

# Freedom of Speech as an Expressive Mode of Existence

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**Abstract** This paper adopts Deleuze's reading of Spinoza's expressionism and pure semiotics to argue that Spinoza's Ethics offers an alternative notion of freedom of speech that is based on the potentia of the individual. Its aim is to show how freedom of thought is connected to the problem of individuation that connects our mode of being with our power to speak and think. Rather than treating freedom of speech as an enlightened idea that is in opposition to, for example, religious authority, or the suppression of human rights, this paper argues that freedom of speech should be understood by what Spinoza calls 'an adequate idea': an idea that explains the cause of its own production. What is to be considered is: who wants this freedom, in what situation, why, what is at stake? No freedom in itself is ever given. This paper argues for speech as an assembled body that is always in connection with other bodies. It is argued that to understand the power and value of the freedom of speech, we should study the praxis of the utterance as an assembled body, its causal dimensions, and its affective immanent relations with other bodies, and other modes of speaking.

**Keywords** Freedom of speech · Spinoza · Materialism · Deleuze · Semiotics · Mode of existence · Adequate ideas · Expressionism · Encounters of bodies

*To mean something is to show how little one appreciates other peoples' freedom.*  
Horace Engdahl.

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In his *Tractatus-Theologico-Politicus* Spinoza emphasized that the purpose of any state must be founded in freedom of speech and freedom of thought [28]. The presupposition underlying this tenet is not the presence of freedom itself, but the slavery of thought. Poignantly Spinoza asks: “Why do men fight for their servitude as stubbornly as though it were their salvation? [28, Preface, xi].

The conflict between freedom of thought and freedom of religion remains today, and sets freedom of speech as a pivotal test for modern democratic societies. Freedom of speech is a basic right in every democracy, but the problem of this freedom has become increasingly difficult to separate from the problems of enlightenment, mass media, privacy, public space, and knowledge. The point to be made is that historically, demonstrated by South-African author and academic J.M. Coetzee in *Taking offence*, freedom of speech has always been a struggle between basic humanistic values. We are never able to take freedom of speech for granted. Writers like Osip Mandelstam, Zbigniew Herbert, and André Brink had the courage to test the inviolability of freedom of speech under severe pressure and totalitarian circumstances [4]. They remind us that freedom of speech can neither be taken as a given right nor as a simple reference point. No basic right is ever a self-evident matter, but it is most often the result of an intense historical struggle between different groups, different interests, and different power-relations.

I am going to address the relation between freedom of speech with our capacity and power to speak as such. Let me first briefly show how this paper differs from the approach focusing on the enlightenment tradition, also nurtured in the literature of Jurisprudence. Historically, there has been a close relation between freedom of speech on the one hand with political power and with the function of the state on the other. The appearance in public space of religion, terrorism, and other kinds of threats against democracy has in recent years received much attention and discussion within jurisprudential research and political philosophy. This stream of research has incorporated Spinoza as a critique of religious authority [16].<sup>2</sup> The difference between Spinoza and the tradition of enlightenment, exemplified by Locke and Le Clerc, is that Spinoza refuses to make paramount the protection of religious faith; there is for him an obligation to fight against the institutional and dogmatic church, and its increasing influence on legislation and the political domain. As understood by Jonathan Israel, Spinoza’s philosophy is more than enlightenment: it is ‘a radical enlightenment’ [15]. He not only advocates in favor of thought and the free mind, but he also emphasizes the importance of critique and resistance against any external power that diminishes or suppresses the power of thought. This turns enlightenment into a liberating weapon for being human; the development of the power of thought is the necessary cause of freedom. Israel is right to emphasize this dimension in Spinoza’s thinking. My argument is to show that we should turn to his *Ethics* to understand the very mode and existence of freedom of speech. Spinoza’s philosophy offers a unique account of the power of thought and free thinking that has to be analyzed from its immanent praxis. The power of a new, radical enlightenment relies first of all not on an external critical position, but in capturing the creative efficient cause of producing free ideas: the

<sup>2</sup> For a more interesting notion of combining Spinoza and Jurisprudence: see Gustaffson [12].

transformation of sad affects into active affects.<sup>3</sup> Where enlightenment is reduced to a critical position, there negation becomes the driving force: reason negates religion, and enlightened thought negates totalitarian authorities. Negation is one of the basic features associated with the concept of criticism; however, negation is an insufficient cause [8, p. 89]. A Spinozian notion of freedom of speech, with its critical potential, cannot be analyzed from a given position. We must approach the subject from the internal mode of producing ideas: what Spinoza called ‘adequate ideas’. As we shall see, this connects Spinoza’s theory of actual existence (our power to act) with the act of producing our freedom in thought (producing adequate ideas). Hence, we should be able to investigate freedom of speech from the perspective of power, resistance, and creativity. Rather than placing freedom in opposition to suppression, we ask how does this freedom come into existence in the first place, and how can we determine its power of existence. Taking this approach, it will be possible to displace the focus for the matter of critical thought as being an autonomous ‘project of enlightenment’ into a question of the efficient causes of the freedom of speech. It is not enough to refer to an inviolable principle like freedom of speech when we wish to speak out about whatever we want. This appeal by the enlightened man is the accustomed strategy in both jurisprudence and legal thinking. The legal philosopher Ronald Dworkin uses a strategy that affirms our own primary freedom of speech by referring to an opposition (such as the Taliban) that is not in possession of an enlightened tradition. Dworkin encourages us to fight back against “the new enemies who claim to speak about freedom and not tyranny” [11]. This strategy shows us that freedom of speech is not adequately substantial to maintain its own force and authority because it has to seek affirmation of its own primary freedom by referring to a posited imaginary opposition. Through this double strategy, the inferior other is revealed while demonstrating one’s own tolerance. What is properly affirmed is that one already has a position from which to judge: a position of being enlightened, and a position lacking possession of this higher wisdom. This strategy for freedom of speech only negates, and, as we shall see, leads to nihilism. In 2004 at the annual labor Congress in UK, a demonstrator loudly declared his disappointment of the British Government over the invasion in Iraq. He was immediately overpowered by two guards and removed from the convention. The prime minister shouted after him: “There you see, you can declare your protest. Thank God we live in a democracy” [3]. This hidden ‘reactive logic’ of reasoning rests on a *formal* notion of freedom of speech in which any utterance by the use of words, images, and signs only refers to a superficial ‘representation’ of the content of the idea, and not the causal power of the idea itself. What makes Spinoza’s philosophy particularly useful in resetting the frame of freedom of speech into this expressive mode is the fact that his whole materialistic philosophy can be expressed in one phrase made by the famous Spinoza-scholar Althusser: “The truth

<sup>3</sup> In Latin *affectio* refers to one body affecting another body; “I love this woman” and *affectus* refers to the passage from one state to another, taking into account the correlative variation of the affecting bodies. “Love” could here be the pure affect that does not point toward X, but is itself a variation. This affect can only become larger or smaller marking out the changing capacities of reality attached to a body. The bodily dimension is constituent for living forms of thought, yet without there being any hierarchy between body and spirit (mind) jf *Deus sive natura* (Spinoza 1996, II, P. 2, 33).

of philosophy exists in its effects” [22]. Neither consciousness nor the will can rise to the status of being the first principle in explaining the formation of society, or the freedom of speech. The power of explanation lies somewhere else. The power of this explanation will provide us with the answer of the logic of sense as an expressive sense.

In the last 30 years we have seen a turn in the reception of Spinoza’s thought on materialism as a denial of the priority of mind over the body [5]; [19]; [18]; [21]; [24]. In that reading of Spinoza, the earlier idealist interpretation associated with the attributes was founded by Martial Gueroult, and later followed up by an entire generation of French and Italian thinkers (noted above).<sup>4</sup> In the following I will rely primarily on Hardt’s reading of Deleuze, and Deleuze’s reading of Spinoza. This will be followed by my own reading of Spinoza. In his ground-breaking work on Deleuze, Michael Hardt sums up the important critique of any idealism: “The attributes cannot be dependent on the intellect because the intellect is a mode of thought, and therefore ontologically prior to the attributes” [13, p. 75]. Whereas the first foundation of the *Ethics* turned out to be a dualism between God on the one hand, and the World on the other, the foundation later taken up by Spinoza has constituting nature taking priority over constituted nature. In Spinoza’s approach to knowledge the mode or the event of thinking takes priority, whereas the attributes are included within expressive mode itself. In the already noted works of Negri and Deleuze, this approach brings to attention a new kind of materialism of critical, social, and legal thinking. As Michael Hardt concludes: “What is at stake [...], are the very terms of a materialist ontology, an ontology that does not found being in thought” [13, p. 75]. Hence, attributes are merely *a way of knowing*. In contrast with Descartes, that which explains a material world is the affections of the body, that which allows a body to be affected, and in turn be affective itself. “Whatever diminishes the power of the body diminishes the power of the mind” [29, III, p. 12–13]. In other words, the problematic of freedom of speech should take into account the causal effects. We should read Spinoza as being the first modern thinker who takes the body as the model for knowledge. Spinoza brings the body back not as a first cause, but as a living dynamic for the creation of knowledge. Hardt argues that the mind’s power to think and its developments are parallel to the body’s power

<sup>4</sup> Spinoza: *Ethics*. Part I. Def. 6: “By God I understand a being absolutely infinite, that is, a substance consisting of an infinity of attributes, of which each one expresses an eternal and infinite essence. Spinoza: *Ethics*. Penguin Books. 1996. p. 1. According to Spinoza God is one, indivisible, and he consists of infinite attributes, hence we are confronted with a kind of thinking in which there is no hierarchy. When everything is in God, everything that exists has the same ontological status. The point is that no substance is prior to its attributes. It has neither logical nor chronological priority. Rather, substance is the same as its attributes. The essence of things would cease to exist without the qualities and properties that belong to its nature. This reading of Spinoza became part of Deleuze’s breakthrough in which he lays the foundation for the so-called ‘new Spinoza.’ (See Montag & Stoltz anthology: *The New Spinoza* 1999). Deleuze puts great emphasis on the fact that all attributes have equal value. There are no ranking of qualities. The attribute ‘thinking’, for example, can therefore not be more important than another attribute such as the attribute ‘extension’. In the universe of Spinoza the mode of thought can neither be superior nor subordinate its mode of extension. This is what leads Deleuze to his theory of expressionism: When the attribute or the substance expresses what is created, it cannot be separated from that which is created; rather it is included within it. In other words, there is no other force behind the expression. God is nothing beyond his effects.

to act. This is not the same as saying that the mind can determine the body to act, or that the body can determine the mind to think. On the contrary, Spinoza maintains that mind and body are autonomous, but that they nonetheless proceed or develop in parallel fashion. Such a claim does not in any way resolve the question of the relation of body and mind; rather, it poses this relation as a problem for research. Each time we consider the mind's power to think, we must try to recognize how it corresponds to the body's power to act. The notion of correspondence here is essentially open and indefinite. The affect of the body straddles this relationship. We could say that there are two levels in any human event, including the event of speaking (the utterance): the bodily state of intensity, and a state of suspension; a potential disruption, and simultaneously semantics, language, narration, and expectations. The perspective of body and affect does not assume that reason and passion are the same, but treat them in a graduated continuum. As Spinoza says: "The order and connection of ideas is *the same* as the order and connection of things" [29, III, p. 7]. The point is that the different attributes are not only equal expressions of being, they are as Deleuze and Hardt emphasize, "*the same expression*" [13, p. 81]. The mode of existence of the various attributes are the same from the point of view of substance: the power of affects. Hence, sad affects diminish our power to act and to think, whereas active affects increase our power to act and think. They are just a different point of view from the same substance; hence, the principle of univocity. The challenge is to see how affects (the composition of substance), despite language and its reduction, are able to expand and change our actions, expectations, and decisions that thereby change our power to act and to produce ideas. From this, the logic of sense is connected to an *ontological expressionism*: an idea being expressive is a variation of substance as a particular mode of thinking. Expressionism captures the virtual dimension of the body. According to Deleuze every actual body expresses a set of traits, habits, movements, affects, but the actual body also has a virtual dimension: a vast reservoir of potential affects, relations, and movements. Therefore, ontological expressionism directs our attention towards the possible elements in each singular situation. The virtual plane of expression will be an important tool facilitating a critical approach to freedom of speech.

## 1 Pure Semiotics

As we have seen, the Spinozian ontology of Deleuze argues a progression; matter expresses itself; form settles into substance; substance overtakes form; expressions fold together creating contents. This self-organizing principle of bodies produces a mental reaction. This effect claims that signs can only function in a reciprocal dynamic of content based on material practices of bodies and things. The narration of the world is never an effect of a hidden structure: "the language system only exists in its reaction to a non-language that it transforms" [9, p. 29].

The semiotic approach by Deleuze is deeply connected to his theory of expressionism, and, as with the argument in this paper, rests on the logic of sense as being a dynamic material process. Rather than a link between a signifier to its

signified (i.e., la langue), it forms an encounter between form and substance. The sign *is* the expression of the substance: the content or the signified cannot exist outside its expression. The sign emerges, so to speak, in an expression and a transformed content. Thus, a sign is an event in which the state of things is shaped into expression. The content of things rests on the organization of attributes: how we organize encounters. The quality of things is the mode of what happens in the process of thinking. The content of the states of affairs of the world comes into being by signs expressing the affective change of bodies. It is these signs that carry intensity along with them. The attributes and contents of things are not something added to the substance or the forces of the world. Rather, when we express something we *organize an encounter* of forces that is intensively sensed in matter and bodies in their affects. This incorporeal transformation attests an atmospheric change: a change in the tone or colour, an imperceptible change of light, a cautious smile, a tone of speaking, that changes everything that we attach to the state of affairs [10, p. 89–90]. The content of the signified expresses what happens when we understand something. No longer posing ‘what’ as a thing, this semiotic process expresses a special *individuation of things*. It connects our understanding to *this* history, *this* life, *this* event. New signs are immanent to the process of new affective encounters. The crucial point of this *pure semiosis*, as Deleuze has called it elsewhere [9, chap. 2] is that sense-making cannot leave out the ‘flesh’ that embodies the sense of the event. We cannot acquire the content of things from a linguistic or intellectual level alone. We are bound to express the excess of the substance itself. An important contribution to this approach is that of the Danish linguist Louis Hjelmslev who developed a classification of different types of signs. Hjelmslev analyzed the concept of ‘significant’ and ‘signifié’ as expression and content, but the concept of ‘sense’ itself he defined as a non-linguistic matter. His study is not the denotative element of language, but the sign-producing function, and its own mode of operating. He further divided form and content into functions called ‘form’ and ‘substance’. Hjelmslev writes: “For every ‘sign’ the ‘solidarity between the sign function and its two functives, expression and content’; these two ‘necessarily presuppose each other’” [14, p. 48]. and “We understand nothing of the structure of a language if we do not constantly take into first consideration the interplay between the planes” [14, p. 75]. Hence, what we call ‘sense-production’ embodies both expression and content. What Hjelmslev calls ‘content’ [matter] that is not linguistically formed is, as Deleuze emphasizes, “perfectly formed from other points of view” [9, p. 287]. Deleuze’s point is that codes, narratives, and linguistic formations are not given in matter. Matter cannot be considered independently of linguistic functions. Matter here is what Deleuze calls a “signaletic material whose unformed substance produces images and signs.” [9, p. 29]. With Guattari, Deleuze has argued that Hjelmslev’s semiotic theory presupposes a kind of self-organizing (cybernetics) sign-production. This sign-production unfolds and develops from the continuation of matter producing substance-form complexes [6]; See also on Hjelmslev [14, p. 43]. The important point is that the power of thought and the power of expression are deeply submerged in a graduated continuum of unspecified matter from which it extracts new affective signs and sense-operations. The Canadian philosopher Brian Massumi therefore calls the qualitative change of things ‘an

affective change'. He speaks of 'intensive signs' and argues that this will have important relevance for social relations. Intensive signs he says are: "...an expressive self-perception, of the world's holding together: its effective 'self-adhesion'" [20, p. 225]. We shall now see how this theory of pure semiotics, connected to expression and intensive signs, relates to the problem of knowledge and freedom of speech. The next step in our argument is to show how this semiotic makes an important distinction between distinct ideas (Descartes), and adequate ideas (Spinoza), including both content and causal expression of the thing being named. This will be the next step in presenting our thesis of freedom of speech as an expressive mode of existence.

## 2 Adequate Ideas

A true idea is an idea that corresponds with its object (*res ideata*), and poses only a formal correspondence. It is blind to the internal causality of the production process. Deleuze notes: "The conception of truth as correspondence gives us no definition, either formal or material, of truth; it proposes a purely nominal definition, an extrinsic definition" [5, p. 131]. Deleuze argues that Descartes' proposition of "clear and distinct" ideas cannot capture a real content because the formal dimension of the clear and distinct elements of an idea cannot comprehend the efficient cause of the idea. In other words, Spinoza's concept of an adequate idea as incorporating the efficient cause not only refers to the idea, but explains the process of their production. Deleuze relates this ontological dimension of Spinoza's approach to the notion of expression. For an idea to be expressive it must also envelop and explain its own cause, its own production, and, therefore, it's very mode of existence. "A clear and distinct idea is still inexpressive, and remains unexplained. Good enough for recognition, but unable to provide a real principle of knowledge" [5, p. 152–153]. To include the causal dimension is to take into account the fundamental question relating to truth in speech: Who is speaking, who wants freedom, in what situation, why, and what is at stake? A Spinozian definition of freedom of speech must involve the expression of its causality, production, and power. This prepares us in our argument to shift from a true idea to an adequate idea the essential feature of which capture the internal relation of an idea to its cause: "The adequate idea is precisely the idea as expressing its cause" [5, p. 133]. The truth of speech has to be located as the singular production that envelops and expresses its own cause. The more an adequate idea expresses the affective connection to other bodies and to its causal dimension, the more we can increase our power of thought and power to act. Hence, what Spinoza calls 'ideas' embraces certain inexplicit modes of existence and types of affects. The problem of gaining knowledge is tied to our modes of experience and our modes of experimenting. Therefore, the problem of knowledge is attached to the effect of what our body can do, our receptivity, and our capacity to affect other bodies. Ideas in this respect are based on our situated exchange with other bodies. Spinoza writes: "The mind does not know itself, except insofar as it perceives the ideas of the affections of the body" [29, II, P. 23, 49]. Later he says: "For indeed, no one has yet determined what the

body can do...” [29, III, P. 2. Schol. 71]. We can never have an exhausted conception of the functions of the body, and therefore of the mind’s final organizing of the condition of the body. Deleuze’s reading of Spinoza emphasizes this point. In his first book on Spinoza Deleuze wrote the now famous line: “The attributes turn about in their modes” [5, p. 105]. I now claim that Deleuze in locating the problem of knowledge at the level of modes created a pragmatic method for social relations based on bodily encounters. His first point was that there is no substance before the active mode of thought; our forms of knowledge are modes of existence. His second point is that the *what is* of the substance is *what it expresses*. God’s essence *is* his power to evolve, as Spinoza would say. Rather than placing the subject as the sovereign axis, knowledge is attached to our *potentia* to produce ideas [*imaginatio potentia*] [29, II. p. 14–22, 44–49]. The content of the substance of things happens within our expressive mode of affirming our *actual mode* of being. This productive power of our being involves an affirmation of the idea in the conscious mind (the spiritual automaton), and this affirmation is connected to the state of our body, our mode of existence. Our mode of producing embraces the capacity to be affected. Hence, the production of knowledge is an ethics of organizing bodily encounters that select and actualize possible potentials.

I now claim that we can read this ethics of organizing encounters as a *practical method* for understanding the interactive processes regarding the problems of freedom of speech. Our mind can organize different encounters between bodies because of the endless possibility of combinations of the body: combinations we cannot judge in advance. To produce ideas is to create ourselves through bodily exchange. This connects the problem of freedom of speech to the art of ethics: The problem of knowledge is an individuated practice, and the production of knowledge is connected to our power to act. Hence, the true problem of freedom of speech rests on our power to act. In Spinoza’s philosophy, this power is attached to a process converting passive affects into active affects. When Spinoza speaks of the power of a body, he is speaking of its reality, how real it is. This is determined by its effects, and, more precisely, its capacity to perform several acts and to affect the surrounding world (other bodies), and in turn be affected in these encounters [29, II. P. 13.Schol. p. 40]. Therefore, the power and reality of an utterance cannot be reduced to the distinct idea of the utterance; an utterance is connected to some *specific physical conditions*. As Spinoza writes: “So the infant believes he freely wants the milk; the angry child that he wants vengeance; and the timid, flight. So the drunk believes it is from a free decision of the mind that he speaks the things he later, when sober, wishes he had not said” [29, II. Schol. p. 73]. We tend to make an abstraction from the functional mode of existence in which we produce ideas, but according to Spinoza, the idea and the sense of the idea (the mode of thinking) are clearly a variation of the substance.

### 3 Freedom of Speech as an Expressive Mode of Existence

Spinoza does not refuse to locate the problem of freedom in the will connecting to the power of understanding; what he is concerned with is the necessary relation between

an idea and the expressive dimension of its mode of existence. When we say something we immediately affirm an actual existence, a mode of existence [29, II. p. 39]. The practice of ethics and the practice of epistemology operate on the same plane. Rather than tying ethics to the faculty of judgement (Kant), Spinoza introduces ethical difference as the difference between different modes of existence. An individual is seen as evil, slavish, and stupid if he remains impotent without being able to act. In contrast, our mode of existence is called good, free, rational, and strong if our mode of existence increases our capacity to affect and be affected. Producing adequate ideas increases our power to act. Our way of acting is not judged by transcendent principles, but from an immanent perspective that gives it strength, intensity, and joy particularly when achieved together with others (See Deleuze: Spinoza: Practical Philosophy, Chap. 6). Spinoza says: “By Virtue and Power I understand the same thing” [29, IV.Preface. D.8. p. 117]. Spinoza will not separate right from power. Spinoza rarely uses the term ‘power’ to refer to the possessive power of the mighty, but throughout his *Ethics* he refers to power as *potentia*, the power to actualize and produce beings and existence. This is also what so much captured Negri in his reading of Spinoza [24, chap. 11]. For Spinoza, it makes no sense to separate right from power because we cannot have a right to something we don’t have the power to actualize. He goes on to say that the strength and weakness of civil society rests on each person’s capacity to maintain his own power (conatus). Whereas this basic life-regulating dynamic in Hobbes leads to everyone at war against each other, for Spinoza this consubstantiality of virtue and power is a presupposition for each person’s ability to commune with others. To increase one’s power to think and to act increases one’s virtue as belonging to the same plane. One will seek to combine and exchange with others. It follows: “By Virtue and Power I understand the same thing” [29, p. 117].

A different mode of existence is connected to our actual bodily existence. The ‘good’ and the ‘useful’ are defined as that which supports the human body, and its capacity to be affected in the greatest number of ways, or that allows it to affect other bodies. The ‘good’ is a name to signify the forces of life, those forces that increase our power and joy. We are to be mindful. In most situations, we are determined not by reason, but by inadequate ideas based on passions, sad affects, illusions, and ideology. The practice of ethics is often a long apprenticeship of individuation, an apprenticeship to transform negative affects and passions into positive affects. This is the art of reacting and selecting in response to an affective effect, to actualize and organize potentials. Hence, ethical difference is a theory of knowledge that orientates itself from a possible set of immanent modes of functioning and their capacity. When it comes to freedom of speech, we should be very careful to look into the mode of being itself attached to the utterance, in what situation someone speaks, what is his power, and what is at stake in this utterance. We should be careful not to isolate the problem of freedom of speech to an opposition between our great enlightenment tradition, and to religious fundamentalism and its dogmatic ideology. The difficult test lies in the power of the utterance itself, not only from our adversary, but also from our own mode of expression. What we should confront is the relation between the utterance and its mode of existence. Most often, utterances will appear on the ground of certain affects dominating one’s character. As Deleuze writes:

Ethics judges feelings, conduct and intentions by relating them, not to transcendent values, but to modes of existences they presuppose or imply: there are things one cannot do or even say, believe, feel, think, unless one is weak, enslaved, important; and other things one cannot do, feel and so on, unless one is free or strong. A method of explanation by immanent modes of existences thus replaces the recourse to transcendent values. The question is in each case: Does, say, this feeling, increase our power of action or not? Does it help us come into full possession of that power? To do all we can is our ethical task properly so called” [5, p. 269].

Our acts and utterances should be interpreted as different kinds of *symptoms* expressing each person’s mode of existence. What kind of mode of existence is necessary to be able to say *this*, to speak *this* utterance? In this approach, a freedom of speech is not the first cause; it has to be converted into the efficient cause. In this respect, we can focus on how freedom of speech connects itself to a political or historical struggle. This analysis of freedom of speech confronts not an ideology of life, but life itself. We are now able to confront questions of life: What is at stake, what is it that you want to affirm? Freedom of speech takes the form of what it always was: a power of struggle against suppression and religious authorities, a *form of resistance*. We can take this approach a step further and argue that Freedom of Speech as a form of existence is part of a *creative and investigating form of practice*. If freedom of speech can be seen as an expressive mode of existence, then no claim of freedom has a privileged position outside of this existence. No freedom can be treated as a given ideal. There is no position outside. There is only the power of the event of the utterance, the very phenomena of the performative act of investigating and creating the world of the utterance. This is freedom of speech as a mode of existence, according to Spinoza’s philosophy, never attributed to any ideology. This approach focuses on how speech increases our sensation and experience in taking an active part in a problem. The basic question we should ask is: *Is a freedom ever accessible?* From a Spinozian perspective, we have to ask this question because all freedom of being only produces being when it produces power: power of thinking and acting. Hence, no freedom exists apart from its relations which means that any utterance should be analyzed from the level of how it affects other bodies, and how it itself is affected by the surrounding world of other bodies. A similar point is made in Alexandre Lefebvre’s study of Spinoza, Deleuze and law [17, chap. 8]. Similarly, Jamie Murray speaks of the ‘Emergent Law’, a law to “emerge in the immanence of substantial elements of social belonging and becoming to their own continual modulation.” What I call ‘a mode of existence’, Murray describes as “a social organization and belonging” that “invents and re-invents” affective structures [23, p. 24].

Treating freedom as a first cause releases it from the very praxis in which its power, and its weakness, as a freedom takes place. We can have freedom of speech as an ideal, but we should never treat the ideal as the way to proceed; we would end up treating freedom as a fiction. The challenge is to see how freedom of speech actually produces something. There is a great risk of this freedom metamorphosing into an ideological weapon producing mostly reactive sad passions, the act of nihilism. In the Danish debate in *Jyllands-Posten* over the Mohammed-drawings, any kind of

objection against publishing them was immediately regarded as invalid. The argument of the ideal of freedom of speech was structured as a fundamental right. The more this freedom is elevated into an inviolable principle to be defended in every imagined situation, the more formal and abstract it becomes, and the more we come to resemble the fundamentalist we oppose. Freedom of speech should be a means to encourage an open discourse. Freedom of speech is automatically elevated above all kinds of concrete objections. The Swedish author Göran Rosenberg claims that freedom of speech implies a kind of ‘dynamic consensus’: a continuous harmonization between citizens within a society, how freedom of speech can be used, and how we can conceive and grasp different kinds of utterances in a public sphere. An automatic reaction defending any kind of utterance in whatever situation can produce only sad effects because such an utterance has no adequate power. Freedom of speech is a constant matter of negotiations and questioning one’s own position, and, not least, the limit of one’s thought [26]. In the same vein, there is a need for introducing a critical account of the notion of liberalism [2]. The problem is that freedom of speech is treated as a trivial ideal. In reducing it to a formal idea, we will not be able to see what freedom of speech could be, what it *can* do. We need to assess bodily encounters otherwise it becomes almost impossible for us to test the very becoming of this freedom. The inadequate power of human rights, including freedom of speech, is also addressed by the French philosopher Alain Badiou in his *Ethics*. He writes: “The Law (human rights, etc.) is always already there. It regulates judgments and opinions concerning the evil that happens in some variable elsewhere. But there is no question of reconsidering the foundation of this ‘Law’, of going right back to the conservative identity that sustains it” [1, p. 33]. Addressing the deep consensus in our society about fundamental rights, Badiou nevertheless points towards the problem of referring to rights as a given ideology without having to face the singularity of each situation. Badiou focuses on how a consensus-based ethics, one that has increased its marketability in recent decades such that even large banks adopt codes that take morality and ethics into consideration, is cut off from the singularity of the situation. These cases are, as with the Mohammed-drawings, settled in advance. Our basic rights in society are treated as transcendent ideals. *Human rights, Freedom of speech, Democracy*, are all transformed into empty signifiers blind to what they presuppose, and what they exclude. Despite Badiou’s singular approach, he draws our attention to how we tend to argue when it comes to basic rights; We presuppose a natural human being to which we can attribute our rights, and we presuppose a hidden consensus about defining ourselves as ‘good people’, or as victims subjected to evil forces [1, p. 11]. An expressive notion on the other hand can never succumb to the pitfalls of this kind of nihilism. Freedom of speech as an efficient cause will never descend to a ‘negative freedom’; a freedom that can only be sustained when government refuses any kind of censorship. This will in part explain the weakness of the ideological treatment of Freedom of Speech; there is no positive substance to give it power. Each time freedom of speech is to be defended, we look for its imaginary opposition to motivate its existence. It is in this that power has become powerless in ordering freedom of speech. In our so-called liberal progressiveness, we are able to locate an attitude that advocates freedom of speech by always saying ‘yes’ to any possible use of freedom. This turns out to be a reactive,

conservative mode. As Deleuze has emphasized in his book on Nietzsche, this automatic-affirmation-mechanism not only tells us the story of the powerlessness of those in power, it is basically a nihilistic attitude attributed to powerlessness: “It [the ass] always says yes, but does not know how to say no.” [...] “The ass can no more articulate affirmation than its ears can pick up—it and its echoes” [8, p. 168]. What looks like an inviolable principle to affirm the principle of freedom of speech is an affirmation based on a reactionary mode. As Deleuze concludes: “...the yes which does not know how to say no (the yes of the ass) is a caricature of affirmation. This is precisely because it says yes to everything which is no, because it puts up with nihilism it continues to serve the power of denying—which is like a demon whose every burden it carries” [8, p. 175]. This logic can also be detected among European countries in their treatment of human rights. Recently several European countries have adopted the ‘nation’ and the ‘nation’s identity’ as a basic value and a presupposition when dealing with migration. Values attributed to ‘the nation’ are being affirmed, and those persons who do not share these values are being excluded, or in some cases being stripped of their citizenship. The attempt to define so-called ‘Danish values’ uses the same kind of strategy. One affirms only through negation, only through what is not compatible with it. The Swiss have turned the question of the minaret, and whether a minaret is compatible with ‘Swiss values’, into the main election issue. Similarly, the French immigration minister Eric Besson has tried to connect the idea of French values and French identity to a prohibition against the Burka, even though most French are not against the Burka. This is the reactionary dimension of treating values and freedom in which one affirms something called ‘values’ (often conceptualized in a completely abstract way) by either negating the other, or negating what cannot be compatible with the adopted value. Nietzsche once constructed a critical concept of value defined as the question of what value a value has. This is what an expressive mode of freedom of speech does. In the above mentioned examples, we see a so-called critical concept of values being used to homogenize an ideal that has lost touch with the expressive mode of existence that makes up the power of values.

My suggestion in this paper has been to treat freedom of speech as connected to our immanent mode of existence. This will prove a valuable test for directly confronting our freedom with our power to speak. ‘Speaking’ here means taking into account what is at stake when we speak, in other words, to connect freedom of speech with the passage in which ideas and investigating minds operate, and produce expressions. As I have shown, freedom of speech being part of a ‘positive freedom’ (and not only a negative one) is deeply connected to the living dynamic, and the efficient cause of the power of producing adequate ideas.

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