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## Back to the refrain: *nomos* and music in Deleuze and Guattari

*De volta ao ritornelo: nomos e música em Deleuze e Guattari*

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## Abstract

This essay explores the concept of *nomos* within the *œuvres* of Deleuze and Guattari. To do so, it reviews the literature that has dealt with that concept in two directions: on the one hand, authors who mobilize Deleuze and Guattari as interpreters of the Western *nomos*; on the other, Deleuze and Guattari as inventors of a creative take of *nomos*. Both directions, however, are lacking in terms of two fields of problematization that illuminate each other: the interpretation of the *nomos* in a musical sense, resumed on the plateau on the refrain, and the emergence of societies of control, which transform the hylomorphic moldings of disciplines into continuous modulations of information and controls. With the refrain, Deleuze and Guattari discover the danger and potential sideration of the relative limits that circumscribe the *nomos* of information and control societies. More than sharing the earth or distributing beings, the musical sense of the *nomos* develops the political, ontological and legal enigma of modulating impossible materials and giving consistency to disparate multiplicities.

**Keywords:** Refrain; *Nomos*; Music; Deleuze; Guattari.

## Resumo

Este ensaio explora o conceito de *nómos* nas obras de Deleuze e Guattari. Para tanto, revisa a literatura que se ocupou do conceito em duas direções: por um lado, autores que mobilizam Deleuze e Guattari como intérpretes do *nómos* Ocidental; por outro, Deleuze e Guattari como inventores de um conceito próprio de *nómos*. Ambas as direções, porém, são lacunares quanto a dois campos de problematização que se iluminam reciprocamente: a interpretação do *nómos* em sentido musical, retomada no platô sobre o ritornelo, e o advento das sociedades de controle, que transformam as moldagens hilemórficas das disciplinas nas modulações contínuas da informação e dos controles. Com o ritornelo, Deleuze e Guattari descobrem o perigo e o potencial de sideração dos limites relativos que circunscrevem o *nómos* da informação e das sociedades de controle. Mais do que partilhar a terra ou distribuir os seres, o sentido musical do *nómos* desenvolve o enigma político, ontológico e jurídico de modular materiais impossíveis e dar consistência a multiplicidades díspares.

**Palavras-chave:** Ritornelo; *Nómos*; Música; Deleuze; Guattari.



## Introduction

This essay explores the concept of *nomos* in Deleuze and Guattari through a specific and situated exercise. Initially, we review the secondary literature to establish the state of the art on the concept. The literary corpus encompasses both works from the field of philosophy of law and works from interdisciplinary areas that explored the Deleuzo-Guattarian *nomos* in political and musical senses.

The review of this literature revealed two predominant directions of uses and readings that mobilize the concept of *nomos* in Deleuze and Guattari. The first understands Deleuze and Guattari as interpreters of the polysemic idea of *nomos* of the Western world; the second presents them as creators of a revolutionary concept opposed to the traditional *nomos*, emphasizing its political implications. Although these directions are not fixed or mutually exclusive, one of the findings at this first level of elaboration is that the musical sense of *nomos* – which Deleuze and Guattari made explicit in the plateau about the refrain – has never intersected with representations of juridical or political *nomos*. It seems as though the musical *nomos* does not play any significant role there.

This first and lacunar finding leads us to investigate a third layer of the secondary literature, which, from the 2000s onwards, has dealt with the theme of music in Deleuze and Guattari. In it, the treatment given to music suffered from a lacuna opposite and symmetrical to the one we discovered in the juridical and political halves of the corpus. If works of philosophy of law or political philosophy mobilized the Deleuzo-Guattarian *nomos* without involving music, the works of philosophy or music theory never simultaneously problematized the dimensions of juridical and political *nomoi*. This reinforced the juridical-political lacuna and convinced us that the relationship between *nomos* in a musical sense and its political and juridical implications remained, if not lacunar, at least underexplored. This is what we seek to develop in item 1.

This same theoretical gap would suggest an intriguing hypothesis: the musical sense of *nomos* in Deleuze and Guattari could elucidate the ontological, juridical, and political enigma that arises in *Difference and Repetition* (1968) and extends to the *Postscript on the Societies of Control* (1990). The problems proposed by this textual arc will receive contributions from various intercessors (especially Félix Guattari) and will also unfold in Deleuze's solo texts that orbit the theme of music.

This encourages us to essayistically examine the mutating dualisms (*logos/antilogos*, law/*nomos*) that Deleuze and Guattari mobilize to advance the musical



sense of *nomos*, culminating in the concept of refrain. In item 2, we reconstruct the connection from the pastoral and Homeric *nomos* in *Difference and Repetition*, passing through the Proustian *antilogos*, and positioning the crisis of the hylomorphic notion of law in the transition from disciplinary societies to the regime of control.

Item 3, in turn, unfolds these findings. To the extent that Deleuze and Guattari did not believe in any political philosophy that was not implicated in the critique and evolution of capitalism, we question the *nomos* of information and controls as the last and current frontier of capitalist accumulation. We evaluate the new legal formations it infuses and speculate on how a musical notion of *nomos* would contribute to the molecular liberation and the matters of expression contained in information.

Finally, item 4 thematizes the refrain as a concept that reactivates the ontological, political, and nomic problem proposed by controls. To the extent that music is a politics, or a war machine, we will see in it the modal and molecular potentials to reverse agencies. Elementary and molecular, cosmic and ecumene, the music that the refrain contains is unclassifiable, inhuman, and does not cease to follow the flows of the matters of expression that arise from things themselves. It does not cease to reveal its points of deterritorialization – as the ethological and minor components of the intolerable agencies that struggles strive to reverse and disaggregate.

This essay does not seek to repair a neglect. Nor to re-establish a curious and archaic etymological kinship. It seeks to mobilize Deleuze and Guattari in reopening the molecular and intense material that constitutes, circumscribes, and impregnates us: information, orders, material, social, and legal agencies. At the same time, it affirms the modal and political power of music to make audible, liberate, and modulate its inaudible forces. A power that, as we shall see, is not devoid of either dangers or chances. The musical *nomos* signals the importance of the relationship between the ecologies of the sensible and the struggles of the present, with their multiple impasses and exoduses to invent.



## 1 Law, Politics, Music: Uses and Readings of the Deleuzo-Guattarian *Nomos*

The philosophical and legal literature from the 2010s onwards<sup>1</sup> has mobilized the Deleuzo-Guattarian *nomos* in two directions. In the first, Deleuze and Guattari appear as interpreters of a certain conception of the *nomos* of the Western thought. They are said to have received and speculatively used one of the veins of the etymological debates about the genealogy of a *nomos* that precedes and surpasses them – the pastoral and Homeric *nomos*. In a second direction, Deleuze and Guattari figure as authors of a particular and divergent *nomos* from its civic-legal vulgate, which represents it as a set of customary, legislatively formless rules. Here, they become the conceptualizers of a nomadic *nomos*, functioning as a war machine that operates in smooth spaces in opposition, *de jure*, to the state apparatus of capture and the segmentary striation that would characterize the sedentary *nomos* – but also, the *polis* and Platonic *logos*.

These two directions of readings are not, however, balanced or closed. They continuously mix, in varying proportions, in very different texts that, nonetheless, keep the Deleuzo-Guattarian *nomos* among their theoretical tools. This is the case, *e.g.*, of Cowan (1996), Sellars (2007), Culp (2016), or Marneros (2021), whose uses and readings of the concept are mobilized by themes as diverse as those of a holistic ecology of civilization, cosmopolitanism, spatial justice, the precedence of the Outside, or anarchic jurisprudence. Despite the variety of uses that this literature witnesses, we argue that the tension between those two directions broadly outlines how the concept has been received by literatures related to the theme.

This tension is particularly noticeable in Thanos Zartaloudis's *The Birth of Nomos* (2019). In it, which dedicates a chapter to the musical uses of *nomos* in the post-Homeric period<sup>2</sup>, the Deleuzo-Guattarian reading becomes instrumental to his problem. The question that *The Birth of Nomos* proposes to explore in its semiotic complexity and pragmatic multiplicity (*idem*, xiii) is Socratic: *What is nomos to us?*

The *nomos* of Deleuze and Guattari interests Zartaloudis in a specific and situated

<sup>1</sup> Although the first text to thematize Deleuze's philosophy of law was written by Moore (2000), we adopt this temporal framework since the first books that sought to articulate it more vigorously date from 2008 onwards. This timeframe allows us to perceive that it is only at the threshold of the 2010s that the notion of *nomos* in Deleuze and Guattari receives greater attention in this specific literature. So much so that the term *nomos* is absent in Lefebvre (2008) and Mussawir (2011), for example. At the threshold of the 2010s, the only one to devote some conceptual importance to it was Laurent de Sutter (2009, p. 93 et seq.).

<sup>2</sup> We owe João Paulo Arrosi (2021) the keen observation that Zartaloudis does not develop the historically evident relationship between the pastoral and musical *nomoi*.



way. By exploring the multiplicity of uses and the inseparable forms of life – according to the Agambenian genealogy to which he adheres – Zartaloudis positions the Deleuze of *Difference and Repetition* as an interpreter of the pastoral *nomos* derived from E. Laroche's reading (1949). In a footnote on the problem of univocity and difference, Deleuze would have mobilized Laroche's interpretation of the Homeric *nomos* to assert, in a speculatively interested, idealized, and historically imprecise manner, that the pastoral sense and use of *nomos-nemein* precede its legal and juridical meanings.

Thus, Deleuze will suggest the theme of the nomad in the orbit of a *nomos* that no longer designates law or *logos*, but a mode of distribution of beings in an open and unlimited space; an organized dispersion that does not imply sharing, division, or enclosure. This would allow differentiating allocation and distribution (Zartaloudis, 2019, p. 141) and, consequently, treating *nomos* as a special type of distribution without sharing or division.

It is because *nomos* agglutinates an “indivisible land” (like an unlimited pasture) and a “contingent ordering” (idem, p. 143) that it coincides with a mode of distribution that is nomic without being legal; at the same time, it implies a smooth space, defined not by fences, but by traces or lines of dispersion defining the way of living and inhabiting (*ethos*) of the nomadic shepherd and his flock. These are the premises for a subsequent Deleuzo-Guattarian *nomos*. In *A Thousand Plateaus*, we will see *nomos* assume the speculative tone of a “creative” and “revolutionary” dispersion-distribution (idem, p. 141), and develop in the de jure (not de facto) dualisms between nomadic war machine and State apparatus of capture, smooth and striated spaces, etc.

However, this is not the primary sense in which Zartaloudis makes use of the Deleuzo-Guattarian *nomos*. Rather, Zartaloudis asserts that the speculation they undertake, supported by Laroche, reinforces the power and potency of a nomic practice that develops between the shepherd and his flock. That is, a use of *nomos* inseparable from an *ethos* (way of life), “a ‘distribution or government’ that cannot be separated from its life experience, and vice versa” (idem, p. 144).

It is a coherent and tautological appropriation<sup>3</sup>, which testifies that the dominant

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<sup>3</sup> It is the very immanentist interpretation that Agamben provides of the Platonic *Eidos* that Zartaloudis creatively utilizes, to affirm that the plural truth of the *nomos-nomós* pair would offer itself as an inseparable result of the experience of its use. This echoes both the neo-Heideggerianism of Agamben's genealogical procedure, as well as the centrality that the genealogy of uses Agamben presented in one of the last volumes of *Homo Sacer* has for Zartaloudis. Thus, Zartaloudis's reading of Deleuze and Guattari's *nomos* is tributary to



tone of his reading transforms Deleuze and Guattari into commentators on a particularity of a term whose uses and meanings are more plural and, above all, precede and surpass them. For Zartaloudis, the Deleuzo-Guattarian *nomos* does nothing more than speculatively prolong the Larochian *nomos*. That is, it reaffirms the precedence of the pastoral use of the Homeric *nomos* over the legal or juridical, to give wings to a specific – though idealized and imprecise – speculation about nomadism.

The tension between the uses and readings of Deleuze and Guattari's *nomos* accommodates, however, divergent solutions. If Zartaloudis (2019) exemplifies the historical-interpretative use of the concept, Guillaume Sibertin-Blanc (2013) embodies its creative, revolutionary, and political use. This translation occurs by adopting *nomos* as a self-supporting concept, linked to nomadism and the construction of the war machine, in relation to which Laroche's text is nothing but a *leitmotiv* for broader speculation.

In *Politique et État chez Deleuze et Guattari*, *nomos* is “a type of production or invention of smooth spaces” (Sibertin-Blanc, 2013, p. 83) linked to nomadism and nomadology. We distance ourselves from historical and genealogical pretensions: neither is nomadism an ethno-anthropological concept, nor is *nomos* restricted to the juridical-political conceptualization derived from the territorialization of the State. The core of Sibertin-Blanc's argumentation lies in presenting the notion of the nomadic war machine as a hypothesis that serves as a “counterpoint to the State-form” (idem, p. 71) and its concept of the political – which opens breaches for *nomos* to relate to the smoothing characteristic of the “nomadic territorial principle” (idem, p. 83).

Sibertin-Blanc harbors two parallel visions that converge on *nomos*. On the one hand, Deleuze and Guattari are said to have philosophically constructed a non-anthropological concept of nomadism from which *nomos* derives its meaning. Thus, the notion of the nomadic war machine – which does not oppose sedentarism, nor does it properly lead to war, but opposes the State and produces smooth spaces – is the response to “an immediate political problem” (idem, p. 74-75) that Deleuze and Guattari face in the post-May 1968 period: how to organize revolutionary forces that are irreducible to state apparatuses which, paradoxically, they often internalize and prefigure?

It is not coincidental, therefore, that Sibertin-Blanc's reading of the nomadic war

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its own use: as throughout *The Birth of Nomos*, the multiple truth of *nomos* arises from its use, not its etymon – although the etymon is an index of uses that, in turn, could help reveal (in the sense of *Aletheia*) its truth. Cf. Zartaloudis (2019, p. xiii-xvi).



machine involves *nomos* as the territorial product of a “form of exteriority of the State” (idem, p. 83), the production of a smooth space from an “instance of unlimitedness” (idem, p. 93) – as found in the maritime model<sup>4</sup>. And that, for this purpose, Deleuze and Guattari need to be justly distanced from the Schmittian nomic model which, in turn, promotes – through land appropriation (*Landnahme*) – an instance of terrestrial delimitation of a foundational character. Thus, on the one hand, Deleuze and Guattari might have been influenced by the concreteness of the Schmittian *nomos*, but on the other, their joyful betrayal consists in making *nomos* something exterior to the State and its law of hylomorphic moldings. There, *nomos* transforms “into a process that undoes the existing spatial orderings and distributions, and [...] collapses them” (idem, p. 88).

We do not suggest that these two directions of uses and readings are mistaken. Both Zartaloudis and Sibertin-Blanc exemplify trends of conceptually irreparable uses that, nevertheless, suffer the pull of arguments that singularize their projects. In the case of Zartaloudis, the polysemic archaeo-genealogy of *nomos/nomós*; in the case of Sibertin-Blanc, the proposal of a historical-machinic materialism as the axis of the reading that Deleuze and Guattari made of politics and the State. Despite this, *nomos* is a term of rare occurrence among philosophers who have dealt with law in Deleuze and Guattari, and even its appearance in political texts presents it as an idea that remains disconnected from its musical sense.

On the other hand, this relationship is neither present nor clearly situated in the literature that has dealt with music in Deleuze and Guattari from the 2000s onwards. In Bogue (2003), Buchanan and Swiboda (2004), Hulse and Nesbitt (2010), Campbell (2013), and Weiss (2021), either the musical *nomos* is not even debated, or it is only weakly related to the political – and almost never (except briefly and circumstantially) to the law.

In this textual excerpt, the only exception is the music theorist Ildar Khannanov, who in one of the chapters of *Sounding the Virtual* presents the musical and political *nomos* alongside the musical and juridical *nomos*. However, without ever correlating one *nomos* to the other, Khannanov describes the music of the Bashkir nomads<sup>5</sup> as both territorial and, at the same time, exceptive to traditional Western musical structures and

<sup>4</sup> Without mentioning, however, the musical model, which in the plateau on the smooth and the striated topologically precedes the maritime.

<sup>5</sup> Toponym of the inhabitants of the ancient Bashkiria (today, Republic of Bashkortostan). Integrated into Russia, its territory extends from the western slopes of the southern Ural Mountains to the hills of the Bugulma-Belebey Mountains, and is inhabited by Russians, Tatars, Bashkirs, Chuvash and Mari populations, Ukrainians, and Mordovians.





laws. The most sensitive connection of the Bashkir musical *nomos* would be, then, with the political, due to the fact that its melody blends “climbing up and galloping down the hills, the maternal sigh, the rising trill of nightingales, and the sweetness of life in the homeland” (Khannanov, 2010, p. 253). This is what makes the music of these nomads “inseparable from politics” (idem, p. 255); its melody demands an exception to musical laws. Its musical *nomos* is political because it is exceptive.

This leads Khannanov back to the Schmittian *nomos* to distinguish the state from the political and to interpret the juridical-musical duality of *nomos* from the shared etymology between Greek and the Bashkir language. Here, *nomos* does not oppose *logos*, or the *polis*, but *taxis* – that is, the laws of calculation, measure, and rationalization that divide lands, languages, and peoples and, in the West, organize the musical system. By contrast, *nomos* refers to informal processes and resonances: “pure power of rhythmic unification” (idem, p. 257). This is what makes the musical *nomos* of the Bashkir nomads a politics – its exception to *taxis*; its mixed, territorial, multidimensional, and unclassifiable melody. Their music is thus something “akin to a war machine” (idem, p. 250).

However, Khannanov’s powerful argument makes the political dangerously captive to the Schmittian exception. And it makes the juridical *nomos* captive to the measure and *taxis* of the law. The two lines of the musical *nomos* – the political and the juridical – do not intersect, but diverge and distance themselves. It is as if we find in his argument the photographic negative of the Schmittian *nomos*. While Schmitt (2014) is concerned with the political and juridical meanings of *nomos* and treats the musical *nomos* as a trivial and off-orbit theme, in Khannanov it is its relationship with the law that is excluded, and it is concealed in the Greek *taxis* and the musical composition laws of the West, in relation to which the nomadic melody leads an errant, non-Euclidean line.

This reveals even more clearly the gap yet to be explored, which escapes both the juridical-political and the politico-musical literature that has dealt with the Deleuzo-Guattarian *nomos*. It consists in reconnecting the musical sense of *nomos* to its juridical-political unfoldings<sup>6</sup>. This presupposes the relationship between the refrain, the land (the deterritorialized), and the territories, while also allowing an estimation of the relations of force and reversibility that are configured in the *nomos* of information and controls. After all, it is in the emergence of societies of control and in the process of their nomic

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<sup>6</sup> Without “political” being synonymous with “state”, and without “juridical” being equivalent to “legal” or “normative”.



reconfiguration that Deleuze (2008) perceives the crisis of disciplinary means as an expression of the crisis of law itself. The relationship between *nomos* and music thus constitutes the third direction for extending *nomos* in Deleuze and Guattari, and it entails political and juridical consequences.

## 2 Each Dualism Individuates a Conflict: The *Logos* and the Law; the *Antilogos* and the *Nomos*

The ontological tension between univocity and difference runs through the initial pages of *Difference and Repetition*. Amidst this, Deleuze introduces the opposition between *logos* and *nomos* as words that refer to distribution problems, with different meanings and “without possible reconciliation” (Deleuze, 2006a, p. 67). The problem to which this opposition refers is not limited to the etymology of the term *nomos* or the Greek root “-nem”.<sup>7</sup> It is linked to two ways of distributing difference in the univocity of being and, therefore, to two (or more) ontological politics. The *logos*, which spans from Parmenides to Heidegger, passing through Plato and concretizing in Schmitt as *hybris*; and the *nomos*, which finds its profane trinity in Duns Scotus, Spinoza, and Nietzsche.<sup>8</sup>

However, the duality *logos/nomos*<sup>9</sup> matters less than the problem it refers to: how to treat multiple materials as if they were one? A question that only *logos* can ask and adequately answer. Multiplicities can only be treated as units at the price of numbering them, subjecting them to a harmonic distribution – whose premise is the deep

<sup>7</sup> Félix Guattari's writings in the final pages of *Heterogênesse* not only reject the Heideggerian path but also leave as a clue—open and suspended—the musical and modulatory perspective that sees the political as an ecological practice and composition of the ontological: “There is no single ontological substance emerging with its ‘always already present’ significations, encrusted in etymological roots, particularly of Greek origin, which polarize and fascinate Heidegger's poetic-ontological analyses. Beyond the semiological creation of meaning, the issue of creating a heterogeneous ontological texture arises. Producing a new music, a new type of love, a novel relationship with the social, with animality: it is generating a new ontological composition, correlating to a new immediate knowledge acquisition, through a pathemic agglomeration of subjectivity, itself mutant” (Guattari, 1992, p. 85).

<sup>8</sup> A multiple trinity that will accumulate through Kafka, Proust, and Artaud.

<sup>9</sup> It is Deleuze and Guattari (1995a, p. 32) who warn against taking dualisms too far: “We invoke a dualism to refuse another. We use a dualism of models to reach a process that refuses any model. It is necessary each time to have cerebral correctors that undo the dualisms we did not intend to make and through which we passed”. Therefore, Deleuze describes the pastoral *nomos* both in opposition to and adjacent to the *polis* and *logos*. What matters here is not to fix *nomos* and *logos* as opposing and dual poles, nor as merely continuous terms devoid of tension, but to realize that *each dualism individuates a conflict*; distributes differences, situates fringes and the *in-between*, demands *nuance*. In this case, it mediates the understanding of the process by which the nomadic shepherd and his flock inhabit a territory – and, as nomads, refuse to leave it.



unity shared by each of its smallest differences.

Its ontology is preceded by a politics. *Logos* implies the prior partition of difference in the univocity of being, erecting a principle, a hierarchizing distinction, a judicious model, an analogical type of reason that governs and distributes the univocity of being in the form of exclusive, delimited, proprietary differences. A type of distribution that “proceeds by fixed and proportional determinations, assimilable to ‘properties’ or territories limited in representation” (Deleuze, 2006a, p. 67). It demands the precedence of an organizing reason. It mobilizes a first measure, an original *metron*, a hierarchy of differences. However, at the core, everything is like the Whole, One and equal among themselves. It would be enough to rediscover its closed principle, recognize it, remember it, let reason revolve in the redundancy of *logos*, which also makes the law. Sedentary *nomos*.

In contrast, there is another *nomos* that Deleuze will call nomadic, which implies an entirely different distribution: “without property, without fence, and without measure. In contrast, there is another *nomos* that Deleuze will call nomadic, which implies an entirely different distribution: “without property, without fence, and without measure. Here, there is no sharing of a distributed, but [...] a repartition of those who distribute themselves in an open, unlimited space, or at least without precise limits” (idem, loc. cit.). It is not about sharing the land, the space, or the univocity of being *among* differences; it is about erring and delirium over the land, the space, the being as univocity that is only spoken of from difference. That is, distributing oneself in being already as difference without totalization, occupying being without producing syntheses, except partial ones – only fragments that speak for themselves and do not emanate from a previous totality.

*Nomos* of nomadic occupation against the sedentarism of property: without fences or walls, difference spreads and individuates in an anarchic polyrhythm across the indivisible land of being; it expands its limits, enlarges in mad diagonals (not circles) as an effect of the development of its power over time. There is no original measure, principle, or hierarchy. Unity and totalization no longer respond to the “problem of multiplicity” and its dispersion<sup>10</sup> – like in the *Republic*. Dispersion has now become the style of consistency acquired by the distribution of difference on the univocal plane of Being. Plane of

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<sup>10</sup> “The problem is no longer one of a beginning, nor of a foundation. It has become a problem of consistency or consolidation: how to consolidate a material, make it consistent, so that it can capture those non-sonorous, non-visible, non-thinkable forces?” (Deleuze; Guattari, 1997a, p. 159).



immanence. “Planomenon” (Deleuze; Guattari, 2007b, p. 51) or planar *nomos*.

In the corpus of “a univocal and unshared Being” (Deleuze, 2006a, p. 68), the anarchic and unmeasured distribution of all differences on the same plane marks its univocity and imposes “the equality of being.” Inseparable from what it can do, difference is primary and equality in being is secondary: univocity of difference. The circle breaks into a spiral; the spiral installs transversal communication. Diagonals and lines of flight. Thus, multiplicity is no longer problematic; it becomes a *tensor* of consistency, which no longer passes through unity, synthesis, or totalization.

Among jurists, it fell to Laurent de Sutter (2019) to polemicize with Anglophone interpreters of Deleuze's philosophy of law about the necessary – and, in English, difficult to grasp – distinction between a piece of legislation (*lex*) and law (*jus*). A distinction that reenacts in Deleuze's philosophy of law the clash between Athens and Rome; i.e., the Greek legal model, based on laws, the Good, and the *logos*, and the Roman, based on casuistry and the singularity of concrete problems. Plato versus Nietzsche. But this clash is not the only one.

In the second part of *Proust and Signs* (1976), Deleuze articulated yet another, which Proust conducted in his own terms. The clash between Athens and Jerusalem; between the Greek *logos* and the Jewish *antilogos* – which refers to the pathic and affective violence of the fortuitous encounter with signs. The tension between a Platonic *nomos*, presided over by the *logos* as prior and organizing intelligence (Deleuze, 2006b, p. 100), and a Proustian-Spinozan *nomos*, is what allows the discovery of the line of flight that varies the idea of law.

The history of the notion of law in the West is that of its progressive deprivation of *logos*. This is well illustrated by the fact that, from Plato to Kant, everything changes. While Platonic laws are founded on the idea of the Good, derive their power from the *logos*, and promote a harmonic distribution of parts, totalizing them by resonance in the unity of a “relative best” (Deleuze, 2009, p. 82), with Kant the laws govern “a world of non-totalizable and non-totalized fragments” (Deleuze, 2006b, p. 124). The true Copernican revolution is the modern awareness of the *antilogos* (idem, loc. cit.), because we move from the model of “laws” and the “best,” grounded in the idea of the Good, to a model of a law that has as its sole source of authority its own form, devoid of any determined content: “it no longer says what is good, but what the law says is good” (idem, loc. cit.). In Kant, the law governs a world deprived of *logos*, changing its power and figure.



The clash between Athens and Jerusalem has two chapters. The first is Kafka, who embodies the most acute and depressive awareness of the Kantian turn in the model of law. He best interprets its fantastic paradox: its unknowability (we do not know what the Law wants from us) and its *a priori* culpability (it is by not knowing that we can only obey the Law as already guilty) (Deleuze; Guattari, 1975). But “the depressive position only serves to cover a deeper schizoid position”, say Deleuze and Guattari (2010, p. 63). The second chapter of this clash is Proust, who embodies the schizoid awareness of the law. In it, culpability – no longer lived as moral guilt, but as social guilt – “hides a deeper fragmentary reality, [...] to which the separated fragments lead us” (Deleuze, 2006b, p. 125).

It is the transversal of the Jerusalems mounted by the literary machines of Kafka and Proust that combats the vertical of the Platonic law, the Oedipal familiarism, and the unknowable and already guilty form of the Kantian law. This transversal operates a double discovery. Through an active dismantling of its assemblages, Kafka discovers justice as the polyvocality of desire capable of explaining, ultimately, all self-inflicted repression (Deleuze; Guattari, 1975, p. 93-94). Even the Oedipal law was already political and a libidinal investment. Oedipus expresses nothing other than the relationship between social production and desiring production (Deleuze; Guattari, 2010, p. 135).

On the other hand, Proust embodies the schizoid and desiring awareness of the law, which is the *nomos* of a world deprived of *logos*: “the law gathers nothing into the Whole [...]; on the contrary, it measures and distributes deviations, dispersions, explosions of that which extracts innocence from madness” (Deleuze; Guattari, 2010, p. 63). It is multiplicity – “used as a noun, surpassing both the multiple and the One” (idem, p. 62) – the tensor that drives the *nomos* away from the model of the One and the laws, the *polis* and its redundant totalization anticipated in the *logos*. The nomadic *nomos* blends with the schizoid law, molecular and polymorphic, which has detached from the Hellenic law and the Oedipian molarity. *Antilogos*, or rather, desire, confronts us with a schizoid law that absolves fragmented universes without unifying or totalizing the parts. *Nomos* that governs a world deprived of *logos*.



### 3 *Nomos* of Information and Controls: Molecular Flows and Order Words

When disciplinary societies begin to give way to control societies, the transformation of the idea of law coalesces with the nomological reconfiguration of the social field. It is no coincidence that Deleuze finds Kafka at the heart of this transition, marked by “a crisis of all the means of confinement” (Deleuze, 2008, p. 220). This crisis is also that of hylomorphism and legal moldings. The law is no longer an active form that shapes amorphous and passive materials; its hylomorphic dynamics collapse, giving way to ultra-rapid modulations that now occur in open and unlimited spaces. If “the signifying regime makes possible [...] a post-signifying regime, which reflects the subject of enunciation onto the dominant enunciations, and which produces another form of control” (Montebello, 2008, p. 141), then we move from the transcendence of the matter-form pair to the plane of consistency of the content-expression pair. That is, to a field of individuations.

It is Kafka who describes the very different juridical modes of life between which our societies hesitate. On one side, the hylomorphic logic of power corresponds to the discontinuous molding of confinements and apparent settlement, which disciplines individuals and positions them in masses. On the other, the regime of continuous variation of digital controls distributed in open spaces, exerted as an infinite postponement of debt over individuals (molecular probabilities) and banks of samples and data (statistical clouds). These would form “a system of variable geometry whose language is *numerical* [digital]” (idem, p. 221).

One could inventory the neighborhood relations between the control apparatuses, their logic, and the conception of nomadic *nomos*. Dispersive and overproductive capitalism would promote free distributions in a virtually open, indivisible, unlimited space. It would enforce a regime of continuous variation modulations. Value would circulate according to a system of floating exchanges, guaranteed by a globalized wave governance emerging from the technical and machinic victory of universal computation. Such an inventory might then assert that a world without *logos* is nothing more than a celebration of “the new forces that are enunciated” (idem, p. 220), driven by “a mutation of capitalism” (idem, p. 223). The schizoid consciousness of the law, the *nomos* as a nomadic configuration of a world without *logos*, might sound like confirmation and endorsement of the new nomological configuration of capital. Its ecumenical



geometry would be constructed on the basis of Big Tech, digital extractivism, algorithmic governmentality, and surveillance capitalism.

Indeed, capitalism has a law, and the extractive controls that emerge with instant communication networks do not escape it: “What it [capital] decodes with one hand, it axiomatizes with the other” (Deleuze; Guattari, 2010, p. 326). The magical effect of capital is to abstract and vampirize living labor, storing it in the form of dead labor, while presenting itself as the “metaphysical cause” of production. But this magical effect derives from capitalism's universal tendency to decode and liberate productive flows from their limits and territories in order to axiomatize them further ahead. The law and *nomos* of capital, which allow it to control the flows traversing a block of space-time, are not the schizoid law, but the law of deterritorialization of flows swiftly compensated by successive cuts. The law of capital is the law of imposing relative limits on the processes of deterritorialization.

Capitalism is the most computerized, financial, abstract, and dispersive social limit. Even so, it remains a *vectorialism* (Wark, 2015). An ecumenical *nomos* that only deterritorializes at the price of reterritorializing. No longer the appropriation of land, but the appropriation of free molecular flows, linking complex and intense materials to a territory prepared under a *logos* that is that of capital. Control societies are nothing more than a logical variation of the capitalist *nomos*, “the limit of every society” (Deleuze; Guattari, 2010, p. 326). The *antilogos*, or schizophrenia, on the other hand, references the absolute limit, the maximum state of deterritorialization of flows and their anarchic distribution over an open, free, virtually unlimited space. It is *nomos* in its anarchic excess. The flight of flows. Machine, not *logos*.

When we seem to distance ourselves the most from the *nomos* of *Difference and Repetition*, or that of *Proust and Signs*, it is when we find ourselves closest to them. The transition to controls repositions multiplicity as a political problem; that is, it reformulates in unprecedented informational conditions the problem of the positivity of fragments and the *nomos* that must govern “the parts without a whole”. After all, the *nomos* of controls is that of regular communications between non-communicating fragments. It designates a world in which the individual's signature gives way to the numerical language of control: codes, passwords “that mark access to information, or rejection” (Deleuze, 2008, p. 222).

The power of controls lies in their ability to make fragments communicate through smooth modulation, in continuous variation, of vague non-Euclidean geometries



and imperceptible regularities. Interfaces, platforms, apps, user experience design, stacks, cloud computing. Everything, including its critique (Bratton, 2015; Lovink, 2019), is conducted by an anthropo-logocentric, geometric, spatial brain, mobilizing an attentive eye-hand-body-in-rest-traveling without leaving the place – like a nomad trapped in an ever-changing landscape. Controls mobilize and keep nomadic affects connected to the *nomos* of controls, and capitalism wields them to produce new deterritorializations followed by subsequent axiomatizations. Like schizophrenia, capital does not reach nomadism as an absolute limit, but mobilizes it as a relative limit.

Returning to the political problem of ontology: how to make non-total parts, closed fragments, or non-communicating vessels communicate? With the orderly installation of shared regular links between fragments. Everything that communicates, transmits, propagates there is information. And information is sets of order words. Order words that make us believe in what they communicate. Or, if they do not, at least they require “that we behave as if we believed” (Deleuze, 2016, p. 340).

While disciplines constituted docile and useful bodies through confinement, informational controls are nomological and nomadic. They communicate and distribute potentials for individuation and information throughout the *socius* in a multiple, vague, and molecular regime of soft modulation from which they have learned to derive utility and docility as ensemble effects. Controls are concentrative dispersions, centripetal, that keep nomadic, centrifugal dispersions – lines of flight that define a social field – connected to the *socius* here and there (Deleuze, 2016, p. 131).

For Deleuze, information is “the controlled system of order words that have currency in a given society” (Deleuze, 2016, p. 341). It is the redundant *nomos* of the *socius* that controls vectorialize. Its function is to restore the privilege of a *logos* at the core of a world that seemed deprived of it. It is also the tensor of inventions and imitations, of micropolitical desires and beliefs that organize non-total dividual parts, and favor a regular composition among closed fragments, the communication between non-communicating vessels.

There are two reasons why Deleuze defines information as the set of order words that communication transmits and circulates within a society. First, information – like the order word on which it depends – is a system of redundancy. It refers only to other information and order words. A system of redundancy is a circular order before it is a word (Deleuze; Guattari, 1995b); communication before it is information. Hence, the





Platonic *polis* expanded only in a circle: because laws and *mousiké* were like sound boxes, resonance devices, synthesizers of the redundancy of *logos*.

Second, the *nomos* that relates information and order words cannot instantiate itself; it refers to implicit, non-informational, and non-linguistic assumptions. These consist of blocks of assemblages that Deleuze and Guattari (1995b) will call “concrete”, “material”, “social”, and “juridical”. They ensure that every incorporeal, immaterial, and meaningful modulation is inscribed in human and non-human bodies, produces real effects, and circumscribes a determined territory. There are not words on one side and bodies and things on the other, but a single plane of content-expression.

Information communicates the *nomos* that organizes a society, a varied ecology of heterogeneous terms and bodies, human and non-human, as well as the assemblages that instantiate it. Its very communication is an order; that is, it presupposes a system of redundancy. It reiterates a *logos*, a univocal sense of forces of composition that attempt to drag multiplicities, individuals, fragments, and non-total parts. What it emits are sentences, information emanating from material, social, juridical, and sensitive assemblages – corporeal and incorporeal.

Information is a percussion. A beat. A rhythmic sign. The minimal element that produces the initial pulse of a *nomos*. It functions as *arché* and organizing vector. As a pulsed effect of its *logos*, a territory is then scanned, systems of control and echoes are organized, bodies are demanded and distributed—exactly as the acoustic wave requires and mobilizes a material medium to propagate.

#### 4 Back to the Refrain: A Musical *Nomo*

The refrain brings us back to the core of the genuinely political problem of controls, communication, and information as a system of order words, opening them to the modal and political potential of musical intensity. It reinstates a non-pulsed time and a territory yet to be constituted. It takes as a starting point the internal modal potency of assemblages for flight and autoreversibility. After all, the entire problem lies in this: how to surpass the present assemblages if there is no “outside”? How to make the assemblages themselves flee without rejecting them, and without evading or losing contact with them? How to break the circle of communication; traverse the redundancy



of information; liberate the forces and the intense material that the order words contain?

Only by capturing the musical intensity of *nomos* can we advance a politics that exceeds the measure and the assemblages of controls to the point of causing their reversal. The modal potency of music and its politics lie in extracting non-pulsed time from pulsed time (Deleuze, 2016, p. 162). Liberating sound molecules where it was believed to modulate notes or pure tones according to a chromatic code.<sup>11</sup> Music and the refrain machinate “*the frightening disorder*” (Deleuze, 2006b, p. 158).

The nomadic now qualifies an antilogical and Simondonian *nomos* that surpasses the *nomos* of information and controls. If Simondon (2020) denounces the technical insufficiency of the hylomorphic matter-form model, it is for two reasons: first, because “the idea of law [...] guarantees coherence to this model, since it is the laws that submit a matter to such or such a form, and, conversely, realize in the matter such essential property deduced from the form” (Deleuze; Guattari, 1997b, p. 90). Second, because the hylomorphic model abstracts the singularities and haecceities, tensions, torsions, and traits of expression that are already in potential matter – like the colloidal properties of clay, “charged with potential forms” (Simondon, 2020, p. 40). In the operation of taking form, it is as much an intrinsic and material force that produces a brick as its preassembled mold. That is, the hylomorphic model simplifies and abstracts in the matter-form model, and in the act of molding, “a materiality that possesses a *nomos*” (Deleuze; Guattari, 1997a, p. 90); that is, it is charged with singularities that are neither formal nor material but unfold along a machinic *phylum*: “matter in motion, in flux, in variation” (idem, p. 91).

Although Deleuze and Guattari give the example of the craftsman who follows the matter-flow and the expressive materials that are anticipated in the wood – the lines, veins, and knots that guide the intuitive act of woodworking – and then the example of

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<sup>11</sup> The liberation of sound molecules is literal. It corresponds to a slow mutation of the musical machine and the plane of sonic consistency. The becoming-child, woman, bird, insect to which Deleuze (2005) and Deleuze and Guattari (1997a) allude describe the lines (molecular flows) that express the deterritorialization of contents (molar coordinates). What matters is the molecular intensity that passes, even between two binary and molar poles. When Deleuze and Guattari revisit the music of the 19th and 20th centuries, they want to show that every “punctual and molar distribution is a condition for new molecular flows that will intersect, conjugate, and sweep into instrumentation and orchestration that tend to be part of the very creation” (Deleuze; Guattari, 1997a, p. 111). What matters is not dualism or molarity, but their conjugation in transposing a new threshold of deterritorialization as a whole. A continuous movement of liberating sound molecules; a liberation of molecular, sonic, and non-musical, elemental, and cosmic intensities, recaptured in unprecedented expressive planes. Post-World War II music will perhaps witness this movement's variations most powerfully: composers like Schoenberg, Webern, Berg, Cage, Messiaen, Boulez, Varèse, and Stockhausen, for example. Not by chance, composers experimented with the variation of codes, sound materials, and media, manifesting it in atonality, twelve-tone technique, microtonality, integral serialism, concrete music, electronic music, aleatoric music, etc.



metallurgy, it is in the mode of deterritorialized musical intensity that the *nomos* reconnects with its potential.

The slow mutation of the musical machine is crossed by deterritorializations and reterritorializations: the precedence of the voice and birds; the binary and molar reterritorialization and resexualization of the voice in Verdi and Wagner; orchestral instrumentation as a new machination of the voice; the liberation of a molecular child and woman, etc., “makes audible this truth that all becomings are molecular. [...] [and] the molecular has the capacity to make *the elementary* and *the cosmic* communicate” (idem, p. 112). As the musical machination varies – like a molecular synthesizer installed in a smooth space – it releases formal dissolutions and molecular liberations, but also secretes reformatizations and molar calcifications. In this dynamic tension, it risks either reiterating or surpassing the limit of nomadism codified by controls and capital.

Explicitly, it is in the plateau on the refrain that Deleuze and Guattari (1997a, p. 118) revisit the musical sense of *nomos*: “A musical ‘*nomos*’ is a little tune, a melodic form proposed for recognition, and will remain as the base or ground of polyphony [...]”. That is, the refrain is the wave-like and sonic material that expresses the musical consistency of a murmur, a clamor, a shouting. It is, therefore, the melodic formula in which multiplicities deprived of *logos* – voices, murmurs, *phoné* – confront, tension, decompose, and gain new consistency and speed.

The refrain is a very different solution from Platonic *mousiké*. It does not refer to organized, systematized, taxonomized music divided into discrete genres maintained by the vigilant science of a small elite of perfect leaders. The refrain is not subject to the redundant system of logocentric judgment that orders the *polis* in a circle (One-All); nor does it need to maintain maximum psychopolitical fidelity to the Laws of the *polis* and the *Eidos* of Good that they inspire.

The refrain extracts a cosmos from chaos, but maintains chaos as a pre-individual *milieu* teeming with vectorial directions, expressive materials, and forces in a free state. *Chaosmos*. If it can constitute a redundancy, this is not necessarily centripetal and circular, nor does it expand in blind obedience to the privilege of *logos* or the ecumenism of capital. Redundancies are constituted precariously, as a rhythmic and expressive effect that produces territorializations and drifts. It is a *nomos* very different from law and the *polis*: a type of durational consistency that remains united to the power of leaping over its own territory or limit – and it is thus, secondarily, that its consistency involves a space –



producing a mutant block, a war machine that endures.

If the refrain performs a territorial function, it will no longer be by imagining the territory as the milieu that an aphonic law parcels out and distributes, but as “[...] a product of the territorialization of milieus and rhythms” (Deleuze; Guattari, 1997a, p. 120). The refrain is the organizer of the assemblage and the factor of deterritorialization, of passage or flight from the given assemblage.

The refrain contains one more dimension than the *nomos* of control and capital – precisely the one that makes it possible to transpose the nomadism of controls and capital as a relative limit. In the case of the refrain, it is not just an agent of composition and organization (that is, an agent of taking flows and components), but a factor of flight from the assemblage itself – in relation to which the territory is secondary.<sup>12</sup>

Thus, a refrain can be a child's song in the dark, the circular selection of an *ethos* or dwelling, or the improvisation that, by breaking the circle and its calm center, accelerates it into a line of errancy. But the line of errancy that a refrain expresses is always primary. Like a politics that precedes being, it is the line of errancy of the refrain that breaks the redundancy, or else envelops itself in the form of a calm center, tracing a habitable circle, whether it be an *ethos* or a *polis*.

Thus, it should not be surprising that the texts in which Deleuze most opposes communication and information are mainly texts about music. We seem to be moving vaguely toward a curious “privilege of the ear” (Deleuze; Guattari, 1997a, p. 165). Music reminds us that communication and information have nothing to do with the visible. Strictly speaking, not even with the enunciable. Music is not something that can be seen, nor can it be fully explained. Describing music to someone immediately leads to humming like a child or a woman; whistling like a bird. It is an immediate leap into an expressive, molecular, and intense material that did not begin with intelligent notation or a rhythmic division. Just as language can be ungrammatical, music can be atonal.

It is also not by chance that the most beautiful pages Deleuze wrote about painting have the scream as their theme, invoking it as the guttural and sonorous expression of everything that appears intolerable. One only screams to express the

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<sup>12</sup> “The territory is not primary in relation to the qualitative mark, it is the mark that makes the territory. The functions in a territory are not primary; they presuppose an expressiveness that makes the territory” (Deleuze; Guattari, 1997a, p. 122). The precedence of the qualitative (and polyvocal) mark evokes the definition of spatiality given by composer Pierre Boulez (2017, p. 20): “[...] potential for polyphonic distribution, an index of structural distribution”.



intolerable. This state, however, does not exist as such. The intolerable is something that *becomes*. A circle of minimal nuisances, of microphysical subjections. An infinitesimal perceived matter that affects and accumulates in the sensibility until it can no longer be endured. And hence the scream. The *antilogos* dimension of *phoné* that interrupts the redundancy in which a special sensitivity to the intolerable was forged.

The scream is immaterial, like the impression of a musical phrase (Deleuze, 2006b). And just as politics is impersonal, a scream is not individual, but a principle of individuation. A scream can gather crowds around it or shatter intact political bodies. While information can hijack beliefs, and order words can extort behaviors, only songs drag bodies, speak to them directly – although never as *logos*. Their regime of intensities is entirely different. No longer that of ontological unity, nor that of organic totality, nor that of harmonic distribution.

The musical intensity of *nomos* also has a regime. The *frightening disorder* of Proust; the *crowned anarchy* of Artaud. Neither is “concerned with the whole nor with harmony” (Deleuze, 2006b, p. 158). More than painting or literature, music – not as an organized aesthetic discipline, but as a regime of intensities, sound quality, and sonic landscape – “*produces forced movements*”, it is “production in its pure state” (idem, p. 159).

How can it bring “into presence [...] a multiplicity of heterochronous, qualitative, non-coincident, non-communicative durations” (Deleuze, 2016, p. 164)? How can it articulate a non-pulsed time, liberated from measure, without resorting to the consciousness of a transcendental subject, bearer of the synthesis of space-time itself? It is because music, before all arts, and even before philosophy, incorporates the solution to the problem of multiplicities. A solution that does not pass through unification, totalization, or the organism. Alongside the discovery of sound molecules capable of traversing different rhythmic layers, music invents a type of individuation without subject and without identity (Deleuze, 2016, p. 315) that no longer combines a form with a matter. There are only musical beings that do not cease to individuate.

Instead of sound referring to a landscape, music becomes the bearer of a sonic landscape, loaded with heterochronous sound molecules, indices of multivectorial individuation, and disparate, atonal melodic development speeds. Its consistency derives from the free coupling, without chronometric measures (Deleuze, 2016, p. 314), of a sound material to the set of non-sonic, inaudible forces. This is how we find, in music, the



refrain as a machinic operator. It functions as a factor of consistency for polyphonies of minority voices, for the cries of molecular populations, for the dividual murmur “of the One-Multitude” (Deleuze & Guattari, 1997a, p. 158). Or it functions as a “molecular synchronizer” (Deleuze & Guattari, 1997a, p. 141) that articulates differences, elaborates an ever-richer material, and allows the identification of continuous variation, the passage from one order to another, and the “different as such” (Deleuze, 2016, p. 316).

But if “music is a politics” (Deleuze, 1988, p. 26), it is also because there are two potential dangers in music. Noise and fascism. Noise threatens the discernibility of differences and the consistency of an assemblage. Noise is a synthesis of disparities, an excessive multiplication of lines that erases the discernibility between heterogeneous elements. Noise makes them vague and confused, causing them to lose consistency. Scratched by noise, a refrain risks becoming a redundancy of the territory “haunted by a solitary voice” (Deleuze & Guattari, 1997a, p. 155). An operation that, under the pretext of opening up a tangle of sounds, erases them. White noise. A line of proliferation turned into a line of sonic abolition (Deleuze, 2005, p. 321). On the other hand, the potential fascism of music. It resides in its very essential and ambiguous relationship with the body. Even immaterial, “sound invades us, pushes us, drags us, crosses us. [...] It makes us want to die” (Deleuze & Guattari, 1997a, p. 166). If order words can issue death sentences, music can be traversed by a murderous pulse: “One does not make a people move with colors. Flags are nothing without trumpets” (idem, loc. cit.).

Music produces musical bodies, gives them form, and establishes ecologies in the sensible. We do not say that music is corporeal merely because of its ability to mobilize bodies, to physically traverse them as a sound wave; but because it itself *makes* a musical, molecular, immaterial body, capable of suffering from encounters with other bodies, sudden variations of speeds, the assembly of material blocks that sometimes isolate it, sometimes let it diffract through a crack.

Like any body, *musical bodies are defined by their sonic consistency*; that is, by their capacities to affect and be affected, by their greater or lesser inclination to participate in variations. In this sense, musical bodies themselves embody ecologies of the sensible: germs of more or less tense, more or less free, potentially dangerous molecular variations. The ambiguity of music is precisely this. It goes from the immaterial to the bodies, from the germ to the *soma*. And then it demands, penetrates, recruits them, mobilizes the bodies, and makes them vibrate. Music can produce sonorous bodies



harmonically enclosed in murderous circles. This does not threaten consistency but petrifies it like a crystal deprived of difference within itself.

The two dangers that surround music – the noise, the potential fascism – are dangers of redundancy. The first, by loss of consistency and discernibility; the second, by crystallization and murderous homogenesis. Both cast the refrain into a closed circle – whether by vagueness and confusion, or by the murderous mobilization of bodies. A refrain can always communicate order words, make black holes resonate, convert into a fascist refrain or a viscous chorus. We always risk retreating to unity or circular closure.

The fact that noise and fascism are also potentials of information and communication should suffice to advance the musical sense of *nomos*. It develops in the ambiguity of thinking the *nomos* of controls and information as music, and music as a politics that precedes being and extends the *antilogos*. A radical materialism populated by unexplainable molecules and molecular populations. Perhaps they prepare more than vacuoles of non-communication, switches of redundancies, or conditions of sobriety against noise. Maybe they machinize a murmur in the bodies, an inhuman set of voices, a dividual scream against the intolerable. The musical germ of the corporeal. Co-presence of another *nomos*.

### 5 Three Final Considerations...

Like a spiraling refrain, this essay returns to the refrain to explore the legal and political consequences of the musical *nomos* in Deleuze and Guattari. Not because it is a riff or a catchy refrain, but because the musical *nomos* allows us to think of other *nomoi* of law – far from the logocentric musical psychopolitics that shape the classical *polis* (Socrates, Plato, Aristotle), but also from the violence of the *hybris* of Schmittian land appropriation and its exceptional politics.

To be nomadic is to create a smooth space, to occupy it, and to refuse to abandon it. A kind of vagabondage or itinerancy that happens in the adjacent fringes of the *polis*. The noise of the city does not allow any trill of pastoral flutes to be heard. The musical *nomos* is a composite of wandering and non-Euclidean transversals – beyond law and its exception – that intercept the juridical and political *nomoi* at their points of deterritorialization. There, it risks producing molecular liberations and materials of



expression whose immanent directions, accelerated in an absolute sense, we could follow. At the same time, it rediscovers the heterogeneity of the assemblable materials that these *nomoi* organize.

A *nomos* always assembles much more than people, things, and words; much more than spaces, territories, architectures, or landscapes. Each of these terms is already fully formed assemblages. When Deleuze and Guattari say that a refrain always carries a piece of land with it, it does not mean that songs are territorial, but that territories are musical, and that the refrain is primary. As the Bashkir nomads well understood, a relief varies by rising and falling in a polyrhythm; life moves everywhere in a universal melodic dissonance that, nonetheless, *consists*; a territory is a composite of sonic affects that propagate through air, water, and land, and circulate among bodies. The chaosmos is made of molecular dances agitated in a musical *nomos*.

The problem does not lie in the gap or the underproblematization that we saw preventing the musical *nomos* from developing within juridical, political, and ontological enigmas. The problem is that the absence of its musical transversal closes the juridical and political *nomoi* in on themselves. It prevents the liberation of the intense, expressive, immanent materials that they organize and enclose, crushing their points of deterritorialization. The problem is not aesthetic without being materialistic.

Returning to the refrain risks liberating countless molecular elements that can operate subjective reconversions as they put subjectivity in contact with new and intense expressive materials. *Firstly*, the refrain repositions the ontological enigma of the multiple and the One in terms of a political problem, of composition and ontologically constitutive relations of its terms.

The solution of the refrain is anti-Platonic and counter-Aristotelian. It does not go through the classical idea of law or its hylomorphism. Instead, it unveils, from the musical *nomos*, the potential for molecular liberation of expressive materials (singularities, *haecceities*) that can then be followed, prolonged, as vectorial flows of reversal and deterritorialization of a given assemblage. The musical *nomos* coalesces with the act of creating and occupying a smooth, nomadic space, which, although contiguous to the striated and sedentary, molecularizes and minorizes the edges of molar stratifications to machinate their flights. *All that is solid melts into sound*. But it is not enough to leave, flee, escape, evaporate. It is necessary to give consistency to this new configuration.

*Secondly*, returning to the refrain and the musical *nomos* lets us grasp how





legislation (*lex*) and law (*jus*) transform and diverge in the transition from disciplinary societies to control societies. This not only helps illuminate what the juridical *nomos* is becoming, but also provides a new understanding of the *nomos* of information and controls. While relating its dangers (noise, fascism), this approach shows how it is organized from the most recent capitalist deterritorialization.

However, instead of throwing us into techno-economic determinisms, or the political dead end of infinite reiteration that the regime of information governance supposedly prepares for us, the refrain is a repetition that generates difference – like a spiral, not a circle. It is sensitive to vague geometries – wandering, vagabond – and indicates that even in the most molar dimensions of a given assemblage, we can glimpse reversals and escapes.

*Thirdly*, in a direction we could not explore, there are powerful consequences in affirming that a musical *nomos* is, by definition, neither ethnological nor human. Music appears as a diagonal and possible communication between molecular, cosmic, and non-human elements. The refrain attests to the dimension that is simultaneously ethological (the canticle melody of birds, the polysonic orchestration of insects), minority (the becomings-child, -woman, -animal in music, but also the vegetal and molecular homosexuality that supports the Proustian refrain), and compositional of a cosmos. That is, a politics of composition of multiplicities that returns to the problem of univocity and difference without passing through the One, totalization, synthesis, or figures of the identical.

It is not the musical *nomos* that would allow us to think in this way or another. But it makes audible the inaudible forces in whose presence we already are. It resonates with the deterritorialized points of a *materia percipiendi*. It composes with expressive materials that *logos* or *hybris* could only touch negatively and by crushing. Its function is not to give us a new, idyllic, and pacified *nomos*, but to alter the ecologies of the sensible. To make the possible audible, which arises from the molecular and modulatory potential of the musical *nomos*. Never has a piece of music – good or bad – changed anything. Our bet is that the smallest musical phrase can make sensitive the real portions of ongoing assemblages where struggles change.



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