

***TRANSLATION AND JUSTICE IN PAUL RICOEUR*****ANGELO BOTTONE**

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 paper 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).

Ricoeur's characteristic, 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 fortuitous that one of the essays of the second volume that Ricoeur dedicated to his theory of justice, *Le Juste 2*, is exactly 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 ‘distanciation’ 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 lays at the foundation of his understanding of justice, it is the principle that is objectified in juridical institutions.

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

### **Translation and justice in the writings of Ricoeur**

Paul Ricoeur, who with Hans-Georg Gadamer is the father of philosophical hermeneutics, has written on translation only in the last years of his long life. His many papers, occasionally presented over the last fifteen years of his life (from 1997 to 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 for reasons that I will show later. What is relevant for my paper is the last period of his life where Ricoeur devoted himself in a more extensive and systematic manner to

the topic of the just. In doing so he wanted to fill what he perceived a limitation of 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 and that therefore has been at the centre of attention of philosophers, to the detriment of other issues.

Those different papers (public lectures, reviews, articles) on justice and on the just have been published in two collections covering the years 1992-1994 (*Le Juste*, 1995) and 1995-2000 (*Le Juste 2*, 2001).

In this same period Ricoeur has presented, in conferences and celebrations, his ideas on translation, claiming that it is a “test”, in its 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” (pp. 34-5).

Ricoeur claims that it is only renouncing to the ideal of a perfect translation and mourning this renounce that translation is possible, being aware of the limitations and fallibility of the human condition.

He compares the difficulties encountered in intralingual translation with those of the interlingual one 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 is what philosophy can learn from this theory and from this practice. Ricoeur will consider translation as a model for reflection not only in linguistics or hermeneutics but also in ethics for reasons that will see later.

Let's start considering the link between language, hermeneutics and jurisprudence.

As I already mentioned, in the Nineties 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, peace is that of philosophy of law. The act of judgment (which gives visibility to the juridical) aims to establish peace on the long run and to decide a conflict in the short term. This happens through a discourse in which words (written laws, dispute, final verdict) prevail on violence. Even when there is no pacification between parties, these have at least recognised themselves reciprocally. In any case, it is only with the rehabilitation, 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 social peace. 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 don’t understand the world immediately, as by intuition, but through a series of mediations. The first form of distantiation is discourse, an event that involves subjects, that refers to something else and that permits communication. Language, through discourse, becomes an event and is significant, it becomes an action, something that changes the world. Discourse is objectified in the text. The text particularly important in Ricoeur’s hermeneutics as it represents *distantiation*, 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.

Interpretation is therefore a reply to this fundamental distantiation that is constituted by the objectification of discourse in the works, in the texts. It is only through this distantiation, which is objectified in narrations and myths, that we understand ourselves and the world. This ‘long route’ of signs, which humanity has deposited in cultural works, should not be merely overcome but it 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.” (The hermeneutical function of distantiation, p. 143)

Opposing to a philosophy of the *cogito* and to the pretence of the subject to know himself immediately, Ricoeur maintains that those mediations establish the necessary distance that makes the understanding of the world possible. What initially appeared as contrary to subjectivity, i.e. objectivation, is the means that permits the emergence of the sense for the subject: “To understand is *to understand oneself in front of the text*.” (ibid.)

The self constitutes its identity through a dialogical and relational structure rather than, as in the reflective tradition, monological and this dialogue involves other subjects as much 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 *distanciation* is also the principle that lies at the basis of his conception of justice, a principle that is objectified in the juridical institutions.

### **Justice as ‘just distance’**

Juridical institutions, which objectify the principle of justice, are placed between the antagonists to put an end to a conflict. In order to contrast vengeance, which adds violence to violence, justice creates a distance among the 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, which is not involved in the conflict. Justice is therefore a synonym of impartiality, just distance.

A few moments ago I said that 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 the *distanciation*, objectified in the text, is the necessary moment for comprehension, similarly in the juridical-political sphere the *distanciation*, which the institution represents, is the necessary moment for justice to be.

What has all this to do with translation and why Ricoeur included one of his essays on translation in his collection *Le Juste II*? Links and analogies between translation and justice are many, as we will see, but the most evident,

according to Ricoeur, is in the same act of judging. In more than one essay of his two volumes on the just he shows what is specifically common, among other things, between translation and justice, i.e. the necessity to apply 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 the medical, moral and esthetical realm, in order to show their similarities.

He claims that once rules have been established – it does not matter if they are moral, juridical or linguistic ones, as we are considering action in general – the problem of their application arises. This problem has at least two moments: the first one 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 making reference to the Kantian concepts of the determinative judgement (from the rule to the case) and of the reflecting judgement (from the case to the rule).

After presenting a brief phenomenology of judgement, about which we have no time to comment on, Ricoeur shows its possible forms in different spheres of practical life, with a particular emphasis, in these two collections, 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 one, inspired by Kant, was still a preparatory exercise for a confrontation with the tragic dimension of action, which is the problem of how to take the just decision. The tragic dimension of action regards all those conflicts in which the judging conscience is involved when, in a concrete case, it has to decide between different norms – they being moral or juridical – and act consequently. This tragic dimension is evident in the judge. Ricoeur privileges the judiciary among the different dimensions of the juridical, because it is there that the idea of justice in action, in a situation, can be seen, embodied in the humane figure of the judge.

Justice finds its concrete fulfilment only at the level of the 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 opposite risks: of being conceived as a purely mechanical operation or of being 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, as reasoning about what is probable, hermeneutics, as exercise of understanding and explanation, and poetics, as long productive imagination and the invention of appropriate solutions are necessary.)

With a reference to the Aristotelian concept of *phronesis* - *prudentia* for the Romans – which is the virtue that characterises the person 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, in every search for the just understood as the just thing to do. (As, for instance, in translation.)

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 on what is the just action to do, and this is a question that qualifies a decision that 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.

### **Translation as an ethical model**

Going back to translation, at this point one could think that it is simply one of the areas 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 that according to Ricoeur is a sign of the 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 answers 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, i.e. 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 host 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 it 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 on the world, the production of some good. To this moral dimension he adds an hedonistic one, as translating is also a pleasure and therefore a form of enjoyment

Ricoeur calls this linguistic hospitality, i.e. hosting the foreign language into 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 language; those limits appears more evident when we translate from one language into another but they are present in one's own through the forms of the unsayable, the ambiguous, the hermetic. When we host the stranger we discover strangeness in ourselves.

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 those 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 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 juridical translation in strict sense has not been thematised by Ricoeur, we can say, at the light of his reflections just summarized in these pages, that it has a twofold ethical force because firstly, as a translation, is an attempt to host the other, and secondly even more so because as juridical translation it aims to facilitate the exercise of justice.

## **Bibliography**

- Bottone, A. (2006) *Translation as an Ethical Paradigm in the Work of Paul Ricoeur* in Stephen Kelly and David Johnston (ed.) *Betwixt and Between: place and cultural translation*. Cambridge: Cambridge Scholar Press.
- Bottone, A. (2008) *The Ethical Task of the Translator in Paul Ricoeur* in Paschalis Nikolau and Maria-Venetia Kyritsi (ed.) *Translating Selves: Experience and Identity between Languages and Literatures*. London and New York: Continuum Books.
- Jervolino, D. (2008) *Per una filosofia della traduzione*. Brescia, Morcelliana.
- Ricoeur, P. (1995) *Le Juste*. Paris: Éditions Esprit.
- Ricoeur, P. (2001) *Le Juste 2*. Paris: Éditions Esprit.
- Ricoeur, P. (2001) *La traduzione. Una sfida etica*. Brescia: Morcelliana.
- Ricoeur, P. (2004) *Sur la traduction*. Paris: Bayard.