

SERIES

MALFEASANCE
APPROPRIATION THROUGH POLLUTION

STANFORD

MALFEASANCE

APPROPRIATION THROUGH POLLUTION?



MICHEL SERRES

TRANSLATED BY ANNE-MARIE FEENBERG-DIBON

STANFORD UNIVERSITY PRESS

STANFORD, CALIFORNIA

Stanford University Press
Stanford, California

English translation ©2011 by the Board of Trustees of the Leland Stanford Junior University. All rights reserved.

Original Edition: *Le Mal Propre: Polluer pour s'approprier?*
©Éditions Le Pommier—Paris, 2008.

No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or in any information storage or retrieval system without the prior written permission of Stanford University Press.

Printed in the United States of America on acid-free, archival-quality paper

Library of Congress Cataloging-in-Publication Data

Serres, Michel.

[Mal propre. English]

Malfeasance : appropriation through pollution? / Michel Serres ; translated by Anne-Marie Feenberg-Dibon.

p. cm.

“Original edition: *Le mal propre : polluer pour s'approprier?* Éditions Le Pommier--Paris, 2008.”

ISBN 978-0-8047-7302-7 (cloth : alk. paper)--ISBN 978-0-8047-7303-4 (pbk. : alk. paper)

1. Pollution--Social aspects. 2. Pollution--Philosophy. 3. Human ecology--Philosophy. 4. Human territoriality--Philosophy. 5. Property--Philosophy. I. Feenberg-Dibon, Anne-Marie, 1943- II. Title.

TD177.S4713 2011

304.2'8--dc22

2010036069

Typeset by Bruce Lundquist in 11/14.5 Adobe Garamond

MALFEASANCE

For Marie and Jérémie
Rus et Urbs

MALFEASANCE

CONTENTS

I	URINE, MANURE, BLOOD, SPERM:	
	THE LIVED FOUNDATIONS OF PROPERTY RIGHT	I
	THE CLEAN AND THE DIRTY:	
	ANIMAL CUSTOMS, HUMAN CUSTOMS	2
	BLOOD, CORPSES:	
	PEASANT AND SACRIFICIAL CUSTOMS	14
	THE RED THREAD:	
	COMMERCIAL USES AND ABUSES	22
	SPERM: SEXUAL ABUSE	28
2	GARBAGE, IMAGES, SOUNDS:	
	MATTER AND SIGNS	37
	HARD POLLUTION: MATERIAL ABUSE	39
	SOFT POLLUTION: MESSAGING ABUSE	55
	THE DISPOSSESSION OF THE WORLD	63
	DISPATCH: INDIVIDUAL ABUSES AND USES	77

I URINE, MANURE, BLOOD, SPERM

THE LIVED FOUNDATIONS OF PROPERTY RIGHT

TIGERS PISS ON THE EDGE OF THEIR LAIR. And so do lions and dogs. Like those carnivorous mammals, many animals, our cousins, *mark* their territory with their harsh, stinking urine or with their howling, while others such as finches and nightingales use sweet songs.

To mark: the origin of this verb is the mark of a footstep left on the soil. In bygone days, the story goes, the whores of Alexandria used to carve their initials in reverse order on the soles of their sandals. This enabled prospective clients to read the imprints on the sand and discover both the desired person and the direction of her bed. The presidents of great brands promoted by advertisers on city billboards today would no doubt enjoy knowing that like good sons they are direct descendants of those whores.

Or perhaps they descend from creatures that mark the boundaries of their territory with their excrements.

Similarly, certain plants throw out little invisible jets of acid . . . nothing grows in the frigid shadow of fir trees.

THE CLEAN AND THE DIRTY:

ANIMAL CUSTOMS, HUMAN CUSTOMS

How do the living inhabit a place? How do they establish it, recognize it? Lions through smell, birds by hearing . . . advertisers and whores by sight. Here we have three senses on the alert. How do animals create links as powerful as the law is for humans, links that enable them to appropriate the habitat where they dwell and live?

The science of animal behavior, ethology, describes at length those nests, holes, wallows, sheds, ecological niches . . . in short, how males define and defend their habitats with their filth. These places are often secret, hidden, dark, buried, lost, places where the living eat, sleep, hibernate, copulate, give birth, and are born, in short survive; do they own or rent these places? How can we answer this question, which is perhaps a bit too anthropomorphic? We can easily turn it around.

In *The Parasite*, I described the customs of mammals in order to compare them to hominine ways of appropriation. Whoever spits in the soup keeps it; no one will touch the salad or the cheese polluted in this way. To make something its own, the body knows how to leave some personal stain: sweat on a garment, saliva or feet

put into a dish, waste in space, aroma, perfume, or excrement, all of them rather hard things . . . but also my name, printed in black on this book cover, where my signature looks sweet and innocent, seemingly unrelated to those habits. And yet. . . . Hence the theorem of what might be called natural right. By “natural” I mean the general behavior of living species: *appropriation takes place through dirt*. More precisely, what is properly one’s own is dirt.

The spit soils the soup, the logo the object, the signature the page: *property, propriety, or cleanliness*. The same word tells of the same struggle; in French, it has the same origin and the same meaning.¹ Property is marked, just as the step leaves its imprint. Conversely, I should re-mark—yes!—that a hotel makes the rooms clean and proper to make them available for others. Otherwise, no one would come. Conversely, clean and proper here implies there is no well-defined owner yet, and that it is freely accessible. In short, either proper means appropriated and consequently dirty or proper implies really

1. Professor Serres plays on the various meanings of the French *propre*, which means both “clean” and “one’s own,” or “characteristic of.” The French title *Le Mal propre* is itself a pun on several levels: *mal* is evil, combined with *propre*; it thus signifies “clean evil,” but *malpropre* in one word also means dishonest, sleazy, despicable. I have chosen to emphasize the combination of evil and dishonest by translating the title as “Malfeasance,” which has similar connotations. [All notes are from translator.]

neat and therefore without an owner. Come over here, to this clean spot; you may, because it obviously welcomes you. When you leave, it will be yours because you will have made it dirty. No one will want to sleep in your sheets, nor handle your used towel, nor drink from your glass seeded with bacteria from the imprint of your lips. You appreciate the cleaning done in a hotel. The cleaner it looks, the more hospitable it will seem to everyone. At home, I take care of the garbage and occupy a space called by the delightful name of powder room. Long ago, we hardly dared to translate the famous quote *stercus suum cuique bene olet*,² “one’s own excrement smells good.” This is still true of noise; one’s own noise is not bothersome. This is also true of many types of trash. It is again true of small children who have similar behaviors at the anal stage.

THE EXPROPRIATED SQUAT

Discreetly, dictionaries define *squatter*, as the term indicates, as someone who occupies the surface of the land on which he crouches. This would take up little space; only a dwarf could lie down on such a spot. No, squatting describes the crouching posture of defecation and that of females when they piss or give birth.

2. Latin proverb, provenance uncertain, quoted by Michel de Montaigne, in *Essais*, III, VIII.

The origin of the old French verb *es-quatir*, originally used in the Far West and Australia, is first related to the verb *co-acticare*, the old curious root of *cogito*, through *co-agere* or *co-agitare*;³ indeed, my thoughts move around in me like a large assembly of sheep in the meadows. Now, farmers in these two New Worlds led even larger herds on lands that they considered to be without owners, even as their grazing and their presence expropriated Indians or Aborigines who had been living there before them, albeit without title deed, at least according to common law. So there was nothing about this term that would imply crouching. As soon as it acquires that meaning, it can be linked to the earlier one: to invade and possess. The fact remains that animals never leave places free of droppings as they trot along.

FROM THE HOME TO THE FARM

I will now go from the soup, polluted by spit, to the dirty sheets, or from the table to the bed, to get from individual appropriation to family property, from the city rat to the field rat. Indeed, the arable square of land, the stretch of vineyard or alfalfa, the *pagus* of the ancient Latins, properly belonged to the peasant tribe because the bodies of ancestors were buried there, in tombs or

3. *Co-agitare*: from the Latin *co-* (together) and *agitare* (to move around, revolve).

under stone slabs. Did you know that the word *paix*, peace, comes from *pieu*, the stake that marked the boundary of the tilled *pagus*? The mortuary slab was also used as a boundary around which peaceful relations with neighbors could be established. I'll end my remarks with a discussion of this peace.

I will also explain how the aforementioned peasant or pagan—same terms similarly derived from *pagus*—appropriated this patch of land in the same quasi-animal fashion. Is there anything more disgusting than what has no name in any language: the stench emanating from a mass grave? Except perhaps the stench of manure spread out at the appropriate season to improve, enrich, and fertilize the soil. Perhaps you doubt that the main reason to cover the field with this biodegradable layer of fatty fertilizer, this urine nitrogen, is for the sake of appropriation. However, I would still like to convince you that I find here a possible origin of agriculture. When the first human enclosed a plot of land and thought of telling his children, his parents, and his wife to imitate him and his animals by depositing some of their urine and feces in order to make it a piece of earth belonging to the family, he noticed with surprise, come spring and summer, that the polluted field was greener and more productive than the neighboring soil. Could he possibly have

founded the farming profession and rural society with this act?

As you travel, do admire that peaceful—same word as *pagus*—landscape, beautifully divided, of the old countries of Europe; their rural spaces display fertilizing manure and the Cities of the Dead.

FROM LANDSCAPE TO COUNTRY

From tribe to homeland, from the rustic farm to cities, and from these to nations. The latter sometimes revere the tomb of an unknown soldier, not so much to remember the horrors of war, as the inscriptions claim—it would be better to forget those—but to bow before the vile remains that sanction the urban or national appropriation of the soil. My book *Statues* and Robert Harrison's *The Dead* develop this insight at great length. Leland Stanford built our campus on top of the remains of his beloved son, just as Romulus built the eternal city on the corpse of his brother.

Millions of young people, whose remains rest in military cemeteries, in the shadow of bronze statues erected for the foul glory of the very people (were they clueless or criminal?) who sacrificed them, marked with their blood, their corpses the nation's property. *Born* on the soil of their *nation*, they died on it and for it, and now they sleep in it.

THE LITTLE-KNOWN MEANING OF A FEW WORDS

I have briefly described actual individual or collective behaviors, without paying much attention to the words I use such as clean or one's own, place or location. Let me start then by clarifying the meaning of some of the terms signifying property. Note: the verb "to have" in Latin has the same origin as to inhabit. From the mists of time, our languages echo the profound relation between the nest and appropriation, between the living space and possession: I inhabit, therefore I have.

*Appartenir*⁴ comes from *ad-per-tinere*, which means to hold or to be linked to. The English words *tenure* and *tenant* also describe an inhabitant who dwells. We hold on to our habitat; we value it. To inhabit is to have. The relation between "appertain to" and "apartment" is similar; they imply the grip, the solid link I have just mentioned between the body and its nest, between life and place, which is the very subject of this book. From the Latin *ligare* (to bind) come the words obligation, religion, negligence . . . all links that bind one to a reference, a point, or a place. I belong to a space where such-and-such a place belongs to me.

What do we mean by the French word for place, *lieu*? Its magnificent and little-known etymology, the Latin *locus*, refers to the sexual and genital organs of

4. In English "to belong," but also "to appertain to."

the woman: vulva, vagina, and uterus. *Sic loci muliebres, ubi nascendi initia consistent* (woman's places, where the beginnings of birth are situated;⁵ Ernout and Meillet, *Dictionnaire étymologique de la langue latine*, Paris, Klincksieck, 1885, p. 364b; I quote this in passing as evidence for readers who might think I am fantasizing). The word *topos* (τόπος), which expresses in Greek the same meaning, of course preceded the Latin and refers to the same delights. We have all inhabited the matrix, the first place, for nine months; all of us were born by going through the vaginal canal, and a good half of us seek to return to the original vulva. The lover says to his loved one: "You are my home," the neonatal place, of birth and desire. It is our *first place*, warm, humid, and intimate.

The term lodging, of a different, Germanic origin (*Laube*, entrance hall) leaves the Latin tenancy behind and signifies a hasty construction of leaves, for instance a tent, called in Latin *tabernaculum*. The Jewish religion celebrates this mobile habitat every year, pitched here and there, as in the desert of the Exodus; here we have a nomadic tent that looks like a rental. I'll come back to this.

With reference to sites that are outside the body, our language says "here lies" for the place where our

5. Varro, *On the Latin Language*, vol. 14 (http://www.archive.org/stream/onlatinlanguageorvarruoft/onlatinlanguageorvarruoft_djvu.txt).

ancestors rest; I am coming back now to consider the country and the aforementioned landscape. In Egypt, in the City of the Dead in Cairo, the poor have invaded a huge cemetery where they haunt the graves; it is a necropolis, a metropolis. There I understood that the first house was built near the tomb of the loved one whom the poor wretch did not want to leave. The *here* of the “here lies” did not in fact designate the funeral site; on the contrary, it signaled that there is no place other than the site rooted in those bodies. The site does not indicate death; death designates the site, and often its limits. This is another inevitable link.

Ultimately, here we lie down, to sleep, to love, to give birth, to suffer and die. We return to etymology: the French verb *coucher* comes from *col-locare*, to sleep in the same spot, to share a location. The original vulva, the final tomb . . . this third location designates the bed, the pallet, precisely the place to be born and die, but also to sleep, copulate, be ill, rest, dream. . . .

My very language displays the three themes of this book, which proposes that there are at least *three fundamental sites: the uterus, the bed, and the grave*. Do we really know what we are saying? *To inhabit* therefore haunts the nests needed in moments of weakness and fragility, the embryonic state, the risk of being born, the infant at the breast, the caress in the amorous offering, sleep, peace, rest . . . *requiescat in pace*: fetal life,