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The Law and Politics of Hospitality

*Lasse THOMASSEN**

Jacques Derrida, *Hospitality. Volume I*, trans. E. S. Burt (Chicago: University of Chicago Press, 2023).

Jacques Derrida, *Hospitality. Volume II*, trans. P. Kamuf (Chicago: University of Chicago Press, 2024).

Michael Naas, *Threshold Phenomena: Derrida and the Question of Hospitality* (New York: Fordham University Press, 2024).

The publication of Jacques Derrida's seminars on hospitality marks another step in the continuing publication of Derrida's seminars over the past two decades. Derrida gave the seminars on hospitality between 1995 and 1997, first at École des Hautes Études en Sciences Sociales (EHESS) in Paris and then, in modified form, at the University of California, Irvine. The two volumes contain the 'open' sessions, which are basically lectures, and some additional materials from the 'closed' sessions, which were restricted to students following Derrida's course.

The seminars on hospitality were part of a series of annual seminars on what Derrida called 'the question of responsibility', which included seminars on forgiveness, hospitality, perjury and sovereignty, that is, on more or less legal and political concepts. The seminars have been edited and published in French and then translated into English, and both the editing and the translation have been done by Derrida specialists. One of those specialists is Michael Naas who has also written an excellent introduction to Derrida's hospitality seminars: *Threshold Phenomena: Derrida and the Question of Hospitality*. The book takes the reader through the different themes of Derrida's seminars, and it contains a very clear and pedagogical exposition of Derrida's argument. As the title suggests, Derrida's engagement with the concept and practice of hospitality circles around the question of a threshold. Hospitality is organised around a threshold which is at once crossed by the guest or the foreigner and reproduced by the host or nation-

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state. Derrida himself connects hospitality to ‘a problematic of the foreigner’ in the course description,¹⁾ and the seminars often make reference to debates about immigration in France and Europe at the time in the mid- to late-1990s. The ‘problematic of the foreigner’ is no less relevant today, whether in France, the US, Japan or elsewhere.

The published text of the hospitality seminars is based on the manuscript Derrida was reading at his seminar as well as his notes and transcriptions of – sometimes lengthy – remarks he would add during the seminars. The text is carefully annotated without cluttering the text with too many editorial annotations and notes. The editorial work that has gone into the preparation of the two volumes is very impressive.

As they are seminars, they appear as work in progress. This is typical of the texts published by Derrida in the 1990s and 2000s. They were often seminars or lectures published with little editing on the part of Derrida himself. In the case of the seminars that are now being published – such as the two volumes on hospitality – some of the material was sometimes written up in a more systematic fashion for publication elsewhere. This is the case with the hospitality seminars, for instance; some of the material here was published as part of *Adieu to Emmanuel Levinas*, which Derrida was working on at the same time as giving the seminars on hospitality.²⁾

Derrida engages with debates in France about immigration and multiculturalism at the time in the mid- to late-1990s. Given the time and place, it may have seemed more natural to engage the concept of tolerance than the concept of hospitality. In his work from the late 1980s onwards, Derrida sometimes engaged more canonical political concepts such as democracy, justice and sovereignty. Often, however, he would engage concepts less obvious to legal and political theorists, such as hospitality but also forgiveness, perjury and pardon. In the case of hospitality, this may have been a tactical move in order to avoid the heavy historical baggage of the French Republican interpretation of tolerance. Traditionally, tolerance has implied a Catholic and, later, laic majority tolerating minorities, and so tolerance has implied a hierarchy of power between majority and minorities. Shifting attention to hospitality helps open up the question of the threshold in a way that may have been more difficult with the concept of tolerance in that particular French context.

1) Jacques Derrida, *Hospitality, Volume I* (University of Chicago Press, 2023), xi.

2) Jacques Derrida, *Adieu to Emmanuel Levinas* (Stanford University Press, 1999).

Derrida moves back and forth between different kinds of discourses, some of which are unusual for legal or political theorists. He engages with the history of philosophy, from the Ancient Greeks through Kant to Levinas; with biblical and koranic sources; with etymology, above all the linguist Émile Benveniste; with literary texts such as the works of Sophocles and Pierre Klossowski; with autobiographical experience; and with current events and the media coverage of them.³⁾ One may challenge the exemplarity of the discourses he draws on when he develops a sort of formal logic of the concept of hospitality and a genealogy of how we have come to think of and practice hospitality. Likewise, one may question the generality of the conclusions he draws from these readings of particular discourses, but Derrida always notes the contingency of his conclusions, which then pushes him on to analyse and deconstruct new discourses.

When deconstructing hospitality discourse, Derrida uses what can best be described as a semi-formal scheme: hospitality is always exercised and thought in a tension between conditionality and unconditionality. Hospitality is always conditional because it requires a host – an individual, a family, a nation-state – who is at home and who is sovereign. Hospitality is exercised across a threshold across which the guest can be welcomed. In this way, the guest depends on the host for hospitality. As such, hospitality is always conditional. This is so even when hospitality is a matter of opening up the home, for instance when welcoming refugees.

However, in order for us to be host, to be able to show hospitality, the guests must recognise us as hosts, and they must desire our hospitality. While the guest depends on the host, the opposite is also true: the host depends on the guest. I can only show hospitality to someone who wants to cross the threshold into my home; and I can only refuse hospitality to someone who wants to cross the threshold into my home. Both host and guest must have some sovereignty in order for hospitality to work as a practice; and host and guest depend on one another.

Hospitality is always conditional, but there is always something unconditional to hospitality, according to Derrida. This unconditionality points beyond the conditional laws of hospitality. It is not an ideal or even a utopia, and this is what distinguishes Derrida from Kant and the Kantian tradition. Derrida does not reduce hospitality to the exercise of power (of states over immigrants, for instance), because we can always question the limits put on hospitality in the name of this

3) For a helpful overview, see Michael Naas, *Threshold Phenomena: Derrida and the Question of Hospitality* (New York: Fordham University Press, 2024), 5–7.

unconditional hospitality. But the latter is not a critical ideal that we can use as a yardstick with which to measure if a particular law is really hospitable. The unconditional hospitality is more like an excess, and the result is that we can always be more hospitable. This does not mean that Derrida is arguing for open borders. On the contrary, if hospitality is always both conditional and unconditional, then open borders are impossible. Instead, it becomes a question of negotiating our way through the tension between conditional and unconditional hospitality. That is the challenge of Derrida's thinking: in the face of contemporary nationalist movements in Europe, the US, Japan and elsewhere who argue for the closure of borders, we have to re-imagine what borders might look like.