boundaries of its juridical signification. Consequently, we examined Deleuze's idiosyncratic use of the term which combines but, more importantly, moves *beyond* the Anglo-American and continental uses, giving jurisprudence a new impetus to re-cognise itself. Deleuze, by suggesting that the creation of law and rights must not be an act that relies on a transcendent ground, the 'Law of law,' points towards a non-juridicalised, non-dogmatic understanding of the term, that takes into account the particularities of a 'case' as an 'encounter.' Consequently, Deleuze's use of jurisprudence revitalises an *ethos* associated with the ancient prudence of the law that was long forgotten – an *ethos* which is distinctively *an-archic*.

Ultimately, the concluding chapter (**Chapter VI**) prompts the expansion of jurisprudence's *an-archic* potentialities, aiming to open up, in a preliminary and preparatory manner, ways for experimenting and creating forms of resisting oppression and any *archē* [ἀρχή], including those of the dogmatic framework of human rights, law and rights. In particular, it examines how Deleuze's notion of the institution and that of the *nomos* of the nomads as opposed to the law may provide a boundless space where bodies and ideas encounter each other in order to create and experiment with *an-archic* mode(s) of being – institutions become the place of *finding but also losing each other.* We artificially closed **Section II** of this

chapter by stressing the need of embracing different kind of *ethos* – that is a mode of being and thinking ('a lifestyle'), that, automatically, suggests a different way(s) of 'doing politics'. We stressed multiple times that such an *ethos* is distinctively *an-archic*, in the sense that it aims to avoid any notion of founding (moral) principles, in short, any form of *archē* [ἀρχή] as its origin or end.

This is, indeed, a difficult task as is known and one that is a potentially risky enterprise, in the sense that we have to get out of our 'comfort zone' by trying to get rid of our strong personal 'attachments' and institutional habits.[843] In other words, it is a task that *demands* to change, significantly, our modes of being rather than 'improve' or 'progress' them. Such a change ought to be a radical one because a mere 'detachment' that happens gradually and not totally, runs the risk of falling again within the dogmatism of hierarchy or hierarchy disguised as 'progress.' Perhaps, some may protest that such a radical shift is, in fact, in itself dogmatic or some may say that this is an impossibility, a totally utopian proposal. We argue against these understandable claims by stressing that the criticality of our times *demands* radical changes and present an imminent necessity of *thinking otherwise*. After all, "a false and feeble light, kindled only to mislead those who follow it."[844] To those suggesting that such a call is a utopian one, we respond by saying that a different ethical mode of 'doing politics' is one that is interested in the *how* of an encounter and our response(s) to such an encounter that would precisely not render something as a-topic, or u-topic (i.e. as a non-place, or without-a-place) in the first place. It is a matter of assessing and experimenting with a situation, rather than acting within a presupposed framework based on 'higher principles' that predetermine first the *topos*, or field of action of what can count as 'political' properness and property. It is thus, an

---

[843] See **Introduction**.
[844] Mikhail Bakunin, *God And The State*. Trans. Paul Avrich (Dover, 1970), 64. In fact, it is this centrist call for 'consensus' and pseudo-modesty, which wants to present itself as the rational, 'grown-up' that it is usually, 'radical' in its very far-right and fascistic tendencies. For such a view see, Δημοσθένης Παπαδάτος-Αναγνωστόπουλος, *Ο Μαυροκόκκινος Δεκέμβρης: Άκρα Και Κέντρο Στην Εξέγερση Του 2008* [*Πλήθος, Ηγεμονία, Στρατηγική*] (Εκδόσεις Τόπος, 2018), esp. 27-56.

engagement with the *here and now*, unleashed from the temporal shackles of the transcendent clock of rightness.[845]

Yet, the *ethos* of our politics is one that should – if it is to offer an alternative – be defined by a certain philosophical humility, recognising the potential of failure as ever present and accepting that such a potentiality does not signify the end of our *becomings* but instead their very modality of experimentation: which is another way of repeating that the forces of transformation that already traverse us are not progressive substances, or identities, or properties, or indeed rights. It is important to remember too that our humility ought to nurture itself by recognising that we are from the start the subjects of a particular milieu including the one that we are here critiquing (be that neoliberal, consumerist subjects, or for our purposes subjects born and dominated by human rights principles, among else). Being born as these subjects, we are accustomed to follow 'the logical' or the 'common sensical' trajectory of their being and condemn the illogical or the non-sensical of what they exclude or presuppose in a particular manner, and fundamentally so. As Heidegger writes:

> "We are so filled with 'logic' that anything that disturbs the habitual somnolence of prevailing opinion is automatically registered as a despicable contradiction. We pitch everything that does not stay close to the familiar and beloved positive into the previously excavated pit of pure negation, which negates everything, ends in nothing, and so consummates nihilism. Following this logical course we let everything expire in a nihilism we invented for ourselves with the aid of logic."[846]

---

[845] See Elena Loizidou, 'This Is What Democracy Looks Like' in Jimmy Class Clausen and James Martel (ed.) *How Not To Be Governed: Readings And Interpretations From A Critical Anarchist Left* (Rowman & Littlefield, 2011), 180.

[846] Martin Heidegger, 'Letter on Humanism' in David Farell Krell (ed.) *Martin Heidegger: Basic Writings* (Harper Perennial Modern Classics, 2008), 250.

Thus, a first step in order to take a 'line of flight' out of the 'habitual,' ought to be characterised by a readiness to face and accept our own shortcomings and (im)possibilities, in terms of expressing or thinking otherwise. In a world where arrogance prevails, including within the academy, such a recognition is a step towards a *thinking otherwise*.

This thesis comes to an abrupt end, like all such ends, that is not in the form of a conventional conclusion, but rather presents an *apodosis* [ἀπόδοσις], in the sense that here 'we are giving back' something to our initial 'problem,' by offering a non-conclusive response to these set of arguments, speculations and problems that cause us *to think only for a little while*. The non-conclusive ending is a recognition that the thesis *exhausts* its *ability to say more at this moment*, but it does not and could not exhaust the 'problem' itself.[847] We hope that the 'problem' we posed as the focal point of the thesis will be questioned further and that it will be a matter of further and better experimentation and creation. Perhaps, 'the lack' of definitive answers is faithful to the humility of the 'richness' of a *how* that is a becoming which we so emphasised. A *how* as "a question of means. Not a question of goals, or *objectives*, of what there is to *do* strategically in the absolute. A question of what one can do, tactically, in a situation […]."[848] In this way, it is to be hoped that we have made a contribution towards something 'interesting', rather than the eternally 'true.'[849]

---

[847] See, Gilles Deleuze, 'The Exhausted' in *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998). For a brief discussion on Deleuze's essay see, Thanos Zartaloudis, 'Introduction' in his (ed.) *Law and Philosophical Theory: Critical Intersections* (Rowman & Littlefield International, 2018).

[848] Tiqqun, *Introduction to Civil War*. Trans. Alexander R. Galloway and Jason E. Smith (Semiotext(e), 2010), 209.

[849] Gilles Deleuze and Félix Guattari, *What Is Philosophy*? Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994), 82.

Bibliography

Agamben Giorgio, *The Coming Community*. Trans. Michael Hardt (University of Minnesota Press, 1993).

Agamben Giorgio, *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen (Stanford University Press, 1998).

Agamben Giorgio, 'Absolute Immanence,' in Daniel Heller-Roazen Trans. and (ed.) *Potentialities: Collected Essays in Philosophy* (Stanford University Press, 1999).

Agamben Giorgio, *Means Without Ends*, Trans. Vincenzo Binetti and Cesare Casarino (University of Minnesota Press, 2000).

Agamben Giorgio, *Highest Poverty: Monastic Rules and Form-Of-Life*, Trans. Adam Kotsko (Stanford University Press, 2013).

Agamben Giorgio, T*he Use of Bodies*. Trans. Adam Kotsko (Stanford University Press, 2016).

Agamben Giorgio, *Karman: A brief Treatise on Action, Guilt and Gesture*. Trans. Adam Kotsko (Stanford University Press, 2018).

Agamben Giorgio, *Creation and Anarchy: The Work of Art and Religion of Capitalism*. Trans. Adam Kotsko (Stanford University Press, 2019).

Agbabian Mihran S. and Melkumian Michael G., 'After-Earthquake Reconstruction in Armenia' (1996) 11 Eleventh World Conference on Earthquake Engineering, 1.

Ahmed Sara, *The Cultural Politics of Emotions* (2nd ed. Edinburgh University Press, 2014).

Althusser Louis, *For Marx*. Trans. Ben Brewster (Verso, 2005).

American Anthropological Association, 'Statement on Human Rights' (1947) 49(4) American Anthropologist, 539.

Anonymous, *Enemies of Society: An Anthology of Individualist and Egoist Thought* (Ardent Press, 2011).

Aquinas Thomas, *Commentary of the Sentences*, Trans. Ralph McIrnery (Basic Writings).

Aristotle, *Categories and De Interpretatione*. Trans. J.L. Ackrill (Clarendon Press Aristotle Series, 2002).

Aristotle, *Nicomachean Ethics*. Trans. Robert Crisp (Cambridge University Press, 2004).

Aristotle, *Physics*. Trans., with Intro and Notes C.D.C. Reeves (Hackett Publishing, 2018).

Aristotle, *Generation and Corruption Book II*. Trans. H. H. Joachim [online] http://classics.mit.edu/Aristotle/gener_corr.2.ii.html.

Arendt Hannah, *The Origins of Totalitarianism* (Meridian, 1962).

Artaud Antonin, 'To Have Done with the Judgment of God' in Susan Sontag (ed.) *Antonin Artaud: Selected Writings*. Trans. Helen Weaver (Farrar, Straus and Giroux Inc., 1976).

Austin John, *The Province of Jurisprudence Determined* (Cambridge University Press, 1995).

Badiou Alain, *Deleuze: The Clamor of Being*. Trans. Louise Burchill (University of Minnesota Press, 2000).

Badiou Alain, *The Century*. Trans. Alberto Toscano (Polity Press, 2007).

Badiou Alain, *The Meaning of Sarkozy*. Trans. David Fernbach (Verso, 2008).

Badiou Alain, *The Communist Hypothesis*. Trans. David Macey and Steve Corcoran (Verso, 2010).

Badiou Alain, *Ethics: An Essay on the Understanding of Evil*, Trans. Peter Hallward (Verso, 2012).

Badiou Alain, *The Rebirth of History: Times of Riots and Uprisings,* (Verso, 2012).

Bakunin Mikhail, *The Political Philosophy of Bakunin: Scientific Anarchism*. Trans and ed. G.P. Marximoff (The Free Press of Glencoe, 1964).

Bakunin Mikhail, *God And The State*. Trans. Paul Avrich (New Dover Publications, 1970).

Balibar Étienne, 'Citizen Subject' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993).

Balibar Étienne, 'The Subject.' Trans. Roland Végső (2003) Ignorance of the Law 9.

Balibar Étienne, *Spinoza and Politics.* Trans. Peter Snowdon (Verso, 2008).

Ballantyne Andrew, *Deleuze and Guattari for Architects* (Routledge, 2007).

Bartholomew Amy., 'Empire's Law and the Contradictory Politics of Human Rights' in her (ed.) *Law's Empire: The American Imperial Project and the 'War to Remake the World'* (Pluto Press, 2006).

Bauel Joanne and Bell David, 'Introduction' in their (eds.) *The East Asian Challenge for Human Rights* (Cambridge University Press, 2009).

Baxi Upendra, *Human Rights in a Post-Human World: Critical Essays* (Oxford University Press, 2009).

Baxi Upendra, *The Future of Human Rights* (3rd ed. Oxford University Press, 2008).

Beach A. Edward, 'The Postulate of Immortality in Kant: To What Extent Is It Culturally Conditioned?' (2008) 58(4) Philosophy East and West 492.

Bell A. Daniel, 'Which Rights Are Universal?' (1999) 27(6) Political Theory 849.

Benjamin Walter, 'Critique of Violence.' Trans. Edmund Jephcott in Peter Demetz (ed.) *Reflections: Essays, Aphorisms, Autobiographical Writings* (Schocken Books, 1986).

Bentham Jeremy, 'Anarchical Fallacies; Being an Examination of the Declaration of Rights issued during the French Revolution' in Jeremy Waldron (ed.) *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man* (Methuen, 1987).

Bentham Jeremy, *Introduction to the Principle of Morals and Legislation* (Batoche Books, 2000).

Bielefeldt Heiner, 'Western versus Islamic Rights Conceptions?: A Critique of Cultural Essentialism in the Discussion on Human Rights,' (2000) 28(1) Political Theory 90.

Blumenfeld John, *All Things Are Nothing to Me* (Zero Books, 2018).

Bogue Ronald, *Deleuze and Guattari: Critics of the Twentieth Century* (Routledge, 1989).

Bonanno M. Alfredo, *Insurrectionalist Anarchism: Part One*. Trans. Jean Weir (Elephant Editions, 2009).

Bottomley Anne, 'Shock to Thought: An Encounter (of a Third Kind) with Legal Feminism' (2004) 12(1) Feminist Legal Studies 26.

Boundas V. Constantin and Tentokali Vana (ed.) *Architectural and Urban Reflections after Deleuze and Guattari* (Rowman & Littlefield International, 2017).

Boundas V. Constantin, 'Deleuze's Difference in his (ed.) *Deleuze and Philosophy* (Edinburgh University Press, 2006).

Bourg Julian, *From Revolution to Ethics: May '68 and Contemporary French Thought* (2nd ed., McGill-Queen's University Press, 2017).

Braidotti Rosi, Colebrook Claire and Hanafin Patrick *Deleuze and Law: Forensic Futures* (AIAA, 2009).

Braidotti Rosi, *Metamorphoses: Towards a Materialist Theory of Becoming* (Polity, 2001).

Brown H. Henry, 'Ulpian's Definition of Jurisprudence' (1921) 41(12) Canadian Law Times 758.

Brown Wendy, '"The Most We Can Hope For...:":Human Rights and the Politics of Fatalism' (2004) 103(2-3) South Quarterly Atlantic 451.

Bryant R. Levi, *Difference and Giveness: Deleuze's Transcendental Empiricism and the Ontology of Immanence* (Northwestern University Press, 2008).

Bryant R. Levi, 'The Ethics of the Event: Deleuze and Ethics without *Αρχή*' in Nathan Jan and Daniel W. Smith (ed.) *Deleuze and Ethics* (Edinburgh University Press, 2011).

Burke Edmund, *Reflection on the Revolution in France*, in Jeremy Waldron (ed.) *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man* (Methuen, 1987).

Byers W. Dorham, 'The Morality of Human Rights: A Secular Ground' (2010) 26(1) Journal of Law and Religion 1.

Campbell A. H, 'A Note on the Word Jurisprudence' (1942) 58 Law Quarterly Review 334.

Canguilhem Georges, 'The Concept of Life' in Francois Delaporte (ed.) *A Vital Rationalist: Selected Writings of Georges Canguilhem*. Trans. Arthur Goldhammer (Zone Books, 2000).

Caroll Lewis, *The Complete Alice* (Macmillan Children's Book, 2015).

Châtelet Gilles, *To Live and Think Like Pigs: The Incitement of Envy and Boredom in Market Democracies*. Trans. Robin Mackay (Sequence Press, 2014).

Christian Catholic Church, *Catechism of The Catholic Church* (2nd ed. Libreria Editrice Vaticana, 1997).

Cohen Joshua, Cohen 'Minimalism About Human Rights: The Most We Can Hope For?' (2004) 12(2) The Journal Of Political Philosophy 190.

Colebrook Claire, 'Univocity' in Adrian Parr (ed.) *The Deleuze Dictionary: Revised Edition* (Edinburgh University Press, 2010).

Colebrook Claire, *Understanding Deleuze* (Allen and Unwin, 2002).

Coleman Jules, 'Negative and Positive Positivism' in Marshall Cohen, (ed.) *Ronald Dworkin and Contemporary Jurisprudence* (London: Duckworth, 1984).

Colson Daniel, *A Little Philosophical Lexicon of Anarchism: From Proudhon to Deleuze*. Trans. Jesse Cohn (Minor Compositions, 2019).

Connolly William, *A World of Becoming* (Duke University Press, 2011).

Conrad Sebastian, 'Enlightenment in Global History: A Historiographical Critique' (2012) 117(4) The American Historical Review 999.

Corrales Pedro José Mariblanca, *Tiqqun and the Matter of Bloom in Contemporary Political Philosophy* (Little Black Cart, 2015).

Cox Christoph, *Nietzsche: Naturalism and Interpretation* (University of California Press, 1999).

Culp Andrew, *Dark Deleuze* (University of Minnesota Press, 2016).

De Beistegui Miguel *Immanence – Deleuze and Philosophy* (Edinburgh University Press, 2010).

De Jong Eccy, *Spinoza and Deep Ecology* (Routledge, 2004).

Debord Guy, *Society of the Spectacle*. Trans. Ken Knabb (Rebel Press, 1996).

DeGooyer Stephanie, Hunt Alastair, Maxwell Lida and Moyn Samuel (ed.) *The Right to have Rights* (Verso, 2018).

Delgado Richard and Stefanic Jean, *Critical Race Theory: An Introduction* (New York University Press, 2001).

Deleuze Gilles and Guattari Félix, *Nomadology: The War Machine*. Trans. Brian Massumi (Semiotext(e), 1986).

Deleuze Gilles and Guattari Félix, *What is Philosophy?*, Trans. Graham Burchell and Hugh Tomlinson (Verso, 1994).

Deleuze Gilles and Guattari Félix, *Anti-Oedipus* Trans. Robert Hurley, Mark Seem and Helen R. Lane (Bloomsbury, 2013).

Deleuze Gilles and Guattari Félix, *A Thousand Plateaus*, Trans. Brian Massumi (Bloomsbury Revelations, 2015).

Deleuze Gilles and Parnet Claire, *A to Z* (Semiotext(e) DVD, 2004).

Deleuze Gilles, 'Lecture Transcript on Spinoza's Concept of *Affect*.' Trans. Emilie and Julien Deleuze, Vincennes 1978 http://www.webdeleuze.com/php/sommaire.html

Deleuze Gilles, *The Fold: Leibniz and the Baroque*. Trans. Tom Conley (The Athlone Press, 1988).

Deleuze Gilles, *Bergsonism*. Trans. Hugh Tomlinson and Barbara Habberjam (Zone Books, 1991).

Deleuze Gilles, *Empiricism and Subjectivity: An Essay on Hume's Theory of Human Nature*. Trans. and Intro. Constantin V. Boundas. (Columbia University Press, 1991).

Deleuze Gilles, *Masochism: Coldness and Cruelty*. Trans Jean McNeil (Zone Press, 1991).

Deleuze Gilles, *Expressionism in Philosophy: Spinoza*. Trans. Martin Joughin (Zone Books, 1992).

Deleuze Gilles, 'A Philosophical Concept…' in Eduardo Cadava, Peter Connor and Jean-Luc Nancy (ed.) *Who Comes After the Subject?* (Routledge, 1993).

Deleuze Gilles, *Difference and Repetition*, Trans. Paul Patton (Columbia University Press, 1994).

Deleuze Gilles, *Negotiations* Trans. Martin Joughin (Columbia University Press, 1995).

Deleuze Gilles, *Σπινόζα: Πρακτική Φιλοσοφία.* Μετάφραση Κική Καψαμπέλη (Νήσος, 1996).

Deleuze Gilles, *Essays Critical and Clinical*, Trans. Daniel Smith and Michael Greco, (Verso, 1998).

Deleuze Gilles, *Spinoza: Practical Philosophy*. Trans. Robert Hurley (City Lights Publishers, 2001).

Deleuze Gilles, *Desert Islands: and Other Texts, 1953-1974*, Trans, Christopher Bush (Semiotext(e), 2004).

Deleuze Gilles, *Pure Immanence: Essays on A Life*, Trans. Anne Boyman (Zone Books, 2005).

Deleuze Gilles, *Nietzsche and Philosophy*. Trans. Hugh Tomlinson (Columbia University Press, 2006).

Deleuze Gilles, *Two Regimes of Madness*, Trans. Ames Hodges and Mike Taormina (Semiotext(e), 2007).

Deleuze Gilles, *Kant's Critical Philosophy: The Doctrine of the Faculties.* Trans. Hugh Tomlinson (Continuum, 2008).

Deleuze Gilles, *Foucault*. Trans. Séan Hand (Bloomsbury, 2012).

Deleuze Gilles, *Dialogues II*. Trans. Hugh Tomlinson. (Columbia University Press, 2015).

Deleuze Gilles, *Logic of Sense*, Trans. Constantin V. Boundas, Mark Lester and Charles J. Stivale (Bloomsbury, 2015).

Derrida Jacques, 'The Force of Law: The Mystical Foundation of Authority' in Michel Rosenfeld, David Ray Carlson and Drucilla Cornell (ed.) *Deconstruction and the Possibility of Justice* (Routledge, 1992).

Derrida Jacques, *Specters of Marx*, Trans. Peggy Kamuf (Routledge, 1994).

Descartes René, *A Discourse on the Method*. Trans. Ian Maclean (Oxford University Press, 2006).

Descartes René, *Meditations On First Philosophy*. Trans. Michael Moriarty (Oxford University Press, 2008).

Descartes René, *Principles of Philosophy*. Trans. Jonathan Bennett (Early Modern Texts, 2017).

Descombes Vincent, *Modern French Philosophy* (Cambridge University Press, 1980).

Didi-Huberman Georges, *Survival of the Fireflies*. Trans Lia Swope Mitchell (University of Minnesota Press, 2018).

Dillet Benoît, 'What Is Called Thinking?: When Deleuze Walks Along Heideggerian Paths' (2013) 7(2) Deleuze Studies 250.

Donnelly Jack, 'Human Rights as Natural Rights' (1982) 4(3) Human Rights Quarterly 391.

Dosse François, *Deleuze and Guattari: Intersecting Lives*, Trans. Deborah Glassman (Columbia University Press, 2010).

Douzinas Costas and Gearey Adam, *Critical Jurisprudence: The Political Philosophy of Justice* (Hart Publishing, 2005).

Douzinas Costas, *The End of Human* Rights (Hart Publishing, 2000).

Douzinas Costas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007).

Douzinas Costas, 'Adikia: On Communism and Rights' in his and Slavoj Žižek (ed.) *The Idea of Communism* (Verso, 2010).

Douzinas Costas, 'The Paradox of Human Rights' (2013) 20(1) Constellations 51.

Douzinas Costas, *Syriza in Power: Reflections of an Accidental Politician* (Polity, 2017).

Douzinas Costas, *The Radical Philosophy of Rights* (Routledge, 2019).

Dworkin Ronald, *Law's Empire* (Hart Publishing, 1998).

Duque Félix, *Remnants of Hegel* (State University of New York Press, 2018).

Eloff Aragorn, 'Children of the new Earth: Deleuze, Guattari and Anarchism' (2015), Unpublished talk presented in 'The First South African Deleuze and Guattari studies conference' www.deleuzeguattari.co.za

Fadini Ubaldo, 'Deleuze's Notion of The Institution: In A Direction of Different Distance' (2019) 13(4) Deleuze & Guattari Studies 528.

Feldman Seymour, 'Introduction' in his (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992).

Faun Feral, *Χαοτικά Μανιφέστα* (Δαίμων του Τυπογραφείου, 2019).

Finnis John, *Natural Law and Natural Rights* (Oxford University Press, 1980).

Fitzpatrick Peter, 'Is Humanity Enough? The Secular Theology of Human Rights (2007) 1(2) Law, Social Justice and Global Development 14.

Ford Russell, 'Humor, Law and Jurisprudence,' (2016), 21(3) Angelaki 89.

Foucault, Michel, 'Theatrum. Philosophicum' (1970), Critique 885.

Foucault Michel, *The History of Sexuality, Volume III: The Care of The Self*. Trans. Robert Hurley (Penguin, 1990).

Foucault Michel, *The Order of Things* (Routledge, 2002).

Foucault Michel, 'Interview with Michel Foucault' in James D. Faubion (ed.) *Essential works of Foucault 1954–1984, Vol 3: Power*. Trans. Robert Hurley (Penguin, 2002).

Foucault Michel, 'Truth And Judicial Forms' in James D. Faubion (ed.) *Essential works of Foucault 1954–1984, Vol 3: Power*. Trans. Robert Hurley (Penguin, 2002).

Foucault Michel, 'Lecture 11' in Mauro Bertani and Alessandro Fontana (ed.) *Society Must Be Defended: Lectures at the Collège de France 1975-76*. Trans. David Macey (Penguin, 2004).

Frank Manfred, *What is Neostructuralism?* Trans. Sabine Wilke and Richard Gray (University of Minnesota Press, 1989).

Franke William, 'Classical Chinese Thought and the Sense of Transcendence' in Nahum Brown and his (ed.) *Transcendence, Immanence and Intercultural Philosophy* (Palgrave Macmillan, 2016).

Fuller Lon, *The Morality of Law: Revised Edition* (Yale University Press, 1977).

Gessen Mass, 'The Right to Have Rights' and the Plight of the Stateless' (2018) The New Yorker https://www.newyorker.com/news/our-columnists/the-right-to-have-rights-and-the-plight-of-the-stateless

George P. Robert, *In Defense of Natural Law* (Oxford University Press, 2001).

Golder Ben, 'Foucault, Anti-Humanism and Human Rights' (2009) [Unpublished].

Golder Ben, *Foucault and The Politics of* Rights (Stanford University Press, 2015).

Golding Sue, 'Curiosity' in her (ed.) *Eight Technologies of Otherness* (Routledge, 1997).

Goldman Emma, *Living My Life: Volume 1* (Dover Publications, 1970).

Goodchild Philip, 'Philosophy as a Way of Life: Deleuze on Thinking and Money' (2010) 39(1) SubStance #121 24.

Goodrich Peter, *Languages of Law: from Logics of Memory to Nomadic Masks* (Weidenfeld and Nicolson London, 1990).

Goodrich Peter, 'Social Science and the Displacement of Law' (1998) 32(2) Law and Society Review 473.

Gray van Heerden Chantelle and Eloff Aragorn (ed.) *Deleuze and Anarchism* (Edinburgh University Press, 2019).

Greene Leslie, 'Introduction' in H.L.A. Hart, *The Concept of Law* (3rd ed. Oxford University Press, 2012).

Grosz Elizabeth, *Chaos, Territory, Art: Deleuze and the Framing of the* Earth (Columbia University Press, 2008).

Grosz Elizabeth, *The Incorporeal: Ontology, Ethics and the Limits of Materialism* (Columbia University Press, 2017).

Guattari Félix and Negri Antonio, *Communists Like Us* (Semiotext(e), 1990).

Gündoğdu Ayten, 'Potentialities of Human Rights: Agamben and the narrative of fated necessity' (2012) 11 Contemporary Political Theory 2.

Gündoğdu Ayten, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (Oxford University Press, 2014).

Habermas Jürgen, *The Philosophical Discourse of Modernity: Twelve Lectures*. Trans. Frederick Lawrence (MIT Press, 1982).

Hallward Peter, 'Deleuze and Redemption From Interest' (1997) 81 Radical Philosophy 6.

Hallward Peter, *Out of this World: Deleuze and the Philosophy of Creation* (Verso, 2006).

Hardt Michael and Negri Antonio, *Empire* (Harvard University Press, 2000).

Hardt Michael, *Gilles Deleuze: An Apprenticeship in Philosophy* (University of Minnesota Press, 1993).

Hart H.L.A., *The Concept of Law* (3rd ed. Oxford University Press, 2012).

Heidegger Martin, *Identity/Difference* Joan Stambaugh (ed.) and Trans. (Harper and Row Publishers, 1969).

Heidegger Martin, *Nietzsche: Volumes Three and Four*. David Farell Krell (ed.). Trans. Joan Stambaugh, David Farell Krell and Franka A. Capuzzi (HarperCollins Publishers, 1987).

Heidegger Martin, *Being and Time*. Trans. John Macquarrie and Edward Robinson (Blackwell, 2000).

Heidegger Martin, 'Letter on Humanism' in David Farell Krell (ed.) *Martin Heidegger: Basic Writings* (Harper Perennial Modern Classics, 2008).

Heraclitus, *Heraclitus: Fragments*. Trans. Brooks Haxton (Penguin Classics, 2003).

Hobbes Thomas, *Leviathan* (Penguin Classics, 1986).

Hopgood Stephen, *The Endtime of Human Rights* (Cornell University Press, 2015).

Ignatieff Michael, *Human Rights as Politics and Idolatry* (Princeton University Press, 2003).

Ishay R. Micheline, *The History of Human Rights: From Ancient Times to Globalization Era* (University of California Press, 2008).

Jun Nathan, 'Deleuze, Values and Normativity' in Nathan Jun and Daniel W. Smith (ed.) *Deleuze and Ethics* (Edinburgh University Press, 2011).

Jun Nathan, 'Introduction' in Nathan Jun and Daniel W. Smith (ed.) *Deleuze and Ethics* (Edinburgh University Press, 2011).

Kalyniuk Gregory, 'Jurisprudence of the Damned Deleuze's Masochian Humour and Anarchist Neo-Monadology, 2013, 2 Ontological Anarché Beyond Materialism and Idealism 216.

Kant Immanuel, *Critique of Pure Reason: Unified Edition (with all the variants from 1781 and 1787 Editions)*. Trans. Werner S. Pluhar (Hackett Publishing Company, 1996).

Kant Immanuel, *Critique of Practical Reason.* Trans. Werner S. Pluhar (Hackett Publishing Company, 2002).

Kant Immanuel, *Groundwork of the Metaphysics of Morals*. Trans. Mary Gregor (Cambridge University Press, 2006).

Kant Immanuel, *An Answer to the Question: 'What is Enlightenment?'* Trans. H.B Nisbet (Penguin Great Ideas, 2009).

Kant Immanuel, *Religion Within the Bounds of Bare Reason*. Trans. Werner S. Pluhar (Hackett Publishing Company, 2009).

Kauffman Eleanor, *Deleuze, The Dark Precursor: Dialectic, Structure, Being*. (The Johns Hopkins University Press, 2012).

Kazantzakis Nikos, *Friedrich Nietzsche on the Philosophy of Right and the State*. Trans. Odysseas Makridis (State University of New York Press, 2006).

Kelsen Hans, *Pure Theory of Law*. Trans Max Knight (University of California Press, 2009).

Kenny Anthony, *The Rise of Modern Philosophy* (Oxford University Press, 2008).

Kerslake Christian, *Immanence and the Vertigo of Philosophy: From Kant to Deleuze* (Edinburgh University Press, 2009).

Kim Chin-Tai, 'Transcendence and Immanence' (1987) 55(3) Journal of the American Academy of Religion 537.

Kirk G.S., *Heraclitus: The Cosmic Fragments* (Cambridge University Press, 2010).

Kropotkin Pyotr, 'Law and Authority' in Emile Capouya and Keitha Tompkins (ed.) *The Essential Kropotkin* (Palgrave Macmillan, 1975).

Lacan Jacques, 'Touché and Automaton' in Jacques-Alain Miller (eds.) *The Four Fundamental Concepts of Psychoanalysis: The Seminars of Jacques Lacan Book XI*. Trans. Alan Sheridan (W.W. Norton & Company, 1978).

Landstreicher Wolfi, *Willful Disobedience* (Ardent Press, 2009).

Lapsley K. Daniel and Stey C. Paul, 'Id, Ego, and Superego' in Vilayanur Ramachandran (ed.) *Encyclopedia of Human Behavior* (2nd Elsevier Press, 2012).

Larousse, Dictionnaire Français
https://www.larousse.fr/dictionnaires/francais/jurisprudence/45213

Lecercle Jean-Jacques, *Deleuze and Language* (Palgrave and Macmillan, 2002).

Lechte John and Newman Saul, *Agamben and the Politics of Human Rights: Statelessness, Images, Violence* (Edinburgh University Press, 2015).

Lefebvre Alexandre, *The Image of Law: Deleuze, Bergson, Spinoza* (Stanford University Press, 2008).

Lefebvre Alexandre, 'Human Rights in Deleuze and Bergson's Later Philosophy,' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012).

Le Guin K. Ursula, *The Left Hand of Darkness* (Ace Books, 2000).

Lloyd Moya, '(Women's) human rights: Paradoxes and possibilities' (2007) 33(1) Review of International Studies, 91.

Loizidou Elena, 'This Is What Democracy Looks Like' in Jimmy Class Clausen and James Martel (ed.) *How Not To Be Governed: Readings And Interpretations From A Critical Anarchist Left* (Rowman & Littlefield, 2011).

Loizidou Elena, 'Love, Law, Anarchy' in Thanos Zartaloudis (ed.) *Law and Philosophical Theory: Critical Intersections* (Rowman & Littlefield International, 2018).

Loizidou Elena, 'What is Law' in Carl Levy and Saul Newman (ed.) *Anarchist Imagination: Anarchism Encounters the Humanities and the Social Sciences* (Routledge, 2019).

Lucash Frank, 'Spinoza's Philosophy of Immanence' (1994) 8(3) The Journal of Speculative Philosophy 164.

Lyotard Jean-François, 'The Other's Rights' in Stephen Shute and Susan Hurley (ed.) *On Human Rights* (Basic Books, 1993).

Lyotard Jean-François, *The Postmodern Condition: A Report On Knowledge*, Trans. Geoff Bennington and Brian Massumi (University of Minnesota Press, 1984).

Mackenzie Iain, 'Creativity as Criticism: The Philosophical Constructivism of Deleuze and Guattari,' (1997) 86 Radical Philosophy 7.

Mackenzie Iain, *The Idea of Pure Critique* (Continuum, 2004).

Malik Kenan, 'Human rights mean nothing unless we defend real, threatened people' (2019) The Guardian https://www.theguardian.com/commentisfree/2019/mar/10/human-rights-mean-nothing-unless-we-defend-real-threatened-people

Mandel Ernest and Novack George, *The Marxist Theory of Alienation* (Pathfinder, 1973).

Marcuse Herbert, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society.*(Routledge, 2006).

Mārgārit Emilian, 'Deleuze and the Expression of Jurisprudence, 2012 4(1) Meta: Research in Hermeneutics, Phenomenology and Practical Philosophy 227.

Marks John, *Gilles Deleuze: Vitalism and Multiplicity* (Pluto Press, 1998).

Marx Karl, 'Contribution to the Critique of Hegel's *Philosophy of Right*' in Robert C. Tucker (ed.) T*he Marx-Engels Reader* (2nd ed. Norton and Company, 1978).

Marx Karl, 'Economic and Philosophical Manuscripts of 1844 Question' in Robert C. Tucker (ed.) T*he Marx-Engels Reader* (2nd ed. Norton and Company, 1978).

Marx Karl, 'On The Jewish Question' in Robert C. Tucker (ed.) T*he Marx-Engels Reader* (2dn ed. Norton and Company, 1978).

Marx Werner, 'The Thought and Issue in Heidegger' in John Sallis (ed.) *Radical Phenomenology in Honor of Martin Heidegger* (Humanities Press, 1979).

Massumi Brian, 'Becoming-Deleuzian' (1996) 14 Environment and Planning D: Society and Space 395.

Massumi Brian, *Parables for the Virtual: Movement, Affect, Sensation* (Duke University Press, 2002).

May Todd, *The Political Philosophy of Poststructuralist Anarchism* (Pennsylvania State University Press, 1994).

May Todd, 'When is a Deleuzian Becoming?' (2003) 36 Continental Philosophy 139.

McEvilley Thomas, *The Shape of Ancient Thought* (Allworth Press, 2006).

McKinnon Catharine, *Are Women Human?: And Other International Dialogues* (Harvard University Press, 2006).

McNeilly Kathryn, 'Reclaiming the Radical in Universal Human Rights: Universality as Universalisation' (2015) 4(2) International Human Rights Law Review 256.

McNeilly Kathryn, *Human Rights And Radical Social Transformation: Futurity, Alterity, Power* (Routledge, 2018).

McVeigh Shaun, 'Conditions of Carriage: Finding a Place' (2017) 21 Law Text Culture 165.

Meyerson Denise, *Understanding Jurisprudence* (Routledge, 2007).

Minkinnen Panu, 'The Radiance of Justice: On The Minor Jurisprudence of Franz Kafka' (1994) 3 Social & Legal Studies 349.

Moore Nathan, 'A Deleuzean Interrogation of Property and Subjectivity' (2007) Ph.D. Thesis, Birkbeck, University of London.

Moore Nathan, 'A Distant Hand Fell from His Shoulder' (2000) 11(2) Law and Critique 185.

Moore Nathan, 'Icons of Control: Deleuze, Signs, Law' in Thanos Zartaloudis (ed.) *Law and Philosophical Theory: Critical Intersections* (Rowman & Littlefield International, 2018).

Moore Nathan, 'So You Love Me' (2004) 15(1) Law and Critique 45.

Morris Martin, 'The Critique of Transcendence: Poststructuralism and the Political' (2004) 32(1) Political Theory 121.

Motha Steward and Zartaloudis Thanos, 'Law Ethics and the Utopian End of Human Rights' (2003) 12(2) Legal and Social Studies 243.

Moyn Samuel, *The Last Utopia* (The Belknap Press of Harvard University Press, 2010).

Moyn Samuel, *Human Rights And The Uses of History* (Verso, 2014).

Moyn Samuel, *Not Enough: Human Rights In An Unequal World* (Belknap Press of Harvard University Press, 2018).

Mussawir Edward, 'The activity of Judgment: Deleuze, Jurisdiction and the Procedural Genre of Jurisprudence' (2011) 7(3) Law, Culture and Humanities 463.

Mussawir Edward, *Jurisdiction in Deleuze: The Expression and Representation of Law* (Routledge, 2011).

Mutua Makau, 'Critical Race Theory and International Law: The View of an Insider-Outsider Insider-Outsider' (2000) 45(5) Villanova Law Review 841.

Nancy Jean-Luc, *Being Singular Plural* Trans. Robert D. Richardson and Anne E. O'Byrne (Stanford University Press, 2000).

Nancy Jean-Luc, 'The Kategorein of Excess.' Trans. Gilbert-Walsh and Simon Sparks, in Simon Sparks (ed.) *A Finite Thinking* (Stanford University Press, 2003).

Naess Arne, 'Spinoza and the Deep Ecology Movement' in Alan Drengson and Bill Devall (eds.) The Ecology of Wisdom: Writings by Arne Naess (Counter Point, 2008).

Negri Antonio, *The Savage Anomaly: The Power of Spinoza's Metaphysics and Politics*. Trans. Michael Hardt (University of Minnesota Press, 1991).

Newman Saul, 'Anarchism and Law: Towards a Post-Anarchist Ethics of Disobedience' (2012) 21(2) Griffith Law Review 307.

Newman Saul, *Post-Anarchism* (Polity Press, 2016).

Newman Saul, *Political Theology* (Polity Press, 2018).

Nickel James, 'Personal Deserts and Human Rights' in Rowan Cruft, Matthew Liao, Massimo Renzo (eds.) *The Philosophical Foundations of Human Rights*, (Oxford University Press, 2015).

Nietzsche Friedrich, *Will to Power*. Trans. and Commentary Walter Kauffman (Vintage Books, 1968).

Nietzsche Friedrich, *The Gay Science, With a Prelude of Rhymes and an Appendix of Songs*. Trans. and Commentary Walter Kaufmann (Vintage Books, 1974).

Nietzsche Friedrich, *Philosophy in the Tragic Age of the Greeks*. Trans. Marianne Cowan (Gateway Editions, 1996).

Nietzsche Friedrich, *The Twilight of the Idols or How to Philosophise with a Hammer*. Trans. And Intro. Duncan Large (Oxford Classics, 1998).

Nietzsche Friedrich, *Beyond Good and Evil*. Trans. Marion Faber (Oxford World's Classics, 2008).

Nietzsche Friedrich, *The Genealogy of Morality*. Trans. Carol Diethe, Keith Ansell-Pearson (ed.) (3rd ed. Cambridge University Press, 2017).

Orford Anne, *Reading Humanitarian Intervention* (Cambridge, University Press, 2003).

Osamu Nishitani, '*Anthropos* and *Humanitas*: Two Western Concepts of The Human Being' in Naoki Sakai and Jon Solomon (ed.) *Translation, Biopolitics, Colonial Difference* (Hong Kong University Press, 2006).

Otto Dianne, 'International human rights law: Towards rethinking sex/gender dualism' in Margaret Davies, and Vanessa Munro (ed.) *The Ashgate research companion to feminist legal theory* (Ashgate, 2013).

Oxford English Dictionary https://www.lexico.com/en

Oxford Law Dictionary (7th Oxford University Press, 2013).

Patton Paul, *Deleuze and the Political* (Routledge, 2000).

Patton Paul, 'Deleuze and Democratic Politics' in Lars Tønder and Lasse Thomassen (ed.) *Radical Democracy: Between Abundance and Lack* (Manchester University Press, 2005).

Patton Paul, 'Becoming-Democratic' in Ian Buchanan and Nicholas Thoburn (eds.) *Deleuze and Politics* (Edinburgh University Press, 2009).

Patton Paul, 'Deleuze and Democracy' in his (ed.) *Deleuzian Concepts: Philosophy, Colonisation, Politics* (Stanford University Press, 2010).

Patton Paul, 'Deleuze's political philosophy' in Daniel W. Smith and Henry Somers-Hall (eds.) *The Cambridge Companion to Deleuze* (Edinburgh University Press, 2012).

Patton Paul, 'Immanence, Transcendence, and the Creation of Rights,' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012).

Pico della Mirandola Giovanni, *Oration on the Dignity of Man*. Trans. Robert Caponigri (A Gateway Edition Henry Regnery Company Chicago, 1956).

Philippopoulos-Mihalopoulos Andreas, 'Law Space, Bodies: The Emergence of Spatial Justice' in Laurent De Sutter and Kyle McGee (ed.) *Deleuze and Law* (Edinburgh University Press, 2012).

Philippopoulos-Mihalopoulos Andreas, *Spatial Justice: Body, Lawscape, Atmosphere* (Routledge, 2015).

Plato, 'Theaetetus' in Myles Burnyeat (ed.) *The Theaetetus of Plato*. Trans. M.J. Levett (Hackett Publishing, 1990).

Plato, *Theaetetus*. Trans. M.J. Levett (Hackett Classics, 1992).

Plato, 'Republic' in C.D.C Reeve (ed.) *A Plato Reader: Eight Essential Dialogues*, (Hackett Publishing, 2012).

Proudhon Pierre-Joseph, 'The Authority Principle' in Daniel Guerin and Paul Sharkey (ed.) *No Gods, No Masters: An Anthology of Anarchism* (AKP Press, 2005).

Quarantotto Diana, 'A Dynamic Ontology: On how Aristotle arrived at the conclusion that Eternal Change Accomplishes *Ousia*' in Mariska Leunissen (ed.) *Aristotle's Physics: A Critical* Guide (Cambridge University Press, 2015).

Rae Gavin, *Ontology in Heidegger and Deleuze: A Comparative Analysis* (Palgrave Macmillan, 2014).

Rancière Jacques, 'Who is the Subject of the Rights of Man?' 103 (2/3) South Atlantic Quarterly 297.

Rancière Jacques, *Dissensus: On Politics and Aesthetics*, Trans, Steven Corcoran (Continuum, 2010).

Raz Joseph, *The Authority of Law: Essays on Law and Morality* (2nd ed. Oxford University Press, 2011).

Rorty Richard, 'Human Rights, Rationality and Sentimentality' in Stephen Shute and Susan Harley (eds.) *On Human Rights: The Amnesty Lectures 1993* (Basic Books, 1993).

Ruddick M. Susan, 'Rethinking the Subject, Reimagining Worlds (2017) 7(2) Dialogues in Human Geography 119.

Sauvagnargues Anne, *Deleuze and Art* Trans. Samantha Bankston (Bloomsbury, 2016).

Schmitt Carl, *Political Theology: Four Chapters on the Concept of Sovereignty*. Trans. George Schwab (University of Chicago Press, 2005).

Schmitt Carl, *The Nomos of the Earth: in the International Law of the Jus Publicum Europaeum*. Tran.s G.L. Ulmen (Telos Press Publishing, 2006).

Schürmann Reiner, *Heidegger on Being and Acting: From Principles to Anarchy*. Trans. C-M. Gros. (Indiana University Press, 1987).

Schütz Anton, 'A Quandary Concerning Immanence' (2011) 22 Law and Critique 189 190.

Scruton Roger, *Spinoza: A Very Short Introduction* (Oxford University Press, 2002).

Sedley David, *Plato's Cratylus* (Cambridge University Press, 2003).

Sellars John, 'Deleuze and Cosmopolitanism' (2007) 142 Radical Philosophy 30.

Sen Amartya, 'Human Rights and Asian Values' (1997) 14 New Republic 33.

Serafinsky, *Ευλογημένη η Φλόγα: Μια Εισαγωγή στην Αντίσταση, στα Ναζιστικά Στρατόπεδα Συγκέντρωσης και τον Αναρχο-νιχιλισμό* (Δαίμων του Τυπογραφείου, 2019).

Shein Noa, 'Spinoza's Theory of Attributes' (2018) The Stanford Encyclopedia of Philosophy. https://plato.stanford.edu/entries/spinoza-attributes/

Smith Adam, 'Lectures on the Province of Jurisprudence 1762,' cited in Scott Veitch, Emilios Christodoulidis and Marco Goldoni, *Jurisprudence: Themes and Concepts* (3rd ed. Routledge, 2018).

Smith W. Daniel, 'Deleuze and The Question of Desire: Toward An Immanent Theory of Ethics' (2007) 2 Parrhesia 66.

Smith W. Daniel, 'Deleuze and Derrida, Immanence and Transcendence: Two Directions in Recent French Thought' in his (ed.) *Essays on Deleuze* (Edinburgh University Press, 2012).

Smith W. Daniel, 'Ethics: The Place of Ethics in Deleuze's Philosophy: Three Questions of Immanence,' in his (ed.) *Essays on Deleuze* (Edinburgh University Press, 2012).

Spindler Fredrika, 'Gilles Deleuze: A Philosophy of Immanence' in Jonna Bornemark and Hans Ruin (ed.) *Phenomenology and Religion: New Frontiers* (Södertörn University Press, 2010).

Spinoza Baruch, 'Ethics' in Seymour Feldman (ed.) *Ethics, Treatise on the Emendation of the Intellect and Selected Letters*, Trans. Samuel Shirley (Hackett Publishing, 1992).

Spinoza Baruch, *Treatise on Theology and Politics*. Trans. Jonathan Bennett (Early Modern Texts, 2017).

Stephen Zepke Stephen and O' Sullivan Simon (ed.) *Deleuze and Contemporary Art* (Edinburgh University Press, 2010).

Stirner Max, *The Unique and Its Property*, Trans. Wolfi Landstreicher (Underworld Amusements, 2017).

Surralles Alexandre, 'Human Rights for Non-Humans' 7(3) Journal of Ethnographic Theory 211.

Talbott J. William, *Which Rights Should Be Universal* (Oxford University Press, 2005).

Tamblyn Nathan, 'The Common Ground Between Law and Anarchism' (2019) 40 Law Review 65.

Tampio Nicholas, *Deleuze's Political Vision* (Rowman and Littlefield Publishers, 2015).

Teubner Gunther, 'Rights of Non-Humans? Electronic Agents and Animals as New Actors in Politics and Law' (2006) 33(4) Journal of Law and Society 497.

Tiqqun, *Introduction to Civil War*. Trans. Alexander R. Galloway and Jason E. Smith (Semiotext(e), 2010).

Tiqqun, *This Is Not a Programme*. Trans. Joshua David Jordan (Semiotext(e), 2011).

Tiqqun, *Theory of Bloom*. Trans. Robert Hurley (Little Black Cart, 2012).

The Invisible Committee, *The Coming Insurrection*. (Semiotext(e), 2009).

The Invisible Committee, *To Our Friends*. Trans. Robert Hurley (Semiotext(e), 2015).

The Invisible Committee, *Now*. Trans. Robert Hurley (Semiotext(e), 2017).

The French Declaration of the Rights of Man and the Citizen, 1789 in Micheline Ishay (ed.), *The Human Rights Reader: Major Political Essays, Speeches and Documents from Ancient Times to the Present* (2nd edition Routledge, 2007).

Thoburn Nicholas, *Deleuze, Marx and Politics* (Routledge, 2003).

Thomson L. Thomas and Wajdenbaum Philippe, 'Introduction: Making room for Japheth' in their (eds.) *The Bible and Hellenism: Greek Influence on Jewish and Early Christian Literature* (Routledge, 2014).

Tierney Brian, *The Idea of Natural Rights* (WM. B. Eerdmans Publishing Co., 2001).

Tierney Brian, 'The Idea of Natural Rights-Origins and Persistence' (2004) 2(1) Northwestern Journal of International Human Rights 1.

Todorov Tzevtan, *The Conquest of America: The Question of the Other*, Trans. Howard R. (HarperPerennial, 1992).

Tosel Natascia, 'Anarchy and Institution: A New Sadean Possibility' in Chantelle Gray van Heerden and Aragorn Eloff (ed.) *Deleuze and Anarchism* (Edinburgh University Press, 2019).

Tur R.H.S. 'What is Jurisprudence?' (1978) 28(111) The Philosophical Quarterly 149.

Ulpian, 'Libro Secundo Regularum 1.1.10.2' in *Liber Primus* of *Domini Nostri Sacratissimi Principis Iustiniani Iuris Enucleati Ex Omni Vetere Iure Collecti Digestorum Seu Pandectarum* https://droitromain.univ-grenoble-alpes.fr/Corpus/d-01.htm#1

Van Den Hemel Ernst, 'Included but Not Belonging' (2008) 3 Krisis Journal for Contemporary Philosophy 16.

Varoufakis Yanis, *And The Weak Suffer What They Must?: Europe, Austerity and the Threat to Global Stability*, (Bodleay Head, 2016).

Vattimo Gianni, *The End of Modernity: Nihilism and Hermeneutics in Post-Modern Culture*. Trans. Jon A. Snyder (Polity Press, 1988).

Virilio Paul, *Strategy of Deception*. Trans. Chris Turner (Verso, 2007).

Virno Paolo, 'General Intellect, Exodus, Multitude: Interview with Paolo Virno' (2002) 54 Archipélago. Trans. Nate Holdren https://www.generation-online.org/p/fpvirno2.htm

Voss Daniela, 'Immanence, Transindividuality and the Free Multitude' (2018) 20(10) Philosophy and Social Criticism 1.

Waldron Jeremy, 'Burke's Reflection on the Revolution in France' in his (ed.) *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man* (Methuen, 1987).

Wall Illan Rua, *Human Rights and Constituent Power: Without Model or Warranty* (Routledge, 2012).

Watson Alan, Trans. and (ed.) *The Justinian Digest: Volume 1* (University of Pennsylvania Press, 1998).

Widder Nathan, *Genealogies of Difference* (University of Illinois Press, 2002).

Widder Nathan, 'Duns Scotus' in Graham Johns and John Roffe (ed.) *Deleuze's Philosophical Lineage* (Edinburgh University Press, 2009).

Widder Nathan, 'Immanence' in Mark Bevir (ed.) *Encyclopaedia of Political Theory* (SAGE Publications, 2010).

Widder Nathan, *Political Theory After Deleuze* (Continuum, 2012).

Williams James, 'Immanence' in Adrian Parr (ed.) *The Deleuze Dictionary: Revised Edition* (Edinburgh University Press, 2010).

Wolcher E. Louis, *The Ethics of Justice Without Illusions* (Routledge, 2016).

Wolcher E. Louis, 'Peace and Subjectivity' (2018) 26 The Journal of Human Rights 31.

Wood Alden, *The Cultural Logic of Insurrection: Essays On Tiqqun And The Invisible Committee* (Little Black Cart, 2013).

Young Eugene B., Genosko Gary and Watson Janel, *The Deleuze and Guattari Dictionary* (Bloomsbury Academic, 2013).

Yovel Yirmiyahu, *Spinoza and Other Heretics Volume II: The Adventures of Immanence* (Princeton University Press, 1992).

Zafirovsky Milan, *The Enlightenment and Its Effect on Modern Society* (Springer, 2011).

Zartaloudis Thanos, *Giorgio Agamben: Power, Law and the Uses of Criticism* (Routledge, 2010).

Zartaloudis Thanos, 'Violence Without Law? On Pure Violence as a Destituent Power' in Brendan Moran and Carlo Salazani (ed.) *Towards the Critique of Violence: Walter Benjamin and Giorgio Agamben* (Bloomsbury Series in Continental Philosophy, 2015).

Zartaloudis Thanos, 'Introduction' in his (ed.) *Law and Philosophical Theory: Critical Intersections* (Rowman & Littlefield International, 2018).

Zartaloudis Thanos, *The Birth of Nomos* (Edinburgh University Press, 2019).

Zenian David, 'The Armenians of France,' (1995) Armenian General Benevolent Union https://agbu.org/news-item/the-armenians-of-france/

Zevnik Andreja, 'Becoming-Animal, Becoming-Detainee: Encountering Human Rights Discourse in Guantanamo' (2011), 22 Law and Critique 155.

Žižek Slavoj, *Organs without Bodies: Deleuze and Consequences* (Routledge, 2004).

Žižek Slavoj, 'Against Human Rights' (2005) 34 New Left Review 115.

Žižek Slavoj, *In Defense of Lost Causes* (Verso, 2007).

Žižek Slavoj, *The Year of Dreaming Dangerously* (Verso, 2012).

Αξελός Κώστας, *Ο Ηράκλειτος και η Φιλοσοφία* (Εξάντας, 1974).

Αριστοτέλης, *Ηθικά Νικομάχεια (Τόμος Α')*. Μετάφραση Κυριάκος Ζαμπάς (Αρχαία Γραμματεία, 2009).

Αριστοτέλης (Aristotle), *Φυσικά: Βιβλία Α'-Β' (Αρχές, Φύση, Αίτια, Τύχη, Ανάγκη)*. Πρόλογος Δημήτρης Λυμπούρης. Εισαγωγή-Μετάφραση-Σχόλια Βασίλειος Μπετσάκος (Εκδόσεις Ζήτρος, 2010).

Καστοριάδης Κορνήλιος, *Η Ελληνική Ιδιαιτερότητα: Από τον Όμηρο στον Ηράκλειτο – Σεμινάρια 1982-1983* (Κριτική, 2007).

Καστοριάδης Κορνήλιος, 'Διασχίζουμε Μια Εποχή Παρακμής...' in Enrique Escobar, Myrto Gondicas and Pascal Vernay (εκδ.) *Ακυβέρνητη Κοινωνία*. Μετάφραση Ζήσης Σαρίκας (Εκδόσεις Ευρασία, 2010).

Λάγιος Θανάσης, *Stirner, Nietzsche, Foucault*: *Ο Θάνατος του Θεού και το Τέλος του Ανθρώπου* (Futura, 2012).

Σωτήρη Παναγιώτης, 'Πέρα από την Πολιτική των Δικαιωμάτων. (Για τη Μαρξιστική Κριτική του Νόμου και του Δικαίου)' (2008) 102 Θέσεις. http://www.theseis.com/index.php?option=com_content&task=view&id=1005 &Itemid=29

Παπαδάτος-Αναγνωστόπουλος Δημοσθένης, *Ο Μαυροκόκκινος Δεκέμβρης: Άκρα Και Κέντρο Στην Εξέγερση Του 2008* [*Πλήθος, Ηγεμονία, Στρατηγική*] (Εκδόσεις Τόπος, 2018).