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FREEDOM AFTER NEOLIBERALISM

Freedom and Formlessness: Ben Lerner's *10:04* and the Affective Historical Present

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This essay argues, via Henri Bergson and Gilles Deleuze, that in distinction to a neoliberal notion of time that overlooks the present moment and past experience, Ben Lerner's *10:04* posits the existence, in both its form and content, of a kind of freedom not imminent to or beyond the endless presentism and debt-mortgaged non-future of neoliberal time but one that is immanent to and within it. The novel does so by stressing the way in which the actual, lived present, if properly attended to, gives rise to a virtual future containing multiple potentialities that have yet to be realized. What emerges is a deep sense of contemporaneity or affective time that heralds the potential of a nascent collective. *10:04* performs this notion in its very metafictional form(lessness) that calls attention to the fragility of both narrative and time that, particularly during moments of disruption, allow the subject to experience affectively an actual present carrying a virtual past into a future teeming with potentialities that a neoliberal temporality, in which the future is tamed by a drop down menu of preselected options, must deny. Thus, *10:04* reveals that we can experience a freedom to come within even the presentism of neoliberal temporality so that freedom after neoliberalism, as the novel's Benjaminian influenced refrain suggests, will be "the same but a little different."

Essay

What exactly are we talking about when we talk about freedom *after* neoliberalism? If, or as the theme of this special issue more pointedly suggests, *when* neoliberalism has ended or has been superseded by something else, what will freedom mean or look like then? The task of thinking about freedom *after* or *beyond* neoliberalism is thus inextricably bound up with the problem of temporality. It is vital that we explore this relationship between freedom and temporality, moreover, since neoliberalism has created a peculiar kind of temporality, a cynical presentism in which time seems to stand still and change is deemed impossible. Such cynicism feeds into what Mark Fisher (2009: 2), in *Capitalist Realism*, identifies as 'the widespread sense ... that it is now impossible even to *imagine* an alternative to [neoliberal capitalism]'

Neoliberalism's presentism can be seen in several ways. First, there is the ideological excuse that after the so-called End of History (Fukuyama, 1992) and the demise of actually existing socialism 'there is no alternative', as the saying goes, to markets and neoliberalism. All dreams of a future different from what the market dictates will merely result in nightmares. Second, there is the Giorgio Agamben-diagnosed 'state of emergency' that neoliberal policies and procedures have created, in the form of an endless series of crises that demand our immediate action in order to avert disaster, leading to both political *and* economic exceptionalism, typified by the suspension of democracy and the supposed rules of the free market, respectively (Agamben, 2005). Political reflection is rendered moot because the time to act is now, we are told, and the result is an endless, static presentism typified by this month's 'new' and seemingly discrete crisis that is simply the latest formal expression of an underlying and continuous systemic crisis of capitalism, which, as Naomi Klein has shown in *The Shock Doctrine* (2008), capital has actually managed to profit from. Stymying politics works at the level of the individual subject as well: the subject finds herself struggling to survive an increasingly precarious day-to-day existence (Lorey, 2015), which Lauren Berlant (2011) describes as a kind of 'slow death', and this makes imagining an alternative politics or better future a difficult if not impossible thing. Third, there is the massive expansion of a debt economy by the greater and greater reliance on finance capital under neoliberalism. In *The Making of the Indebted Man*, Maurizio Lazzarato (2011: 46)

theorizes a new subjectivity for the neoliberal era, that of the 'indebted man', who exists in a debt economy characterized by 'finance's goal of reducing what will be to what is, that is, reducing the future and its possibilities to current power relations'. For Lazzarato (2011: 49), 'debt simply neutralizes time, time as the creation of new possibilities, that is to say, the raw material for all political, social, or esthetic change'. Neoliberalism, then, has constructed a temporal horizon that seems all but untranscendable. It has created an endless presentism, in which the past has no bearing on the present, and the future is apparently rendered static or tamed by a debt economy. To recontextualize the accusation of one character to another in Robert Rossen's film *The Hustler* (1961), 'you own all the tomorrows because you buy them today.'

So it is that we try to imagine what possibilities for freedom there can be beyond neoliberalism as a way of keeping a glimmer of utopian light alive against the gloom of its foreclosed future. Yet how can we imagine a time or a freedom that comes *after* the very era in which we exist? Are we to think of this future freedom as a radical break from past and present notions of freedom, or is it instead a restoration or fulfillment of some prior freedom—whether liberal democratic, Marxist, or otherwise—long promised to us but thus far unrealized? How will it be experienced? Will we know when it has come? And how do we guard against the danger of engaging in a vulgar utopianism in which we ignore the past and the present in exchange for a dubious treasure map of the future?¹ Perhaps most pertinently, thinking about freedom after

¹ While certainly not an example of a 'vulgar utopianism', Fredric Jameson's long engagement with and influential theorization of utopia (itself influenced by the Frankfurt schools core and peripheral members) nevertheless does have trouble confronting the problem of a future 'break' from capitalism that would instigate utopia. Jameson (2010: 25) distinguishes between 'the utopian program and the utopian impulse, between utopian planners and utopian interpreters', of which he identifies with the latter. What he calls his 'futurology' or 'utopology' is genealogical in nature (see also *Archaeologies of the Future: The Desire Called Utopia and Other Science Fictions* (New York: Verso, 2005)). It means to 'affirm that dystopia is in reality utopia if examined more closely' and 'to isolate specific features in our own empirical present so as to read them as components in a different system' (Jameson, 2010: 42). The hope is to reawaken 'the imagination of possible and alternate futures', even if this is not truly 'a political program or even a political practice' (Jameson, 2010: 42–3).

Jameson's dialectical Marxism, which reads the utopian in the dystopian (Wal-Mart is his example in this essay and in *Valences of the Dialectic* (New York: Verso, 2010), pp. 410–34), suggests not so much an immanent utopianism but an imminent one, in which the signs of the future are detected in the now. Thus, the signs are here but utopia is not and will look different from the present

or beyond neoliberalism means that we could very well miss what might be valuable about the freedom offered by or within it. In short, the question of freedom after neoliberalism appears to favor a model of imminence at the expense of immanence, focusing on a time to come at the expense of times past and the present.

In distinction to a futurism that overlooks the present moment and past experience, Ben Lerner's *10:04* (2014) posits the existence of a kind of freedom not imminent to or beyond the endless presentism and debt-mortgaged, non-future of neoliberal time, but one that is immanent to and within it. The novel does so by stressing the way in which the actual, lived present, if properly attended to, gives rise to a virtual future containing multiple potentialities that have yet to be actualized. What emerges is a deep sense of contemporaneity or affective time that heralds the potential of a nascent, transpersonal collective. Moreover, *10:04* performs this notion of immanent potentiality in its very metafictional form. It calls attention to the fragility of both narrative and time that, particularly during moments of disruption, allow the subject to experience affectively an actual present carrying a virtual past into a future teeming with potentialities. Neoliberal temporality, in which the future is tamed by a drop-down menu of preselected options, must deny such potentiality. Thus, *10:04* reveals that we can experience a freedom to come (the possibility of radical change in the now) within even the presentism of neoliberal temporality, so that freedom after neoliberalism, as the novel's mysterious and religiously inflected refrain suggests, will be the same as it is now only a little different.

The Time of Freedom

10:04 rejects both the endless presentism of neoliberal temporality and a blinkered futurism through its adoption of Henri Bergson's notion of time as lived *durée* or duration and his conception of the virtual. Bergson (1958: 101) argues that consciousness experiences the continuous, yet heterogeneous flow of time via memory and perception, in a process that brings the past to bear upon the immediate data of a consciousness. Consequently, the present is not a series of

when it arrives. It is not truly immanent, as it will be in Lerner, or as it is in non-dialectical post-Marxist thought such as evidenced in Michael Hardt and Negri's *Multitude* trilogy.

disconnected, empty moments but is continually passing and is pregnant with the past, for 'Duration is the continuous progress of the past which gnaws into the future and which swells as it advances' (Bergson, 1944: 7). What this means, according to Deleuze's (1991: 55) crucial reading of Bergson, is that 'the ordinary determinations are reversed: of the present, we must say at every instant that it "was," and of the past, that it "is,' that it is eternally, for all time". Hence, 'We do not move from the present to the past, from perception to recollection, but from the past to the present, from recollection to perception' (Deleuze, 1991: 63).

The concept of the virtual is equally important when discussing time and duration. Put most simply, the actual is what we might call reality, the realm of conscious thoughts, perceptions, and signification. The virtual, in contrast, is the space of pure flux and potentiality that 'actualizes' itself in its act of becoming. The virtual is therefore distinct from, but not opposed to, the actual. It is better to think of it not as a binary relation but as a kind of circuit.² The past or memory, for instance, is not 'actually' materially present. Nevertheless, it precedes, virtually, that which will come to be or be recollected. As Bergson (1970: 168–9) writes, 'the virtual image evolves toward the virtual sensation, and the virtual sensation towards real movement: this movement, in realizing itself, realizes both the sensation of which it might have been the natural continuation, and the image which has tried to embody itself in the sensation'. Thus, it becomes clear that our reality or the 'actual' world we encounter consciously is one that always already exists in virtuality. As Gregory J. Seigworth (2005: 185) puts it, 'the virtual is always in contact and actively-affectively participating with what is happening and about to happen contemporaneously (as becoming)', for it 'transpires in those passing everyday moments that never really present themselves to our conscious minds'.

To return to the notion of time and duration, we might say that the immediate present, which is always passing, exists in actuality and presence, whereas the past does exist, just virtually so. Deleuze (1991: 42–3) explains that 'the subjective or duration,

² See Claire Colebrook's *Understanding Deleuze* (Crows Nest: Allen & Unwin, 2002), pp. 52–7, 151–7. Colebrook gives the example of the virtuality of DNA that is or is not actualized depending on environmental conditions, etc.

is the *virtual*. To be more precise, it is the virtual insofar as it is actualized, in the course of being actualized, it is inseparable from the movement of its actualization'. Therefore, in Bergson, we can say that the future that the present gives birth to is the continual actualization in the present of an always present virtuality. This, as we have seen, not only reverses the usual causal logic of time in relation to the present and past but in regard to the future as well. It is the virtual that is becoming, not some possible future 'outside or beyond' our present that will come to be. The virtual, then, holds the potentiality we tend to project into the future: 'the present *is not*; rather, it is pure becoming, always outside itself. It *is not*, but it acts' (Deleuze, 1991: 55). The virtual is pure potential or becoming itself, as it acts and is actualized.

10:04 embraces Bergson's counterintuitive logic or paradox of time early on when the narrator compares Jules Bastien-Lepage's painting *Joan of Arc* (1879) to a scene from *Back to the Future* (1984), a favorite childhood movie he has recently seen again. Whereas, in the movie, the protagonist Marty witnesses his hand beginning to disappear as he alters the past and threatens to erase his future, in the painting, 'it's a presence, not an absence, that eats away at her [Joan's] hand: she's being pulled into the future' (Lerner, 2014: 9). Moreover, what the narrator states about the painting could be said of the movie's special effects as well: 'It's as if the tension between the metaphysical and physical worlds, the two orders of temporality, produces a glitch in the pictorial matrix' (9). Both the film's and painting's dematerializing hands, then, reveal such temporal 'glitches' in their respective worlds and suggest the virtual nature of memory, duration, and potentiality that the novel will go on to explore.

As such, the past, as both individual memory and collective history, is imbued with a virtual affective presence that at times permeates the novel's present in true Bergsonian fashion.³ During one walk around the city, the narrator remarks that,

³ By 'affective' here I am underscoring the material/bodily and psychological effects of the virtual. Affect, much like the virtual, might be considered the very capacity to affect or be affected. Once registered, mentally or bodily affect has been codified, in a sense. As Greg Seigworth and Melissa Gregg (2010: 1) explain it, affect 'arises in the midst of *in-between-ness*' and 'is found in those intensities that pass body to body (human, nonhuman, part-body, and otherwise), in those resonances that circulate about, between, and sometimes stick to bodies and worlds, *and* in the very passages or variations between these intensities and resonances themselves'. Thus affect is very much a virtual in-between space in which any binary division is not yet a division but is constituted by an overlapping, a folding of one into the other.

'whenever I returned to a zone where significant news [in my life] had been received, I discovered the news and an echo of its attendant affect still awaited me like a curtain of beads' (33). Such a moment occurs, for instance, in a kind of time-travel scene caused by a visit to an elementary school: 'when I reached the second floor ... I was in Randolph Elementary School and seven [years old]' (15). Likewise, the protagonist's meta-story-within-the-novel, 'The Golden Vanity', contains a moment in which its narrator comes across a gaslight in Brooklyn Heights that 'gave him the momentary sense of having traveled back in time, or of distinct times being overlaid, temporalities interleaved' (67), a description that might double for the novel at times. The past, *10:04* reveals, persists and can be felt in the present if one is attuned to it. These more private moments of memory, however, are not solipsistic or simply subjective; they are often interwoven with the remembrance of key historical moments and national disasters, including Fukushima, the *Challenger* disaster, and the 2008 financial crisis. Just as Bergson distinguishes between a past that persists in the immediately passing present of consciousness from a kind of general past of everything, so too does the novel make this distinction by tying individual memory to historical memory.

Lerner, moreover, calls attention to the tendency with which consciousness, even as it experiences a continuous flow of time and flux of heterogeneous sensory data, organizes the world via causality and narrative. Thus what is qualitatively experienced is quantitatively spatialized (which Bergson's notion of duration challenged), and a world of change and becoming is mistaken for a world that is known in advance. Hence, after the narrator goes to see Christian Marclay's *The Clock* (2010)—an actually existing video work in which filmic images of clocks were synchronized to 'real time' and ran twenty-four hours a day for a week in a New York City theater—he disagrees with critics who argue that the piece represents the complete collapse of life into art. Instead, he claims that 'Marclay had formed a supragenre that made visible our collective, unconscious sense of the rhythms of the day' (53). The critics fail to understand the artwork because they mistake qualitative duration for quantified clock time, believing deterministically that time is merely objective and thereby collapsing the qualitative into the quantitative, the virtual into the actual, and the film's spliced images of time into synchronized clock time. Of course, from a Bergsonian perspective, the very

opposite is the case. The narrator, therefore, picks up on the qualitative 'rhythms of the day' and experiences the interrupted flow of duration in fractured forms (continuous yet different images of clocks—just as duration is continuous, yet heterogeneous) as the breaking up of received or known forms, which releases the virtual potential for things to change: 'As I made and unmade a variety of overlapping narratives out of its found footage, I felt acutely how many different days could be built out of a day, felt more possibility than determinism, the utopian glimmer of fiction' (54). The illusion is that quantitative, objective time fixes our experience in advance, but the narrator's embrace of qualitative, subjective experience of duration shows otherwise.

Significantly, the 'utopian glimmer' of art or fiction here does not entail, as in certain science fiction texts, a gesture to some possible world out of time, or engage in mere utopian or dystopian predictions. Any thinking that seeks to create the future in its own image without recourse to duration does so at the expense of recognizing the present, which carries the past with it. Lerner, for instance, comments upon sixties sci-fi movies whose 'distance from the present was most acutely felt in the quaintness of the futures they projected; nothing in the world ... is as old as what was futuristic past' (152). In Bergsonian terms, this kind of futurity confuses the relationship between 'the possible' and 'the real'. Generally, we assume that a possibility in the present is 'realized' in the future, but for Bergson (1968: 123), 'it is the real which makes itself possible, and not the possible which becomes real'. This is so because, otherwise, 'the possible would have been there from all time, a phantom awaiting its hour; it would therefore have become reality by the addition of something, by the transfusion of blood or life' (Bergson, 1968: 119–20). Not only would this lead to determinism, but then possibility would paradoxically have to be 'more' than the reality that comes later to resemble it: 'For the possible is only the real with the addition of an act of the mind which throws its image back into the past, once it has been enacted' (Bergson, 1968: 118). Only after something has been realized can we retrospectively identify the possibilities for its realization. The conditions of past possibility, therefore, will come to pass in the future. A futurity based upon possibility in this sense, then, can only register change *after* the fact.

10:04 accepts that this possible/real time-trap is unavoidable (the narrator admits that origin stories (his own as a poet) are 'always a projection back into the past' (109)), but questions a futurity based upon this logic of possibility, which all

too often becomes mere guesswork or science fiction.⁴ The novel stresses instead a virtual/actual logic that puts Bergsonian notions of consciousness, duration, and memory to more than the modernist ends of Proust, Joyce, Faulkner, Woolf, and others, by considering not just the past's role in the passing present but the future's as well.⁵ After missing the opportunity to engage romantically with a friend, for instance, the narrator wonders at how that moment, like others, was 'retrospectively erased. Because those moments had been enabled by a future that had never arrived, they could not be remembered from this future that, at and as the present, had obtained; they'd faded from the photograph' (24). Temporally based ironies such as this abound in the novel, but instead of confirming that a character's fate or a state of affairs could not have been otherwise—that 'knowledge comes too late', à la the proto-modernist Henry James—they instead unhinge characters' identities and free up worlds. Irony in *10:04* is not negative, backward looking, and fatalistic as in James ('missed' possibilities that were 'there' but not chosen), but positive and appreciative of the way in which the present suddenly feels unstructured and open, full of potential. In other words, virtual futures differ from possible futures.

The virtual is thus the space of pure potentiality—as duration it is the continuous, heterogenous flux of qualitative time in which the past, present, and future are essentially indistinguishable (such as in memory).⁶ The virtual/actual circuit differs from the possible/real because the virtual is not mimetically reproducible or

⁴ Although Lerner uses the word 'possibility' in regard to the utopian aspect of 'The Clock' and in other places in the novel, it is employed simply as a cognate of 'potential', for indeed it is the logic of 'potential' and the 'virtual' as opposed to 'possibility' and the 'real' that the novel puts into play.

⁵ I am referring here to the conventional understanding of modernist authors' innovative treatment of subjectivity/consciousness and time. Bergson's influence on modernism and modernist literature, particularly in terms of time, duration, and stream of consciousness, is well documented. Recent studies that consider Bergson and modernism include Paul Douglass' *Bergson, Eliot, and American Literature* (Lexington: University of Kentucky Press, 1986), Mary Ann Gillies' *Henri Bergson and British Modernism* (Montreal: McGill-Queen's University Press, 1996), Byrony Randall's *Modernism, Daily Time and Everyday Life* (New York: Cambridge University Press, 2007), and Paul Ardoin, S. E. Gontarski, and Laci Mattison's (Eds.) *Understanding Bergson, Understanding Modernity* (New York: Bloomsbury, 2013).

⁶ Daniel Katz explores, to a small extent, the virtual in Lerner's poetics. Unlike reviewers who have established Lerner's lineage with contemporary novelists, Katz (2017: 319) reads Lerner's novels as part of 'an ongoing serial prosimetrum' that challenges the difference between poetry and other genres. While Katz's understanding of the virtual in Lerner's work appears sympathetic to mine, I am developing the concept of the virtual in much more depth and specifically in relation to Deleuze and Bergson.

signifiable and thus cannot ever be captured or completely 'tapped out'. The whole of the virtual-as-potential is simply actualized in part—actualized temporarily by consciousness. As Paolo Virno (2015: 145–6) puts it in *Déjà Vu and The End of History*, 'Far from using up potential, acts never commute it—even in part—into their own mode of existence, just as rational numbers never offer an adequate correspondent to the irrational number. The "after" does not complete the "before" because the present is always 'dual directional and incomplete'. The virtual is also changed in actualization, explains Deleuze (1991: 43), since when duration 'moves from the virtual to its actualization, it actualizes itself by creating lines of differentiation that correspond to its differences in kind'. In short, whereas the possible produces its likeness *in the real* and therefore cannot separate itself in kind or in quantitative time *from the real* (hence the retroactive time-trap), the virtual as duration in qualitative time *changes in kind* when it is actualized and is thus expressed quantitatively. Memory, for example, writes Valentine Moulard-Leonard (2008: 53), 'turns into something else in the process of its actualization ... a perception or a sensation, an image in the widest sense of the term'. This means that, unlike the time-bound idea of realizing possibility in the future, potential's place is in the originless past. For, writes Virno (2015: 145), 'It is only to realize the (potential) past that we construct the future', and not vice-versa, as the real/possible version of futurity would have it.

Lerner's *10:04* is thus a unique utopian fiction appearing during a neoliberal era that is obsessed with the future image of its own exhaustion in numerous dystopian fictions and in the figure of the zombie, which seemingly confirm that there is no alternative to the world as it is.⁷ A true utopian fiction, on the contrary, in self-consciously rejecting the possible/real binary, fragmenting familiar forms and notions of time, and scrambling our senses, can unhinge consciousness's comfort in

⁷ The recent spate of dystopian and zombie fiction, film, and popular cultural artifacts (including many adaptations from book to film or television series and video games) is too long to list here, though it may be typified by the success of such films as the latest in the rejuvenated *Mad Max* series, *World War Z* (2013), the television series *The Walking Dead* (2010–2018), as well as the remakes of *Robocop* (2014) and *Total Recall* (2012), and in *Bladerunner 2046* (2017). Recent literary examples by notable authors that employ the genre include Colson Whitehead's *Zone One* (2011), Dave Eggers' *The Circle* (2013), David Mitchell's *Cloud Atlas* (2004), and Margaret Atwood's MaddAddam trilogy (2003, 2009, 2013).

the habitual and the already-decided future, thereby awakening us to the immanent potentiality of change in the present. For if we will only know retroactively what will have been possible after it has been realized, then we must not project possibility into a future that cannot be known or feels already decided; rather, we should attend to the present that, by default, is the past-potential as well and is consequently unstructured, open, and capable of virtually anything. The time of freedom that *10:04* gestures toward is one that is immanent, not imminent.

Immanence and the Messianic 'Now'

10:04's idiosyncratic utopianism makes it more than a novel merely interested in the quirks of duration and temporality in the way of, say, *Back to the Future*. As apt to consider apocalyptic scenarios as utopian ones, *10:04* shares an intellectual lineage with what has been called messianic Marxism, a sort of secularized messianism of end times or crises in which the moment of emancipation, redemption, or revolution is to be grasped in the here-and-now, not waited upon.⁸ The present-oriented messianic now, however, is distinct from neoliberalism's endless presentism. Neoliberalism's presentism entails a debt-mortgaged and risk-managed future that in reality empties it of potential and effectively preempts actual change, making a break from its political and economic arrangements appear dangerous or unimaginable. In contrast, the messianic now involves paying attention to the actual immediate present, not the possible techno-future or entrepreneurial society imagined by neoliberalism, to discover the emergent potential for change. Neoliberal presentism offers a false picture of the future to legitimate the bankrupt present, while the messianic now demands the recognition of the present-as-immanent.

Lerner (2014: 25) raises the theme of the messianic early in the novel by placing a Walter Benjamin quote from 'Theses on the Philosophy of History' under a reproduction of the Paul Klee painting 'Angelus Novus'. Benjamin (2007: 257) references Klee's painting in his famous 'Theses' fragment regarding 'the angel of history'. Not surprisingly, Benjamin's kind of messianic Marxism runs throughout *10:04*.

⁸ See Arthur Bradley and Paul Fletcher's introduction to *The Messianic Now: Philosophy, Religion, Culture* (New York: Routledge, 2011), pp. 3–9. See also Michael E. Gardiner's *Weak Messianism: Essays in Everyday Utopianism* (Oxford: Peter Lang AG, 2012).

Benjamin's richly suggestive essay challenges a straightforward, ameliorative historicism of cause and effect and contains the famous description of the angel of history hurtling through time with its back to the future as it surveys the devastation of the past. The historical materialist, for Benjamin (2007: 254–5), possesses a 'weak Messianic power' in the ability to seize upon seemingly discrete moments or 'images' in history that 'flash up' and can be cited, interpreted, and juxtaposed to the 'present' moment of crisis. The past is thus present—'shot through with chips of Messianic time' (Benjamin, 2007: 263)—and it is 'citable in all its moments', as the novel puts it (Lerner, 2014: 109). As William Large (2011: 92) explains, in Benjamin's historiography,

The future is not empty and the present is not the addition of one event on top of another. Rather, the present is always full of other possibilities which are not part of the present state of things. The other present, all these other possibilities which have been nullified by the actual (but in which the actual itself has to have its origin), exists virtually in the messianic future.

The end result is precisely what *10:04* calls for in its resistance to a possible/real futurity and its insistence on the duration of the present. As Large (2011: 94) writes in a line that aptly describes the novel as well, Benjamin's vision is not a teleological but a transcendent one: 'The messianic inhabits our everyday lives, but it does so not from a "beyond" but as an "outside"'.

That there is no 'beyond' or teleological utopian futurity to rescue us from the present also explains the novel's mysterious epigraph, a Hasidic story about 'the world to come' where 'everything will be as it is now, just a little different', which becomes a refrain throughout the novel. This same Hasidic story, as Lerner notes in his Acknowledgments section, is cited by Agamben (1993: 85) in *The Coming Community*, a book that, similar to *10:04*'s imagined communal body, considers a future 'community' of 'whatever singularities', based upon pure difference that can never actually be realized. Agamben's rejection of teleology is meant to keep open the space of pure potentiality of community—for the 'coming' community is virtually already here. It is immanent, not imminent. To actualize this community, then, would be to recognize a world that is the same, yet slightly different than before, as our understanding of

forms of communalism would be changed from thinking of them as an end (a real community) to thinking of them as a means (a virtual be-coming community).

Once again, this means grasping the present and its potentiality. According to Patrick O'Connor, Agamben's 'human messianism' hinges on the notion of *kairos*, the sudden moment that offers the potential for radical change.⁹ As such, writes O'Connor (2011: 157), 'The ethical and political stakes of this configuration are that our most authentic experience is always already present. It is, in fact, the messianic *now*'. These moments, as we have seen in *10:04*, incur the 'temporal glitches', the sudden stalling or sputtering of temporal logic that are not properly 'in' time themselves (call them transcendent, though not transcendental) but that are points of conjuncture or rupture where it is apparent that things can always be otherwise—such as (as we shall see) in Noor's life-story (107), the fracturing of the commodity form (133–4), and the narrator and Alex having sex (204). Thus, it can be said that everything is different 'in the world to come', which is simply the 'now', the present imbued with the past and breaking into the future so that it appears to be 'the same' only slightly different.

10:04 thus combines Bergsonian duration with a messianic historicism indebted to Benjamin and Agamben, a combination that brings an unmistakable political dimension to the novel.¹⁰ What emerges is a vision of a politics and utopia of the everyday, wherein the smallest, seemingly personal disruptions in one's life (the narrator's personal and health issues) are related to catastrophic, global events, such as environmental and economic disaster (the two storms and the effects of the 2008 financial crisis). As Susan Buck-Morss (2010: 77) writes, 'A generation's messianic power demands the historical convergence of two ruptures. The first ... the moment of economic, military or ecological crisis ... that endangers the continuity

⁹ Indeed, O'Connor (2011: 156–7) traces Agamben's notion of messianic time to Gnosticism and the Stoics, which Agamben discusses in 'Critique of the Instant and Continuum' in *Infancy and History*.

¹⁰ It also brings forth a political element absent in Bergson's thought. Bergson himself, of course, was not working in the messianic tradition. Benjamin, however, was clearly influenced by Bergson's notions of temporality and consciousness. See Claire Blencowe's 'Destroying Duration: The Critical Situation of Bergsonism in Benjamin's Analysis of Modern Experience' for a look at the ways in which Benjamin was influenced by Bergson and transformed—politicizing, in effect—Bergson's thought and notion of *durée*.

of biographically lived time' and the second that 'concerns the hidden potentialities of the present, the untimeliness of our time that demands in response a rupture in collective imagination'. The narrator's later untimely presentiment of a future (not yet) collective, as we shall see, fulfills the requirements of imagining such a politically charged collectivity.

Freedom's Forms

The very form, or formlessness, of *10:04* is therefore crucial to expressing the themes of time, freedom, potential, and the messianic now. The novel lacks an overarching, stabilizing plot and instead meanders through several plotlines as it follows its reflective Brooklynite poet-protagonist's day-to-day life, moving from the ordinary, such as hanging out with friends or going to art exhibits, to the extraordinary, such as providing sperm for a friend's artificial insemination and preparing for impending citywide storms. For this reason, *10:04* might be accused of reproducing a neoliberal presentism in which the random happenings of the world impinge upon the subject, who in turn learns to negotiate them through a reactive, fluid, or entrepreneurial agency that is no agency at all, evidence of what we might call the 'formal freedom of formlessness'. For freedom under neoliberalism celebrates a seeming formal freedom and freedom of forms that masks the underlying and unchanging neoliberal order that exploits this form of 'freedom', which means nothing less than the continual adaptation of people to the market's demands—whether in the form of crises or new products. One thinks, for instance, of the calculated plotlessness of DeLillo's *White Noise*, which makes apparent how disasters and mediated 'events' control and structure the Gladney family's reality. Indeed, in the novel the market even provides solutions to the panic and anxiety that such a world gives rise to in the form of Dylar, a drug developed by the pharmaceutical industry that profits from such fear and disorder.¹¹

10:04, however, is more optimistic about formlessness than *White Noise*. Instead of the kind of formlessness that masks the underlying coerciveness of faux neoliberal freedom—which actually reduces freedom to a number of preselected options or

¹¹ See the chapter on *White Noise* in my book *Fictions Inc.: The Corporation in Postmodern Fiction, Film, and Popular Culture* (New Jersey: Rutgers University Press, 2014).

emergency procedures and reduces duration to quantified, capitalist clock time—the metafictional *10:04* calls attention to how forms—whether those of identity, politics, economics, or society—are actually more fragile than they appear.¹² Against neoliberalism's economic and political ordering of the world that creates and thrives upon instability and precariousness in order to discipline subjects to accept and endorse its version of freedom, *10:04* envisions such moments of fragility as potentially liberatory. The takeaway here is that social and political structures could be imagined or formed otherwise—that they are always inherently provisional or fragile, economic crisis or no—and this could be done by a true democratic collective, a realization that gives the lie to the belief that neoliberal crises can only be solved by neoliberal solutions.

In the novel, there are numerous times—minor messianic moments—in which one-time facts turn out to be fictions, so that the past is restructured by the present or the future, thus reversing linear time and our general understanding of causality, with the result that the past is redeemed and freedom delivered. The narrator, for instance, reflects upon the 'demotion of Pluto from planet to plutoid' and the theoretical mistake that led to the creation of the Brontosaurus, which later became the Apatosaurus (11). These retroactive corrections disrupt ideas governing our understanding of pre-historical time, as well as something as vast as the known universe. Time and space themselves can be reinterpreted—and this sense of redemption or potentiality is immanent. It is in the here and now.

One of the most significant moments—a truly Pauline, if ironic one—in which a fictional form breaks down comes in a story told to the narrator by Noor, a fellow member of his co-op, who grows up believing she is Arab American (her father is Lebanese) but then discovers after college and her father's death that her biological father was white. She has apparently been unconsciously passing as Arab American all along. Politically active, she nevertheless turns down an opportunity to speak as an Arab American during the Occupy movement, feeling her identity is something

¹² Lerner's utopian or creative time should not be confused with the flexible, labor, and leisure blurring time of postmodernism, or what Jonathan Crary (2013: 30) calls the 'relentless incursion of the non-time of 24/7 into every aspect of social or personal life'. Indeed, the film is essentially impossible to watch as it is shown in 'real' time.

of a fraud and her life something that has 'happened but never occurred' (107). The change—which changes everything yet nothing about Noor—goes so far as to affect her perception. Staring at her hands (in keeping with the earlier motif of the painting and film, supposed art-fictions), Noor 'could see my skin whitening a little' and 'started seeing my own body differently' (104). Yet as the narrator puts it, this painful moment of change—which contains a nascent critique of identity and identity politics—still 'contains the glimmer ... of the world to come, where everything will be the same but a little different because the past will be citable in all its moments, including those that from our present present happened but never occurred' (109). The passing of one world or present is always the beginning of another or new present imbued with the past. The point here is twofold. First, that past facts can turn out to have been fictions all along, thus suggesting that all narratives—including that of neoliberal capitalism—are more fragile and more open to the future than they admit; and second, that there is an affective charge generated and freed when such narratives or fictions fail, suggesting a capability to act alternately to a once seemingly charted course, a capability or potentiality that has been there all along.

The critique of neoliberal forms of life (its politicized version of identity through, for instance, identity politics) finds its correlate in the narrator's thoughts on the commodity form as representative of capital's 'natural' ordering of time and space. For example, the pressure of disaster-preparedness shopping for the storm reveals the commodity form's 'majesty and murderous stupidity ... of time and space' and that the capitalist order, like neoliberal subjectivity, could be otherwise: 'the only possible world became one among many, its meaning everywhere up for grabs, however briefly' (19). And while the narrator is well aware of art's commodity status, that 'my virtual novel was worth more than my actual novel' (155), and that his new book contract has 'monetized the future of my fiction' (170) in a way similar to the workings of finance capital, he still insists upon art's utopian potential outside of the commodity form. So it is that after viewing some objects to be included in his friend Alena's exhibition of 'totaled art'—works by famous artists that have been irreparably damaged, written off by insurance, and are officially worth 'nothing'—the narrator experiences,

an object liberated from that [the commodity form's] logic. What was the word for that liberation? *Apocalypse? Utopia?* ... it was no longer a commodity fetish; it was art before or after capital. ... they had been redeemed, both in the sense that the fetish had been converted back into cash, the claim paid out, but also in the messianic sense of being saved from something, saved for something. An art commodity that had been exorcised ... of the fetishism of the market was to me a utopian readymade—an object for or from a future where there was some other regime of value than the tyranny of price. (133–4)

Nowhere does the specter of messianic Marxism make its presence more felt than in this passage.¹³ The future utopia here is not one based on the real/possible version of futurity—thinking outside or beyond time—but of grasping the ‘future’ in the immediate experience, in the present-as-duration. Nothing has changed in the art object, yet everything has. In this sense, the utopian is truly ‘ready-made’ and already at-hand if we can see the ways in which (fictional) forms structure our sense of time, space, and ultimately reality. The glimpse of the beyond is simply a glimpse of the virtual, potential now.

The novel itself, therefore, must similarly work to undo its potential status as a commodity that delivers what is expected of a novel—a cause and effect narrative with plot development and a future payoff/climax—which is precisely why *10:04* plays with formlessness and time in the manner that it does. As the narrator tells his

¹³ Issue # 18 of *Nonsite* presents three provocative Marxist takes on Lerner's novel. Glossing the passage on ‘Totaled Art’ and others, Jennifer Ashton sees the novel as intentionally damaging itself, thereby formally subsuming the totalizing damage of capital and comprising an ‘aesthetics of resistance’. In response, Nicholas Brown reads the novel (and in particular the Totaled Art scene) as also establishing a formal autonomy, but sees its politics as essentially the same old liberalism. Finally, Theodore Martin sees the novel as one that is, at best, contradictory in its supposedly radical politics and its formal/generic ambiguities. Of course, such ‘contradictions’ appear, in Martin's and Brown's dialectical Marxist readings, as negative instances of Lerner's and art's capitulation to capital. Yet to read with and through the virtual/actual and potential/possible dynamics of the novel is to dissolve, so to speak, such dialectics on a plane of (utopian) immanence. None of the authors, in focusing on the Totaled Art scene, take seriously the virtual poetics of the novel. In short, the Deleuzian-influenced strain of post-Marxist thought that Lerner's novel and my essay are invoking is at obvious critical odds with these authors' astute and intriguing, though dialectically-driven critiques.

agent in a scene occurring a little over halfway into the novel that returns without warning to the book's opening scene, 'I'm going to write a novel that dissolves into a poem about how the small-scale transformations of the erotic must be harnessed by the political' (158). As a metafictional novel 'that dissolves into a poem', *10:04* is capable of radically 'dissolving' the reader's generic expectations of the novel and hinting at its potential as something freed from the commodity form. This explains a number of seemingly random time/scene shifts (such as the double-scene meeting with his agent mentioned above) that break up the novel's linearity, but also create odd time loops and doublings (the preparation for two storms, Alena and Alex as friends/lovers), as well as the consideration by the narrator of things that he did *not* say or do in certain moments (which are often mentioned in the conditional tense), which immediately gives rise to their ghostly, virtual presence as 'non events' and confuses the reader's sense of past and future (19, 4 to 158, 15, 24). While easily written off as simply sloppy or loose structure (formlessness), instead these moments contribute to the theme of virtuality, to the idea of an immanent (past) potential that cannot ever be fully actualized, and of an unstructured time.

These strange 'non events' of the future are mirrored in the novel's cryptic commentary on events that happen, yet are said not to have occurred. They are further instances of the way in which the virtual intersects with the actual—that the two are not separate but a kind of circuit—and evidence of the power, not the poverty, of the virtual to affect the actual (the past and present/future). Noor, for instance, believes 'my whole life up until that point ... had happened but never occurred' (107), and the narrator, after deciding to run after Alena in the subway instead of going home, reports that 'I reached her, which meant it never happened' (210). At one point the narrator of 'The Golden Vanity', having been drugged for surgery and witnessing a sublime scene, fears 'That he would form no memory of what he observed and could not record it in any language [which] lent it a fullness, made it briefly identical to itself, and he was deeply moved to think this experience of presence depended upon its obliteration' (81). However, he later remarks, 'I remember it, which means it never happened' (81). In the Bergsonian view, the narrator's remark can be seen as a reflection upon perception and memory, which are two different, yet simultaneous

modes of registering duration. The anticipation of what memory will do in the future to what is 'happening' in the immediate perception of the present creates a 'doubling' of the present that is merely the self-conscious circling back on the act of perception as it occurs. Hence, as something happens (to consciousness) it also seems not to happen (to the self-reflective consciousness). Here again is a 'doubling' interaction of the virtual and actual. For the seemingly (yet elusive) qualitative fullness experienced as duration in pure perception—of affect, the felt wholeness of potential not actualized and virtually 'full'—cannot, of course, be signified without *changing it in kind*—from the virtual to the actual. Such a change occurs when actualizing, signifying, or quantifying duration in some way—that is, by recording it in memory and later, for the narrator, in language as fiction. What is re-membered or recalled, in a sense, 'never happened' because it is always already the virtual past being actualized, not the immediate 'real' or 'original' presence or event to which it refers. For we cannot think of a happening (duration) as an object, frozen in time. Instead, the instantaneous perception and remembrance of things past calls attention to the flux out of which they are actualized but not wholly realized or have not 'happened' (in the sense of being over and done with—'in' the past).

Furthermore, the past more broadly (as in personal or collective history, not the immediate present/past of duration) must be re-told in language, in a narrative form that generally obeys causal logic, meaning that it is fictionalized/narrativized/interpreted and therefore, in a sense, a forgery, because it *transforms in kind* the qualitative into the quantitative. The narrator's 'cancelling out' of 'real' events underscores this conundrum of language, reference, and historical truth. For this reason, the narrator's abandoned plan to plagiarize letters from poets and the archive of his papers that he plans on selling to a university, as well as his ruminating on the ethics of turning 'real life' into fiction, speak to the fact that *the past is always being forged* (in both senses of the word). For if the past can never be authentically explained, signified, or adequately 'forged', a virtual past-potential that is actualized is always a 'forgery'—a virtual image actualized—of an origin that never was or could be (what the real/possible will frame as 'inevitable' or 'impossible'). At first blush, this seems like a dangerous idea—that the past is merely fiction that can never be known or that could be manipulated at will by

those in power. Yet the logic of the virtual/actual is precisely against such a ‘freezing’ of the past, which falsely creates origins and must minimize the greater past and subsequently concretize it and past events as ‘finished’ according to a possible/real logic that forecloses upon potentiality.

Indeed, Lerner’s novels—both *10:04* and *Leaving the Atocha Station* (2011)—are concerned with the problem of authenticity and deploy autofictional modes influenced by W. G. Sebald’s work that create a fiction rife with nonfictional elements and destabilizes the distinction between them. For, as the narrator says,

part of what I loved about poetry was how the distinction between fiction and nonfiction didn’t obtain, how the correspondence between text and world was less important than the intensities of the poem itself, what possibilities of feeling were opened up in the present tense of reading. (171)

Hence, the strategically formless *10:04*, which is ‘neither fiction nor nonfiction, but a flickering between them’, retains the virtual’s relation to the actual, so that it is not simply *about* something, as a conventionally plotted novel is, but *becomes* ‘an actual present alive with multiple futures’ (194).¹⁴

Everyday Utopia and the Future Imperfect

The most important virtual potentiality that the novel frequently returns to is that of a nascent collective that is in clear violation of neoliberalism’s tenet concerning individual rational actors or business’s team-driven faux collectives. Gazing at the city early on in the novel, the narrator experiences ‘some cortical reorganization [that] now allowed me to take the infrastructure personally, a proprioceptive flicker in advance of the communal body’ (28). Later, the city becomes ‘the expression, the material signature, of a collective person who didn’t yet exist, a still-uninhabited second

¹⁴ Interestingly, Kathy Acker’s work—often autofictional like Lerner’s—plays with the same formlessness in terms of genre shifting and by tracing the emerging and changing consciousness of various characters. This is perhaps most evident in Janey’s experiences in and against the neoliberal and misogynistic social structures in *Blood and Guts in High School*. See my ‘Why Kathy Acker Now?’ in *Los Angeles Review of Books* (May 2, 2018), which also considers freedom, rights, and neoliberalism.

person plural to whom all the arts ... were nevertheless addressed' (108). Note that the narrator here does not so much imagine, subjectively, a future freedom *outside of time* but experiences, in a bodily sense, that future as a potentiality in the present.

The body's ability to affect and be affected is central to *10:04*, and it becomes key in Bergson (1970: 88), who writes in *Matter and Memory*:

we may speak of the body as an ever advancing boundary between the future and the past, as a pointed end, which our past is continually driving forward into the future. Whereas my body, taken at a single moment, is but a conductor interposed between the objects which influence it and those on which it acts, it is, on the other hand, when replaced in the flux of time, always situated at the very point where my past expires in a deed.

The body, understood this way, is 'the *place of passage* of the movements received and thrown back, a hyphen, a connecting link between the things which act upon me and the things upon which I act' (Bergson, 1970: 196). Indeed, the narrator's first feeling of a nascent collective comes when he 'intuited an alien intelligence, felt subject to a succession of images, sensations, memories, and affects that did not, properly speaking, belong to me' (Lerner, 2014: 3). It is important here to point out the effect of the 'alien intelligence', the imagining of a non-human or trans-subjective perspective that allows the narrator and reader to experience affect as impersonal and free-floating and to gain a sense of a collective larger than the self.¹⁵ This moment comes while the narrator is eating a baby octopus, a non-human other that becomes the occasion for the consideration of an octopus's and a human's

¹⁵ For more on the way in which postmodern texts do or do not gesture to affect as being impersonal and free-floating, see Rachel Greenwald Smith's excellent *Affect and American Literature in the Age of Neoliberalism*. Greenwald Smith explores a divide between fictions that present realistic and emotionally fully-fleshed out characters that, she claims, support neoliberal subjectivity, and those fictions that create impersonal or emotionally cool characters and worlds that gesture to affect as a pre-conscious force, one that gestures to non-subjective and non-human ways of being. While *10:04* might not be a realist text with psychologically realistic characters, the narrator's personality and the novel's tone suggest a text that straddles this divide. Moreover, it is clear that Lerner himself has read his Massumi and Deleuze and is aware of the theories of both virtuality and affect.

proprioceptive capabilities, in which there is slippage between the non-human and the narrator:

the privileging of flexibility over proprioceptive inputs means it lacks stereogenesis, the capacity to form a mental image of the overall shape of what I touch: it can detect local texture variations, but cannot integrate that information into a larger picture, cannot read the realistic fiction the world appears to be. (6–7)

Here ‘flexibility’, a hallmark of neoliberal capital, frustrates what Jameson (1991: 50–60) has called our ability to ‘cognitively map’ our world coherently, but this flexibility also offers the ability to ‘detect local texture’, to grasp the future in the present, and to recognize the present world’s appearing as ‘a realistic fiction’ that could (have) be(en) written otherwise. How a collective body can be formed, which would lack proprioception proper (which physical bodies can have) but still be able to sense the world as an open fiction, remains the question, and the answer will be through the circulation and distribution of affects through the very creation of the virtual image of such a body.

10:04 contends that affect is virtually out there, impersonal and circulating, and that it is the artist that can employ it to utopian ends by continually breaking open existing forms, revealing their frailty, and releasing an affective charge full of potentiality pushing toward the future. The narrator chooses to become a poet, for instance, after listening, as a child, to Ronald Reagan’s speech after the *Challenger* disaster—the speech with its doggerel poetry is a masterful emotional coding of affect.¹⁶ Learning from the creation of this social fiction (revealed here in the crisis of a national tragedy), the narrator recognizes ‘poetry’s power to circulate among bodies and temporalities, to transcend the contingencies of authorship’ (113) and he ‘resolved to become one of the artists who momentarily made bad forms of collectivity figures of its possibility, a proprioceptive flicker in advance of the communal body’

¹⁶ The narrator’s take on his own poetic origins and on Reagan’s ability to channel affect suggest his having read Brian Massumi’s chapter on Ronald Reagan, ‘The Bleed: Where Body Meets Image’ in *Parables for the Virtual* (46–67).

(108–9). Affect's impersonality, its ability to traverse and virtually join bodies, allows the passage from the singular to the collective, as one of the narrator's Whitman-inspired visions has it:

What I felt when I tried to take in the skyline—and instead was taken in by it—was a fullness indistinguishable from being emptied, my personality dissolving into a personhood so abstract that every atom belonging to me as good belonged to Noor, the fiction of the world rearranging itself around her. (109)

Thus, the affective linking of an actual present charged by the virtual past (here Whitman's poetry and Noor's story) gives rise to a virtual image-fiction, a 'proprioceptive flicker in advance of the communal body' that may, presently, be actualized.

This 'communal body' is also formally actualized in the fluidity of the novel's point of view and tense, which in the final few pages switches from the narrative 'I' and present tense to the future tense and what the narrator calls the 'second person plural' or 'you', as Lerner ends the novel with a passage that 'quotes' directly and indirectly from (or 'play'garizes, in the spirit of the novel) Whitman's 'Brooklyn Bridge'. The transformation from 'self' to 'other' or 'collective' is the answer to the novel's problem of how to 'harness ... self-love ... and let it branch out horizontally into the possibility of a transpersonal revolutionary subject in the present and co-construct a world in which moments can be something other than elements of profit' (47). A transpersonal collective and virtual 'bridge' is therefore figured in the fluidity of points of view that suggest the fluidity of forms of life under neoliberalism.

Back to the Future Freedom

Following Lerner's Bergsonian tenor, we can say that there can be no actualization of freedom as potential without the virtual. In fact, the virtual as past-potential that precedes the actual present is more important than the present, which is isolated and powerless to effect the future without the past's virtual presence. But this virtual past must be affectively felt in the present in order to properly push forward into future actualization, not imagined as a future possibility arriving in some other time, in which case we might not know how to identify it because it could be qualitatively

different than it is now. Imagining it would be vulgar utopian guesswork, a total impossibility. For the conditions of freedom will only have been possible retroactively, after freedom has been actualized.

In this sense, we must conceive of two different temporal orders of freedom: actual and potential. Freedom-as-potential can only be experienced qualitatively and temporally, as Bergsonian duration. In *Free Will and Time*, Bergson reveals that we constantly misunderstand time by spatializing or quantifying it, whereas duration is qualitatively experienced: time is always and ever flowing (it is continuous) and consciousness tames the heterogeneity of experience through spatialized means, such as in the 'laws' of cause and effect or non-contradiction, that appear logically to connect what are disparate, chaotic processes. Freedom, then, is what Bergson (1959: 105) calls a 'qualitative multiplicity'. Yet, as Deleuze (1991: 42) writes, a qualitative multiplicity 'does not divide up without changing in kind, it changes in kind in the process of dividing up'. The same goes, I am arguing and according to the logic of *10:04*, for the conception of freedom.

Thus, outside of or before its actual, quantitative 'dividing up' into any number of civil or human rights (let's call them 'freedoms'), there must be a pure freedom or freedom-as-duration that is heterogeneous yet continuous (it is pure unrealized potential), not homogenous and discrete (as disconnected moments or individual rights). A rights-based freedom *in quantifying freedom, treats freedoms as differing in degree but not in kind*. Yet without freedom as potential and duration there could be no 'freedoms'. For if freedom were something that can be merely quantitatively spatialized in a constitution or bill of rights, it would have an ultimate limit, consequently not be subject to duration (such as are timeless, 'God-given' rights), and, therefore, lack potentiality or *the virtual freedom to be otherwise*.

Freedom thus becomes a reified concept, not a time-bound, virtual process of actualization. But if this were the case, how would those without any rights, or those born into generations of slavery, have any idea what freedom is before they have gained freedoms? Do people not, whatever kinds of oppression they suffer, daily experience, qualitatively, even the smallest moments of freedom-as-potential that make life bearable, that give the lie to their oppressors, and that reveal a kind of freedom that exists despite the cruelest of repression? Freedom-as-potential must ultimately make freedoms themselves worth striving for, freedoms that, even if or

after they are one day attained, can never translate into the full promise of some platonic freedom. By the same token, it would make no sense to grant someone the right or 'freedom' to do something if there did not already exist the potential or capacity to freely do so. That is why, for instance, there are no advocates for the rights of human beings born with wings to be allowed to fly wherever they like. Granting all of humanity this right or others like it tomorrow would not lead to the smallest increase of freedom. Thus, it is perfectly correct to say that *one cannot actually create new freedoms, only delimit freedom itself*.¹⁷

Nowhere is the contradiction of freedom-as-rights undercutting freedom more evident than in neoliberalism's commitment to the ideal of human rights, which draws upon the concept of natural rights in establishing its authority.¹⁸ Costas Douzinas (2000: 220) calls 'Human rights ... the ideology after ... the defeat of

¹⁷ I am taking a somewhat Deleuzian tack in this argument. In Deleuze's view, the task of jurisprudence is to create new rights—with an emphasis on the creative—without appealing to the Law as something transcendent (thus he famously denounces the discourse on human rights as abstract), which would only reify notions of the human and human freedom. I am claiming something similar here. Newly created rights can give formerly oppressed people freedom in certain political and social orders, but these acts of the Law cannot exhaust a notion of virtual freedom that must exist for rights-based freedoms to be actualized. See Paul Patton's (2012: 15) 'Immanence, Transcendence, and the Creation of Rights' for a detailed analysis of the theoretical challenges of Deleuze's 'non-transcendent, immanent conception of rights' and a concept of "becoming-right", similar to what I propose here.

This is also distinct from Kant's notion of the necessity of freedom, though it shares something of it. Gone are notions of moral law, legislating reason, and a teleology of freedom's end(s). Deleuze's idiosyncratic take on Kant in *Kant's Critical Philosophy* might be said to remove these and other transcendental 'obstacles', while retaining the noumenon/phenomenon dialectic and, in some fashion, reinventing it as the virtual/actual. In Deleuze's (1984: 41) reading of Kant: 'Freedom never produces a miracle in the sensible world. But if it is true that practical reason legislates only over the suprasensible world and over the free causality of the beings which compose it, it is no less true that all this legislation makes the suprasensible world something which must be "realized" in the sensible world, and makes this free causality something which must have sensible effects expressing moral law'. Remove moral law and reason, as Deleuze does, and jurisprudence's creation of freedoms (while necessitating a surpasensible [Kant] or virtual [Deleuze] *a priori* 'freedom') ultimately entails some kind of a radical democratic process to make decisions/Law that is antithetical to Kant's 'Good Sovereign' or categorical imperatives. Here categories/laws/rights are created, change, and are always provisional—not abstract, transcendental, and unchanging.

¹⁸ For the most critical take on human rights that traces the relationship of their development from natural rights, see Costas Douzinas' *The End of Human Rights* (Oxford: Hart, 2000). See also Obrad Savic (Ed.), *The Politics of Human Rights* (New York: Verso, 1999), and Stephen Shute and Susan Hurley (Eds.), *On Human Rights: The Oxford Amnesty Lectures 1993* (New York: Basic Books, 1993).

ideologies ... at the “end of history”, although he believes they contain a utopian element that ‘the new order has positivised, tamed, and co-opted to a large extent, but which retains a huge creative and explosive potential’ (Douzinas, 2000: 237).¹⁹ For as shown by history, the evolution of rights, and the definition of who qualifies to enjoy those rights (who is a ‘citizen’ or ‘human?’), there cannot be a complete and finalized (quantitatively ‘full’) master list that effectively inscribes human rights for all ‘human’ beings. To do so would necessarily entail ending or limiting the capacity for human potentialities—say, for instance, by engaging in a liberal democratic version of biopolitics and the governmentality of life and death that leads straight, as Agamben (1998) argues, to the state of exception and the maintenance of ‘bare life’ in the figure of *homo sacer*. So too, as Paolo Virno argues, does foreclosing on potentiality create a feeling of historical déjà vu that leads to cynicism and a belief that historical possibility and the future are at an end.

As we have seen, against such a foreclosing of potentiality, *10:04*’s Bergsonian view of time gives rise to an affective historical present that recalls the kind of historicism that Harry Harootunian (2007: 485) has recently argued for, in which,

experience turns back to a historical present, which now remains open to a history made in the present founded on the fashioning of expectations based on an unforeseen future. Here, the present moment signifies a form of expectation that can only know possibilities supplied by the past. (485)

In *10:04* freedom is immanent. Freedom unfolds in duration; it is not simply spatial or external. *It does not differ in degree but in kind*. It is not just a matter of having more or less freedom, of more or less restrictions placed upon our actions, for that

¹⁹ Douzinas’ Lacanian reading of the subject, misidentification, and rights suggests that the demand for rights is the expression of the subject’s fundamental lack that can never be filled. Douzinas also employs Ernst Bloch as embracing a more immanent idea of utopia against the planned-future model. See Costas Douzinas’ ‘*Adika*: On Communism and Rights’ in Douzinas and Žižek (Eds.), *The Idea of Communism*, pp. 81–100, in which Douzinas surveys several radical leftist thinkers, from Rancière to Badiou, on the subject of human rights. Douzinas (2010: 94) argues that ‘rights de-politicize politics’ and thwart the possibility of revolution.

would mean that there are ultimate limits to freedom, like pouring milk into a glass. Whether the glass is half full or half empty does not consider the capacity to drink in the first place, the taste of milk on the tongue, the feel of the cool glass in your hand. Yet even in this example freedom appears as something contained, that is in things themselves, rather than as something that exists continuously with time but comprises that which allows things the freedom and potentiality of becoming, to act and be acted upon. This is why if neoliberalism's story were to end, the emancipated subject would not have 'more' freedom than she has now; instead she would, quite literally, sense an actual freedom that had virtually been there all along, a freedom which is, as *10:04* puts it, the same as it was before just a little bit different.

Competing Interests

The author has no competing interests to declare.

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