Law • Text • Culture

volume seventeen

Re-orienting Hospitality, Re-orienting Law

edited by

Anne Cranny-Francis and Elaine Kelly

This issue may be cited as

(2013) 17 LTC

It should be catalogued as Law Text Culture with no punctuation.

ISSN 1332-9060

© **Law Text Culture** and contributors

Front cover image: Photograph reproduced with permission of the artist, Ilaria Vanni (2013)

Copy editor: Jenn Phillips

Printed by Print & Distribution Services University of Wollongong

Law Text Culture is an interdisciplinary peer reviewed journal published by the Legal Intersections Research Centre at the University of Wollongong in Australia.

Law Text Culture aims to produce fresh insights and knowledges along three axes of inquiry:

Politics: engaging the relationship of force and resistance;

Aesthetics: eliciting the relationship of judgment and expression;

Ethics: exploring the relationship of self and other.

For information on submission of manuscripts, calls for papers and proposals for special editions, including style guide, go to: www.uow.edu.au/law/LIRC/LTC

In Australia and Europe, subscription enquiries should be directed to major distributors or to Law Text Culture through the website given above.

In North America, subscription enquiries should be directed to:

Gaunt Inc., Gaunt Building

3011 Gulf Drive

Holmes Beach

Florida 34217-2199 USA

info@gaunt.com

All back issues of **Law Text Culture** from volume 1 (1994) to date are now available in pdf online at http://ro.uow.edu.au/ltc

Contents

1 Introduction
Anne Cranny-Francis and Elaine Kelly

Part One:

8 Australian Hospitality: OICs and the 'theatricalised' encounter
Ben Hightower

44 Unwelcome Welcome: Being 'at home' in the Age of Global Migration
Leif Dahlberg

83 Hospitality, Subjectivity and Ceremony: *Glee* confronts heteronormativity
Anne Cranny–Francis

100 Crossing Over: Hosts, Guests and Tastes on a Sydney Street
Richard Mohr and **Nadir Hosen**

129 Alex & I
Sumugan Sivanesan

143 Student writing in Law: fixed discourse boundaries and hospitable crossings
Stephen Price

Part Two:

163 Offshore Hospitality: Law, Asylum and Colonisation
Maria Giannacopoulos

184 Revisiting Hospitality: Opening doors beyond Derrida toward Nancy's Inoperativity
Anastasia Tataryn

211 Property in the World: On Collective Hosting and the 'Ownership' of Communal Goods
Rhys Aston and **Margaret Davies**

240 Hospitality and Maternal Consent
Jane Lymer and **Fiona Utley**

273 Untitled
Elaine Kelly

277 **Contributors**

Contributors

Rhys Aston

Rhys Aston is a PhD candidate in the Law School at Flinders University. His research interests include legal theory, social theory, and socio-legal studies.

Anne Cranny-Francis

Anne Cranny-Francis is Professor of Cultural Studies at the University of Technology, Sydney. She has published widely on popular fiction, film, television and multimedia, cultural theory, feminist theory, new technologies, and new literacies. Her books include *Technology and Touch: The Biopolitics of Emerging Technologies* (2013), *MultiMedia: Text and Context* (2005), *Gender Studies: Terms and Debates* (2003), *The Body in the Text* (1995), *Popular Culture* (1994), *Engendered Fictions* (1992), and *Feminist Fiction* (1990). Her current work focuses on the relationships between the body, the senses, knowledge and being, and the deployment of these relationships by new technologies and new media.

Leif Dahlberg

Leif Dahlberg is Associate Professor in the School of Computer Science and Communication at the Royal Institute of Technology (KTH) in Stockholm, Sweden. He received his PhD in Comparative Literature from Stockholm University. Before teaching Communication and Media studies at KTH he taught as senior lecturer of Comparative Literature at Linköping University and Stockholm University. He has had visiting positions at Beijing Daxue (Peking University), Birkbeck College (University of London), and Södertörn University (Stockholm). Dahlberg teaches media and theoretical texts that range from the eighteenth to the twenty-first century. He has written on German Romanticism, European Modernism, Law and Humanities, Narratology, Media history, and Digital media technologies. His current

research project investigates the construction and representation of judicial spaces in law, literature and political philosophy in works from Greek antiquity to the present.

Margaret Davies

Margaret Davies is Professor in the Law School at Flinders University. She writes on legal theory, feminism, and the philosophy of property.

Maria Giannacopoulos

Maria Giannacopoulos is a Lecturer in socio-legal studies and criminal justice in the School of Law at Flinders University. Her research brings legal and cultural theory to the spaces where law and race meet. Her published work has been concerned with sovereignty and colonisation with a particular focus on the way that this relationship plays out in refugee and migration policies. She is currently working on the notion of 'sovereign debt' in order to foreground cultural and not just economic understandings of this notion.

Ben Hightower

Ben Hightower earned his PhD from the University of Wollongong and is an interdisciplinary researcher on refugees and asylum seekers. He has written in the fields of law, theology, language, literature and arts and conducted his doctoral research on the concept of 'Refugee Limbo'. He is a refugee advocate, educator and community services worker.

Nadirsyah Hosen

Nadirsyah Hosen is a Senior Lecturer at the School of Law, University of Wollongong, where he is also a member of the Legal Intersections Research Centre. He holds a PhD in Law from University of Wollongong and a PhD in Islamic Law from National University of Singapore. His recent book (with Black and Esmaeili) is *Modern Perspectives on Islamic Law* (Edward Elgar, UK, 2013). This article is

a continuation of his collaboration with Richard Mohr; as previously they both contributed and edited *Law and Religion in Public Life: The Contemporary Debate* (Routledge, paperback 2013).

Elaine Kelly

Elaine Kelly is a Chancellor's Postdoctoral Fellow at the University of Technology, Sydney. Her work is interested in the application of continental philosophy to political and ethical issues. She is currently looking at the ethical and political dimensions of climate change, displacement and migration.

Jane Lymer

Dr Jane Lymer is currently a Research Fellow at the University of Wollongong and an Academic program co-ordinator at the UOWCollege. Her main area of research is French philosophy, which she applies primarily to contemporary feminist concerns particularly in regard to issues surrounding maternity, the relation between maternal embodiment and foetal cognitive development and animal ethics.

Stephen Price

Stephen Price is currently a Lecturer at La Trobe University, Melbourne. He works with students and in curriculum development to enhance students' academic literacies. His research includes a deconstructive approach to academic literacies and to associated concepts such as student subject, voice, identity and discourse. He recently completed a PhD which investigated the engagement with discourses of law by a small cohort of international postgraduate law students.

Richard Mohr

Richard Mohr is a sociologist (PhD UNSW) who has worked in universities and the public and private sectors. He is director, Social Reserch, Policy and Planning, and a visiting professorial fellow in the Legal Intersections Research Centre, University of Wollongong. He

researches and publishes with Francesco Contini and others at the Research Institute on Judicial Systems (IRSIG-CNR Bologna). Mohr and Hosen co-edited *Law and Religion in Public Life: The Contemporary Debate* (Routledge, paperback 2013). Rick's articles from socio-legal and semiotic journals are at independent.academia.edu/RichardMohr

Sumugan Sivanesan

Sumugan Sivanesan is an anti-disciplinary artist, currently completing a doctorate in the Transforming Cultures Research Centre at the University of Technology Sydney. His areas of interest include Tamil diaspora studies, contemporary art and politics, decolonial aesthetics, experimental documentary and pedagogy. He has recently produced discursive events and exhibitions in Sydney, Bangkok, Berlin, and Mexico City. www.sivanesan.net

Anastasia Tataryn

Anastasia Tataryn is a doctoral candidate and sessional tutor at the School of Law, Birkbeck College, University of London. Her research interests and publications span questions of law and social movements, re-imagining labour law and community, precarious 'irregular' labour, migration, the idea of home, care and responsibility, ethnohistory, citizenship and what it means to be in common with others. Her work draws on the writing of Jean-Luc Nancy and, at times, with practices of art, dance and performance. She holds degrees in History (BA, MA) from Saskatchewan and York (Canada), and an LLM from Osgoode Hall Law School. Current teaching areas include contract law and criminal law.

Fiona Utley

Fiona Utley received her PhD in Philosophy from the University of New England in 2007 where she is currently a Senior Lecturer with her research based in the School of Behavioural, Cognitive and Social Sciences. Her published research has explored phenomenological

perspectives on identity, trauma and embodiment, and she is currently completing a project on the phenomenology of love and trust. She previously worked in the field of women's health with a family-planning NGO for 10 years.

Issue Editors

Anne Cranny-Francis, University of Technology Sydney, Australia
Elaine Kelly, University of Technology Sydney, Australia

Managing Editors

Luke McNamara, University of Wollongong, Australia
Julia Quilter, University of Wollongong, Australia

Editorial board

Massimo Leone, University of Torino, Italy
Desmond Manderson, Australian National University, Australia
Luke McNamara, University of Wollongong, Australia
Shaun McVeigh, University of Melbourne, Australia
Richard Mohr, Social Research, Policy & Planning Pty Ltd, Australia
Juliet Rogers, University of Melbourne, Australia
Nan Seuffert, University of Wollongong, Australia
Terry Threadgold, Cardiff University, Wales