The one and the multiple. Reflections on the marginalization of the "subject" in law and in the thought of Gilles Deleuze

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The following elements are part of a reflection on the place of the subject in our contemporary society that has come with the observation of the evolution of the law – especially French law - in the last forty years. Both from the point of view of Gilles Deleuze's philosophy and from the point of view of contemporary developments in law, I don't scrupulously presenting my work but I give here, in an almost raw state, the first results. There would obviously be much more to say, and everyone can add his or her "grain of salt" and discuss the analyses.

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It is nothing to say that the term "subject" cannot be understood immediately and with certainty. Not only does it take on meanings related to the people and disciplines that use it, but it is also, most of the time, "double-sided", depending on whether one stands before or after the term to which it relates: the subject of the standard is the one who says the standard or the one who is the object of it. It can be both at the same time or resolutely differentiated. If we add that each reader of the term "subject" will inevitably put into it what he or she understands, both intellectually and intuitively, the imbroglios of meaning are not a risk but a quasi-certainty. It is therefore not so much the definitions given of the "subject" that make it possible to get along - if that is possible - but the general articulations of meaning produced by the speaker... the subject precisely. In short, with the "subject", there is always room for ideas.

In fact, Deleuze had ideas about the subject of "subject", since, according to him, there would be no possible subject at the origin of a statement but only "mechanical arrangements". But he came back to it a little too often for it not to be suspicious. For Deleuze, the "subject" was less absorbed by the multiple than by a necessity that concerned him and that is probably still to be discovered. On the side of law and history as it is told, men have made the "subject-person" the *raison d'être* of all legal rules, each one counting identically. In analysis, however, this "subject of law" is singular only because it is multipliable. At the end of the day, it is the exclusion of the subject as the author of the decision that could appear as the ideal satisfaction for subjects. Through the enunciation of law, contemporary man appears more than ever Deleuzian; he cannot stand himself, and resorts to the stratagem of objectivity, mathematics and universality in order to dissolve subjectivity. In pure loss of course. The "gain" of the subject's ignorance is in fact an ever-greater distancing of the being from himself, who continues to want to weave social ties from a hypothetical heteronomy of the - fatal if not fatalistic - march of the world.

Gilles Deleuze and the "subject": Love Unto Death

One of the questions that ran through French theory in the 1960s was "where do we speak from", "what gives status to what we say? ». Austin, Lacan, Barthes, Foucault, Deleuze or Derrida all answered this question from their own angle of analysis, and in fact often according to where they were speaking from.

Qualified as the philosopher of the multiple, Gilles Deleuze, first a philosophical historian and then a philosopher, is nonetheless, and perhaps above all in fact, a thinker of the subject, whether in direct criticism, discreet outcry, or false ignorance. Going through his words and writings, one can make the observation that the question of the subject is not far from being a Deleuzian obsession. At the very least, it is often in the hollow of his writings, and very explicit in his public "statements": "elaborating" directly in front of an audience that questions him, he often comes back to this question of the "subject". In any case, he comes back on the subject that he considers to be thought of by modern philosophy since Descartes, and of which Jacques Lacan - whom he does not name while borrowing his vocabulary - is in a way the continuator-finisher[1]. The conception of the subject that derives from modern philosophy according to Deleuze, is the object of a rather systematic criticism on his part, always the same one, moreover. For example, in the courses given by Deleuze at Vincennes, reference is made to this Cartesian "subject", which has become the "subject" of psychoanalytical thought, and which is divided, cleaved, into subject of the enunciation and subject of the statement[2]. For Deleuze, psychoanalysis, inherited from the Cartesian subject "cleaved" - I think, therefore I am - inhibits any production of statements[3]. This subject of enunciation is that which is interpreted: he who says I think, is said to be, as read through the possible enunciation of his "I think". This means that the subject of the enunciation - the one who can say - also becomes the subject of the statement - the one who is said[4]. The subject exists only in so far as it is interpreted[5]. Criticizing this philosophy inherited from Descartes, Deleuze considers that "the idea that it is the subject who produces statements is already the sufficient condition for no statement to be produced, it is already the great inhibition of any statement provided by the machine of interpretation".

But, perhaps surprisingly, for Deleuze and his fellow thinker Félix Guattari, considering a statement from the idea of the subject, as a singular entity producing a discourse of its own, is in any case a mistake, since there are only "collective arrangements of enunciation[6]". Even more, "there are no universals, no transcendentals, no One, no subject (nor object), no Reason, there are only processes, which can be of unification, subjectivation, rationalization, but nothing more. These processes operate in concrete "multiplicities", it is multiplicity that is the real element where something happens [...]. Unifications, subjectivations, rationalizations have no

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[1] If it seems widespread to think that Lacan's refoundation of psychoanalysis is a rehabilitation of Descartes, that is to say of the 'I', Lacan does not take up the formula as it is and spends a lot of time questioning it, notably in his Seminar IX of the year 1961-1962, *L'identification*: 'interrogating the formula in question' I think, therefore I am 'we can say that ... for the use that is made of it ... it can only pose us a problem' (p. 15). It is difficult to know whether Deleuze was aware of this reflection, since the seminar was not published until 1981. But he quotes Lacan speaking of the *cogito* in his *Écrits* (lecture at Vincennes on June 4, 1973, *Les conceptions de l'énoncé*).

[2] See e.g. the course in Vincennes on March 26, 1973, *Dualisme, Monisme et Multiplicités*.

[3] "This is the famous order of democracy. It is as a subject that you are a legislator; it is not by chance that the one who has pushed this doctrine furthest, the formalism of this doctrine, is the heir of Descartes from the point of view of the cogito, namely: it is Kant, and that submission to reason is presented to us as the way in which we must become as natural legislators : it always returns us to the division of the subject into subject of the enunciation and subject of the enunciation: you will obey as subject of the enunciation, but because it is you who commands as subject of the enunciation, and we are invited to grasp this great cleaved identity, as a barred identity, whatever you want, of the legislator and the subject" (...). You will command all the more the more you obey, i.e. you will be all the closer to being the true subject of the enunciation the more you conform to the bar that separates you as subject of the enunciation from the subject of the enunciation, that is to say, it is through castration that you accede to desire" (emphasis added), ibid.

[4] Course in Vincennes on June 4, 1973, *Les conceptions de l'énoncé*.

[5] *Ibid*.

[6] With Félix Guattari, , *Kafka. Pour une littérature mineure,* Minuit, 1975, et *Mille plateaux*, Minuit, 1980.

privileges, they are often dead ends or fences that prevent the growth of multiplicity, the extension or development of its lines, the production of the new [...][7]".

"The statement is the product of an always collective arrangement which brings into play within us and outside of us populations, multiplicities, temptations, futures, affects, events", which it would be a question of searching through the statements, for the blow apparently singular, but in any case "real" in the sense of observable[8]. The statements "are necessarily desires", and "within this production is engendered the illusion of a subject, a subject divided into the subject of the enunciation and the subject of the statement, which has the impression of producing the statements which, in fact, are produced by the mechanical arrangements or by the multiplicities acting within it[9]". No subject, then. The only "chance" given to the subject lies in interstices whose reality and substance cannot be measured *a priori*: "what generates statements is the differential relationship between flows or quantities of irreducible powers, and it is in the gap and in the interplay of these flows that statements will be produced[10]". Deleuze denies the subject - as a singular subject - as the determining cause of enunciation and statement. "Statements are not caused by a subject acting as the subject of enunciation, nor do they relate to subjects as subjects of enunciation". The determining cause is to be found in a disposition of things, in mechanical arrangements.

This is how the combination of machinic arrangements and the production of statements means for Deleuze that interpretation is not what makes visible the desires that run through the speaker in a given context[11]: to understand the statement of one is to understand the multiple and not the one. The desire of those who enunciate flows in the state of things, enunciations, territories, movements of deterritorialization. What produces enunciations are mechanical arrangements, collective agents of enunciation, "on the condition that we understand that collectives do not mean peoples, but they do mean, in whatever sense the term is taken[12]: what we must call collective agents of enunciation are all multiplicities, of whatever nature they may be. The event - the enunciation and the statement - is the meaning itself, without interpretation[13]. Gilles Deleuze can thus "see" under individual words the putting into words of arrangements and events that act and make the multiple act. For example, after reading Faye[14], he proposes to present Hitler's sayings and writings as follows: "Far from hiding the aims of fascism and the means of fascism, Hitler is the initiator and inventor of a regime of statements that we will recognize from then on in the form of Nazi and even fascist statements. That's why it's very interesting to read the newspapers, because in a sense everything is said, no secrets[15]".

But what makes an individual enter or not, present or not, a form of adhesion to a collective arrangement, is a question taken from the flows that Deleuze observes, independently of bodies and possible singular reasons. Deleuze's flows seem to largely ignore the specificity of each subject, the one that makes a discourse produced or not produced, based on its own logic. The

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[7] "Sur la philosophie", September 1988, interview with R. Bellour and Fr. Ewald, reproduced in *Pourparlers*, pp. 199-200 (I translate).
[8] Gilles Deleuze et Claire Parnet, *Dialogues*, Paris, Flammarion, 1996 p. 65.
[9] Course in Vincennes on March 26, 1973, *Dualisme, Monisme et Multiplicités.*
[10] Course in Vincennes on May 28, 1973*, Marx- désir/besoin – Faye – la monnaie – sur Baudrillard.*
[11] Course in Vincennes on June 4, 1973, *Les conceptions de l'énoncé.*
[12] Course in Vincennes on March 26, 1973, *Dualisme, Monisme et Multiplicités.*
[13] *Logique du sens*, Minuit, 1966, p. 34.
[14] Jean-Pierre Faye, *Langages totalitaires*, Hermann, 1972. At the time, Victor Klemperer's work*, L.T.I.,* had not yet been published or translated in Western Europe (the work will be published in France in 1996 by Albin Michel).
[15] *Course on Foucault* of October 29, 1985, transcription, by Annabelle Dufourcq, (https://deleuze.cla.purdue.edu/sites/default/files/pdf/lectures/fr/Deleuze_Lecture_19851029_Full_Transcript.pdf

recurrence of criticism in Deleuze questions his proposition that there is no subject as a unit of production of a discourse in its own right, a singular one, a subject "that thinks".

The exteriority produced by this idea of collective arrangements in relation to the subject is not far from being a holy grail, the one that allows, on the one hand, to say that the subject deludes himself by thinking he is a subject, and, on the other hand, above all, but at the same time implicit and systemic, to emancipate himself from his own statements, henceforth without any possible singular imputations. The rejection of the Cartesian "subject", become a psychoanalytical subject, has something visceral in Deleuze, a kind of physical rejection that makes him return to it so often and in the same way, despite the fact that the hypothesis of the "non-subject" as a counterpart of the "psychoanalytical subject" is a false opposition: in the clinical reality of psychoanalysis, there are only subjects of analysis and no psychoanalytical subject. In his course of June 4, 1973 at Vincennes, summarized under the title *Les conceptions de l'énoncé* (conceptions of the statement), he speaks of a text written by a psychoanalyst - whose name he does not mention - who reports and interprets the words of a patient. About who is said in it, Deleuze speaks of "unbearable contempt", "radical misdeeds" and "disgusting misdeeds of the machine of interpretation", which would make "we're screwed from the start", as if stuck in the analyst's interpretation that makes us escape from our own discourse. The problem is that Deleuze ignores the fact that the "beginning" he talks about, in relation to analysis, which indeed makes us screwed, is in another respect the starting point of a movement - the cure - which, despite Deleuze's unbearable crudeness, can lead to changing what causes the "visible", even identical to the previous one and to many others. It is a Deleuzian paradox to reject the subject "cleaved" for itself and existing only through interpretation, a mediation therefore, and yet to "trap" it in the flows or their interstices.

The question of the possibility of identifying these interstices, and thus of restoring a place for the subject, remains unresolved at Deleuze. In his work on Foucault, he wonders to what extent "visibility" can be distinguished from or redoubled by statements, an epistemological problematic that is raised and discussed at length, but which does not finally meet the question of the "subject". The reproducibility of discourses is in some respects confused with the absence of singularity. A phenomenologist, Deleuze claims to be a thinker of the visible, the tangible, the physical. Paraphrasing the painter Paul Klee, who said that art does not reproduce the visible, but rather makes it visible, Deleuze says that as a philosopher it is not a question of making the visible, but of making it visible. Deleuze sees, above all, flows, which in some way pass through individuals identically; he sees no links, which only concern "subjects". If Deleuze's attention to the sensitive experience, to the detriment of representations, could have led him to find the subject again, it is however by truncating in each story what the analyst precisely collects in his cabinet, the "subject", irreproducible outside himself, outside his place.

No more than any other, a philosopher is not bound to coherence and the question is not there. What is "visible" in Deleuze, when reading and listening to his alphabet book[16], for example, is a discomfort that overflows at every moment and is not taken seriously, since we are at the virtual standstill of literal understanding of the enunciations[17]. It is ignoring the fact that we often speak of something precisely because we do not speak of anything else: discourse is often an exclusion of the subject from its own subject.

[16] L'Abécédaire de Gilles Deleuze, French documentary produced by Pierre-André Boutang, 1988-89.
[17] Although this single filmed appearance by Gilles Deleuze was intended posthumously by him, a way of staging an appearance in disappearance.

***The subject, the law, three combinations*[18]**

The announced "death" of the subject in the French theory of the 1960s - strangely named insofar as the subject was precisely a fundamental object of thought there - almost structurally posed a problem for legal scholars, among whom there is strictly speaking no member associated with the so-called French Theory: the "subject of law" is quite simply a category of the existence of law: without a subject, there is no right, no *raison d'être*, any object. Paradox at first sight, therefore, law makes the "subject" its object, in the sense that, for there to be legal rules, there must be "subjects of rules", that is, beings (individuals recognized as "persons") or entities (the groupings to which the law also attributes the status of "persons") for whom the rules are made. In this perspective, the "subject" is any singular entity recognized as such (by the technique of "identity"), both differentiated and the same as all the others, since no subject escapes the legal rules, in theory the same absolutely for everyone. The legal "subject" is a mimetic singularity that makes it above all the element of a whole - embodied in the ambivalent notion of identity - the whole prevailing ideologically over the particular.

This construction is not peculiar to law: it is also widely deployed in the social space with the qualifying adjectives formed from "subject" and "object" and which translate an apparently rather simple understanding of the world: what is "subjective" is the multiple of possible readings that are embodied in one or more individuals, separated from the others, while the "objective" is the one that would transcend them all. The ideology of objectivity is thus that of the valorization of an imagined possible immanence on any singularity, which one would find for example through "scientific" rules. In the paradigm at work today, these rules certainly prevail over subjectivities. The legal and political principle of equality - developed in Western societies around the idea of democracy, but built around a supposed immanent principle of equality that imposes itself on everything - can at the same time only be conceived in a scientific, and in this case mathematical, manner. This explains, for example, the choice of the mode of designation of the political personnel in charge of making the law in democratic systems, namely election, which is the system of calculation postulating that all "votes" count identically[19].

But beyond what seems obvious and unquestionable - the equality of all - it is the impossibility that we are all the same that imposes itself in our lived reality: as a speaking person, I am not the same as my neighbor who speaks, and so on, even though we would formally say the same things. Social reality is in fact marked by what are commonly called profound social inequalities, which the impossibility for the right to take into account - since for it there are only equal people, at least according to a given situation - leads to strict reproduction, and even though it appears on the contrary as a generator of equality. To be a legal "subject" in the framework of a legal system structured around the immanent and mathematical principle of equality, and not around factual equality - but would it be possible? - is therefore to be reduced to what one is not in reality. By the same token, the "subject of law" is not only the object of law, he is himself "object", as the object of law.

The discourses of law and around contemporary law seem, however, to give greater importance to the subject and to subjectivity than before. The last decades have seen the development of

[18] As the titles of the three sections of this article all refer to a movie, as Deleuze loved cinema. Here the original title of this section is « Le sujet, le droit, trois possibilités », refering to a movie (Threesome) which french title was « Deux garçons, une fille, trois possibilités » that is to say « Two boys, one girl, three combinations ».

[19] However, no electoral system to date has been able to capture this perfectly. There is always a differential in the weight of the different votes.

techniques for the enunciation of norms in which the subjects of law play a leading role, being the "actors" of the decisions that concern them. If the participatory ideal has the wind in its sails - although very weak in reality - it is also the case of mediation and contractualization of the decision, and especially of the court decision: be the authors of your legal destiny seems to mean these techniques[20]. On July 13, 2020, Eric Guérin, President of the *Compagnie des Médiateurs de Justice de France* (French Judicial Mediators Company), sent a letter to the new french Secretary of State for Justice in which he stated that "the advantage of mediation", which he promotes through this letter, "is to allow the citizen to keep control of his dispute and to be responsible for its outcome[21]". On the website of *L'Officiel de la médiation professionnelle* (a private organization on professional mediation) it is even stated very explicitly that "judicial recourse consists in abandoning the basis of individual freedom by relying on the decision of a third party", while "recourse to professional mediation consists in maintaining the free decision and committing oneself to the realization of a relational project[22]". The universally vaunted merits of mediation would be to put the "subjects" of law forward, like all other transactional techniques, including in penal matters, since the new French mechanisms of plea-bargaining (*Composition pénale*, *Comparution sur reconnaissance préalable de culpabilité*) are based on the word of the subjects whose penal destiny is in question.

Abundantly promoted, presented and commented on for years as the symbol of the societal evolution of law, it may not be as good news for the subject. From an apparent and claimed greater decision-making space for the benefit of the subjects, one realizes that the cost in the longer term risks, on the contrary, being a reduction of their space of autonomy that had been built from the ultimate guarantee of institutional arbitration that the judge represents. Through the full involvement required in the decision, and through the insertion in a system of “professional” mediation and transaction, the subjects have, in a way, the injunction to decide "as it should be", moreover, taking almost full responsibility for it. With the plea-bargaining, what the defendant accepts as "justice" becomes, by the effect of his own agreement, more intangible than if it had been an authentic decision of the court of first instance, which would have been openen to appeal and therefore to discussion or re-discussion. The subject's decision, in which he has been convinced that he is both author and object, will be even more rigid than that of the judge. And as Pierre Legendre elaborates, "to inflict on the subject the idea of being the Third Party for himself is not to liberate him, but to crush him, to politically transform social relations into a grabbing fair, under the mask of a generalized discourse of seduction. [...]. Survive who will be able[23]".

The icing on the cake, the development of these techniques puts in place a continuous shift in the decision to be taken: the parties refer the matter to the judge and wish him to decide; the legislator wishes the parties to decide themselves; the parties ask another expert to help them make the decision; the judge orders the use of a mediator or conciliator; the mediator, when he is himself a private body, in turn appoints one or more natural persons to carry out the task of getting the parties to reach an agreement. This is how "gambling" consists in not being the last, the "visible" one. In the end, it is the subject who pays the price, but with his or her consent.

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[20] These techniques - like the ones I discuss a little later - have been the subject of frequent legislative and regulatory provisions over the past 15 years. I entrust to the prudence of the readers the care, starting from their appellation, to look for their precise modalities since they are known in principle, often presented and promoted in different places of legal and university practice.

[21] *Le Monde du droit*, July 13, 2020, https://www.lemondedudroit.fr/institutions/70787-monsieur-dupond-moretti-developpons-mediation.html

[22] https://www.officieldelamediation.fr/ (I underline)

[23] P. Legendre, *Les Enfants du texte. Etude sur la fonction parentale des Etats*, Paris, Fayard, 1992, p. 352, cited by A. Supiot, "L'inscription territoriale des lois", *Esprit*, oct. 2008, p. 163.

This process can still be seen very clearly - although perhaps not - in the development of two types of law statements: statements without singular subject matter and statements for which there is no apparent subject matter and about which our concern for subject matter is not reducible to our insertion into flows that we would somehow undergo. The truly hallucinatory development of non-negotiated contracts and standard contracts in our daily lives is the object of a form of negligence and ignorance, perhaps symptomatic of our endorsement to our absence as a subject. These contracts to which the parties adhere "without discussion", under conditions that they do not discuss, in return for a good or a service (insurance contracts, consumer contracts, phone contracts or banking contracts) are the common feature of contracts actually concluded today and constitute standardized legal links. If we see that the "adhering" party is not most often in a position to negotiate his contract freely, we must not forget that the individual who finds himself opposite at the time of signing is himself in a situation in which he has not chosen - or almost never chosen - the terms of the contract. He is a liaison agent among others between the contracting party - a legal person party to hundreds, thousands or even millions of identical contracts (for example, banking contracts) - and the individualized contracting party, usually physical, sometimes moral. It is easy to understand that in terms of contractual volume, the phenomenon implies a complete depersonalization of the contract, where none of the persons actually involved seems to have any real choice.

And it's almost the same story about most employment contracts today, the content of which has been largely depersonalized. This process is not separable from the rise of industrial chain labor, leaving no way for the personality of the individual exercising it, nor for the idea of humanity. This practice can ignore the vital functions of human beings, who are forced to wear "diapers" in order to avoid taking breaks from the necessary rhythm of production[24]. The personalization of the activity is still weak when it is a question for a person, for the execution of his salaried tasks, of giving another name than his own: thus people whose mission is to contact customers by telephone in order to convince them that they will benefit from the acceptance of the advertising and commercial offer which is thus made to them. A new form of assembly line work that no longer isolates individuals at work because of the accomplishment of their task, but also by thin partitions that obstruct the view of each other at work and by the obligatory formal borrowing of another personality, real or fictitious for that matter. The whole thing is itself formalized by "standard contracts". More generally, an employer, out of concern for time management, fear of the non-conformity of the contract with legal provisions or lack of interest in the matter, tends to think of the employment contract as a form to be filled in and which carries with it certain consequences.

From the hyper-development of contracts without a singular subject to that of acts without any apparent subject, there was perhaps only a thin border: either the subject disappears behind an erasure (the black on a text), a sign that replaces it (Mr. X), or a pseudonym, or it is claimed that there is no longer one, as with the algorithmic decision-making that develops through the grace of the so-called necessary flow management...

The ideology of the "objective" decision, which clearly displays its rejection of all subjectivity, is therefore at the basis of all these developments. The anonymization of court decisions, for example, is not only a protection of the private life of individuals, it is also a negation of subjects and dilutes the law and its understanding in a heap of words without subjects. Ideologically, there are no difficulties since the law is not supposed to depend on subjective considerations,

[24] See. L. Fontaine, *Marche ou rêve (2)* (Walking or Dreaming), www.ledroitdelafontaine.fr, June 2016.

whereas, on the contrary, it is always supposed to respond to the subjective situation that arises and causes difficulty. Paradox if ever there was one, but paradox intended, anonymization is presented as a guarantee of respect for subjectivity[25]. At the end of the day, it is the disappearance of the subjects from the decision that could appear as the ideal of subject satisfaction.

In any case, the organized depersonalization of the trial, also through the staging of the ideal of independence, impartiality and neutrality of the judge[26], appears as a form of guarantee in the sense that the decision would be the result of an objective intellectual operation. The idea is to obtain from the judicial process a certificate of objectivity, opposable to a subjectivity that is a little too obvious wherever there are statements. In the legal, political and social space, "empty" statements develop, which speak to no one but which have tangible, sometimes corporeal consequences: the ideology of objectivity and impartiality, the politics of "without risk" constrain every activity and every person.

In support of this policy of "no risk", i.e., of "no subject", new "de-subjectivating" techniques have been developed for decades: first of all, legal engineering[27], a true technique that intends to make law a perfect de-subjectivating mechanism - without, of course, succeeding in doing so - and which today, moreover, leans on the appearances permitted by legal design, a true illusion of a law without language. Then there are the decision support tools, either through algorithms or not, but above all today, algorithms that allow the passage to "de-specialize" the law by making its production available to everyone, as embodied by legaltech[28], a true industry of the production of a law that is now "in the chain"[29]. The "democratization" invoked by the prism of equality of all before (and behind) the decision is thus permitted at the price of what subjects now tend to disappear from the decision-making dimension. We thus see questions such as "*Are lawyers going to disappear?* "or even "*will judges continue to judge?* "to which one could add "*will there still be singular litigants alongside the algorithmic litigants?*". It is understood that the algorithm does not by itself erase the subject, the only one who can be the origin of it. But from the point of view of setting aside subjects as actors, the success is total: few today speak in their own name, neither the subject of origin nor the one in charge of speaking for him, and the contemporary obsession with subjectless technologies constantly masks the subject, even though it exists, as if we did not want to see it.

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[25] Anonymization might even be surprising if we consider that we live precisely in an environment where everyone, through their identity, hobbies, desires and motivations, seems in some way to be tracked, surrounded, traced, even analyzed. But it is less surprising if we consider that these forms of "census" of subjectivities aim to crush them immediately in huge databases that allow us to decide something on an algorithmic basis.

[26] Although the "judges" are obviously not all in the same boat: see *Cherche éthique désespérément au Conseil constitutionnel (Desperately seeking ethics in the French Constitutional Council),* Tribune, Mediapart, July 6, 2020: https://blogs.mediapart.fr/les-invites-de-mediapart/blog/060720/cherche-ethique-desesperement-au-conseil-constitutionnel.

[27] See, for example, J. Barthélémy, "L'ingénierie juridique: un concept; le juriste organisateur: son prêtre", Les Petites Affiches, January 5, 2005, p. 5.

[28] For example, I advise the lector to go to the *My Will Platform* site (www.mywillplatform.io/en), which offers a system for the forgery-proof expression of our last wishes, without meeting anyone, and of course not a notary.

[29] The so-called "blockchain" technology, which allows the order of arrival and recording of data to be sanctuarized, gives rise to many hopes in the field of commerce around the law.

***The one and the multiple: contemporary law and Deleuze, Through the Looking-Glas*s**

Following Deleuze's matrix - "an epoch is defined by what it sees and what it says", that is, by what is visible and what can be said[30] - there is nothing more to see than what is given to see in the places of visibility, and what can be said. The whole forms a "knowledge" about the epoch. Following, then, contemporary law could be presented as a place of production of enunciations, a place of visibility formulating its own knowledge, and a knowledge that is in turn the object of enunciations. The study of law, through what is visible and what can be enunciated about it, would thus contribute to the understanding of an era. It might then have seemed natural for Deleuze to make law an object of observation. But the law is often a dead angle in philosophical thought, and this is to a large extent also the case with Deleuze. There are always possible connections, but it is a fact that it is rather rare that what is said in philosophy, and which could have a resonance in the way of thinking about law, is actually considered as such. The step is rarely taken. When Deleuze talks about the subject, enunciation and statements, he never talks about the law, unlike Michel Foucault. However, the work on some of the things that the law does (putting people in jail, saying health for example), is nevertheless part of Foucault's reflection on the subject. It is through the study of the juridicization of madness that he can say, "The subject is either divided within itself or divided from others. This process makes him an object. The division between the madman and the sane man, the sick and the healthy individual, the criminal and the "nice guy" illustrates this tendency "[31].

If Gilles Deleuze admires Michel Foucault, in a certain way the thinker of the invisible, in and through law in particular, it is by bringing him back to a visibility that before him no one saw in legal institutions, and which thus prove, *a posteriori*, to be places of visibility. For Deleuze, Foucault's work, which leads to being able to say "I enunciate delinquency," "I see crime in prison," "I see madness in the general hospital," "I enunciate unreason"[32], forms a true form of knowledge[33]. In this sense, Deleuze believes that "there are thresholds of visibility that make the vision become scientific. There are thresholds of enunciation that make the enunciation scientific[34]", and the job is to access them[35]. What lies in Deleuze's thought, through the praise of Foucault's work, is the possibility of a form of "objective" truth, which some could see better than others, those who, trained to do so, produce scientific statements[36].

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[30] *Course on Foucault* of October 29, 1985, transcription, by Annabelle Dufourcq, (https://deleuze.cla.purdue.edu/sites/default/files/pdf/lectures/fr/Deleuze_Lecture_19851029_Full_Transcript.pdf

[31] Michel Foucault, "Le sujet et le pouvoir" (1982) in Dits et écrits II, Gallimard, Quarto, text n°306, p. 1041.

[32] *Course on Foucault* of October 29, 1985, transcription, by Annabelle Dufourcq, (https://deleuze.cla.purdue.edu/sites/default/files/pdf/lectures/fr/Deleuze_Lecture_19851029_Full_Transcript.pdf

[33] I would say: "Delinquency and delinquency are discursive objects, the prison and the general hospital are places of visibility. I can perfectly well say 'I see something', but this something is interior to knowledge, it is not an object that exists independently of knowledge or that pre-exists knowledge" (*Ibid.*). "Knowledge is: everything stated as combinable with visibilities. "A statement" is what is said. At our level, there is never anything to interpret" (Course in Vincennes, May 28, 1973, *Marx - desire/need - Faye - money - on Baudrillard*).

[34] *Course on Foucault* of October 29, 1985, transcription, by Annabelle Dufourcq, (https://deleuze.cla.purdue.edu/sites/default/files/pdf/lectures/fr/Deleuze_Lecture_19851029_Full_Transcript.pdf

[35] "I know something" is possible. Because statements have objects of their own, objects that belong to them, that do not exist outside of them. These objects are discursive objects. So "I know something", on the other hand the visibilities themselves have objects, objects that are their own. To know is to see and to enunciate, it is to combine the visible and the enunciable. There are objects of visibility, there are objects of enunciation, discursive objects. So saying "I enunciate something" is perfectly possible, "I see something" is perfectly possible", *ibid.*

[36] *Ibid.*

Deleuze said that he was initially interested in the law but that he soon saw it as a political work[37]. The interest for the law always appears anecdotal[38], which in fact, following Laurent de Sutter, demonstrates a certain conception or philosophy of law[39]. In fact, general statements of law - that is to say, what appears in the constitution, international conventions, laws or regulations - did not interest Gilles Deleuze as the object of scientific statements, even though their literal study became the must of the scientific thought of legal scholars. The only law that interested Deleuze - and Guattari - was the law that constitutes the event each time, that constantly generates new situations, that is to say, jurisprudence, decisions that say "justice" on a case-by-case basis[40]. On these decisions, there would be no possible speculation, since "the real thing is, we always come back to this, it is the combination of the visible - the new situation created by the decision (I add) - and the enunciable"[41].

It is possible that Deleuze's distancing from the general statements of law, which in themselves would not create any situation, any event susceptible of statements, is the manifestation of his relationship to the subject and to the language that animates him: as "unique" statements - there is only one statement in the Act - he sees no observable singularity, no meaning linked to reality. Theoretically, one cannot say something alone, or if one does, it says nothing more. In line with a form of detestation of psychoanalysis, which puts the subject at its heart - since "I always speak the truth[42]" - Deleuze thus contests the idea of "signifier", which he associates with the idea of "despotic overcoding[43]" and would make us see what presents itself in another way. The "overcoding" of the subject, which would be constituted of these famous "master-signifiers[44]", is not, from this point of view, susceptible of truth. The truth about the subject can only come from the almost literal understanding of the statements/enunciations inserted in their flows, a collective that absorbs them and accommodates the desire of non-subjects. The possible subject has no other history than its insertion in and between the machinic arrangements. In fact, Gilles Deleuze and Félix Guattari conceptualized these "machinic arrangements" without ever looking at the general statements of law. In this sense, laws would not make law and social structure; there is nothing to be seen there since they are isolated statements. The discourse of the law is not multiple and it cannot be understood as an overcoding of the statements that institutionally seem to flow from it, since in any case there is no overcoding?

What presented itself as a Deleuzian statement - the non-subject - may have become a prescription of the contemporary world that is embodied in legal mechanisms, but which the Deleuzian method cannot see since it is limited to the literality of statements considered as the product of mechanical arrangements. In a way, Deleuze observes something that he prevents himself from seeing in movement. If contemporary law says something about the place of the subject in the juridical and social space of decision, following Deleuze, it would not symptomize anything as a single statement.

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[37] "Le devenir révolutionnaire et les créations politiques", interview with Toni Negri, *Futur antérieur*, 1990, L'Harmattan.
[38] See for example, *Présentation de Sacher-Masoch*, Minuit, 1967.
[39] L. de Sutter, *Deleuze : la pratique du droit*, Michalon, 2007.
[40] "*Le devenir révolutionnaire et les créations politiques*," interview prec.
[41] *Course on Foucault* of October 29, 1985, transcription, by Annabelle Dufourcq, (https://deleuze.cla.purdue.edu/sites/default/files/pdf/lectures/fr/Deleuze_Lecture_19851029_Full_Transcript.pdf
[42] J. Lacan, *Télévision*, Seuil, 1973, pp. 9 ; 47.
[43] *Pourparlers*, Minuit, 1990, pp. 34-35.
[44] J. Lacan, *L'Envers de la psychanalyse*, Séminaire 1969-70, XVII, Seuil, 1991.

Deleuze saw an impossibility of the subject, and the structure of contemporary law effectively dismisses it. In Deleuze's epistemological perspective, however phenomenological, a subject does not appear that could be analyzed. In short, a disappearance of the subject that can no longer even be said. The success is total.

If one may think that the law gives way to the ease of not/no longer thinking about the subject, one must not however evacuate the question of what would be unbearable in not dismissing it and which would concern us all. Perhaps the Deleuzian "non-subject" is a way of leaving men and women alone in their absolute singularity, in their wanderings because they are apparently unbearable to think about. The "mechanical" capacity is somehow more reassuring, its complexity an indefinite object of research, but which will never go into the cradle of cradles, the wanderings of the inner self.

Perhaps it would suffice to consider the general statements of law as a mode of social and political enunciation around which the members of the social body are said to be gathered, a system of production of statements derived from social flows, a sample of a thought situated in time and space, a "state of things" through which the desires of the enunciators take place. Wiped out by the objectivity promoted by all as the only outcome of the acceptability of heteronomy, the enunciators would reproduce and contribute to the further edification of the non-subject as a social matrix.