

Hospitality (and the) Inhuman¹

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Abstract

During the second year of his *Hospitality* seminar, Jacques Derrida dedicates a prominent place to the philosophy of Emmanuel Levinas. Also due to the unusual modalities of this seminar – and, as the editors of the published volume underline, having improvised a considerable part of the sessions, whereas he would usually write down a text that he read throughout – Derrida shows peculiarly adherent to Levinas's thought. Deploying an extensive reading of the latter's texts, the seminar shows a proximity that the published essays do not allow perceiving. This article wishes to interrogate this proximity, focusing on the motive of the inhuman (hospitality for the inhuman, and/or the inhumanity of hospitality), both in a critical and in a constructive fashion, and to address some current issues as pertains hospitality (and the) inhuman in the current Italian normative context.

Keywords

Hospitality, Deconstruction, Femininity, Animality, Migration, Derrida, Levinas

The recent publication of Jacques Derrida's seminars on hospitality (1995–1997) is susceptible to reviving the debate on the ethical implications of the thought of deconstruction. The second year of this seminar took place after the death of Derrida's friend Emmanuel Levinas, and, in part, before an important Parisian symposium in homage to the Lithuanian philosopher. On the occasion of this symposium, Derrida delivered a conference that was elaborated during the first sessions of his 1996–1997 seminar and was subsequently published in the volume *Adieu, to Emmanuel Levinas*. Derrida's reflection on hospitality was therefore, for him, also an occasion to return to

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Levinas's philosophy, especially since hospitality is one of its major concepts – one capable of defining ethics itself, and ethics as a way of being in the world; as being the host, or the hostage, of “the other”.

One thing that Derrida considers as a potential revolution, and a most original gesture in the context of the Western tradition, is Levinas's criticism of autonomy as the founding assumption of ethics. Levinas's concern for the other, and for welcoming the other – a necessity which is metaphysical, i.e. at the same time a given and a prescription – induces a radical questioning of the conception of responsibility, and *a fortiori* of political intervention. This heteronomous perspective, and the radical division (if not the abyss) that for Levinas separates the absoluteness of the other and the necessary conditional realisation of justice, seem nevertheless to entail its inapplicability. This is what compelled Derrida – in spite of the criticisms affirming the sterile ideality of his thought – to articulate a Levinassian and a Kantian perspective, in order to show the necessity that an ethics precipitate, as if physio-chemically, into political measures, and even thanks to some possibility of enforcement. Such attitude is particularly evident in his *Hospitality* seminars, where Derrida tackles in detail the socio-political and jurisdictional actuality of the mid-nineties, while he was also personally engaged in the French context.

The affirmation of the necessity of an application of ethics – albeit singular, without an assured rule of schema, and always contingent – is not the only originality of Derrida's position vis-à-vis Levinas's: whereas the latter's perspective is heteronomous, the former's is also non-anthropocentric. This entails a criticism of Levinas's humanism (as well as virilism), a generalisation of his approach and of the otherness that it is concerned with, but also another rather audacious articulation: the placing of the Levinassian perspective alongside those of Freud and Nietzsche, two fundamental references for Derrida's thought of a structure of experience that shall encompass “the living in general” as he would put it. This is a move that allows a deconstructive perspective to tackle bioethical issues (cloning, for example) as well as “biopolitical” ones.

In the following pages, I will first aim to retrieve some of the main features of Derrida's philosophical operations starting from Levinas's thought and concerning the motif of hospitality, and in conclusion show how the resulting position can be *applied* to address some punctual and contemporary normative shifts that concern migration. If this approach proves pertinent, then this attempt may prove to be a useful preliminary step toward a *deconstructive* consideration of contemporary politics and geopolitics, in a context where migration is at the same time an issue capable of

unhinging the principles of internal and international politics and state-of-law, and one susceptible of doing so at the very threshold of nature and culture, because of the dehumanisation that migrating people are subjected to, but also because of the more and more frequent climatic motivation to migrate.

During the second year of his *Hospitality* seminar, Jacques Derrida devotes a very prominent place to discussing the philosophy of Emmanuel Levinas and his conception of hospitality. As the editors of the volume (Derrida 2022)³ point out, this seminar was taught in quite an unusual way: normally, Derrida would carefully type, and then read and enact his script in front of his public. In this case, he improvised many of the sessions (the texts of which have been reconstructed from the audio recordings), and in particular he deployed very extensive readings of the texts he tackled, notably those of Levinas.

Also because of this circumstance, in this seminar Derrida appears to adhere peculiarly closely to Levinas's thought, to the latter's conception of hospitality and of the articulation of responsibility and liberty, and shows great interest in his conception of a passive, intermittent constitution of ipseity. This is peculiar if one thinks of Derrida's early essay "Violence and Metaphysics", which is strongly critical of Levinas's attempt to conceive of an ethics and an ontology beyond violence while making recourse, as the former suggests, to a quasi negative-theological stance. In the later essay "At This Very Moment in This Work Here I Am", Derrida is critical with regard to sexual difference, as he is in *Adieu, to Emmanuel Levinas*, a text which takes on the first sessions of the *Hospitality II* seminar, and which, while presenting a generous reading, does not let the reader perceive the same proximity to Levinas's thought that the later sessions of the seminar seem to show.

And yet, one may recall the clear assumption by which, in *Of Grammatology* as well as in the earlier seminar *Heidegger: the Question of Being and History*, Derrida exposed the genealogy of the notion of the trace. On the very same page, the notion of the trace is related to Freud, to Nietzsche, and to Levinas. The occurrence of this last proper name is a hapax in *Of Grammatology* (Derrida 1997a, 70), as it was in the earlier seminar (Derrida 2016, 151-52), but this may even add to the strength of its evocation. Nonetheless one may still find it difficult to perceive the pertinence or the reason for the articulation of this trio: Nietzsche and Freud, willy-nilly, go rather easily hand in hand under Derrida's pen, particularly if one tries to seize the latter's conception of the structure of experience as dependant on the notion of animality (as I have aimed to do in De Michele 2021); but precisely in *The Animal*

³ All translations from this seminar which appear in this article are my own.

That Therefore I Am, or in “Eating Well”, Derrida is strongly critical as concerns Levinas’s humanism and violent denial of the animal other. On the other hand, when Derrida correlates psychoanalysis and Nietzschean empiricism to a radicalisation of the phenomenological reduction, or to the question of an impossible responsibility that a passive, vulnerable and non-autonomous subjectivity must endure before recurring to or longing for liberty, one perceives the reasons for articulating the said trio.

This contextualisation might allow one to read in a more faceted way a quotation such as the following, stemming from the *Perjury and Pardon I* seminar, which is the very direct prolongation of the second part of the *Hospitality II* seminar:

an event, every event is traumatic. And traumatism [...] is that which makes precarious [the] distinction between the point of view of the subject and what is produced independently of desire. (Derrida 2019, 407)

It is that which, within desire, constitutes it as possible and insists there while resisting it, as the impossible: some outside, irreducibly, as some nondesire, some death, and something inorganic. [...] Inappropriability of the other. (Derrida 2002, 156)⁴

And so, when going back to “To Speculate – on ‘Freud’”, one reads that “the pleasure principle [...] *unleashes* in itself the *absolute* other” (Derrida 1987, 283), one can already perceive our articulation. But – at least for the author of this article – this becomes perceptible precisely after reading the transcriptions of the *Hospitality II* sessions.

The following paragraphs will thus develop some impressions that stem from the copula of Levinas with “Freud and Nietzsche”, which is to say, of a thought of hospitality with an affirmation of the animal, or of the inhuman. Hospitality for the inhuman and the inhumanity of hospitality will be our theme. In the framework set by Derrida’s reading of Levinas, this development can mean two things: criticising Levinas’s humanism; or, on the contrary, stressing those aspects of Levinas’s subjectivity that can define a *non-human* structure of experience. So my first step, in interrogating this Derridian proximity to Levinas, will be critical; the second will rather be constructive; then, in a third step, I will try to consider the issue of hospitality (and of inhumanity) in the context of current Italian legislation.

⁴ “Typewriter Ribbon” (Derrida 2002) re-elaborates the last part of the 1997-1998 seminar (Derrida 2019). The second quoted passage, absent from the seminar, directly follows the re-elaboration of the one that precedes it in my quotation. The translation of Derrida 2019 is mine, following Peggy Kamuf’s one in Derrida 2022.

1.

My criticism of Derrida will concern his not having been critical enough. Whereas a few months later, in Cerisy, speaking of animality, he will be merciless in his reading of Levinas's "The Name of a Dog, or Natural Rights" (in Levinas 1990), in our seminar the issue of the animal or of the in-human does not seem so crucial to him. In fact, here Derrida rather concentrates on the figure of the feminine (or of the unvirile), and gives a rather generous reading of the treatment of femininity in *Totality and Infinity*. This gracious or at least suspended account is justified by the fact that Derrida considers Levinas's femininity as a figure of hospitality, and of hospitality as an original structure of the *I (Moi)*, and more than this, as the condition of possibility of the welcoming (*accueil*) of the other. In order to host or to receive the Other, according to Levinas, the I must in the first place affirm itself – not as a case of a generality (as one substance among others) but as a separated and solitary instance. This solitude is not uniqueness, but separation; and separation undoes uniqueness: the I is not a particle of a single, monistic Spirit or substance. It is rather an independent living instance (*psychisme*) in a plural world: a *creature*, separated from its creator, as well as from other creatures, and from the rest of creation.

So the I needs a dwelling. Hence a woman. The figure of the home stands on intermediate ground: between the I as facing the world of material need and enjoyment (here the Other assumes the form of material otherness), and the I as facing the social and moral world, where the *choc* of the *visage* arrives (the *visage* being the expression, as language, of human otherness as humanity itself). Between these two situations stands the figure of the home: the home is the stance that the I establishes, and from which it can exert work on material otherness, but also welcome the arrival of the human other. But, most importantly, the home is not an autistic space: if it opens on the Other (the *visage* of a virile and *speaking* otherness), it is also opened by the Other: (the *bosom* of feminine and *silent* otherness).

One cannot speculate enough on the opposition between the soft, speechless, and shy feminine otherness, and the "droiture", the "percement", the "enseignement", the *erection*, in a word the *rigor* of the *visage* which is the expression of virile otherness. Derrida does recognise this regressive opposition, and nevertheless also underlines that

there would be nor welcoming nor hospitality without [the] radical alterity which supposes itself separation. The recollection [*recueillement*], the being-together itself supposes infinite separation [because] the by-oneself [*chez-soi*] of the home [is] not a nature or a root, but the response to an errantry (Derrida 2022, 71-2).

The welcoming supposes the recollection which supposes the welcoming [and/ of otherness]. And this co-implication defies chronology as much as logic. (Derrida 2022, 79)

In this way, Derrida can overprint two interpretations: one clearly androcentric, one potentially feminist. And this original structure would not be inscribed in a teleology, but rather frozen in the oscillation of the undecidable. I think Derrida is wrong here: in Levinas (in *Totality and Infinity*) there is a chronology and a logic, that is, there is a teleology, and even an archeo-teleology, even though the *arché* in question is not a being, or Being, nor even an origin, but otherness itself, or better still, separation. This is precisely what is implied by these passages:

“The chosen home is the very opposite of a root. It indicates a disengagement, a wandering [*errance*] which has made it possible” (Levinas 1979, 172). Or: “Recollection refers to a welcome.” (Levinas 1979, 155)

This reference is the indication of a provenance and of a destination. It is an *orientation*. And it depends on the expression of the other in three *virile* senses: the act of (godly) creation; the act of masterful teaching of a master (should it spring from the face of “the widow and the orphan” – who are always mentioned after “the poor and the Stranger”); and the act of fecundity, which produces the other through the I itself (that is, paternity, which is a relation from father to son that explicitly echoes creation, but among creatures). The expression, then, of God, the master, and the father.

Derrida rightly says that pure hospitality, for Levinas, is alien from anticipation, from the modality of the “not yet” (*pas encore*) (Derrida 2022, 147). But this is not true for “feminine hospitality”. Not only is this figure inscribed in a chronology and a logic, not only *is* it a figure, and not only is there a teleology in Levinas, but there is a whole system. And, moreover, what reveals the systematic aspect of his thought of alterity and the place it gives to femininity is the figure of animality (or its loose synonym inhumanity). The opposition human/inhuman *assembles*, so to speak, the metaphysics of separation.

Among many relevant passages, the following one, which Derrida quotes as well, is indicative:

The simple living from [*vivre de*]... the spontaneous agreeableness of the elements is not yet [*pas encore*] habitation. But habitation is not yet the transcendence of language. The Other who welcomes in intimacy is not the *you* [*vous*] of the face

that reveals itself in a dimension of height, but precisely the *thou* [tu] of familiarity: a language without teaching, a silent language, an understanding without words, an expression in secret. (Levinas 1979, 155; quoted in Derrida 2022, 81)

An oriented frame, a whole *Bildungsroman* is presupposed here, in which the animal, the infant, the feminine, the virile (the inauthentic *and* the authentic) are arranged. In order to fully read this quote one should deploy all the metaphysics that underpins the anthropology of *Totality and Infinity*. We shall limit ourselves to a very schematic narrative sketch.

1) The starting point of this *Bildungsroman* is separation: the fact of the plurality of the creature. 2) Then we have the position of the I in egoism, through the act of enjoyment (*jouissance*). 3) We then encounter a trouble of enjoyment, which is the enjoyment of some alterity; this trouble emerges against the elemental indistinction of what enjoyment enjoys. Here we have the first “taking off” from animal dependence (“The possibility of rising [*décoller*] from the animal condition is assuredly thus described.” (Levinas 1979, 149) 4) Thus we lift to a second level: the I builds a home, whose condition of possibility is nevertheless feminine otherness. 5) The home has windows and doors, it is open to the exterior, and this relation to otherness (to social, and virile otherness) gives origin to work, to the production of works (*oeuvres*).⁵ 6) Again, we here encounter some trouble: “Despite the infinite extension of needs it makes possible, economic existence remains within the same [*demeure dans le Même*] (just like animal existence). Its movement is centripetal.” (Levinas 1979, 175) The I is stuck in an economic, socio-political, and even geo-political level of the elemental: money, exchange and alienation, including the institutional alienation in the form of the anonymous subjection to an objective spirit, to the State. 7) On this third level, the I must properly receive the teaching of the visage of the Other, and learn the necessity, in turn, to express (and not only to act or work) itself authentically, in a responsible, rather than free, fashion. 8) Here we meet femininity again: the proper expression of separation passes through *eros*, and must once more endure some trouble, i.e., the possibility of the elemental animalisation of voluptuousness. 9) Finally, all obstacles and troubles surpassed, we reach filiation: the relation of a finite father to a finite son (Levinas names it “fecundity”), which means the return to the congenital separation from which we started.

Animality is the key negative figure of this picture. Imprisoned in the circuit of behaviour, Levinas’s animal, much like Heidegger’s, cannot really enjoy, or even

⁵ But still: “Action does not express. [...] Works signify their authors, but indirectly, in the third person” (Levinas 1979, 66-7).

have a body. Most of all, it cannot be troubled. Animality is here autism as the figure of the negative. It is blind appropriation; monotonous exercise of sameness; mere enjoyment, mere reproduction and representation, mere voluptuousness, without respect for the other. Need, without desire (whereas for Levinas desire is the relation to infinity, or: separation *is* desire). Better still: *allergy*.

But – and therefore – all the effort of his book, says Levinas, is precisely to affirm the human against or beyond the inhuman and the animal. That is, to affirm a “non-allergic relation with alterity” (Levinas 1979, 47). This distinction, with all its biological, biopolitical, and political-biologicistic nuances and presuppositions, will last, in Levinas, at least since *In the Time of the Nations*, quoted by Derrida, who in the seminar remarks this “terrible alternative of the inhuman or of the human” (Derrida 2022, 44)⁶ in Levinas’s text.

2.

Animality is allergy: this definition allows me to move to my second point, a constructive one. Derrida opens the fourth session of *Hospitality II* by announcing that he will speak of the relationship between hospitality and evil, or more exactly of a “*mal d’hospitalité*”, where *mal* means at the same time sickness and lack, but also the evil or the bad as regards hospitality. And he says that he will articulate this “*mal d’hospitalité, la maladie, la blessure, la mort*” with two Levinassian motifs that he is thus going to introduce: vulnerability and visitation (see Derrida 2022, 113–14). Thus, Derrida underscores the distinction between hospitality as invitation (I invite someone or something, that I thus expect) and hospitality as visitation (someone or something arrives beyond every premonition and beyond every possible pre-immunisation). This second hospitality, beyond all horizontality and all teleology, beyond all horizons of expectation, is hospitality itself: exposure to the infinity of otherness. But “the breaking-in” [*effraction*] of this hospitality is “traumatising”: it is “the ruin of hospitality within hospitality, the ruin of the *chez-soi*” (Derrida 2022, 119). *Hospitality is pathological*.

If such hospitality defines metaphysics as well as the basic structure of the psychic, then this pathology is precisely what, in Levinas’s view, overturns a Kantian perspective according to which autonomy is the condition of possibility (*ratio essendi*) of duty and responsibility (which is in turn its *ratio cognoscendi*). If the subject is

⁶ Derrida (2022, 43) quotes “The Nations and the Presence of Israel” (in Levinas 1994, 97).

heteronomous, if it is a host, or a hostage, then this pathology is the condition of responsibility which is in turn the condition of any autonomy.

We mentioned before the “choc” that makes the human “take off from animality”. Derrida remarks that, speaking of “the violent wounding that makes of the subject a subject” (Derrida 2022, 121), already in *Totality and Infinity* Levinas mobilises a psychiatric vocabulary, which will become more explicit in *Otherwise than Being*. In particular, Derrida stresses the word “allergy”. For Levinas, says he, “allergy is an allergy to traumatism, to psychosis, to persecution” (Derrida 2022, 122). In other words, it is an allergy to reason intended as the vulnerable welcoming of the wholly other. The allergic refusal of the other “signals [the] natural animality, [the] *conatus essendi* of the biological being which tends to persevere into its own being” (*ibidem*). But, as we said, only the human, as opposed to the animal, is open to being “lovesick [...], or hospitality-sick, or mortal, or traumatisable, or subjected to psychosis, or responsible, or host, or hostage” (Derrida 2022, 123). *Allergy is human inhumanity*.

Here, while developing these remarks, Derrida suddenly appeals to Kafka (in particular to *Der Bau* and *Fürsprecher*) in order to ask: “What is dwelling?” (*Qu’est-ce qu’habiter?*), saying that asking this question means asking the question of the animal, and then he suggests that “it is difficult to say that human dwelling is totally heterogeneous to animality, to the protection of a biological organism seeking survival in the midst of a menacing milieu” (Derrida 2022, 124). Then, more affirmatively: “One will always be able to describe the human dwelling as the protection of an animal.” (Derrida 2022, 124)

Derrida is saying that hospitality is not an exclusive feature of man, or even “the proper of man”, because it is *not* a-inhuman. And so when, following Kafka, he characterises the obsessed and persecuted subject, the narrating I, the *Ich* or the *Je* of his writings, he describes “the *persecuted I* of the *I am followed* (the *I am* of the *cogito sum* is in the first place an *I am/follow followed* [je suis suivi], I live as an I am myself that is followed): “le je persecuté du je suis suivi (le je suis du cogito sum est d’abord un je suis suivi, je vis comme un je suis moi qui suis suivi)” (Derrida 2022, 132). We recognise here the formulations of *The Animal That Therefore I Am* (Derrida 2008, 64, 69, 113, 128, and *passim*).

But Derrida even makes a step further: not only does he say that hospitality must not turn its face away from animality; not only does he say that it is not alien to animality (and thus that an animal psychism, according to him, can be a host and a hostage). He also proposes to recognise, in Levinas’s perspective, in the

vulnerability, the radical passivity, and in the radical compassion of his metaphysics, the structure of animality itself. This is how a thought of the trace can join together Freud's, Nietzsche's, and Levinas's legacy as concerns the problem of the living.

Thus, while reading the preface of *Otherwise than Being* Derrida comments: "the 'pathological', this means that I act not as a free and rational subject, but as a subject which is subjected to its passions, to its interests, to its empiric motives" (Derrida 2022, 262); this is the definition of animality for Aristotle, and of perspectivism according to Nietzsche. This heteronomy, this "passivity that we find in hospitality as facing visitation", says Derrida, is "psychosis before psychology, if you want, it is traumatism before psychoanalysis." (Derrida 2022, 263) "The relation to the other, it is psychosis." (Derrida 2022, 277) And: "I am [*je suis*], *cogito sum*, as I am [*en tant que*] traumatised" (Derrida 2022, 275). Until (it is the very last page of the published seminar), Derrida risks what follows: a passive, vulnerable, persecuted self,

this ipseity, is the condition of possibility of ethical substitution as compassion, sacrifice, expiation, etc. This is the question then, once again: what is a self [*soi*], an ipseity? If auto-affection, auto-movement, the fact of being able to move, of being moved and affected by oneself is its condition and to be true its definition, [then] it is the proper of what one calls the living in general, and not only of man but also of the animal, of the compassion with the animal. (Derrida 2022, 354)

Here Derrida appeals to Levinas to think of animality *as non-allergy*. Again, what Derrida deploys in *The Animal That Therefore I Am* concerning compassion is anticipated here, but through a direct recourse to Levinas (see Derrida 2008, notably 27–9). We see what a thought of autoimmunity can owe to a dehumanised thought of allergy. And looking at what Derrida says in *For What Tomorrow*, taking up the issue of human cloning, about the articulation of determinism and freedom,⁷ we could even sketch out a Freud-Levinassian model of the psychic. In this model, a plurality of psychic mechanisms would allow for something (the other or the event) to arrive: the plurality of mechanisms frees ipseity from the machine of a living that goes on reproducing itself, and thus impedes the arrival of anything new. At the same time, a plural machine would make heteronomy a condition of responsibility and of autonomy. This model even fits with Levinas's notion of an intermittent constitution of ipseity: where the I is, every time, the result of an absolute substitution of self to self, beyond every continuity or perseveration into being (I *am* the other of the other that I *is*).

⁷ Cf. the chapters "Disordered Families" and "Unforeseeable Freedom," in Derrida and Roudinesco (2004).

3.

But to conclude these impressions I would rather like to take a third step: what about hospitality and inhumanity in a more concrete way? The recent Italian legislation regarding migration seems to offer an accurate confirmation of the pertinence of a deconstructive thought of conditional hospitality, and of hospitality *and* the inhuman.

I will consider two declinations of this copula: 1) hospitality *for* the inhuman, intended not as the animal, but as a less-human-than-us human. In the case of the Italian legislation, which concentrates on migration through the Mediterranean (by Middle Eastern, North African, and Sub-Saharan people) the criterion for this distinction is ethnic, or somatic – if not chromatic. 2) And the inhumanity of hospitality itself.

In the *Hospitality II* seminar, speaking of subjectivity as hospitality, of hospitality as responsibility, and of responsibility as substitution of the I for the other's death, Derrida defines a universal culpability consisting in the fact of being there (and very much recalling Anaximander's saying).

This [is the] culpability of the survivor, [...] of all survivor, of whoever is in mourning, of all work of mourning – and the work of mourning is always the experience of an 'I survive', therefore of the living in general (Derrida 2022, 188).

It is then from this structure of "all living as a survivor", that is, from this *animal* experience, that hospitality must be negotiated. As we know, for Derrida pure hospitality, which is itself potentially the worse (it is unconditional, and lawless), cannot exist as such: all hospitality is impure and conditional. It necessarily undergoes negotiation. Let us point out two of the quasi-transcendental conditions of this negotiation.

1) The first is sensitive: I am keener and more likely to hold myself responsible for those who are next to me (in whatever sense). And at the same time, I cannot but be concerned by a limited number of items: I am finite, and thus subject to topologic or spatio-temporal preference. In *The Gift of Death* Derrida says this *a propos* of his cat as compared to all others (and to all other occasions of concern) (cf. Derrida 1995, 71). 2) In our seminar, Derrida reiterates the remark on preference, relating it to the question of the "third" in Levinas. For Levinas, "The third is other than the neighbor" (Levinas 1991, 157; quoted in Derrida 2022, 84-5). And the necessity to decide between assisting the other or a third introduces the violence of comparison,

negotiation, and conditionality, in hospitality. Thus the third perverts justice and configures another inhuman elementality: the tyranny of calculation, of economy, of money; and it configures another impersonal regime of preference.

Proximity and calculation, extension and money, neutralise the purity of hospitality.

Strikingly, the current Italian laws on migration confirm this diagnosis, while reversing in a paradoxical way Derrida's or Levinas's concern. The concern, the aim of this conditional and public hospitality is *not* tend toward unconditional hospitality. The tragedy is *not* having to choose among the other and the third. The problem is rather: how to let in as few "thirds" as possible? How to neutralise hospitality? This is the question. And, if a thorough neutralisation is impossible (complete closure, allergy or in-hospitality are legally and factually impossible, since a decree of complete closure would be illegal vis-à-vis international law, and since there is migration), how to deny hospitality? And can one call this (consequently conditional) neutralisation (as we saw, at least for Derrida, such conditionality is necessary, and both for hospitality and inhospitality), inhuman? It is possible to point out two legislative measures that suggest a positive answer, both on the rhetorical and on the phenomenological plane.

The first legal expedient is topologic: it concerns extension, proximity and distance. Since early 2023, the Italian government has been preventing NGO ships from rescuing more than one endangered boat at a time (hence proximity) and subsequently obliging them to unload the rescued persons in a port designated by the authorities (hence distance: the designated port is normally quite remote from the rescuing area).⁸ The rationale for this measure is, first, to impose economic and procedural obstacles on rescuing organisations, and, regarding (potentially) migrant people, to dissuade through exemplarity: vessels are prevented from saving as many people as they might, and it is hoped that this will dissuade other people from migrating. *Punish one, teach a hundred* might be its motto.

Thus, the state *de facto* compels NGOs that rescue migrants at sea to commit negligence in assisting endangered people. Rather than letting people die, or killing them, it acts in such a way as to make people die; one might wonder whether this prefigures the emergence of a new paradigm of governance, after or along with the disciplinary and the biopolitical (in Foucauldian terms). In early September 2023,

⁸ These procedures were defined by the Italian Decreto-Legge 2 gennaio 2023, n. 1, the so-called "Decreto Piantedosi", after the name of the Home Secretary of the government led by Prime Minister Giorgia Meloni. This decree was converted into law with modifications as Legge 24 febbraio 2023, n. 15.

the Italian Coast Guard even commanded an NGO vessel, on an administrative pretext concerning its regulatory approval, to unload all rescue gear (from medicine to life jackets): this episode epitomises the banality and brutality of such logic.⁹

The second expedient is economic. Even more recent norms have instituted new measures for the “Permanence and Repatriation Centres”:¹⁰ among these, they establish the extension of a (barely legitimate)¹¹ detention period in these concentration centres, including for people seeking asylum and minors, while these wait for their applications to be processed; they establish the obligation for minors to, *de facto*, prove their age; and most egregiously of all, they establish that asylum seekers coming from countries labelled as “safe” must pay a 4938 Euro¹² deposit: this “financial guarantee must be granted in one lump sum by means of a bank guarantee or insurance surety policy, and it is individual and cannot be paid by third parties.”¹³

This deposit, paid upon arrival, is meant to guarantee that migrant persons can cover the costs for living out of the detention centre, and for their eventual repatriation, and is cashed in if they become unreachable. In other words, after paying smugglers to cross the sea, one can pay the Italian state in order to smuggle oneself across the borders of Europe. *If you cannot teach a hundred by punishing one, then at least make them pay.*

But pay for what? This payment configures a hospitality whose condition is the commerce of oneself. But more precisely: one does not pay to stay alive; one does not pay not to die (at sea); rather, one pays for having remained alive. Almost comical in its sadism, this norm signifies a vindictive punishment for not having died, and for not being empirically and completely naked, miserable, and defenceless, just like a

⁹ The vessel is the Mediterranean’s Mare Jonio (see Candito 2023).

¹⁰ The main norm is the Decreto-Legge 10 marzo 2023, n. 20, the so-called “Decreto Cutro”, after the name of the locality where on February 23, 2023 at least 94 people died in a shipwreck, some hundreds of metres away from the coast of Calabria, potentially due to a failure to rescue them by Italian Coast Guard following new ministerial intervention protocols: inquiries were completed on July 23, 2024, with a request for six indictments. Cf. “Naufragio di Cutro” (for the English version: “2023 Calabria migrant boat disaster”) and Musolino (2024). The Decreto-Legge 2023 10 marzo 2023, n. 20, has been converted into law as Legge 5 Maggio 2023, n. 50, with minor modifications. Following norms are the Decreto-Legge 19 settembre 2023, n. 124, and the Decreto-Legge 5 ottobre 2023, n. 133, so-called “Cutro 2”.

¹¹ If one considers (cf. Covelli 2023) the Decreto Legislativo 18 agosto 2015, n. 142, notably art. 6; this norm actuates two EU directives: 2013/32 and /33; paragraph 4 of the latter’s directive’s art. 8, “Detention”, specifies what follows: “Member States shall ensure that the rules concerning alternatives to detention, such as regular reporting to the authorities, the deposit of a financial guarantee, or an obligation to stay at an assigned place, are laid down in national law.” Nevertheless, the Judgment of the European Court of 14 May 2020, considering *inter alia* the application of the 2007 Hungarian Law on entry and residence by third-country nationals, counters the Italian Government’s interpretation of the said directive.

¹² This amount is defined by the Decreto Ministeriale 14 settembre 2023 (art. 2), which specifies the Decreto Legislativo n. 142, 2015 (see the previous footnote).

¹³ Decreto 14 settembre 2023, art. 3 (see the previous footnote).

Levinassian other is. “They paid smugglers; they even have shoes, mobile phones, their little necklace, their little watch: then at least make them pay” – thus spoke the Italian Deputy Prime Minister and former Home Secretary on one of the late Silvio Berlusconi’s TV channels.¹⁴

Ironically, this confirms Derrida’s definition of the universal structure of ipseity as substitution, and its animal or inhuman quality. Not only do all living beings have to negotiate the conditions of finite hospitality, but there is more to this: what “all living as a survivor” (as Derrida puts it) has to expiate, what is thus inexpiable, is survival itself. Survival is the impossible: it is inexpiable expiation.

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¹⁴ See “Puntata del 24 settembre 2023”, 15’00”.

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