

# Introduction

## Anne Cranny-Francis and Elaine Kelly

This collection of articles was prompted by our concern with the ways in which the treatment of strangers is understood socially, culturally, politically and legally. The actions of successive Australian governments seem deliberately to avoid any engagement with a notion of hospitality as an obligation to assist those in need, to accommodate the visitor or the alien. The arrival of strangers is instead viewed as hostile – an infringement of national sovereignty, rather than an appeal for assistance. The common social response is a kind of panic that is not justified by the number of applicants, which is tiny by comparison with the demands on nation states elsewhere. This seems a deadly irony in a country that was founded as a nation-state by immigrants – and perhaps something of the hysteria aroused by the arrival of supplicants is a displaced recognition among non-Indigenous Australians that they are us; if we admit these strangers, perhaps they will ‘settle’ this country as violently as our forerunners did, but this time we will be the targets. Whether or not that is the case, it seemed that the time is ripe for an examination of the notion of hospitality.

The term ‘hospitality’ has a complex etymology that includes notions of host and stranger, supplicant and enemy. The ambiguities within the meaning of hospitality spell out an encapsulated history of debates about the limits of giving and the placement of boundaries; they express the vexed need to balance self-interest and even self-preservation with charity, responsibility to our family, friends and

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community with the need to assist the helpless. As these articles demonstrate, there are no simple answers to the questions raised but there is a need to engage the debate, to realise that our answers define not only those who arrive on our shores, but also ourselves – as individuals, as a community, as a nation.

The articles in Part I of this issue are prompted by textual articulations of hospitality (or its reverse), which lead the writers to explore the nature of hospitality and its role in constructing the subjectivity and identity of both host and guest. Ben Hightower begins the issue with an examination of the ways in which Australian government overseas information campaigns attempt to deter refugees by representing their subsequent encounter as implicitly hostile and counter-productive. In this way the moment of and for hospitality is avoided; the Australian government and the Australian community they represent will not have to make a decision or show compassion. As Hightower argues, however, these ‘theatricalised encounters’ constitute one official Australian response to the request for hospitality, which exposes the country to criticism.

Leif Dahlberg shifts the theatre of encounter with ‘irregular immigrants’ to Western Europe, beginning by exploring the plight of refugees through Philippe Lioret’s film, *Welcome* (2009). Concerned not to reduce this complex issue to a simple clash between xenophobic state bureaucracies and charitable, well-intentioned citizens, Dahlberg maps the history of ‘the stranger’ in literature. The theories of George Simmel and Jacques Derrida are also used to deconstruct the notion of unconditional hospitality (from Kant), revealing that is not only functionally impossible, but also leads to the kind of polarisation and paralysis that Dahlberg is at pains to avoid. In its place he gives examples of everyday individual and institutional acts that constitute hospitality as a lived practice.

Anne Cranny-Francis’s article makes a similar point. Starting with an exploration of the complexity of hospitality as a concept and noting Jean-Luc Nancy’s definition of being as necessarily relational (*being singular plural*), this article argues that the embodied practice

of hospitality cannot be ever be read as a choice by the host whether or not to offer hospitality to the stranger. Rather, the interaction of host and stranger defines the practice of hospitality, the nature of which subsequently defines both host and guest. The article uses an episode from the television series, *Glee* to exemplify a hospitable act (an everyday act of hospitality). This act also represents a fundamental critique of heteronormativity and defines both participants (host and guest) as beyond the limitations of that discourse.

Richard Mohr and Nadir Hosen also focus on the everyday practice of hospitality, with a study of local shopping venues in the inner city Sydney suburbs of Marrickville and Dulwich Hill. In their study, the marketing, sale and consumption of food is analysed as a marker of cultural identity. This identity is seen as radically complicated by the successive waves of immigration into this area that convert stranger to host, host to guest, in multiple transformations. At the same time the food on offer is also transformed, with a range of new combinations that represent new ways of being-together, new 'communities of consumption', and new genuine forms of conviviality.

Sumugan Sivanesan's analysis of his encounter with asylum seeker Sanjeev 'Alex' Kuhendrarajah challenges conventional representations of the practice of hospitality by problematising the identity of the stranger/other/seeker. Kuhendrarajah is both Sanjeev (his birth-name) and 'Alex', the identity in which he acted as a spokesperson for 254 Sri Lankan Tamils in a refugee confrontation in Malaysia in 2009. Sanjeev/Alex's identity is complicated by the fact that during that standoff, he represented himself variously as an English teacher, a businessman and a call centre operator. In addition to his enacted identity, Sanjeev's identity was further complicated when he was found to be an ex-member of a Toronto street gang who was gaoled and deported for involvement with organised crime. The final element of his identity was imposed upon him by Sri Lankan authorities who claimed that he was a people-smuggler. For Sivanesan, a shared cultural identity as Tamil and shared history of migration prompts him to explore the politics of Kuhendrarajah's current detention. In

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doing so, he considers the ways in which Sanjeev's history has led to the production of multiple narratives of identity, culminating in his current statelessness whereby he is 'excluded from direct agency and representation'.

Stephen Price's article on student writing also deals with identity formation, namely, in the process of negotiating the meaning of legal language. Price argues that Derrida, in his writing on language and on hospitality, shows a fundamental *aporia* at the heart of both: the possibility of communication and of hospitality is enabled by the fact that each is, at the same time, impossible. This is to say that 'pure' communication and unconditional hospitality cannot exist, but rather we experience mediated, contextualised and conditional instantiations of each. The acquisition of a language other than that of the culture into which we are born makes clear the radically contextual nature of all language. As the host engaging with a stranger/outsider, language demonstrates how difficult it is for the stranger to feel 'at home', to negotiate an identity through that interaction. For international students in Australia attempting to read and analyse legal texts in English, the difficulty of the language predisposes them to use tactics that make them feel 'at home' with/in the language (e.g. only quoting sources that support their own judgment of a case), but which may not satisfy the requirements of a course. Price's point, echoing Sivanesan, is the crucial role of hospitality (here, *qua* language) in the negotiation of subjectivity and the formation of identity by the guest/other.

While the articles in Part I illuminate the practices of exclusion and inclusion available to us through text, law and policy formations, Part II of this special issue shifts the focus more explicitly back to the theoretical heritages which underpin expressions of hospitality and the debates within this scholarship. The national performances of exclusion raised in Hightower's article can be contrasted with the theoretical promise of sharing or multiplicity inhering in the concept itself. In this sense, hospitality must be understood as the site of difference. The 'Law of hospitality', writes Derrida, contains an impulse toward dispersion and difference. Hospitality is never a singular or

self-identical process. Instead, the Law – or unconditional hospitality – is a ‘structured multiplicity, determined by a process of division and differentiability: by a number of laws that distribute their history and their anthropological geography differently’ (Derrida 2000: 79). By acknowledging the condition of multiplicity as pivotal to the expression of any historically and geographically concrete hospitality, Derrida is bringing our attention to the dynamic, tense, sometimes violent, and certainly unending process of negotiating ‘welcome’ and ‘refusal’. These negotiations redraw the boundaries of place, over and again.

Derrida’s contribution to the theory of hospitality has been taken up extensively by academics in the past decade. His emphasis on the necessary relationship between the unconditional and the conditional has been extrapolated to argue for the importance of reform that is motivated toward the ‘good’, a term often conflated with the ‘unconditional’.

In distinct ways, the articles that make up the second half of this special issue play with the multiplicity that Derrida invokes: they point to the necessarily social and political contexts of any gesture of hospitality. In her article, ‘Offshore Hospitality: Law, Asylum and Colonisation’, Maria Giannacopoulos provides an analysis of the prevalence of colonial violence in this process; the perpetuation and proliferation of (neo) colonial structures of power and privilege contained in the refusal to offer any welcome to asylum seekers under the latest Australian government ‘offshore settlement solution’. This, it must be understood, is part and parcel of the ‘structured multiplicity’ underpinning the Law of hospitality; the extension of sites of exclusion beyond the mainland. Hospitality contains the possibility of violence and exclusion, particularly when understood as a decision that takes place on the threshold, or at the borders of nation-states.

Jane Lymer and Fiona Utley take the maternal body as the site upon which the violence of unconditional hospitality is revealed. In their analysis, the maternal duty of unconditional hospitality toward the foetus is encoded in legal decisions which come to privilege foetal rights over those of the woman carrying the unborn ‘individual’. This,

they argue, brings to light the patriarchal structures of hospitality which continue to inform the way in which rights, duties and responsibilities are unevenly distributed and fall heavily upon women's bodies and lives.

A number of the articles in Part II point to the limits of Derrida's own discourse, and ask questions of his framework that may provide innovative and creative paths to negotiate the aporia of hospitality Derrida illuminates. In their article 'Property in the World: On Collective Hosting and the Ownership of Communal Goods', Rhys Aston and Margaret Davies begin their inquiry with the legal concept of property. The originality of this approach allows for a nuanced unpacking of the 'social basis of ownership'. From here, Aston and Davies are able to emphasise the values of relatedness and embeddedness as central to 'hosting'. The 'host' is indebted to all others, human and more-than-human.

Anastasia Tataryn's 'Revisiting Hospitality: Opening doors beyond Derrida towards Nancy's Inoperativity', is similarly interested in shifting the emphasis from the boundedness of the self-sovereign subject or nation-state toward what Nancy refers to as our 'originary sociality' (Nancy in Tataryn 2013: 186). This originary condition has profound implications for how we live in-relation to difference, or others. If being is relational, then hospitality is constitutive of identity itself. Elaine Kelly closes the collection with a short endnote which circles and reiterates these themes, gesturing toward the promise of an 'impossible hospitality', a hospitality not known in advance.

While conventionally we might define hospitality in accordance with religious traditions as the welcome of the guest; care for the stranger, or catering for the known guest, recent interest in the theme of hospitality has expanded this understanding in order to think through broader political, ethical, legal, social and cultural issues. In particular – as evident in the articles that make up this collection – the works of Jacques Derrida have turned attention to the aporias and paradoxes of hospitality and their negotiation at micro and macro levels. This special issue of *Law Text Culture* seeks to elaborate these sorts of concerns in order to offer critical engagements with

issues such as nationalism, labour migration, maternal subjectivity and patriarchal politics, border politics, environmentalist discourse, identity, sovereignty and ethics.

### Reference

Derrida J 2000 *Of Hospitality: Anne Dufourmantelle Invites Jacques Derrida to Respond* Trans R Bowlby Stanford University Press Stanford