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Translation and Justice in Paul Ricoeur

Introduction

In the recent philosophical literature the problem of translation has been treated by a relatively small number of thinkers. We might recall the contributions of Donald Davidson and Willard van Orman Quine in the analytical tradition; while in continental philosophy Jacques Derrida and Paul Ricoeur are the greatest thinkers who have explicitly thematised the practice of translation and its effects from a speculative point of view.

My text will focus on Paul Ricoeur (1913–2005) who has dealt with the problem of translation in a few lectures and articles, occasionally presented over the last fifteen years of his long life and later collected in two volumes: *Le Juste 2* (2001) and *Sur la Traduction* (2004). What is unique about Ricoeur, when compared to the other philosophers just mentioned, is that he identifies in translation a paradigm of the attitude towards alterity; claiming that the ethical purposes relating to what he calls ‘linguistic hospitality’ are the model for any kind of hospitality. In this way translation becomes a model for ethical and juridical thinking. It is not coincidental that one of the essays of the second volume that Ricoeur dedicated to his theory of justice, *Le Juste 2*, is precisely about translation.

In my intervention I will concentrate on the relationship between translation and justice and show how it appears within his entire philosophical system; with a particular focus on his analysis of his hermeneutical concept of ‘distantiation’ and of the act of judging. ‘*La distanciation*’, which is the just distance between subject and object, is a key concept in Ricoeur’s hermeneutical theory, but it is also the principle that lies at the foundation of his understanding of justice, it is the principle that is objectified in juridical institutions.

The act of judging is analysed by Ricoeur not only in the juridical sphere but also in the medical, moral and esthetical realms. In this way he shows the main characteristic that is common, among the other things, between translation and justice; that is the necessity to apply a general principle to particular cases through an action – the act of judging.

II Translation and Justice in the Writings of Ricoeur

Paul Ricoeur, who with Hans-Georg Gadamer is the father of philosophical hermeneutics, wrote on translation only in his last years. These papers and presentations (from 1997–2002), have been collected in two volumes: *Le Juste 2* (2001) and *Sur la traduction* (2004). Domenico Jervolino, one of the most authoritative interpreters of Ricoeur's thought, has suggested that translation is the model that synthesizes and best articulates his whole philosophy (2008), for reasons that I will return to later. What is relevant for this paper is the last period of Ricoeur's life which was devoted, in a more extensive and systematic manner, to the topic of 'the just'. In doing this Ricoeur sought to fill what he perceived as a vacuum in contemporary thought, i.e. the lack of a reflection on justice.

This is a topic that has interested philosophers since ancient times and, according to Ricoeur, it has been neglected in recent decades even by those who have written on ethics and political philosophy. The reason for this neglect is the violence that has characterised the twentieth century, a violence which has been the focus of philosophers, to the detriment of other issues.

A number of Ricoeur's papers (public lectures, reviews, articles) on justice and on the just have been published in two collections covering the years 1992–4 (*Le Juste*, translated into English as *The Just*) and 1995–2000 (*Le Juste 2*, translated into English as *Reflections on the Just*).

During this same period Ricoeur presented, his ideas on translation, claiming that it is a 'trial', in the double sense of 'ordeal' and 'probation'.

What has to be tested is our desire to translate. He compares the task of the translator to the Freudian work of remembering and mourning, and argues that translation runs into 'resistance' (in the psychoanalytical sense) on the part of the mother tongue, which refuses to be subjected to the test of the foreign, but also on the part of the foreign language, which presents continuous problems and difficulties: semantic fields cannot be superimposed on one another, syntaxes are not equivalent and connotations are different. The paradox of translation is that source and target texts are supposed to say the same thing in different manners, yet there is no third text that can be taken as a perfect model for comparison. This is what he calls 'equivalence without identity' (Ricoeur 2007: 22).

Ricoeur claims that it is only by renouncing the ideal of a perfect translation, and mourning this loss, that translation is possible (Ricoeur 2004: 26) but we need to be aware of the limitations and fallibility of the human condition.

He compares the difficulties encountered in intralingual translation (within the same language) with those encountered in interlingual translation (between different languages) and shows that they are linked to the wider phenomenon of language. Therefore, translating, in every possible sense, can become a model for interpretation, a model for hermeneutics. As a phenomenologist Ricoeur is not concerned with issues in the theory of translation. He takes for granted that, in spite of theoretical and practical difficulties, translation is possible. Rather, what matters for Ricoeur is what philosophy can learn from translation theory and practice. Ricoeur will consider translation as a model for reflection not only in linguistics or hermeneutics but also in ethics (Ricoeur 2004: 42).

Let us begin by considering the link between language, hermeneutics and jurisprudence. As already mentioned, in the 1990s Ricoeur decided 'to do justice of justice', focusing on this topic and working with the *Institut des Hautes Etudes pour la Justice* in Paris and with the *Ecole Nationale de la Magistrature* in Bordeaux. The fruits of this work are the reflections, collected and published in two volumes *Le Juste* and *Le Juste 2* in which he maintains that the juridical lies in between moral and political thought. If war is the theme of political philosophy, then peace is that of the philosophy of law. The act of judgment, which gives visibility to the

juridical, aims at establishing peace in the long term future; and at resolving a conflict in the short term (Ricoeur 2000: 127). This happens through a discourse in which words (written laws, dispute, final verdict) prevail over violence. Even when no peace is achieved between parties, the parties have at least recognised each other reciprocally. It is only with rehabilitation, only when the guilty person regains the fullness of his juridical abilities and the exercise of citizenship, that the act of justice attains its final goal; which is the reestablishment of social peace (Ricoeur 2000: 131). Ricoeur conceives justice as 'just distance', this is a concept that is linked to his hermeneutics and it is appropriate to recall it briefly. He claims that we do not understand the world immediately, as by intuition, but through a series of mediations. The first form of distantiation is discourse; an event which involves subjects, refers to something else and permits communication. Language, through discourse, becomes an event and is significant; it becomes an action, something that changes the world.

While language is only a prior condition of communication for which it provides the codes, it is in discourse that all messages are exchanged. So discourse not only has a world, but it has another, another person, an interlocutor to whom it is addressed. The event, in this last sense, is the temporal phenomenon of exchange, the establishment of a dialogue which can be started, continued or interrupted.

(Ricoeur 1981: 133)

Discourse is objectified in the text. The text is particularly important in Ricoeur's hermeneutics as it represents *distantiation*, which is the distance between the producer, who has a history of its own, and the receiver, who is already an other. Moreover, the text creates a world of its own, with its rules, it produces a distance of the real from itself. This is particularly evident in works of fiction or poetry where first order references are suspended in order to generate a new reality.

Interpretation is therefore a reply to this fundamental distantiation that is constituted by the objectification of discourse in the texts. It is only through this distantiation, which is objectified in narratives and myths, that we understand ourselves and the world. This 'long route' of signs, which humanity has deposited in cultural works, should not be overcome but is necessary for comprehension:

In contrast to the tradition of *cogito* and the pretension of the subject to know itself by immediate intuition, it must be said that we understand ourselves only by the long detour of the signs of humanity deposited in cultural works. What would we know and love and hate, of moral feelings and, in general, of all that we call the *self*, if these had not been brought to language and articulated by literature? Thus what seems most contrary to subjectivity, and what structural analysis discloses as the texture of the text, is the very *medium* within which we can understand ourselves.

(Ricoeur 1981: 143)

Opposing a philosophy of the *cogito* and the pretence of the subject to know himself immediately, Ricoeur maintains that mediations establish the necessary distance that makes understanding the world possible at all. What initially appeared as contrary to subjectivity, that is objectification, is the very means that permits the emergence of the sense of the subject: 'To understand is *to understand oneself in front of the text*' (ibid.). Contrary to the reflective tradition, Ricoeur argues that the self constitutes its identity through a dialogical and relational structure and this dialogue involves other subjects as well as the world of experience.

This brief summary of Ricoeur's hermeneutics will help us to understand his use of the notion of distantiation in the juridical sphere; Ricoeur indeed claims that distantiation is also the principle that lies at the basis of his conception of justice, a principle that is objectified in juridical institutions.

III Justice as 'Just Distance'

Juridical institutions, which objectify the principle of justice, are placed between antagonists to put an end to a conflict. In contrast to vengeance, which adds violence to violence, justice creates a distance among subjects; penal laws consist in establishing a difference between the crime and the penalty, a difference that does not exist in vengeance. This is possible with the appearance of a third party who is not involved in the conflict. Justice is therefore a synonym of impartiality – 'just distance' (Ricoeur 2000: ix).

Earlier I mentioned how the self constitutes its identity through a dialogical structure; this dialogue involves both interpersonal relationships, based on proximity (such as friendship, kinship), and institutional relationships, based on distance. As in hermeneutics, where distantiation is the necessary moment for comprehension, in the juridical-political sphere distantiation, represented by the institution, is the necessary moment for justice to be.

What has all this to do with translation and why did Ricoeur include one of his essays on translation in the collection *Le Juste 2*? Links and analogies between translation and justice are many, but the most evident, according to Ricoeur, is to be found in the act of judging common to both translation and justice. In more than one essay of his two volumes on the just (see Ricoeur 2000: 127–55 and Ricoeur 2007: 23–31; 106–20) he shows what is specifically common between translation and justice, that is the necessity of applying a general principle to particular cases in the context of a practical activity: this is the act of judgement. Judging is analysed by Ricoeur not only in the juridical sphere but also in the medical, moral and esthetical realms.

He claims that once rules have been established – whether they be moral, juridical or linguistic – the problem of their application arises. This problem has at least two moments: the first consists in the recognition of the concrete situation, and from this recognition the choice of the right thing to do follows, while the second moment regards the application of a general rule to a singular case, and this application requires practical wisdom or prudence. These two moments in the deliberative process are explained by Ricoeur with reference to the Kantian concepts of ‘determinative judgement’ (from the rule to the case) and of ‘reflective judgement’ (from the case to the rule) (Ricoeur 2000: 94–100). After presenting a brief phenomenology of judgement Ricoeur shows its possible forms in different spheres of practical life, with a particular emphasis, in *Le Just* and *Le Juste 2*, on legal judgement.

If practical reason has always been an important theme for Ricoeur, in his last years he devoted his reflections to how practical reasoning plays a role in justice. Already in *Oneself as Another* (1990), probably his most complete work on ethics, Ricoeur maintained that the synthesis he was

elaborating between the teleological approach (inspired by Aristotle) and the deontological approach (inspired by Kant) was still a preparatory exercise for a confrontation with the tragic dimension of action. The tragic dimension of action regards all conflicts where the judging conscience has to decide between different norms – be they moral or juridical – and act consequently. This tragic dimension is most evident in the judge. Ricoeur privileges the judiciary because it is there that the idea of justice in action can be seen, embodied in the humane figure of the judge.

Justice finds its concrete fulfilment only at the level of application of the norm in the exercise of judgment, in a particular situation. In the same way, it could be said that language finds its concrete fulfilment only in its daily exercise, in discourse. Applying a norm has at least two opposing risks: on the one hand applying a norm can be conceived as a purely mechanical operation, on the other hand it can be too discretionary. The problem is how to find a middle zone; a balance. The search for this balance involves, according to Ricoeur, many disciplines: rhetoric, understood as reasoning about what is probable; hermeneutics, as an exercise of understanding and explanation; and poetics, as long productive imagination and the invention of appropriate solutions, are all necessary (see Ricoeur 2000: xxii).

With reference to the Aristotelian concept of *phronesis* (*prudentia* in Latin), the virtue of good sense, Ricoeur underlines the personal character of every judgement. The entire person is involved in judgement; the expert is not only someone who knows but also someone who knows how to choose and he has acquired this virtue from a practice repeated through time, from an action that has become habitual. This is true obviously not only for the juridical judgment but for every manifestation of practical wisdom (including translation), in every search for the just, understood as the just thing to do (Ricoeur 2007: 54–7).

Finally, the just can be inflected in many ways: it is what we call *good*, on the teleological level; *legal*, on the deontological level; and *equitable*, on the level of practical reason. In every case it answers the question ‘what is the just action?’ and this is a question that qualifies a decision which has to be taken in a situation of conflict and uncertainty. This is the tragic dimension of action – it is tragic because it is human.

IV Translation as an Ethical Model

To return to translation; one could think that it is simply one area of the possible exercise of the faculty of judgement, as the legal or the medical areas, but Ricoeur goes beyond and elevates it to a model for ethics. Why? Because in translation one deals with diversity, with alterity.

The necessity for translation arises from the diversity of languages which, according to Ricoeur, is a sign of human vulnerability but also of the plurality that characterizes us. Language exists in reality in many languages and similarly humanity exists in a plurality of forms and cultures, in a fragmented way. To the undeniable theoretical and practical difficulties that translation poses Ricoeur responds with a matter of fact: translation is possible, men have always translated, there are bilinguals, interpreters, etc. How do they do it? It is in answering this question; that is, through a phenomenology of translating, that we discover the paradigmatic character of this practice. When we watch translators we learn the art of mediation, we recognize the desire that guides them, a desire to welcome the other in their own language, to open up, to make space – to host.

We could say that a philosophy of translation does not teach but rather learns from those who translate. In doing so it shows what is perhaps implicit, it problematizes what appears to be obvious, it provokes reflection.

Ricoeur believes that the exemplarity of the act of translating is caught not only in the well known difficulties that are met by translators but also in the work which is necessary to cope with them. In this way the practice of translation acquires a moral value as long as the desire of translating corresponds to an active dimension, a doing, an acting in the world; the production of some good. To this moral dimension he adds a hedonistic one since translating is also a pleasure and therefore a form of enjoyment (Ricoeur 2004: 19).

Ricoeur calls translation linguistic hospitality; that is, hosting the foreign language in one's own. Something is gained in this exercise of hospitality because with translation the resources of one's own language are discovered; we understand ourselves better. But we also discover the limits of our own language; those limits appear more evident when we translate

from one language into another, but they are present in one's own in the forms of the unsayable, the ambiguous, the hermetic. When we host the stranger we discover strangeness in ourselves (Ricoeur 2007: 120).

Linguistic hospitality, which is the pleasure of receiving the foreign word into our home, can be a model of other forms of hospitality. In his papers Ricoeur presents some uses of this model of linguistic hospitality: in the ecumenical dialogue among different Christian churches, among the cultures engaged in the building of European identity, etc. In all these cases we deal with plurality and diversity that characterize us as human beings. Translation is for Ricoeur the paradigm of the encounter with the other because it establishes the just distance between the different parts involved.

Domenico Jervolino, as we mentioned before, maintained that in this hermeneutical model of translation we find a synthesis of Ricoeur's thought that goes beyond the paradigm of the text. Distantiation is a necessary moment of understanding but it is precisely in translation, even more than in reading, that we can see how the other is regained paying the price of a test and maybe of a loss. What is tested, in its double sense of 'ordeal' and 'probation', is our desire to translate. To this test corresponds a form of pleasure, the pleasure of hospitality, that transforms the world and ourselves.

In conclusion, even if the translation of legal texts in a strict sense has not been thematised by Ricoeur, we can say, in light of his reflections just summarized, that juridical translation has a twofold ethical force: firstly, as a translation, it is an attempt to host the other, and secondly, and even more fundamentally, as juridical, it aims to facilitate the exercise of justice.

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