

The Twofold Face of Immunity

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Abstract: More than ever, today – under the attack of the coronavirus – the immune paradigm has become the keystone of our life system, the pivot around which our entire existence seems to revolve. But the immunitarian systems present a constitutive antinomy: they are at the same time necessary and dangerous for the human community. Beyond a certain threshold, they risk destroying, the very thing that they aim to protect. The problem that we face, even today, is not the simplistic one of contrasting community and immunity, but articulating them in a sustainable form that does not sacrifice one in favour of the other.

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1. Since the beginning of the pandemic all discussions are exclusively about one thing: immunity. Individual or herd immunity, natural or induced, temporary or definitive. Mass-testing is done to find out if people already gained immunity from the virus. One wonders whether the plasma of those already immune could be injected into the patients, to give them immunity, in their turn. We are waiting to see, in those who heal, how much will last their immunity – fearing that its protective effect could be interrupted. But the request for immunity is not a matter of concern only for the medical sphere. It concerns also the more properly juridical one. Entrepreneurs, school directors, university rectors, they are all looking for an immunising shield, faced with the risks of contagion within their sphere of responsibility. Same could be said for governors, mayors, ministers in charge, who measure the political consequences of a missed, or tardive immunisation.

But there is something more general, invested in all the social sphere as a whole, threatening to transform it into a great immunitary bubble. What else are the lockdowns, the distancing – which only by way of a lexical paradox can be defined as ‘social’ since it produces effects of de-socialisation – if not immunitarian devices that little by little are occupying all the field of individual and collective existence? The little mask up in everybody’s face, isn’t it the metaphor of the exigence for immunity? Even the downloadable app, although not sufficiently downloaded in Italy’s smartphones, is called ‘Immuni’. So, what is it then, where does it come from, where to is leading us this real immunitary syndrome, which seems to unify all the languages of our time?

On a historical level, we must be careful not to reduce the meaning of the concept of immunity to a recent experience, of a medical or legal nature, aimed at creating protective boundaries against a risk. This wouldn’t be wrong, but in order to be grasped in every aspect, it must be framed in a wider and deeper horizon, which should be observed for a longer period. From this perspective, so to say, genealogic, immunity, or immunisation appears as a paradigm through which the entire modern

history could be re-read. Even though life's quest for autoprotection is a characteristic of all the human history, making it possible, it is only in modernity that this comes to be perceived as a fundamental problem, therefore as a strategic task. This happens when, deprived of the theological-natural protections that characterized the premodern period, humans feel the need to build artificial immunity devices to protect themselves from evils, conflicts, and also from the news that threaten or disturb them. What we are facing today is only the last step of this dynamic, ever more intense and more accelerated. In short, what we are witnessing, is an extraordinary change in scale of a process dating back over time

But to understand the phenomenon in all its importance, historical, philosophical, juridical, an even wider tour must be made, that starts from language. If we pay attention to the Latin etymology of the word, moreover, we realize that the meaning of the Latin term *immunitas* is the opposite of that of *communitas* and understandable only in the relationship with it. Both expressions – *communitas* and *immunitas* – derive from the Latin word *munus*, which signifies law, office, obligation, but also gift. What is configured at the center of these meanings is a sort of law of gift, or care, in relation to others. But – here's the difference and the opposition between the two terms – if the community is related to *munus* in a positive sense, the immunity is in a negative sense. While the members of the *communitas* feel bound by this obligation of mutual care, whoever declares himself immune, feels exonerated, exempted from it. He is free from obligations towards others. And therefore, for the same reason, also protected from the risk that each sharing entails with regard to one's personal identity. From this point of view the immunity acquires the meaning of privilege with respect to the rest of the community.

This can be easily recognisable on a legal-political level, in which diplomatic or parliamentary immunity exempts from the obligations of the law to which all others are subject. But also on a medical-biological level, where immunity, be it natural or acquired, original or inducted, protects from the risk of contracting the disease, to which others remain exposed. By superimposing the two semantics, juridical and medical, we can conclude that, while the dimension of the *communitas* determines the rupture of the protection barriers of individual identity, immunity reconstructs them in a defensive and offensive form, against any element – be it external or internal - that threatens its existence. This applies to certain individuals. But at a certain point, this exigency for protection, which is centred around the conservation of life, becomes generalised in all the social body. The State itself, as well as the legal system, is conceived like a great immunization apparatus, against interpersonal conflicts.

The law, in particular, was defined by the sociologist Niklas Luhmann as the immune subsystem of social systems. What does that

mean? That the legal system, however inclusive it may be, always rests on the possibility of exclusion. For someone to be able to perceive that they have a right, they must imagine that they may not have it or that someone else does not. This should not be understood so much from a historical point of view – even though, historically there exists no right, nor even that to life, extended to the entire human race. But from the paradigmatic point of view, which concerns the device of law as such – its logic and its formal language (law, as we know, is always formal and never substantial). If a right would naturally belong to everyone – what the tradition of *ius naturale* defines as 'natural law' – then it would not be a positive right, that is, established by law. It would not be necessary. And, in a certain sense it would not even be, properly speaking, a right, but a simple, self-evident fact. A right, even when it has been recognized, can always be abolished, if the balance of power that guarantees it changes. No right is for ever, even when it is declared unavailable. Let us think of the right of workers, up to a certain point considered inalienable and then, starting from the crisis of the social state, increasingly contracted, reduced, revoked.

I repeat, we must not reduce this contradiction – this antinomy which is part of the *nomos* – to certain events or certain contexts. It is a logical-formal element that pertains to the very structure of law, as indeed to politics. Just as political action presupposes the presence, if not of an enemy, at least of an adversary, an acquired right always presupposes, with respect to those who enjoy it, a zone which is not yet juridical. Otherwise it would coincide with justice. But, as is well known, however much the law may tend towards it, there cannot be an absolutely just law. What the law can do is to reduce the areas of injustice, without presuming to be able to abolish them. This self-critical capacity, this awareness of incompleteness, is decisive for the proper functioning of law. Only by being always aware that it is incomplete, perceiving its own dose of injustice, can law progressively – through a battle over its own meaning – approach justice, become more just. In modern societies, law can be understood as an advancing line, which always goes further, but never to the point of occupying the whole field – otherwise the line that defines it would disappear. Just think of the right of citizenship. In order for some to enjoy a citizenship right, it is necessary logically, but also historically, that some others do not have it, or at least, do not have it yet. Otherwise the expression would lose its very meaning.

2. This brings us back to the constitutively ambivalent character of the immunitarian systems. They are at the same time necessary and dangerous for the human community. They are necessary because no organism, individual or social, would survive without an immune system capable to defend it from dangers of external provenience. They are dangerous because, beyond a certain threshold, they risk blocking, or

even destroying, the very thing that they aim to protect. The problem lies in identifying this threshold – where should it be located? How far can it be moved? Who guards it? What is certain is that the immune system, up to a certain moment only related to the medical and legal fields, at a certain point has been extended to all sectors and languages of our life, to the point of becoming the point of coagulation, real and symbolic, of contemporary experience. At the end of the modern season, this need has become the pivot around which both the actual practice and the imaginary of a certain civilization are built. To get an idea of this, just look at the role that immunology – that is, the science responsible for studying and strengthening immune systems – has taken on in our societies not only under the medical profile, but also under the social, juridical and ethical one.

Just think of what the discovery of the AIDS immunodeficiency syndrome meant in terms of normalization – that is, subjecting individual and collective experience to precise rules, not only hygienic-sanitary. To barriers, which are not only prophylactic, but also socio-cultural, which the nightmare of the disease has imposed in all inter-relational areas. We will find a further confirmation for this, if we move on to the phenomenon of immigration. Everywhere new barriers are emerging, new checkpoints, new lines of separation from something that threatens, or at least appears to threaten, our biological, cultural and social identity. It is as if the fear of being touched, even inadvertently, that Elias Canetti placed at the origin of modernity, in a short circuit between touch, contact and contagion, had become exasperated. The contact, the relationship, the being together is crushed immediately, on the risk of contamination.

The same thing could be said about the risk of viral invasion, that threatens information technologies. By now every government allocates huge sums to defend their computer systems from the infiltration of pathogenic agents. In short, from whichever side you look at what happens – from the individual body, to the social body, to the technological body, to the political body – the question of immunity takes place at the crossroads of all paths.

All this is not extraneous to the dynamics of the ongoing globalization, in the sense that the more human beings, ideas, languages, techniques communicate and intertwine with each other, the more it is generated, as a counter-thrust, a need for preventive immunization. The new sovereignisms can be interpreted as a sort of immunitarian rejection of that general contamination that is globalization. It was precisely the demolition of the great Berlin wall that led to the raising of many small walls, to the point of transforming communities into fortresses. From this point of view – even before the outbreak of the pandemic – the virus has become the general meta-forum of all our nightmares. But there was a moment when, at least on the biological level, that fear eased. I am talking about the 1950s and 1960s, when was spread the optimistic idea

that antibiotic medicine could eradicate some age-old diseases. This went on until AIDS appeared. Then the psychological dam collapsed. Real and symbolic viruses, emerged before us, invincible – capable of sucking us into their void of meaning and destroying us. It is then that the immunitarian need has grown, until it became our fundamental measure, the very shape we have given to our life.

But, as we said, the immunity necessary to protect our life – never as today do we experience how much we need it -, if taken beyond a certain limit, ends up denying it. It forces life into a sort of cage where we risk not only losing our freedom, but also the very meaning of our individual and collective existence. Here is the antinomy on which we should focus: what protects the body, both personal and social, can also block its development. It could be said that high-dose immunization means sacrification of qualified life, to the reasons of simple survival. To survive as such, life appears forced to incorporate that nothing it wants to avoid. We find the same implicit contradiction in the procedure of vaccination – which of course today is more necessary than ever. When one takes a vaccine in the face of a disease, a sustainable portion of the disease is introduced into their organism. It is almost as if to keep someone in life it is necessary to make him taste death. After all, the Greek word *pharmakon* contains from the beginning the double meaning of 'cure' and 'poison' – poison as a cure, cure through poison.

The problem is that the immunitarian device can always get out of hand. To get a non-metaphorical idea of this, we should consider autoimmune diseases, when the immune system react so powerfully that it turns against the very body it should defend, destroying it. It has been noted that this mechanism – an excess of defensive antibodies – is also present in COVID-19. In coronavirus patients, the classic counter-effect of immune procedures is determined when they are pushed beyond their normal function. Attempting to block infected cells, the immune system produces a very strong inflammation that can cause lethal damage to the lungs. At that point, an attempt is made to stop this internal storm by using immuno-suppressants, which block the action of the immune system.

Never as today – under the attack of the coronavirus – the immune paradigm has become the keystone of our life system, the pivot around which our entire existence seems to revolve. From whatever side - biological, social or political – our experience is interrupted, the imperative remains the same: to prevent contagion wherever it lurks.

Of course, this is a real need. Today – waiting for a vaccine, that is, induced immunity – immunization by distancing is the only line of resistance behind which we can, and must, barricade ourselves. At least until the threat subsides. But we should not ignore the limit, beyond which this mechanism cannot work without producing irreparable failures. Not just on the economical level. But also, on the anthropological one.

Immunity is a protection, but a negative protection – which distances us from the greater evil through a lesser evil. This is also true on the social level, where the risk of desocialization is anything but unfounded. It can be said that contemporary society today is united by the separation of living bodies. Of course, also in this case it is a question of proportions. Everything is about respecting the delicate balance between community and immunity. A certain desocialization is inevitable today. But only to the point where denial does not prevail over protection, undermining the very body it should defend. Beware – this threshold may not be far. Today, under the pressure of the virus, the only way for our societies to escape the danger, is through the sacrifice of some personal freedoms. But how long will this be possible, without prohibiting the most intense meaning of our existence – which is the life of relationships? The same immunity, which serves to save life, could drain the sense out of it.

The problem that we face, even today, is not the simplistic one of contrasting community and immunity, but articulating them in a sustainable form that does not sacrifice one in favour of the other. Of course, today, perhaps as never before in all recent history, we are witnessing an abnormal surge of the request for immunity. The balance between *communitas* and *immunitas* seems to be broken in favour of the latter. The limit appears to have been overcome, with the consequence of minimizing life in common. How to restore it? Where to find the right point of articulation between community and immunity? With what preconditions and with what tools?

3. I believe that the problem needs to be tackled on a double level. That of the deactivation of negative immunization systems and that of the activation of new spaces in the municipality. As for the first level, the difficulties are not lacking. It is a question of distinguishing between devices of prohibition, control and exclusion. Between systems designed to protect our individual and collective experience, making it safer, and apparatuses that excessively reduce our freedom, our sociability, our curiosity towards others. This is particularly difficult because they are often the same devices. Control measures in airports and stations, photoelectric cells that frame our movements, apps that track our contacts, measures that are both necessary and insidious. I personally believe that the defense of life is a value superior to any other – if only because it is presupposed to them: in order to be free or to communicate with others, one must first be alive. But the limitation of freedom and sociality, should be kept to an indispensable minimum, by deactivating useless and harmful devices.

But the deactivation of negative or disbaring immunitarian devices, is only the first step, to which another equally necessary step must be added. The production of common spaces, spheres and dimensions must be placed side by side with the dissolution of the overly restrictive

immune bonds. For some time now, philosophers and jurists have started a work of redefining the concept of 'common good', hitherto compressed between private goods and goods. The first to be privatized were the environmental resources – water, land, air, mountains, rivers. Then the city spaces, squares, streets, public buildings, cultural heritage. Finally, the resources of intelligence, communication spaces, information tools. Then, this privatization of the public was intertwined with the reverse phenomenon of the publicization of the private sector, with the acquisition and dissemination of sensitive data. Between these two trends, the dimension of the common risks being squeezed.

But it is precisely on this terrain that something like a return of the community must be thought, and then made real. It must start from a rupture with the alternative between public and private, which risks crushing the common, focusing instead on expanding the space for the common use of goods. In this sense, the category of use must, if not replace, at least be put alongside that of ownership. Using a thing does not necessarily mean owning it on your own, but making a use of it that others will be also able to make in their turn, without necessarily owning it. The conflicts that have started all over the world, and also in Italy, over the attempts to privatize water, the appropriation of energy sources and the multiplication of exclusive patents of medicines by pharmaceutical companies in the poorest areas of the planet, go in this direction. This is a difficult battle because at the moment there are no statutes and legal codes aimed at protecting the common from the private sector and the state. In truth, there is not even an adequate lexicon to talk about something – the common – historically excluded, first from the process of modernization and then from that of globalization.

The common is neither the public, which is opposed by the private, nor the global, which is opposed by the local. It is something unknown, and even refractory, to our conceptual categories, which have long been framed in the grids of the general immunitarian system. And yet the wager of a return of the community is played precisely on this possibility. On the ability, to act, and even before that, to think within this horizon.

Translated by Arbër Zaimi