

Contagion: State of Exception or Erotic Excess? Agamben, Nancy, and Bataille

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Abstract: In the present world situation, this paper tries to discuss the concept of contagion, state of exception and erotic excess, through the works of Giorgio Agamben, Jean-Luc Nancy and Georges Bataille. These two concepts are employed to make sense of the situation with the on-going state of the pandemic, its excesses and exceptions in all dimensions of life.

Keywords: sacred, sacrality, sacrifice, politics, sovereignty, Bataille

Sacrifice was initially supposed to heal profanation by decontaminating the profane. "Sacrifice" is from the Latin word "sacer": "to make sacred, to consecrate, to make holy." As soon as it was touched by someone else than a priest though, the victim of a sacrifice became "contagious" in its turn. It ceased to be separated from the human sphere, it ceased to be sacred.

Contagion is a profanation. Profanation is a contamination. Agamben writes:

"(...) One of the simplest forms of profanation occurs through contact (*contagione*) during the same sacrifice that effects and regulates the passage of the victim from the human to the divine sphere. One part of the victim (the entrails, or *exta*: the liver, heart, gallbladder, lungs) is reserved for the gods, while the rest can be consumed by men. The participants in the rite need only touch these organs for them to become profane and edible."

Contagion is "a touch that disenchant and returns to use what the sacred had separated and petrified."¹ The sacred and the profane contaminate each other. To the extent that the sacred being is separated from other beings, it finds itself in the same situation than the contagious individual who has to stay apart. Once contagious, the profane individual reciprocally becomes sacred, that is separated, untouchable. Who has touched becomes untouchable. The common contaminates the uncommon. The contaminated gets sacralized. Ready for sacrifice. That is for isolation and death.

While powerfully analyzing this reversible passage from the sacred to the profane, Agamben nevertheless declares that nothing is sacred "per se":

"The principle of the sacredness of life has become so familiar to us that we seem to forget that classical Greece, to which we owe most of our ethico-political concepts, not only ignored this principle

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¹ Agamben 2007, p.74

but did not even possess a term to express the complex semantic sphere that we indicate with the single term 'life'.²

The idea that life — human life in particular — is sacred as such is a belated idea, sustained by a “mythologeme”: that of the “taboo” as analyzed by Freud, of the “ambivalence of the sacred” defended by anthropologists like Marcel Mauss, and aggravated so to speak by Georges Bataille’s category of excess. For Agamben, the difference between the sacred and the profane depends on a juridico-political decision. Mentioning the Roman jurist Trebatius, he writes:

“The Roman jurists knew perfectly well what it meant to ‘profane.’ Sacred or religious were the things that in some way belonged to the gods. As such, they were removed from the free use and commerce of men; they could be neither sold nor held in lien, neither given for usufruct nor burdened by servitude. Any act that violated or transgressed this special unavailability, which reserved these things exclusively for the celestial gods (in which case they were properly called ‘sacred’) or for the gods of the underworld (in which case they were simply called ‘religious’), was sacrilegious. And if ‘to consecrate’ (*sacrare*) was the term that indicated the removal of things from the sphere of human law, “to profane” meant, conversely, to return them to the free use of men.”³

The difference between the healthy and the contagious would then always result from of a political act. Just as there is nothing sacred per se, there is nothing contagious per se.

Life is always already captured by sovereign power. Such a capture appears as a paradoxical mechanism of inclusion that excludes at the same time what it includes. The interplay of separation and contamination, healing and contagion, isolation and contact, is rooted in this mechanism. The relationship between the sacred and the profane just reflects the logic of exception, which, in itself, is a machine. The machine of power that can exclusively function by separating the subjects from what they are, making them at once potentially sacred and contagious. This is not to say that politics is the transcendental condition of possibility for sacralization and profanation. The political capture of life obviously shares something with sacrificial rituals. Reciprocally, sacrificial rituals obviously share something with sovereignty. The problem is that they should never be thought independently from each other. Once again, there is no “sacred” per se. The distinction

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2 Agamben 1998, p.66

3 Agamben 2007, p.73

between the sacred and the profane does not pre-exist their separation. Separation is the origin of the sacred, not the other way around.

The first time one can see the adjective “sacred” associated with a human life is when the strange juridical case of the *homo sacer* was codified in Rome. The *sacer* was a man who could be killed without being considered a victim of either homicide or sacrifice. A killable life, inapt to sacrifice, inapt to profanation. *Sacer* but not sacred. What this case revealed is that life is paradoxically and in reality “unsacrificeable”, that is also “unprofanable”.

Agamben argues that “modern politics” has nevertheless succeeded in making us believe that life is sacred in itself, that all lives are “sacred”, thus enclosing the sacred into the religious sphere. This in order better to hide the fact that bare lives of the subjects are in reality stripped of all sacrificial, and consequently also profanable, dimension. Now that ritual sacrifices have disappeared, the political and social healing function of the separation between the sacred and the profane has disappeared as well.

Biopolitics has restricted contagion to a mere biological fact. Gloves and corpse bags have replaced the profanating fingers. The contagious living being is separated, quarantined, isolated, but paradoxically abandoned — desacralized. It dies without being “exposed to death”. The contemporary overinflated discourses about the sacrality of life are meant to occult the real status of *homini sacri*.

Let’s look more closely at the “mythologeme” characterized by Agamben as the “theory of the ambivalence of the sacred”. This “theory” has aimed for the most part at forcibly resacralizing the *sacer* by declaring it “taboo”, repelling and venerable at the same time. “The concept of taboo, Agamben writes, would express precisely the originary indistinction of sacred and impure that is said to characterize the most archaic period of human history, constituting that mixture of veneration and horror described by Wundt – with a formula that was to enjoy great success – as “sacred horror.”⁴ In Freud’s view, the taboo has not disappeared from our societies, even if it now exists under new forms. The psychic ambiguous attachment to the holy nature of life and death is indestructible, and cannot be saturated by politics.

For Agamben, such a view is the result of an ideological effort to illegitimately confer an auratic dimension to life, out of nostalgia, or blindness to the true nature of political power.

Can we be so sure that life is insacrificeable though? Is it and will it ever be possible to see the relation between the sound and the contagious, the sacred and the profane as a pure political fact, deprived of all symbolic dimension? It is now time to let Bataille speak.

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4 Agamben 1998, p.77

For Bataille, power cannot be sovereign without “prestige”, that is without this symbolic luminosity that pertains to its capacity to expose its subjects to sacrifice. Bataille would have responded to Agamben that there is no purely “killable” life. Every death is a sacrifice, because it is always in excess over itself, transcending its factuality. Such an excess Bataille calls *erotic*. Agamben never mentions the dimension of desire contained in the relationship between the sacred and the profane. Yet, such a dimension is irreducible. Confining the contagious immediately makes contagion desirable. Contagion is erotic because it irresistibly awakens the desire to touch. This desire in its turn finds itself repressed, separated from the realm of consciousness. Sacred.

No biopolitics will ever capture *transgression*, the way in which the sacred and the profane exceed the political. *The political dimension of the sacred and the profane is contained in their capacity to transgress the political.*

Such a discourse would be judged “unhelpful” by Agamben. “Bataille, he writes, immediately exchanges the political body of the sacred man, which can be killed but not sacrificed and which is inscribed in the logic of exception, for the prestige of the sacrificial body, which is defined instead by the logic of transgression. If Bataille’s merit is to have brought to light the hidden link between bare life and sovereignty, albeit unknowingly, in his thought life still remains entirely bewitched in the ambiguous circle of the sacred.”

Agamben’s analysis is indebted in a great proportion to Nancy’s concept of the “unsacrificeable”, developed in the text of the same name.⁵ He acknowledges this debt: “It is Jean-Luc Nancy’s achievement to have shown the ambiguity of Bataille’s theory of sacrifice, and to have strongly affirmed the concept of an ‘unsacrificeable existence’ against every sacrificial temptation.”⁶

Nancy’s lexical invention is rooted in the difficulty, the impossibility even, to assimilate the Shoah to a form of sacrifice, and call it a « holocaust ». Nancy writes: “A sacrificial interpretation of the camps is thus no doubt possible, even necessary, but only on the paradoxical condition of reversing itself into its contrary (from Holocaust to Shoah): this sacrifice leads nowhere, it gives no access.”⁷ Bataille would certainly have agreed with the “no access”. He would have nevertheless affirmed, though, that it is precisely this absence of sense that explains why sacrifices exist. If sacrifices were to be meaningful, they would precisely become ordinary murders, and stop being psychically desirable, that is contagious. In fact, the argument of the killable life of the *sacer* betrays a greater confidence in signification than the theory of sacrifice.

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5 Nancy 1991 pp. 20-38,

6 Agamben 1998, p.113

7 Nancy 1991, p.32

Though Agamben and Nancy recently had a small argument about whether the current governmental measures of protection against the pandemic should be characterized or not as expressions of the “state of exception”, it is clear that they are in reality in on the same page.⁸ Both agree on the fact that political awareness demands the relinquishing of the categories of sacrality (that is sacred, profane and the sacrifice altogether) in order to “lucidly” understand the meaning of confinement. What they are discussing is whether protection against contagion is a necessary “sanitary” measure (Nancy), or the pure expression of sovereign power (Agamben).

Neither of them seems to acknowledge the unconfessed desire of contact, the secret craving for getting the disease that arose with COVID-19. Neither of them seems to admit that protection measures against contagion immediately awakens the primitive desire of transgressing them, the craving for disobeying confinement and jumping into the fire. How is it possible to disavow the temptation of contagion? How not to be *bewitched* by the lethal potential of the disease? Who is not attracted to- and repelled by- the epidemy at the same time?

Because “the truth of existence [would be] unsacrificeable”⁹ (“The Unsacrificeable”, 38), as Nancy declares, contagion should remain confined within the confinement of the symbolic. I don’t believe a word of this.

Once again, how is it possible to assert with certainty that the dead from Covid-19 were only “killed” and not sacrificed by it? What about old people in care homes? What about those who are dying alone in hospital rooms? What about homeless people who don’t have access to food banks? What about people living in slums? What about those in India who have walked for hours, trying to go back to their villages after Modi’s brutal announcement of immediate confinement, just to find state frontiers closed? Are they just “homini sacri” or not also, and perhaps even first of all, victims of a “real” pan-sacrifice? How is it possible to not see them as *martyrs*?¹⁰

Bataille would have laughed at sentences like “it is time (...) to take action: both the end of real sacrifice and the closure of its fantasm”.¹¹ No, time has not come. To think that “real sacrifice” has disappeared

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8 . See Giorgio Agamben , “Lo stato d’eccezione provocato da un’emergenza immotivata,” (“The state of exception provoked by an unmotivated emergency”), *Il Manifesto*, 26 Feb, 2020. And Nancy’s answer “Eccezione virale » (“Viral Exception”), in *Antinomie*, 27/02/20200.

9 Nancy 1991, p.38

10 . In another recent text devoted to the Covid 19 pandemic, “Reflections on the Plague”, Agamben wrote: “We should also reflect upon the need for religion that this situation has made visible ». This is not, precisely, a “need for religion”, but the fact that sacrality has certainly not disappeared.

11 Nancy 1991, p.21

belongs to wishful thinking, and is just substituting a “fantasm” for another. It constitutes a “new new” “mythologeme”, that might be called the “theory of the monovalence of the political”. As if the “elementary political element” could ever be laid “bare”! Exception cannot function without its aura, that is without the accursed share that constitutes it as exceptional. Contagion is transgressive. Instead of repressing it, let’s make transgression contagious again.

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