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Of Commercialization and Moral Law: Airbnb and the History and Theory of Hospitality

> "Remember that many of your guests will be far from home, so try to anticipate what they'll want, what they'll find confusing, and how you can offer help and guidance."
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> — Airbnb hospitality standards[1]

I. Introduction: From Berlin to San Francisco

In 2015 Germany announced it would accept as many as 800,000 asylum seekers fleeing conflict in Syria and other areas of the Middle East, and that it had allocated $6.7 billion to handle the influx — a stark contrast with other nations' more tepid response to the crisis. Britain said it would take in 20,000 Syrian refugees within five years, while France pledged to admit 24,000 asylum seekers over two years.[2] Germany's open door policy toward refugees was justified as an ethical obligation to offer hospitality to those in need, leading to German Chancellor Angela Merkel "being hailed as an angel of mercy and her country as a paragon of virtue for flinging open the doors to a massive influx of refugees."[3] Merkel's open door policy has not been universally well-received; in fact it is partially blamed for electoral setbacks suffered by her Christian Democratic Union party in early 2016 elections in three German states. Nonetheless, Merkel vowed to press on with her open door policy.[4]

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[1] https://www.airbnb.com/hospitality.
[2] Henry Chu, "Germany's open-door policy in migrant crisis casts nation in a new light," *The Los Angeles Times*, Sept. 7, 2015
[3] Chu, "Germany's open-door policy in migrant crisis casts nation in a new light."
[4] Orlando Crowcroft, "Angela Merkel: Will Germany oust the Iron Chancellor over her 'open door' for refugees?," *International Business Times*, March 16, 2016.

Thousands of miles away, in San Francisco, Airbnb, one of the leaders of the "sharing economy," has been controversially disrupting the hospitality industry. In 2015 a ballot initiative attempted to curb the company's ability to operate in the city. The initiative, Proposition F, aimed to "limit vacation rentals to 75 days a year" and to "beef up enforcement and penalties."[5] It was backed by "a coalition of housing activists, landlords, neighborhood groups and hotel workers' unions", which raised $482,000 to support the campaign — a paltry sum in comparison to the $8 million Airbnb spent in opposition. In the end the measure lost, 55 percent to 45 percent.[6] The company has "retained at least 33 lobbyists or firms in a dozen states" in its effort to "establish uniform standards at the state level rather than deal with a hodgepodge of local regulations and negotiations."[7]

I start with these two vignettes because they show how hospitality is a central theme of our time. In order to better understand the role of hospitality in the sharing economy, and vice versa, in this paper I will investigate both the history and the political theory of hospitality, the latter through the works of Immanuel Kant, Jacques Derrida and Emmanuel Levinas. My guiding question will be whether the sharing economy's ethos of hospitality, as seen primarily in the home rental service Airbnb, represents a possible return to a pre-commercialized ethic of hospitality, or whether it is an extension of commercialization in a different guise. In the end I hope to show that the commercialization of hospitality is not necessarily inconsistent with a moral law of hospitality.

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[5] Carolyn Said, "Prop. F: S.F. voters reject measure to restrict Airbnb rentals," *San Francisco Chronicle*, Nov. 4, 2015.

[6] Said, "Prop. F: S.F. voters reject measure to restrict Airbnb rentals."

[7] Fenit Nirappil, "Airbnb loses Virginia legislative battle as it seeks statewide recognition across U.S.", *The Washington Post*, March 11, 2016. The company was delivered a setback in Virginia, where it had sought to make the state among the first in the nation to recognize the short-term rental industry and insulate it from efforts by local communities to ban it.

But what, exactly, do we mean by hospitality? The word is defined by the Oxford English Dictionary as "The friendly and generous reception and entertainment of guests, visitors, or strangers."[8] Historian A.K. Sandoval-Strausz says it is "the name given to an array of rituals for dealing with strangers."[9] Citing cultural anthropologist Julian Pitt-Rivers, he explains it as "a 'rite of incorporation' by which one status is temporarily exchanged for another. Through a ritual of hospitality, 'it is the status of the stranger which is lost and that of the community member which is gained.'"[10] In other words, the stranger is recast by acts of hospitality, starting as outsider but becoming guest. The root of the word is the Latin "*hospitalitem* (nominative *hospitalitas*) 'friendliness to guests,' from *hospes* (genitive *hospitis*) 'guest; host'."[11] (The same root gives us the word hospital, as well as hotel.) Indeed, the history of hospitality can be traced to ancient times. One hotel historian notes that hospitality began as "to a large extent a social and religious obligation."[12] In the Iroquois nations it was an accepted duty that the women would provide food to any man who entered a home, whether stranger or friend. In Ancient Greece, "Every stranger had the right of sanctuary and asylum"; only after a stranger was served a meal would he be questioned about name and origin.[13] Professional, commercialized inns developed over time in the ancient world to cater to "traders, merchants, pilgrims, art lovers, sages and Olympic games spectators" who came to Athens as trade and commerce increased. In the time of the Roman Empire such inns were generally considered disreputable, however; innkeepers were

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[8] http://www.oxforddictionaries.com/us/definition/american_english/hospitality
[9] A.K. Sandoval-Strausz, *Hotel: An American History* (New Haven: Yale University Press, 2007), 137.
[10] Sandoval-Strausz, 137.
[11] http://www.etymonline.com/index.php?term=hospitality
[12] Norman S. Hayner, *Hotel Life* (Chapel Hill, N.C.: Univ. of North Carolina Press, 1936), 11.
[13] Hayner, 11-12.

classed with thieves and gamblers. Indeed, the rise in popularity of inns and taverns as sites of pagan revelry is seen as coincidental with the decline and fall of the Roman Empire.[14]

Thus, as hospitality shed its ethical content and became commercialized, it quickly became associated with immorality. But the spread of Christianity into the Middle Ages played a significant role in changing the nature and reputation of hospitality. "To furnish hospitality to travelers and pilgrims was one of the duties of the Christian," and monks received all comers, whether rich or poor, and rehabilitated the reputation of inn-keeping in the process: "The ideal of the monk was to receive the guest as if he were Christ himself."[15] In part because noble guests brought so many servants with them, guest or manor houses were often constructed outside the monastery, and free-standing inns thus were born. This tradition of hospitality carried over to the New World. Travelers in Spanish-occupied territories "usually found lodgings in convents, monasteries, private homes or governors' residences," while in the colonies and on the frontier travelers were usually welcome to stay a night or more at private homes without the expectation of payment. Given the distance between towns on the frontier and the lack of hotels, travelers often had no other option.[16]

In an exhaustive work on hospitality in early modern England from 1400 to 1700, Felicity Heal notes the religious overtones to a definition of hospitality proffered in a 1698 work about protestant monasteries: "it was 'a Liberal Entertainment of all sorts of Men, at ones House, whether Neighbours or Strangers, with kindness, especially with Meat, Drink and Lodgings.'"[17] Heal sees the "Christian perceptions of beneficence" evidenced in this definition; one is supposed to entertain everyone with kindness, reflecting the moral value

[14] Hayner, 13.
[15] Hayner, 13-14.
[16] Hayner, 16.
[17] Felicity Heal, *Hospitality in Early Modern England* (Oxford: Clarendon Press, 1990), 3.

placed on "openness and giving, of according all men a temporary place within domestic society."[18] The emergence of a law of hospitality in early modern times was also influenced by a rediscovery of the Roman law of hospitality and the natural law tradition of the Stoics, and the impact of knightly culture. As a result, "the English possessed a relatively sophisticated perception of a law of hospitality that bound them to generosity to defined guests.… the English were at ease with guests and perceived entertainment as a natural social function."[19] In the absence of local relief schemes to care for the poor, one fulfilled one's Christian duty to the needy through hospitality: "To be in charity with one's fellow men was to minister to their material and spiritual needs, and since the household represented the primary unit of production and consumption, it was through the household that material needs were most logically met."[20] Heal suggests that this Christian inducement to hospitality began to wane with the introduction of public relief schemes and institutions such as almshouses. The practice of generosity ordinary Englishmen had exhibited toward strangers at the household door was less necessary: "the advent of public relief for the poor exonerated them from much commitment to local charitable giving beyond occasional alms at the door. And, despite a continuing preoccupation with the need to be generous, few preachers and moralists of the seventeenth century suggested that this generosity had to be discharged within the household."[21] Further, another factor may have contributed to the decline of hospitality in England: the country's strong market orientation. Heal explains: "The dominance of the market and the growing engagement of men in its values did not, of

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[18] Heal, 3-4.
[19] Heal, 389.
[20] Heal, 392.
[21] Heal, 393. Interestingly, Heal notes, in places with weaker institutions for relief for the poor and fewer inns for travelers—such as Ireland, Scotland, and Virginia—hospitality and generosity to outsiders remained more prominent, even as they faded somewhat in England.

course, automatically lead to the decline of hospitality.... But in times of economic adversity *the market-orientation of such men was likely to conflict with their gift-giving instincts*, and the sacrifice of the latter did not necessarily then break powerful cultural taboos."[22]

On the other hand, the evolution of hospitality from the household into the modern hotel industry over the 19th and 20th centuries can also be seen as a mark of progress. Over the course of the early modern period the character of inns catering to travelers changed largely for the better, such that they often became social centers of towns. In England, inns were often the site of literary discussion and the exchange of news, as well as the place where the pastor and congregants would retire directly following a church service; in other places, inns (and their taverns) acquired a more debaucherous reputation.[23] With the transition in the 19th century from the town inn to the small hotel, comfort and luxury also become associated with hospitality. Guests became accustomed to having private rooms (having earlier often had to share) and other conveniences such as "an individual lock on the door, a bowl and pitcher and free soap for every guest room," later supplemented by modern plumbing, heat, elevators, electric lights and telephones.[24] Sandoval-Strausz sees a deeper form of progress, though, in this modernization: "When a city or town opened a hotel, it was demonstrating its willingness to welcome outsiders. From the perspective of the present this seems natural, but it was far from that in an age when most communities viewed strangers with suspicion and regularly ordered them to depart." Yet, both then and later, those same hotels were often off-limits to racial minorities and others deemed unworthy. It

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[22] Heal, 401 (emphasis added).

[23] Of course, that inns were sites of exchange and revelry does not mean they were comfortable; Hayner notes that travelers of the 17th and 18th centuries "stress the crudities and hardships of the inns" and generally "seem to agree in condemning the beds, food and other accommodations in the inns of France, Italy and Germany." Hayner, 19.

[24] Hayner, 22-24.

was in combating these injustices, Sandoval-Strausz concludes, that the idea of hospitality was perhaps most valuable — as an instrument in securing and protecting the civil rights of those wrongly excluded by society. "Capitalism alone could not produce a hospitality that was open to all comers... Equality depended instead upon a much older, pre-Enlightenment, nonmarket commitment to the morality of offering shelter to strangers. Hospitality was a foundational cultural norm, one with powerful ethnical and religious resonances."[25]

The nature of hospitality and the forms through which it is offered have changed significantly over the centuries, toward a formalization and commercialization embodied in the hotel. This was a process that Sandoval-Strausz calls a "depersonalization" and "rationalization" of hospitality, "an impersonal, institutional procedure that often left guests feeling as of the were being processed rather than welcomed."[26] In the 21st century there has developed a response to this depersonalization, it may be argued, with the rise to prominence of Airbnb — to which we now turn.

II. Hospitality and the Sharing Economy

A. Forerunners to Airbnb: Tourist homes and Couchsurfing

Airbnb combines the technological advancements of the sharing economy — "Big Data analytics, low-cost cloud storage, [the] prevalence of social media and widespread use of mobile devices"[27] — with an old tradition, letting other people stay in your home. Indeed,

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[25] Sandoval-Strausz, 315.
[26] Sandoval-Strausz, 160.
[27] The widespread use of mobile devices is perhaps less relevant to Airbnb than other sharing economy start-ups, in that Airbnb's functionality is similar whether accessed by computer or mobile device. "The Sharing Economy: A New Way of Doing Business," Knowledge@Wharton, http://knowledge.wharton.upenn.edu/article/the-sharing-economy-a-new-way-of-doing-business/ (Dec. 11, 2015).

Airbnb has both commercial and non-commercial forerunners. Let us look briefly at each, to better situate Airbnb. A commercial forerunner to Airbnb was the so-called tourist home of the early 20th century. In recounting the history of the motel John Jakle, Keith Sculle and Jefferson Rogers describe a history of the evolution of accommodations suitable to the auto travel becoming popular between the small towns and rural areas of the United States, where few hotels had been established.[28] The first form to appear was the auto camp, generally prevalent in the Western U.S. in the years after World War I. These were essentially ad hoc campsites — "campers set up campsites wherever they chose, often squatting on private property, usually without permission"[29] — although towns gradually established specific locations for camps, sometimes with public toilets and other facilities; these, in turn, were overtaken by commercial camps, some of which also offered cabins for rent. In the Eastern U.S., a different institution cropped up during the 1920s and 30s: the tourist home, in which private residences advertised rooms to rent on a nightly basis to auto travelers. "The typical tourist home was a private house, usually located near the downtown area on a major thoroughfare … where one or more bedrooms was 'let for the night.'"[30] In a 1938 law review article attempting to determine which body of law courts ought to apply to the tourist home, the writer introduces the phenomenon as follows:

> The growing popularity of travel by automobile has demanded the development of additional and somewhat different resort accommodations than those utilized by the business or pleasure seeking visitor to a city. Thus fertilized by necessity the property owners along the automobile trails have labored. Home owners have placed their second best furniture in the spare

[28] John Jakle, Keith Sculle and Jefferson Rogers, *The Motel in America* (Baltimore: The Johns Hopkins University Press, 1996), 18. Motel is an early 20th century contraction of *motor* and *hotel*, which "became a generic descriptor labeling a wide variety of highway-oriented accommodations."
[29] Jakle, Sculle and Rogers, 31.
[30] Jakle, Sculle and Rogers, 32.

> room and erected a sign by the highway, 'Tourist Rooms', or perhaps something more enticing such as 'Twilight Rest House', done in colors. Cabins in varying degrees of artistic taste and luxury have been constructed under cool trees and the blistering sun, in green grass and choking dust.[31]

In the wake of the Depression, the tourist home offered homeowners the means to keep their homes, much as hosts today report using Airbnb to help them afford where they live, covering rent and home payments in a time of economic crisis: "Operators of tourist homes were stereotyped in the 1930s as either widows struggling to make ends meet or bankrupt former businessmen struggling to regain their business composure."[32] The phenomenon became so popular that a "tourist-home craze swept through eastern cities.... there were about a thousand tourist homes licensed in Richmond, Virginia, alone. Throughout the country, tourist-home operators built cabins in side and back yards as an easy way to expand successful businesses."[33] These cabins would pave the way for a new form in roadside accommodations, the cabin camp, in which motel owners rented small cabins to travelers.[34]

The tourist home was an evolutionary stage, then, in the development of the modern roadside motel; the widespread construction of budget motels would largely supplant its reason for existence. For some travelers, though, even motels and other options were too costly. A non-commercial tradition thus developed in which people would sleep in strangers' homes without paying for the privilege, a non-commercial exchange of hospitality. By the

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[31] Lyman H. Cole, "Tourist Homes and Cabins as Inns," *Indiana Law Journal*, Vol. 13, Issue 3 (1938), 242. Cole later notes, interestingly, that "persons have been excluded from the innkeeper status when acceptance of guests is a matter of hospitality even though some compensation is charged," notably "where householders in sparsely settled country accommodated travelers where there was no other place that they might stay." Cole, 251.
[32] Jakle, Sculle and Rogers, 35.
[33] Jakle, Sculle and Rogers, 36.
[34] Jakle, Sculle and Rogers, 43. These in turn became the more substantial "cottage courts"; after World War II, the contemporary "motor court" had emerged, in which "room units were totally integrated under single rooflines usually as a single building.

early 2000s, thousands of (mostly young) people a year were doing this via the website couchsurfing.org, which was launched in 2003. As one user explains the concept, "Couch surfing is a form of lodging mainly used by college students and recent college graduates, where the stay is on an acquaintance's couch rather than at a hostel or hotel. Couch surfing has been a common practice for decades."[35] While the practice may have been decades old, the website provided a central platform on which people could find others willing to host them; a community of like-minded hosts began to flourish. In one Couchsurfer's words, "A great and powerful network of people with beautiful ideals and lots of enthusiasm was forming. In every place there were people getting together, sharing hospitality, making friends, learning exciting things."[36] By 2011, the group had three million users in 81,000 cities; 5.6 million connections had been arranged on the site.[37] However, the non-commercial nature of the community meant it had to rely on free labor. With only 30 employees, it depended heavily on thousands of volunteers who organized "meet-ups" worldwide. According to one history "it ran like a collective for almost ten years, with volunteers pitching in code and working as the ambassadors for each city" — meaning that it can be considered one of the pioneers of the sharing economy: "Before there was Uber, Lyft, or Airbnb, there was Couchsurfing. For a certain sect of millennials … Couchsurfing was transformative. Members all over the globe offered up their couches for free to these cash-strapped travelers."[38] But the organization ran into economic and technical difficulties. "As the word started to spread among users and more and more people joined the

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[35] https://www.voyagers.world/articles/history.php
[36] https://www.voyagers.world/articles/history.php
[37] Nicole Perlroth, "Non-Profit CouchSurfing Raises Millions In Funding," *Forbes*, Aug. 24, 2011.
[38] Carmel DeAmicis, "How Couchsurfing became the Friendster of the sharing economy," Jan. 10, 2015.

application, its cooperative ethos backfired. Its collectively-coded website couldn't handle heavy amounts of traffic."[39] In 2011, Couchsurfing gave up its status as a non-profit entity, accepting millions in venture capital funding.[40] The move outraged some Couchsurfing community members. One blamed the group's management for focusing on growth at the expense of the organic development of a global community of like-minded travelers interested in sharing viewpoints and cultures:

> The site went for-profit last year, and now, following time-honored corporate practices, is focused solely on growth. … The more members they have, the more valuable the site becomes to potential advertisers, or … buyers. Lost beneath this frenzy of numbers are the disappearing quality interactions, those which can't be quantified. … The trust on the site has diminished.[41]

After the site changed from a non-profit to a for-profit entity, some disenchanted users migrated to an alternative open source, non-profit site called BeWelcome.[42] In recent years, Couchsurfing has relaunched with a new app and website, but many longtime users remain disaffected. One former user contends that the emphasis on hospitality is no longer in evidence: "It's not even about hospitality exchange anymore. … From personal experience, more people use Couchsurfing for social events and networking than for hosting or surfing."[43] Others contend "CouchSurfing just isn't what it used to be anymore. The CouchSurfing community had long been much more than a way to connect people with a free couch — it was a community that gathered for drinks and outings, a place to make new

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[39] DeAmicis, "How Couchsurfing became the Friendster of the sharing economy." There were also cultural changes as some sought to use the website for purposes other than for travel, such as dating.
[40] Vicky Baker, "Not-for-profit Couchsurfing becomes a company (with a conscience)," *The Guardian*, Aug. 26, 2011.
[41] Nithin Coca, "The Rise and Fall of Couchsurfing," March 27, 2013, http://www.nithincoca.com/2013/03/27/the-rise-and-fall-of-couchsurfing/
[42] DeAmicis.
[43] https://medium.com/@roymarvelous/will-couchsurfing-implode-d31466650b5a#.6ec69t9u2

friends. Unlike Airbnb, hosts of travelers were expected to, well, host."[44] Indeed, just as Couchsurfing was struggling economically and facing a kind of identity crisis, a new competitor in the "hosting" business was being born.

Airbnb thus has had both commercial and noncommercial antecedents, in the tourist home movement and Couchsurfing. Both attained great levels of popularity in their day, but arguably neither became as important an economic and cultural phenomenon as Airbnb; where the tourist home movement and Couchsurfing complemented existing hospitality businesses, Airbnb threatens the hotel industry. According to one study, in some markets it can reduce hotel revenue by 8-10%.[45] Let us take a closer look at the company.

B. Airbnb: A sharing economy success story

The sharing economy, an early 21st century phenomenon and a recent development in modern capitalism, is characterized by the "sharing" of underutilized assets for profit. Presenting itself as a disruptive force in economic and social life, it has gone by many names — the gig economy, peer-to-peer economy, access economy, rental economy, collaborative economy, freelance economy, Uber economy, "1099" economy (after the IRS tax form used by independent contractors), social economy, mesh economy, "we commerce" and collaborative consumption — but for a number of years the leading label has been the "sharing economy." In the words of the *Economist*, the sharing economy comprises "a range of online services that enable people to share cars, accommodation, bicycles, household

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[44] Kristen V. Brown, "A rough ride to profit for CouchSurfing," *The San Francisco Chronicle*, Nov. 26, 2014.
[45] The study notes that lower-priced hotels and those hotels not catering to business travelers face the greatest losses due to Airbnb's success. Georgics Zervas, Davide Proserpio and John W. Byers, "The Rise of the Sharing Economy: Estimating the Impact of Airbnb on the Hotel Industry" (2016), http://people.bu.edu/zg/publications/airbnb.pdf

appliances and other items, connecting owners of underused assets with others willing to pay to use them. Dozens of firms … act as matchmakers, allocating resources where they are needed and taking a small cut in return."[46] In 2015 the Oxford English Dictionary defined the sharing economy as: "An economic system in which assets or services are shared between private individuals, either for free or for a fee, typically by means of the Internet."[47]

Among sharing economy businesses, there are two behemoths: Uber, the ride-sharing company, which was valued at an astounding $62.5 billion as of January 2016,[48] and Airbnb, whose valuation as of the end of 2015 had reached $25.5 billion.[49] The story of Airbnb's founding is often told in the literature on the sharing economy. As one journalist recounts it:

> Airbnb started in 2007 when Joe Gebbia and Brian Chesky, then both 27, … were struggling to pay their rent. There was a design conference coming to San Francisco and the city's hotels were fully booked, so they came up with the idea of renting out three airbeds on their living-room floor and cooking their guests breakfast. The next day they created a website, airbedandbreakfast.com; six days later they had a 30-year-old Indian man, a 35-

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[46] *The Economist Technology Quarterly*, http://www.economist.com/news/technology-quarterly/21572914-collaborative-consumption-technology-makes-it-easier-people-rent-items (Mar. 9, 2013)

[47] http://www.oxforddictionaries.com/us/definition/american_english/sharing-economy. The name "sharing economy" has been criticized for being both inaccurate and misleading. In the words of venture capitalist Fred Wilson, "Nobody is sharing anything. People are making money, plain and simple. Technology has made renting things (even in real time) as simple as it made buying things a decade ago." While there has been a shift toward using the terms "on-demand economy" and "gig economy" of late, for the purpose of familiarity, I use "sharing economy" in this paper. Fred Wilson, "What Just Happened?" http://avc.com/2014/12/what-just-happened/ (Dec. 31, 2014). See also Giana M. Eckhardt and Fleura Bardhi, "The Sharing Economy Isn't About Sharing at All," *Harvard Business Review*, https://hbr.org/2015/01/the-sharing-economy-isnt-about-sharing-at-all (Jan. 28, 2015).

[48] Matt Levine, "Uber Is Raising More Money From Rich People," *Bloomberg View*, Jan. 15, 2016.

[49] Biz Carson, "Airbnb just confirmed a massive $1.5 billion round that makes it the third-highest valued startup in the world," *Business Insider*, Dec. 7, 2015. For comparison's sake, the world's two most valued companies, Apple and Alphabet, Google's parent, are valued at over $500 billion. Paul R. La Monica, "Alphabet, aka Google, briefly worth more than Apple," CNN Money, Feb. 1, 2016.

year-old woman from Boston and a 45-year-old father of four from Utah sleeping on their floor.[50]

Airbnb's founders, who had some experience in entrepreneurship, would expand their model to cities where conferences and festivals were being held nationwide — most prominently the 2008 Democratic National Convention in Denver — connecting travelers needing a place to stay and locals with spare rooms. Gradually they expanded around the world, aided by millions in funding from venture capitalists, and over the next five years the company grew by leaps and bounds. By the fall of 2012, the company was valued at $1.3 billion and had booked 10 million nights in more than 19,000 cities in 192 countries, a huge jump from the 1 million nights booked as of January 2011.[51] In Paris alone in 2015 there were more than 40,000 Airbnb listings, while the next most popular city, New York, had 34,000.[52] Today, Airbnb remains the dominant player in the global sharing economy's room-rental space.[53]

But in interesting ways, even as it has an enormous valuation and competes with the big hospitality industry players, Airbnb may reflect a less commercial, even non-commercial mindset. Airbnb publishes extensive guidelines for its hosts to follow under the rubric of hospitality. The first thing one observes about these rules is that they are geared toward

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[50] Jessica Salter, "Airbnb: The Story Behind the $1.3bn Room-Letting Website," *The Telegraph*, Sept. 7, 2012.
[51] Salter.
[52] Will Coldwell, "Paris becomes Airbnb's top home-sharing city destination," *The Guardian*, Feb. 27, 2015.
[53] Its main competitor, a company called HomeAway (and affiliated sites including VRBO), is a vacation rental marketplace with more than 1 million vacation rental listings. But unlike Airbnb, where the property owner is often present during the guest's stay, the listings on HomeAway are for the entire property. In addition, whereas "Airbnb serves as an intermediary between homeowner and renter, … Generally, when guests commit to making a reservation, HomeAway connects them with the property owner or manager, who is responsible for collecting payment." Airbnb vs. HomeAway: Which Is Right for You?," March 29, 2016, http://www.cheapism.com/blog/4226/homeaway-vs-airbnb-vacation-rentals#ixzz47NJE4dzi. Other "online home rental services include TripAdvisor's FlipKey, HouseTrip, 9flats, and Roomorama."

helping hosts ensure high ratings from their guests; they are *not* about a political or ethical obligation. As the site says in introducing its "Hosting Standards," "These standards can help you earn great reviews for providing excellent and dependable hospitality. You can see how you're doing by checking ratings and feedback from your guests."[54] Indeed, it is noteworthy how the standards, divided into six areas, emphasize reliability and predictability, rather than personal greeting or anything that could be called warmth. For example, the first standard is Updated Availability: "Keeping your calendar and listing information updated increases the likelihood of receiving reservation requests you can accommodate." The emphasis from the get-go, then, is on efficiency and acting like a business. The second hospitality standard is Communication: "Every time a guest reaches out—whether you have a reservation with them or not—responding quickly shows that you're an attentive and considerate host." The emphasis here, as well, is on efficiency and reliability above all. So it is with the other four areas, Commitment to Reservations, Check-In, Accuracy, and Cleanliness.[55] Only in the final section of Airbnb's hospitality standards, "Overall Experience," does the company suggests tailoring the experience to one's guests:

> Remember that many of your guests will be far from home, so try to anticipate what they'll want, what they'll find confusing, and how you can offer help and guidance. Personalize each guest's experience to suit their travel needs and personality—small gestures can leave big, lasting impressions. Ask for feedback from your guests so they can help you find areas where you can improve. They can tell you face to face, or leave private feedback for you when they submit their ratings.[56]

In another section of its website, Airbnb advises other ways to leave a personal touch that will make guests feel more welcome: "Interested in going beyond the basics? You could offer

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[54] https://www.airbnb.com/hospitality
[55] https://www.airbnb.com/hospitality
[56] https://www.airbnb.com/hospitality

to pick up your guests when they arrive in town, leave a welcome note to help them get acquainted with your space or neighborhood, or provide a fun welcome treat like flowers or a local snack."[57] However, even when Airbnb suggests that hosts personalize guests' experiences, the bottom line is the rating one will receive as a host; it is not about hospitality for its own sake, but hospitality commercialized for your own benefit (and, of course, for the benefit of Airbnb itself, which profits from satisfied customers.)

Third parties have also written guides for Airbnb hosts, generally complementing the company's guidelines. One blogger, Diane Gottsman, offers "Five Travel Etiquette Tips for the Airbnb Host." Gottsman's advice also aims at making the host's job as profitable (both literally and figuratively) as possible. She explains that "Opening your home to Airbnb guests is no small feat, but the benefits include meeting friendly and interesting travelers and adding and a new stream of income to your budget."[58] There is little reflection of a law or ethic of hospitality. It is particularly interesting that Gottsman advises hosts to "create a welcoming environment" such that their guests "feel they're the first guests that have stayed, when they're in fact, the hundredth." Here we see an implicit erasure of all the other others in the world — all the other travelers who may have needed a home who have come before. Indeed, another of Gottsman's "tips," that hosts ought to "set boundaries," further undermines the sense of union that hospitality can otherwise represent. Gottsman advises:

> Although the majority of guests will treat you, your home, and your time respectfully, there are the first-timers and unaware visitors that can blast music after midnight and invite unexpected strangers, which can sour your taste for all guests to come. … The safest measure is to explain your preferences for quiet time, extra guests, check-out and clean-up face-to-face

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[57] https://www.airbnb.com/help/article/564/how-can-i-help-make-my-guests-feel-welcome?topic=206

[58] http://dianegottsman.com/2015/05/travel-etiquette-5-etiquette-tips-for-the-airbnb-host/

> shortly after arrival and display the reminders in a pretty frame where they won't be missed.[59]

Part of offering good Airbnb hospitality, in other words, is establishing the limits of that hospitality, ensuring that your wishes as a host are respected by the stranger in your midst.

While we have focused on Airbnb here, hospitality is also a major element of the ride-sharing business. For instance, many Uber and Lyft drivers offer their passengers free bottled water, candy or gum, and sometimes the ability to control what music is played in the car — amenities not typically offered by taxis. Uber suggests drivers offer water and mints because "this is the Uber standard around the world. Riders absolutely love it when you offer them water and mints. More often than not they don't take them – they just like to be asked! It's a very small investment in spreading the Uber love far and wide!"[60] The company also advises drivers seeking a coveted five-star rating from passengers to "be yourself but also be friendly and polite. Most riders love to chat but also be aware of the times when they are tired and prefer peace."[61] The provision of hospitality in the sharing economy is part of what the sociologist Arlie Russell Hochschild has called "emotional labor" — the requirement that employees display certain emotions as part of their job. While emotional labor is present in any service-sector job (such as nurses, waitresses or teachers), it seems to be one of the characteristics that some sharing economy businesses use to distinguish themselves from traditional enterprises.[62] Uber, Lyft and Airbnb offer not merely a service, but a patina of care and personalization that the start-ups' traditional rivals

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[59] http://dianegottsman.com/2015/05/travel-etiquette-5-etiquette-tips-for-the-airbnb-host/
[60] https://drive.uber.com/melbourne/how-can-we-help/how-to-uber/vicquality/
[61] https://drive.uber.com/melbourne/how-can-we-help/how-to-uber/vicquality/
[62] Arlie Russell Hochschild, *The Managed Heart: Commercialization of Human Feeling* (Berkeley: University of California Press, 1983).

in the hotel, car rental and other businesses have not necessarily offered, especially at the lower price points at which the sharing economy start-ups compete.

III. Three Theories of Hospitality

A. Immanuel Kant: Universal hospitality as key to world peace

In his 1795 work "Toward Perpetual Peace," Immanuel Kant wrote the first major political tract in modern times utilizing the concept of hospitality. Kant considered the state of war to be the natural state among men, and in order for a lasting peace to be established, he contended, three definitive articles were required: (1) "The Civil Constitution of Every State Should Be Republican"; (2) "The Law of Nations Shall be Founded on a Federation of Free States"; and (3) "The Law of World Citizenship Shall Be Limited to Conditions of Universal Hospitality."[63] Kant defines hospitality as "the right of a stranger not to be treated as an enemy when he arrives in the land of another," and emphasizes that it is "not a question of philanthropy but of right." In the circumstance where not to welcome the stranger would lead to "his destruction," there is an obligation to admit the stranger — not on a permanent basis, Kant suggests, but for a "temporary sojourn," with the right to engage in communication (and commerce, commentators have argued) with local inhabitants. Kant places the source of this right in natural law, and more specifically in each person's "common possession of the surface of the earth, where, as a globe, they cannot infinitely disperse and hence must finally tolerate the presence of each other. Originally, no one had more right than another to a particular part of the earth."[64] Kant notes the particularly inhospitable

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[63] Immanuel Kant, "Toward Perpetual Peace" (1795), https://www.mtholyoke.edu/acad/intrel/kant/kant1.htm.
[64] Kant, "Perpetual Peace."

behavior of "inhabitants of coasts" as well as deserts as standing in the way of the "peaceable relations" between distant parts of the world. Yet he does not exempt "the civilized and especially of the commercial states of our part of the world" from acting inhospitably, citing the eviction of native peoples from their land as unjust and inhospitable behavior.

Kant's proposed law of universal hospitality thus was both a corrective to a set of historical injustices, and a foundational principle for a new world, an integrated, commercialized world in which the "wider community of the peoples of the earth has developed so far that a violation of rights in one place is felt throughout the world." Universal hospitality, therefore, was "indispensable for the maintenance of the public human rights and hence also of perpetual peace."[65] As A.K. Sandoval-Strausz notes, Kant's call for a universal right to hospitality was of a piece with other Enlightenment thinkers. For instance, British legal theorist William Blackstone emphasized a right of personal freedom of movement in English law, while the French Revolutionaries put the freedom to come and go front and center in their founding documents.[66] But Kant's contribution, Sandoval-Strausz adds, was to emphasize the responsibility of governments to see to it that persons could travel among countries to be in communication with inhabitants: "Kant's vision of a peaceful world was dependent upon travelers as agents of communication among nations, and for this reason the safety and proper reception of wayfarers had to be guaranteed as a precondition."[67] Far from limiting the scope of a right to hospitality, this association with commerce in fact "gives hospitality the built-in potential of approximating the

[65] Kant, "Perpetual Peace."
[66] Sandoval-Strausz, 140.
[67] Sandoval-Strausz, 312.

unconditional. For commerce, Kant argues, … brings people together and makes them want to be neighbors."[68]

B. Emmanuel Levinas: Seeing infinity in the other

A century later, in 1906, Emmanuel Levinas was born to a traditional Jewish family in Lithuania. Levinas traveled west under the threat of anti-Jewish pogroms in his homeland; his family settled in the Ukraine to escape persecution in Lithuania, but when pogroms began there as well, the young Levinas moved to France to study. He would go on to become a prisoner of war of the Nazis in World War II, held in a labor camp for Jews, where he recalled being treated as subhuman.[69] Perhaps influenced by his own life in exile, Levinas's theory of hospitality depends on a view of the self as needing an encounter with the other to be shaken out of its tendency to be "primordially immersed in the world of enjoyment"; that world is only shaken by the realization that it is also populated by "the destitute other." Levinas writes, "A calling into question of the same—which cannot occur within the egoistic spontaneity of the same—is brought about by the other. We name this calling into question of my spontaneity by the presence of the Other ethics."[70] As one commentator explains this abstruse idea: "The intrusion of the other … has the effect of expulsing the self out of its being-at-home in the world. The intrusion of the other exiles the self from its situation as center and sole possessor of the universe."[71] Once one becomes aware of the suffering other, one's own sense of being at home is fundamentally altered: "The I approached in

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[68] Pheng Cheah, "Necessary Strangers: Law's Hospitality in the Age of Transnational Migrancy,," in *Law and the Stranger* (Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey, eds.) (Stanford: Stanford University Press, 2010), 34.
[69] Doukhan, Abi. *Emmanuel Levinas: A Philosophy of Exile* (London: Bloomsbury, 2012), 8.
[70] Emmanuel Levinas, *Totality and Infinity* (Pittsburgh: Duquesne University Press, 1969), 43.
[71] Doukhan, 31.

responsibility … does not posit itself, possessing itself and recognizing itself; it is consumed and delivered over, dislocates itself, loses its place, is exiled."[72] This self-exile paves the way, in Levinas's view, for the ethic of hospitality toward the other. The fracture of the self's view of the world as its home, its refuge, opens the door to welcoming the other, allowing for hospitality toward the one in exile — for generosity from one being to another, in welcoming the other into one's home-in-the-world: "Without the intentionality of generosity, the other remains on the margins of the world and does not access the presence in the world necessary for an encounter to take place."[73] Once I realize my own state of homelessness in the world, I become capable of extending generosity and hospitality to the other. The ethical nature of hospitality thus lies in the existential homelessness of the host. One is a giver of hospitality precisely because one understands one's own vulnerability, one's lack of safety. It is in this sense an act of standing in the shoes of the other. "It is necessary for the self to be de-centered, to find itself exiled and to accept this exile for the other to find a home in the world, for the other to find a place within the world."[74]

The act of generosity arises from the face-to-face, in person encounter; for Levinas, the face "is not the appearance of [the other] person; it is not a collection of features given to visual perception. It has no parts, no components. It is basic and, as he says, 'self-signifying.' The face means what it is — imploring, a plea of the weak to the powerful, of the poor to the rich. The face is the way the other person … presents herself to me."[75] The face, then, is not primarily its physical components. Rather, it has a distinctively ethical content.

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[72] Emmanuel Levinas, *Otherwise Than Being* (Pittsburgh: Duquesne University Press, 1981), 32.
[73] Doukhan, 33.
[74] Doukhan, 34.
[75] Michael L. Morgan, *The Cambridge Introduction to Emmanuel Levinas* (New York: Cambridge University Press, 2011), 64.

As another interpreter puts it, Levinas presents the face "not simply as a physical detail, but as a moment of infinity that goes beyond any idea which I can produce of the other. The very existence of this face challenges all our philosophical attempts to systematize and therefore to reduce the other."[76] We see infinity in the face of the other, and are confronted with our own consciousness, as well as the possibility of transcendence. The encounter with the other is not an act of merely visual perception but one of recognition of the other, of acknowledgement and acceptance of ethical responsibility to a fellow human being: "at that instant … I am wholly this sensing, this responding, and this recognizing, and that is all I am as a human being; it is the totality of my humanity."[77] For Levinas, it might be said, the face of the stranger issues a kind of *political* challenge, that forces us to contemplate how to handle our responsibility for this other before us. "[I]n addition to however the other person appears to me — as tall or short, burly or slim, light- or dark-skinned, and so forth — the other person presents a vulnerability and destitution, a sense of dependence, that appeals or petitions me and at the same time address me and makes a demand on me."[78]

But even though he burdens me with a kind of responsibility, the outsider is not seen by Levinas as a threat to the cohesion of the body politic of which I am a member. Rather, the very fact of encountering and welcoming the stranger in exile strengthens the society doing the welcoming. Indeed, "the origin of the social bond does not reside, as is thought by liberal theorists, in the necessity to protect the self from the threat of the other, but in … the protection of the stranger."[79] In other words, it is the ethical act and practice of hospitality by a society to the other that itself gives meaning and even form to the political.

[76] Sean Hand, *Emmanuel Levinas* (London: Routledge, 2009), 36.
[77] Morgan, 74.
[78] Morgan, 65.
[79] Doukhan, 36-7.

"Without the intrusion of the exiled other into the hereto solitary and self-centered world of the self, there would be no awakening of the self to another, and, consequently, no possibility of a social bond."[80] The act of generosity toward the other transforms and constitutes the space of the political realm. At the same time, it is essential that the other is not fully integrated with the self; the act of hospitality maintains the separation between self and other, maintains what Doukhan calls the other's "exilic character." The fact that the other remains an other is precisely what allows the political realm to remain "open," to keep it from reverting to a closed non-political space:

> [T]he presence of the other within the shared space retains an element of risk. Her otherness, inasmuch as it is never assimilated, retains its full potential for disruption and of putting into question of the self. But as such, the shared space is never allowed to close itself back onto the self and as such, it remains an open space, it retains its full character as a shared space. The exilic character of the other can therefore be welcomed but never integrated.... A genuine society is then not, for Levinas, one in which the other and the self coexist in peaceful harmony but rather where their differences remain and with them the possibility of disturbance and threat to the political order.[81]

This is a key point of Levinas's theory of hospitality: the other must be welcomed with generosity but never fully integrated, for the very nature of the political realm depends on pluralism, on the realization that the other continues to exist — that the outsider remains within. The first act of hospitality entails seeing the infinite in the face of the other, and thus expanding the capacity of the self's understanding. Keeping the other as an other, however, provides a kind of "life force" for society. "The influx of exiled among us makes possible the constant repetition of this original gesture of hospitality, thereby constantly preserving the openness of society and preventing its contraction upon closed egoisms."[82]

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[80] Doukhan, 40.
[81] Doukhan, 46.
[82] Doukhan, 48.

C. Jacques Derrida: Conditional and unconditional forms of hospitality

Jacques Derrida summarizes the role of the self for Levinas as follows: “I must welcome the infinite, and this is the first hospitality, beyond the capacity of the I.”[83] Yet for Derrida, a distinction must be made between hospitality’s conditional and unconditional forms. According to Derrida, true hospitality is unconditional; when something is expected in exchange, it is no longer worthy of the name: “If I inscribe the gesture of hospitality within a circle in which the guest should give back to the host, then it is not hospitality but conditional hospitality. … The host remains the master in the house, the country, the nation, he controls the threshold, he controls the borders, and when he welcomes the guest he wants to keep the mastery.”[84] Pure hospitality, by contrast, occurs when there are no conditions, no insistence on ascertaining the identity of the stranger, and no mastery:

> unconditional hospitality implies that you don’t ask the other, the newcomer, the guest, to give anything back, or even to identify himself or herself. 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. It is unbearable. If, however, there is pure hospitality it should be pushed to this extreme.[85]

It also necessitates an element of surprise; if one party invites the other, it is no longer an act of pure hospitality. Yet Derrida acknowledges that “unbearable” hospitality in its pure form may not exist in the world, given the dangers with which it is associated: “For unconditional hospitality to take place you have to accept the risk of the other coming and destroying the place, initiating a revolution, stealing everything, or killing everyone.”[86] By

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[83] Jacques Derrida, *Acts of Religion*, “Hostipitality,” trans. by Gil Anidjar (New York: Routledge, 2002).
[84] Jacques Derrida, “Hospitality, justice and responsibility,” in *Questioning Ethics: Contemporary Debates in Philosophy* (Richard Kearney and Mark Dooley, eds.) (London: Routledge, 1999).
[85] Derrida, “Hospitality, justice and responsibility,” 71.
[86] Derrida, “Hospitality, justice and responsibility,” 71.

contrast, Derrida presents the right of hospitality granted to foreigners at Athens, where hospitality was made possible by the fact that the foreigner had a family name; it was not extended to the truly unknown barbarian. Hospitality "is *not* offered to an anonymous new arrival and someone who has neither name, nor patronym, nor family, nor social status."[87] Thus the ordinary or "general concept of hospitality," which perceives it as a right or duty to foreigners, is not pure hospitality. Yet it is only absolute (or unconditional) hospitality that resists the domination of anyone over another; the right or duty of hospitality to foreigners is conceived within a legal system that entails hierarchy and domination.

Still, maybe pure hospitality is not necessarily superior to the conventional (or juridico-political) form, if through the latter — by questioning the new arrival — we are also expressing a kind of justice and love implicit in wanting to know who the person specifically is. This paradox is elucidated when Derrida poses a series of questions:

> Is it more just and more loving to question or not to question? to call by the name or without the name? to give or to learn a name already given? Does one give hospitality to a subject? to an identifiable subject? to a subject identifiable by name? to a legal subject? Or is hospitality rendered, is it given to the other before they are identified, even before they are (posited as or supposed to be) a subject, legal subject and subject nameable by their family name, etc.?[88]

This dilemma can be explained in terms of language. For Levinas, language is essential to hospitality, as it allows us to welcome the other into our midst, acting as a critical bridge. But Derrida points out that if pure hospitality requires us to accept anyone, regardless of whether they speak our language (or indeed any language at all), a fundamental tension exists between specifically welcoming the other and the universal embrace required by true hospitality. In a later passage, Derrida again seems to suggest that the conventional form of

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[87] Jacques Derrida, *Of Hospitality* (Stanford, CA: Stanford University Press, 2000), 25 (emphasis added).
[88] Derrida, *Of Hospitality*, 29.

hospitality, which he refers to as the *laws* of hospitality (associated with both the Greco-Roman and Judeo-Christian traditions), are a pale echo of true hospitality. Yet there is a kind of inescapable antimony between them:

> 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' be offered an unconditional welcome. Let us say yes *to who or what turns up*, before any determination, before any anticipation, before any *identification*, whether or not it has to do with a foreigner, an immigrant, an invited guest, or an unexpected visitor, whether or not the new arrival is the citizen of another country, a human, animal, or divine creature, a living or dead thing, male or female.[89]

The formulation is again extreme. Derrida would have us say "yes" to anyone or anything that might appear on our doorstep, yielding a profound powerlessness in the host's position. Indeed, Derrida remarks on the relationship between hospitality and power, suggesting that hospitality in its impure sense entails making decisions on the basis of power. As long as the host chooses whom to admit and reject, an element of exclusion and thus of violence is entailed. Derrida sees "power in its *finitude*, which is to say the necessity, for the host, for the one who receives, of choosing, electing, filtering, selecting their invitees, visitors, or guests, those to whom they decide to grant asylum, the right of visiting, or hospitality." Since hospitality, in its conventional sense, is commensurate with the host's sovereignty over his home, the host inevitably is "excluding and doing violence. Injustice, a certain injustice, and even a certain perjury, begins right away, from the very threshold of the right to hospitality.[90] In an interesting connection here, in her study of hospitality in early modern England, Heal notes a tension between the "desire of the householder to maintain internal power, and his wish/obligation to display this through extroverted gestures of generosity."[91] In other words,

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[89] Derrida, *Of Hospitality*, 77.
[90] Derrida, *Of Hospitality*, 55.
[91] Heal, 8-9.

the power of which Derrida writes was both present, and something that its bearers may have sought to conceal in order to avoid shame. Rather than a true affirmation of the importance of accepting the stranger into one's midst, the practices of early modern England suggest that the "role of the host" was the critical matter. "It appears at times that the outsider exists merely as the necessary instrument permitting the head of household to perform in his proper function."[92]

By contrast, pure hospitality, in which one is open to all comers, leaves the host powerless, but also unable (or unwilling?) to exercise a kind of violence against the other. Yet Derrida complicates matters further; the possibility of violence is entailed by unconditional hospitality, too, so long as one does not know what kind of danger may be represented by the other who wishes to enter the home. In this regard there is a kind of inversion, a flipping of the roles, such that the host becomes hostage to the guest he has invited in: "it is indeed the master, the one who invites, the inviting host, who becomes the hostage—and who really always has been. And the guest, the invited hostage, becomes the one who invites the one who invites, the master of the host. The guest becomes the host's host."[93] What is more, violence need not literally be committed for there to be an intrusion on the self. Just as Levinas noted the way the encounter with the other changes the self's view of the world

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[92] This tension manifested in an accommodation with respect to the gate or door to the noble's property, which was generally open yet guarded by a porter, but closed at mealtimes and during prayers. Heal notes that the English on the whole took great pride in their generosity as a nation, which accentuates the point that it was for the benefit of the host, rather than the welcomed stranger, that hospitality was so important. "The collective honour of the realm was at stake"; failure to be generous was a source of shame. Heal, 9-11.
[93] Derrida, *Of Hospitality*, 123-4. Derrida also notes that etymologically, the word *hostis* could mean both host and enemy. He thus creates the portmanteau *hostipitality*, which itself "carries the danger of hostility." Sarah Gibson and Jennie Germann Molz (eds.), *Mobilizing Hospitality: The Ethics of Social Relations in a Mobile World* (Farnham, U.K.: Ashgate Publishing, 2007), 182.

in an essential way, forcing it to accept the plural condition, Derrida suggests the encounter with the guest not only interrupts the self's understanding of itself, but also compromises the host's sovereignty and authority in the home.[94]

In the end, for Derrida, the two conceptions of hospitality each entail a kind of violence, and also entail one another. While conventional hospitality threatens to "corrupt or pervert" true hospitality, "even while keeping itself above the laws of hospitality, the unconditional law of hospitality needs the laws, it requires them."[95] For otherwise it remains abstract and illusory, incapable of concrete application and effects. The uncompromising, pure law of hospitality needs the compromised, impure form of the laws, and vice versa; it is that higher law that gives meaning and inspiration, as it were, to the concrete. As for ethical questions Derrida is non-committal, suggesting that ethics is "in fact straddling the two" the conditional and unconditional laws of hospitality, "depending on whether the living environment is governed wholly by fixed principles of respect and donation, or by exchange, proportion, a norm, etc."[96] Derrida may be suggesting ethics is context-dependent; whether it is ethical to act according to the conventional laws of hospitality seems to depend on the governing principles. Ultimately Derrida gestures toward the necessity of finding some middle ground, some compromise or "intermediate schema" between the unconditional and the juridico-political conceptions. Derrida speaks of "intervening in the condition of hospitality in the name of the unconditional, even if this pure unconditionality appears

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94 Mark W. Westmoreland, "Interruptions: Derrida and Hospitality," *Kritike*, Vol. 2, No. 1 (June 2008), 6-7.
95 Derrida, *Of Hospitality*, 79.
96 Derrida, *Of Hospitality*, 136. Elsewhere, "in *Adieu to Emmanuel Levinas*, Derrida defines ethics as hospitality, hospitality as ethics. Hospitality is not removed from ethics, nor is it a specific area of ethics." But this formulation begs the question of what kind of hospitality is being invoked. Westmoreland, 2.

inaccessible" — seemingly a gesture toward modifying unsatisfactory existing, concrete instantiations of the law of hospitality in the direction of the pure law. That persistent gap between the two may reflect the fact that "hospitality is always inhabited by hostility."[97]

IV. Conclusion: Applying History and Theory

In this paper we have ranged widely over the history and theory of hospitality. It is now time to bring that history and theory to bear on the changing nature of the hospitality industry, embodied primarily in Airbnb. I conclude that *the commercialization of hospitality is not necessarily inconsistent with a moral law of hospitality*. At an initial glance an ethical obligation to offer hospitality to strangers may seem far removed from the hospitality industry, which is concerned not with ethics but with making a buck. Those who mourned the loss of the community spawned by Couchsurfing represent the view that hospitality and commerce do not properly mix. But several times we have seen connections between commercialization and an ethics of hospitality. Recall the way in which Kant's argument for universal hospitality seemed to both reflect and lay the groundwork for a globalized world in which individuals had a right to connect with each other, without barriers being set in their way by governments. The right to hospitality thus may give rise to commerce, naturally including the commercialization of hospitality itself. We also saw a historical argument from A.K. Sandoval-Strausz that while the professionalization and rationalization of hospitality into an industry was itself key to widening the circle of hospitality, through a "material cosmopolitanism," the idea of hospitality was also an instrument used in protecting the civil rights of those who had previously been excluded from society's welcoming arms. On the

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[97] Gibson and Molz (eds.), *Mobilizing Hospitality*, 182

other hand, we must keep in mind Heal's suggestion that the shift of hospitality from the household to the hotel, and the decline in household-based generosity, was a result of an external factor: the provision of care for the poor through almshouses and other institutions. This suggests that even as the professionalization of hospitality may entail some "gains" in applying more generous hospitality to more persons, it also carries a loss in the nature of the hospitality provided. Even if a hotel welcomes all paying customers, the hospitality that the householder once offered all comers as a matter of (often Christian-influenced) ethics seems unrecoverable.

To apply this dilemma to Airbnb, if we consider Airbnb to be a partial step "backward" from the professionalization of the hotel and toward household-based hospitality, our analysis would seem to offer both a cautionary tale and a prospective upside. The caution is that any de-professionalization of hospitality carries with it the risk of discrimination by providers. While it is not within the scope of this paper unfortunately to consider, there is considerable evidence of just this phenomenon — Airbnb hosts discriminating against potential guests because of (perceived) race, and vice versa.[98] Yet the personal provision of hospitality through the household, even if monetized and systematized through Airbnb's rules and rating systems, also holds out the promise of a return to the genuine human connection that Heal saw in early modern England. To apply Levinas, in the face-to-face interactions that Airbnb *usually* makes possible (sometimes the host and guest never meet) the host may be reminded of the other that his or her own self is not all that exists in the world; by letting another into his or her home, the host may (even if only obliquely or in some circumstances) be in touch with a more general existential

[98] See, e.g., Shankar Vedantam, "#AirbnbWhileBlack: How Hidden Bias Shapes The Sharing Economy," National Public Radio, April 26, 2016.

rootlessness that can undergird a broader spirit of generosity and ethical responsibility. In Derrida's terms, we are most certainly speaking now of what he calls conventional or impure hospitality; the Airbnb host is empowered by the website to exercise great discretion in choosing his or her guests, and thus evinces a power that suggests it is not true hospitality at work. Even so, remember Derrida's suggestion that the unconditional law of hospitality *needs* its conditional partner to provide it with a sparring partner, as it were — to give it some form, that can always be steered in the direction of greater hospitality.

Finally, I want to suggest a second conclusion: that a revitalized law of hospitality may provide a reed, however thin, on which to base a reinvigoration of democracy. Here I return to the two vignettes with which I opened the paper, democratic contests about the very nature of hospitality. Both the debate over Germany's open-door policy and the debate over whether and how to permit Airbnb to operate represent the intensely political nature of creating and enforcing the juridico-political forms of hospitality of which Derrida wrote. Yet they also provide evidence that the unconditional law of hospitality provides a kind of moral horizon to which parties engaged in democratic combat may appeal. Indeed, Derrida himself, writing in honor of the departed Levinas and in the spirit of Kant, declared that: "all the most urgent questions of our time ... call out for another international law, another border politics, another humanitarian politics, indeed a humanitarian commitment that *effectively* operates beyond the interest of the Nation-States."[99] The universal hospitality that Kant imagined in 1795 may not be directly embodied by Airbnb, but in invoking the long tradition of hospitality, the sharing economy offers a path toward a future in which that universal hospitality might one day materialize among the nations of the earth.

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[99] Jacques Derrida, *Adieu to Emmanuel Levinas*, trans. Pascale Anne-Brault and Michael Naas (Stanford, CA: Stanford University Press, 1999), 101.