Beyond the Other as Constitutive Outside: The Politics of Immunity in Roberto Esposito and Niklas Luhmann

Introduction: Roberto Esposito's Incomplete Deconstruction of the Constitutive Other

The concept of the 'constitutive outside' was introduced to political theory by Ernesto Laclau and Chantal Mouffe[1]. Drawing on Henry Staten's reading of iterative meaning formation in Derrida[2], Laclau and Mouffe argue that in the absence of ontological grounding, identity constitution must take place against a "radical outside, without a common measure with the inside" (Laclau, 1990: 18). The 'constitutive outside' has since not only been widely adopted within Continental Political Theory (Oswell, 2006; Hall, 2000). But it also increasingly informs more general social theory and empirical social research in a way which is largely dissociated from the concept's theoretical underpinnings, which thus remain unchallenged (Hawkesworth, 2010; Mara, 2003; Diez, 2004). This article unfolds its argumentation from the insight that this unquestioned theoretical adoption of Laclau and Mouffe's 'constitutive outside' is highly problematic because of the political consequences they infer from its epistemic necessity (Laclau 1990; Mouffe 2000). Intertwined with Carl Schmitt's (1996: 19-27) assumption of a general political antagonism between friend and foe, the fluid, iterative outside of meaning constitution[3] is turned into a solidified other when applied to the political

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[1] Laclau and Mouffe's *Hegemony and Socialist Strategy* is often referred to as the origin of the 'constitutive outside' - even by Mouffe (2000: 21) herself (Oswell, 2006: 58). Laclau and Mouffe discuss the mutually productive relationship between hegemony and social exclusion here, but in reference to Althusser's reading of Hegelian dialectics as a general logic of social reproduction. The concept itself doesn't actually appear in *Hegemony and Socialist Strategy*, but only finds its way into Laclau and Mouffe's later, separate works in reference to Staten's reading of Derrida. In the former they still insist on the Marxist distinction between real opposition and artificial, discursive antagonism (Laclau and Mouffe, 1985: 97-134) which is later dissolved when they work out the 'constitutive outside' as a theoretical concept with stronger post-structuralist markings (Mouffe, 2000; Laclau, 1990).

[2] In *Wittgenstein and Derrida*, Staten (1984: 24) introduces the concept to illustrate how, for Derrida, meaning is always produced in relation to both its linguistic and its social context and thus cannot be understood as essential and unitary. For Derrida himself, the character of the 'constitutive outside' seems to remain ambiguous. It oscillates between an unspecified multiplicity which marks the linguistic realm of possibility on which every specification of meaning draws (Derrida, 2005: 100-5) and a more defined, personalised psychoanalytical other which comes into play when Derrida relates his linguistic insights to the post-foundational constitution of subjectivity (Staten, 1984: 141-9).

[3] Derrida himself enforces the idea that his epistemological argument of a mutually constitutive relationship between self and outside unfolds a violent antagonism when applied to communal politics. In *Rogues*, he argues that the democratic community constitutes itself through the immunisation against "all the others, in particular bad citizens, rogues, noncitizens" (Derrida, 2005: 63). But since the democratic community, just as the linguistic sign, lacks a proper meaning as its ontological core, nothing prevents political immunisation from turning into a fatal state of auto-immunity which attacks the community it ought to protect (Derrida, 2005: 30-8).

realm. Political antagonism becomes both epistemological condition for, and political consequence of, every process of identity-formation (Mouffe, 2000: 21-9).

This article turns to Roberto Esposito's contemporary political philosophy to re-think the 'constitutive outside' in its epistemic formation and its political implications. The backbone of Esposito's philosophy is his deconstruction of community as an ontological essence which connects, unifies or delimits its members. Esposito's *communitas* is an ontological "no-thing" (Esposito, 2010: 136). It only exists as the practical social bonds which form and maintain communal life in the absence of an ontological ground. The absent ground of communal life unfolds the conceptual trias of community, immunity and biopolitics which runs through Esposito's work. He shows how communal relations which paradoxically persist against this foundational lack require a political mechanism of immunisation which conceals the community's internal void by displacing it to the outside. However, this political mechanism at the same time transforms the relational *communitas* into a biopolitically immunised community which is now politically reproduced against the background of this displaced other (Bird and Short, 2013: 6-10).

In close connection to the post-ontological community theories of Jean-Luc Nancy and Maurice Blanchot, Esposito's powerful deconstruction of communal essence on the one hand opens recurring communitarian themes within political theory to the critical investigation of their foundation, their theoretical and ethical implications (Tierney 2016; Hole 2013; Bird 2013). On the other hand, it provides a theoretical basis to critically explore how political immunisation, from the Third Reich's biologisation of the political lexicon to the governance of health crises, produces a fictional community-to-be-governed against a foreign threat (Esposito 2008: 112-7; Pellizzoni 2011; Jaakko 2013). This article argues that Esposito's unpacking of immunitarian politics takes place on the basis of a second, more implicit theoretical deconstruction, which so far has remained unnoticed.

Esposito dissolves post-ontological political theories of community from the intertwinement with a foundational self/other dialectic. He shows that political antagonism is the contingent product of communal immunisation, not the ontological condition of communal life. The legal meaning of *immunitas* describes an exemption from the reciprocal exchange which takes place in communal relations. But while immunisation disrupts the ideal reciprocity of *communitas,* Esposito shows that the flip side of the exclusion it performs is a unifying effect that holds together shared social existence in practice (Esposito, 2011: 8-10). When usurped

by sovereign governance, communal immunisation can unfold a negative, antagonistic dynamic which corresponds to the biomedical meaning of immunity as the defence of a body (politic) against an external aggressor (Esposito, 2008: 30-49). But importantly, immunisation is never per se negative and destructive for Esposito. First and foremost, it is nothing more than the mechanism through which communal relations reproduce themselves against the ontological void they are based on. The biopolitics of negative immunisation which reproduce the community against an external other are merely a contingent, socio-politically conditioned form of this constitutive immunisation.

The first part of this article will illustrate how Esposito proposes affirmative immunity as an alternative logic to the constitutive antagonism of negative biopolitics. Affirmative or tolerant immunity produces communal life not against a defined, external other. On the contrary, it performs communal self-production through the constant, introversive oscillation between inclusive openness and exclusive self-differentiation. Affirmative immunisation takes place against the 'constitutive outside' of life in its Bergsonian multiplicity. This outside is not co-constituted as antagonistic other – but primarily undifferentiated and thus undefined. On this basis, immunitarian politics unfolds within a continuum of multiple outside relations which are open to the self-differentiating political community (Campbell and Luisetti, 2010: 111-5). However, I argue that Esposito's theory of immunity fails to harness its innovative potential for understanding the politics of indeterminate communal self-production.

The second part of this article illustrates how Esposito essentialises and prioritises the becoming of biological life as source of social normativity. Through a problematic reading of Gilles Deleuze, he firstly reintroduces biological life as directional and constitutive externality to his affirmative immunity. As a consequence, this "vitalism of politics" (Esposito, 2008: 115) secondly leads to a depoliticisation of immunisation itself. Politics becomes secondary and reactive to a strengthened and unhinged *bios* which Esposito theoretically immunises against any critical investigation of its political conditions and consequences. The third part of this article aims to resolve the theoretical ambiguities which follow the organicist and vitalist notions running through Esposito's affirmative immunity. To this end, I turn to a theorist whom Esposito himself employs to conceptualise immunity: Niklas Luhmann. Against the simplifying misreading of Niklas Luhmann as positivist-analytical theorist, this article connects to recent attempts within Luhmann scholarship to highlight the multiple points of contact his Systems Theory offers for pluralist, post-

ontological and especially post-structuralist theory (Devellennes, 2014; La Cour and Philippopoulos-Mihalopoulos, 2013; Opitz, 2013; Moeller, 2012; Stäheli, 2000).

Esposito's community and Luhmann's social system share a functional logic. The social relations they consist of reproduce themselves not just in spite of, but through the lack of ontological grounding – a process which Luhmann refers to as autopoiesis. The immunitarian protection of autopoiesis does not prioritise vitalist becoming. It is radically indeterminate in terms of both the social relations and the epistemic content which it reproduces. To ensure the autopoiesis of social systemic relations, it is not a biologically connoted life force, but informational complexity which has to be contained through immunisation (Luhmann, 2002: 70-159). Luhmann's immunisation reduces complexity to allow for the continuation of social relations. But as in Esposito, it also reproduces the status quo of contemporary politics. However, since Luhmann's political immunisation consists in the continuous inclusion of contradictions as points of rupture and openness, it is, in contrast to Esposito's negative immunity, never completely closed off towards potential change.

This article employs the theories of immunisation developed by Esposito and Luhmann to conceptualise post-ontological, communal identity constitution against a 'constitutive outside' in a way which does not automatically unfold a Schmittean antagonism when transferred to the political realm. The immunitarian self-production of social relations takes place in constant, productive exchange with the undifferentiated outside excluded at the limits of their capacity for epistemic connections. It can certainly take the form of a community which produces its unity against an external other. But this 'other' is nothing more than the contingent, politically conditioned form in which a primarily undefined outside is made sense of on the inside of communal relations. As a temporary, politically conditioned rather than epistemologically fixed path-dependency of communal self-production, any antagonism it institutes is always open to alteration.

The Political Contingency of the Immunised Community: Communitas, Biopolitical Othering, Affirmative Immunity

Esposito inserts his biopolitical theory of immunity into a moment of ambiguity he identifies in Foucault's conceptualisation of biopolitical governance. Ambiguously, Foucault's governance of life oscillates between succeeding and supporting the former. Esposito rejects

the idea that biopolitical governance marks a distinct historical phase. Instead, "*bios* and *nomos*, life and politics, emerge as the two constituent elements of a single, indivisible whole that assumes meaning from their interrelation" (Esposito, 2008: 45). It is immunity which comes to perform this constant interrelation of life and politics to produce the political-legal community in Esposito (2008: 48-50). But how does the immunised community come into being in the first place? In *Communitas: The Origin and Destiny of Community*, Esposito draws on the classical political theories of Hobbes, Rousseau and Kant to deconstruct the idea that communities can be traced back to a biological, geographical or ontological essence which demarcates the community as ideal space of public ownership and proper subjective belonging (Bird and Short, 2013: 5-6). Against this philosophical myth of the proper community, Esposito employs Marcel Mauss' famous analysis of gift-giving to argue that it is the practice of *munus* which functions socially constitutive. The reciprocal obligation to expose subjective identity to a social other constitutes the basis of communal life (Tierney, 2016: 61-6).

This social mechanism of shared, reciprocal expropriation is the relational ground on which *communitas* persists – empirically, not transcendentally. But since the common *munus* "isn't having, but on the contrary, is a debt, a pledge, a gift that is to be given", it necessarily "will establish a lack" (Esposito, 2010: 6). This lack is the absent ground of the community. Community thus does not exist beyond its manifestation in social bonds, not because it has lost - or yet to reach - the actualisation of its ontological essence, but precisely because social life constitutes itself in practice against this foundational lack (Esposito, 2009: 26-9). With Heidegger, Esposito argues that *communitas* can never be realised because paradoxically, it is always already given as "the condition, both singular and plural, of our complete existence" (Esposito, 2013: 36). *Dasein* is always *Mitsein*, and can only be experienced through the latter.

> The community isn't before or after society. It isn't what society has suppressed nor the goal that society has to place before itself. In the same way community isn't the result of a pact, of a will, or of a simple demand that is shared by individuals, nor is it the archaic site from which these individuals originate and then abandon for the simple fact that there are no individuals outside their being-in-a-common-world (Esposito, 2010: 92).

The relational *communitas* emergent is anti-immunitarian in a two-fold sense. On the inside, it firstly exists as the shared, connective relations of communal *munus* which both break open and transcend physical, ethnic or political bodies. But this relational-practical grounding

secondly dissolves the community from the necessity to establish and ontologise clear-cut external boundaries through which "the community is walled in within itself and thus separated from the outside" (Esposito, 2010: 16). For the deconstruction of the 'constitutive outside' which this article attempts, it is important to note how Esposito's *communitas,* which continues to exist not against an external other, but on the basis of a foundational void, challenges the epistemic necessity of the inside/outside antagonism set up by Laclau and Mouffe. But *communitas* cannot persist in practice. Exposing its members to the radical otherness and diversity of *zoē*, the relations of *communitas* can never reach social stability. The community must therefore immunise itself against the rupturing force internal to it (Esposito, 2013: 100-5; Esposito 2009: 32-6). It must transform the untamed life of *zoē* into a politically contained *bios* which charges communal relations without simultaneously threatening to disrupt them.

For Esposito, immunity is thus on the one hand necessary to preserve communal *Mitsein* as the fundamental condition of our existence. Community, it seems, can in practice only persist as immunised through the philosophical myth of the proper community and its actualisation in biopolitical containment (Lemm, 2013).

> Clearly, without any kind of immunitary system, the world, just as an individual human body, could not bear up (Esposito, 2013: 133).

> [M]ore than the defensive apparatus superimposed on the community, immunization is its internal mechanism *[ingranaggio]:* the fold that in some way separates community from itself, sheltering it from an unbearable excess (Esposito, 2008: 52).

But on the other hand, immunity problematically alters the logic of communal constitution. It replaces the relations of reciprocal expropriation with a centralised, political mechanism of identity-production as the ground of communal cohesion (Esposito, 2011: 6-7). In return for the protection of the communal *bios*, the shared obligation of *munus* is now transformed into a debt owed to the political sovereign who regulates and delimits individual life for the sake of social stability (Bird, 2013: 34-5).

Esposito retraces how modern politics totalises and monopolises the immunitarian protection of the community's body politic. The negative logic immunisation it unfolds displaces the internal threat of dissolution to the outside of the community, manifesting it as antagonistic other against which the community must be protected (Esposito, 2011: 48-60). Placed in the hands of the sovereign, the externalised threat of death is turned into a productive political

tool to preserve the immunised community by eliminating co-constituted others on its outside (Kordela, 2013: 167-70; Esposito, 2011: 114-8). But at the same time, political power also relies on this balancing management of life and death. The political guarantee of immunisation makes the community's citizens indebted to the sovereign and legitimises the one-sided expropriation of their *zoē* (Esposito, 2010: 4-40). The genealogy of negative biopolitics which Esposito draws out in *Bios* hardly seems to differ from the oppressive, destructive and ultimately thanatopolitical governance of life theorised by Foucault, Derrida and Agamben (Campbell and Sitze, 2013: 122-30). Here, death is no longer the hidden core of immunitarian politics, but surfaces as the explicit object of political action. Once negative, extroversive immunisation reaches a certain threshold, it turns its deadly force against the community itself. As the constructive location of the threat to be eliminated, the community becomes the target of this auto-immunity, exemplified by the eugenic genocide of the Third Reich (Jaakko, 2013: 258-60; Esposito, 2008: 320-45).

While *communitas* challenges the logic of the 'constitutive other', Esposito's negative immunisation politically embraces it. But importantly, the co-constitution of community and external other is not inscribed as epistemological necessity on which the continuation of social relations relies. It is merely a contingent political form of the immunisation through which communal relations reproduce themselves against their foundational void. While immunisation seems necessary for Esposito, the externalising logic that binds the community to the other which is its displaced, internal void is the secondary product of communal politics. Moving beyond the externalising logic of negative immunisation, Esposito turns to Niklas Luhmann's theory of self-producing systems to theorise immunity in a more open way. With Luhmann, he shows how immunity can be understood as introversive mechanism of "self-identification" (Esposito, 2011: 59) through which social-relations continuously reproduce themselves. This reproduction takes place in the absence of both an ontological ground and an epistemologically co-constituted other to replace it. Luhmann's (2004: 476) immunity is tied and limited to existing social relations as locus of experience and therefore "gets along without knowledge of its environment".

Esposito replaces the constitutive self/other antagonism of negative immunisation with an open-ended, introversive balancing of inclusion and exclusion (Esposito, 2011: 8). While immunisation is a necessary condition for communal organisation, it does not have to take place as the construction of a particular other – or necessitate a constitutive antagonism at all. It reproduces the communal inside against an outside which is fundamentally indeterminate

and open to a multiplicity of secondary constructions. Immunity is thus freed from the political determination to "spill blood and is no longer covered in blood because there is nothing and no one outside it" (Esposito, 2011: 50). For this reason, Esposito argues that negative immunisation can be transformed into an affirmative biopolitics which recovers the productivity of differential relations of *communitas*.

Instead of excluding others to reproduce political sovereignty, affirmative immunity embraces the multiplicity of its undefined outside as the productive force of Nietzsche's eternal return (Esposito, 2008: 78-93). For Esposito, the communal body is a fluid, constantly evolving network of relations with the immune system as the driving force of this becoming. Rather than isolating a community from its respective environment, it allows for a constant connection to the Dionysian chaos of the latter as a resource for movement, regeneration and change (Esposito, 2011: 169-77). How affirmative immunisation can function affirmatively against the background of a foreign, unknown outside is, for Esposito, exemplified by the relationship between foetus and mother. Here, the immunity mechanisms of both organisms interact instead of forming an antagonism. Adapting to each other, they ultimately strengthen both biological systems.

> Far from being inactive, the immunity mechanism is working on a double front […]. In short, by immunizing the other, it is also immunizing itself. It immunizes itself from an excess of immunization. The fact that the entire operation is performed as part of the immune function activities— and not as a failure to act—is proved by the fact that the antibodies are still what block or "fool" the self-defense system of the mother […]. This means what allows to be preserved by the mother is not their "resemblance", but rather their diversity transmitted hereditarily from the father. Only as a stranger can the child become 'proper' (Esposito, 2011: 170).

While Esposito's argument here certainly seems to have ethical implications, he importantly grounds his tolerant immunity within the functional logic of microbiological theories of second-order immunity systems (Jerne, 1974: 373-87). These support the theoretical perspective which Esposito has already opened up with Luhmann: immunity primarily operates introversively and self-referentially rather than aggressively. In the absence of outside relations, (organic) systems develop immunity as a mechanism to uphold their internal relations as distinct from an outside which is fundamentally unknown. "[R]ather than acting as a barrier for selecting and excluding elements from the outside world, [immunity] acts as a sounding board for the presence of the world inside the self" (Esposito, 2011: 169).

It is for this reason, Esposito argues, that affirmative immunity produces tolerance for an outside whose 'otherness' is not constitutive and fixed, but the malleable construct of political immunisation itself. He insists that it is possible to re-wire the immunitarian intertwinement of life and politics towards a "biodemocracy" (Campbell and Luisetti, 2010, 115). Esposito arguably remains rather vague with regard to the practical-political implementation of affirmative biopolitics. In *Third Person* he discusses linguistically and politically impersonal common spaces which escape the self/other dialectic as realms of biopolitical democracy (Esposito, 2012: 125-40). But regardless of the practicality of these suggestions, I argue that the innovative quality of Esposito's immunity theory lies in the fact that it provides a perspective for post-ontological theory to understand community constitution without this foundational self/other dialectic. Esposito theorises an immunised community which persists as introversive construction against an unknown outside and does not emerge in necessary opposition to a 'constitutive other'. The affirmatively immunised community is a spatial and temporal multiplicity of aggregated lives. Informed by Marcel Merlau-Ponty's multiple flesh and Gilbert Simondon's individuations, it dynamically transcends - and therefore resists - any static containment in the form of both a unitary body politic and its clearly defined outside (Kordela, 2013: 184-5; Esposito, 2008: 179).

Organicism and Vitalism in Esposito: The Primacy of Life and the Question of Politics

Esposito's political immune system can grasp the suicidal dynamic of auto-immunity as political reality, but is never consumed by it. It dissolves the immunised community from the threat that negative biopolitics binds it to as 'constitutive outside' – and thus calls into question the political legitimacy of the sovereign protection which the former institutes. But how does this political application of immunity theory fit with Esposito's own account of contemporary politics? The end of the Cold War with its structurally fixed realms of immune defence constitutes a fatal turning point for Esposito. As biopolitics is freed from all spatial confines, unhinged immunity mechanisms clash within the global political sphere, instituting a self-perpetuating "immunitary crisis" (Esposito, 2013: 62). Esposito shows how political power now unfolds through particular immunity events such as the US invasion of Afghanistan. These immunity events always involve both the governance of life and governance through death to constantly perpetuate the need for further immunisation.

> The fact that in the recent Afghanistan war the same airplanes dropped bombs and food rations on the same populations is perhaps the most tangible sign of the nearly complete identity between the defense of life and the production of death (Esposito, 2013: 77).

But peculiarly, Esposito doesn't unpack these political events as emergent from the reproductive mechanism of immunisation which he has opened up theoretically. Applied to contemporary politics, immunitarian governance appears simplified. It is reduced to the mere Machiavellian deployment of sovereign force in exceptional circumstances. Esposito's theory of life and politics as co-dependent, mutually constitutive dimensions of the immunised community is surprisingly and unfortunately far removed from his analysis of contemporary politics which is dominated by notions of structural determinism and political instrumentality. If contemporary politics is unhinged negative immunisation, how can we expose its contingency to initiate a political transformation to affirmative immunity?

The peculiar separation which Esposito upholds between contemporary politics and a seemingly depoliticised affirmative immunity can be traced back to the latent organicism and political vitalism which run through his conceptualisation of biopolitical tolerance within the immunised community. Esposito's argumentation, rapidly and without hesitation, shifts between references to immunity within his philosophy of life, the life of biological organisms and the politics of a community. Enfolding the vitalist primacy of life as well as biological essentialism in his argumentative development of political immunity, Esposito's affirmative immunisation is firstly inconsistent with his critique of the body politic as catalysing antagonistic biopolitics (Deutscher, 2013: 58-63). It secondly calls into question the innovative achievements of his theory of fundamentally open, but politically conditioned immunisation which takes place against an undifferentiated outside.

Expressed most clearly in his deconstructive reading of Hobbes' *Leviathan* in both *Communitas* and *Bios,* Esposito's theoretical project is a direct critique of organicism in legal and political thought (Esposito, 2010: 22-30; Esposito, 2008: 49-52). The modern "comingling of political and biomedical languages" (Esposito, 2013: 71) is both ground and symptom of the political logic of negative immunisation. Here, the citizens of the immunised community come into being as functionally subordinate organs of the sovereign body politic which absorbs their life force to maintain the cohesion of the politically constructed, communal *bios* (Lemm, 2013: 8-11; Hole, 2013: 114-6).

> The subjects of modern politics may constitute themselves as such only by taking the place of the ancient sovereign that they killed. Yet, in devouring his body, they incorporate his very death. They can only assume power by dying themselves as subjects, by submitting themselves to death (Esposito, 2013: 31).

But paradoxically, Esposito himself puts forward a theory of immunity - a biomedical term itself – which seems to perpetuate precisely the biologisation of thought which he sets out to deconstruct. Uncritically, he embraces the biomedical lexicon of immune tolerance, implants and prosthesis to develop his concept of affirmative immunity. In addition, Esposito refers to biological research, such as Jerne's network theory, and medical examples of immunity to argue that the former can function productively rather than merely destructively (Tierney, 2016: 65-72; Esposito, 2011: 166-70). This unaccounted turn in Esposito's view on philosophical organicism is mirrored by his discussion of life.

Initially, Esposito's theory of immunity seems to align with Foucault's epistemological relativisation of collective life as the politically charged product of particular historical and discursive conditions (Chomsky and Foucault, 2006: 5-6). In a genealogical fashion, Esposito (2008: 110-45; 2011: 52-79) reveals how life and the body are altered and controlled through the immunitarian biopower of sovereign politics, economy and theology. Explicitly, he proclaims that "*there is no nature*" (Esposito, 2011: 151; original italicisation). Esposito thus acknowledges that *bios,* individuated life, is malleable and subject to the grasp of discursive forces. But peculiarly, this does not seem to extend to the pre-communal life which manifests itself in all beings (Esposito, 2011: 148-69).

As a Bergsonian, holistic force of becoming, Esposito endows this life with a status of ontological primacy: "any thing [sic] that lives needs to be thought in the unity of life" (Esposito, 2008: 194). He develops his concept of life as a dynamic multiplicity which unites and drives all productions, repetitions and changes in relation to Nietzsche's Dionysian drive, Gilbert Simondon's theory of individuations and Spinoza's holistic vitalism (Esposito, 2008: 78-87; Gratton, 2013: 95-7). It is not accidental that this line-up of theoretical references shows a striking similarity to the sources which inspire Deleuze's philosophy. Indeed, especially Deleuze's late essay *Immanence: A Life* proves to be a central influence on Esposito's attempt to think beyond a life enfolded in the immunitarian reproduction of sovereign politics. In the short essay, Deleuze describes life as a "pure stream of a-subjective consciousness, a pre-reflexive impersonal consciousness, a qualitative duration" (Deleuze, 2011: 25).

> The life of the individual gives way to an impersonal and yet singular life that releases a pure event freed from the accidents of internal and external life, that is, from the subjectivity and objectivity of what happens (Deleuze, 2001: 28).

Esposito argues that in its singular, impersonal form, "A LIFE" (Deleuze, 2001: 27) precedes and thereby escapes the politically constructed antagonism between different individuations. Deleuze's life is pure difference which can never be conceptualised as external other, but to which all secondary, dialectic oppositions are immanent. It thus provides additional support for Esposito's theoretical move to dissociate the immunised community from its inherent antagonism to a 'constitutive other' and to explore how it alternatively can be formed in constant exchange with a differential, undefined outside - the outside of bare life (Esposito, 2012: 134-37). But Esposito (2008: 185) goes further, proposing this ontology of "reciprocal immanence" as guiding principle for a biopolitical governance "that doesn't subject life to the transcendence of a norm, but makes the norm the immanent impulse of life" (Esposito, 2008: 194).

It is debatable if those most Spinozist moments of Deleuze's theory picked up and isolated by Esposito can be effectively integrated into a biopolitical perspective. But even disregarding this general concern, I argue that Esposito's proposition to use life as an example for and source of political norms is considerably closer to a normative vitalism than Deleuzian philosophy provides the ground for. *Immanence: A Life* is not primarily concerned with developing a theory of life in its conventional understanding. It explores productivity as situated within life as an impersonal plane of immanence. Described by Deleuze and Guattari (1994: 65) as the "image of Thought-Being", it is the source and space of human activity in which the distinction between organic-material and epistemic collapses (Zourabichvili, 2012: 188-199). This suggests that Deleuzian immanence is not a suitable ground to establish the ontological primacy or superiority of material-biological becoming over conceptual-epistemic productivity.

For this reason, Esposito's attempt to use Deleuze's philosophy - designed to subvert the notions of origin and linearity (Zourabichvili, 2012: 36-40) – to ground politics in a normative vitalism appears misguided. But even more problematically, Esposito occasionally seems to equate the open-ended movement of Deleuzian becoming with the scientific representation of biological life. In *Third Person*, he adopts Deleuze and Guattari's idea of becoming-animal designed to resist the dogmatism of subject-centred, representative

philosophy. But Esposito employs the concept in a direct, seemingly literal sense as the political demand for the return to a natural, dynamic state of communal life.

> Becoming-animal, for Deleuze, […] is our most tangible reality, so long as what we mean by real is the process of mutation that our nature has always undergone. What we are talking about is not humankind's alter, or the alter in humankind, but rather humankind brought back to its natural alteration (Esposito, 2012: 150).

This tendency to essentialise biological life in order to deduct socio-political propositions also becomes visible in Esposito's reference to living organisms and organic matter. As stated above, he uses divergent theoretical conceptions of living matter from Merlau-Ponty's flesh to Donna Haraway's cellular multiplicity to work out the immunitarian constructedness of biological categories (Esposito, 2011: 106-21; 145-7). However, Esposito does not seem to drive at the general contingency of different ways to account for life. By contrast, he deconstructs these categories in order to reveal the biological, cellular multiplicity of the flesh as the essence of bare, uncontained life endowed with a superior truth (Chiesa, 2011: 108-9; Gratton, 2013: 92-3).

This is most striking in Esposito's (2011: 170) reference to the example of the immunitarian interaction between mother and foetus where the simultaneous duality of progressive difference and common belonging - under conditions regulated by life itself - allows for immunity to produce tolerance and affirmation, not hostility (Deutscher, 2013: 59-60). Tolerant immunity, which Esposito offers as a political alternative to the antagonism of negative immunisation, is here problematically inferred from a biological process where immunity remains bound to a pre-existent, binary organic difference. For the immune system of the mother to adapt during pregnancy, Esposito (2011: 170) states that the child needs to have a certain "degree of genetic foreignness of the father" not to be identified as a threat. Here, the essential difference of the 'other' is clearly more than the contingent product of immunisation – it is the necessary condition for its affirmative functioning.

The latent organicism and vitalism present in Esposito's theory of immunity reveals a problematic, unreflected slip in the status of organic metaphors and examples from his deconstructive critique of the antagonising biologism of modern politics to its affirmative reversal. But could Esposito's continuation of philosophical organicism and vitalism be the conscious, consequential theoretical response to a present socio-political context which he

describes as thoroughly steeped in the biopolitical dialectic of negative immunisation (Deutscher, 2013: 60-2; Esposito, 2013: 75)?

> To these apparatuses I contrasted not something from the outside but their exact opposite: a conception of a norm that is immanent to bodies, not imposed upon them from outside, a break with the closed and organic idea of a political body in favor of the multiplicity of "flesh of the world," and finally a politics of birth understood as the continual production of difference in terms of identity (Esposito, 2013: 78).

Understood in this sense, Esposito's theorisation of affirmative immunity would be the attempt at an incremental, subversive alteration of the immunitarian political mechanism, careful not to fall victim to the logic of the 'constitutive other' by formulating resistance 'from the outside'. However, even within this logic, Esposito's vitalism remains problematic because of the ontological status he attributes to his biologically informed account of life. Deduced from a particular philosophical concept of ontologically anchored life – and posited as necessary political consequence of the former – Esposito's affirmative immunity seems to replicate and perpetuate rather than change the constitutive logic of the immunised community. It theoretically institutes a ground for communal life which is more profound than the social relations of the shared *munus*.

It has been shown how Espoito's ontologisation of life can firstly be challenged for it its inconsistency with the more deconstructive, post-ontological moments of his philosophy. Problematically, this inconsistency subverts Esposito's deconstruction of communal constitution as bound to a self/other relation. Since differential life - as the outside of politics – is identified as the essential property of concrete biological entities, Esposito's theory falls back to grounding affirmative biopolitics in the idea of an original self capable of tolerating a foreign other. As a consequence of Esposito's vitalist prioritisation of life, the practical-political implications of immunity secondly remain underdeveloped. As shown above, Esposito provides no points of contact for a theoretical or practical reworking of negative, thanatopolitical immunity in political practice (Esposito, 2013: 55-8; Esposito, 2010: 62-4). In *Bios,* Esposito (2008: 173-92) begins to develop affirmative immunity as political alternative to the sovereign oppression of shared life – but only, it seems, to overcome politics altogether. Once the force of life is unleashed, intrinsically endowed with a positive direction, politics is reduced to a secondary, reactive function.

It only needs to follow and implement the norms purported by the force of life itself. Through his reading of Spinoza[4], Esposito (2008: 188) "configures the juridical order as meta-stable system of reciprocal contaminations in which the juridical norm, rooted in the biological norm, reproduces the latter's mutations". In his vitalist turn, Esposito loses sight of the necessary connection between social coexistence and immunitarian politics which he draws out in his theory of community. How communal immunisation plays out in its concrete political-institutional dimensions, once it is no longer functionally directed towards an externalised other, remains unspecified in favour of an "affirmative and vitalist account of the constant transformation of an entity's own norm" (Deutscher, 2013: 62). In sum, it is the ontologisation of Esposito's theoretically unmediated bio-medical references which is essentially problematic for his deconstruction of the 'constitutive other' – and which will be revealed as radically different from the way Luhmann employs the neuro-biological concept of autopoiesis. As pointedly summarised by Lorenzo Chiesa (2011: 108),

> Esposito's intention to investigate biopolitics, beyond Foucault, as an immanent nexus in which and for which life and politics are – and have always been – inextricable from one another is thus compromised by his own transcendent stance on life.

Towards a Theory of Autopoietic Immunity with Niklas Luhmann

The third part of this article draws on Niklas Luhmann's sociological Systems Theory to firstly resolve the ontological ambiguities which Esposito's vitalism enfolds in his introversive, immunitarian production of social relations. Secondly, the theoretical reliance on the self/other dialectic as constitutive ground of social cohesion is further problematised through Luhmann in a way which thirdly re-focuses immunity theory on the realm of politics. While Esposito turns to Luhmann to develop his introversive immunisation, Luhmann's theory of social systems is usually associated with mechanistic-structuralist and analytical social research. Its employment within a critical, biopolitical theory might therefore appear at best surprising, at worst ill fitted. Against this dominant classification of Luhmann's theory, this article ties in with recent attempts to make use of his ideas within the framework of post-structuralist thought. What Luhmann's conceptualisation of society as a system of meaning relations comprised of other, epistemologically autonomous meaning systems such as

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[4] A critical analysis of Esposito's eclectic use of Spinoza's philosophy similar to the discussion of his reading of Deleuze undertaken here can be found in Gratton (2013).

economy or politics offers is, as Hans-Georg Moeller puts it, is a genuinely radical - "meta-critical" (2012: 31) – perspective to challenge the hidden humanist and anthropocentric core of many left-wing theories. "Luhmann, in a fashion similar to Copernicus, Darwin, and Freud, shatters some of the 'common sense' self-descriptions so that previously unimagined possibilities of looking at the world can emerge" (Moeller, 2012: 31).

One of the post-humanist, theoretical innovations most essential to Luhmann's theory is its focus on processes of autopoiesis. Autopoiesis specifies Luhmann's earlier concept of self-reference: an autopoietic system produces not only its structures, but also the events which are connected to these structures to ensure continuous reproduction in a way which is completely closed off from the systemic outside (Luhmann, 1995: 34-45). Luhmann adopts the concept of autopoiesis from the constructivist neuro-biological research of Humberto Maturana and Francisco Varela (Sciulli, 1994: 41-2). Against the view that bodies form singular neuronal units centrally regulated by the brain, the research of Maturana and Varela (1980: 8-12) indicates that each organism consists in a multiplicity of organic systems which all perform their own, independent neuronal interpretations. Life, in this sense, is the self-production of multiple neuronal networks which form living entities through continuous, but ultimately contingent connections on their systemic inside (Maturana and Varela, 1980: 62-5). Luhmann transfers Maturana and Varela's notion of autopoiesis to the production of social life. As autopoietic entities, social systems differentiate themselves in a non-teleological, strictly functional way (Devellennes, 2014: 9-10).

Autopoiesis ensures the continuity of social relations, but it is completely indeterminate in terms of the social content and structures reproduced, "sovereign with respect to the constitution of identities and differences" (Luhmann, 1990: 3). At a first glance, Luhmann's adoption of autopoiesis from Maturana and Varela's neuro-biological research appears to fall victim to the same organicism which Esposito fails to detach himself from. However, the idea of autopoiesis is radically altered – and dissolved from any biological-vitalist connotations - when introduced to the context of Luhmann's social theory. In contrast to Esposito's vitalist life, autopoiesis does not oppress or fosters evolutionary becoming. Open in a radical sense, autopoiesis neither ontologically nor normatively distinguishes between stability and change – not even with regard to the notion of biological life itself As Luhmann remarks in his characteristically dry tone: "Autopoiesis is no guarantee for survival, let alone a formula for progress", even though admitting that "[t]he evolutionary one-off invention of life has proved remarkably stable" (Luhmann, 2004: 466).

In contrast to the relations of *communitas* directing affirmative immunity, the autopoiesis of social systems is not only more open, but also does not require reciprocal expropriation. It consists in the constant provision of communicative connectivity, the possibility to make sense of and respond to events, actions and information within the system-internal logic of meaning (Luhmann, 1990: 2-5). All autopoietic entities are hence functionally – epistemologically - closed. They persist by maintaining the difference of their meaning system against the pure complexity or informational noise of an outside which cannot be conceptualised, let alone be grasped by the system. In contrast to classical cybernetic theory, Luhmann's social systems do not exist as ontologically pre-given, unitary entities (Moeller, 2012: 112-31). Like *communitas*, a social system is nothing but the contingent, manifest relations which emerge and reproduce themselves in the absence of any ontological foundation or essence (Luhmann, 1995: 70-6). Both the community and the social system are thus fundamentally paradoxical. Always already "given even before we place the lens in front of us" (Esposito, 2013: 90), they constitute themselves against the foundational void which is their absent origin.

Both system and *communitas* reproduce themselves as social-epistemic relations with temporal continuity in a way that is conditioned by – and limited to the inside of - those manifest social relations as horizon of experience, knowledge and meaning production (Stäheli, 2000: 82-92). But on this shared basis, Luhmann's concept of autopoiesis much more radically abandons any attempts to ground those introversive constructions from an Archimedian point detached from the social-relational ground of observation. Instead, Luhmann introduces a system-phenomenological perspectivism which epistemologically totalises the systemic inside (Moeller, 2012: 80-6).

> [I]f the elements that compose a system are constituted as units by the system itself […], there is no fundamental common ground among systems. Whatever functions as a unit cannot be observed from outside, only inferred. […] No system can decompose another analytically to arrive at final elements (substances) in which knowledge could find an ultimate foothold and secure correspondence with its object (Luhmann, 1995: 35).

With regard to the outside of the system, this means that it also is produced contingently through internal operations - irrespective of any possible, ontological existence this outside contains, which can never be accessed as such from the systemic inside. Even when attributed to the outside of the system, all information is produced by the system itself – and contingent on its particular logic of meaning (Luhmann, 1995: 68). In this sense systems "'choose' the

elements of their environment that affect them" (Devellennes, 2014: 11). But constituent for the system and its autopoiesis is not the particular way in which the outside is internally made sense of and related to the systemic identity. For Luhmann, it rather is the continuous differentiation of social relations from the external complexity which ensures the duration of the system. As a consequence, "one can say that the system totalises itself by referring to the environment and by leaving it undetermined. The environment is simply 'everything else'" (Luhmann, 1995: 181). The self-totalisation of the systemic inside in Luhmann now epistemologically completes the deconstruction of the constitutive self/other dialectic which Esposito theoretically initiates, but leaves incomplete on the inconsistent ground of his vitalist depth ontology. The radically closed perspectivism of Luhmann's meaning systems excludes the possibility of a constitutive externality and thus frees social relations from the epistemological antagonism that institutes political hostility.

But which role does immunisation play for the reproduction of an entity against the outside of pure complexity? How can Luhmann provide novel insights to the practical-political implications of constitutive openness which are left unexplored in Esposito? To understand immunity in its political function in Luhmann, it is necessary to unpack how social meaning relations are continuously produced through the oscillation between the incomprehensible outside and the inside of reduced complexity. Retracing the history of Western social organisation from primitive to feudal and contemporary society, Luhmann identifies an increasing tendency towards structuration and specification. Gradually, vertical hierarchies have been replaced by functionally differentiated systems. Centred on a particular social function – economic, educational or political – these systems have closed themselves off from the external complexity of other social realms in order to master the increasingly demanding, internal tasks they face within contemporary, highly developed society (Luhmann, 2002: 69-76).

But as a consequence, the increased system-internal complexity now exhausts the connective capacity of the social system. A re-exposure to the higher complexity of the outside, which it no longer can make sense of, would lead to the break-down of meaning connectivity - and thus the termination of the system. Now, the system needs an immunity mechanism to constantly keep at bay the external complexity against which it differentiates itself (Luhmann, 2004: 383-4). But immunisation also needs to target the internally increasing entropy of meaning within self-observing systems. Recording previous decisions, alternative options and situational assessments, they constantly produce new information to be

processed[5]. This constant alteration of the decisional ground leads to a general "insecurity of the *connective value* of events" (Luhmann, 1995: 368) which puts the duration of the system at risk.

Immunity is, for Luhmann (2004: 384), a "function of the social system in relation to a problem, which arises with the structural coupling of this system with its environment". It must manage the ambiguities, meaning contradictions and conflicts which follow from the system's exposure to complexity and threaten the duration of its relations[6] (Luhmann, 2002: 400-6). Luhmann does not provide a more specific definition for his concept of immunity. But linked back to the paradoxical groundlessness that the system shares with Esposito's *communitas*, it becomes clear that his immunisation is a mechanism of deparadoxification. Just as Esposito's community must immunise itself against the threatening void at its core, Luhmann's social system must differentiate itself from the informational noise which is the unknown outside, but at the same time the hidden ground of its duration. For Luhmann, immunisation hence on the one hand needs to function as a selective, epistemic boundary, protecting the system from the complexity surrounding it. On the other hand, it is as a mechanism of temporal-serial ordering which produces a manageable set of alternative meanings to "bridge the before/after difference" (Luhmann, 1995: 296) and ensure the connective duration of social relations.

In Esposito, the communal need for immunisation creates a governmental vacuum which allows the sovereign to reproduce its legitimacy by protecting the community against the other it politically constructs. Luhmann assumes that all autopoietic systems have available specific mechanisms to manage meaning insecurities. However, within the context of a functionally differentiated society, the resolution of contradictions and ambiguities through collectively steering decisions is the specific function of the political system (Luhmann, 2002: 140-54). To persist autopoietically with its institutional structures and actors, the political system constantly needs to "hold ready the capacity for collectively binding decision-making" (Luhmann, 2002: 84; own translation). But the political authority of

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[5] Social meaning systems are "non-trivial machines" (Luhmann, 1990: 275) which observe what they perceive as environment as well as themselves. Like the auto-pilot of a plane, they integrate their own changing position as the outcome of previous decisions into the knowledge basis which conditions new connective decisions. This constant re-entry of previous decisions increases the system-internal complexity.

[6] Esposito mentions the immunising force of contradictions in his discussion of Luhmann's theory in *Immunitas,* but fails to ground them in their relation to complexity and indetermination. He rather seems to view contradictions as examples of negative immunisation, the balancing of order and conflict which ultimately subjects the whole community to preventive biopolitical control (Esposito, 2011: 48-51).

decision-making faces a fundamental difficulty. To fulfil its functional role, it must expose itself to the external complexity of other – economic, scientific or legal - meaning systems which it cannot comprehend, and internally process this complexity to produce the decisions required[7]. Immunisation is thus of particular, functional relevance for the political system. It ensures that connective political decisions can be made under conditions which make it impossible for the political system to have secure knowledge about the systemic contexts it decides on (Rasch and Wolfe, 2000: 25-8)[8].

Luhmann's political management of contradictions, emergent between expectations and events, information and action, or different connective meaning options under the conditions of high complexity functions within the pharmacological logic characteristic for immunisation (Luhmann, 2004: 475-7). Distorting the secure ground for decisions, contradictions threaten political and social connectivity. But at the same time, they allow for the resolution of this decisional insecurity - taken to the extreme, their logic is reversed. Contradictions which are experienced as threatening by society as a whole constitute alarms signals learned and historically incorporated by the political system. But when a contradiction unfolds a particular, alarming meaning, it also opens up a political path of (re-)action solidified by past experiences. The contradiction reduces complexity and turns the condensed insecurity into "something almost secure: something has to happen in order to solve the contradiction" (Luhmann, 1995: 371). While contradictions which pass this threshold to signify an alarming threat provide points of contact to allow for the reproduction of the political system in its functional unity, they don't necessarily reproduce the political status quo they result from. As alarm signals, they introduce "a fictionalized, secondary indeterminacy" (Luhmann, 1995: 361) to the political realm which allows for the internal change necessary to resolve critical, insecurity-inducing conditions.

> One can clearly see how contradictions fulfill their function of warning and alarming. *For an instant they destroy the system's total pretension to being ordered, reduced complexity.* For an instant, then, indeterminate complexity is restored, and everything is possible. *But at the same*

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[7] Since the political system can only understand information and act accordingly within the boundaries of its internal meaning, effective political steering that alters the structures and dynamics of the social entity addressed is unlikely. This however doesn't affect the reproductive effect of political responses for the political system as a functional entity. The former only requires the production of political responses as such and is independent from the reproduction of a particular content, e.g. a certain party in power (Luhmann, 1990: 165-74).

[8] As noted by Opitz (2013), the emphasis on the self-productive nature of governance and its fundamental contingency reveals similarities to Foucault's governmentality. Important differences are however Luhmann's continued focus on institutional-political structures and his emphasis on the fundamental instability of political production in terms of the structures and elements reproduced.

> *time contradictions possess enough form to guarantee the connectivity of communicative processing via meaning.* The system's reproduction is merely directed into different paths (Luhmann, 1995: 373; original italicisation).

Within meaning-based social systems, contradictions and the political responses which follow must be understood as epistemological events. Reminiscent of Agamben's (1998: 8-12) state of exception, these events certainly can be instrumentally used by sovereign power to actualise or extend the legitimacy of governmental actions. However, in contrast to Agamben, Luhmann emphasises that neither the emergence of contradictions nor the political potentiality they unfold can be intentionally constructed or politically controlled. Luhmann's thoroughly political immunisation thus calls into question the diametrical opposition between negative, sovereign biopolitics and tolerant immunisation which Esposito develops. Luhmann explores how the immunisation of modern politics which epistemologically governs the demarcation between inside and outside, complexity and its resolution in meaning, necessarily opens up a space of political potentiality.

Equally open to change and identical reproduction, this immunisation however does not, as Esposito argues, automatically produce tolerance. Following Luhmann, the social system as a whole possesses a number of mechanisms to structure and stabilise expectations inter-systemically and reduce the necessity for political decision-making. He names truth, ethics and law as examples, discussing the latter as society's main immunity mechanism in more detail. In *Law as a Social System,* Luhmann argues that the modern diffusion of (formerly immunising) normative bindings increases the chance of clashes in expectations and actions which produce contradictions and thus connective insecurity. The functionally differentiated legal system integrates conflicts in a controlled way and keeps them separate from the political realm. It produces secure resolutions which, even though fundamentally contingent, are legitimised by system-internal path-dependencies (Luhmann, 2004: 171-80). Luhmann's immunising legal system constitutes a powerful argument against the necessary link of self-reflective, introversive immunity and adaptive tolerance established by Esposito. It operates in close relation to – and possibly in support of – sovereign governance which is immunised from the need to absorb further contradictions.

The legal system does not connect the political system to its social outside but, on the contrary, immunises the former from the necessity to adapt to its surroundings. "The demand for an immune system is not the result of poor adaption to the environment but is a result of giving adaption a miss, in other words avoiding it" (Luhmann, 2004: 477). As Luhmann

(2004: 472-3; 2002: 294-8) illustrates, the meaning output produced by both legal and political system is largely independent from the normative and structural restrictions of other social realms – but also from their requirements and demands. Yet, since Luhmann's immunity works in the complete absence of ontological anchoring, the strict, regulatory way in which political immunity mechanisms resolve conflicts is in itself fundamentally contingent – and hence open to change. Through Luhmann, negative and affirmative immunisation move closer together. But the political openness which comes with a turn to introversive immunity is no longer guaranteed to unfold affirmative effects through an intrinsic alignment with the force of life, as it is the case in Esposito. Instead, affirmative immunity is made immanent to the horizon of theoretical and political emergence that is spanned by the social relations of the community.

Conclusion: The Politics of the Undifferentiated Constitutive Outside

Employing Esposito's and Luhmann's theories of immunity, this article has theorised the 'constitutive outside' of communal identity construction in a way which is epistemologically freed from the political antagonism Laclau and Mouffe bind it to. Esposito's deconstruction of the 'constitutive other' through *communitas* is completed when his theory of immunity is untied it from its self-inflicted, vitalist limitations through Luhmann. With Luhmann, I suggest thinking both the immunised community and the sovereign politics which governs it as autopoietically constructed, relational entities intertwined in a dynamic of reciprocal reproduction. Completely indeterminate in terms of both the content of internal, communal relations and the way their outside is perceived, the autopoietic community appears as a suitable epistemic ground for the new *commons* designed to transcend humanist atavisms and the Anthropocene which Esposito develops in his latest writings.

Epistemologically radicalised through Luhmann, the relations of Esposito's community can be explored in their practical existence in the absence of ontological grounding and normative-teleological directionality. Together, both theories unfold a constructivist pragmatism which is capable to address the manifest reality of the communal relations observed without losing sight of the fact that "their very reality is an immanent effect of contingent social construction" (Moeller, 2012: 117). Even beyond the link to Esposito established here, I believe that this radical, but practice-oriented post-ontological move reveals Luhmann's theory as a fruitful resource for contemporary post-structuralist thought.

Through Luhmann's autopoiesis, the deterministic, biological-vitalist force of becoming which grounds Esposito's immunised community is replaced with a process of contingent, non-directional social differentiation. This dissociation of *bio*-political theory from the notion of life might seem paradoxical, especially in the context of Italian Theory whose particular character, for Esposito, "lies precisely in the centrality of the category of 'life'" (Campbell and Luisetti, 2010: 109).

On the one hand, it certainly calls into question the ethical notions invoked by Esposito's affirmative immunity as realm of agonistic conflict which produces mutual tolerance. An autopoietically closed-off entity can never be mindful of and tolerant towards a foreign interpretative logic to which it has no access. But on the other hand, the turn towards a completely indeterminate autopoiesis subverts the opposition between negative and affirmative immunity. In this sense, contemporary politics is brought closer to an affirmative immunity, connected to the former through a more flexible route of transition than Esposito's theory allows for. With Luhmann, self-reflexive immunity does not need to overturn destructive thanatopolitics focused on an external other – it is already the underlying logic which guides the immunitarian intertwinement of community and politics. Autopoiesis, contrary to life, does not need to be freed from the confines of politics. Politics is always already subject to its self-reproductive logic, and changes according to its mode of functioning.

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