

REREADING:

**OF HOSPITALITY: ANNE DUFOURMANTELLE INVITES
JACQUES DERRIDA TO RESPOND**

J. Derrida
Stanford University Press 2000
160 pages, ISBN: 0-8047-3405-4

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Jacques Derrida has written several texts on issues of migration and hospitality. In his eulogy for Emmanuel Levinas and his subsequent speech at a conference in Levinas' honour, Derrida tries to relate the question of hospitality to Levinas' interpretation of the Other. In his lectures at the École Pratique des Hautes Études which Derrida held from December 1995 until March 1996, he further elaborates on the question of hospitality. Two of these lectures are published by one of Derrida's students Anne Dufourmantelle, who complemented it with an epilogue.¹

At first sight it might be odd to isolate two lectures out of a whole series. This might indeed be unusual if such a lecture series would entail an argument which is nicely divided over all the different sessions, with each session being a necessary step towards the final conclusion. This is, however, not exactly the way Derrida seems to structure his argument. Derrida rather endeavours to detangle or dismantle certain oppositions in order to disclose a differential depth in which the original contradiction dissolves and a free field of opportunities comes to the premise.² In this review I will try to summarise one of Derrida's lectures, *Step of hospitality/No hospitality* to get a grasp of both Derrida's way of writing and speaking as well as his views on hospitality.

Derrida stresses in his *Step of hospitality / No hospitality*³, the second lecture in the book, that the question of hospitality beholds an antinomy, an unsolvable

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¹ The Dutch version, *Over Gastvrijheid*, Amsterdam: Boom 1998, is complemented with the essay *Cosmopolites de tous les pays, encore un effort!*, which Derrida wrote for the International Parliament of Writers in 1995. Unfortunately the Dutch edition is no longer available.

² G. Groot, 'Inleiding', in: J. Derrida, *Sporen*, Amsterdam: SUN 2005 (*Eperons. Les Styles de Nietzsche*, 1974, translated by G. Groot), p. 11. See for an other illuminating discussion of Derrida: G. Groot, *Vier ongemakkelijke filosofen. Nietzsche, Cioran, Bataille, Derrida*, Amsterdam: Sun 2003. For a concise but instructive summary of Derrida see W. Schinkel, *Denken in een tijd van social hypochondrie*, Kampen: Klement 2007, p. 191-197.

³ The original French title is *Pas d'hospitalité*, the French 'pas' means both 'step' as well as 'no', this is why the English translation has two titles. Derrida clearly used this equivocal character of the word. In the Dutch translation they chose to stress the meaning of 'step' in the title because of its centrality in the two seminars: 'Stappen over de drempel van gastvrijheid'.

antinomy. On the one hand, we have *The* law of unlimited, unconditioned hospitality, whereas we have, on the other hand, the laws, in the plural, of hospitality, the conditional rights and duties as laid down in treaties and domestic laws (p. 77).

‘The antinomy of hospitality irreconcilably opposes *The* law, in its universal singularity, to a plurality that is not only a dispersal (laws in the plural), but a structured multiplicity, determined by a process of division and differentiation: by a number of laws that distribute their history and their anthropological geography differently.’ (p. 79)

Whereas *The* law is above the laws, it needs the latter to avoid the danger of becoming too abstract, utopian or dim. The laws are however, always in contradiction with *The* law, they threaten, undermine and deprave it. ‘For this pervertibility is essential, irreducible, necessary too. The perfectibility of laws is at this cost. And therefore their historicity’ (p.79). At the same time, the conditional laws would no longer be laws of hospitality if they were not guided, inspired and annexed by the law of unconditioned hospitality. These two schemes are therefore inseparable, antinomic and contradictory at the same time. They both imply and exclude each other: ‘They incorporate one another at the moment of excluding one another, they are dissociated at the moment of enveloping one another.’ (p.81)

Referring to *Robert ce soir* of the French author Pierre Klossowski and *Oedipus at Colonne* of Sophocles, Derrida tries to approach these two antinomies. In *Robert ce soir* the uncle of the narrator had put certain handwritten pages above the bed in the spare room and under glass. ‘Inevitable and inaccessible, intangible, these “handwritten pages” are placed above the bed, like the law (...) Above their heads, whether the visitors are sleeping, dreaming, or making love, the laws keep watch. The laws of hospitality find themselves behind glass, unchangeable but visible and readable. These handwritten laws of hospitality remind us of the ones Antigone has to transgress in *Oedipus at Colonne* in order to offer her brothers the hospitality of the land and of burial. (p.85) Derrida uses this image to illustrate what a strange experience it is for Antigone’s father, to die abroad in an unfamiliar country because of a breached law of hospitality. A tremendous tragedy, since, according to Derrida, ‘displaced persons’ have in common a certain longing for two things: their deaths and their language. On the one hand, they want to return to the place of their buried beloved ones. A visible tomb would have been able to reappropriate the foreigner, it could have been a sort of repatriation. But if the alien, as in the case of Oedipus and Antigone, has no manifest grave, no visible tomb, there is no place to direct the mourning to (p.113). On the other hand, is the language, their mother tongue, for the expropriated, the deported, the extradited, their ultimate homeland (p.88-89). This language is however, at the same time something which continuously abandons you. ‘Language only works from me. It is also what I part from, parry, and separate myself from.’(p.91)

Oedipus promises to his accomplice Theseus that if the location of his grave remains secret, their city will be prosperous.

'It is *as if* (and an *as if* always lays down the here) the stranger – some Oedipus, in fact in other words the one whose guarded secret about the place of death was going to save the city or promise it salvation through the contract we have just read – *as if*, then, the stranger could save the master and liberate the power of his host; it's *as if* the master, *qua* master, were prisoner of his place and his power, of his ipseity, of his subjectivity (his subjectivity is hostage).' (p.123)

This brings Derrida back to Klossowski's story of the master of the house who desperately waits at the doorstep of his home for the stranger who appears at the horizon as a saviour.

'It is *as if* the stranger or foreigner held the keys. This is always the situation of the foreigner, in politics too, that of coming as a legislator to lay down the law and liberate the people or the nation by coming from the outside, by entering into the nation or the house, into the home that lets him enter after having appealed to him.' (p.123)

The master and the stranger switch positions, the inviting host becomes the hostage of the guest and thus the guest, the invited hostage, becomes the master of the host, he becomes the one who invites the one who invites. Because of these substitutions everyone becomes everyone else's hostage. 'Such are the laws of hospitality.' (p. 123-125)

The difference between the unconditional hospitality and the rights and duties as condition for hospitality does not necessary lead to a paralysed desire for hospitality or an abolishment of the demand for hospitality. Both forms of hospitality are however, indissociable. 'One calls forth, involves, or prescribes the other' (p. 147). *The law of hospitality requires unconditional welcome and orders that the borders be open to each and everyone. But to invite someone to your home presupposes a certain kind of sovereignty over this home, to be a host is precisely to maintain some mastery over your place, which obviously contradicts to the unconditional welcome of The law. In this uncertain and undetermined terrain, host and guest meet, negotiating the reciprocal identities that shape hospitable encounters.*⁴ This implies that the experience of hospitality is structurally impossible, but it is this very impossibility which enables certain forms of hospitality. Hospitality is a self-contradictory concept; it deconstructs itself precisely in being put into practice.⁵ It never exists as such, it is always to come.⁶ This opposition between the unconditioned ideal and the conditioned reality does not, however, lead to some sort of nihilism or despair. It rather poses an important question of trying to transform and improve the laws.⁷ It stands at the threshold of what is, and while encountering what is to come, it maintains some elements, while deliberately leaving other elements aside.⁸ Or in the words of Derrida's student Anne Dufourmantelle: 'Yet this Law of

⁴ G. Pavlich, 'Experiencing Critique', *Law and Critique* 2005-16, p. 104.

⁵ Derrida as cited in Pavlich 2005, *supra* note 4, p. 106.

⁶ Pavlich 2005, *supra* note 4, p. 106.

⁷ .K.A. Smith, *Jacques Derrida. Live theory*, New York: Continuum 2005, p. 70.

⁸ Pavlich 2005, *supra* note 4, p. 104.

hospitality must continue to be thought, as a magnetisation which “puts to the question” the composure of the laws of hospitality’ (p. 66). It is this equivocal character of hospitality, the tension between the unconditional welcome and the conditional laws of hospitality, which Derrida brings to the fore.

Derrida’s analysis can be illuminating for issues in the field of immigration law. Take for example the case law of the European Court of Human Rights on the *refoulement* prohibition of article 3. One could argue, as has been accomplished eloquently by Hemme Battjes in this issue of Amsterdam Law Forum, that this article reflects an absolute prohibition of torture, inhuman and degrading treatment, while it at the same time leaves the possibility for the Court to deviate of this absolute rule, in specific circumstances. This seems to be a contradiction, or in the words of Battjes

‘It turns out that another principle is “inherent to the whole of the Convention” - the search for a fair balance. This comes as a surprise after the Court’s firm statement that Article 3 ECHR is “absolute”, allows for no “interferences” or “derogations”, just a few lines before.’⁹

Apparently two seemingly contradictory approaches are applicable to one prohibition. On the one hand, the prohibition of *refoulement* is absolute, leaving no room for derogations. On the other hand, the search for a fair balance between the general interests of the community and individuals fundamental rights gives a nice opportunity to derogate from this absolute prohibition. This leads, according to Battjes, to the conclusion that concepts as ‘absoluteness’ and ‘balancing’ are unreliable.

Whereas this is indeed a plausible conclusion after his elucidation, I would opt for a different analysis of this specific case law. Could one not argue that seemingly contradictory principles as ‘as absoluteness’ and ‘fair balancing’ are inseparable, antinomic and contradictory at the same time, just like Derrida’s laws and *The* law are? Is it not possible to understand them as if they both imply as well as exclude each other? If one would invite everyone who ‘if extradited, faces a real risk of being subjected to torture or to inhuman or degrading treatment or punishment in the requesting country’ into his home, this would have a certain impact on the sovereignty of the host. I think it is the very impossibility of the absolute prohibition of *refoulement* which enables the hospitality. It is *The* absolute prohibition of torture which puts to the question the composure of the given positive and restrictive laws of migration.

⁹ H. Battjes, ‘Soering’s Legacy’, *Amsterdam Law Forum* 2008-1, p. 145.