

Theorising the Right to Be Political in Motion: *khôra* as Condition of Possibility

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ABSTRACT: The most rightful aspect of being human is our movement. Yet, while the spatialised orders of modern human rights regimes frustrate recognition of this fact, we do not theorise rights with any greater universality via concepts of time. Both spatial and temporal descriptions overlook how human rights must be thought of through the specificity of human movement itself. Through a critical analysis of the concept of *khôra* from Plato's *Timaeus*, I suggest a way of reading the politics of human rights in these terms. And I propose a rethinking of fundamental human rights through the right to be political in motion.

KEYWORDS: human rights • politics • space • time (*Thesaurus*) • *khôra* • movement (*author's keywords*)

This article is an early and partial attempt to engage a set of theoretical puzzles generated through several different articles that I have published over the course of the past decade. These articles, together, critically analyse the essentially spatial, territorialising, and cartographic character of international human rights law and mechanisms of protection that highlight the extraordinary difficulty of addressing in this regime of human rights the fact that a normal aspect of human life is movement. Overall, this work seeks grounds for supporting the human right to move, as a political right. And the theoretical work of this particular article helps to set out, along with previous publications in this area of research, the rationale for a new book project I am currently developing, provisionally titled *Exhausting Human Rights: The Right to Be Political in Motion*.

Teorización del derecho de ser político en movimiento: *khôra* como condición de posibilidad

RESUMEN: Nuestros movimientos constituyen el aspecto más legítimo de ser humano. Sin embargo, los órdenes del espacio de los regímenes modernos de derechos humanos frustran el reconocimiento de este hecho. Los derechos no se teorizan con mayor universalidad cuando se hace por medio de conceptos de tiempo. Las descripciones tanto espaciales como temporales ignoran que los derechos humanos deben ser pensados a través de la especificidad del movimiento humano en sí. Mediante un análisis crítico del concepto *khôra*, tomado del *Timeo* de Platón, sugiero una manera de leer la política de los derechos humanos en estos términos. Además se hace un llamado a repensar los derechos humanos fundamentales a través del derecho de ser político en movimiento.

PALABRAS CLAVE: derechos humanos • política • espacio • tiempo (*Thesaurus*) • *khôra* • movimiento (*palabras clave autor*)



Teorização do direito de ser político em movimento: *khôra* como condição de possibilidade

RESUMO: Nossos movimentos constituem o aspecto mais legítimo de ser humano. Contudo, as ordens do espaço dos regimes modernos de direitos humanos frustram o reconhecimento desse fato. Os direitos não se teorizam com maior universalidade quando se faz por meio de conceitos de tempo. As descrições tanto espaciais quanto temporais ignoram que os direitos humanos devem ser pensados por meio da especificidade do movimento humano em si. Mediante uma análise crítica do conceito *khôra*, tomado do *Timeu* de Platão, sugere-se uma maneira de ler a política dos direitos humanos nesses termos. Além disso, faz-se um chamado a repensar os direitos humanos fundamentais através do direito de ser político em movimento.

PALAVRAS-CHAVE: direitos humanos • movimento • espaço • tempo • política (*Thesaurus*) • *khôra* (*palabras-chave autor*)

Introduction

The question underlying this paper is how it is possible to theorise human rights universally in relation to what I propose is the only universal fact pertaining to humanity, i.e. that we move toward rights both in their articulation and in our claims of them. Accepting that humanity and the rights of those who would refer to themselves as such are founded on the activity and motion of claims to this identity, ontology, and associated rights (Ahmed 2006; Manning 2007 and 2009), I emphasise that human rights are political in their foundation. One cannot establish human rights for oneself and others without being political, since respect for rights depends on willful, uncertain acts in our interrelations with one another, aimed at their objective, and never their mere recognition. Thus, I accept that theorising human rights as universalisable means that one must first theorise a right to be political, a right to be in free and responsive motion and dynamics with one another. One must affirm the right to engage in the motion of claiming to be human and the rights to be actively associated with it, in relation to others doing the same.

From this position, it might be tempting to re-orient one's analysis of human rights away from conventional spatial references, where humanity is supposedly found and unified in terms of geographical globality, and individual human beings are understood to be rooted and rightly supported and protected within the geopolitical borders of states, according to ideas of the temporal dimensions of politics and being. The theoretical and practical traps of predominantly spatial theories of human rights and politics are certainly now being challenged with ideas regarding time and ontologies of becoming (Connolly 2011; Grosz 2004; Massumi 2015). However, I contend that the movement toward humanity and human rights is not better addressed by rethinking human rights in temporal terms. If we hope to begin to theorise universalisable rights in terms of their political conditions, it is crucial to focus instead on the problem of movement itself, as something distinct from either space or time.

I first indicate how our reliance on both spatial thinking and possible innovations in temporally-oriented concepts really gives us no hope of thinking of human rights as universal, particularly since modern rights theory is grounded in the writings of Thomas Hobbes and Immanuel Kant. Second, I seek a way to give texture to the significance of this argument, through what we may learn about the relationships between ideas of space, time, and movement in a critical reading of a seemingly distant source for this debate: Plato's *Timaeus* dialogue (1961). I contend here that, while this ancient text provides us with classic categories and understandings of space and time that influence modern political

theory, it is also possible to derive useful insights into how movement stands in distinction to spatial/temporal discourse as we can relate it to the movement of beings, moving toward the claims of humanity and human rights. The key aspect of the *Timaeus* that interests me in this regard is Plato's focus on what he calls *khôra*, a third term which he places between the Being of ideal eternal forms and the sensible imitations of the forms that appear in practical life which, I argue, admits the primacy of movement in politics that must condition rights. On the basis of this reading, I then proceed in the third section to speculate on the basis of theorising universalisable human rights in terms of this primary politics of movement, that is neither reducible to frameworks of time or space nor of being or becoming, thinking along the lines of Plato's *khôra*.

1. Apolitical Structures of Space-Time and Political Demands of Human Movement

As I have worked to establish elsewhere (Franke 2008), the modern regime of international human rights theory, law, and protection, mobilised most obviously through the 1966 UN Covenants on Civil and Political Rights and on Social, Economic, and Cultural Rights, is incompetent to receive, understand, and successfully address the rights claims made of it by the displaced, asylum seekers, refugees, etc. It is a regime that relies on understandings of human beings in which they are situated as something that normally stands in sovereign territorial states and in a world of such states, as opposed to others whom I generally refer to here as "persons on the move." By contrast, as insightfully traced, examined, and addressed by Emma Haddad (2003), persons on the move are captured in relation to this regime of rights only through additional and narrow instruments of international law aimed at securing the social orders of states, situating their rights on a register that does not measure up to the quality of universality expressed in the 1966 Covenants, as in the case of the 1951 Convention Relating to the Status of Refugees as well as its 1967 Protocol, the 1954 Convention Relating to the Status of Displaced Persons, and the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The challenges that persons on the move present to the logic of the modern state-based geopolitical order, in their transversal travels, overwhelm and are ultimately unthinkable within that order (Franke 2013). To the extent that one may conceive of, identify, and act on the rights of persons on the move, one must address a sub-set of rights that orbit human rights *per se* (Cornelisse 2004). These are spatio-temporal challenges that the UN system and its members seek to obscure (Abourahme 2011, 453) through creative mapping exercises aimed at

“including” the displaced in a virtualised geopolitics (Franke 2009 and 2016). The modern regime of human rights protection seeks to spatialise humanity (Blomley and Pratt 2001), and persons who suffer some form of displacement are effectively not subjects of rights by the fact that they are not part of a political territory (Tuitt 2004). Consequently, persons on the move are also displaced from any genuine human rights response that would dignify them as equal members of the human universe, treating them, rather, as persons who are external to it and who must be re-emplaced within it in other ways, either voluntarily or by force (Franke 2011). Spaces created by states and their agents in which refugees are ordered, detained, and encamped, thus become paradoxically integral, as aspects subordinated to modern geopolitics (Sanyal 2014, 558).

For the sake of universality, it therefore seems important to rethink human rights in terms of human movement, to finally appreciate and allow respect for the ways in which humanity is often most evidently asserted and claimed in the crossing of borders and the refusal of proper geographical placement or containment. It also seems crucial to account for how the geopolitical spaces of human rights law and protection are partially given by human movement. As shown in the studies done by Rebecca Adami (2014) and Adam Ramadan (2013), there is much value in analysing and considering how even those persons on the move who are subject to geopolitical detention and encampment are active in impacting these political spaces with the agential dynamics of their travels and activities to claim rights. Moreover, critical geographers, such as Nick Gill (2010) and Nicole Laliberté (2015), demonstrate how it is possible to think of the political spatialisation of persons on the move in terms of spatial productions that are not limited to the powers of states and how the spacings of rights are impacted by the movement of persons. Thus, in relation to these efforts, it may seem attractive to invigorate attention to the temporality of being human and seeking dignity as a human being. And there are examples to follow.

Indeed, Ian Tregenza (2011) argues that the politics of human life is more appropriately theorised as proper to the temporal. We increasingly encounter efforts to speak variously to the “politics of time” itself, pertaining to the human being as a matter of duration or dynamics (Banerjee 2006; Konik 2015; Osborne 1995). And there are significant initiatives across the social sciences and humanities that support re-engagement with how temporality conditions the human being, particularly in the revival of interest in the writings of Henri Bergson (1990) and Gilles Deleuze’s deployments (1990 and 1995) following on his insights (Lenco 2012; Lundborg 2012; Reynolds 2012). However, going in this direction of theory neglects to consider how thinkers such as Bergson and Deleuze do not necessarily give us theories of time as such but, rather, bring us to

re-consider relations of differences and change in a politics of theory (May 1996) that are often only inadequately framed in terms of space or time as abstracted concepts. Or, as Jussi Vähämäki (2003) suggests, the question of time *per se* brings us too easily into debates over temporal metrics instead of the pressing political problem of living “now.” More broadly, it also neglects the fact that time, as a conceptual tool, is already a feature of the spatial logic of the modern human rights regime, especially in terms of the politics of territorial state sovereignty which orders it.

It is increasingly possible to encounter efforts to think about the significance of the lives of refugees, asylum seekers and the displaced, as well as the stakes of their rights, in terms of the temporal, emphasising matters of uncertainty, disjuncture, risk, openness and ambiguity in their lives (Becker 1997; Coker 2004; El-Shaarawi 2015; Griffiths 2013, 2014; Haas 2012; Mansouri and Cauchi 2007).

Sima Shakhsari (2014) offers a particularly important consideration not only of the temporal dimension of experiences and rights claims made by persons on the move but also of how the temporal and spatial can be read in relation to each other. Also pointing to how a critical examination of refugee rights discloses fundamental inconsistencies with the universalist aims of human rights regimes, Shakhsari illustrates how refugees are caught within contradictions of the spatial and temporal. She takes up contemporary cases of Iranian queer and trans refugees in Turkey, which she acknowledges is itself an in-between space of non-refuge for Iranians fleeing toward Europe. And Shakhsari’s (2014, 1000) key point is that, while international regimes of refugee law and protection can think about and address these persons in flight teleologically along a progressive linear path —moving from persecution to the possibility of humane refuge and re-settlement— their own identities as human beings are fixed atemporally to the mappings of sexed and oriented bodies within the political spaces that they have left, through which they travel, and to which they hope to arrive. And these orders of mappings are deeply conflicted in themselves, as witnessed both by Turkish officials and agents of the United Nations High Commissioner for Refugees (UNHCR). The latter are tasked with registering them as refugees in Turkey in order to facilitate their claim to human rights, and thus routinely work to verify the legitimacy of their applications in terms of their “refugeeness,” sexual identities and gendered identities, all at once. By contrast, the refugee applicants are actively encouraged to locate and fit themselves into Turkish society, through dress and habits, as heterosexual men and women, so as to avoid conflict (Shakhsari 2014, 1001). Thus, the refugee claimants are essentialised as being outside of the norm for the ostensible purposes of permitting categorisation within the legally immutable and spatially oriented definition of “refugee,” as well

as the de-essentialising transformation permitted by the fact of obtaining refuge, in relation to an essentialised human identity that stands at the end of its own teleological rendering. And what Shakhshari shows her reader most impressively is not how thinking of the movements of these refugee claimants in terms of time is more adequate to the stakes of their rights but, rather, how the conflicts over their rights claims and protections are at least equally temporal and spatial in nature. The contradictions in rights suffered by persons on the move are reflected both in terms of the spaces and times of being human. Reading rights either through space or time entails the same complex maze of difficulties.

The modern subject of rights, around which human rights law and protection are organised globally, demonstrates this last point precisely. This subject is grounded in early modern political theory as one who stands on a singular globe containing all such beings, each of whom therefore has the right to protect her or his own claims to rights and freedoms from within a parcel of territory on that globe (de Carvalho 2016; Sassen 2006). The subject of rights has the rightful claim to establish citizenship within the territorial state that she or he is able to form and secure with others (Nash 2009; Stojic-Mitrovic 2013). And, from that ideally secured basis of territorially-oriented citizenship, human beings may seek to support and protect the rights and freedoms of all such citizens of all states, with a view to the global freedoms of all persons. Consequently, historically and contemporarily, international human rights law functions aporetically (Birmingham and Yeatman 2014) in a spatial/temporal conflict, as many groups and individuals who would also strive to achieve the dignity of being human are excluded from the human universe or rendered secondary to it, such as: those who are dispossessed of their territorial claims by states, e.g. indigenous populations suffering the consequences of European colonialism and settlement; those who have been deemed incapable of full citizenship in certain states, e.g. women and children; those who have been displaced by states, e.g. forced migrants and refugee claimants; and those who resist having their claims to humanity reduced basically to state citizenship to begin with.

When the modern subject of rights is theorised, these dynamics of its own possibility are typically forgotten. There is no appreciation of the extensive and diverse movements at play across this geopolitical landscape in, for example: prioritising citizenship as the site of being human; suppressing the actions of many lesser —and non— citizens to claim their own rights as human beings; enacting and normalising colonial and settlement regimes; and the acts of states in detaining and capturing persons on the move internationally. With the political spacing of rights, we conventionally lose sight of how rights are also timed, but modern human rights represent both space and time at one and the same time.

The politics of rights in terms of temporality does not allow one to abstract or even to differentiate the question of time from territoriality and space (Starr 2013). It is possible to follow this contention in terms of the theoretical grounds on which rights were first associated with territorialised politics, in Hobbes' *Leviathan* (1996). It is in this text that the modern world begins to articulate the rationale that one can realise and enjoy one's being as a rightfully free and dignified human being only when one is able to build and secure the space of the sovereign state for a group of such beings. Hobbes (1996, 88-89) sets the rightful liberties of human beings subject to the state against a kind of mere temporality, insofar as he sees the natural conditions of life outside the state as always subject to chance and change, since the world and its inhabitants are subject to movement. By contrast, Hobbes contends that it is possible to construct an enduring account of time in the defined and secured territory of the sovereign state, where the movement of members of the state may be recorded, tracked, and evaluated in relation to the space to which they are made proper. As François Debrix (2015, 144) describes the point, sovereignty functions as such by establishing conditions of restraint wherein the sovereign order is preserved against impermanence, discontinuity, or its own death. Time, as something countable, is made possible in the enactment of the space of the state, where words, ideas and maps may be given regularity, repetition, and lawful description (Hobbes 1996, 24-31). The space of the sovereign state gives life to a version of time as the appropriate progress of its own fulfilment without interruption from outside, or wherein external interruptions may be addressed as either hostile or absurd.

Hobbes refers to the state of nature outside of the state as consisting of the nature of time, but he has in mind a condition that is without meaning, merely the constant of potential conflict that he sees as fundamentally de-humanising. Outside of his state is change, movement, and inconstancy, as opposed to progress, linearity, and permanence inside it. It is not a time that one can think of in relation to the space of the state, which is instead typified by the temporality of its history. And this is a logic that persists within nationalist and/or regionalist versions of contemporary society. For example, as Etienne Balibar (2014) outlines it, the very idea of the European Union and the freedoms of Europe in those terms are grounded in the co-construction of its imagined territorial space and a teleology supposedly possible within it, as opposed to what would be understood as non-European temporality outside of it. Consequently, from this perspective there is an undermining threat of time-as-change to accounts of time and notions of destiny in this parochial understanding of political unity.

This potential breach in the modern thinking of time for politics, by mere time itself, was addressed towards the end of the century following Hobbes, as

the second core movement in spatial/temporal thought for international politics and human rights theory was established in the writings of Immanuel Kant. Recognising that Hobbes leaves open the possibility of threats to civil life and human freedom in the sovereign state with respect to the mere temporality of its outside and the counter-times/histories that can emerge from it, particularly in the form of other states, Kant (1996) proposes the need to think exhaustively of the rights of citizens of states always in global terms first. And it is in doing so that the global space of international politics and rights is thus established in relation to global time.

Kant's point is that there is no security in theorising the liberty and rights of human beings in any state without understanding how they are possible in a world of potential war, change, and movement (1996, 311-351). His solution is to deduce his way to thinking of a final space for all such possible states, theorising how each sovereign state must establish itself and its laws regarding human rights and freedoms in relation to the globe or the practical universe of all such possible states. However, the supposed success of Kant's idea was made possible only insofar as he could also posit all possible states as existing within the exact same time. Requisite to Kant's theory, and the theories of international politics that followed, is the duty of states' citizens and governments to think, analyse, and will all movement in each state in concordance with a global account of these things, as if it is possible to think not only of space but also of time as universal and indivisible, as a global condition of all human movement. Kant gives modern thought a universal space-time in which the sovereign state and a world dominated by inter-state relations and state-based rights are conceivable (1998, 153-192). And there has been little deviation from this outlook within the discourses of international politics and rights ever since.

This is not to say that there has been no significant resistance to Kantian global space-time since then or that no alternatives have been proposed. It is only to say that the discourses and practices that dominate the theoretical, legal and protective mechanisms concerning human rights in the modern world of international politics, insofar as international politics and ideals of liberty are ordered in terms of territorial sovereignty, the liberties of citizens of states and cosmopolitical reason continue to be propelled by the legacies of Hobbes and Kant.

Of more importance, though, is the fact that one is hard-pressed to identify any resistance or alternative that does not posit questions of movement, change, and the dynamics of being human in terms of times that are also limited by spaces and where both space and time regulate each other in unison. Rather than a rethinking of politics, rights and freedoms in a form different from a space-time matrix, one is more likely to encounter the sort of argument put forward by Luc Sindjoun

(2001), according to which the space-time of international politics is dynamic and affords many possible renderings of the situation of being in the world. Or, as in the writing of Kimberly Hutchings (2008), one finds accounts of multiple ways in which space-time relations are deployed in conventional studies of international politics. Thus, we may find ways to challenge conventional spacings of the human through attention to ways in which alternative timings also give us spaces that exceed the territorial state. Nevertheless, time(s) and space(s) remain linked. Temporality, or a chronopolitical view, does not offer an alternative to geopolitics but is always inherent to geopolitical analyses and descriptions (Klinke 2012a). The temporal is introduced through re-introductions of the spatial, and the idea that the time of being human is rooted in its space is not challenged.

At the very least, attention to the multiplicities of spaces and times helps us recognise that any space-time of politics and rights is historically produced and not necessary. For this reason, Adrian Konik (2015, 123-124) places great value on our ability to recognise and generate competing “economies of time” across political discourse. Moreover, Tony Porter and Liam Stockdale (2015) emphasise the importance of recognising human agency in producing temporality under conditions of globalisation. They also encourage scholars to recognise how different concepts of space-time order different kinds of international political practices relating to human well-being. Paulo Esteves’ (2010) discussion of contemporary peacekeeping operations in relation to humanitarian work serves as a worthy example. The same may be said about Laura McLeod’s (2013) work to examine divergences in gender security in different contexts of conflict as they are contingent on differing temporal narratives associated with violence. Consequently, through this critical work we can also see how we make ourselves, as humans and subjects of rights, in the ways in which we produce the space-times of our politics.

In the context of security studies, David Jablonsky (1997) addresses the point usefully when he notes that all the ways in which we try to classify and order change or continuity, in relation to movement, are structured in terms of ideas of time. He argues that time ends up really only amounting to an abstract concept through which we attempt to establish orders of change and continuity that appear to be truly less so, and it is difficult to see how we can free ourselves from that entanglement of productive theory. Even self-conscious efforts to analyse politics at levels of temporality discursively limit politics in terms of objects and fields (Jarvis 2008, 257-258). Where we might try to rethink temporal-spatial conditions of being less structurally and more in reference to moments of being, as in analysing the politics of the event (Lundborg 2012), acts of resilience (Cavelty *et al.* 2015), or the dynamics of becoming in the ever-present now

(Patomäki 2011), what it is to actually be human is necessarily refashioned into something that can be in the moment.

If the human is a particular of the world in which it knows itself, and its rights and freedoms are thinkable in terms of the kind of particular it is to this world, we must recognise that human ontology and rights are themselves conditioned by the makings of spaces and times. As Ty Solomon (2014) reasons, insofar as subjectivity is understood as something presentable, some form of space-time is needed for the act of presentation. Thus, even when Andrew Hom and Brent Steele (2010) propose the revival of an “open” temporality for theories of international politics, as opposed to conventional linear and cyclical forms, or when Ian Klinke (2012b) supports geopolitical theory that is informed by the temporal senses of multiple periods, for the purpose of an open-ended analysis, they each still presuppose a place for time that is “open” in a particular way and that provides an opening with specific kinds of limits that are inescapably spatial.

We need to recognise that we do not gain much in the way of critical leverage in theorising human rights by trying to orient thinking more toward the temporal versus the spatial. They are made in the same movement, and that same movement also makes what we can think of the human. There is no temporality as such in relation to which who and what we are to one another must be thought. Consequently, as Jenny Edkins (2013, 282) argues, adequate address of who we are in the world and what we may expect of it and of one another must involve new forms of narrative that challenge any space-time ordering and, rather, allow us creative practice in thinking about our political relations. My suggestion is that the critical challenge in this regard is to theorise the movement under which narratives are made thinkable. Yes, as Hutchings (2007, 88) contends, we can indeed relieve ourselves of thinking of the space-times of being in the world without an over-arching principle of space or time to guide our work, always enjoying and being informed by a plurality of orderings. Still, for the value of such a strategy of multiplicity or plurality to be appreciated, we need to be able to think of the movements through which we establish any possibilities of theorising the human beings of any space-time.

2. Thinking of the Universality of Movement in Terms of Plato's *khôra*

One of the founding theories of a state-like community, ordered in terms of space-time, is given to us by Plato in the *Republic*. This dialogue also includes at its core a focus on questions of movement with respect to ontological becoming and epistemological progress, but I am interested here in the specific attention

that Plato gives to the question of movement of the state itself elsewhere, along with its human components. In the *Timaeus*, he raises the question of the need not simply to theorise the state but to think of it as something that lives, moves, and is itself subject to change, in relation to the particulars and conditions within it and without. Plato considers how it is that the spatial-temporal conditions of the state are even possible. He asks what it is that we must admit and think in order for a spatial-temporal matrix, as something that is also made, to be rendered thinkable and deemed possible. In response, Plato offers the idea of *khôra*, which I contend is an important and telling admission of the priority of movement to the space-times in which we might think of politics, freedom, and rights as irreducible to any manner of thinking of space and/or time. I also suggest that it is in this notion of *khôra* that we may begin to think of movement as appropriate to the conditioning of what anyone may ultimately want to think about human rights.

The *Timaeus* is set as a dialogue among Critias, Hermocrates, Socrates and Timaeus a day following the discussion led by Socrates in the *Republic* regarding the ideal state. In this meeting, Socrates invites his friends to think beyond the formalities of the *Republic* and to consider how a practical appearance of this state could be understood in its condition of becoming, rather than only in its legal ideal of Being. He urges the others to consider what it would be to think of the state as actually alive, in motion, in engagement and in conflict with other such states (19c). Socrates suggests that the greatness of a state may be made manifest in these behaviours. And the conversation flows quickly from this point of inspiration to considerations of how Athens and other ancient cities had indeed moved with greatness in the past but that the greatness of a state is largely contingent on its ability to maintain a sense of the past, of its own movements in time, and the simple fact that it has a past.

In particular, Critias tells stories to show that where citizens of states are able to give accounts of the great changes that impact the movements of their political orders and are able to preserve these accounts, they are able to expect and to respond more successfully to change and to preserve and enhance the greatness of their states. Otherwise, significant changes would render a state and its people ignorant of possible future change, insofar as the state's society would be destroyed in conflict or disaster (21b-25d). Wise advice. However, I think it is highly important to recognise that the point of this message is not that greatness and effective politics rely on accurate theorisation of the state in its temporal movements through space. What is at stake in this conversation is only the fact of change and the potential for change, not readings of politics and the political lives of citizens in a space-time itself. And I argue that it is from this point of

view that Plato brings crucial observations to bear on the fundamental difference between time and movement, which is useful for thinking of human movements toward rights.

Urging his companions to respond to the depth of the question that Socrates wishes to pursue and the efforts of Critias to elaborate on the significance of the problem, Timaeus proposes a broader speculative consideration of how it is that the greatness of a state is conditioned by more than its movements and its citizens' capacities to give and preserve accounts of them. His point is that the movement of the state is thinkable only within the broader movements of the universe. Agreeing that all things that are not eternal and perfect are created and, thus, in states of becoming, Timaeus explains that the state and all other things in the practical world are moving imitations of what simply is. He also contends that time itself is a creation that gives us numerical values by which to measure and track the changes that we may sense in created things and thus gives us sensual clues to the non-sensual fact of the eternal (37c-e). Specifically, Timaeus states that the creator of the universe establishes time as a set of moving markers, lit by the sun, in the bodies of the moon and the planets, the circular courses of which track out regular intervals and intersect one another in regular patterns, so as to give us borders —spaces of time— between which to divide occurrences of change (38c-39d). However, from this perspective, time is a concept, an idea that is borne from the sensation of witnessing change in relation to routinised intervals and intersecting paths of other sensed bodies (47a). The time that Timaeus describes is only a metric measure given in a set of mechanisms that permit the possibility of developing an account of change, given patterns in spacings and dynamic actions between things that are not in themselves distinguishable as time or the temporal, as distinct from space or the spatial. In this way, Plato introduces the idea that time is not something that is analysable in itself.

As suggested in Timaeus' presentation, time is really whatever we use as a concept or mechanism of accounting for changes, be it the duration of geometrical relations, measures of spaces of times, a *telos*, cyclical narratives, ideas of *now*, or the accumulation of moments. We can engage in descriptions of how human beings variously understand their experiences through ideas of time, and we can approach studies of time itself only insofar as we limit our studies through a concept of time that we ourselves supply prior to those studies (Hoy 2012, x-xv).

Time is not something we observe. It is something we do. Humans and their communities can be thought of as existing in time only insofar as we establish narratives and concepts with which to place them there and therefore conceive of humans as temporal in their spatial circumstances. It is on this basis

that the multiple readings and experiences of time-spaces that fuel resistance to the renderings of Hobbes and Kant become possible. Moreover, as Martin Heidegger (1997) notes in the objections he raises to Kant, time is a concept that arises from phenomenal sensations of the movements of bodies in relation to other changes that can lead humans to appreciate the fact that the world of becoming is in motion. It can also lead us to think of the eternity proper to the formal reality at the heart of Plato's philosophy, in the domain of Being. To this end, Heidegger (2010) acknowledges a primordial temporality prior to any renderings of time that gives us subjects of time. However, Plato's struggles in the *Timaeus* have the benefit of allowing one to avoid the continued objectification even of temporality in Heidegger's work and, rather, to focus without this concept on the dynamics that this idea of temporality is supposed to represent.

Akin to Maurice Merleau-Ponty's critical assessment of Heidegger's view (1962, 476-503) and Friedrich Nietzsche's efforts to suspend yearnings for a past as well as fear of a future (2001, 194), Plato introduces the need to appreciate how time is provoked as an issue not because of Time itself but, rather, from the experience of the dynamic of always being in the dynamic of a present. On a practical level, what remains to be theorised is movement itself. And, to think of movement, Plato leads one to a third term: *khôra*.

Timaeus turns to *khôra* in this discussion as something that is "[...] difficult of explanation and dimly seen" (49a). He begins his attempt to overcome the challenge, first, by distinguishing it from both the intelligible, eternal, and perfect patterns of the forms and the imitations of these patterns in the visible, impermanent, and imperfect, sensible world of living human beings (48e). It is neither outside time nor in time. Rather, *khôra* is presented as the answer to the question: How is it that there are things that we can track with time? Or, as Alexander Hope puts it (2015, 615-616), *khôra* must be presupposed as the supplement that allows for imitations of the eternal in time. In proposing *khôra*, *Timaeus* is suggesting that it is not enough to understand that there are ideal patterns for the universe and that the universe is composed of practical imitations of these patterns. To truly understand how to think and analyse the sensual world of which we give an account with the concept of time, we need to be able to think and understand how it is that imitations of the patterns can be formed. The fact that the sensual universe is subject to movements we can map with the numbers and counting made convenient by astrological bodies is conceptually useful, but to understand and think of movement, we need to know more than the time of these motions. We need to be able to come to know how it is that these moving imitations of the eternal patterns are made possible, and *Timaeus* argues that *khôra* must be given for such movement to be possible.

As Timaeus goes on to describe it, *khôra* has no form and cannot be seen. It has no matter or shape in itself (50d-51b). Yet he speaks of it as “the receptacle, and in a manner the nurse, of all generation” (49a-b). In this regard, Timaeus further describes *khôra* as “the natural recipient of all impressions.” *Khôra* “is stirred and informed by them, and appears different from time to time by reason of them,” but “she never departs from her own nature and never, in any way or at any time, assumes a form like that of any of the things which enter into her” (50b-c). Rather, *khôra* gives a moment through which form is impressed and particular and transitory models of these forms are generated from matter.

Despite Plato’s use of the term “receptacle,” as John Sallis (1999, 114-124) argues, it makes no sense to understand *khôra* as a space or container of any sort. *Khôra* itself can have no form of its own that would limit or determine what other forms could make an impression in the universe and, then, restrict what is possible in the generation of sensual things (50e). *Khôra* must be understood not as a thing as such, but as the condition under which becoming is made possible. *Khôra* is the fact that there is movement by which it is possible for impressions to be made on and of the material world, and, thus, as Jacques Derrida (1995, 124) attempts to demonstrate and John Caputo (1997, 99-100) agrees, what Plato is trying to articulate in terms of *khôra* is the play or spacings of *différance* at the limits of philosophy from which meaning and the *as-such* are brought to light. *Khôra* does not name anything, but is instead a working of meaning so that naming is possible, and as this condition, *khôra* allows for an understanding of why all aspects of the sensible world are surely impermanent.

The key argument that Timaeus makes and wants us to accept as a way to understand this characterisation of *khôra*, is that, insofar as the lived world—a world in which the Republic may be thought of as a real, possible community for human beings—is subject to changes, so that it would even make sense to develop an idea of time to account for these changes, we must understand that there is no thing that is self-existing. He contends that we do not live a world in which anything grounds its own existence (51c-53c). Rather, all sensual reality, including beings who will call themselves human, are in fact created. Thus, all things are subject to change. Their conditions of existence are change, and they come into existence, given the conditions of their possibility. For this reason, Sallis (1999, 123) contends that one can see in Plato’s presentation of *khôra*, at the same time, “both the founding and displacement of metaphysics.”

Accordingly, Timaeus argues that the material phenomena we encounter sensually ought to be said to exist as not either this or that thing but, rather, that any thing that we experience should be said to have a nature that is reflective of the elements and forms from which it takes shape. No one thing made from gold

should be called “gold” but, rather, should be referred to as expressing the nature of gold (49d-50a). Thus the question of interest here is how there can be things that are expressive of the nature of gold. Similarly, Timaeus asks his friends to consider how it is that anything becomes moistened by water, inflamed by fire, or rendered with the qualities of air and earth (52d). His own response is that all of these elements, characteristics that are available at the formal level, must be able to give an impression dynamically, and it is *khôra* that provides this dynamic.

That *khôra* functions as the moment in which the world is “shaken” by forms and formal elements (52e) means that anything that is said to be in the world —i.e., in the realm of becoming— is what it is only insofar as there is movement and that it is subject to change and transformation. It is for this reason that Julia Kristeva (1984, 25) borrows the term and uses it in her study of semiotics to “denote an essentially mobile and extremely provisional articulation constituted by movements and their ephemeral states.” *Khôra* amounts to this movement in which it is possible to truly generate things that were not there before or to transform things into other things. Timaeus describes this movement geometrically, outlining how the shaking of *khôra* allows elements to take on specific shapes, literally, as the undulation of *khôra* results materially in the expression of basic triangles. In this way, the fundamental building blocks of volume in matter are produced, and any number of things in endless varieties of shapes and sizes may be created (53d-54b). However, the shaking never ends, and the triangles may be supplemented, changed in their angles and dimensions, and collapsed. Possible change results from the fact that *khôra*, and thus movement, is given, constant, and lacking in any reliable form in itself. In this regard, the living appearance of the state, as idealised in the *Republic* and the leading question in the *Timaeus*, is subject to change, but not because of unforeseen faults in its practical design at any one point in time. It is not that there is a time that can change the fate of the state, as an external force. As Jacques Derrida (1995, 94) emphasises, *khôra* does not bring about change in time but gives “the anachrony in being.” It “anachronizes being.” That is to say, the state itself is subject to change, irregularly and necessarily so, because it too is in motion and subject to inescapable motion.

Timaeus raises the point that it is certainly possible to imitate perfection and, thus, the appearance of constancy within the realm of creation. He sees this in the relatively stable circular bodies and largely circular pathways of the moon and the planets and, most importantly, in the revolutions of the universe itself. Timaeus also makes a strong point of drawing attention to what he views as the modelling of perfection in the roundness of human heads (44d). However, fundamental to the circles and spheres there remains the ongoing gnashing

of triangles. Timaeus explains that it is in interminable motion that a human being may hope to maintain health in body and soul and that a body that meets the movement of the rest of world from a state of “quiescence is overmastered and perishes” (88b-d). Yet, this constant motion also sows the seeds of decay and transformation. As the shaking triangles of which the human body and spherical head are formed work in relation to such things as the dynamic triangles of food, drink, other beings and the rest of the phenomenal world around each human being, they also wear on one another and bring about the possibility of conflicts in movement. Conflict between and the inevitable re-orientation of triangles brings about old age and natural death (81b-e). So, the question remains: how does attention to movement, as we may attempt to account for it through a concept of time, allow for political greatness in the Republic? And the answer appears to be, in admitting the primacy of movement over politics.

While Timaeus speaks of the eventual damage and death that results from movement, in the gnashing of triangles, he also tells how, at least for a time, it is the movement of a body that maintains its health in its temporary life. This is a key way in which he understands that human beings may imitate and enter into some form of unity with the universe itself, by keeping constantly in motion. Timaeus agrees with a life of gymnastic practices through which bodily health and strength may be preserved, both within and without (89a). Interestingly, though, he puts this advice in social and political terms, contending that the person seeking perpetual motion in terms of the body is inclined to place friends in relation to friends rather than enemies in relation to enemies. Motion is thus framed in terms of making peace and undermining conflict and wars (88e), and the analogy can be transferred to the body politic of the Republic.

As Critias, Hermocrates, Socrates, and Timaeus contemplate the ways in which great states and peoples may face destruction by failing to appreciate and think about the past, again, the point of the discussion is not to claim that we can succeed in the present and future by remaining mindful of patterns of the past. Rather, the point is to appreciate that the world changes and that, while changes in the world can bring destruction and death, a community is best prepared to meet these changes if its members understand that change is inevitable and, most importantly, if they support movement in the state and amongst themselves first. The benefit of a social sense of the past is not to be able to predict the community's future in time but, rather, to be able to see the inevitable value of maintaining motion and the capacity to incorporate changes. Movement in the world must be adopted as a friend, not resisted as an enemy. The implication of Timaeus' tale and arguments is that the success and greatness of the state and its people are contingent on both the movement of the citizens and their community

overall, but along with the movements of other persons, communities, and forces external to it as well. The affirmation of movement is key. And this is something that Derrida (1995, 116-118) detects in the very structure of the dialogue about the greatness of ancient cities generated initially among Critias, Hermocrates, Socrates and Timaeus, where the story told by one member of the group becomes the affirmative dynamic that gives enlivening reception to the next.

However, in affirming movement, Timaeus is not drawing us toward recognising and celebrating anything that one might call the equality or identity either of all human beings or of all states and their movements. The moral of the story is not to be able to point to the essential identity of humans and political lives in terms of human movement as such. On the contrary, Timaeus explains that movement is born from inequality and a lack of uniformity. On his account, it would only be those things that are indeed perfect formally that can be said to enjoy equality, given their uniformity. Thus, the things that are equal and uniform do not move but, rather, are eternal in their stillness. By contrast, Timaeus tells us that movement comes from inequality and a lack of uniformity or identity with others. It is only where there is irregularity, lop-sidedness, and inequality that there will be undulation of the sort that is expressed via *khôra* (57d-61c). In these terms, Kristeva (1984, 239n) contemplates how there is an erasure of any implied rhythmicity in the condition.

Thus, the potential for peace, strong community, and persistence in political life, according to this story, is not support for something commonly essential to a human being or communal being but, rather, there must be appreciation for and affirmation of the motion that is inevitable given the inequality, lack of shared identity, uncommonality, and differences amongst human beings and the states that they come to form collectively with one another. Timaeus does come to argue that each thing is deserving of the motion that is “natural” to it, privileging for humans the revolutions that describe the universe and which, in his estimation, speak to the eternal forms on the basis of which human beings are created (90d). Yet again, he is not pointing to an essential equality with such comments but, rather, to the idea that human beings are best served by one another insofar as they support each other’s movements as befits the health of their respective beings, and universally so. Each must revolve in its own way.

In the case of politics, then, movement and revolution are generally to be affirmed universally, but not in universal ways. If the greatness of politics is to be established on the basis of what is rightful for those who make up the state, the right to movement must be acknowledged. However, this right to movement cannot be supported in terms of any one model. Formally, according to Timaeus, the movement of human beings is best when it follows the revolutions of the

universe. However, the model offered by these revolutions is the universality of movement itself and not a universal movement as such. The universe revolves due to the fact that there is no universality in terms of how humans appear. Thus, what is rightful about the respective movements of particular human beings is only the affirmation of their own movements and those of others, so that it is possible that friend will align with friend, at least for a moment.

3. Moving From an Ethics of Rights to a Politics of Rights

While Plato himself is not necessarily faithful to his own teachings pertaining to *khôra* over the course of his philosophical trajectory, the *Timaeus* proffers the lesson that who and what humans are cannot be reduced to this or that quality or essence but, rather, that human beings are most fundamentally of motion and —perhaps uniquely, perhaps not— can respond to recognitions of this fact. Human beings are confronted with their own motion and the problem of the effect of motion. But taken in this way, what does *Timaeus*' tale actually teach its readers? To begin with, I want to suggest that by following the lessons of the *Timaeus* in this particular regard, one is finally able to unlearn the importance of ethics in relation to the question of rights and, instead, give greater value to rights as a question of politics. Furthermore, in following this point, the right to motion itself comes into focus as something that is fundamental to the whole discussion. Rights may best be thought of as being established in the right to be political in motion.

In drawing attention to the centrality of motion to the becomings of human beings, the communities they form, and the world in which they live, Plato presents a devastating self-critique at the heart of his broader commitment to a theory of formal reality. In this regard, Hope (2015, 622-623) argues that *khôra* is logically necessary for Plato's philosophy, yet it cannot be expressed within the logic of his metaphysics. While he chooses to see impressions of the necessary and eternal formal reality in the becoming of being human and the world in which we think, particularly in terms of the rotations of bodies in the universe and the spheroid shape he attributes to human minds, once he admits the concept of *khôra*, he gives away the guideposts that lead us to conclude that such a reality is indeed given.

Herman Rapaport (2008, 105) makes the point in terms of Plato affirming the deconstruction in his own philosophy, wherein the "place" to which both Being and becoming refer is fundamentally de-regionalised. To take the position that the phenomenal world is conditioned by *khôra*, one must accept that the world one encounters need not give one approximate glimpses of the shapes of

Truth, Reality, or what would constitute Knowledge. Even encounters with one's own mind need not offer such sensations. As Thorsten Botz-Bornstein (2002) argues on this account, it is crucial to understand that the discourse on *khôra* is that of a dream of possibility that is restricted neither by abstract reason nor concrete experience but, rather, by practical possibility. By admitting the concept of *khôra*, one allows for the possibility of any manner of impressions arising from what one might suppose are the forms. Friend need not line up with friend, and conflict in movement is always possible. Thus, even if there are forms that give shape to the phenomenal world via *khôra*, there is no reason why the contours of what becomes must give one a virtual understanding of what simply is. Thus, at the level of rights, and what is becoming in terms of human dignity and freedom, one cannot reason what it is that the human may rightfully claim, as such, and in such a world. There is no *as such* with respect to either.

To return to Kant for a moment, one can recognise this point as central to his own critique of reason. I am only raising the point of what Kant (2000, 264-266) contends, i.e., while one might agree that there must be some sort of design behind ourselves and the world, the abilities to trace such design lie beyond the limits of reason. There is no way in which one may access a design in-itself in phenomena, including oneself. In this way, Kant works on the basis of Hobbes' admission (1996, 47-49) that all knowledge and one's abilities to reason in terms of what one may come to know are formed discursively. However, Kant (1998) goes beyond this recognition as well, arguing that one might ultimately develop ways, through speculative reason and critique, in which the design and necessity of human beings and their world can be deduced from data they may gather phenomenally, consider rationally, and respond to ethically. He proposes that humans may do this work from the experience of their own freedoms in thinking and from the practical limits that may be described in space and time based on what they may learn from their worldly experiences and the experiences of each other (1996, 133-272). In this regard, Kant then argues for a fundamentally ethical way of being in which the pursuit of such a deduction is crucial to one's being human, and the rights of humans become described in terms of how they ought to act in relation to making such a deduction possible (1996, 353-604). The tradition of rights handed down from Kant is a dignification of the human being in terms of the conditions under which humans may undertake critique with one another and establish social and political conditions under which it at least becomes possible and thinkable for rightful human movement to be described. Yet, powerful as Kant's response to the impulses of Plato may be, Plato's *Timaeus* constitutes an equally compelling challenge to Kant at the same time.

Kant's entire thesis that a global enterprise of critique is possible, for the purposes of deduction, relies on the assumption that there is indeed a singular phenomenal world given for all rational beings to experience in the same way, so that all such beings may find precisely the same limits to this world, from moment to moment (1996, 329). Moreover, his thinking relies on the assumption that each example of a sound rational being appears in the same shape and in the same basic relation to this world (1998, 653-654). However, by drawing attention to the fact of changes in human beings and the world in which they find themselves, along with the fact that there is no thing, being, or condition in this world that gives itself, Plato's assessment of the matter denies the viability of Kant's critical enterprise. By acknowledging the motion and change that gives the world and human beings, Plato draws attention to the point that there is no specific shape, content, structure, or set of relations in which any being may find itself as part of the world; the world need not be the same thing from moment to moment; and there is no necessary identity in possible outlook or capacity amongst any beings who may call themselves rational or human. Consequently, the premise of ethics evaporates.

The ethical tradition of rights that contemporary human rights theory and law largely receive from Kant is established based on the view that there is a set of rational beings who are equal particulars within a shared universe that ought to allow for the equal freedom of their rational faculties. He agrees that the beings and their shared world are in motion, to the point of coming into conflict with one another. However, as with Hobbes, Kant understands that this motion ought to be brought under the governance of universalisable principles, given the common place and the commonality of the beings themselves. His point is that there are human beings who must become what they are in a necessarily unified set of dynamics and that conflicts in their movements at the experiential level will themselves point to this conclusion. However, as with the role of the revolutions of planetary bodies in Plato's *Timaeus*, where space and time are conjured to give human beings a metric measure of regularity from which to think and produce regularity in motion, socially and politically, Kant takes it as a core ethical duty that human beings remake the world in such territories and according to such laws as to render regularity in humanity thinkable. Kant's ethics are rendered plausible by attempting forms of governance that render human beings and the world as something that would make sense in relation to the design he presumes. Yet, as Plato had already acknowledged, things change. Kant may argue that there is a universe to which all particular human beings are proper and that we ought to serve the rightful purposes of such beings in such a world, but his argument relies on an idea that he introduces from a particular position and not from the

universal truth he hopes we may ultimately outline in critical enterprise with one another. As one can see with equal clarity in Kant's most influential recent successors, such as Jürgen Habermas (1984) and John Rawls (1971), Kantian ethics and the modern ethics of rights presuppose what and who they seek to find.

In contrast, Plato's *Timaeus* alerts one not only to the fact of movement, change, and, thus, of becoming, but also to the fact that there is nothing given as such that becomes. To admit that *khôra* is given is to admit that there is becoming without a fundamental human being or human world that becomes. With respect to this point, Badredine Arfi (2012, 191-192, 202) fruitfully considers whether or not one might be able to generate a social theory that moves from the anchorage of an ontologism of principles of being to the possibility of being in an ontologicality, which one must presuppose before discoursing on the ontology of anything. From this perspective, there is no necessary right, freedom, or dignity that is owed to any being in its becoming. Rights do not exist. Rather, there is becoming. There is possibility. There are possible beings. There are possible worlds. There is change. As a result, rights are possible. Dignity is possible. Freedom is possible. Humanity itself is possible. Recognition of movement and the givenness of movement and change, as different from moving beings or moving conditions, allows one to think of the making of rightful being, dignity, and freedom. Yet, such possibilities are indeed possible in the affirmation of movement and not in its principled curtailment or regulation. Movement is not something that one can curtail or regulate. As with *khôra*, movement is simply given. To establish rights in this movement, possibility itself must be affirmed.

To affirm possibility in this way, one eventually has to re-negotiate and transform Kant's imperfect law for ethics, the Categorical Imperative, which states that one must "act only in accordance with that maxim through which you can at the same time will that it become a universal law" (1996, 73). Kant's law assumes that there is a set universe in space and time that the viewpoint from *khôra* denies. However, as Anna-Kaisa Kuusisto-Arponen (2009) contends, *khôra* offers a far more accurate description of how our lived spaces are given in the movements of human beings, particularly in experiences of displacement. In its place, affirming possibility allows one a law devoid of the ethical and deserving of critique at a more radical level, which could be expressed somewhat as follows: act only in accordance with that maxim through which you can at the same time will that the maxims proposed by others may be considered with one another in political process.

The possible value or validity of any maxim from this perspective must be open to contest and critical engagement with other maxims on an ongoing basis. Thus, at the level of rights, this political imperative would ask of human beings that

they be willing to claim dignity and freedoms only insofar as they are willing to be confronted and engaged with the claims of others for the same. The very question of rights would have to be moved to a matter of process in which each human making claims to them be willing to invite the movement of others toward the same. The movement to claim rights can never be thought of in terms of claiming anything except the right to claim itself. And, thus, the motion of claiming rights, dignity, humanity and freedoms must invite the motion of others toward the same. Human beings can dignify themselves and others only in affirming a right to make claims to dignity and in moving toward these claims with a willingness to engage in political judgments with others over each other's motions in this regard.

Conclusion

To take these insights more directly back to the acts of persons on the move—asylum seekers, forced migrants, and refugees—to claim their rights as human beings, I would say that it is crucial that their acts of claiming rights be no longer met as problematic or threatening motions in contrast to the supposedly more stable existence of rightful subjectivity in the forms of emplaced citizenry. Yes, the human rights claims that persons on the move make of those who enjoy respect as citizen-subjects of rights are challenging. Movement is always challenging, as it brings about possible changes and demands political responses. However, it is important to recognise, in one's thinking about and theorising of the implications of these claims to rights, that the supposedly challenged emplaced citizen-subjects of rights are no more rightful or better positioned to judge the claims of those on the move, since the emplaced citizens themselves are no less in motion. Their own citizenship and rights-bearing personalities gain legal and political expression through different metaphors of time and, thus, through relations to property and spaces, but all of this is achieved in motion itself.

The rights claims of those who are on the move may appear at odds with or deeply problematic with respect to the assertion of rights made by citizens, but the gap between each act is formed in the way citizen subjects move against others who move toward them. There are no standard frameworks of either space or time by which one can measure, in any universalisable sense, the value of the movement of one with respect to the other. Any such framework is politically structured, in response to the differences and inequalities between those who form them and, thus, to the dynamics that emerge and continue between them. It must be righteous for anyone inside or outside of the boundaries of such structures, as exemplified in the modern state, to engage in the politics of rights with the movements that arise amongst them.

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