**Homeless Hospitality: Derrida to Kant**

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[English translations from: Immanuel Kant, *Toward Perpetual Peace* and *The Metaphysics of Morals* in *Practical Philosophy*, trans. and ed. Mary Gregor (Cambridge: Cambridge University Press, 1996). The German text is cited from the *Gesammelte Schriften*, ed. Königlich-Preußische, later Deutsche Akademie der Wissenschaften zu Berlin (Berlin: De Gruyter, 1900- ). Since the Cambridge edition of Kant gives Akademie numbers (volume and page) in the margin, these are used here to provide references.]

Third Definitive Article for Perpetual Peace

“Cosmopolitan right [*Weltbürgerrecht*] shall be limited to conditions of universal *hospitality* [*Hospitalität*]”

Here, as in the preceding articles, it is not a question of philanthropy but of right, so that *hospitality* (hospitableness) [*Hospitalität* (*Wirthbarkeit*)] means the right of a foreigner not to be treated with hostility because he has arrived on the land of another. The other can turn him away, if this can be done without destroying him, but as long as he behaves peaceably where he is, he cannot be treated with hostility. What he can claim is not the *right to be a guest* [*Gastrecht*] (for this a special beneficent pact would be required, making him a member of the household for a certain time), but the *right to visit* [*Besuchsrecht*]; this right, to present oneself for society, belongs to all human beings by virtue of the right of possession in common of the earth’s surface [*vermöge des Rechts des gemeinschaftlichen Besitzes der Oberfläche der Erde*] on which, as a sphere [*als Kugelfläche*], they cannot disperse infinitely but must finally put up with being near one another; but originally no one had more right than another to be on a place on the earth. Uninhabitable parts of the earth’s surface [*Unbewohnbare Theile dieser Oberfläche*], seas and deserts, divide this community, but in such a way that *ships* and *camels* (*ships* of the desert) make it possible to approach one another over these regions belonging to no one [*diese herrenlose Gegenden*] and to make use of the right to the *earth’s surface* [*das Recht der Oberfläche*]which belongs to the human race in common, for possible commerce. The inhospitableness [*Unwirthbarkeit*] of the inhabitants of sea coasts (for example, the Barbary Coast) in robbing ships in adjacent seas or enslaving stranded seafarers, or that of the inhabitants of deserts (the Arabian Bedouins) in regarding approach to nomadic tribes as a right to plunder them, is therefore contrary to natural right [*Naturrecht*]; but this right to hospitality [*Hospitalitätsrecht*]—that is, the authorization of a foreign newcomer—does not extend beyond the conditions which make it possible to seek commerce with the old inhabitants. In this way distant parts of the world can enter peaceably into relations with one another, which can eventually become publicly lawful and so finally bring the human race ever closer to a cosmopolitan constitution. (8:358)

This right [of hospitality] is the consequence of the right of the whole human species to the land [*Boden*] (for this has a determinate quantity as the surface of a sphere), since they cannot disperse infinitely, hence to be permitted to take a place in vicinity to others, whereby these others are also justified in necessitating him (nonetheless peacefully) if he can to leave this vicinity. So the Bedouin Arabs recognize the duty of hospitableness [*die Pflicht der Wirthbarkeit*] toward a foreigner who finds himself at his tent even though he is turned away after a peaceful reception. The foreigner can invoke this hospitableness [*Wirthbarkeit*] (but not invoke a right to be a guest whom his host [*Wirth*] must invite) as a right to visit, which is given to all human beings in virtue of the freedom of space assigned to them by nature (23:172-173, translation modified)

All human beings are originally (i.e. prior to any act of choice that establishes a right) in a possession of land [*Besitz des Bodens*] that is in conformity with right, that is, they have a right to be wherever nature or chance (apart from their will) has placed them. This kind of possession [*Besitz*] (*possessio*)—which is to be distinguished from residence [*Sitz*] (*sedes*), a chosen and therefore an acquired lasting possession—is a possession in common [*ein gemeinsamer Besitz*] because the spherical surface of the earth unites all the places on its surface [*wegen der Einheit aller Plätze auf der Erdfläche als Kugelfläche*]; for if its surface was an unbounded plane, people could be so dispersed on it that they would not come into any community [*Gemeinschaft*] with one another, and community would not then be a necessary result of their existence on the earth. The possession by all human beings on the earth which precedes any acts of theirs that would establish rights (as constituted by nature itself) is an original possession in common [*Gesammtbesitz*] (*communio possessionis originaria*), the concept of which is not empirical and dependent on temporal conditions, like that of a supposed primitive possession in common (*communio primaeva*), which can never be proved. Original possession in common is, rather, a practical rational concept which contains *a priori* the principle according to which alone people can use a place on the earth in accordance with principles of right. (6:262)

This rational idea of a peaceful, even if not friendly, thoroughgoing community of all nations [*Völker*] on the earth that can come into relations affecting one another is not a philanthropic (ethical) principle but a principle having to do with rights. Nature has enclosed them all together within determinate limits (by the spherical shape of the place they live in, a *globus terraqueus* [*vermöge der* *Kugelgestalt ihres Aufenthalts, als* globus terraqueus]). And since possession of the land [*Besitz des Bodens*] on which an inhabitant of the earth can live, can be thought only as possession [*Besitz*] of a part of a determinate whole, and so possession of that to which each of them originally had a right, it follows that all nations stand originally in a community of land [*ursprünglich* *in einer Gemeinschaft des Bodens*] though not of rightful community of possession [*nicht aber der* *rechtlichen Gemeinschaft des Besitzes*] (*communio*) and so use of it, or of property in it, but rather of physically possible reciprocal action [*sondern der physischen möglichen Wechselwirkung*] (*commercium*), that is, in a thoroughgoing relation of each to all the others of offering to engage in commerce among themselves [*d.i. in einem durchgängigen Verhältnisse eines zu allen Anderen, sich zum Verkehr untereinander anzubieten*], and have a right to attempt it without the foreigner [*der Auswärtige*] being reckoned as an enemy because of this attempt. – This right, since it has to do with the possible union of all nations with a view to certain universal laws for their possible commerce [*Verkehr*], may be called cosmopolitan right (*ius cosmopoliticum*). (6:352, translation modified)