1 The Structure of Aporia

Aporias

Despite the many different topics on which he writes, and the large diversity of authors he reads, Derrida’s texts return the reader with insistence to what seems to be the same logical structure. This structure goes by various names, including undecidable, double bind, double constraint, aporia, contradictory injunction, antinomy, and process of autoimmunity. In each case, at stake is a relation between two elements that contradict each other at the same time that they depend on each other. It is thus a necessary contradiction, which cannot be resolved by traditional means such as denying one of the elements or lifting the relation up in a dialectical movement. The power of Derrida’s analyses lies in his demonstration of the ways traditional modes of thinking lead to such irresolvable contradictions, and it is impressive that he is able to show this so consistently across readings of so many different authors, texts, subjects, and traditions.

Now Derrida himself resists reducing all of these analyses to one master structure or term that would hold sway over the others, even while the similarities among them are so striking. Otherwise put, the variation in names has not occurred by chance. Each name carries different connotations and resonates in a particular way with its specific context. For example, “aporia,” meaning “without passage” or having no way to move forward, receives its most extensive discussion in a text (Aporias) first delivered at the Cerisy-la-Salle conference titled “The Passage of Frontiers.” Derrida uses “antinomy” most often in discussions that approach Kant, yet precisely at the point in which he wishes to distinguish himself from Kant, examining how the law (nomos)
seems to undo itself in a hyperbolic raising of the stakes. And the originally biological term “autoimmunity” appears when Derrida examines a certain kind of life (the life of religion, the life of democracy) which partially destroys its own immune system in order to live on. These names thus work because of their respective contexts, and one cannot easily transfer them across the different texts in which they appear.

But this is not to say that such a transfer is impossible. Indeed, Derrida does this all the time, speaking of the aporetic structure of an antinomy, the antinomic nature of autoimmunity, and so on. This does not contradict what I have just claimed, for these interchanges are always provisional, one might even say experimental. The text mentioned above, Aporias, provides a good example of this strategy. Here, as is appropriate in the context of a conference devoted to his own work, Derrida takes the time to examine what he sees as his past invocations of aporias and aporetic structures (A, 12–21/AP, 31–48). He notes that “aporia, this tired word of philosophy and logic, has often imposed itself upon me, and recently it has done so even more often,” and then goes on to provide a kind of “aporetology or aporetography” in which he lists and cites a number of his texts (A, 12–13, 15/AP, 32, 35). In these texts it is not always the case that “aporia” is the central term used to focus on the contradictory structure in question, and sometimes the word itself does not even appear. Yet Derrida is nonetheless willing in this context to group them under this name. He risks calling them all aporias, even though he may have used different names in the past.

Having provided an overview of aporias across his writings, Derrida’s self-reflection in Aporias then focuses more narrowly on one text, The Other Heading, in which he discusses “nine or eleven times . . . the same aporetic duty” (A, 17/AP, 39). As further evidence of a willingness to move between different names, it is worth noting that this duty is described in The Other Heading as an “antinomy” rather than an “aporia.” But whatever name it is given, even as Derrida labels these discussions as instances of the same duty, he also points out that they are not themselves identical to each other. The aporias have a plurality, and can be classified into three broad groups.

A plural logic of the aporia thus takes shape. It appears to be paradoxical enough so that the partitioning [partage] among multiple figures of aporia does not oppose figures to each other, but instead installs the haunting of the one in the other. In one case, the nonpassage resembles an impermeability; it would stem from the opaque existence of an uncrossable border: a door that does not open or that only opens according to an unlocatable condition, according to the inaccessible secret of some shibboleth. Such is the case for all closed borders (exemplarily during war). In another case, the nonpassage, the impasse or aporia, stems from the fact that there is no limit. There is not yet or there is no longer a border to cross, no opposition between two sides: the limit is too porous, permeable, and indeterminate. There is no longer a home [chez-soi] and a not-home [chez-l’autre]. . . . Finally, the third time of aporia, the impossible, the antinomy, or the contradiction, is a nonpassage because its elementary milieu does not allow for something that could be called passage, step, walk, gait, displacement, or replacement, a kinesis in general. There is no
more path (odos, methodos, Weg, or Holzweg). The impasse itself would be impossible. (A, 20–21/AP, 44–47)

The claim in this passage is that there is a plural logic of the aporia at work in The Other Heading, and that this plurality can be classified into three groups. The lines of this classification provide a good example of the way that terms used by Derrida resonate with their context, for in choosing to classify what were formerly described as antinomies according to their relation to the concept of passage, Derrida to some extent justifies his renaming of “antinomies” as “aporias.” In a conference titled “The Passage of Frontiers,” “aporia” presents itself as the most appropriate word to describe the situation that was formerly called an “antinomy.”

This classification is not, however, a firm one, for Derrida introduces it with the caveat that in the plural logic “the partitioning [partage] among multiple figures of aporia does not oppose figures to each other, but instead installs the haunting of the one in the other.” This “haunting” implies that the divisions drawn are not hard and fast, and that each figure of the aporia bears the traces of the others. This is confirmed in the rest of the text. Aporias is devoted to exploring the sense of “my death,” a phrase Derrida interprets as aporetic primarily in the third sense listed above. He thus writes that “I will say very quickly now why ‘my death’ will be the subject of this small aporetic oration. First, I’ll address the aporia, that is, the impossible, the impossibility, as what cannot pass [passer] or come to pass [se passer]: it is not even the non-pas, the not-step, but rather the deprivation of the pas (the privative form would be a kind of aPas)” (A, 22–23/AP, 50). Derrida’s dizzying interrogation of the Heideggerian definition of death as “the possibility of the absolute impossibility of Dasein” confirms this understanding, seeking to show that death is an aporia that departs from the vocabulary of passage altogether, and in this way moves from the possible to the impossible. But—and this is the moment of “haunting”—part of Derrida’s demonstration involves an appeal to the presence of the other senses of aporia listed above. To cite just one example, Derrida challenges Heidegger’s insistence on the “mineness” of my death by locating the aporia of hospitality as a necessary element in the event that would be death (A, 33–35/AP, 65–68). Hospitality is an example of the second type of aporia, in which there is “no longer a home [chez-soi] and a not-home [chez-l’autre].” Thus the aporia of death, initially aligned with the third type in the classification above, is “haunted” by an aporia of the second type.

This contamination of the different types of aporia resonates in one of the hyperbolic conclusions that appears at the end of Aporias. There, after having terrorized so many frontiers—between the self and the other, the human and the animal, anthropology and philosophy, and life and death—Derrida writes:

What we have glimpsed, I hope, and the lesson that I draw for the usage I was able or may be able from now on to make of the aporia, is that if one must endure the aporia, if such is the law of all decisions, of all responsibilities, of all duties without duty, and of all the border problems that ever can arise, the aporia can never simply be endured
as such. The ultimate aporia is the impossibility of the aporia as such. The reservoir of this statement seems to be incalculable. This statement is made with and reckons with the incalculable itself. (A, 78/ AP, 136–37)

That the aporia can never be endured as such is a claim, first and foremost, that the aporia does not belong to the realm of endurance, of presence, of calculability—it is marked by an essential absence, impossible as such. In addition, this claim also attests to the contamination described earlier in the text. Again, it is unclear precisely what the referent for “the aporia” is in this citation. Strictly speaking, it should be the aporia that is “my death,” since this was the explicit object of the analysis of which this claim is the result. But “the aporia” can also be here taken to refer to any and all aporias, since “my death” cannot itself be isolated from other aporias. First, because Derrida argues that other aporias are at work in “my death,” and second, because through their association with an essential absence, all aporias carry the mark of “death.” Thus the aporia referred to in this passage is not one. There is no single, isolated aporia that one can qualify with the definite article. As the title of the text suggests, there are, at best, aporias.

For now I will not pursue further the intricacies of Aporias, although the themes of life and death will return throughout my analyses of inheritance and democracy. And it is not yet clear just what the conclusion “The ultimate aporia is the impossibility of the aporia as such” really means—understanding it is one of the goals of this chapter. At this point I simply want to emphasize the way in which Derrida here negotiates the difficulty of speaking about aporias in general. He starts with a general identification of multiple aporias that appear in different texts under different names, a kind of “aporetology or aporetography.” He then moves to a particular text (The Other Heading) in which the aporetic structure appears under a particular name (“antinomy”). But this restriction to one text and one name does not reduce the multiplicity at work in the aporetic structure, for even in this particular instance, there is a plurality of figures of the aporia, which itself can only be provisionally classified since there is no absolutely clean division between the different types. Finally, at the end of a process that is a hyperbolic reduction—the focus is on the singularity of “my death,” on this singular “moment” of this singular “experience”—the aporia still eludes presentation. Even in this singularity one cannot speak of “the” aporia.

From this movement from generality to singularity, from an aporetography to the failed writing of even just one aporia, I draw two important lessons. First, Derrida demonstrates why the plurality of the title “Aporias” is essential. There is no unique aporia, no unique structure that gives the form that would be applicable to all aporetic instances. It makes no sense to describe “the” structure of aporia, as if this would make sense of every instance in which Derrida invokes, implicitly or explicitly, something that seems to be aporetic.8 But second, it is also apparent that focusing on one particular aporetic instance will not resolve the problem, since the integrity of any such instance is itself called into question. Any aporetic instance is in the first instance
plural (even in one text or one passage the one aporia has multiple references), and ultimately absent (that is, one cannot in the end properly use this language of reference. There is no aporia, either presented here in a text or referred to elsewhere). The consequence of these twists and turns is that aporias cannot be presented as such, either as a general structure or as a singular instance.

What, then, am I to do if I want to speak of them? How should I proceed if “aporias” constitute my present theme?

I do not have a fully satisfactory answer to this question. But what I propose to do in response is to follow Derrida in focusing on a singular aporetic instance and context, while being aware that this singularity is not isolated from a wider generality. I will thus give a reading of one aporia that is discussed by Derrida, that of hospitality as it is theorized at a particular moment in a particular text, while informing my reading by other aporetic moments from Derrida’s work. In this way I aim to demonstrate certain things about other aporias of hospitality, and other aporias more generally. As will be seen in Chapter 2, my reason for beginning with the aporetic structure is that it is an essential element in the Derridean theory of inheritance. And the choice to focus on the particular aporia of hospitality is not arbitrary, for as I will show in Chapter 3, hospitality plays an important role in Derrida’s understanding of democracy. Analyzing this aporia at length will thus lay the groundwork for the central claims of this book concerning inheritance and democracy.

Before turning to hospitality, I should note one final point. I have already made the decision to speak of an aporia of hospitality, in spite of the fact that in the text to which I devote the most attention, Of Hospitality, Derrida speaks more of an “antinomy” than an “aporia.” I do this partly out of convenience—even if it is ultimately unpresentable, I have to give this thing a name in order to speak of it. But in choosing this name, I want also to keep in play its connotations of immobility, of a lack of passage, of finding oneself in a situation where one can see no way out, as these capture the kind of experience the analysis of Derrida’s work invokes, particularly when it is read with the kind of political issues in mind that are the focus of the following chapters.

Hospitality

Hospitality is a theme that took on increasing importance in Derrida’s later work, appearing in several lectures, seminar transcripts, and interviews published in this period. Derrida pursues his analysis of this notion along two related paths. First, he examines how hospitality has been theorized in texts, implicitly and explicitly, both in works by philosophers and writers such as Plato, Sophocles, Kant, Klossowski, Massignon, Benveniste, and Levinas, and in contemporary debates concerning immigrants, refugees, and government surveillance. Second, Derrida also develops a refined understanding of hospitality’s aporetic structure, articulating it in abstract, formal terms. It is one such formalization (that found in Of Hospitality on pages 75–83 [DH 71–77]) that I analyze in what follows, with occasional reference to other texts, in order to
articulate more fully the logic and consequences of Derrida’s view. This is not to say that this description contains all Derrida has to say about hospitality, but it does contain the essential elements in play in all of his writings on the subject. It also provides an example of the structure Derrida sees at work in several normative concepts interrogated in his later writings, including forgiveness, giving, responsibility, and justice, and so the results of my analysis are generalizable beyond this single case.12

Derrida’s account in these pages focuses on the relationship between two regimes of law, both of which are inherited from the Abrahamic tradition—a phrase he uses to designate Judaic, Christian, and Islamic cultures in a broad sense, including their secular derivations. The first regime is what Derrida calls “the law of absolute, unconditional, hyperbolical hospitality” (OH, 75/DH, 71). This is a law that mandates an absolute openness, a welcome that allows for the coming of any other, without question or imposed limitations. To be hospitable, according to this law, is to welcome whomever or whatever, no matter who or what they are or when or how they come. This demand entails some extreme consequences that one might not first associate with hospitality. If hospitality is to be truly unconditional, this law is not guaranteed to produce good or desirable effects. As Derrida states in conversation with Elisabeth Roudinesco, “Pure hospitality consists in leaving one’s house open to the unforeseeable arrival, which can be an intrusion, even a dangerous intrusion, liable eventually to cause harm” (FW, 59/DQ, 102). Being unconditionally open means being open to what is good and bad, friend and foe. There is thus nothing to guarantee that one would remain safe in following this law.13 Further, pushing the demand for unconditionality to its limit, there might no longer even be a home, a chez soi over which the self remains master and from which the welcome is made, since these would constitute conditions and thus transgress the law: “Even if the other deprives you of your mastery or your home, you have to accept this. It is terrible to accept this, but that is the condition of unconditional hospitality: that you give up the mastery of your space, your home, your nation.”14 Finally, Derrida is clear in stating that “this pure or unconditional hospitality is not a political or juridical concept” (FW, 59/DQ, 102). The unconditional law exceeds the concepts that belong to politics and law, domains Derrida sees as demanding clear distinctions and an exercise of a certain mastery or sovereignty in order to make decisions of inclusion and exclusion. Being absolutely open to all who come is thus not a principle that can be translated intact, for example, into immigration law, since it troubles the very notions of frontiers and borders on which such law is based.

In contrast to this law of unconditional hospitality, there are “the laws (in the plural) of hospitality, namely, the conditions, the norms, the rights and the duties that are imposed on hosts and hostesses, on the men or women who give a welcome as well as the men or women who receive it” (OH, 75–77/DH, 71). These laws are anything but unconditional, as they are constituted by complex systems of the norms, customs, rules, and regulations stating when hospitality is appropriate, and how to go about performing it. So while these conditional laws concern one’s relation to alterity, they do
not imply a relation of absolute openness. They involve, rather, choices and decisions that distinguish between others who are worthy of welcome and other others who are not. It is in engaging with these laws that one enters the political realm: “Once the field of conditional hospitality has been circumscribed, it becomes possible to discuss a policy” (FW, 60/DQ, 104).

These two regimes of law thereby contradict each other, as one demands an openness without limitation, and the other imposes limits. Yet Derrida goes on to claim that one must nonetheless follow both regimes, at once. This is because each depends on the other, and so the affirmation of one necessarily leads to the affirmation of the other. The unconditional law, on its own, is not enough to achieve hospitality, for following this law as such is impossible.

It wouldn’t be effectively unconditional, the law, if it didn’t have to become effective, concrete, determined, if that were not its being as having-to-be. It would risk being abstract, utopian, illusory, and so turning over to its opposite. In order to be what it is, the law thus needs the laws, which, however, deny it, or at any rate threaten it, sometimes corrupt or pervert it. And must always be able to do this. (OH, 79/DH, 75)

If it is to be a law, the unconditional law must be able to be effective. Without this possibility it would lose this status and be simply a utopian ideal. This means, however, that the unconditional law requires conditions—it demands that there be rules and regulations that guide any act of hospitality. That is, the unconditional law needs the conditional laws, even as these threaten its rule precisely in their prescription of limitations on hospitality. And it is important to emphasize here that the danger posed by the unconditional law, in the absence of the conditional laws, is not just that hospitality would be simply unobtainable. The danger is more troubling, namely that the unconditional law would then risk “turning over into its opposite.” This last phrase is here left unexplained, but elsewhere Derrida explores it further, tying it back to this law’s “intrinsic danger of perversion.”

In effect, the one I welcome can be a thief, a murderer, he can ransack my house: so many contingencies that cannot be excluded. . . . From the very fact that it essentially and irreducibly inhabits the pure principle of hospitality, this threat gives rise to anxiety and hatred. In her examination of what happened in Europe before the Second World War II with the decline of nation-states, Hannah Arendt shows that one already here witnessed huge displacements not of people exiled, but of populations without status and without state guarantees, which constituted a sort of call for pure hospitality. She thus explains the genesis of hatred and those violent events to which one had not been accustomed outside the classical forms of exile. Situations of pure hospitality thus contain an internal tragedy. The passage to law, politics, and the third constitutes in a certain manner a kind of fall, but at the same time it is what guarantees hospitality’s effectiveness.15

The conditional laws thus not only provide an (albeit imperfect) instantiation of the unconditional law, an instantiation without which hospitality would simply be an
impotent desire. The unconditional law, precisely because it opens one up to such dangerous threats, can induce a reactive anguish and hatred, and it is in defense against such a possibility that the conditional laws are erected. The ineffectiveness of the unconditional law is thus related both to its impossibility as such and to the inhospitable possibilities that arise in the face of the dangers it invites.

For these reasons the affirmation of the unconditional law necessarily leads to the affirmation of the conditional laws. To pursue an unconditional welcome is to simultaneously call for conditions. But in addition, a relation of dependence holds in the opposite direction. In their turn, Derrida claims, the conditional laws of hospitality depend on the unconditional law in order to be laws of hospitality and not of something else: “And vice versa, conditional laws would cease to be laws of hospitality if they were not guided, given inspiration, given aspiration, required, even, by the law of unconditional hospitality” (OH, 79/DH, 75). Without the unconditional law as their guide and inspiration, the conditional laws risk losing their sense as hospitable and would simply be laws of economy. A welcome governed only by such laws would be the first move in an exchange whose completion lies in the guest’s fulfillment of her reciprocal obligations, something that one would not, Derrida maintains, label a scene of hospitality. In such a situation the conditional laws would still function as laws, but not as laws of hospitality. For hospitality to have a chance, Derrida’s claim is that the conditional laws need to be in relation to the law demanding an unconditional openness.

The two regimes of laws of hospitality are thus in a relation of mutual dependence. In this way they form an aporia, in Derrida’s sense of the word, since there seems no way out of this contradictory bind. Affirming one arm of the aporia entails affirming the other, and so it is impossible to negate just one of the regimes of law. Of course, even accepting this, one might still wonder why one has to assert either regime of law in the first place. Why not simply abandon both regimes at once? Derrida’s answer follows from the fundamental assertion that a relation to alterity is inescapable, a claim he supports in several ways. First, he argues that openness to the other is a necessary feature of any home: “In order to constitute the space of a habitable house and a home, you also need an opening, a door and windows, you have to give up a passage to the outside world [l’étranger]. There is no house or interior without a door or windows” (OH, 61/DH, 57–59). More broadly, Derrida claims that hospitality is also a necessary feature of culture: “Not only is there a culture of hospitality, but there is no culture that is not also a culture of hospitality.” Indeed, across all of his writings Derrida argues that anything that can be considered a self or an identity is constituted through a relation to alterity. This means that insofar as a relation to the other is in play, which it always is, hospitality remains an issue.

But although the dependence between the two regimes of law is mutual, Derrida also claims that the relation between them is not symmetrical. “There is a strange hierarchy in this. The law 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” (OH, 79/
This asymmetry follows from the fact that the aporia of hospitality does not involve two orders of injunction of the same quality, with the same internal structure. One sees this first by further articulating the nature of the dependence in each case. The unconditional law requires the conditional laws for its being effective, while the conditional laws require the unconditional law for their meaning as hospitable. In other words, one could say that the unconditional law depends on the conditional laws in order to be a law, whereas the conditional laws depend on the unconditional law in order to be hospitable. Thus even as there is a dependence in both directions between the two sets of injunction, it is a different dependence in each case.

More light is shed on these relations by taking a closer look at the nature of transgression or contradiction that operates in each case. A conditional law of hospitality contradicts the unconditional law, for in setting limits to hospitality it goes directly against the injunction of “no limits” or pure welcome. In its turn, the unconditional law of hospitality transgresses every conditional law, in that it demands the removal of any limit that could be ordained. But in addition, the unconditional law distinguishes itself in involving a certain self-transgression. As a law, it necessarily involves a relation to its being effective, and so calls for the conditional laws of hospitality. But this is just to say that the unconditional law calls for its own transgression—it requires that it give itself over to conditionality. One could say that in order to be a law, the unconditional law cannot be itself. The unconditional law is thus unstable in its status of being a law, since in commanding that one be absolutely open, it also commands the transgression of this commandment in simultaneously commanding a turn to the conditional laws. This particular kind of self-transgression does not hold for these laws. The conditional laws do call for their own transgression insofar as they rely on the unconditional law for their sense. But this is just to say that their sense as hospitable is unstable. What is not in question is their status as laws. The fact that they command is clear; what is in question is whether what they command is hospitality. There is thus a different relation of dependence in each direction between the two regimes of law, which is a reflection of the different status of law in each regime. The hierarchy here is indeed “strange.” The unconditional law is “above” when viewed from the perspective of the conditional laws, since it is necessary to their sense as hospitable. But at the same time, in its height, the unconditional law is outside the law, without law, an outlaw. Not only does it transgress the individual conditional laws, it transgresses the very notion of what it is to be a law.

This brings the analysis to the very heart of the force of the unconditional law, which Derrida calls elsewhere a “weak force.” The force of this law is weak because without a series of clear and coherent orders placing it in the realm of politics, it does not move one to act in any particular way. Further, in commanding its own transgression, the unconditional law seems to demand its own dissolution. It is thus unclear what it would actually mean to follow such a commandment. The weakness of this law suggests therefore that “commandment” may be too strong a word to describe it. But
this is not to say that this law does nothing. Derrida writes that it is a “call which mandates without commanding [appel qui mandate sans commander]” (DH, 77).19 “Mander” means to transmit an order, to summon, but also to write. The unconditional law thus acts by writing.

Following this lead, Derrida’s reading of the aporia of hospitality can be related to another analysis he performed earlier in his career, that of iterability. This is the word that he used originally in “Signature Event Context” to describe “the logic which ties repetition to alterity.”20 I have shown that the unconditional law of hospitality is effective only in calling forth the conditional laws. And any conditional law, while being guided by the unconditional law for its sense as hospitable, nevertheless simultaneously displays itself as transgressing this law, precisely in its prescription of limits. In this transgression, each conditional law thereby gives rise to the possibility of its own reinscription into another conditional law of hospitality. One could thus say of the conditional laws, because of their relation to the unconditional law, that which Derrida claims of all marks—each “can break with every given context, and can engender infinitely new contexts in an absolutely nonsaturable fashion.”21 The conditional injunctions of hospitality form a chain of iterations, each one different from the last, at the same time as they relate to the impossible identity of the unconditional law. They are thus implicated precisely in the play between identity and difference that iterability seeks to describe.22 Further, as any one iteration involves the imperfect instantiation of the unconditional law in a conditional law, hospitality is never present at any one moment. Its time is divided, across these iterations. Hospitality thus remains always to come as it calls forth more iterations in an endless attempt to resolve the aporia, to bring the two arms of the aporia into alignment. This force of iterability, which is the force of writing, is in this way weaker than both a causal force and the force of normativity contained in a coherent command. But in this very weakness the chains of conditional laws of hospitality—of traditions of hospitality—are produced. The unconditional law of hospitality, in its weakness, has a certain strength.

Recognizing the presence of the logic of iterability also makes sense of other remarks made in these pages from Of Hospitality. The plurality of the laws, Derrida writes, is a

strange plural, [a] plural grammar of two plurals that are different at the same time. One of these two plurals says the laws of hospitality, conditional laws, etc. The other plural says the antinomic addition, the one that adds conditional laws to the unique and singular and absolutely only great Law of hospitality, to the categorical imperative of hospitality. In this second case, the plural is made up of One + a multiplicity, whereas in the first case, it was only multiplicity, distribution, differentiation. In one case, you have One + n; in the other, n + n + n, etc. (OH, 81/ DH, 75–77)

On the one hand, the chains of iterations that constitute the traditions of conditional hospitality are multiplicities of the form n + n + n . . . , a plurality across time
whose internal divisions can be demarcated with relative clarity. But on the other hand, these chains also involve a relation to the unconditional law at each moment, in order to be traditions of hospitality and not of something else. This second plurality, that of the One + n, is thus not to be understood as a linear progression, in which one would first have the unconditional law, which would then give rise to subsequent conditional laws. Not only does this assume that the unconditional law can somehow take place as pure, it would also be equivalent to doing away with the aporia, for there would be no sense in which one is subject to both regimes of law at the same time, and there would be no contradiction felt in the injunction to be hospitable. Rather, One + n signifies that at each iteration the unconditional law is at work together with the conditional laws. Each n is to be coupled with the One, and it is the irresolvable tension of this coupling that causes the iterations to pass over into one another. And since both pluralities are present at once, the simplicity of the sequence n + n + n . . . is troubled. As a result, it would be more appropriate to say that rather than a simple distribution of conditional laws of hospitality across time, there is here a dissemination. The individual identities of the conditional laws cannot be so easily separated, because of their relation to the unconditional law, and the productive force of this relation.

In this way the aporia cannot be understood in a temporal sequence of self-present moments, which leads Derrida to write that the “moments” here involve a “simultaneity without simultaneity, instant of impossible synchrony, moment without moment” (OH, 81/DH, 75). At any given moment in the chain of iterations, the two arms of the aporia of hospitality are not each present in the same way. The unconditional law is never present as such, because its status as a law is unstable. It is only ever present in relation to a conditional law, as a transgression of itself. A conditional law, in contrast, can be present as a law (as much as any law can be), just never fully as a conditional law of hospitality, since its status as hospitable is always at risk. The co-presence in the aporia, or equivalently in any one iteration (the coupling One + n), is thus one of an impossible law of hospitality (a law impossible as a law) and a possible law (yet only ever possibly, never actually, a law of hospitality). It is a simultaneity of two different modalities of law, two laws present at the same time but in different ways. This difference is yet another way of explaining the necessity of the aporia—the contradiction cannot be resolved because it involves two modalities of law.

Returning to my preliminary discussion of Aporias, one can now better understand what I labeled the “essential absence” that marks an aporia, a phrase I used to articulate one of the lessons to be taken from Derrida’s conclusion that “the ultimate aporia is the impossibility of the aporia as such” (A, 78/AP, 136–37). The two regimes of the laws of hospitality are not experienced in a moment as a simple co-presence. Rather, this moment harbors within it an irreducible absence. The aporia as such thus cannot be fully present. If it were, then this disjointed temporality would be brought into alignment, dispelling the aporia altogether. Absence is thus the condition of an aporia’s resistance to
mastery, which in turn sustains its necessity. Now this absence does not imply that the aporia is to be found elsewhere, that it is absent from where one happens to be but present in another location. It is precisely in their absence that aporias impose themselves. To emphasize this point, Derrida regularly speaks of the “urgency” associated with aporetic negotiations, claiming that they are experienced “here and now.” Aporias do not wait and their tension cannot be deferred to a future date.

Against the Ideal

The aporia of hospitality thus has a rich and complex structure, and, as I stated earlier, across Derrida’s later writings versions of this structure can be found in his analyses of several ethical and political concepts. But before leaving my explication and turning to inheritance, there remains a final issue to address. In a passage from *Of Hospitality* cited above, Derrida refers to the unconditional law, almost in passing, as “the categorical imperative of hospitality” (*OH*, 81/*DH*, 77). I have already noted that this law is said to guide and give inspiration to the conditional laws, as that to which the latter must refer to retain their sense as hospitable. But to call the unconditional law a categorical imperative raises the stakes considerably. Such terminology suggests that it is the ideal act, that against which all acts of hospitality are judged, and that the best action approximates this ideal to the greatest degree. That is, by invoking the categorical imperative Derrida would seem to imply that one should always strive to be as open as possible, even as he acknowledges that complete openness is impossible.

Is this the case? Does the unconditional law operate as an ideal in the aporia? Although some of Derrida’s remarks suggest that it does, a closer look at the logic he has developed shows this cannot be true.

To see this, the first point to note is that in *Of Hospitality* Derrida in fact qualifies his claim, refusing a strict identification between the unconditional law and a categorical imperative. At the end of the analysis I have been examining, Derrida opens a parenthesis and states:

(Let us note parenthetically that as a quasi-synonym for “unconditional,” the Kantian expression of “categorical imperative” is not unproblematic; we will keep it with some reservations, under erasure, if you like, or under *epoche*. For to be what it “must” be, hospitality must not pay a debt, or be governed by a duty: it is gracious, and “must” not open itself to the guest [invited or visitor], either “conforming to duty” or even, to use the Kantian distinction again, “out of duty.” This unconditional law of hospitality, if such a thing is thinkable, would then be a law without imperative, without order and without duty. A call which mandates without commanding. A law without law, in short. For if I practice hospitality “out of duty” [and not only “in conforming with duty”], this hospitality of paying up is no longer an absolute hospitality, it is no longer graciously offered beyond debt and economy, offered to the other, a hospitality invented for the singularity of the new arrival [*arrivant*], of the unexpected visitor.) (*OH*, 81–83/*DH*, 77)
Derrida thus argues that while using the language of the categorical imperative, he conceives the unconditional law of hospitality differently than might Kant. This difference is articulated according to a certain understanding of obligation. For Kant it is not enough simply to act in conformity with one’s duty to the law—one must, if one is moral, act out of duty. In response to this position, which many have thought already too severe, Derrida ups the ante, and claims that acting out of duty is inadequate in the face of the demands of unconditional hospitality. To be unconditional, the absolute law of hospitality cannot even demand that one obey it out of duty, for this, too, would be a condition. And it is not by chance that it is precisely at this point that Derrida touches on the weakness of the unconditional law, for in moving beyond obligation, the law exposes itself as weak, as incapable of providing an order—it is an imperative “without imperative,” a “law without law, in short.” This last statement attests to the conclusion I discussed above, that in its weakness it is unclear whether the unconditional law can be properly called a law at all. What does it command? What does it oblige one to do? Nothing, is Derrida’s answer. It is at this limit, beyond obligation or duty, that Derrida’s unconditional law passes beyond anything that practical reason as it is understood by Kant is capable of providing.

Although it thus complicates the understanding of the unconditional law, this qualification in *Of Hospitality* would nonetheless preserve Derrida’s claim concerning its ideal status. It would in fact be a law higher, more worthy of being strived for, than the commands theorized by Kant—Kant is thought to have set the standard, but Derrida raises the bar even further. And this is not the only time Derrida makes such a claim. Around the same time, Derrida responds to a paper presented by Richard Kearney claiming that he provides no criteria for distinguishing a good from a bad guest with the following remarks:

I would not recommend giving up all criteria, all knowledge and politics. I would simply say that, if I want to improve the conditions of hospitality, and I think we would agree about that, if I want to improve the conditions of hospitality, the politics of hospitality, I have to refer to pure hospitality, if only to have a criterion to distinguish between the more limited hospitality and the less limited hospitality. So I need what Kant would call the regulating idea of pure hospitality, if only to control the distance between in-hospitality, less hospitality, and more hospitality. This could also lead us beyond Kant’s own concept of hospitality as a regulating idea.

The terminology has shifted from the categorical imperative to a regulative idea, but the point remains the same. The unconditional law lies beyond what operates as ideal in the Kantian system, but it remains ideal nonetheless.

These passages thus suggest that the unconditional law is indeed an impossible ideal toward which one should strive, a goal all the more ethical for being more pure than anything imagined by Kant. However, I want to argue that, despite an apparent plausibility, this interpretation is incorrect. It misses the fact that the unconditional law, while labeled “pure,” is fundamentally impure. This follows from its essential
pervertibility. As Derrida states elsewhere: “But the problem is not limited to this sole question of a moral purity of hospitality (which would give rise to unanimous agreement) that is then to be incarnated in laborious fashion in conditions of mediation a lot less angelic. Pure hospitality, the welcome of the other without condition and without question, contains an intrinsic threat of perversion.”

The problem with the unconditional law is not just that it is impossible to fully instantiate, but that, as I emphasized above, it mandates a welcome to all forms of alterity. It thus invites the undesirable as well as the desirable, and the greater the level of hospitality, the greater the risk: “Hospitality is thus immediately pervertible and perfectible: there is no model hospitality, but only processes always on the way to perverting themselves and improving themselves, this improvement itself containing the risks of perversion.”

This means that unconditional hospitality cannot be inherently desirable in and of itself, for in addition to desiring improvement, this would be to simultaneously desire destruction. The essential co-implication of perfectibility and pervertibility thus complicates considerably any attempt to make the unconditional law an ideal, that is, something that would always be preferable. Sometimes, being more open would be to welcome what is worse.

Of course, one might respond by arguing that this is a risk worth running, since it is the only way that injustice can be fought and a better state of affairs achieved. And one might go further and claim that this is precisely what Derrida is advocating in the response to Kearney cited above, since he aligns an improvement in the conditions of hospitality with a reference to pure hospitality. But consider this response more carefully. Derrida qualifies his remarks by stating “if I want to improve the conditions of hospitality, and I think we would agree about that . . . .” This points to what is really at stake, namely whether one does indeed want to improve the conditions of hospitality, whether “we would agree about that.” What, precisely, is the context in which this agreement is being presupposed? It is a context similar to that in which Derrida consistently mobilizes his remarks on hospitality, namely in implicit reference to the particular constellation of political issues concerning restrictive immigration policies in France, Europe, and the United States. This is, of course, no accident, and such debates may well have been behind Derrida’s turn to hospitality in the first place. Now, with respect to this cluster of issues, greater openness is almost certainly to be advocated by thinkers who share Derrida’s general political sensibilities, a characterization that can more or less safely be attributed to his usual audience. But this is just to say that Derrida’s remarks are highly conditioned. Of concern are the policies and laws of developed nations, in particular their implicit and explicit xenophobia as expressed toward individuals and peoples from less developed regions of the world. “We” no doubt would all agree that here the conditions of hospitality should be improved. But what of a different situation? Would there be unanimous agreement in calling for greater openness when considering the policies and laws of developing nations? In demanding that such nations open up to more investment from developed nations? To neocolonialism?
armies from the developed world? I do not think that Derrida and his audience would all agree to these demands, but they are precisely what the affirmation of the unconditional law of hospitality as an ideal entails. Absolute openness thus should not be approached in all situations, even as it is impossible. To acknowledge this, conceding that one must examine each case individually and weigh the pros and cons of different degrees of openness is precisely to affirm a negotiation with different conditional laws of hospitality. As Derrida claims in a different discussion: “When you oppose a restrictive policy on ‘the undocumented [les sans-papiers],’ for example, it’s not a matter of demanding that the state open its frontiers to any new arrival and practice an unconditional hospitality that would risk causing perverse results (even though it conforms to the idea of pure hospitality, in other words hospitality itself). The state is simply being asked to change the laws, and especially the way the law is implemented, without yielding to fantasies of security or demagogy or vote seeking.” More hospitality is not desirable in and of itself. Unconditional hospitality is not an ideal.

All of this is to say, once again, that hospitality is an aporia—to engage it is to grapple with two contradictory regimes of law that nonetheless rely on each other. Viewing the unconditional law as an ideal dispels this tension, and so is not consistent with Derrida’s view. Of course, this also underlines the extreme difficulties that arise in aporetic situations. One is faced with two contradictory laws, neither of which points to the choice that must be made, and yet one still must choose in acting. A decision must be taken in the absence of any clear criteria, even in the form of an impossible ideal. It might thereby seem that aporias are paralyzing, where one fails to move forward because the tension is overwhelming. Derrida acknowledges this interpretation and to a certain extent accepts it, but his unique contribution to thinking about aporias is to valorize it as a positive thing: “My hypothesis or thesis would be that this necessary aporia is not negative; and that without the repeated enduring of this paralysis in contradiction, the responsibility of hospitality, hospitality tout court—when we do not yet know and will never know what it is—would have no chance of coming to pass, of coming, of making or letting welcome [d’advenir, de venir, de faire ou de laisser bien-venue].” And, when speaking of the situation of nonknowledge in hospitality: “Poetic speech arises there: it is necessary to invent a language. Hospitality should be so inventive, modeled on the other and on the welcome of the other, that each experience of hospitality must invent a new language.” Thus for Derrida the experience of paralysis is necessary for the responsibility of hospitality to come to pass, and the coming of this responsibility is linked to the invention of a new language.

But how is one to do this? And if invention is the task, what does one gain from having endured the aporetic experience of paralysis? For the invention of a new language would seem to imply a suspension of all that has gone before, rendering irrelevant experience one has previously undergone. To avoid this conclusion, there must be some aspect of the experience of an aporia that makes it at least helpful in the invention Derrida thinks one is thereby called to undertake. It is here that I would suggest
leaving the formal account of the aporetic structure and recalling the other dimension of Derrida’s analyses, for in addition to articulating hospitality’s formal features, Derrida also engages this notion in a manner closer to his more dominant practice of reading, examining its manifestations and operations in texts understood in a wide sense, from written works to events in contemporary politics. These readings are not simply interesting exercises, pedagogical tools that might be helpful but add nothing essential to his engagement with the aporia of hospitality. Rather, the formal account demands them. To engage with hospitality is to find oneself confronted with conditional understandings of what it means to be hospitable, those “instances” in the iterated chains that constitute traditions of hospitality. The aporia of hospitality comes from the past, from inherited traditions. From where else does one get the idea that hospitality must be, on the one hand, unconditional? From where else, on the other hand, come the conditions? From where else does the very language of hospitality arrive? Each moment in the iterated chain is a moment of inheritance of the contradictory laws, and so each engagement with the aporia of hospitality is an act of inheritance.

Thus inheritance can be inscribed as a name for all confrontations with aporias, since the negotiation between the conditional and unconditional laws is an engagement with the past meanings and language of a practice—which is to say that it is precisely in this inheritance that invention is to take place. The invention of which Derrida speaks is not the creation of something out of nothing. Rather, as I argue in the following chapter, Derridean invention involves an inheritance of the past, where inheritance is understood in a very precise manner. It is thus through understanding inheritance that one can better understand how to move forward, to find passage in the place where no passage seems possible.