



# Jacques Derrida on the Aporias of Hospitality

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## ACKNOWLEDGMENTS

As J. Hillis Miller notes in ‘The Critic as Host,’ before a text becomes food for its reader, ‘it must in its turn have eaten,’ to add that ‘it must have been a cannibal consumer’ of earlier texts. Or as the poet George Seferis would add, ‘our words are the children of many people.’ It is therefore practically impossible to list all those who have contributed in one way or another to the writing and publishing of this work. The present attempt to express my gratitude can only be partial and incomplete, since it is not able to adequately fulfill the due thanks. Thus, I mention here only some names that are involved in a more obvious way in the present project. First of all, I would like to thank my good friend Dr. Rosa Vasilaki, without whose help I would not have been able to carry out the writing of this study in a language of which I am not a native speaker. The starting point for my engagement with Derrida’s views on hospitality was Dr. Konstantinos Andriotis’ invitation to the ‘Symposium on Knowledge Management in Hospitality and Tourism’ held in Athens in 2008. The next milestone was the invitation of my dear friends Athina Athanasiou and Giorgos Tsimouris in 2013 to contribute to the special issue they edited ‘Migration, Gender and Precarious Subjectivities in the Era of Crisis’ of *The Greek Review of Social Research*. The English version of the article included in this special issue was presented at the invitation of Dr. Benjamin Boudou at the ‘International Workshop Hospitality Now (!)’ on July 1, 2014, at the Science Po Doctoral School in Paris and was subsequently published in the edited volume *The Ethics of Subjectivity: Perspectives Since the Dawn of Modernity* (2015), edited by Dr. Elvis Imafidon, whom I would like to thank here. I would also like to thank Dr. Konstantinos Irodotou for

introducing me to René Schérer's work on hospitality and for co-organizing the Greek-French philosophical conference 'Offering Hospitality to René Schérer' in Athens in October 2013, as well as for inviting me to contribute to the honorary volume he edited, *Mélanges offerts à René Schérer* (2015).

I presented material from this book at the Fourth and Seventh *Derrida Today Conference* and at the *Lectures on the Mountain* organized by Chloe Tzia Kolyri and others in Vyzitsa, Pelion. I would like to take this opportunity to thank Professor Nicole Anderson, founder and executive director of the *Derrida Today Conferences*, for tirelessly bringing together the community of Derrida and deconstruction scholars from around the world for the past 15 years.

I would also like to thank Athina Athanasiou and Elena Tzelepis for inviting me to write the entry 'Hospitality' for their *Invocations of the Tragic: A Glossary for Critical Theory*, which they are currently editing. Chapter 10 originally appeared in *Hospitality & Society* (2016), while for this book I used material from my article 'Jacques Derrida on Hospitality Beyond Invitation: The Visiting Other as an Unplanned Pregnancy,' published in *Ethical Perspectives*. My thanks also go to Ingenta Books and Peter Publishers for giving me permission to use this material in this book.

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## ABBREVIATIONS

### Works by Derrida

- ‘AC’ ‘A Certain Impossible Possibility of Saying the Event.’ Translated by Gina Walker. *Critical Inquiry* 33 (Winter 2007): 441–461. *Adieu à ... Adieu à Emmanuel Lévinas*. Paris: Galilée, 1997. *Adieu to... Adieu to Emmanuel Levinas*. Translated by Pascale-Anne Brault & Michael Naas. Stanford, CA: Stanford University Press, 1999.
- AR *Acts of Religion/Jacques Derrida*. Edited and with an introduction by Gil Anidjar. New York & London: Routledge, 2002.
- ‘ARSS’ ‘Autoimmunity: Real and Symbolic Suicides: A Dialogue with Jacques Derrida.’ In *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*, edited by Giovanna Borradori, 85–136. Chicago & London: The University of Chicago Press, 2003.
- ‘ASRS’ ‘Auto-immunités, suicides réels et symboliques: Un dialogue avec Jacques Derrida.’ In Jacques Derrida & Jürgen Habermas, *Le «concept» du 11 Septembre. Dialogues à New York (octobre-décembre 2001) avec Giovanna Borradori*, 187–188. Paris: Galilée, 2004.
- BS *The Beast and the Sovereign, vol. I*. Edited by Michell Lisse, Marie-Louise Mallet, and Ginette Michaud. Translated by Geoffrey Bennington. Chicago & London: The University of Chicago Press, 2009.

- DM *Donner la mort*. Paris: Galilée, 1999.
- DQD *De quoi demain... Dialogue*. Paris: Flammarion, 2001.
- DT *Donner le temps: I. La fausse monnaie*. Paris: Galilée, 1991.
- FL *Force de loi. Le 'Fondement mystique de l'autorité.'* Paris: Galilée, 1994.
- FS *Foi et Savoir* suivi de *Le Siècle et le Pardon*. Paris: Éditions du Seuil, 2001.
- FWTD *For What Tomorrow... A Dialogue*. Translated by Jef Fort. Stanford, CA: Stanford University Press, 2004.
- GD *The Gift of Death*. Translated by David Wills. Chicago & London: The University of Chicago Press, 1996.
- HI *Hospitality, Vol. I*. Edited by Pascale-Anne Brault & Peggy Kamuf, translated by E. S. Burt. Chicago: Chicago University Press, 2023.
- HI I *Hospitality, Vol. II*. Edited by Pascale-Anne Brault & Peggy Kamuf, translated by Peggy Kamuf: Chicago University Press, 2024.
- 'HJR' 'Hospitality, Justice and Responsibility: A Dialogue with Jacques Derrida.' In *Questioning Ethics: Contemporary Debates in Philosophy*, edited by Richard Kearney, Mark Dooley, 65–83. London: Routledge, 1998.
- HS I *Hospitalité, Vol. I, Séminaire (1995–1996)*, edited by Pascale-Anne Brault & Peggy Kamuf. Paris: Éditions du Seuil, 2021.
- HS II *Hospitalité, Vol. II, Séminaire (1996–1997)*, edited by Pascale-Anne Brault & Peggy Kamuf. Paris: Éditions du Seuil, 2022.
- 'M&S' 'Marx & Sons.' In *Ghostly Demarcations: A Symposium on Jacques Derrida's Specters of Marx*, edited and introduced by Michael Sprinker, translated by G.M. Goshgarian, 213–269. London & New York: Verso, 1999, 2008.
- M&S *Marx & Sons*. Paris: PUF/Galilée (series: 'Actuel Marx Confrontation'), 2002.
- PdS *Points de suspension: Entretiens*. Paris: Galilée 1992.
- PM *Paper Machine*. Translated by Rachel Bowlby. Stanford, CA: Stanford University Press, 2005.
- PMA *Papier Machine*. Paris: Galilée, 2001.
- Points *Points: Interviews, 1974–1994*. Edited by Elisabeth Weber, translated by Peter Connor & Avita Ronell. Stanford, CA: Stanford University Press, 1995.

- R *Rogues. Two Essays on Reason.* Translated by Pascale-Anne Brault & Michael Naas. Stanford, CA: Stanford University Press, 2005.
- SBS *Séminaire La bête et le souverain. Volume I (2001–2002)*, édition établie par Michel Lisse, Marie-Louise Mallet et Ginette Michaud, Paris: Galilée.
- SM *Specters of Marx.* Translated by Peggy Kamuf. New York & London: Routledge, 1994.
- ‘UC’ ‘Une certain possibilité impossible de dire l’événement.’ In Gad Soussana, Jacques Derrida, Alexis Nouss, *Dire l’événement, est-ce possible? Séminaire de Montréal, pour Jacques Derrida*, 81–112. Paris, Montreal: L’Harmattan, 2001.
- ‘UHI’ ‘Une hospitalité à l’infini.’ In *Autour de Jacques Derrida: Manifeste pour l’hospitalité.* Sous la direction de Mohammed Seffahi, 97–106. Grigny: Éditions Parole d’Aube, 1999.
- V *Voyous.* Paris: Galilée, 2003.

### Works by Levinas

- AE *Autrement qu’être ou au-delà de l’essence.* Paris: Livre de poche (series: ‘biblio essais’), <sup>1</sup>1974, 1990.
- EI *Ethics and Infinity: Conversations with Philippe Nemo.* Translated by Richard A. Cohen. Pittsburgh: Duquesne University Press, 1985.
- EeI *Éthique et infini. Dialogues avec Philippe Nemo.* Paris: Fayard / France Culture (series: ‘Le Livre de Poche’), 1982.
- OB *Otherwise than Being or Beyond Essence.* Translated by Alphonso Lingis. Dordrecht, Netherlands: Kluwer Academic Publishers, 1991.
- TeI *Totalité et infini. Essai sur l’extériorité.* Paris: Le Livre de Poche (series: ‘biblio essais’), <sup>1</sup>1969, 1990.
- TI *Totality and Infinity: An Essay on Exteriority.* Translated by Alphonso Lingis. The Hague: Martinus Nijhoff Publishers, 1979.

### Other Works

- ZH René Schérer. *Zeus hospitalier. Éloge de l’hospitalité.* Paris: Éditions de La Table Ronde, 2005.



## Introduction

This book looks at Jacques Derrida's (1930–2004) views on hospitality as expressed in the two-year seminar on hospitality he gave at the École des Hautes Études en Sciences Sociales in Paris from 1995 to 1997 and in a series of texts he wrote from the mid-1990s until his death in October 2004. His preoccupation with the concept of hospitality was prompted by the violent policies of interdiction and deterrence adopted by many sovereign nation-states against the arrival on their territories of victims of numerous wars and violations of basic human rights, as well as victims of famine and unimaginable economic poverty. In his seminars and texts Derrida attempts to develop 'an interpretation of welcome [*bienvenue*] or hospitality' (*Adieu to... 19/Adieu à... 44*). As François Raffoul remarks: 'The guiding question followed by Derrida [...] could be stated as follows: What does "to welcome" or "to receive" mean?'<sup>1</sup>

The concept of hospitality runs throughout Derrida's work and is not limited to his texts that explicitly address this theme. As he explained in one of his seminars, 'Hospitality is a name or an example of deconstruction' (*H II 103/HS II 152*). Accordingly, as Michael Naas points out, 'deconstruction is itself a kind of hospitality and hospitality, as an open

<sup>1</sup>François Raffoul, 'On Hospitality, between Ethics and Politics (J. Derrida, *Adieu à Emmanuel Lévinas*),' *Research in Phenomenology* 28 (1998): 275.

question, always a kind of deconstruction.<sup>2</sup> Deconstruction is an attempt to open a way for the ‘other,’ especially the ‘wholly other’ (*tout autre*), to ‘come in,’ to ‘take place or happen,’ whether it is the ‘other’ as a human or as an animal, the ‘other’ of philosophy, or finally an ‘other’ future.

The book is divided into ten chapters, including the introduction. The second chapter, entitled ‘Jacques Derrida on Unconditional and Conditional Hospitality,’ discusses in detail the two forms that hospitality can take according to Derrida, namely, that which is offered without terms or conditions, which he calls ‘unconditional,’ and that offered to the guest ‘conditionally.’ He associates the first form of hospitality with the absolute ethical or ‘hyper-ethical’ law of hospitality, and the second with the laws of hospitality. The law of hospitality demands unlimited and unconditional ‘openness’ to the coming other. In this sense, hospitality excludes dependence on any conditions and requires no invitation on the part of the host: the guest comes uninvited, while the host remains fully receptive to the stranger, up to the point where the host becomes a ‘hostage’—as Levinas tells us ‘[t]he subject is hostage’ (*Le sujet est otage*) (*OB* 112/*AE* 177). Hospitality implies that you allow the other to enter into yourself, to enter your space; it is, in fact, the conquest of the integrity or dominion of the self by the other. Hospitality means that you are able to change or, better yet, that you allow the other to change you. In unconditional or ‘absolute’ hospitality, which Derrida qualifies as the only ‘true’ or ‘real’ form of hospitality, the door remains wide open. In this sense, the door does not exist at all; what exists is a perfect ‘openness.’ Anything foreign or unknown can intrude and do or take whatever it wants. This is the risk of absolute hospitality, a risk that, for Derrida, must nonetheless be taken in order for hospitality to take place, especially toward the ‘absolutely’ or ‘wholly other.’ Moreover, the one who appears unannounced or uninvited need not be another human being, someone who looks like the host; it can be any living being.

Of course, a complete ‘openness’ to everything that comes from outside would probably amount to madness. Therefore, by Derrida’s own admission, unconditional hospitality is ‘impossible’—even if our efforts should aim at making the impossible possible. Whether consciously or unconsciously, we always choose those whom we allow to enter our home. Thus, as in the case of Levinas, for whom the ‘face-to-face’ ethical relationship or the welcome of the other requires the mediation of the *third* (*le tiers*) to make justice possible, for Derrida too, a difficult synergy is necessary. Derrida argues for a ‘transaction’ or ‘negotiation’ between

<sup>2</sup> Michael Naas, ‘Hospitality as an Open Question: Deconstruction’s Welcome Politics,’ in *Taking on the Tradition: Jacques Derrida and the Legacies of Deconstruction* (Stanford, CA: Stanford University Press, 2003), 155.

absolute, unconditional hospitality and the setting of conditions which, while restricting hospitality, simultaneously protect it (or think they do) from the possibility of violence.

Derrida emphasizes that the law of absolute hospitality is perverted by the power of the host, by the conditions he or she imposes on the guest. But this law also ‘perverts’ the laws of hospitality by bringing about ‘a juridico-political mutation, though, before this, [...] an ethical conversion’ (*Adieu to... 71/Adieu à... 131*), thus allowing for a continuous improvement of hospitality in practice. If we assume that politics or law is the space of the ‘conditional,’ then, in order to redirect politics or change the law, an ‘excessive’ ethical view of hospitality is required as a point of reference. As Judith Still notes, ethics can be seen as the realm of ‘quasi-transcendental’ absolutes, ‘while politics is the realm of pragmatic compromise’ and negotiation, constituting simultaneously a necessity and a ‘perversion.’<sup>3</sup>

The third chapter explores the relationship between unconditional hospitality and Kantian regulative ideas of reason, revealing Derrida’s reservations about identifying unconditional hospitality with them. To illustrate the similarities and differences between the two, the chapter offers a detailed explanation of Kantian regulative ideas of reason. Despite their similarities, however, the law of unconditional hospitality is not merely a regulative ideal, for its purpose is not limited to improving existing laws of hospitality or to being merely a guideline or roadmap for hospitality in practice. The law of unconditional hospitality responds to the ethical requirement to be just and responsible to the coming other. As such, it cannot be postponed indefinitely, but requires the provision of hospitality to the other, here and now.

The fourth chapter deals with the ‘unconditional ethics of hospitality,’ which refers to what hospitality requires of us to do in relation to the coming other, namely, its unconditional provision for all, both humans and non-humans, living and dead. For Derrida, hospitality belongs to the order of an ‘ethicity and an ethical justice’ (*HS II 29/HS II 58*) that cannot be reduced to law and politics. However, it is necessary to inscribe itself in law and politics in order to be concrete and effective. The application of such ethics without its contamination by politics or law could have disastrous consequences. In this sense, the unconditional ethics of hospitality could result to morally reprehensible acts. For Derrida, then, it is not

<sup>3</sup>Judith Still, *Derrida and Hospitality: Theory and Practice* (Edinburgh: Edinburgh University Press, 2010), 8.



simply a matter of formulating and prescribing an ethics of hospitality but of showing the *aporias* to which such an ethics is subject.

Derrida relates the law of unconditional hospitality to the Kantian ‘categorical imperative.’ Hospitality imposes an ‘ought’ on us that is not related to the hypothetical imperative but to the categorical imperative. However, he believes that ‘the Kantian expression of “categorical imperative” is not unproblematic’ so that its use is subject to ‘some reservations,’ such as that ‘[f]or it to be what it “must” be, hospitality must not pay a debt, or be governed by duty’ (*OH* 81, 83/*H I* 104).

But while he associates the provision of hospitality with justice, Derrida does not *explicitly* speak of a responsibility of hospitality to the coming other. The remaining pages of the chapter therefore attempt to connect hospitality to responsibility through his fragmentary references to this concept but also to Levinas’ work on responsibility.

The fifth chapter examines the decision of hospitality. For a decision to be a ‘true’ or ‘real’ decision, according to Derrida, it cannot be the result of who I am, or of my subjectivity, because in this case the decision is incapable of engendering the arrival of the other, of what is different from what is expected of me anyway. For Derrida, the decision of hospitality must go beyond what is simply possible for the host, beyond what is desirable or possible for them, and as such the decision of hospitality can only be the decision of the other in the host. In this sense, ‘I make a decision’ as a host would mean that I ‘make’ a decision that is driven by the absolute other in me. This making of decisions is on the side of passivity and heteronomy rather than on the side of activity and autonomy of the subject. Accordingly, the decision of hospitality cannot be the result of knowledge or the enforcement or application of criteria, maxims, or values that not only access the arrival of the other based on the host’s values and reduce the other to what the host knows about them but also make the decision a mechanistic process. Even if, in many cases, we are practically forced to make calculations, we must remember that the other and our responsibility toward them can only take the form of that which renounces any calculation.

The sixth chapter deals with the event of hospitality. Derrida defines the event as a radical break with a previous state of things. An event of hospitality should not merely unfold, activate, or accomplice what is already possible; the event of hospitality should consist in the arrival of the impossible. Only as such can the event of hospitality bring about the arrival of the heterogeneous, the ‘absolutely other.’ If hospitality is offered only to

those to whom it is possible to offer hospitality, then there is no event of hospitality. Since it is impossible, the event of hospitality cannot be predicted, scheduled, or pre-planned. But neither can it be announced, displayed, or described. The event is always unique; it is an exception and therefore escapes any calculation; namely, it does not fall under the generality of any particular knowledge, analysis, or judgment. The event of hospitality also goes beyond the 'I can' and beyond the specific conventions required by what John L. Austin has called 'performative' or 'performative linguistic enunciations' in his theory of speech acts.

The seventh chapter of this book, entitled 'Aporias of Responsibility: Sacrificing Others in the Name of the Other,' aims to demonstrate the paradoxical or 'aporetic' nature of moral responsibility through Derrida's reading of the biblical story of Abraham's sacrifice in *The Gift of Death*. One cannot be ethically responsible to one or more particular others without simultaneously becoming 'irresponsible' to another or others. To fulfill my absolute responsibility to the singular other, I must sacrifice another or many other singularities or a general ethics. I can respond to the call of the other only if I sacrifice the call of all others, if I neglect my responsibility to all others. I cannot respond to the gaze, the desire, the love, the command, or the call of the other without sacrificing the rest of the others for his or her sake.

Every time I open my door, for example, or rush to the aid of a specific other, I thereby sacrifice all others who also need my hospitality or help. I will never be able to justify this sacrifice. In this sense, ethical responsibility paradoxically contains at its core its opposite, namely, an unethical element that cannot be shaken off. If we were to choose a bold formulation, we would say that ethics is partially unethical. It is impossible for ethics to harmoniously combine responsibility toward the singular other with universal responsibility in order to escape this ethically painful paradox or 'aporia.' Ethics cannot be constituted as such, that is, as untainted and unadulterated by its opposite; on the contrary, it constantly carries its opposite within itself as a constant trial, which for Derrida is the very condition for the possibility of a decision and for the responsibility that results from such a decision.

The eighth chapter, entitled 'The Necessary Contamination of the Unconditional Ethics of Hospitality by Its Other: Sacrificing the Other in the Name of Others,' focuses on Derrida's reading of Levinas' 'third' in *Adieu*. One of the main aims of this reading is to show the violence inherent in a face-to-face ethical encounter and the necessity of its

‘contamination’ by its other, namely, justice, in order to mitigate this violence. The inevitable and at the same time necessary ‘betrayal’ or ‘perjury’ of the face-to-face ethical encounter through the presence of the third party next to the other makes it impossible to maintain ethics and justice as two completely separate spheres, as Levinas might have wished. The ethics of unconditional hospitality remains exposed to the same possibility of violence, so that its contamination by politics and law becomes necessary.

Given the contamination of the ethical relationship by law and politics, a number of questions arise around the possibility of transforming the ethics of hospitality, characterized by infinite responsibility and unconditionality, into concrete politics and law. Can the ‘unconditional’ enter or penetrate the conditional, that is, can the infinite enter or penetrate the finite? Similarly, if we were to speak in terms of foundations, can the ethics of hospitality *ground*, in the classical way, the realms of politics and law? The above questions are explored in the ninth chapter of the book, entitled ‘The Relationship between the Ethics of Hospitality and Politics.’ Both Levinas and Derrida recognize ‘the necessity of a *relation* between ethics and politics, ethics and justice or law’ (*Adieu to... 115/Adieu à... 198*). Derrida, however, is not content with a politics of hospitality adorned with some ethical elements. Only if politics maintains a relationship of deduction with ethics as an infinite and unconditional responsibility for the other, can we hope that hospitality transcends the so-called pragmatic requirements of a specific context as well as the power of the sovereign state or the host society. For Derrida, although such a ‘deduction’ is necessary, there remains—and must remain—a ‘hiatus’ or ‘silence’ between ethics and politics or law in terms of the forms their relationship must take each time. There is no prior specific answer, maxim, or rule to the question ‘what ought I do.’ There is a hiatus between ‘the messianic promise’ of unconditional hospitality and the establishment of a norm, rule, or right to hospitality. This hiatus ‘marks a heterogeneity, a discontinuity’ between the two orders. It marks the ‘between-time or meantime of an indecision, the only basis on which responsibility and the decision are to be *taken* and determined’ (*Adieu to... 117/Adieu à... 201*).

The tenth chapter, entitled ‘Hospitality and Non-human Beings,’ attempts to extend the ethical responsibility of hospitality beyond humans, that is, to any living being in general. The chapter takes as its starting point Levinas’ embarrassing reluctance to attribute a ‘face’ to animals and consequently to make humans responsible for them. It then focuses on Derrida’s reading of D. H. Lawrence’s (1885–1930) poem ‘Snake.’ The

question that guides the reading of this particular poem is whether we—as hosts—have an ethical responsibility to show hospitality to animals or plants in general.

Apart from presenting and thoroughly discussing Derrida's views on hospitality, the purpose of the book, as the title suggests, is to explicate the 'aporetic' logic that underlies hospitality. The concept of 'aporia,' which succinctly names the 'non-passage,' is the guiding threat that the book uses to unlock Derrida's work on this particular topic. According to this aporia, hospitality always confronts someone with two different, 'heterogeneous' demands, which are, however, as Derrida often emphasizes, 'inseparable.' Aporia implies inseparability. Thus, while the two different regimes of law, namely, *the* law of unconditional hospitality and the laws of conditional hospitality, are heterogeneous and irreducible to each other, none of them can take place or be made *practically* possible without its contamination by the other. As '*the* impossible' in itself, *the* law of unconditional hospitality without its laws of conditional hospitality would remain an abstract idea, without the possibility of exerting any influence on empirical reality. Similarly, the laws of conditional hospitality would not even be laws of hospitality if they were not guided by '*the* Great law' of unconditional hospitality. The same 'inseparability' applies to the relationship between the *unconditional* and *conditional* ethics of hospitality, as well as to the relationship between ethics and politics or law. As far as the decision of hospitality is concerned, the inseparability of two contradictory, heterogeneous possibilities or options confronts us with 'undecidability' as the condition of possibility of the decision itself. In his extensive work, Derrida uses a number of terms to explain the *aporetic* nature of concepts, terms such as the 'logic of supplementarity,' 'double bind,' or 'double bifurcation,' which we will encounter and explain in more detail in the following chapters.



# Jacques Derrida on Unconditional and Conditional Hospitality

## 1 A ‘VENOMOUS EXPRESSION’: CRIME OF HOSPITALITY

*‘You’re probably surprised to find us so inhospitable,’ said the man, ‘but hospitality isn’t a custom here, and we don’t need any visitors.’<sup>1</sup>*

If this quote from Franz Kafka’s *The Castle* seems strange, it is because we cannot believe that there is a culture, a society, or ‘a form of social connection without a principle of hospitality’ (*PM* 66/*PMa* 273). But what is left of this principle of hospitality today, what is the place of ethics, in general, today, when fences are erected at borders, or even ‘hospitality’ itself is considered a crime? Derrida writes in ‘Derelictions of the Right to Justice (But what are the “sans-papier” Lacking)’ (1996) in the context of the Debré Law,<sup>2</sup> which was directed against migrants and people without the right of residence, the so-called *sans-papiers*, and made the granting of

<sup>1</sup>Franz Kafka, *The Castle*, trans Anthea Bell, with an introduction and notes by Ritchie Robertson, Oxford World’s Classics (Oxford: Oxford University Press, 2009), 15.

<sup>2</sup>Jean-Luis Debré was Minister of the Interior in the government of Alain Juppe in France (1995–1997). In 1996, he introduced a bill on the entry and residence of foreigners and asylum seekers that included ‘accommodation certificates’ (*certificats d’hébergement*), that is, the obligation of those offering accommodation to ‘paperless’ (*sans-papier*) to report their arrival and departure to the police. Failure to comply with this obligation would be considered a ‘crime of hospitality.’ Finally, on April 24, 1997, the ‘Debré Law’ was passed, amending the provision on ‘accommodation certificates.’

hospitality to them a punishable offense, which led to massive protests in Paris:

I remember a bad day last year: It just about took my breath away, it sickened me when I heard the expression for the first time, barely understanding it, the expression *crime of hospitality* [*delit d'hospitalité*]. In fact, I am not sure that I heard it, because I wonder how anyone could ever have pronounced it, taken it on his palate, this venomous expression; no, I did not hear it, and I can barely repeat it; I read it voicelessly in an official text. It concerned a law permitting the prosecution, and even the imprisonment, of those who take in and help foreigners whose status is held to be illegal. This 'crime of hospitality' (I still wonder who dared to put these words together) is punishable by imprisonment. What becomes of a country, one must wonder, what becomes of a culture, what becomes of a language when it admits of a 'crime of hospitality,' when hospitality can become, in the eyes of the law and its representatives, a criminal offense?<sup>3</sup>

In *Zeus hospitalier. Éloge de l'hospitalité* (1993), René Schérer<sup>4</sup> asserts that hospitality in our time has become an impossible luxury, a form of excess, a quasi-madness:

Is not hospitality a *form of madness* of the contemporary world? We praise hospitality whilst in France, like almost everywhere else in the world, interest is focused on its restriction, whether this concerns asylum rights or the citizenship code! Irritating and ill-timed, hospitality, like every form of madness, resists to every form of logic, starting from state expediency itself. (ZH 12)

<sup>3</sup>Jacques Derrida, 'Derelictions of the Right to Justice (But what are the "sans-papier" Lacking),' in *Negotiations. Interventions and Interviews 1971–2001*, edited, translated, and with an introduction by Elizabeth Rottenberg (Stanford, CA: Stanford University Press, 2001), 133 ('Manquements du droit à la justice (mais que manque-t-il donc aux "sans-papiers"?),' in Jacques Derrida, Marc Guillaume, Jean-Pierre Vincent, *Marx enjeu*, Paris: Descartes & Cie, 1997, 73–74).

<sup>4</sup>René Schérer (1922–2023) belonged to the generation of founders of the Department of Philosophy of Vincennes University in Paris. He was a colleague and friend of Gilles Deleuze, Michel Foucault, Jean-François Lyotard, Félix Guattari, François Châtelet, and Alain Badiou. He initially engaged with the work of Edmund Husserl and Martin Heidegger, later turning to the work of utopian thinker Charles Fourier. Unfortunately, his work has still not been translated into English.

For Schérer, hospitality may seem today like a form of ‘madness,’ but this madness is the desirable or ethical supplement to an irrational reason that aims to eliminate hospitality itself. Nevertheless, such has been the power of hospitality in the past that European governments today feel compelled to use the language of hospitality when referring to their xenophobic practices. For example, the Greek police called operations against ‘illegal’ immigrants in 2012–2014 ‘Zeus Xenios’ or ‘hospitable Zeus.’

## 2 CIVIL DISOBEDIENCE: JUSTICE VERSUS THE LAW

Derrida’s reaction against the ‘crime of hospitality’ introduced by a perverse, xenophobic law was a call for civil disobedience:

We must also—as some of us have done—defy the government by declaring ourselves prepared to determine for ourselves the level of hospitality we choose to show the ‘sans-papiers,’ in the cases we judge appropriate, according to our conscience as citizens and, beyond this, our attachment to what they call, without believing in it, the *rights of man*. This is what is called civil disobedience [*désobéissance civique*]<sup>5</sup> in the United States, by means of which a citizen declares that *in the name of a higher law* he will not obey this or that legislative measure that he judges to be iniquitous and culpable, preferring thus delinquency to shame, and the alleged crime [*délit*] to injustice.<sup>6</sup>

In *Learning to Live Finally: The Last Interview*, Derrida emphasizes that the kind of *civil disobedience* he invokes does not amount to ‘defiance of the Law but disobedience with regard to some legislative provision in the name of a better or higher law—whether to come or already written into the spirit or letter of the Constitution.’<sup>7</sup> In ‘Unconditionality or

<sup>5</sup>In fact, Derrida translates the English term ‘civil disobedience’ as ‘*désobéissance civique*,’ that is, ‘civic disobedience’ and not ‘civil disobedience.’ A possible explanation for this choice can be found in the comments of Vangelis Bitsoris, translated into English and quoted by Peggy Kamuf in Jacques Derrida, ‘Unconditionality or Sovereignty: The University at the Frontiers of Europe,’ trans. Peggy Kamuf, *Oxford Literary Review* 31 (2), *The Word of War* (2009): 131, n. 2.

<sup>6</sup>Derrida, ‘Derelictions of the Right to Justice (But what are the “Sans-Papiers” Lacking?),’ 143 (‘Manquements du droit à la justice (mais que manque-t-il donc aux “sans-papiers”?),’ 90).

<sup>7</sup>Jacques Derrida, *Learning to Live Finally: The Last Interview*, trans. Pascale-Anne Brault & Michael Naas (Basingstoke, UK & New York: Palgrave Macmillan, 2007), 43 (*Apprendre à vivre enfin. Entretien avec Jean Birnbaum*, Paris: Galilée / Le Monde, 2005, 45).

Sovereignty: The University at the Frontiers of Europe,' Derrida makes the relationship between *civil* or *civic disobedience* [*désobéissance civique*] and justice more explicit. He claims that by resorting to 'civic disobedience'<sup>8</sup> one 'contests the positive legality of a nation-state in the name of a more urgent or imperative justice.'<sup>9</sup> What makes civil or civic disobedience possible is the distinction between the law and justice, introduced by Derrida in 'The Force of Law.'<sup>10</sup> The law (e.g., the laws of a state) is historically created, that is, it is a historical construction and as such is subject to change, improvement, or abrogation. In other words, laws can be deconstructed, but justice cannot. For justice is what deconstructs the law or what makes possible the deconstruction of the law. When we call for the repeal of a law, even through civil disobedience, we do so in the name of justice. However, it is a kind of justice that is constantly in a state of 'yet to come,' because, unlike various political theologies, it can never conform to a particular law. As Derrida says in 'The Villanova Roundtable: A Conversation with Jacques Derrida':

But justice is not the law. Justice is what gives us the impulse, the drive, or the movement to improve the law, that is, to deconstruct the law. Without a call for justice we would not have any interest in deconstructing the law. That is why I said that the condition of possibility of deconstruction is a call for justice. Justice is not reducible to the law, to a given system of legal structures. That means that justice is always unequal to itself. It is non-coincident with itself.<sup>11</sup>

Justice can never be considered as something completed, achieved, or on the way to realization. On the contrary, its content is constantly subject to difference and deferral (*différance*).<sup>12</sup>

<sup>8</sup> Peggy Kamuf follows here Derrida's translation of 'civil' as 'civic' (civique).

<sup>9</sup> Derrida, 'Unconditionality or Sovereignty: The University at the Frontiers of Europe,' 118.

<sup>10</sup> Jacques Derrida, 'Force of Law: The "Mystical Foundation of Authority,"' trans. Mary Quaintance, in *Acts of Religion / Jacques Derrida*, ed. Gil Anidjar (New York & London: Routledge, 2002), 230–298, (*Force de loi. Le 'Fondement mystique de l'autorité'*, Paris: Galilée, 1994).

<sup>11</sup> Jacques Derrida, 'The Villanova Roundtable: A Conversation with Jacques Derrida,' in *Deconstruction in a Nutshell: A Conversation with Jacques Derrida*, ed. John D. Caputo (New York: Fordham University Press, 1997), 16–17.

<sup>12</sup> For 'différance,' see Jacques Derrida, 'Différance,' in *Margins of Philosophy*, trans. Alan Bass (New York & London: Harvester Wheatsheaf, 1982) 1–27 ('La différence,' in *Marges de la philosophie*, Paris: Les Éditions de Minuit, 1972, 1–29).



In ‘Privilege,’ Derrida refers to the possibility of questioning a certain responsibility in the name of a greater, ‘more demanding,’ and ‘more imperative’ one: ‘It is always in the name of a more imperative responsibility that the responsibility before an established instance (for example, the state, [...]) is suspended or subordinated.’ So, ‘[i]t is not irresponsibility that is demanded, then, but the right not to have to account—in the final analysis—to this or that apparatus of judgment, before this or that regime of appearing.’<sup>13</sup> Therefore, according to Derrida, not all responsibilities are equal. The responsibility for the life of a refugee cannot be the same as the responsibility one has as a citizen to obey a certain regime of enforcement, such as the laws of a state. Otherwise, there would not even be the responsibility to rebel against unjust laws. The perfection of law, ethics, and politics presupposes the existence of such responsibility, which, as in the case of justice, cannot but go beyond law, ethics, and politics per se and to improve them.

The unburied body of her brother Polynices is a call to responsibility for Antigone, a responsibility that comes into conflict with her institutionalized responsibility as a citizen of Thebes to obey the laws of the city’s king, Creon. In this case, there is a responsibility that requires Antigone to be irresponsible to the city. Like Antigone, her contemporary versions believe that there are unjust laws and that they have a duty to disobey a law that contradicts what their responsibility dictates or what they believe is just, that is, what justice requires of them. Today, when we offer hospitality to strangers, we must in certain cases confront the state and its laws, which often inevitably leads us, like Antigone, to civil disobedience or refusal to obey the law.<sup>14</sup>

<sup>13</sup>Jacques Derrida, ‘Privilege: Justificatory Title and Introductory Remarks,’ in *Who is Afraid of Philosophy?* *Right to Philosophy I*, trans. Jan Plug (Stanford, CA: Stanford University Press, 2002), 18 (‘Privilège: Titre justificatif et Remarques introductives,’ in *Du droit à la philosophie*, Paris: Éditions Galilée, 1990, 35).

<sup>14</sup>See Gerasimos Kakoliris, ‘Hospitality,’ *Invocations of the Tragic: A Glossary for Critical Theory*, ed. Athina Athanasiou & Elena Tzelepis, <https://antigones.gr/glossary/>.

### 3 THE LAW OF UNCONDITIONAL AND THE LAWS OF CONDITIONAL HOSPITALITY

In the 1990s and until his death in October 2004, Jacques Derrida wrote extensively on hospitality, trying to breathe life into the great tradition or ‘heritage’ of hospitality, which is perverted by contemporary political discourse or law, and sometimes even becomes a ‘crime.’ In addition to his other writings and contributions on the subject, Derrida devoted two academic years (1995–1997) of his seminar series ‘Questions of Responsibility’ (1991–2003), held at the École des Hautes Études en Sciences Sociales in Paris, to the topic of hospitality. As always, Derrida identifies a term from the Western heritage, or what he calls the ‘Greco-Roman-Abrahamic heritage,’ in order to critically engage with a specific and concrete context, in this case the increasing hostility of European governments toward immigrants, namely, the everyday ‘crimes against hospitality’ committed by these governments’ anti-immigrant policies to keep foreigners out of their borders. In *Adieu to Emmanuel Levinas*, Derrida refers to:

the crimes against hospitality endured by the guests [*hôtes*] and hostages of our time, incarcerated or deported day after day, from concentration camp to detention camp, from border to border, close to us or far away. (Yes, crimes *against* hospitality, to be distinguished from an ‘offense of hospitality [*délit d’hospitalité*],’ as today it is once again being called in French law, in the spirit of the decrees and ordinances of 1938 and 1945 that would punish—and even imprison—anyone taking in a foreigner in an illegal situation.) (*Adieu to...* 71/*Adieu à...* 132)

Although hospitality seems increasingly necessary today, as it is literally a matter of life and death for millions of people, the efforts of sovereign nation-states or confederations of states (e.g., the European Union) are mainly limited to forcibly preventing the arrival of people who are victims of dozens of wars, civil strife, violations of basic human rights, and famine, rather than providing them with shelter and care. Derrida speaks of an unprecedented cruelty toward the contemporary ‘suppliants,’<sup>15</sup> the new damned of the earth:

<sup>15</sup> In ancient Greece, *suppliants* (*iketēs*, female *iketides*) were those who turned to the altar of a temple or a foreign city or to the hearth of the house of a powerful man (e.g., a ruler) to seek protection (asylum) and defense from those who persecuted them (sometimes because they had violated a political or moral law).