

Zoonoses

Peter Goodrich

The fear of bats in the belfry, attributed most often to the Victorians, has come to seem both prescient and strangely real. Patient zero was infected by a bat, meaning that Chiroptera produced the long fingers of Corona, of Covid-19. Zoonosis, animal borne disease, led to pandemic, to a world that suddenly realized that it too is blind and batty, but lacking echolocation in any grander sense. A sonically directed, nocturnal mammal, the microbat led to the microbe and to globally distributed infection. The etiology is important, figures fly and the zoonoses resulting from ecological and climatic blindness require recalibration of our cultural sonar and revivification of the quintessential art of justice, namely hearing the pleas of the excluded. Zoonoses are proboscatory, they offer the possibility of returning wit to the snoutfig of judgment. The philosopher Nagel's critique of consciousness via the interior life of bats takes on new forms.

A nocturnal avian mammal that flies by listening to sonic reverberations forms an unlikely yet protreptic figure, a return to what Coccia labels sensible life, an existence aware of the haptic, auditory, vegetal and material relations extant in *justissima tellus*, the phrase Vergil uses to depict the infinitely wise and supremely just matter of existence, purloined but not always put to good use by others. The *leges terrae* belong properly to that knowledge and material relationship, the institution of socage, the various tenures were historically in and of the land, aspects of legigraphic charting of meadows and fields, of what was suggestively called Reveland. Sir Edward Coke cites Cicero: "And amongst the Romans agriculture or tillage was of high estimation, insomuch as the senators themselves would put their hand to the plough; and it is said, that never prospered tillage better, than when the senators themselves plowed." They knew of what they spoke, the humus, moss and matter joined in body, revel, and legigraphy. Since the Industrial Revolution, however, there has been an increasingly one-way street between capital and reality, man fighting against the environment, the human overdetermining the natural, abstraction suppressing matter, temporality diminishing distance, history pitched against space. This unidirectionality is suddenly, visibly, in pandemic panic, reversed. Implicit in the chiasmus is also an annulment of the extant order of culture, a revenge even of the law of nature upon positive law. Zoonosis performs a volte face on anthroponosis, human borne disease, and in that swift and global reversal lies a shattering of the crystal palace and, onward to my theme, a potentially radical, indeed tectonic rethinking of Western law.

The revenge of the spatial upon the temporal, of atmosphere upon rules, marks a greater turn around in the cultural affairs of law. Microbes are no respecters of either status or boundaries, their temporality is that of the double helix, transitional and transmissive, constantly becoming

other, adapting, future oriented. The modern science of legality is predicated upon the temporal progress of law from past to present. The Code governs, *lex scripta*, the prior rule, and then in common law even more determined to project the priority of the past, the *dispositif* of precedent, the present is the past, the priority of antiquity, and *novum omne cave*. The theology of common law is based upon the triumph of antiquity over novelty and with the advent of a legal science of rule governed decisions, of the jural syllogism, the concretization of norms, the pure and abstract normativity of legal dispute resolution, or in the old language shared by common and civil law, *fugiendum ad montes, ad montes scripturarum*, or in the vernacular, flee to the mountains of text, to scriptures, the classics, the greats, and the past. The spatial and the material, the sonic and auditory aspects of *in vivo* encounters became ever more distant, mediated and remediated, derogated and derided dimensions of decision. Zoonoses were not to be understood and accommodated as facets of a shared and inter-relational cross species and transhuman environment but to be eliminated, denied juridical existence, as non-persons, as part of the non-being of the environment, the depredation of space, and the non-recognition of the seemingly, beautifully, aesthetically and necessarily inutilious.

The emergent question is whether law could be thought from the future, as a hauntology of the not yet. Precedent is dead. Thinking in the mode of melancholic and depressive retention of rules through the blinkers of a linear juridical temporality, *volksgeist* or *gemeinschaft* as an exclusively human space and community is not a solution. The progressive loss of the horizon of possibility, the slow cancellation of the future, is the result of capitalist realism, the absence of alternatives, the depression of the Left, now itself left to the imbrications of aesthetics and the dead weight of the past. The rearview mirror, the constricting logic of retrospect, the backward looking, are neither an answer to microbial pandemic nor to the spectre of the future. In juristic terms, but still in the materialist mode of the tellurian, what is to come, the not yet, is imaginary, oneiric, the subject of pataphysical reverie and the inventions of an aesthetics that won't look back. The question is directly that of how to address the unknown and the answer is to think through why you do not know it – be it earth, microbes, events, impersons, zoonoses, proboscations, the near and the far of the future. A hard task for jurists but one that is pataphysically impossible and hence exigent, ethical, and entirely desirable.

Precedent, the English *déformation professionnelle* of lawyers, the Achilles heel of the oldest social science, is that of being bound to a project of mourning, the retention of ghosts that it cannot let go, a past that haunts and imposes upon the present because rational legal science, positivistic theories of the juridical are unable to listen to the dialogic and communal, common character of common law. The enclosures of land and property, the birth of the prison, the restraint of reason by enlightenment, the channeling of creativity by capital, all take on an acceleratingly unidirectional trajectory. Capital takes control of law at the level of legislatures first and then of courts and personnel. Little room is left for pataphysical jurisprudence and the science of imaginary solutions, space is contracted, the past is dominant, abstraction reigns and connections are lost. The commons drift, the multiverse of vegetal and organic life is subjected to the universe of linear rules and prescribed laws, the dull white regimen of a malleable legal realism where the policies of capital can anamorphically apply any norm to their own ends.

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The reversal taking place involves the return of the spatial, and the expansion of the vegetal, organic and organismic. Matter has to matter and for that to be possible the expanse of the tellurian future, which in pre-modern law was a driving concern -- the earth after all will exist long after humanity has ceased to be – has to be accorded legal being, a juristic entity that constitutes another sovereign and legislator, a voice in the multitude of heterotopic and transitional argots of expression. This is in essence the material call of wild jurisprudence, of earth law which seeks to move from the abstraction of positive law and the linear logic of calculus and decision, the econometrics of corporate policy, to the life of plants, the perspective of microbes, and overall recognition and attention to the essentially ineradicable, tellurian sources of human life. The future is fenestrated, a question of where you are looking, and it is cyclical, a question of *perpetuum mobile*, of organic life cycles, environmental exchanges, of species and places, vegetation and spirit, genius loci and inhabitation. The anterograde cultural character of capital has now to face the future and attend to the perspective of the tellurian environment upon which it has previously sought to act unilaterally supported by the closure of law hiding behind the barricade of the legal mind.

Wild jurisprudence treats earth, organisms, the vegetal, mineral and animal as mattering and having meaning in their own being. The perspective of crayfish, snails, iron ore, trees, as well as rivers and the sites and air surrounding religious and indigenous rites have value and could salvage juridical recognition. This forms an important development in pataphysical jurisprudence, where the definition of the science is “of the laws governing exceptions, and will explain the universe supplementary to this one; or, less ambitiously, will describe a universe which can be – and perhaps should be – envisaged in place of the traditional one ...” A science, recollect, of absences, spectres of the future now tied, such as it will be, to co-existence of all entities, the cohabitant character of a community of human and natural, corporeal and material thought. The intellective web of law is a sieve to be used for moving in water. Audition, echolocation, legal hearing, introspects the resonances of concrete, the acoustics of glass, the breath of air, the patter of rain. Scent too, of oil, iron and freshly parked cars. Blood, sweat, tears, and in the old language of jurisprudence perspiration that falls during work on the earth, that is mingled with humus, is the arche-sign of belonging, of being in and of matter. A haptic sensibility and objective unconscious arrayed in the images external to subjectivity take us outside ourselves and into a questionable lawscape, an atmosphere, the matter of the imaginal and the scientific art of the pataphysical.

I am universal, I laugh. Muscle and bone jostle together, the diaphragm shakes, the face breaks up. The body changes state. *In ludo veritas*, wild utterance, with or without wine. The point is that laughter shatters the melancholic hold of the past. Cacchination catapults the subject out of their complacency, it lifts the body and thought to thinking again, seeing anew, a moment of epiphanic potential in which novel connections emerge. So, consider the new connectivity, the sudden expression of a minor genre in a major mode, the epistemically excluded zoonoses of Corona. An unexpected universal or at least one for which global culture was unprepared. A choice. Be universal, expand. Or be singular, contract. To laugh, the untainted laugh, *risus purus* is to open precisely to the bodily, the haptic and felt, to face an unknown without

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pretending to know, without precedent caging vision. Here is law and culture, a study of the those in robes faced by microbes. The gnosis of zoonosis.

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