INTERROGATING THE TROPE OF THE DOOR IN MULTICULTURAL EDUCATION: FRAMING DIPLOMATIC RELATIONS TO INDIGENOUS POLITICAL AND LEGAL DIFFERENCE

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Abstract. In this essay Troy Richardson works to develop a conceptual framework and set of terms by which a diplomatic reception of different forms of law can be developed in multicultural education. Taking up the trope of the door in multiculturalist discourse as a site in which a welcoming of the difference of others is organized, Richardson interrogates the complex nature of receptivity to Indigenous customary law, in particular. He argues that, within this trope, a metonymic structure operates in relation to the deployment of “policy” that maintains a perspective of customary law as premodern and primitive. This structure leads to an impoverished set of terms and a lack of diplomacy toward difference. Richardson proceeds by considering the notion of extraterritoriality and the metonyms that organize Emmanuel Levinas’s discourse of “doors” in conceptualizing a welcoming receptivity. The term “extraterritoriality” anticipates the law of the other as it approaches the door and implies a diplomatic moment of reception of such difference. Richardson concludes by highlighting Jacques Derrida’s evaluation of Levinas’s discourse of receptivity and by considering the possibilities for a diplomatic engagement with the laws of others toward a mutation in the current geopolitical moment.

Introduction

The phrase “leaving one’s culture at the classroom door” could easily be recognized as one of the foundational tropes for multiculturalist discourse. With great economy, it announces the complex moments when institutional structures of exclusion in schools meet the multitudinous forms of difference with which students approach the classroom. More than a metaphor to discuss school...
success and academic achievement based on the important efforts toward cultural inclusion or cultural congruity, this trope also demands a way of thinking about the door according to a language of hospitality. Indeed, multicultural education can be understood as the language that attempts to act as the “welcoming host” to the differences of students at the classroom door.²

Yet the discussions within multicultural education have rarely stayed within the unique language of “the door” to work through a philosophy or theory of reception that differentiates between, for example, a hospitable welcoming of cultural difference and a diplomatic reception of legal and political difference. How do the related yet distinct vocabularies create or deny a welcome or receptivity for so many varying and complex forms of difference? Indeed, the different conceptual and philosophical premises for theorizing receptiveness to various forms of difference have often been collapsed in multicultural education. Peter McLaren has argued that a “critical multiculturalist curriculum can help teachers explore the ways in which students are differentially subjected to ideological inscriptions and multiply organized discourses of desire.”³ Emphasizing an orientation toward difference as difference-in-relation, McLaren notes that student differences are complexly layered and crosscutting, challenging any formulaic kind of reception that is based on an essentialized conception of differences. While writing from an orientation different than the one expressed here, he nonetheless argues that the language and interpretive frames by which difference is conceptually organized must be critically investigated. Interrogations of the terms — whether of hospitality, diplomacy, or ethics — that circulate within the discourse of the door in multicultural education are a critical site in which the limits and possibilities of reception can be questioned and refined.

For example, multiculturalist discourse has worked to develop a discourse of hospitality to the “learning styles” of Aboriginal youths, providing a vocabulary and conceptual framework whereby teachers recognize and acknowledge different ways of knowing and learning. Multiculturalist Sonia Nieto writes of a multiculturalist welcoming of family pedagogies within discussions of culturally relevant pedagogy: “Bringing the family culture and practices into classroom instructional and curricular processes can benefit the educational experiences, and therefore the

² In Totality and Infinity, Emmanuel Levinas writes, “The effort of this book is directed toward apperceiving in discourse a non-allergic relation with lateritic, toward apperceiving Desire, where power, by essence murderous of the other, becomes faced with the other and ‘against all good sense’ the impossibility of murder, the consideration of the other, justice.” Emmanuel Levinas, Totality and Infinity: An Essay on Exteriority, trans. Alphonso Lingis (Pittsburgh, Pennsylvania: Duquesne University Press, 1969), 47.


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4 Similarly, multiculturalist discourse has more recently acted as a receptive host to the differences of Indigenous Knowledge Systems (IKS) in conversation with Western modern science (WMS) in the context of multicultural science classrooms. In such instances, there is a hospitable reception of certain forms of Aboriginal cultural practices for teaching and learning. However, many Aboriginal youths and their families in the United States approach the door of schools with political differences to which multiculturalist discourse provides an impoverished diplomatic reception.

The political differences of Aboriginal youth range from their citizenship in particular Indigenous nations (Mohawk, Osage, Navajo), to the complications of treaty relations with the government of the United States, to the continuing roles of customary law in their lives. In these latter instances, multiculturalist discourse seems less able to host such differences and to grapple with its assumptions that place Indigenous students within U.S.-based political discourses of citizenship. While there are references within multiculturalist discourse to “Indigenous nations,” they rarely elaborate the nature of the “receiving” of such political difference according to the language of diplomacy. This lack of diplomatic terms is evident in the ways in which multicultural education emphasizes the citizenship of Indigenous groups as a narrative of “conquest.” The repetition of the phrase “American Indians who were conquered” is one example of the lack of diplomatic discourse toward Indigenous peoples. In this way, the term “citizen” is part of a discursive formation that disables a diplomatic response to the political differences of Aboriginal youth. There appears here a metonymic operation at work within multicultural education whereby the slide between the figure of U.S. citizen and that of the “conquered Native” runs through the concept of primitive; U.S. law and its political structure are part of advanced modern society whereas customary law is inadequate to the task of governing in contemporary situations. This raises the issue, then, of the way in which multicultural education inadvertently maintains a discourse that situates Natives in discourses of “the primitive” by privileging a more “advanced” U.S. legal culture. The challenge of developing a diplomatic reception of the political difference of Native peoples becomes especially acute at


the global level, where more than 380 million Indigenous peoples are increasingly caught in discourses of multicultural education that are greatly influenced by its formulation in the United States.\(^8\) Those metonymic structures in the canonical texts of multicultural education that work to nullify the legal significance of more than 380 treaties between First Nations and the U.S. government also jeopardize forms of diplomacy necessary for constructive political engagements with Indigenous peoples worldwide.\(^9\)

The conceptual space and related vocabularies of the door — reception, stranger, host — are conceived here as particularly suited to clarifying the different terms and frameworks operative in the hospitable reception of culture and the undiplomatic reception of customary law. With some irony, I undertake this effort by highlighting the commentaries on “dwelling” and reception by Emmanuel Levinas and on hospitality by Jacques Derrida. In using these “Continental” philosophers to develop a more nuanced language to describe the negotiated welcome of the customary law of the other, I am attempting to rethink the discourse of multicultural education using a tradition of philosophical thought that has rarely been considered in this scholarship.

Just as ironically, in this essay I speak of Indigenous peoples of the United States as “foreigners.” As Patricia Hill Collins has noted, “Despite the irony of the term ‘Native American,’ Native Americans have more often been seen as foreigners than as bona fide Americans.”\(^10\) Her comments echo Anibal Quijano’s observation that “when the history of the new nation-state called the United States of America began, Indians were excluded from that new society and were considered foreigners.”\(^11\) Both Collins and Quijano made these comments in the contexts of their larger projects of interrogating the historical relations between colonialism, U.S. nationalism, citizenship, and the foundations of law in the United States. They begin to indicate some of the complexity of receiving the political differences of Indigenous youth at the classroom door that are rarely elaborated in the canonical texts of multicultural education.

I proceed in this essay by first offering a brief analysis of several moments in the canonical discourse of multicultural education that are representative of the enabling and disabling of hospitable welcomes and diplomatic receptions to Indigenous differences. After a discussion of the ways in which the metonymies of “culture” and “policy” appear to be linked to the term “primitive,” I briefly outline how Levinas’s use of “extraterritoriality” can provide a different vocabulary

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8. I would argue that texts such as *Diversity and Citizenship Education: Global Perspectives*, edited by James Banks (Hoboken, New Jersey: Jossey-Bass, 2007), serves as one example of the globalizing influences of U.S forms of multicultural education.

9. See note 1 for my elaboration of a canon in multicultural education.


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in which the customary law of the other is received. Importantly, Levinas arrives at such a term through his phenomenological interrogations of dwelling and doors. Extraterritoriality is interpreted here as alluding to a diplomatic reception of the customary law of others, which is not the same as the hospitable reception of the cultures of others. In the context of Native American youth in particular, Levinas’s discourse of the door is one that knowingly receives; it does not deny or elide the challenging project of developing a language of diplomatic relations with the already present customary laws of the Native “foreigner.”

Yet, Levinas’s terminologies and philosophies are not without significant challenges as well. In my final section, I outline Derrida’s analysis of Levinas’s philosophical discourse of the door, as it indicates some of the tensions inherent in Levinas’s investigation of reception and dwelling. Notably, Levinas made the troubling assertion of that there is a relation between dwelling and femininity, and he deployed a particular, Hebraic discourse on the state of David as a general path for achieving the “beyond” of the politics of the state. Despite these tensions, and in some ways driven by them, Derrida posed questions regarding the reception of the legal and political inheritances of others that point to possibilities by which a mutation in the current political structure might be achieved. Derrida’s comments provide an elaboration of the Levinasian themes of reception, further indicating a discourse of the door in which diplomacy with respect to customary law and political difference might be developed.

The Trope of the Door in Multiculturalist Discourse

Nieto has provided a necessary discussion about the many forms of exclusion operating in mainstream education. Her various writings, including the now canonical text *Affirming Diversity: The Sociopolitical Context of Education*, make a significant contribution to developing and elaborating the field of multicultural education. While she does not explicitly broach the question of hospitality or diplomacy in deploying the trope of the door, she nonetheless speaks a discourse of welcome to foreign knowledge. She speaks such a welcome, for example, when she articulates the classic formulation of the trope of the door, writing “it is time to look critically at policies and practices that encourage students to leave their cultures and languages at the schoolhouse door.”

Here Nieto refers to a multiculturalist welcoming of the difference of student culture and language. Moreover, her comment welcomes a critical perspective from which analyses of school practices and policies might be changed so that they better receive student difference. In this way, school policies and teaching practices are key terms in formulating the trope, clearly demonstrating what Nieto construes as the inhospitable elements of schools. Yet it is precisely through the work of receiving “culture” in order to disrupt inhospitable policies that different challenges emerge with regard to the continuing work of welcoming student difference. That is, while there is a reception of student culture through a critical

analysis of school policies and educational practices, new limitations and forms of exclusion are established by multiculturalist discourse itself.

As I noted in the introduction, multiculturalist discourse has been welcoming to certain areas of “cultural knowledge” among Indigenous peoples. Recent discussions of Indigenous cultural knowledge often articulate the three “E’s” of “Earth, Environment, and Ecology.” In this way, Indigenous “culture” is conceived rather narrowly along the lines of environmentalism thus facilitating a problematic metonymic slide from Indigenous “culture” to “naturalist” peoples. Such a conceptual relay relies on a stable association of the terms “Aboriginal” and/as premodern or primitive. This metonymic thread from Indigenous “culture” to ecology is largely dependent on a particularly romantic interpretation of Aboriginal people and nostalgic pastoralism. Welcoming this interpretation of Indigenous culture at the classroom door might be helpful for Native American and other youth in some specific contexts, yet paying attention to the ways in which these terms strengthen or disrupt underlying assumptions of “primitiveness” is crucial. Where such connections are not considered, unintended consequences and indeed counterproductive discourses emerge that turn a multiculturalist welcome of Indigenous culture into an ironic scene. Such a situation is possibly on display in Affirming Diversity, for example, where the pseudonym “Fern” is used for a young Native woman who is the subject of a case study.

Similar to the complexities of the welcome extended to “cultural” difference in multiculturalist discourse, the welcome of a critical analysis of school “policy” also establishes new limits, facilitating both openings and closures to forms of difference. In Nieto’s rearticulation of the trope of the door (quoted at the beginning of this section), the particular terms of reference and metonymic threads for “policy” simultaneously indicate “school codes” and “instructional procedure” as well as federal law. In other words, the “policies” of schools inhospitable to student difference follow several distinctive trajectories of meaning, and each of these trajectories affects Aboriginal youth in different ways.

Insofar as multiculturalist discourse articulates policy along the first of these metonymic threads, it offers a form of welcoming reception of the differences of Aboriginal youth. There is, for example, a receptivity to the critical analyses offered by Native American peoples of classroom instructional policies that work

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14. Nieto, Affirming Diversity, 128–137. It is not clear whether the pseudonyms used in this study were chosen by the participating students or given to them by the research team after the research had been completed. Either way, I think the ironic moment remains.
against Native youth. In such moments, multiculturalist discourse seeks to raise student achievement by changing instructional policies. When the term “policy,” however, follows the metonymic slide toward U.S. law, multiculturalist discourse provides an impoverished language of welcome to the distinct difference of tribal sovereignty and self-determination.\textsuperscript{15}

\textbf{Metonymies of Policy as Closure to the Difference of Customary Law}

Clearly, multicultural education has provided modes of critical questioning that attempt to reconfigure certain aspects of U.S. law. The associations within the metonym of policy as federal law, for example, rely upon and reiterate the \textit{Brown} Supreme Court decision and civil rights legislation as moments that provide openings for reconfiguring educational and social policies. Such disruptions to exclusionary U.S. educational policies, however, are registered more and less directly through statements like “in spite of the tensions that such challenges may pose, U.S. society has nevertheless historically had a social contract to educate \textit{all} youngsters.”\textsuperscript{16} With this statement and its subtle allusion to the interventions of civil rights, \textit{Brown}, and \textit{Lau vs. Nichols}, the metonymic slide from school policy to U.S. law is established through the term of “social contract.” The language of social contract, in turn, relies upon and amplifies the term “citizen” through reiterating and affirming a conceptual framework that offers little in the way of a diplomatic reception of the political difference of Native American youth as members of semi-sovereign nations.

We find a statement representative of this slide toward U.S. citizenship in Nieto’s \textit{Affirming Diversity}:

Although the connection of multicultural education with students’ rights and responsibilities in a democracy is unmistakable, many young people do not learn about these responsibilities.

\textsuperscript{15} As part of the larger multiculturalist discourse, Nieto’s “Lessons from Students on Creating a Chance to Dream” is principally concerned with the metonym of “policy” as “instructional guidelines.” We see this at work in this moment when Nieto elaborates “policy” as “instructional procedure,” stating that “schools need to focus on where they can make a difference, namely their own instructional policies and practices” (Nieto, “Lessons from Students on Creating a Chance to Dream,” 394). Here the multiculturalist discourse further elaborates the metonymy of “policy” as “instructional procedure” through the terms of “curriculum,” “pedagogy,” and “testing.” By indicating each of the component and constitutive forces of the meaning for this metonym, “Lessons from Students on Creating a Chance to Dream” provides for a reception of foreign knowledge. Moreover, it facilitates the questioning of the authority of such policies by the foreigner. This is witnessed when Fern, a Native North American, retells her experiences of questioning: “If there’s something in the history book that’s wrong, my dad always taught me that if it’s wrong, I should tell them that it is wrong. And the only time I ever do is if I know it’s \textit{exactly} wrong. Like we were reading about Native Americans and scalping. Well the French are really the ones that made them do it so they could get money. And my teacher would not believe me. I finally just shut up because he just would not believe me” (Nieto, “Lessons from Students on Creating a Chance to Dream,” 402). Here multiculturalist discourse opens a space for the questions of student-foreigners to disrupt the authority and arguments embedded within a “policy– instructional procedure” metonymy and those related curricular meanings stabilized within it. Contrary to teacher knowledge that disarms the knowledge of students, we witness how multiculturalist discourse can be a host language attempting to mediate such allergic reaction to Indigenous knowledge in the curricular policy domain.

\textsuperscript{16} Nieto, “Lessons from Students on Creating a Chance to Dream,” 393 (emphasis in original).
the challenges of democracy, or the central role of citizens in ensuring the privileges of democracy.17

The reliance on this policy-U.S. law metonym is clearly important as a project of advocacy and intervention in an effort to better schooling. It poses problems, however, when the discourse turns to the language of citizenship and conceals a history of colonialism toward Native American peoples. And while multiculturalist discourse does attempt to reconfigure the notion of “citizen” according to a variety of “critical” discourses, it misses the opportunity to elaborate and evaluate this effort in the context of Indigenous and settler legal history alongside the more abstract notions of democratic privilege. Apart from any simplistic notion of questioning U.S. educational policy or law as reactionary or naïve, multiculturalist discourse often overlooks how it can receive those Native American students who articulate a decolonial project in a manner similar to that undertaken in the work of Quijano and others who question the relation between colonialism, U.S. law, and discourses of “citizenship.” Is it possible to develop a set of terms in which a diplomatic reception of the forces of Native American discourses of U.S. law might occur? What would be the vocabulary and central terms for disrupting any metonymic thread that runs through a concealed primitivism regarding Indigenous customary law or “ecological” knowledge?

**The Exclusion of “Treaty” from Multiculturalist Discourse: Disabling Diplomatic Relations**

My aim here is to show how the discourse of multicultural education works through a series of metonymic relations between culture and policy to facilitate both a reception to and exclusion of the cultural and political forms of knowledge among Native American students at the classroom door. While providing a language for critiquing U.S. law through the discourse of civil rights and other critical traditions, canonical texts in multicultural education rely upon a conception of citizenship that works against a discourse of diplomacy toward extrapoli
tical difference of Native American youth. Where such metonymies of policy deny a place for the term “treaty” in multiculturalist discussions of Native American peoples in the United States, they erase an important form of difference and the significance of customary Indigenous laws in the lives of contemporary Native youth. In doing so, they enliven and maintain the narrative of conquest that is privileged by discourses of U.S. policy and citizenship.

Consider the following passage from Nieto’s *Affirming Diversity* as a moment in which the metonym of “policy” lends itself to a discourse of “conquest” with regard to Indigenous peoples:

> It is clear that certain peoples represent unique cases of subjugation in U.S. history. This is true of American Indians, who were conquered and segregated on reservations; African Americans who were enslaved and whose families were torn apart; Mexican Americans, whose land was

annexed and then colonized within their own country, and Puerto Ricans, who were colonized and whose country is still under the domination of the United States.18

While this passage does allude to a critical reading of the intersections of the customary laws of several distinctive peoples, it does not take up the opportunity to conceive of such encounters in a language of diplomatic reception. We can, for example, ask about the “foreign” laws of Puerto Ricans and Mexicans prior to the annexation of their lands. What were the local, customary laws of these communities, and how did they organize social relations? Moreover, in conversation with the work of Collins and Quijano on the relation between U.S. law and colonialism, one might ask how did these “subjugated” peoples come to ignore their “subjugated knowledges” of customary law, accepting a colonial legal apparatus? What everyday hybrid forms of legal discourse emerged in the negotiation between customary law and colonial rule? What forms of agency were enacted at various points of diplomacy or resistance? Such questions are important for the multicultural project that, beyond simply complicating school curricula and pluralizing dominant conceptions of the intellectual tradition, serves to develop further the questions and processes of “inclusion.” And yet with regard to American Indians, the preceding passage deploys the term “conquest,” displacing the term “treaty” and effectively undercutting the importance of more than 380 “policy” documents regarding economic, educational, and territorial concerns, as well as the delineation of settler and Native American rights. Moreover, treaty “policies” continue to exert significant force not only for many Native youth but for settler society as well.

The ongoing negotiations between Indigenous nations, states, and the U.S. federal government over water rights, for example, provide an acknowledgment of the continuing relevance of treaties.19 Notwithstanding Aboriginal and non-Aboriginal concerns and critiques regarding the potential for Indigenous peoples to (yet again) be pressured into asymmetrical water settlements with states, it is in such circumstances that U.S. citizens are dependent on negotiating, often unknowingly, with Indigenous knowledges, philosophies, and customary laws as they come to be (re-)expressed within the discourses of treaty obligations. In water-starved states such as Arizona, for example, “tribes grant water rights to the state.”20 Recognizing the historical and ever-present potential for failed negotiations, multicultural education as an effort toward social justice can provide teachers and students with a more fully developed conceptual framework for understanding the importance of approaching the law of others diplomatically. Indeed such an effort would begin with countering

18. Ibid., 264.
a discourse that, however subtly, assumes colonial narratives of conquered primitives.

While I do not think this moment of multiculturalist discourse from *Affirming Diversity* regarding “conquered” Native peoples is indicative of Nieto’s perspective, I must admit some confusion regarding where the weight of the terms “colonization,” “annexed land,” and “country under domination” lie. From the standpoint of attempting to understand how discourse works to privilege one set of terms over others, it is clear that statements regarding Indigenous peoples as “conquered” are part of, indeed demanded by, those metonymies of policy that rearticulate the force of U.S. law.21 A discourse of diplomacy toward significant forms of legal and political difference represents a radically different starting point.

Insofar as Native American youth approach the classroom door with knowledge, discourses, metonyms, and metaphors that structure social relations and responsibilities emanating from forms of customary law, they encounter a discourse that structures exclusion on passing through that door. It is here that the work of Emmanuel Levinas might be useful. Levinas’s investigations and discourse of reception work within his discussions of the door to maintain multiple forms of difference. Of particular importance is Levinas’s use of the term “extraterritoriality” within his discussion of the door of a dwelling as an anticipation of the encounter with the foreign law of the other. In employing this term, he countered discourses of reception or inclusion that would work to erase legal and political difference. The challenge he poses here is in part an interrogation of the ethical reception of such foreign law. While he does not use the terminologies of diplomacy, Levinas’s discourse of distance can be read as productive of diplomatic relations across various traditions of law.

**Levinas’s Phenomenological Discourse of the Door**

In considering the nature of “reception” through an analysis of interiority and exteriority, Levinas noted that “the dwelling cannot be forgotten among the conditions for representation.”22 From Levinas’s perspective as it is expressed in *Totality and Infinity*, there is a relation between the experience of the door of a dwelling and the concept of reception. Levinas went on to argue that discussions of ethical relations to difference or the welcoming reception of the foreigner have often overlooked the ways in which the experience of “dwelling” conditions the

21. From a different context, Cherokee scholar Andrea Smith makes a similar point: “To rely solely on a constitutional framework reifies the legitimacy of the U.S. government, which is founded on the gross human rights violations of people of color and the continuing genocide of indigenous peoples. As anti-violence activists, this is precisely the struggle — forcing the U.S. to be accountable to international law rather than its own claims to power — we must be engaged in.” Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge: South End Press, 2005), 50 (emphasis added).

concepts of “ethics,” “difference,” or “foreigner.” In the context of his analysis of ethical reception as emerging from the door of a dwelling, Levinas sketched the meaning of the term “extraterritoriality.” He used this term in a manner that appears to acknowledge and maintain the complexity and tensions of other laws as they arrive at the door of a dwelling. Levinas elaborated on this point as follows: “The feat of having limited a part of this world and having it closed off, having access to the elements I enjoy by way of the door and the window, realizes extraterritoriality, and the sovereignty of thought.” The realization of the concept of extraterritoriality, Levinas suggested, is facilitated through both a limitation of the world and access to it; the dwelling would appear to indicate the limits of one set of laws, yet the doors of that dwelling also facilitate the reception of the laws of others. The threshold of the dwelling, then, is the site of a welcoming that represents not only the hospitable reception of cultural difference, but a diplomatic negotiation of different laws. In this way the door for Levinas is not simply a trope or a metaphor; rather, he is best understood as investigating the nature of a relation between the experiential dimensions of doorways and particular aspects of reception, including that of extraterritoriality.

Levinas’s phenomenological interrogation of doors calls into question philosophical arguments that consider the emergence of concepts as separate from or preceding the material experiences of bodies that “dwell.” Moreover, his phenomenology of the material influences of dwelling serves as part of his basis for reconfiguring ethical relations. In his interpretation, the ethical relation cannot precede the reception or welcome of the uniqueness of each stranger at the door according to a preestablished formula that one would impose on the other. Rather the moment of ethicality emerges as part of a receptiveness of the particular differences of those that one encounters.

Yet, in the encounter of a discrete and unique other at the door, there is also an entire “body” of foreign knowledge: different languages, customs, and laws that remain opaque and perhaps unassimilable. In this way, it appears that Levinas deployed the term extraterritoriality as a way to mark the distance from

23. My goal here is not to describe Levinas’s ethical thought in detail. Likewise, while I am engaging the terms and language of distance and space as they emerge in his phenomenology of doors in a dwelling, I do not attempt to address the full complexity of this discourse. Moreover, I need to note how my turn to Levinas too easily lends itself to a form of coherence that works against the thrust of his project, which seeks to avoid thematization and totalizing. Paul Davies describes the situation well, writing that “an examination of the sort of resource this ‘ethical language’ is seems to bear out the idea that in introducing this phrase Levinas is willfully complicating his own procedure. It is clear that no simple step is being proposed from knowledge to approach, from phenomena to face, and that whatever ethical language does by way of contrasting these terms cannot support any sort of linear narrative.” Paul Davies, “On Resorting to an Ethical Language,” in Ethics as First Philosophy: The Significance of Emmanuel Levinas for Philosophy, Literature, and Religion, ed. Adrianne T. Peperzak [New York: Routledge, 1995], 97. I will not address here the intricate challenges that arise from either the way Levinas is “willfully complicating his own procedure” or the obvious linearity of the present essay. Nor can I capture the fuller dimensions of the conversations taking place in the semiotics of law that are engaged with and inspired by Levinas’s writings.

and exteriority of that which remains “extra” to the encounter. On my reading, Levinas’s discourse of doors and windows works upon this metonym of distance and foreignness, developing an ethic and receptiveness that depends upon the term diplomacy. This seems especially the case insofar as it assumes an inevitable encounter with the laws of others. Realized in the unfolding of a space outside the dwelling, yet accessible through a door, extraterritoriality is part of a discursive and conceptual framework that encompasses not simply a welcoming reception but a diplomatic relation. Thus diplomacy emerges as a middle term in Levinas’s use of extraterritoriality, something that lies between reception and extraterritoriality whose force cannot be suppressed or elided.

As noted previously, we do not find a term emerging from the trope of the door in multiculturalist discourse regarding the diplomatic reception of customary law. On the contrary, we find a metonymy at work in multiculturalist discourses that seems to link customary law to the concept of primitiveness in rearticulating a narrative of conquest. This limits the ability of students to engage in processes of negotiation among different forms of law. In such moments, the assumed importance of democratic citizenship in the United States subtly maintains a colonial perception of progress and the advancement from “tribal” social forms to modern ones. The door to the laws of others is then closed, and as a result an attitude of diplomacy toward the laws of others is thwarted.

Levinas’s discussion stands in contrast to the ways in which the terms of multicultural education diminish forms of customary law even as they deploy the metaphor of the door to signify “openness” and the inclusion of “cultural” difference. Moreover, his discussion suggests how some types of phenomenological and semiotic investigations can inform and “open up” a discourse toward more ethical ways of receiving others. While I am deeply sympathetic to his argument and the discourse and philosophical position that he staked out, it is important to note that Levinas’s phenomenological investigation of dwelling is beset by many tensions and challenges. I will turn to some specific ones that the philosopher Jacques Derrida has described.

**Derrida Rereading the Levinasian Discourse of the Door**

In conversation with these Levinasian themes of reception, Derrida wrote in his essay titled “A Word of Welcome” that “refugees of every kind, immigrants with or without citizenship, exiled or forced from their homes, whether with or without papers, … and so many others, call for a change in the socio- and geo-political space — a juridico-political mutation.” Indeed, the central thrust of my essay is that First Nations students and Indigenous peoples around the globe would likely be included as some of these “so many others” who call for a change in the sociopolitical and geopolitical space. Such a mutation, however, does not occur exclusively from within a single geopolitical space, but rather at

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25. Jacques Derrida, *Adieu to Emmanuel Levinas*, trans. Pascale-Anne Brault and Michael Naas (Stanford, California: Stanford University Press, 1999), 71. This work will be cited in the text as *AL* for all subsequent references.
its borders, thresholds, and doorsteps. Mutation, in other words, seems to imply something other than the refinement of the established order. This passage from Derrida can be read as a commentary that not only interrogates and elaborates the idea of welcome and hospitality in Levinas’s work, but that also considers the type of mutation of the juridico-political space that might occur. Such a discussion again elicits the language of diplomacy, even though Derrida did not employ that term.

While in many ways agreeing with the thrust of Levinas’s phenomenologically developed formulation that “ethical uprightness has to do first of all with welcoming” (AL, 35), Derrida nonetheless outlined the formidable challenges associated with recognizing the complex operations of “welcome” in Levinas’s writings. “A rigorous study of this thought of welcoming,” wrote Derrida, would “highlight all the contexts in which the recurrence of this word imposes itself in a regulated way” (AL, 35). Derrida’s comment here seems to indicate that there are different forms of welcome, yet Levinas’s discourse regulates them in particular and narrowly defined ways. In the context of his writings on dwelling, for example, Derrida pointed out how Levinas identified a modality of welcome with the feminine. Derrida asked in this regard, “How can one believe that his modality of welcoming remains simply one determinate modality of hospitality concerning the home, dwelling and especially the femininity of woman?” (AL, 38). Insofar as Levinas wrote about woman as the “welcoming one par excellence,” he fixed or determined both women and hospitality in ways that pose problems for his conception of dwelling and reception. More specifically, Levinas’s discourse on femininity runs counter to his own efforts to reconceive ethics as an encounter with the uniqueness of the other, not subsuming them within one’s own reductive conceptions of such others. Levinas’s position in Totality and Infinity and elsewhere is, as Derrida noted, “turned toward the feminine, from a masculine point of view” (AL, 39, italics in original).

In this way, Levinas’s discourse of the door becomes problematic, as the dwelling is a site in which he worked to regulate “welcome” as a modality of femininity. The dwelling becomes identified with “woman” and “femininity,” which raises concerns regarding the formulation of Levinas’s ethics as a reception of an other who remains outside his conceptual formulation of them. Still, while bearing in mind the problems of such a formulation, Levinas’s suggestions of welcome and receptiveness to the other retain a productiveness for me because they suggest a negotiation with the customary law of others. Indeed, Derrida took up these threads in the context of certain groups’ interest in effecting a mutation of the geopolitical. While Derrida did not appear to refer to the specific term “extraterritoriality” from Levinas, nor did he address Levinas’s implicit references to diplomacy in encountering the political difference of others, his attention to welcome nonetheless elaborates a welcoming stance toward the law of the other.

One can witness this thread running through the questions Derrida raised about the role played by a hospitable welcome in the emergence or conception of
politics and law. “How might hospitality regulate a particular politics or law?” he asked. “Might it give rise to a politics, a law or a justice for which none of the concepts we have inherited under these names would be adequate?” (AL, 48). Here Derrida directly questioned the adequacy of the sociopolitical context from which Levinas spoke [a tradition that located femininity and woman in the dwelling, for example], but he also productively considered the importance and philosophical weight that Levinas gave to a hospitable welcome of the other. Moreover, Derrida seemed to allude to different and competing interpretations of hospitable reception within the traditions in which Levinas was situated. That is, Derrida seemed to be asking how this conceptual nest of welcome, hospitality, and reception gives rise to politics and law as the latter are removed from the personal and situated in the state.

On my reading, Derrida’s comments relate to Levinas’s notion of extraterritoriality, my own interest in diplomacy, and the importance of the vocabularies that facilitate a reception of the customary laws of others. In other words, the call for a mutation by so many others is facilitated by a negotiation with those traditions of law, as they are the operative sociopolitical and geopolitical aspects of their lives. I read such passages in Derrida as identifying a second set of tensions in Levinas’s discourse of welcome that derives from the limited political framework that Levinas drew from even as he spoke of extraterritoriality. More productively, Derrida can be seen as opening the door further to a broader set of traditions on hospitality and forms of welcome as these might regulate a mutated politics.

My reading of this further opening to the customary law of others comes from Derrida’s naming of the complications in Levinas’s discourse of a politics that is “beyond the state,” or a “politics beyond the state in the state.” Again, in the larger context of reception and the role of hospitality in regulating a politics, Derrida probed the nature of a politics “beyond/in” the welcome of the foreign and the “extra.” He wrote parenthetically here, against Levinas and toward a larger conceptual opening to the law of the other, noting that

If one took as a rule to speak of politics as soon as the word State appears, in a more or less rigorous translation of Polis, then one would have to ask if the alternative between the State of Caesar and the State of David is an alternative between a politics and the beyond of the political, or an alternative between two politics, or, finally, an alternative among others, where one could not exclude the hypothesis of a State that would be neither Caesar’s nor David’s, neither Rome, nor Israel nor Athens. (AL, 76, emphasis added)

In this passage, Derrida articulated a gentle but firm contestation of the particularities that inform Levinas’s discourse of a “politics beyond the state” — that is, Derrida indicated how Levinas’s “beyond the state” is already informed by a particular tradition of the beyond that he identified as that of David. Derrida revealed the “beyond” as a play between two particularities, where the Hebraic context is the beyond of a Greco-Roman one. Thus, according to Derrida Levinas spoke his language of welcome to a “beyond the state in the state” from this inheritance. Put differently, Levinas’s “beyond” is a particular one, even as he attempted a more radical form of opening.
Nonetheless, Levinas’s discourse provides an opening for “other mutations” and facilitates the questions that Derrida posed regarding a hypothesis of a state that would be neither Rome, nor Israel, nor Athens. The maintenance of this question is important, even in the context of operating within the current state and its political discourses on citizenship, equality, and liberty. It is from these latter discourses that mutations occur as part of a process of negotiated reception of the political and legal difference of those whose political inheritance is that of Caesar in an administrative sense.

Even where Derrida found these and other tensions embedded in and constitutive of Levinas’s discourse of reception, he nonetheless worked to maintain a project of reception, particularly the reception of a politics that is neither Caesar’s nor David’s. Indeed, there is a way of interpreting Derrida here that suggests that it is precisely because of these tensions that the work of a receptive openness and welcome must be more rigorously attempted. A phenomenological interrogation of dwelling might lead to a defensible argument on reception and extraterritoriality, but not through equating dwelling with the feminine. Similarly, a “beyond” of the political in the state provides for possible mutations, but such mutations cannot be limited to the traditions of a state of Caesar or a state of David. In such a reading, Derrida’s questions point to openings for further investigation of the ethics of reception and those elements that lead to the mutation of the sociopolitical and geopolitical order in a way that multiculturalist discourse appears to refuse. In other words, the work to maintain a welcome at the door to the customary law of the other is taken up here in an effort to go “beyond the state in the state” and not closed to such law based on a conception of the laws of others as primitive.

**Concluding Comments**

How can multiculturalist discourse do more than simply acknowledge the force of customary law and the continuing relevance of such law in the lives of Native American youth at the classroom door? How can it be reworked to provide for the diplomatic relation to this form of difference? What would be the conceptual framework prepared within the discourse of the door that facilitates a welcoming reception of the foreign laws of Indigenous peoples?

In this essay, my aim has been to provide one possible intervention toward a language of diplomacy. Far from dismissing the important multiculturalist efforts toward greater receptivity to Indigenous difference, I am attempting to interrupt those moments where a colonial conceptual framework appears operative, thus limiting alternative approaches. Specifically, I have considered how Levinas’s use of extraterritoriality can offer a productive approach for rethinking the trope of the door in multicultural education. And while this effort of thinking with Levinas is incomplete and full of tensions and ironies, it serves to highlight the ways in which multiculturalist discourse has inadequately considered philosophical discussions on themes of inclusion and reception.

Any multiculturalist attempt to counter the approach of “leaving [Indigenous] cultures at the classroom door” must entail inviting Aboriginal political and legal
difference, not simply different learning styles, into the dwelling. In order to act as host to Native American formulations of law as these work to maintain not only aspects of daily life but, perhaps even more importantly, the forces underlying the term “treaty,” it is crucial to outline and deploy a discourse of diplomacy in multicultural education. As Derrida’s commentaries suggest, a philosophical project that strives to articulate a language of ethical reception can employ a refined Levinasian discourse of the door as receiving the law of the other as part of the challenge for a diplomatic negotiation aimed toward prompting a mutation in the current sociopolitical order.