Revisiting Hospitality: Opening doors beyond Derrida towards Nancy's *Inoperativity*

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1 Introduction

This article explores the phenomenon of migrant labour[2] through the lens of Jacques Derrida's hospitality. Developing the concept of hospitality as an analytical and ethical question, this article suggests some limits of hospitality when applied to issues of migrant labour and offers an account of *inoperative hospitality,* which draws on Jean-Luc Nancy's discussions of *inoperative community*. Hospitality, as discussed by Jacques Derrida in *Of Hospitality* (2000), challenges us to think of our relation to each other—to the stranger, the foreigner, even to the one without a name—in reference to a limit or a border. The concept of hospitality, or hospitality *as* ethics,[3] has been explored as a theoretical notion to challenge existing hostile and restrictive immigration policies and practices. In 1996, in a speech on the sans-papiers movement in France, Derrida deplored the idea that there can be crimes of hospitality in 'Derelictions of the Right to Justice'(Derrida 2002a: 133). He urged, 'we must [*il faut*] be able to rediscover a taste for living in a culture, a language, and a country in which hospitality is no longer a criminal offense' (Derrida 2002a: 140). Seyla Benhabib and Bonnie Honig also have questioned hospitality for its potential to be mandated, or reflected, in migration, rights and citizenship policies.

Hospitality is an ethic as well as a concept that bears the burden of its historical foundation. Derrida reminds us of this background,

recounting two violent Biblical stories of hospitality from the Old Testament – Lot (Genesis 19) and the Levite of Ephraim (Judges 19-21)[4] – that illustrate hospitality's fine balance between welcome and hostility. Hospitality inevitably draws back to a condition of exclusivity, where hospitality is extended to some but not all. Consequently, the threshold of hospitality (Irigaray 2013: 47; Honig 2013: 95) sheds light on the simultaneous impossibility of unconditional hospitable openness and the inhospitable imperative of the condition. Hospitality retains the trace of hostility, and hostility retains the trace of hospitality (Derrida 1999: 88).

The imperative of the condition and the 'undecideability of host/hostility' (Honig 2013: 96) includes recognising the limits that are embedded in the notion of hospitality itself, namely, its historical specificity within the philosophical tradition based in Western Judeo-Christian thought, particularly furthered by Immanuel Kant. The idea of hospitality is also intrinsically gendered. Home and welcome bear strong associations with mothering and care traditionally carried out by women, yet most often contained within a patriarchal structure (Irigaray 2013, Still 2010). In the context of migration, in debates concerning access to rights as, or equal to, citizens for foreign nationals or foreign-born persons working in low-waged 'low-skilled' sectors, hospitality encounters its limit at the boundary where citizens are differentiated from foreigners (migrants) within the nation-state. Establishing this boundary is especially complicated within the European Union (EU) with its freedom of movement for labourers (Guild 2010: 205). Many of the debates in the United Kingdom that concern migration, labour and the responsibility of the state towards 'migrant labourers', which I will discuss below, reflect a lack of clarity in identifying who a 'migrant' is and who a 'citizen' is, and what these categories mean (Anderson 2013).

The categories of membership in the nation-state do not exist as fixed, identifiable lines that define who is inside and who is outside; rather, the limit and its transgression take place simultaneously in the experience of plural existence and experiences in common, in

participation, with others (Nancy 1991; 2003). Hospitality impels us to think beyond the apparent oppositional binary of conditional and unconditional that Derrida and Anne Duformantelle explore in *Of Hospitality* (2000). Instead, the concept of hospitality invites us to grapple with the simultaneous singularity and plurality of our experience as beings in the world.

Jean-Luc Nancy confronts the multiplicity of experiences that occur at the limit where conditions are formed and defined. The conditions that determine how hospitality might inform immigration policy, for example, broadening access to citizenship for non-citizens working in low/non-skilled occupations, are based on presupposed categories of citizenship. These presupposed categories that define formal participation in the nation-state shape the conditions of what is imagined to be possible.

To avoid conditions that predetermine the experience of people living and working in a given territory and sector, Nancy explores what is our 'originary sociality' (Nancy 1991: 28). This 'originary sociality' refers to how singular beings, individuals, come together in a plural with other singular beings, to form a common. This common is the basis of communication. Communication, according to Nancy, involves a confrontation between singular beings and the plurality formed by multiple singular beings. The communication that forms the common is the 'with' where the forces *confront* one another because there is always some element of the common that is apart from pure presence (Nancy 2003: 25). The 'with' of being 'with' others is the sociality that exceeds existing definitions of the nation-state and citizenship because it is happening in spite of and beyond presupposed categories/definitions. It is 'originary' because in this confrontation of communication there is an exposure to difference. The experience of difference exposes the singular beings in the plural to the possibility of things being otherwise. The social that is formed from this originary sociality does have its limit, but does not form a fixed social bond. Instead, the experience 'presents itself, exposes itself, and thus it *exists* as communication' (Nancy 1991: 28).

Nancy describes the coming together of persons in common—communion, communication—as always happening when an individual, a singularity, is *brought to* sense in the plural (Nancy 2008: 68). He argues 'Being "itself" comes to be defined as relational … *as community*' (Nancy 1991: 6). This community, which is relational and always to that particular experience, does constitute a law and, therefore, a limit, but based on the on-going un-working of socially constructed categories. Nancy refers to this community as *inoperative,* or '*la communaut*é *désoeuvrée*' (Nancy 1991). *Inoperativity* does not suggest that our thinking be oriented towards a limitless movement, or inaction or stasis. Rather the challenge is to confront the inescapable need for a limit while at the same time the knowledge that the limit, as it comes to be defined, will always be transgressed by what escapes its definition. Therefore, our conceptualisation of categories and limits must respond to, and remain open to, the confrontation of communication that is always happening.

Hospitality can be recognised as existing in the in-between, the 'suspended step' (Nancy 2008: 10) between the excess (unconditional) and the imperative existence of a condition. Viewing the concept of hospitality through Nancy's *inoperative community* pushes Derrida's conditional/unconditional hospitality further to consider what forms the conditions of hospitality. Attention to the 'unworking' or confrontation of community, where we are constantly in processes of 'sharing of singular beings' a sharing which is 'always incomplete, or it is beyond completion and incompletion (Nancy 1991: 35), urges hospitality to be understood as a simultaneous condition of our being 'with' others.

The complex political and legal issue of migrant labour, which in the United Kingdom (UK) includes the difficulty of distinguishing who is a 'migrant' worker, highlights a need to recognise the inability of predetermined categories to capture the experiences of people's participation in a sociality (a nation-state, a labour market, a citizen population). Persons who fall outside of familiar categories, and who are deemed *irregular* migrant labourers, may or may not have claims

to labour protection or rights as citizens.[5] Often, when workers are in low-waged, 'bottom-end' labour, they may be denied status as employees; in the UK forms of subcontracting, agency work, zero-hour contracts and self-employment contracts are increasingly used in ways that defer responsibility for employment security or protection from the employer or business (Wills 2010). In order to extend protections to these workers, labour practices need to be evaluated and regulations adapted to contemporary demand. Concern for the subjugated position of irregular migrant labourers is, therefore, not simply a matter of more hospitable citizenship and immigration policy. Employers have become reliant on cheap, flexible and precarious labour. Often labour practices evade existing employment laws. To re-conceive of hospitality as *inoperative* demands imagining the space of hospitality as an in-between that *is* happening, such as the practices of labour and how individuals are categorised as migrants and as irregular. Attention to what is happening in excess of known categories and definitions involve confronting and questioning the experiences of those who are participating in the community of a given territory, market and place.

2 Introducing Migrant Labour

Labour migration is nothing new. Indeed, far from being a historical anomaly, international migration has developed into a regulatory labour market tool (Bauder 2006: 21). However, what is unique to the 21st century is the speed with which the market economy can adapt to an international labour supply. Ostensibly, the international market economy is a global, all-encompassing system. At the same time, national immigration policies are determined by concerns for national security and restrictions on global mobility, particularly restrictions for those without economic status and considered low/non-skilled migrants. Immigration policy debates in Western liberal democratic nations are illuminated by fears of national security and foreign threats posed by non-citizens from potentially hostile, enemy countries.

Additionally, in the UK, domestic anxieties about employment and social welfare have been blamed on a migrant demographic that

has been accused of draining the national economy. Government discourses surrounding immigration, specifically migrant labour, reveal a differentiation between deserving and undeserving migrants: welcoming the former while denigrating the latter based on country of origin, financial security and 'skills', such as education/language (Anderson 2013). In the UK, immigration programmes intend to attract the 'best and brightest' migrants: skilled migrants able to transport their economic success. Meanwhile, a sub-class of precarious workers, many of whom are EU nationals or even British citizens with a legitimate right to reside and work in Britain, are employed in low-waged, 'bottom-end' labour sectors such as the hospitality industry, cleaners, care-workers, security guards, or agricultural or food processing plant workers where many workers are on flexible, uncertain contracts. These labour sectors are highly de-regulated and employ workers in jobs that are dirty, dangerous and demeaning. This includes work in the hospitality industry, working as cleaners, care-workers, security guards, or agricultural or food processing plant workers where many workers are on flexible, uncertain contracts. The precarious employment is ostensibly justified by the notion that those employed are temporarily in the nation-state and not 'at home'. Yet these workers, often considered 'irregular migrants', provide the building blocks of urban and rural production (Wills et al., 2010; Anderson 2013).

In the UK, the label of 'migrant' can include persons who have secure immigration status as workers, including EU citizens, as well as those whose status is uncertain, that is, non-EU workers who entered through visitor visas, student visas, spousal sponsorship or asylum seekers. Formal labour policy discussions typically exclude migrants who are employed in precarious work, categorized as irregular. The individuals labelled 'migrant labourers' are often perceived as potentially illegal and opportunistic migrants, even though their formal legal status may be more complicated (Dauvergne 2009). An irregular migrant workforce has been identified as an issue of concern for domestic employment. Despite this concern, key issues such as, the definition of who is a migrant, as well as the continuing labour demand for workers in precarious, low-waged or poorly regulated employment, are rarely

explored (Anderson 2013).

The type of labour that workers who are often defined as migrant workers provide reinforces regulatory shifts in the labour market. Employer demand for a precarious, flexible, temporary labour force has increased, especially with forms of agency work, zero-hour contracts and subcontracting. Jane Wills contends that now 'subcontracted employment is becoming paradigmatic' (Wills 2009: 442). The London-based *Global Cities at Work* (2010) project demonstrates that the foreign-born worker (the 'migrant') is the paradigmatic worker (Wills et al 2010: 6). However, the 'foreign-born worker' is not paradigmatic because of exponential rates of actual immigration; rather, the type of low-waged labour provided by foreign-born, or migrant, workers is the standard demanded from citizens and non-citizens alike. The exploitation of a labour force working in low-waged, 'bottom end' labour, calls into question the potency of citizenship, as well as the complicity of immigration and employment policy in creating and maintaining a precarious migrant labour force (Anderson 2012; Fudge 2011).

Researchers and migration advocates worldwide have recognized the deprivation of status and lack of rights granted to migrant workers. Notwithstanding international Conventions such as the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (1990), remedies to end the exploitation of a precarious migrant labour force, in the UK and other liberal democratic countries, have proved inadequate. Charters and Directives of the European Union that address freedom of movement and protection of workers have exposed complications within the definition of 'migrant' and 'migrant workers' as well as contested categories of citizenship and access to rights (Guild 2011).[6]

The concept of hospitality has been used to think about a better approach to challenge unjust immigration policies. Hospitality has been rallied to imagine the extension of rights and citizenship to all migrants and workers (Benhabib 2006; 2004). However, the question remains of how an open, hospitable immigration policy would exist

within the nation-state-centred international political and economic system. The structure of the nation-state in liberal democratic nations that recognises individuals based on citizenship and rights only ever holds the possibility of a limited and a conditional hospitality.

Emmanuel Levinas's exploration of hospitality as an ethic, developed by Derrida (1999), provides an instance of why we cannot legislate hospitality into governance structures. Hospitality is intrinsic to our being with others; it is not something that can be worked into pre-existing frameworks because it is elemental to the existence of a framework. As Derrida observes, 'hospitality is culture itself and not simply one ethic among others' (Derrida 2001: 16). Further, Derrida reveals that the trace of hostility embedded within hospitality precludes the possibility for hospitality. This is particularly as it is understood based on Kant's conditional hospitality, as if hospitality was able to be a fixed remedy for persons marginalised by immigration law and the nation-state. The limits and conditions that exist even within concepts of 'open hospitality' result in hostility to those that are excluded from recognised categories. The opening is limited and conditioned by the notion of a proper, 'that which projects us into the world' of relating with others in an order of a 'proper' life (Cheah 2013: 69). This 'proper' order implies a secure host and home, which, if unquestioned, denies the vulnerability that is 'always already at work in the constitution of any power' (Cheah 2013: 72). The notion of the proper suggests a security and fixity of structure and form of relating with others, whereas in contrast, Derrida's unconditional hospitality reveals vulnerability.

Derrida's exploration of hospitality and Nancy's discussion of inoperativity allow us to recognise that the limit and its excess are simultaneously experienced in the confrontation of communication with each other. The experience is deeper than national territorial policy, citizenship rights and immigration concerns because it is underlying our very originary sociality and the limit of singular beings in the plural. At the base of this experience, and intrinsic to hospitality, is the question of what is home, and who is able to claim such a place, space and belonging (Irigaray 2013: 47). Before examining the notion of home

and hospitality, it is important to highlight the limits of hospitality when it is proposed as if it were some*thing* able to be implemented into immigration policy and legislation.

3 Hospitality as Citizenship Policy: Kant's Perpetual Peace

Hospitality is a critical feature of Immanuel Kant's *Perpetual Peace: A Philosophical Sketch* under the claim that 'The Law of World Citizenship Shall Be Limited to Conditions of Universal Hospitality' (Kant 1795). Kant's notion of hospitality is necessarily mediated through the state and reinforces the prerogative of a 'proper' civil society. A state-centred notion of hospitality is fundamental to our contemporary understanding of the regular nation-state. This shapes how we understand the responsibility and obligation (or lack thereof) that citizens have towards immigrants, visitors and other migrants.

Derrida challenges Kantian notions of hospitality by explicating the limited scope of the condition inherent in this understanding of hospitality: the Kantian hospitality denies the unconditional aspect within the concept of hospitality (Derrida 2001; Derrida and Duformantelle 2000). However, beyond Derrida's attention to the unconditional, it is equally important to interrogate what is assumed, or presumed, to be *a* condition and what is *the* unconditional. A condition of citizenship, of having a 'proper' name, suggests having a place that is one's own place, where one belongs, and then protecting this place. But protecting against whom? The difficulty to establish definitively who is a migrant in the UK illustrates the lack of clear distinction between 'guest' and 'host': who is at home and who is asking to be given a place? How are these lines determined and defined? Labourers considered to be migrant may be treated as if they were temporary migrants, with a different 'home' to return to. Meanwhile persons working in low-waged, low-skilled de-regulated labour sectors may be permanently in a state of precarious employment in a country where they hold citizenship or have full legal permission to live and work. They are at home, but lack recognition for their participation in the 'proper' community. In spite of participating in the originary sociality, they are excluded by the

condition of citizenship that is presupposed onto hospitality.

The framework of hospitality that Immanuel Kant pursued in *Perpetual Peace* reinforces citizenship-based exclusion. The citizen, or host state, has the prerogative to refuse hospitality, or withhold welcome. Hospitality, according to Kant, does not imply offering citizenship or extending a permanent welcome. In Kant's *Perpetual Peace* (1795), he states that hospitality through the 'right of temporary sojourn' is to be extended to the foreigner 'so long as he peacefully occupies his space'. This right is, 'not a right to be a permanent visitor'. The visitor is assumed to have his/her own home territory to return to afterwards. This order through state and citizenship informs the foundation of the global international order.

Seyla Benhabib agrees that the temporariness of Kant's hospitality is problematic and must be extended to long-term stay, for example, offering refugees the potential of citizenship. She suggests hospitality nevertheless provides a model for citizenship and that citizenship within the European Union is an example of a more open, hospitable immigration policy (Benhabib 2004). However, Benhabib fails to account for how long-term or extended hospitality would imply incorporation into society through formal citizenship or by virtue of residence and participation in the life of a community. This would transform the guest into the host, no longer receiving or needing hospitality. An open hospitality would act itself into redundancy. The unconditionally welcomed foreigner would shift into the position of being the one extending hospitality (or not) to the outside. Hospitality would change according to the person extending hospitality.

Non-citizens of the European Union (EU) who have legal status within the territory, and who are not considered to be migrant labourers working in low-waged/low-skilled sectors, approximate Kant's vision of the foreigner who will return to his/her state after a temporary sojourn. In the EU, legal visitors and/or residents are hospitably welcomed and even recognized by the European Court of Human Rights and allowed to present claims to the EU. However, when one is without legal status or considered to be an irregular migrant based on precarious residency

and/or employment, EU hospitality and 'disaggregated' citizenship with the Union are of little consequence.[7] Benhabib would likely respond that the EU's orientation of hospitality has the potential to include those excluded – she argues that the hospitality within EU human rights Conventions, for example, demonstrates 'mediation between the ethical and the moral, the moral and the political' (2004: 158). However, as Bonnie Honig argues,

> what those rights point to in Benhabib's account is not an open futurity dotted by new or emergent rights but a normative validity that launches us into a subsumptive logic in which new claims are assessed not in terms of the new worlds they may bring into being but rather in terms of their appositeness to molds and models already in place: incomplete, but definitive in their contours (2006: 110).

The EU may represent success for the inclusion of some through its supra-national citizenship-potential, but it has not produced a remarkable evolution of hospitality, or a new type of transferrable, post-national cosmopolitan citizenship. Perceiving the EU as a bastion of hospitality denies both the present realities of persons in ambiguous legal spaces due to global economic priorities and markets that maintain a de-regulated labour market; such thinking also falls short of interrogating the concept of hospitality as linked to exclusionary claims to universalism.[8] Universalism constantly refers to a foundation, which contradicts its ability to be universal. Claiming universalism suggests that we overcome statism. However, until this conceptual leap is made, all acts claiming the universal are subsumed to a conditional, limited system (Honig 2006: 116). Thus hospitality, when offered as a utopian universalising concept, fails to recognise the violent protectionism that is inherent in the state and its practice of citizenship and immigration law:

> it is the ill of all 'rich', 'neo-liberal' countries that, according to the needs of their economies, welcome or allow to arrive from countries less economically privileged … a work force that they exploit until the day when another set of circumstances, economic, political, ideological, electoral, requires another calculation and stimulates a policy of racist

reaction (Derrida 2002a: 140).

When foreigners-inside, such as workers labeled as irregular migrants, do not have a home that is recognized within the nation-state paradigm/myth/frame, they are portrayed as if they were imposing on the home of the 'proper' citizen, without the security of reciprocity. The 'irregular migrant' transgresses known categories: they enter into the home of the host and disrupt the paradigm of the political social order. This paradigm is contingent on a bond determining order within the nexus of home (family), citizenship and the state. The real outsider who asks for an unknown, or unconditional hospitality (as Derrida writes in *Of Hospitality*) is not the foreigner welcomed through Kantian hospitality, but is the subject that haunts and is haunted 'prevented by an alterity from closing itself off in its peacefulness' (Derrida and Dufourmantelle 2000: 4). The difference embodied in the category of 'irregular migrant' is a form of differentiation based on what is considered to be desirable recognition of the human subject in a community (Cheah 2013: 69; Anderson 2013: 180). Ultimately this is a denial of the confrontation happening in the communication 'with' others.

According to Kantian hospitality, the migrant, especially the precarious migrant in low-waged/low-skilled labour, is without a home and, therefore, transgresses the conditions and boundaries of international political system based on the nation-state and citizenship. Migrant labourers challenge the nation-state because they are made to be foreign to the language of the law and denied belonging as citizens through being named 'migrants'. Meanwhile they are living and working inside the nation-state, and participate in the 'originary sociality'. Their presence unsettles dominant notions of home, the proper citizen and community based on these conditions.

Derrida challenges the Kantian framework by suggesting we must give a place where no place exists, or at least where no place is presupposed:

let us say yes *to who or what turns up*, before any determination, before
any anticipation, before any *identification*, whether or not it has to do
with a foreigner, an immigrant, an invited guest, or an unexpected
visitor, whether or not the new arrival is the citizen of another country,
a human, animal, or divine creature, a living or dead thing, male or
female (2000: 77).

This poetic, yet intangible, orientation must be preceded by
recognition of the limits and conditions that continue to be reinforced
by citizenship frames. Especially when considering migrant labour, it
is impossible to ignore the role of neoliberalisation that conditions our
market economy and informs political and legal limits. According to
Pheng Cheah,

we need to situate this scene of hospitality and, indeed, the very
emergence of hospitality as a key ethical and political concept in our
current conjecture within their material conditions: the hospitality to
capital flows that are making our world (Cheah 2013: 79).

The actual experiences of labour practices are ignored and the
economic participation of 'migrant' labourers, as if these people were
temporarily employed and without permanence in the labour market
and citizen-community, are entangled in processes of neoliberalisation
(Peck et al 2012: 269). Neo-liberalisation has assumed a totalizing
presence[9] where market exchange is seen as

an ethic in itself, capable of acting as a guide to all human action, and
substituting for all previously held ethical beliefs ... [Neoliberalism]
holds that the social good [which we commonly recognise as coming
through the nation-state] will be maximized by maximizing the reach
and frequency of market transactions (Harvey 2005: 3).

The ethic of the market makes it seem necessary, but also inevitable,
for the nation-state to converge with the market. This establishes the
market as if it were paramount and reflective of social order, rather
than co-opting the notion of social order into its historically specific
form. Hospitality, therefore, as ethics, is sublated into a neoliberal
market discourse.

Neoliberalisation depends on the illusory 'common substance' of

the global. Migrants, indeed all human beings included in an idea of a global cosmopolitan citizenship, are believed to have a place in the 'international' or 'proto-political global' market (Lindhal 2009). The ethic of the market, embedded in the nation-state, establishes an exclusionary domestic agenda while projecting a narrative of inclusion and toleration to a global market ideal. This reflects Kantian conditional hospitality where the claim is 'to a common, encompassing legal space in which, in principle, everyone has her/his own place' in spite of being excluded from permanent citizenship within the particular nation-state (Lindhal 2007: 9).

This presupposition assumes that the domestic market economy can be maintained within restrictive borders of the liberal democratic state and justifiably withhold permanent belonging to the 'proper' community (Cheah 2013: 69-70). Workers whose racial or socio-economic profile is not-quite desirable, in spite of providing labour that is demanded by the domestic labour market, are seen to belong to the 'proto-political' global market (Lindahl 2009: 430). The 'proto-political' global market reinforces the national proper citizen as a productive member in the domestic labour market, and the less-desirable, precarious other as a temporary guest and foreigner. This presupposition denies individuals who do not fit either into categories of immigration or employment from equal participation in the common that is established as the condition of political and legal belonging.

4 Of Hospitality and Law

When we speak of hospitality, according to Derrida there is a 'collision between two laws' (2000: 77) that are not symmetrical:

> The law [of unconditional hospitality] is above the laws. It is thus illegal, transgressive, outside the law, like a lawless law, *nomos anomos*, law above the laws and law outside the law (2000: 79)

However the law that binds is necessary, it brings us back to the world and to what makes it possible for us to exist in society and organise ourselves together. But as soon as it is bound, hospitality ceases its hospitable welcome; the door is a screen, the threshold impassable if

the name offered to secure passage is unacceptable, or if it does not fit the standard that is desired within the 'home' or the nation-state. Hospitality is between the law of hospitality (which identifies ethics as hospitality Derrida 2001: 17) and laws of hospitality (namely, the political domain of laws and rights within a socially-situated moral code). Under the laws of hospitality, 'guests' who are not recognised as regular citizens have only duties and not rights (Cheah 2013: 65-70). In immigration policy and the regulation of migrant labour, the category of migrant labourer, as discussed above, is potent. The label of 'migrant' sustains these persons in a suspended 'guest' category, where they perform duties (are employed and give their labour) but are not recognised as participating in the 'originary sociality' and community of the domestic labour market and nation-state.

The undecideability of hospitality brings to light the restricted frame of citizenship and the state, in spite of claims to universalism and a global economic system. In order to try and understand this undecideability, the foundation of concepts and categories needs to be interrogated. Jean-Luc Nancy's *inoperative community* fundamentally challenges the notion of the common substance of the global (1991: xxxvii) and offers a perspective through which to explore hospitality and home. Nancy's thought begins beyond conceptualising hospitality as caught in a binary between condition and unconditional, which can result from interpretations of Derrida. According to Nancy, in *Inoperative Community*, the foundation that is re-articulated as community always exists and is in excess and beyond what it is programmed or ordered or dictated as being. It is the 'originary sociality' of persons coming together in-common, in a plurality (Nancy 1991: 28). The *inoperativity* of this community is not a lack of activity, but is always beyond and is un-finishing, un-working a supposed unity or definition. Hospitality as *inoperative* expands Derrida's explication of hospitality to consider instances of hospitality (and of home) that transgress presupposed conditions: hospitality as expressions, bursts, of openness and welcome, always and only possible because of the immanence that ultimately calls the hospitality to a condition, wherein it ceases to exist as hospitality.

5 Of Hospitality and Home

For hospitality to be *operative*, or to be something able to be acted upon or applied, it is contingent on having a home from which one offers hospitality. To welcome the guest, one must have a basis from which to offer something of the 'host' that the guest does not have. Invasion of the boundaries of home (for the guest to act as if this boundary did not exist) results in hostility. However hospitality, without the risk taken when boundaries are opened to the point at which one may step too far, is not hospitality; a limited welcome defeats its own purpose by being conditional and, therefore, not welcoming.

At what seems to be an irreconcilable threshold between hostility and welcome, hospitality can be nothing but *inoperative*. Derrida questions the elusive threshold: where is the threshold? What is the threshold? Is there a threshold, or is the question of the threshold a question because there is no threshold? Is our question of the threshold a yearning for something that exists only in its absence, because we are unsettled and ground-less? (2009: 333-334) Derrida asks the question that links to Nancy's work. Nancy writes of 'hospitality' without identifying it as such – but his attention is forever to the question that is always already happening. While Derrida asks the question of the threshold, Nancy explores the confrontation of communication and the orginiary sociality that is always already active as threshold.

In a preface to Nancy's *Experience of Freedom*, Peter Fenves suggests that for Jean-Luc Nancy

> the experience of freedom finds its urgency in the positivity of wickedness, a positivity that classical versions of empiricism are unable to handle. … a furious insistence on a ground in the face of groundlessness, an insistence that expresses itself in acting so as to spite the condition of groundlessness (1993: xxix).

This insistence on ground is a yearning for an answer to Derrida's question of the threshold in order that we may define a limit. Yet for Nancy, the insistence on ground is a movement that is on-going in spite of the conditions that seem to provide order but constantly deny what

is beyond the imposed limit. Conditions and categories obscure the experience of the 'with' others and render certain people precarious, and in the margins of law and the labour market, in spite of their being active participants. A legally sanctioned, precarious labour force continues to exist, notwithstanding rights provided through European law and Directives, directives which include Regulation 492/2011 on the freedom of movement for workers within the European Union; Directive 2004/38 that sets out procedural requirements and family reunification rights. The European Social Charter includes further regulations such as Article 18 (3), the right to engage in gainful occupation in the territory of other Parties; and Article 19, the right of migrant workers and their families to protection and assistance. Article 19 also requires states to protect the rights of migrant workers and their families, assist them with information, access to health services, support and equal treatment.

Inoperative hospitality does not suggest more Directives and legislation. The proposal is for a fundamental re-orientation of how we think of the constitution of legality and the limit. Currently, the limited categories of citizenship and practices of employment, in domestic and international labour markets, seek out cheap, precarious workers that permit industry priorities to remain focused on market economic growth. Unless they address the deeply entrenched marginalisation of precarious labourers as if they were outside, foreign and justifiably excluded, the discourses of rights, belonging, home and hospitality, fail to speak for those that live in the threshold demanding hospitality.

Inoperative hospitality does not deny a limit and condition. However, currently the limit is embedded, not in a physical space or border but within categories, language and practices that deny the experience of persons who are living, working and participating in the economy in excess of 'proper' citizenship. Migrant labour unravels categories and labels, but at the same time, 'migrant' justifies a border being placed between 'them' and rights purportedly granted to proper citizens. The title of 'migrant' implies that these workers will never be at home, and will forever be poised at the threshold of the citizens'

home. Meanwhile, the citizens' home has already been opened and is dependent on the labour the 'migrants' provide. Nancy's work on *inoperative* community, extended to hospitality, contends that the limit and condition must be a reflection of experiences in the common, the 'with'. We must resist returning to conditions that presuppose limits of foreignness and difference manifest through (contested) notions of proper citizenship and belonging.

Home itself is a complicated term and a plethora of literature has discussed the sociological, anthropological, gender and cultural significance of 'home'. In the 21st century, narratives of migration often involve expressions of displacement, nostalgia and memories of a home that was left behind or destroyed. In terms of hospitality, the country receiving new immigrants could be seen as opening one's home to another in order to share what the migrant no longer has, and may be yearning for. However, home also has deeply gendered significance. Homemaking, domestic work, the 'private' sphere, domestic violence and home-care work all very specifically have dis-abled and disconnected women, in particular, from participating in any sociality beyond the patriarchal domain of a private, family home.

Yet home can also refer to a longing and a comfort for a place where one stays, where one sleeps, or where one is from. Home is a question that remains in question even when we are physically in a space that we may call 'home'. Ontologically, home can be connected with defining Being in the world, or the site where the singular being manifests a very intimate plurality and sharing-out. Home, in this ontological sense is an imperative; it is a condition. However this imperative for a condition, like the imperative of the limit discussed above, must be dismantled from classic predetermined notions where home means family (in a patriarchal sense), which means recognition as citizens and membership in the state. Home in *inoperative hospitality* is without a fixed answer and bears no pre-determined limit.

In Derrida's *Force of Law* we find yet another parallel to describe the sense of the inoperative that is experienced in home and in hospitality, where law has the imperative to bind and constitute a limit. However the

necessity for law to be a limit is only known because law is constantly unsettled and challenged or broken in the pursuit of an elusive notion of justice (2002b: 228-298). Jacques de Ville suggests that law is absolute hospitality, and that within law there is a 'disjointure' and a potential to exceed economic circularity through the gift, justice, hospitality (2012: 194-196). Through absolute hospitality Derrida pushes thought 'beyond the circle of economic exchange' to rethink the condition and the limit as framed through conventional politico-logical conceptuality – to re-think the possible/ impossible (de Ville 2012: 199). Nancy's concept of *inoperativity* takes this a step further, to the suspended step (Nancy 2008: 13). In the 'suspended step', the condition and the limit are not redefined, but this concept brings attention to the reality of our shared singularity that is not defined, but rather is happening in the 'with', when we are 'with' others. This 'with' is why we insistent on a limit, but it is a suspended experience – the experience before we step our feet down within a limit or on a limit.

As it is understood through the current dominant framework of citizenship and the nation-state, the idea of home does not allow for a multiplicity of 'homes' as a foundation for belonging and welcoming difference. Rather, home is contingent on a passport, on citizenship, on territory, and commonly, on the nuclear family unit. Classic Kantian hospitality deems protection of the home is protection of the place from where hospitality can be extended; the offer of hospitality requires a home. For Derrida and Dufourmantelle, unconditional, absolute hospitality,

> requires that I open up my home and that I give not only to the foreigner (provided with a family name, with the social status of being a foreigner, etc.), but to the absolute, unknown, anonymous other, and that I *give place* to them … without asking of them reciprocity' (Derrida and Dufourmantelle 2000: 25).

Ironically, the preconditions of being hospitable can support a fiercely protectionist and xenophobic retreat to the home. This paradox between welcome and protection highlights that there can be 'no hospitality, in the classic sense, without sovereignty of oneself over

one's home' (Derrida and Dufourmantelle 2000: 55). However this sovereignty over one's home is compromised when citizens turn to the state to secure the privacy they value by having a home. The intimacy that hospitality as home implies is rendered impossible through the binding juridification of the rights of home. Any hospitality that is offered from this position is limited and conditional to the state; and hospitality once defined and proscribed is embedded in, or co-opted by, mechanisms of state control. For example, governments can argue that their actions of restricting immigration and cracking down on illegal immigrants are for the good and protection of its citizens. Meanwhile the state imposes itself into the homes of its citizens, prohibiting welcome and restricting citizenship rights to those the state deems are not welcome, or are improper.

The paradox of hospitality thus needs to be understood as the inoperativity of the threshold. This means that at the threshold of home, the home as a fixed, determined concept is always in a process of unravelling its fixity: the home, this space from which 'I' know myself that gives me a sense of who 'I' am implies being defined by a singular being. Home is fundamentally shaken if people are welcomed in and let into this space, a space that is defined, which means there are conditions that determine what is or is not included in that home space. Hospitality that is 'offered' from someone who has, to others that are outside of this 'having' but are in need of what those inside have, is a predetermined hospitality laden with power inequalities. However, once one 'makes oneself at home' and settles into the home space, they no longer demand hospitality: the outsider becomes an insider, or the permanent migrant that becomes a legal citizen.

Theoretically, the giver and the receiver are lost as the distinction between inside and outside is no longer relevant once the home is opened. But in practice, permanent migrants remain exactly that: permanently considered migrants, notwithstanding legal formalities of citizenship status. Therefore even if the guest becomes 'at home', the home is still limited and withheld from being theirs. An alternative to this hospitality that withholds a true openness and unconditional

welcome involves an upheaval of the idea of home as a bounded limited space. Hospitality would need to recognise the actual *inoperativity* of the idea of home. Without this shift in conceptualisation of home, home remains conditioned within the logics of the system and the myth of the nation-state as if it were something that must be maintained and protected. Whereas in many lived experiences, home is as easily opened and constantly reconstituted in the plural, as it is threatened by the plurality of other individuals and other homes.

Derrida fears that we have become hostages to a confusion wherein we

> no longer know, or no longer want to distinguish between, the definition of hearth [*un chez-soi*] and hatred or fear of the foreigner – who no longer know that the hearth [*le chez-soi*] of a home, a culture, a society also presupposes a hospitable opening (Derrida 2002a: 134).

Without conditions and boundaries my home space would no longer be my own. It would lose its specificity by being 'everyone's'. The conditions, the limit, or my ability to close the door and refuse welcome, is the line at which my identity is built in relation to what is external. Yet because of the intrinsic sharing out of singularities that forms the 'with' of common, community and communication, I need to have the other in order to have myself. Thus my home is always shared both with the excluded and the included. Home is not found in a singularity, rather it is realised in relation to the plural. Home is constituted by the encounter in the plural, the reiteration of welcome and refusing welcome. Home is the excess of itself, it happens in the threshold and the 'suspended step'. This is, however, not external, but the suspended step is part of what happens in our experience of the world. It is always already happening, but escapes a name in the 'proper'.

Hospitality is a question of how to make sense of home-as-homelessness, or how to grapple with our need for a limit while at the same time our knowledge that this limit will never sufficiently encompass what we aim to address. Homelessness is constituted in multiple instances and multiple ways. Rather than the traditional notion of home being the territorial belonging, or the physical house or

structure, the challenge is to consider how home is an infinite plurality of singular instances of home; the encounter at the threshold of intimacy and foreignness. Such a conceptualisation of home opens the possibility of *inoperative hospitality*, where our encounters are conditioned by the plurality of situations happening and experienced, rather than dictated through recognisable frameworks.

In *Being Singular Plural,* Nancy suggests we take a break from the clouds of political philosophy, not to depoliticize, 'but in order to engage in a thinking, the site of which is the very constitution, imagination, and signification of the political, which allows this thinking to retrace its path in its retreat and beginning from this retreat' (2000: 37). When in a country where one is not recognized as having full and secure legal status, when one's identity is ambiguous, both due to the type of employment available and sought and because one is not granted secure immigration status, the question becomes, 'to whom does the migrant belong and after he/she has crossed the border, is he/she no longer a citizen that can be amicably addressed?' (Nyandoro 2011: 130). Who takes responsibility? Must anyone take responsibility? And, if so, responsibility for what? Is the responsibility of the migrant to her/himself taken away by legal and political discourse? The processes of decentralization and de-regulation of employment regulations, through neoliberalisation, obscure the need to protect labourers who are not recognised within categories of immigration.

Hospitality, or rather, *inoperative* hospitality, challenges us to think of who carries this responsibility, if not all of us who are participating with each other as the sharing out of singularities. This confrontation and communication is the production of community, the economy, and the market. Therefore hospitality cannot be a programme or project to instigate into migration and labour law or policy. Instead hospitality is to participate in our home and in our homelessness, on-going and unworking the categories and limits that we grasp in attempts to explain our being and our belonging.

Notes

1   My thinking about home and hospitality began with the 2012 Derrida-Konferenz at Frankfurt AM Main. Thanks to all who engaged with my work there, to friends and colleagues at Birkbeck for ongoing conversations, and for the comments of the anonymous reviewers of this article. Special thanks to Maria, Myroslaw and Penny, for invaluable help and generous feedback on this article.

2   Migrant labourers: workers in low-waged 'low-skilled' sectors who are considered to be migrant, non-nationals or foreign born and whose status or employment is 'irregular'

3   See Still 2010: 7-11, Derrida 2001: 17, Derrida 1999: 50.

4   Judith Still discusses these stories in greater depth (Still 2010: 67-69).

5   In the United Kingdom, EU8 nationals (nationals of eight of the ten new member states of the EU that joined in 2004: Hungary, Poland, Slovakia, Slovenia, Czech Republic, Estonia, Latvia, Lithuania) were 'permitted to access to the labour market with no transitional arrangements.' However, in spite of their presence and economic participation being legal, they are not fully considered equal citizens: their access to welfare benefits is restricted based on a requirement of 'lawful residence.' (Anderson 2013: 83).

6   Elspeth Guild, 'What EU Labour Market?' unpublished presentation, *Migrants at Work* conference, University of Oxford June 23, 2012, 4. Guild refers to EU Directives such as, Regulation 492/2011 on workers' rights; Directive 2004/38 sets out procedural requirements and family reunification rights. This includes but is not overruled by citizenship in the Union as the status 'of all nationals of the Member States'. Citizenship in the Union as per the Court of Justice of the European Union, C-184/99 *Grezleczyk* ECR [2001] I-6193. According to the Office of the United Nations High Commissioner for Human Rights Fact Sheet No. 24 (2005), *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* is 'the latest of the seven so-called core international human rights treaties, which together form the United Nations human rights treaty system. The other six are the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination,

the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. Most of the rights contained in these treaties also apply to noncitizens and thus provide a basic protection of migrant workers and their families against discrimination and other violations of their fundamental human rights' Office of the United Nations High Commissioner for Human Rights Fact Sheet No. 24 (New York, Geneva: United Nations, 2005), 12. http://www.ohchr.org/Documents/Publications/FactSheet24rev.1en.pdf accessed 22 May 2013

7   The treatment of irregular precarious migrant labourers in certain situations can be found in contravention to the European Convention on Human Rights, specifically article 3, prohibiting torture, degrading or inhumane treatment, and article 4, prohibiting slavery, servitude, forced or compulsory labour. And particularly since they are not in full view of the law, irregular migrant labourers will not have access to the hospitality of the EU. European Court of Human Rights, 'Convention for the Protection of Human Rights and Fundamental Freedoms' as amended by Protocols Nos. 11 & 14, Registry of the European Court of Human Rights, June 2010.

8   Scholars such as Costas Douzinas and Peter Fitzpatrick (1998) have explored the limit of universalism in regards to cosmopolitanism and law. For example, Douzinas contends, 'Cosmopolitanism starts as a moral universalism but often degenerates into imperial globalism' (Douzinas 2007: 159).

9   Jaime Peck, Nick Brennar and Neil Theodore argue neoliberalism is an ongoing process that is 'a crisis induced, crisis inducing form of market-disciplinary regulatory restructuring' (Peck et al 2012: 268) It comes with a sense that there is a pending, looming crisis if market growth does not continue.

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