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## Unwelcome Welcome – Being ‘at Home’ in an Age of Global Migration

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### Abstract

In this article I analyse contemporary conceptions of and attitudes to irregular immigrants in France as they are presented in national legislations and policy documents – generally as unwelcome, unwanted, undesired strangers. I also study how these laws and policies have been challenged by more hospitable and humane attitudes among activists, artists and culture producers as well as philosophers. In order to do this, I focus on a series of events and debates leading up to the most recent amendment of the French Code of Entry and Sojourn of Foreigners and of Right to Asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile, abbreviated CESEDA). These events and debates highlight internal tensions and contradictions in contemporary conceptions of and attitudes to irregular migrants not only in France but in the European Union (EU) in general.

# Unwelcome Welcome – Being ‘at Home’ in an Age of Global Migration<sup>1</sup>

Leif Dahlberg

*En deçà de la responsabilité, il y a la solidarité.*

*Au-delà, il y a l'hospitalité* (Edmond Jabès 1991: 56)

*Nous ne savons pas ce que c'est que l'hospitalité* (Jacques Derrida 2000a: 6)

## 1 Introduction

In this article I analyse contemporary conceptions of and attitudes to irregular immigrants in France as they are presented in national legislations and policy documents – generally as unwelcome, unwanted, undesired strangers. I also study how these laws and policies have been challenged by more hospitable and humane attitudes among activists, artists and culture producers as well as philosophers. In order to do this, I focus on a series of events and debates leading up to the most recent amendment of the French Code of Entry and Sojourn of Foreigners and of Right to Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*, abbreviated CESEDA). These events and debates highlight internal tensions and contradictions in contemporary conceptions of and attitudes to irregular migrants not only in France but in the European Union (EU) in general.

The article proceeds first by interpreting a film that both depicts some of these events and in itself constitutes an intervention in the

debate, and then by analysing key terms in the debate. In the article I argue that what is at stake is not necessarily – or exclusively – a confrontation between a repressive and (perhaps) xenophobic state apparatus on the one hand, and kind-hearted citizens and idealistic human rights defenders on the other. Instead, it is suggestive to see enacted here the complexities, ambivalences and internal contradictions in the socio-cultural notions of the *stranger* and of *hospitality*.

The first part of the article analyses a film that played a crucial part in the French debate, Philippe Lioret's *Welcome* (2009). The film portrays the situation of irregular migrants in France and attitudes towards them among the local host population, and also openly attacks the xenophobic mentality of both the then right-wing French government (UMP) and populist politicians (in particular Front National). The second part of the article deepens the analysis, both of the film and of contemporary occidental conceptions of and attitudes to immigrants, both regular and irregular. First I provide a conceptual investigation of the notion of the 'stranger' and, second, of 'hospitality' and the 'laws of hospitality'.

The notion of the 'stranger' – as developed by the sociologist Georg Simmel – is used to analyse the representation and cultural construction of irregular migrants in Lioret's film. In order to understand the ambivalent attitudes and different behaviours of the hosts – both individuals and collectives – towards strangers, it is necessary to investigate the notion of 'hospitality' and the moral obligations and legal conditions surrounding it. Through a reading of Jacques Derrida's published seminars and lectures on hospitality from 1995-1997, I analyse first the juridical construction of the 'law(s) of hospitality' – that the law/laws of hospitality simultaneously is/are unconditional and conditional – and second the ambiguities and contradictions found in the notion of hospitality itself – defined less as a concept (an object of knowledge) than as an experience, or even as an openness to experience, in certain ways similar to Emmanuel Levinas' analysis of the relation to the Other. As Derrida also shows, central to the notion of hospitality is the key function of being 'at home' – to be

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‘master of the home’ – which explains the close connexion between the (conditional) hospitality of the modern nation state and the hospitality (also conditional) of the individual citizen in these states, as well as the possible – perhaps inevitable – conflicts between citizen and state in this regard. Finally, it should be mentioned that although Derrida’s analysis of hospitality did not have the same public and political impact as Lioret’s film, it constituted an important intervention in the same debate.<sup>2</sup> In fact, Derrida’s deconstruction of hospitality as ‘hostipitality’ became something of a touchstone in the on-going debate, and I would argue that it is essential for an understanding of what happens in the film *Welcome*.

## 2 Stranger Welcome

Since 1975 – when international migration was estimated at 77 million – global migration has increased radically. According to the United Nations, there are currently about 214 million migrants worldwide, which represent 3 per cent of the global population (United Nations 2011).<sup>3</sup> Only about 5 per cent of these are found in Europe. There are many reasons for these population movements – uneven economic development, urbanisation, environment factors and climate change, natural disasters, and of course also political reasons – and they are not always clearly distinguishable one from the other. Further, due to changes in immigration laws and policies, individual migrants will emphasize certain factors rather than others, without necessarily being untruthful (Loescher 2002); there is usually not only one reason why a person feels compelled to leave his or her home country.

There exist a wide variety of views on immigration in the EU. Although there is a general awareness and public recognition among politicians and policy makers of diminishing fertility rates in the Western countries, which lead to an aging population and hence a *de facto* need for immigration in order to maintain the workforce (both of skilled and unskilled labour), one finds a pervasive populist rhetoric calling for a halt to ‘uncontrolled’ immigration and in particular a stop of irregular or ‘illegal’ immigration.<sup>4</sup> This political ‘double

speak' obstructs a clear understanding of a complex situation.<sup>5</sup> In the past decade the EU has invested large sums in order to strengthen its external borders, which has had as primary effect to create dangerous conditions for individuals trying to enter the European labour market (Hansen 2008: 150; 186). At the same time, most irregular migrants enter the EU legally, as tourists or students, and then overstay their visas. Another large group are so-called 'failed asylum seekers'. In fact, the various attempts to regulate and control migration flows to Europe, rather than decreasing immigration, have produced an increasing number of irregular or 'illegal' migrants (Dauvergne 2008; Bacon 2008).

Parallel to the efforts to secure borders – to build 'Fortress Europe' – there has emerged an archipelago of camps in the EU: regular and irregular camps, open and closed, camps for people in transit, for people waiting for their applications to be processed, and for those waiting to be deported.<sup>6</sup> Although not their primary function, these camps also serve to hide the precarious situation of irregular migrants from ordinary people and media.<sup>7</sup> As French ethnologist Henri Courau has shown, both in shelters and camps there is a prevalence of dehumanising practices, which he argues have been mainstreamed in mass media representations (2007: 17). Courau observes how terms such as 'migrants', 'refugees', 'clandestines', 'asylum seekers', 'undocumented', 'French Red Cross lodgers', and 'foreigners' are used interchangeably in the media. In addition to these appellations, Courau notes numerous other terms being used, such as 'passing shadows', 'black shadows', 'ghosts', '*les bougnoules*' (pejorative term for North Africans), 'strangers', 'them', 'those from Sangatte', 'immigrants', 'the Kosovans' (2007: 17).<sup>8</sup> As Courau succinctly comments, 'this wide ranging vocabulary indicates that no one really knows who these people are and in the end what it is they want.' (2007: 17)<sup>9</sup> For this and other reasons, the irregular migrant is largely faceless and anonymous, yet he/she is nevertheless often viewed as a burden by large parts of the population.

This defacing of the irregular migrant in media and in public opinion is precisely the reason why the cinematographic intervention

of Lioret plays such an important role, and also what motivates an analysis of a fiction film in an article on trends in immigration law and hospitality towards strangers in Western countries. In a monograph study on the representation of migrants in contemporary film, Yosefa Loshitzky (2010) makes a distinction between three different genres: First what she calls 'migratory films' about the journey from the homeland (and sometimes back home); second 'In the Promised land', films dealing with the encounter with the host society in the receiving country, thematising issues such as racism, miscegenation, cultural difference and economic exploitation; and finally films dealing with the second generation and beyond, exploring questions of integration and assimilation, and their counterparts, alienation and disintegration (Loshitzky 2010: 15). The first genre can be exemplified by films such as Xavier Koller's *Journey of Hope* (*Reise der Hoffnung*, 1990), Tony Gatlif's *Crazy Stranger* (*Gadjo Dilo*, 1997), and Michael Winterbottom's *In this World* (2002), but also includes films focusing on cross-border experiences, such as Lioret's *Welcome*. The second genre contains films such as Bernardo Bertolucci's *Besieged* (*Lassedio*, 1998), Barbera Albert's *Northern Skirts* (*Nordrand*, 1999), Jasmin Dizdar's *Beautiful People* (1999), and Stephen Frear's *Dirty Pretty Things* (2002), but also Lioret's *Welcome*, since the main theme in this film is the reception of strangers in the host country. The third genre is represented by films such as Mathieu Kassovitz's *The Hate* (*La Haine*, 1995), representing the violent estrangement of three second-generation immigrants in a Paris *banlieu* environment. In Lioret's *Welcome*, the second-generation perspective is represented by the Kurdish diaspora in London, where the first generation is trying to impose their (traditional) values on their children, who have no immediate connexion with the 'homeland'. As a supplemental category, not yet an established genre, Loshitzky adds what she calls the 'camp film', which focuses on spaces of exclusion, punishment and even torture (2010: 117-141). In the 'camp', individuals – asylum seekers, refugees, irregular migrants – are placed in detention against their will, either for a limited period or indefinitely. As examples of the 'camp film', she has selected Winterbottom's three films *In this World*, *Code 46* (2003), and *The Road to Guantanamo* (2006). Although

the camp plays a marginal role in Lioret's *Welcome*, it is nevertheless thematized as a space of exclusion. As we can see, Lioret's film participates in different ways in all three – or four – categories that Loshitzky distinguishes.

It is interesting to note that Lioret, who perhaps is most known for his light romantic comedies, began his cinematographic career with a film about border-crossing. In his first feature film *Tombés du ciel* (1993) – literally translated as 'Fallen from the sky', but in the UK/USA entitled 'Lost in Transit' – we follow the misadventures of Arturo (Jean Rochefort). Arturo's wallet and passport are stolen at the airport in Montreal and he is forced to spend the night at Roissy Charles de Gaulle airport outside Paris while waiting to have his identity confirmed. Here he discovers a parallel world called the 'zone' in which people for different reasons have become stranded in an international non-space – giving a new meaning to Marc Augé's notion *non-lieu* (Augé 1992) – neither inside nor outside French national territory. In the 'zone' Arturo befriends Zola (Ismaila Meite), a young boy from Guinea waiting for his father to come and pick him up; Angela (Laura del Sol), a young woman who has lost her Colombian nationality after a *coup d'état*; Knak (Sotigui Kouyate), a man coming from an unknown country, speaking an ancient language that nobody recognizes; and finally Serge (Ticky Holgado), a middle-aged man, who claims to have travelled widely in Africa and now is writing a book for an imaginary publisher.

This group of people live in a shared space, located somewhere in the labyrinthine corridors of Roissy airport. Although they are confined to the transit area and there even is a guard outside the door to the dormitory, the guard appears to be asleep most of the time and also shares their company and meals. In fact, it seems that despite their deterritorialized status the group is quite at home in the airport and can move about quite freely. Although the fate of these five individuals may be quite real, in the sense of corresponding to that of real people, at the time there was nothing like the 'zone' at Roissy airport.<sup>10</sup> Furthermore, in the film their story is presented as a comic fantasy: it is more like a dream – with a slight nightmarish quality – produced in the mind of



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Arturo when he falls asleep on a bench in the transit area. But the film does not end by him waking up and returning to normality, as in Pedro Calderón de la Barca's *Life is a Dream* (*La Vida es sueño*, 1635). Instead, once he has received his identity papers and returns to life outside the 'zone', he adopts the child and together they walk into the city.

Lioret would return to the plight of irregular migrants and refugees in the 2009 film *Welcome*. In contrast to *Tombés du ciel*, this film is more explicitly based on real events and also has an agenda of its own, namely attacking the French right-wing government's anti-immigration policies and in particular the intimidation and harassment of people giving humanitarian aid to irregular migrants. The principal target of the film was article L. 622-1 of the French Code of Entry and Sojourn of Foreigners and of Right to Asylum (CESEDA), a statute that criminalised any kind of assistance or aid to irregular immigrants (not excluding humanitarian aid). The article was popularly – and infamously – called 'hospitality as criminal offence' (*délit de hospitalité*) or 'solidarity as criminal offence' (*délit de solidarité*). The statute first came into being in 1938 and has been updated several times since then, in general in order to enlarge the description of the offence as well as the punishment.<sup>11</sup> In 1994 laws were passed in order to implement the second EU Schengen agreement (1990), but whereas the convention only criminalises aiding irregular immigrants 'with lucrative ends' (*à des fins lucratives*), the French law did not limit criminalization in this way.<sup>12</sup> However, in 1996 exceptions were introduced for dependants and family members,<sup>13</sup> but in 2003 the law was amended with a two-year prison term and a 30 000 Euro fine.<sup>14</sup> In 2005 the article was incorporated into CESEDA as article L. 622-1.<sup>15</sup> The most recent amendment, legislated on 31 December 2012, has introduced exceptions for humanitarian aid and non-profit assistance.<sup>16</sup> This latest amendment came as the result of prolonged protests and repeated petitions to change the legislation, which also included numerous artistic and cultural works about the situation of irregular immigrants in France.<sup>17</sup> Lioret's film *Welcome* constituted an important intervention in the French debate, and it was even screened in the National Assembly on 18 March 2009 in an effort to convince

the opponents of legislative reform (Rouden 2009; Moussu 2009).

The film is set in the French coastal town of Calais and tells the story of an unexpected friendship between a middle-aged swim instructor, Simon (Vincent Lindon), and a 17-year old Kurdish boy from Iraq, Bilal (Firat Ayverdi), who is trying to cross the Channel in order to be reunited with his girlfriend Mina (Derya Ayverdi) in London. Bilal first tries to get smuggled through on an English-bound truck together with a group of other irregular migrants, but they are discovered by border-control agents using dioxide detectors. The stowaways put plastic bags over their heads in order to avoid detection, but Bilal is unable to keep the bag in place after previously having been traumatized by the Turkish police who had 'hooded' him for eight days. This first part of the film presents events in a direct, realistic and almost documentary fashion, giving the spectator the backstory for the main plot. After this failed attempt Bilal decides to try to swim across the Channel, and in order to prepare himself he needs to take swimming lessons. He uses his last resources to pay Simon to teach him to crawl.

Their first encounter takes place in a public indoor swimming pool where Simon works as swim instructor. Bilal, like the other swimmers, is only wearing swimming trunks, something that simultaneously enhances his universal humanity and makes him appear vulnerable in his nakedness. At first Simon does not care much about the skinny teenager who does not speak French. In fact, he appears not to care much about people or society, having recently been left by his wife Marion (Audrey Dana); the couple are about to finalise their divorce leaving Simon nothing to do but to mourn her absence. In a telling scene we see him having dinner in a restaurant, sitting by himself and watching a swimming competition on television. In contrast to Simon's self-absorbed solitude, Marion is engaged in social activities and in the evening she works as a volunteer in a soup kitchen for refugees and irregular migrants, something Simon does not seem to understand. Nevertheless, Marion's interest for irregular migrants appears to spur some curiosity in Simon for Bilal. He learns about Bilal's motive for learning to crawl, and although his reasons may not

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be clear to himself, Simon gets more involved in the teenager's life and even decides to give him shelter in his home.

This is where things start to get complicated and the film breaks into the turbulent political waters of French immigration law. The local police notice that Simon has given a lift to two irregular immigrants and he is summoned for questioning. He learns that – according to French law – it is forbidden to aid irregular immigrants in any way. A little later, one of his neighbours reports to the police that Simon is sheltering an irregular immigrant. He almost immediately gets visited by three policemen who search his apartment for the presence of irregular persons. They do not find any direct evidence, but give him a warning and say that they will come back. Rather than being intimidated, Simon appears to become even more determined to help Bilal. Parallel to these events, Simon's ex-wife has collected her belongings in his apartment and has discovered that he shelters irregulars. But instead of giving him a complement for his hospitality towards foreigners, she becomes worried for him and the legal trouble it may cause him. When her new partner asks her if Simon is aware of the risks, she looks out of the car window and says that 'she doesn't know', perhaps – probably – indicating that it is pointless to reason with Simon about such things. At this point in the film it is hard to say whether Simon's hospitality towards strangers is genuine or only a strategy to win back the heart of Marion (and perhaps this is what she is thinking). At the same time, the general impression one gets of Simon in the film is that he is both headstrong and 'all heart', a man who will do the right thing without bothering too much about the consequences for himself.

Meanwhile Bilal, despite repeated attempts to dissuade him from the dangerous venture, makes a first attempt to swim across the Channel. When Simon finds out about this, he calls the coastguard, claiming that it is his son who has made the attempt. Miraculously, the French coastguard are able to pick him up in the water. Despite the failure, Bilal is determined to try again; this time he is less lucky and is found drowned by the English coastguard. His body is returned to France and his interment becomes an event that brings together Simon

and Marion. After the funeral Simon makes a journey to London to find Mina and tell her what happened to Bilal. Through the representation of these events, it becomes clear that Simon has developed a strong emotional and caring attachment to Bilal.

Although the story about Simon and Bilal is fictive, the rest of the film is largely based on real events. On one hand on the precarious situation of irregular migrants and refugees on the Northern coast of Normandy after the closure of the Red Cross camp at Sangatte near Calais in 2002, which led to the emergence of numerous irregular camps with horrific sanitary conditions (the most well-known called 'la jungle', which was closed by the police and erased by bulldozers in September 2009, the same year the film was released).<sup>18</sup> On the other hand the film is based on individual stories, such as experiences of activists and aid organisations of being harassed by the police and local law authorities, and on desperate – and fatal – attempts to swim across the Channel.<sup>19</sup> In interviews, both the director Lioret and lead-actor Vincent Lindon have described their personal engagement and direct contact with irregular migrants in 'la jungle' and other camps along the coast between Calais and Cherbourg.<sup>20</sup> Apart from criticising the treatment of irregular migrants and refugees, they both explicitly attacked the article L. 622-1 that criminalised acts of solidarity. Lioret also repeatedly made comparisons with the persecution of Jews in France in 1943. This comparison outraged the then French minister of immigration, Eric Besson, who publicly argued that article L. 622-1 had never been used against individuals or organisations involved in humanitarian aid.<sup>21</sup> However, this statement was immediately contradicted by activists who provided ample examples of court cases where it had been applied as well as having been used by local law enforcement to threaten people who were giving humanitarian aid to irregulars.<sup>22</sup>

As noted by film scholar Alison Smith (2012), the film *Welcome* consciously and very artfully makes use of different languages to sculpt individual and social relations. French is the principal language in the film, and also the language of law and authority. For Simon, French is his natural habitat and comfort zone, which he uses not only with

people close to him but also when he speaks to himself. Simon and Bilal communicate in broken English, but both will interject French or Kurdish expressions, respectively. With his compatriots, Bilal speaks Kurdish. Pashto, the fourth language spoken in the film, is spoken between Afghans. The use of these different languages adds to the strong contemporary realism of the film. At the same time, there are some details that appear anachronistic, in particular the absence of digital media such as e-mail and chat, voice-and-video-over-IP services (such as Skype), as well as social networking sites (such as Facebook) and other social media. It is odd that Bilal's only means of communicating with his girlfriend in London is by phone. Although irregular migrants and refugees may not carry laptops or smartphones, they certainly have access to Internet cafés. This may seem a minor detail, but the absence of digital media in the film is important, because they have radically changed how immigrants – and everybody else – communicate among each other and how they maintain diaspora communities, both on-line and off-line (Brinkerhoff 2009; Alonso and Oiarzabal 2010).

Although Lioret's *Welcome* contains scenes of almost documentary nature – of irregular migrants and refugees standing in line in front of a soup kitchen, huddling around open fires in the 'jungle', hiding in trucks, and also of police brutality – the main focus is on the relationship between Simon and Bilal. It should however be emphasized that their relationship is rather one-sided, in that it is Simon who develops an interest in Bilal rather than the other way around. Bilal's primary objective is to find a way to come to London before his girlfriend is married off to her father's friend. Although the tragic event in the film is the fate of Bilal, it is Simon who is the protagonist and with whom we (should) identify. Bilal remains a static and rather flat character whereas Simon goes through both emotional and intellectual development. At the same time, Simon's growing interest in and quasi-parental engagement with Bilal makes it possible for the spectator to view the latter as an individual rather than as a faceless and nameless migrant. In fact, for many spectators Simon functions primarily as a lens that makes visible – and comprehensible – the situation and suffering of irregular migrants and refugees in

contemporary France and Europe, and in particular the unfriendly and inhospitable treatment by local authorities as well as the harassment of people providing humanitarian aid to irregular immigrants, either individuals or benevolent organisations.<sup>23</sup>

### 3 The Stranger

The complex and overdetermined relationship between Simon and Bilal in Lioret's *Welcome* illustrates the ambivalent attitude we have to the stranger, as well as the contradictory socio-cultural construction of hospitality. In attempting to unpack these terms, I begin by delineating George Simmel's conception of the stranger and how it applies to the (re)presentation of Bilal in the film. In the next section I read Jacques Derrida's deconstruction of hospitality as 'hostipitality', both in order to explore the complexities of this strange notion and to come to grips with Simon's decision to invite Bilal and his growing care for him.

Before investigating these conceptual constructions it should be recalled that the motif of suppliant strangers is an ancient literary theme, found already in Homer's *Odyssey*, in Greek drama – such as Aeschylus's *Suppliants* and Sophocles's *Oedipus in Kolonos* – and in Plato's dialogues, as well as in the Bible, for instance in the stories about Lot and the Levite of Ephraim.<sup>24</sup> The literary theme corresponds to the existence of hospitality as social institution in ancient societies. The motif of migrant and resident strangers is echoed in Latin literature, which in itself was hospitable to Greek literature. Also in modern times we find repeated representations of how foreign individuals are received and treated – from William Shakespeare's *The Merchant of Venice* (1596–1598), George Eliot's *Daniel Deronda* (1864), and Franz Kafka's *The Castle* (*Das Schloss*, 1922/1926) to the contemporary literary genre called the diaspora novel – reflecting both the emergence of cosmopolitan cities and colonial and post-colonial conditions. Parallel to modern literary representations of the stranger and of hospitality, there emerges a critical reflection on the relation between human rights and the nation state (see Arendt 1951).

Simmel's short 'Excursion on the Stranger' ('Exkurs über den

Fremden') was written as a digression to a chapter on the sociology of space in his book *Soziologie* (1908) (Simmel 1983: 509-512). In the essay, the 'stranger' (*der Fremde*) functions as a unique sociological category. It is differentiated both from the 'outsider' (who has no specific relation to a group) and from the 'wanderer' (who comes today and leaves tomorrow). The stranger, Simmel writes, comes today and stays tomorrow. The stranger is a member of the group in which he lives and participates in its activities, and yet remains distant from the 'native' members of the group. The stranger is perceived as being *in* the group but not *of* the group. For these reasons Simmel defines the stranger by 'a union of nearness and remoteness', in which 'distance means that the one who is close by is remote, and strangeness [*Fremdsein*] that what is far is close.' (1983: 509)<sup>25</sup> In comparison to other forms of social difference – such as class, gender, and even ethnicity – the distance of the stranger has to do with his geographical origins. The stranger is perceived as extraneous to the group, and even though he is in constant contact with other group members his 'remoteness' is more emphasized than his 'nearness'.

This dual or double aspect of the stranger – as union of nearness and remoteness – can also be found in the meanings of both the Greek word *xenos* and the Latin word *hostis*. The word *xenos* (plural *xenoi*) is used in the Greek language from Homer onwards with a wide range of meanings, signifying such divergent concepts as 'enemy stranger' as well as 'ritual friend'. *Xenos* can also refer to a 'foreigner', both in the sense of a person from another Greek city-state and a foreigner or traveller brought into a relationship of long distance friendship. *Xenos* can further be used simply to assert that someone is not a member of your community, a stranger with no implication of reciprocity or relationship. In other words, the word *xenos* generally refers to the variety of roles an individual who is not native member of a household or a community can have – such as friend, guest, host, stranger, and foreigner. Hence the word presupposes – but also produces and performs – the possibility of delimitating thresholds or frontiers, between the familial and the non-familial, the foreign and the non-foreign, the citizen and the non-citizen, and also private and public (Derrida 1997b: 47). Similarly the

Latin word *hostis* – which survives in many modern languages, such as the English word *host* and the French word *hôte* (which can mean both guest and host) – has several meanings and can refer to an enemy of the state, a stranger, but also a host or a guest. The Latin word comes from Proto-Indo-European *\*g<sup>h</sup>óstis* ('guest, stranger'), whence also Proto-Germanic *\*gastiz* and Proto-Slavic *\*gostb*. What is interesting in this context is not only the range of meanings of these two words, *xenos* and *hostis*, but also the ambivalent attitude toward the stranger and the apparent contradiction between some of their meanings, in particular friend and enemy. We return to these etymologies when turning to hospitality.

According to Simmel, the stranger appeared historically as the 'trader', hence as a function both of contact with other societies and as an effect of economic development. The stranger brings foreign elements and/or qualities into the community that do not belong to it and that cannot be indigenous to it. These can be both material and immaterial (including words and ideas). The stranger is also characterized by his mobility and in traditional societies he is often not allowed to own land. The mobility of his character brings him potentially into contact with every single element in the community but without being bound to it organically. The stranger is further characterized by his objectivity: He confronts the members of society with a distinctly 'objective' attitude, which is defined not by mere detachment, but (again) by a union of nearness and remoteness, involvement and indifference. This quality has suggested to some historical societies to use the stranger as a judge who will not be partial in judging cases (e.g. the *podestà* in late Medieval Italy). This objectivity can also be interpreted as freedom, which enables the stranger to treat even close relationships from a bird's-eye view. In the case of uprisings, the importance of the incitement of strangers is well known. The stranger's actions are not confined by custom, piety or precedent. The stranger here comes as an emancipator or a liberator.<sup>26</sup> Also, in comparison to native members of a society, the stranger has a certain abstract quality, in which more general or universal qualities will appear. Finally, Simmel identifies a special category of strangers, the 'stranger who moves on', to which in-group members are willing



to give the most surprising revelations and confessions.

In *Welcome*, it would seem that Bilal moves between these different categories. Originally presented as a wanderer (who comes today and leaves tomorrow), Bilal is delayed in Calais. As his stay is involuntarily prolonged, his sociological status becomes that of a stranger. It should be noted that we do not know much about where he comes from, about his circumstances, or about his past in general. We know nothing about his parents or if he has any siblings. At the time, most irregular migrants and refugees in 'la jungle' came from Afghanistan and Iraq, heading for England, which they could reach only clandestinely since the latter country is not part of the EU Schengen convention.<sup>27</sup> Earlier waves of irregular migrants passing through Calais came from the Balkans, for which the Sangatte camp was originally set up. Bilal belongs to the Kurdish minority in Iraq, with substantial population in Turkey as well as large diasporas in Western Europe, including England, France and Germany. In the camp, Bilal finds an old friend, but otherwise he is a stranger among strangers. It is through his friend that we find out that Bilal is a good soccer player, nick-named 'the runner', and also learn that he wants to play professional football when he comes to England. Since he does not have a fixed abode, Bilal's mobility is enhanced, but as he largely is excluded from society, also by language, his interaction with the host society is limited. In the film, Bilal is often portrayed observing people around him, as if engaged in study. This detached attitude is to a certain extent objective, but also a function of being excluded from society. For the same reason his existence becomes simultaneously fragile and detached, even abstract. Bilal's presence in Calais is precarious also in legal terms. The camp where he and the other irregular migrants live, 'la jungle', is geographically located outside Calais, but since it is 'irregular' it is also situated outside the law. This was one of the arguments used by the French government to close the camp in 2009, but it also gave the police the right to enter the camp at any moment, to make 'inspections' and to destroy or confiscate property.

Although Bilal is presented as a stranger in the sense of having

come from another place, in the film the union of nearness and remoteness does not, as in Simmel, emphasize distance. Rather, his proximity is more stressed and in many ways Bilal appears like any determined adolescent boy, with a passion for soccer and desperately in love with the beautiful Mina. For a Western audience, the most foreign element is perhaps the patriarchal culture among Kurds – exemplified by the girlfriend's father, who will marry his daughter to a friend who is considerably older than she – but this is strange to Bilal as well. In other words, the image the film gives of Bilal does not appear that strange and conforms rather to the media image of a Western adolescent, and this is also how Simon appears to perceive him. It is French society that makes of Bilal a foreign element by classifying him as irregular, clandestine or even 'illegal'. This forces him to have 'distant' relations to people. But it should also be noted that the film does not allow us to get very close to Bilal, he remains remote and enigmatic to the spectator.

### 4 The Law(s) of Hos(ti)pitality

The hostile attitude of French society depicted in the film – represented by the police and local authorities as well as the indifference (at best) of local inhabitants – stands in striking contrast to 'the universal hospitality' (*der allgemeinen Hospitalität*), or 'the right of a stranger' (*das Recht eines Fremdlings*), identified by Immanuel Kant in his 1795 essay 'Perpetual Peace. A Philosophical Sketch' (*Zum ewigen Frieden. Ein philosophischer Entwurf*). According to Kant, the stranger has the right 'not to be treated with hostility when he arrives at somebody's territory.' (1795)<sup>28</sup> He specifies that this is not the 'right of a guest' (*Gastrecht*) but the 'right to visit' (*Besuchsrecht*). According to Kant the stranger may be turned away, but only if doing so will not cause him any harm.

Today the right of the stranger to seek asylum has been encoded in numerous international conventions – such as the United Nations Universal Declaration of Human Rights (1948) and the European Convention of Human Rights (formally entitled the *Convention for the Protection of Human Rights and Fundamental Freedoms*, 1953) – as

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well as most national legislations. However, and as Derrida points out, the problem with the Kantian right of universal hospitality – and its equivalent in universal/European declarations of human rights – is that it is at the same time unconditional (an absolute, unlimited right) and conditional (expressed in the form of positive laws). This creates an antinomy in the form of contradictions between different forms of law, and hence also a conceptual impasse. Not only does it make hospitality appear ‘impossible’, but would define hospitality as this very impossibility. Derrida writes:

It is as though hospitality were the impossible: as though the law of hospitality defined this very impossibility, as if it were only possible to transgress it, as though *the* law of absolute, unconditional, hyperbolic hospitality, as though the categorical imperative of hospitality commanded that we transgress all the laws (in the plural) of hospitality, that is, the conditions, the norms, the rights and the duties that are imposed on the men or women who give a welcome as well as the men or women who receive it. And vice versa, it is as though the laws (plural) of hospitality, in marking limits, powers, rights, and duties, consisted in challenging and transgressing *the* law of hospitality, the one that would command that *the new arrival* [*l’arrivant*] be offered an unconditional welcome (1997b: 71).<sup>29</sup>

This opposition – this antinomy, this conceptual cul-de-sac – is well illustrated by the actions and events in *Welcome*. In offering hospitality to Bilal and his friend – by giving them a lift and inviting them to his home – Simon transgresses French law. Similarly, the French Code of Entry and Sojourn of Foreigners and of Right to Asylum (CESEDA), and in particular article L. 622-1, sets clear limits for who is allowed to offer welcome to strangers, thereby not only constraining but also transgressing the universal right or absolute law of hospitality. The same is true of other national legislations regulating the rights of refugees and irregular migrants, where inevitably (absolute) hospitality is circumscribed (and thereby contradicted) by conditions and regulations.

Derrida emphasizes that this antinomy – between the absolute, unconditional, unlimited law of hospitality and the conditional laws of hospitality – is not a conflict between law and nature or empirical

fact; instead, it is a collision between two laws, or two orders (*regimes*) of law, both non-empirical:

The antinomy of hospitality irreconcilably opposes *The* law, in its universal singularity, to a plurality that is not only a dispersal (laws in the plural), but a structured multiplicity, determined by a process of division and differentiation: by a number of laws that distribute their history and their anthropological geography differently.

The tragedy, for it is a tragedy of destiny, is that the two antagonistic terms of this antinomy are 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 [...]. But even while keeping itself above the laws of hospitality, *the* unconditional law of hospitality needs the laws, it *requires* them. This demand is constitutive. It would not be effectively unconditional, the law, if it did not *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 into 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.

[...] These two regimes of law, of *the* law and the laws, are thus both contradictory, antinomic, *and* inseparable. They both imply and exclude each other, simultaneously. They incorporate one another at the moment of excluding one another, they are dissociated at the moment of enveloping one another, at the moment (simultaneity without simultaneity, instant of impossible synchrony, moment without moment) when, exhibiting themselves to each other, one to the others, the others to the other, they show they are both more and less hospitable, hospitable and inhospitable, hospitable *inasmuch as* inhospitable.

[...] The law, in the absolute singular, contradicts laws in the plural, but on each occasion it is the law *within* the law, and on each occasion *outside the law* within the law. That is it, that so very singular thing that is called the laws of hospitality (1997b: 73-75).<sup>30</sup>

The opposition, the antinomy, between *the* law and the laws is

instantiated and played out in acts where an individual, in the name of a higher law, disobeys the (positive) laws – as in Sophocles's *Antigone* and Lioret's *Welcome*. Hence, the opposition between the two regimes of law implies a hierarchy: *the* law is above the laws. However, as Derrida writes, *the* law also needs and requires the laws. This leads to the paradoxical situation that the two orders simultaneously exclude and include each other. This is the condition for the law of hospitality, the impossible possibility of any law of hospitality.

This antinomic constitution of the law(s) of hospitality becomes more material and concrete in connexion with the question of sovereignty and the law of the household. As noted above, sovereign nation states put conditions and limitations on the individual citizen's right – in the form of national legislations – to offer hospitality (and here is another antinomy, between the state as simultaneously limiting and making possible the rights of the citizen). However, this conditional construction of hospitality – being dependent on the 'master of the house' – is in fact a necessary element in the constitution of hospitality, as can be gleaned from its etymology (see Derrida 2000a: 13; Benveniste 1969: 87-101). The word *hospitality* is derived from the Latin *hospes*, originally designating 'the one who welcomes the stranger', but later also used about the one who received hospitality, a transition from active to passive sense. The word *hospes* is constituted of two parts, two morphemes. The first part comes from the Latin word *hostis* (which, as mentioned, has several meanings, including 'guest-friend' and 'enemy-stranger'), contracted into *hos-*. The second part, the suffix *-pes*, *-pitis*, comes from the root *potis*, designating power, sovereignty. The one who welcomes the stranger, who receives the stranger-guest in his house, is the master – the sovereign – of the house, the city or nation; and it is he – because it is indeed a paternal figure – who defines the conditions of welcome or hospitality. Hence, as Derrida writes, 'there can be no unconditional welcome, no unconditional passage through the door.' (2000a: 4) Hospitality can exist as a right only 'on the condition that the host [...] remains the *patron*, the master of the house, on the condition that he maintains his own authority *in his own home*, [...] and thereby affirms the law of hospitality as the law of the household.' (2000a: 4)

This is the principle, Derrida writes, of ‘both the constitution and the implosion of hospitality.’ (2000a: 4) It appears, then, that hospitality is self-contradictory both as concept and as experience, and in being put into practise it can only self-destruct – that is, ‘produce itself as impossible, only be possible on the condition of its impossibility’ – alternatively ‘protect itself from itself, auto-immunize itself in some way, which is to say, deconstruct itself.’ (2000a: 5)

It should be mentioned in passing – it is not possible to explore this in any detail – that Derrida extends his analysis of hospitality to language. For Derrida, not only is language a site of hospitality – as when we invite the other into a conversation – but it is also a practice that requires mastery. However, just as one is at home in one’s own language, one’s mother tongue, one also has a relation to the other’s language. Derrida makes an analogy between the impossibility of hospitality and the possibility of language (1997b: 177-122; *et passim*). In addressing the stranger there is the choice of language – that of the host or the stranger-guest, or perhaps a third language, as in Lioret’s *Welcome* – which takes place already in demanding a name of the stranger. As Derrida suggests, absolute hospitality would perhaps signify welcoming the stranger without asking for a name, to welcome anybody/anything that arrives, without address. As Derrida notes, this approach has strong affinities with Levinas’ first philosophy.<sup>31</sup>

As can be seen from Derrida’s analysis of hospitality and of the law(s) of hospitality, it is indeed a strange phenomenon, defined by ambiguous terms and contradictive relations between these terms. In a lecture given in Istanbul in 1997, with the suggestive title ‘Hostipitality’, Derrida begins by stating that, in fact, ‘we do not know what hospitality is.’ (2000a: 6)<sup>32</sup> In the lecture he argues that this statement can have several meanings (or ‘acceptations’), ‘at least three, and doubtless more than four.’ (2000a: 7) In the following I present the different readings proposed by Derrida and how they can enrich our understanding of Lioret’s *Welcome*.

The first reading of the phrase stresses the word *know* and that ‘not knowing’ not necessarily is a deficiency. The apparent –

grammatical – negativity ‘would not signify ignorance, but rather indicate or recall only that hospitality is not a concept that lends itself to objective knowledge.’ (2000a: 7) This does not mean that it is an empty word, without meaning, but that what ‘this concept is a concept of is not [*n’est pas*], is not a being, is not something which as a being can belong [*relever*] to knowledge.’ Instead, Derrida argues, hospitality (‘if there is such a thing’) is ‘an experience’ (‘in the most enigmatic sense of the word’) which ‘appeals to an act and an intention beyond the thing, object, or present being, but is also an intentional experience which proceeds beyond knowledge toward the other as absolute stranger, as unknown, where I know that I know nothing of him.’ (2000a: 8) I think this reading describes quite well the experience Simon goes through when encountering Bilal. At first he is melancholic, mourning the absence of Marion, unfocused and confused; and then gradually he opens up to people and becomes aware of the larger context of things. In fact, in the film, Simon is initially not presented as a very generous and welcoming person. It seems rather that hospitality is an experience that happens to him, unexpectedly, and that he welcomes the experience because it liberates him, emancipates him from himself. And also, at the same time, by inviting Bilal, it makes him (once again) the master of the house.

The fact that hospitality to a certain extent gives itself ‘beyond knowledge’ brings us to the second meaning Derrida finds in the statement ‘we do not know what hospitality is.’ If we do not know what hospitality is, Derrida writes, it is because ‘it is not [*n’est pas*], it is not a present being.’ First because it proclaims itself ‘as a law, a duty or right, an obligation,’ that is ‘as a should-be [*devoir-être*] rather than as being or a being [*un être ou un étant*].’ (2000a: 8) And because, secondly, the law of hospitality implies temporal contradictions and paradoxical reversals through which the guest becomes the host of the host, and the host becomes the guest of the guest. Again these two comments very well describe Simon’s actions and experiences in *Welcome*. In an early scene in the film, Simon and Marion encounter each other by chance in a supermarket. On their way out, they become witnesses to how two irregulars are refused entry to the store. Marion intervenes on their

behalf, whereupon the store manager appears and explains that 'there have been complaints'. All through this confrontation, Simon does not utter a single word, and afterwards Marion vents her frustration on him and asks him how he can *not* react to the maltreatment of these two people. In this scene, it would seem that what 'is not' (*n'est pas*) but 'should be' (*devoir-être*) is played out in different ways for each individual. For Marion, obviously, it is indeed a question of negation of the law of hospitality, whereas the store manager – the master of the house – has to balance the need and desire of customers to feel at home against his obligation to keep an open house. It would seem that Simon – who (along with the audience) is about to learn what hospitality is – does not think that the confrontation concerns him until Marion projects her frustration on him. Although we do not witness Simon becoming aware, we see him being confronted – first in the real, then in the symbolic – by the contrast between what 'is not' and what 'should be'. It is only appropriate that the revelation comes *après-coup*. For the two irregulars, the expectation of hospitality is denied, even cancelled. Hospitality is not offered, but should have been offered. Derrida's second comment – that the law of hospitality implies temporal contradictions and paradoxical reversals – helps us understand that, since Simon needs Bilal to become (again) master of the house and also to be liberated from his melancholia, he becomes, in a sense, the guest of Bilal.

The third way Derrida reads the phrase 'we do not know what hospitality is' also stresses the temporal dimension, that we do 'not yet' know what hospitality is (2000a: 10). Firstly because this concept, as we have seen, has a history, both ancient and modern; therefore it must also have 'a future beyond this history and this thought of history.' As Derrida argues, 'we do not yet know what hospitality beyond this European, universally European, right is.' (2000a: 10) Secondly, because hospitality, as an address of welcome, involves an invitation, a call to the other, constituting an opening both to the future and the not yet known: 'What we call hospitality maintains an essential relation with the opening, of what is called to come [*à venir*].' (2000a: 11) Again, Derrida stresses that hospitality is connected with a special



kind of experience, 'which comes from the future.' The first point is crucial both in an age of global migration and for the attempts to control and regulate migration on regional levels. Although the archipelago of camps that in the past decade have emerged in the EU and around its border regions may at first invoke spectres from the past – such as the British concentration camps during the second Boer war (1900-1902); the system of forced labour camps that existed in the Soviet Union from 1918 to 1956 (commonly referred to as the 'GULAG archipelago', after Aleksandr Solzhenitsyn's trilogy published in 1973); or even the Nazi concentration camps in the 1930s and 1940s – it can also be seen as an expression that the EU and its member states do 'not yet' know what is hospitality. Likewise, the temporary, irregular camps outside Calais are also an instance of this 'not yet'. Secondly, as can be seen from the example of Simon, hospitality as attitude defines an openness, a being-open to the other, as well as being open to be transformed, even liberated, by the encounter with the stranger. In this way it is suggested that there is something messianic in the arrival of Bilal, and also in his untimely death.<sup>33</sup>

The fourth reading Derrida gives of the phrase 'we do not know what hospitality is' brings together on the one hand the complex and contradictory semantic and etymological-institutional filiations that we have discussed above, and on other the 'paradoxical trait' that the host must be master in his house, which also has been discussed above (2000a: 12-14). Derrida describes this as 'the meeting of the experience of hospitality and aporia.' (2000a: 12) What happens at this 'critical crossroads' is that hospitality becomes a threshold that limits itself, becomes a limit to itself: 'This is why we do not know what it is, and why we cannot know. Once we know it, we no longer know it, what it properly is, what the threshold of its identity is.' (2000a: 14) In this regard, hospitality is like innocence, impossible to know, because knowing implies its opposite. For there to be hospitality, there must be a house, a door, threshold, and a master that governs the passage over the threshold; but as soon as there is a threshold, there is no hospitality: 'Hospitality can only take place beyond hospitality.' (2000a: 14) Derrida ends the lecture by admonishing the reader to pursue an analysis of the

critical crossroads that ‘paralyses and opens hospitality.’ (2000a: 15) This is what I have attempted to do in the discussion of Lioret’s *Welcome* as a film about our conception of the stranger, about hospitality, and a critique of article L. 622-1 of CESEDA.

Before concluding this critical discussion of contemporary conceptions of and attitudes to irregular immigrants in Europe, I would like to point out a dimension of hospitality that Derrida for some reason fails to mention. This relates to desire, both the desire of the host – to welcome the guest, the stranger, the stranger as guest into his house – and the desire of the stranger – sometimes expressed as a need – to be accepted as a guest in a strange house or country. The question of desire, which is quite evident in the literary works discussed by Derrida, is never brought into the conceptual analysis of hospitality. This is a strange silence.

In Lioret’s film, the significance of desire is striking. As we have seen, Bilal’s journey to England is motivated by desire – romantic desire for Mina, desire to become a professional soccer player, and most probably also a desire by his family in Iraq that he will send remittances back home. But Bilal also needs help, and this is where Simon comes in, to teach him to crawl. On the other side of the threshold, inside Simon, the libidinal economy is more confused. It is not entirely clear in the film why he takes an interest in Bilal – if it is from curiosity (a desire to know) or a desire to protect, if it is some kind of projection or self-identification, seeing in Bilal a possible future swimming champion, or perhaps part of a strategy to win back Marion. Nevertheless, out of this confusion grows a parental affection, a desire for a child. Whatever the reasons for Simon’s invitation to Bilal and his care for him, it is clear that it is motivated by desire rather than a sense of duty.

Although we do not get as close to Marion as we do to Simon, it would seem that duty is an important part of her conception of hospitality. Not that duty does not contain desire – on the contrary, it is defined by a desire to do the right thing – but in Marion there is an awareness of hospitality as duty that appears to be absent in Simon. At the same time it should be stressed that he does not act

out of instinct, but out of desire, that is from a felt need – articulated or not – which implies the symbolization of absence. In other words, in order to understand what drives hospitality, what sets it going and keeps it going – repeating itself like the child playing *fort-da* – despite or because of its contradictions and impossibilities, we have to take into account the role of desire for the other, both physically and as an imaginary figure.

## **5 Conclusion**

The French national context is characterized by a number of peculiarities as regards immigration policy (Miller 2002; Withol de Wenden 2010). For instance, since the 1960s and until 1997 there have been a series of short-term ‘legalisation’ periods during which irregular immigrants with work contracts have been able to apply for regularisation, typically set up by Socialist governments (whereas French right-wing governments typically introduce limitations or ‘zero-tolerance’ measures on irregular immigration). Similar regularisation measures are found in Italy, Portugal, Spain and USA, whereas Germany and the Nordic countries hardly ever allow such legalisation or amnesty campaigns. Although the left-right polarisation on immigration issues is quite clear – it was for instance the Socialists who finally abolished the ‘hospitality/solidarity as criminal offence’ statute by introducing exceptions to article L. 622-1 of CESEDA, legislated on 31 December 2012 – the political left is not devoid of xenophobia and populist rhetoric. Another very French feature is the recurring hunger strikes, occupations and sit-ins organised by irregular immigrants and often supported by the Church, NGOs and trade unions. These events are normally well covered in media, where they are debated by politicians and intellectuals, and not infrequently such hunger strikes result in regularisation. Although public manifestations by and in support for irregular immigrants are much less frequent in other countries, they are not totally absent.

These peculiarities aside, the conceptions of and attitudes towards irregular migrants found in French legislation and policy

documents are quite typical of most European countries today, both in stipulating restrictive conditions on migrants from non-EU member states – which inevitably produce irregular or illegal migrants – and then, from time to time and in different ways, introducing (more or less arbitrary) exceptions to these conditions, permitting regularisation and legalisation. At the same time the kind of critique of and opposition to such a restrictive hospitality – or inhospitality – as found in Lioret's *Welcome* and in Derrida's philosophical analysis of hospitality are quite widespread. In other words, in Europe today there is no escaping strong internal tensions and a complete lack of agreement about what it means to be hospitable to strangers.

As is evident from Derrida's analysis of hospitality, this notion – or experience – is intimately connected to the experience of being 'at home'. For this reason, whenever a person or a group of persons do not feel 'at home', do not feel as 'masters of their home', either because they are surrounded by strangers or because they feel disempowered, one can expect a less than hospitable attitude. But as shown in Lioret's *Welcome*, this is not necessarily a terminal condition. As Simon experiences in the film, individual strangers can become familiar faces to which one gets attached and then start to care for. Strangers can become neighbours and colleagues, their children become your child's best friend. As we witness happens to Simon, it is through acts of hospitality that disempowered people can be (self-)empowered. However, it is easy to feel that this way to become 'master of the house' is too easy, that it is too idealistic to really work. For people who feel alienated and even threatened by foreigners, who feel that 'they' do not assimilate to the local/national culture, that 'home' is no longer 'my home', for these people the film *Welcome* is beside the point. Indeed, it can be argued that Derrida's deconstruction of hospitality stops too soon, that it contains an ethical analysis but not a political one (cf Derrida 1997c: 94; quoted in endnote 31). In Derrida's analysis, hospitality is exclusively tied to decisions and experiences of individuals, not of communities. It is easy to see that to be 'at home' is not only a question of being in 'my place' (*chez soi*) but as much to be in 'our place' (*chez nous*). In other words, in order to understand hospitality on a larger scale than

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of the individual – moving from a limited ethical dimension to the political and juridical – one need to take into account what it means for a community to be ‘at home’, what it means for a social collective to be ‘master of the home’. Although political communities certainly can act in ethical ways, this cannot be taken for granted. As on the individual level, there are many things that can block openness towards the social or cultural stranger, that can prevent one from seeing the face and hearing the call of the Other.

To conclude, what the events and interventions discussed in this article show more than anything else, is that hospitality toward the stranger – whatever it is, or should be, and whoever s/he is – cannot be taken for granted. It needs to be claimed, reclaimed and defended, but most of all it needs to be experienced.

## Notes

- 1 Previous versions of this article have been presented at the conference Foreign Bodies (ISP 2013), Perugia, 8-12 July 2013, and at Marstrandseminariet, Juridiska institutionen, Göteborgs universitet, 15-16 August 2013. The author would like to thank the participants at these events, and in particular Eran Dorfman, for comments and constructive criticism. The author would also like to thank the anonymous reviewers of the journal for valuable suggestions and critique.
- 2 This is perhaps most explicit in Derrida's essays ‘Quand j'ai entendu l'expression ‘délit d'hospitalité’...’ (1997a) and *Le Monolinguisme de l'autre: Ou la prothèse d'origine* (1996), but is also clearly manifest in the texts discussed in this essay.
- 3 In 1990, the figure was about 156 million migrants; in 2000, about 179 million. For general overviews of migration nationally and internationally, see e.g. Withol de Wenden (2011); Castles and Miller (2009); Segal et al (2010).
- 4 See, e.g. Coleman (2002); Düvell (2006a); Hansen (2008: 11-23; 195-220; *et passim*); cette France-là (2012).
- 5 It may also be noted that more often than not the different positions – of politicians and researchers alike – are based on ideologies rather than demographic and sociological facts. For instance, a distinguished

researcher argued that the proper solution to the aging and diminishing population in Europe is not immigration, but instead to find out why women are not producing the number of children they say that they want to have (Coleman 2002: 75-76).

- 6 See the map 'Encampment Map' (Migreurop 2012a; Migreurop 2012b) as well as *Atlas des migrants en Europe* (Migreurop 2012c: 80-91; 100-113). For earlier editions/versions see 'Camps d'étrangers en Europe et dans les pays voisin, 2007' in Withol de Wenden (2011) and the two maps in Clochard (2010). For critical studies, see Rodier (2003); the special issue of *Cultures & Conflits* on 'L'Europe des camps' (No 57: 2005), in particular Valluy (2005) and Bietlot (2005); Le Cour Grandmaison et al (2007); and Agier (2008).
- 7 This can be seen from the fact that when authorities decide to close down shelters or camps, then irregular migrants will become strikingly visible in urban centres, as is the case, for instance, in Paris around Gare de l'Est and in Calais in public parks in the city centre.
- 8 'les ombres passantes, les ombres noires, les fantômes, les bougnoules, les étrangers, eux, ceux de Sangatte, les immigrés, les Kosovars [...].'
- 9 'L'utilisation d'une telle variété de vocabulaire indique que personne ne sait réellement qui sont ces individus et finalement ce qu'ils veulent.'
- 10 In fact, fiction meets reality in the life of Mehran Karimi Nasseri, who arrived at Roissy airport outside Paris in August 1988 without a passport and without papers to enter another country. He stayed in Terminal 1 until July 2006, when he was hospitalised. The strange life of Nasseri inspired not only Lioret, but also Steven Spielberg's film *The Terminal* (2004). See Gilsdorf (2004); 'Mehran Karimi Nasseri' n. d.; and (of course) Mehran (2004).
- 11 Cf Décret-loi du 2 mai 1938 sur la police des étrangers, article 4. In 1945 the article was incorporated into article 21 of the ordinance of 2 November 1945 (Ordonnance n° 45-2658 du 2 novembre 1945 relative aux conditions d'entrée et de séjour des étrangers en France). See also Slama (2009).
- 12 The (first) Schengen agreement dates from 1985. This was expanded in the second Schengen agreement, signed in 1990 and which came into force in 1995. See Loi n° 94-1136 du 27 décembre 1994 (portant modification de l'ordonnance no 45-2658 du 2 novembre 1945 relative aux conditions

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- d'entrée et de séjour des étrangers en France). See also Carrère and Baudet (2004).
- 13 Loi n° 96-647 du 22 juillet 1996.
  - 14 Loi n° 2003-1119 du 26 novembre 2003 (relative à la maîtrise de l'immigration, au séjour des étrangers en France et à la nationalité).
  - 15 'Toute personne qui aura, par aide directe ou indirecte, facilité ou tenté de faciliter l'entrée, la circulation ou le séjour irréguliers, d'un étranger en France sera punie d'un emprisonnement de cinq ans et d'une amende de 30 000 Euros.' (Code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA, article L. 622-1, 2005).
  - 16 Code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA, article L. 622-1, 2013 (modified by Loi n°2012-1560 du 31 décembre 2012 (art. 11)).
  - 17 See Thomas (2012a); Rosello (2001: 23-48). There have also been numerous theatrical productions depicting the situation of irregular migrants, e.g. Jean-Michel Bruyère's *Enfants de nuit* (LFK-lafabriks, 2002) and *Le dernier caravan-serail (Odyssées)* (Théâtre du Soleil, 2003).
  - 18 'Besson veut vider la 'jungle' de Calais' 2009; 'Besson veut démanteler la 'jungle' de Calais' 2009; 'La fermeture de la 'jungle' à Calais provoque la colère des bénévoles' 2009; 'La 'jungle' de Calais évacuée, d'autres évacuations à venir' 2009; 'La 'jungle' de Calais démantelée' 2009a; 'La 'jungle' de Calais démantelée' 2009b; 'Dans la jungle de Calais avec les migrants expulsés par la police' 2009.
  - 19 See e.g. Attac Calais (2003); Chrisafis (2009). For up-to-date reports about the migrant/refugee camps on the coast between Calais and Cherbourg, see Association Médecins du Monde (2011) and Thomas (2012b).
  - 20 See e.g. 'Vincent Lindon: La rencontre avec Laurent Weil' and 'Welcome – Portrait d'un film', included as bonus material on the French DVD version of *Welcome*.
  - 21 On two occasions, in a public letter addressed to aid organisations, dated 23 March 2009, and then on France Inter, 8 April 2009, Eric Besson declared: 'En 65 années d'application de cette loi, personne en France n'a jamais été condamné pour avoir seulement accueilli, accompagné ou hébergé un étranger en situation irrégulière.'

- 22 See e.g. 'Délit de solidarité: Besson ment!' 2009; Eolas (2009); Amaudric (2009); Müller (2009).
- 23 See e.g. testimonies in Eeckhout (2009).
- 24 Several of these works are discussed by Jacques Derrida in his two lectures published in *De l'hospitalité* (Derrida 1997b). The lectures were given at the École des Hautes Études en Sciences Sociales (EHESS), Paris, 10 and 17 January 1996. They are translated into English by Rachel Bowlby and published in *Of Hospitality* (Derrida 2000b). See also Reece (1993); Joly (1992); Montandon (2002).
- 25 'Die Einheit von Nähe und Entfertheit, die jegliches Verhältnis zwischen Menschen enthält, ist hier zu einer, am kürzesten so zu formulierenden Konstellation gelangt: die Distanz innerhalb des Verhältnisses bedeutet, dass der Nahe fern ist, das Fremdsein aber, dass der Ferne nah ist.'
- 26 Cf. also Derrida (1997b: 109-110): 'Étrange logique, mais si éclaire pour nous, que celle d'un maître impatient qui attend son hôte comme un libérateur, son émancipateur. C'est *comme si* l'étranger détenait les clés. C'est toujours la situation de l'étranger, aussi en politique, que celle de venir comme un législateur faire la loi et libérer le peuple ou la nation en venant du dehors, en entrant dans la nation ou dans la maison, dans le chez-soi qui le laisse entrer après avoir fait appel à lui.'
- 27 For a celebrated cinematographic representation of such a journey, see Michael Winterbottom's film *In this World* (2002). Equally informative is Shahram Khosravi's auto-ethnographic travelogue *'Illegal' Traveller. An Auto-Ethnography of Borders* (2010).
- 28 'Es ist hier wie in den vorigen Artikeln nicht von Philanthropie, sondern vom *Recht* die Rede, und da bedeutet *Hospitalität* (Wirthbarkeit) das Recht eines Fremdlings, seiner Ankunft auf dem Boden eines andern wegen von diesem nicht feindselig behandelt zu werden.' The quote continues: 'Dieser kann ihn abweisen, wenn es ohne seinen Untergang geschehen kann, so lange er aber auf seinem Platz sich friedlich verhält, ihm nicht feindlich begegnen. Es ist kein *Gastrecht*, worauf dieser Anspruch machen kann (wozu ein besonderer wohlthätiger Vertrag erfordert werden würde, ihn auf eine gewisse Zeit zum Hausgenossen zu machen), sondern ein *Besuchsrecht*, welches allen Menschen zusteht, sich zur Gesellschaft anzubieten vermöge des Rechts des gemeinschaftlichen Besitzes der Oberfläche der Erde, auf der als Kugelfläche sie sich nicht ins Unendliche zerstreuen können,



sondern endlich sich doch neben einander dulden müssen, ursprünglich aber niemand an einem Orte der Erde zu sein mehr Recht hat, als der Andere.' See also Derrida (2000a), in which he extensively comments on this passage.

- 29 'Tout se passe comme si l'hospitalité était l'impossible: comme si la loi de l'hospitalité définissait cette impossibilité même, comme si on ne pouvait que la transgresser, comme si *la* loi de l'hospitalité absolue, *inconditionnelle*, hyperbolique, comme si l'impératif catégorique de l'hospitalité commandait de transgresser toutes *les* lois de l'hospitalité, à savoir les conditions, les normes, les droits et les devoirs qui s'imposent aux hôtes et aux hôtesse, à ceux ou à celles qui donnent comme à ceux ou à celles qui reçoivent l'accueil. Réciproquement, tout se passe comme si *les* lois de l'hospitalité consistaient, en marquant des limites, des pouvoirs, des droits et des devoirs, à défier et à transgresser *la* loi de l'hospitalité, celle qui commanderait d'offrir à *l'arrivant* un accueil sans conditions.'
- 30 'L'antinomie de l'hospitalité oppose irréconciliablement *La* loi, dans sa singularité universelle, à une pluralité qui n'est pas seulement une dispersion (*les* lois) mais une multiplicité structurée, déterminée par un processus de partition et de différenciation: par des lois qui distribuent différemment leur histoire et leur géographie anthropologie. / La tragédie, car c'est une tragédie destinale, c'est que les deux termes antagonistes de cette antinomie ne sont pas symétriques. Il y a là une étrange hiérarchie. *La* loi est au-dessus *des* lois. Elle est donc illégal, transgressive, hors la loi, comme une loi anomique, *nomos a-nomos*, loi au-dessus des lois et loi hors la loi [...]. Mais tout en se tenant au-dessus des lois de l'hospitalité, *la* loi inconditionnelle de l'hospitalité a besoin *des* lois, elles les *requiert*. Cette exigence est constitutive. Elle ne serait pas effectivement inconditionnelle, la loi, se elle ne *devait pas devenir* effective, concrète, déterminé, si tel n'était pas son être comme devoir-être. Elle risquerait d'être abstraite, utopique, illusoire, et donc de se retourner en son contraire. Pour être ce qu'elle, *la* loi a ainsi besoin *des* lois qui pourtant la nient, la menacent en tout cas, parfois la corrompent ou la pervertissent. Et doivent toujours pouvoir le faire. / [...] Ces deux régimes de loi, *de la* loi et *des* lois, sont donc à la fois contradictoires, antinomiques, *et* inséparable. Ils s'impliquent et s'excluent simultanément l'un et l'autre. Ils s'incorporent au moment de s'exclure, ils se dissocient au moment de s'envelopper l'un l'autre, *au moment* (simultanéité sans simultanéité, instant de synchronie impossible, moment sans moment)

où, s'exposant l'un à l'autre, l'un aux autres, les autres à l'autre, ils se montrent à la fois plus et moins hospitaliers et inhospitaliers, hospitaliers *en tant qu'*inhospitaliers. / [...] La loi, au singulier absolu, contredit les lois au pluriel, mais chaque fois c'est la loi *dans* la loi, et chaque fois *hors la loi* dans la loi. C'est ça, la chose si singulière qu'on appelle *les lois* de hospitalité.' (See also Derrida 1997b: 131)

- 31 In fact, not only does Derrida repeatedly refer to Levinas in his two seminars on hospitality, in an essay on Levinas (Derrida 1997c: 39-210), he discusses hospitality in a way similar to his seminars. Already in the first paragraph, Derrida suggests that one should read Levinas' *Totalité et infini* (1961) as a treatise on hospitality (49). A little further, noting that the word *hospitalité* is rather rare in this text, he comments that 'le mot d'"accueil" est sans conteste l'un des plus fréquents et des plus déterminants dans *Totalité et infini*. [...] Opérateur plus que thématique, ce concept opère en tout lieu, justement, pour dire le premier geste en direction d'autrui.' (54-55) In the essay, Derrida further argues that we should understand hospitality as intentionality (in a strictly phenomenological sense), and that since 'elle [intentionnalité] est hospitalité, intentionnalité résiste à la thématisation.' (91) According to Derrida's reading of Levinas, the notion of hospitality becomes a defining term for a phenomenological analysis of ethical experience: 'L'intentionnalité est hospitalité, dit donc littéralement Lévinas. La force de cette copule porte l'hospitalité très loin. Il n'y a pas une expérience intentionnelle qui, ici ou là, ferait – ou non – l'expérience circonscrite de quelque chose qu'on viendrait appeler, de façon déterminante et déterminable, hospitalité. Non, l'intentionnalité s'ouvre, dès le seuil d'elle-même, dans sa structure la plus générale, comme hospitalité, accueil du visage, éthique en général. Car l'hospitalité n'est pas davantage une région de l'éthique, voire, nous y viendrons, le nom d'un problème de droit ou de politique : elle est l'éthicité même, le tout et le principe d'éthique.' (94)
- 32 'Nous ne savons pas ce que c'est que l'hospitalité.'
- 33 It can be mentioned that in Hebrew 'Simon' means 'he who hears' (Cf *Genesis* 29: 33).

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