

Abstract

In *On Translation* (2004/2006), Ricoeur treats translation as an ethical paradigm in the encounter with alterity with reference to such concepts as linguistic hospitality, the test and the resistance of the foreign. In a separate article, he proposes translation as a model for a European *ethos*, accompanied with like acts as the exchange of memories and forgiveness, which could further be expanded into a universal maxim. But, how is translation to be apprehended in a movement from ethical thinking to judicial thinking and juridical practice? In *Reflections on the Just* (2001/2007), Ricoeur notes that "[to] translate is to do justice to a foreign intelligence, to install the just distance from one linguistic whole to another" (31). Justice is not only the guarantor of impartiality and a distance in the relation between two adverse parties, but it is also relevant to translation in the form of making judgments and applying norms to a given case. In that respect, Ricoeur's texts on translation should also be re-evaluated under the light of his other works, *Memory, History and Forgetting* (2000/2004) and *Oneself as Another* (1990/1992), which are mainly concerned with the duty of memory, narrativity, and human capability. This paper seeks to liaise the act of translation with justice in its theoretical and institutional dimensions exclusively in the light of concepts like distanciation, prudence and attestation, drawing an arch from Ricoeurean hermeneutics of the self and the text to translational and legal hermeneutics.

Keywords: Linguistic hospitality, just distance, arbitration, decision-making, attestation.

Özet

Paul Ricoeur, *Çeviri Üzerine* (2008) adlı eserinde, dillerin konukseverliği, yabancınn sınanması ve direnci gibi kavramlara başvurmak suretiyle çeviri edimini *etik* bir paradigma olarak ele almaktadır. Müstakil bir başka makalesinde ise çeviriyi, anıların ve affetmenin karşılıklı değiş tokuşu gibi benzer edimler eşliğinde, bir Avrupa *ethosu* oluşturmaya yönelik bir model olarak önerir. Bu modeller daha sonra evrensel bir eylem ilkesine doğru genişletilebilme olanağını da barındırmaktadırlar. Ancak çeviriyi *etik* düşünüşten adli düşünüşe ve yargı pratiğine yönelik bir hareket içinde kavramak nasıl mümkün olabilir? *Reflections on the Just* (2001/2007) (*Adalet Üzerine Düşünceler*) adlı eserinde, Ricoeur "çeviri yapmanın, yabancı bir akla adaletle davranmak, bir dilsel bütünden diğerine giden yolda adil mesafeyi tesis etmek" olduğunu belirtir (s. 31). Adalet iki karşıt taraf arasındaki ilişkide yalnızca tarafsızlığın ve mesafenin garanti altına alınmasını sağlamakla kalmaz; o, aynı zamanda yargıda bulunma ve eldeki kuralları mevcut vakaya uygulama ilgisini paylaşması sebebiyle de çeviriyle ilintilidir. Bu bakımdan, Ricoeur'un çeviri üzerine yazdığı metinleri, *Hafıza, Tarih, Unutuş* (2012) ve *Başkası Olarak Kendisi* (2010) gibi temelde hafıza ödevi, anlatsallık ve *etik* eyleme yönelik insani yeterlilik temalarına odaklı diğer eserleri ışığında yeniden değerlendirilmelidir. Bu makale, özellikle uzaklaşma (mesafe alma), pratik bilgelik (basiretli düşünüş) ve tanıklık kavramları yardımıyla çeviri edimini kuramsal ve kurumsal boyutları içerisinde adaletle ilişkilendirmeyi, bu esnada da Ricoeuryen kendilik ve metin hermeneutiğinden çeviri ve hukuk hermeneutiğine uzanan kapsayıcı bir bakış geliştirmeyi hedeflemektedir.

Anahtar Sözcükler: Dillerin konukseverliği, adil mesafe, hakemlik, karar verme, tanıklık.

¹ Dr, Dokuz Eylül Üniversitesi Edebiyat Fakültesi, mehmet.buyuktuncay@gmail.com

Introduction

Paul Ricoeur is a hermeneuticist, an existential-psychoanalytical thinker and a philosopher of ethics. He also published widely about phenomenology of language, analytic philosophy of language, structuralism and biblical exegesis. He is a mediator between such diverse disciplines and matters of varying import, and hence is his interest in the interrelationship between translation and ethics. For this reason, it is also noteworthy that “The Paradigm of Translation,” one of the three essays that comprise his book, *On Translation* (2004/2006), had previously been published in a separate volume of his essays titled *Reflections on the Just* (2001/2007). His engagement with ethics allowed him to graft his analytical perspective onto his apparent interest in translation as an ethical act that is based on the relationship between a mother tongue and a foreign language, the peculiar and the strange, the self and another. Translation is a paradigm, as the title of his essay suggests, involving the transfer of meanings and an exchange of understanding between two distinct language communities, and even the paraphrase of meaning within one’s own language as well. Translation as a paradigm should be a guide, Ricoeur contends, for setting connections with alterity (including the otherness within oneself), without collapsing it into a radical appropriation or without ending up in an irreparable loss of meaning and communication in the process of exchange.

Proceeding from this ethical paradigm, Ricoeur (2004/2006) devises ‘linguistic hospitality’ as a model for ethical action towards alterity, which would replace an agonistic relation of two adversary entities (languages, cultures, subjects) with “the pleasure of dwelling in the other’s language [as it] is balanced by the pleasure of receiving the foreign word at home, in one’s own welcoming house” (p. 10). Ricoeur makes sense of the imperative to translate by pointing at a reversal of a supposed adversity into a task to be accomplished, given the factual situation of linguistic dispersion and confusion after the fall of the Tower of Babel, as the myth suggests: “no recrimination, no deploring, no accusation . . . Starting from this reality: ‘Translate!’ (2001/2007, p. 26). In other words, linguistic hospitality stands out as a requisite for mutual recognition of the differences between interacting parties and for mutual understanding that demands respect to the peculiar existence of each party, with a radical plurality of subjects and diversity of languages in the background. Accordingly, in Ricoeur’s essays on translation, linguistic hospitality is posited as a model, firstly, for a shared understanding and a hermeneutical labour of interpreting the emergent meanings in a situation where two non-identical languages or subjects confront and act upon one another. Secondly, it also serves as a model for a just way of mediating two conflicting versions of reality or for a fair way of treating two claimants with different interpretations of the same event. In consequence, linguistic hospitality applies as well to the encounter of the accuser and the defendant through a controlled judicial discourse in the courtroom setting as to the case of two languages in the course of translation. Translation as a paradigm is thus an expanded principle guiding both ethical and juridical thinking in Ricoeur’s investigation of just action in various contexts (Bottone, 2012, p. 65).

In order to reflect on the interrelationship between the two interacting partners in the translation process, Ricoeur refers to Franz Rosenzweig’s formula of the paradox inherent in the act of translation: To translate is serving two masters, the foreigner with his work and the reader with his desire for appropriation (Ricoeur, 2004/2006, p. 4). The translator’s mediating position between the foreign author’s work and the reader of the translated text reveals a ‘test of the foreign,’ as Ricoeur borrows the term from Antoine Berman’s much acclaimed work, *The Experience of the Foreign*. This test, in fact, includes a two-part ‘resistance’ like a battle fought on two fronts: the resistance of the text to be

translated to yield itself completely to the language of reception due to a claim of non-translatability; and the resistance of the language of reception that refuses to be subjected to the language of the foreign work (Ricoeur, 2004/2006, p. 8). This reciprocal resistance pattern also inherently poses a structure of dialogicality that is capable of solving the rigidity of the binary between the peculiar and the foreign. In the practice of translation as a dialogue, one language establishes a relationship with another through which it comes to know itself better and becomes susceptible to transform itself. Likewise, Berman formulates an 'ethical aim' for the act of translation as "to open up in writing a relation with the Other, to fertilize what is one's Own through the mediation of what is Foreign" (1984/1992, p. 4). In that sense, as it is also confirmed by Ricoeur, an ethical translation is the one that simultaneously appreciates the host language's possibilities for a critical reflection on its own cultural/linguistic resources and tries to appropriate what the foreign culture offers as a gift. This ethical aim in translation, on the part of the host language, is a way to satisfy the curiosity to know more about the foreigner and discover its own secret potentials in dealing with the challenge of the foreign. A good translation, then, offers a mother tongue to learn more about its own capabilities through the mediation of another language, and at the same time 'potentiates' the original work to be translated thanks to a re-writing of the original text with the tools of the receiving language and due to the creation of surplus value by a re-interpretation of the foreign work in the new context of the host culture.

Earlier than his essays on translation, Ricoeur consistently argued in *Oneself as Another* (1990/1992) that no understanding of the self is possible without the mediation of another subject and that there is neither an absolute self nor an absolute other independent of each other. Also in a separate essay, titled "Reflections on a New Ethos for Europe," Ricoeur (1992/1996) is further concerned with founding models, based on which it is possible to mediate identity and alterity ethically within the European public sphere and political framework. The three interrelated models for ethical action Ricoeur suggests in this essay are 1) the model of translation, 2) the model of the exchange of memories, 3) and the model of forgiveness. All three models are in fact versions of an ethical relation of narrative exchange between different linguistic and cultural communities, including rival claims in cases of conflict, trauma, and any political or social event of catastrophic consequences like rape, murder, exile, war crimes, genocide and etc. Ricoeur's overall claim is that the self and the other's life stories, or narratives, in times of conflict are always intertwined and can be translated to each other. This translatability of one's stories into another's implies that there always is an intrinsic otherness within each self or an unrecognized foreignness in each life narrative that both asks for recognition and enhances one to recognize the peculiarity of another's experience. Translation is thus a valuable ethical model since it underscores both the need to recognize what is foreign in oneself and to respect the other in its strangeness. Translation, being a special case of mediation between what is one's own and what is another's, namely a receiving language and a foreign language, is a claim for building a relation of equivalence between two partners. However, this is not a presupposed equivalence pre-existing the act of translation, but one constructed in the course of translation since there is no third text that would demonstrate the identical meaning expected to pass from the source text to the target text. Pointing to the absence of total adequacy in translation by a renunciation of the idea of perfect translation, Ricoeur suggests that there is only a correspondence without adequacy between the source and the target texts (2004/2006, pp. 10, 22). Based on the lack of an ideal third person overview, this "idea of an equivalence without identity is the formula for justice in the field of translation" (Ricoeur, 2001/2007, p. 31). Scott-Baumann (2009) takes this formula of equivalence without adequacy as a prerequisite for being fair to the other's

claim to meaning in the form of an ability to see the other's point of view (p.107). This idea of non-identical equivalence, thus, enables the passage from linguistic hospitality to fairness, in other words, from ethics to justice. According to Ricoeur, justice can be defined as the 'just distance' between the self and the other, the just middle between too little distance (underlying a fusion of emotions as in sympathy) and an excess of distance (underlying arrogance, distrust and hate of the stranger); and hospitality is the most emblematic expression of cultivating a just distance (2001/2007, p. 61). This passage from an ethical relation of hospitality to justice corresponds to a step from the relation with a nearby other (as in friendship) to a relationship with a distant other or an apprehension of the near as distant (as in a court case), which necessitates the mediation of juridical institutions. In that respect, Ricoeur's definition of 'ethical intention' contains all the three moments of the nearby and the distant other via the mediation of judicial instance as in the following: "the wish for a good life, with and for others, in just institutions" (2001/2007, p. 60; 1990/1992, p. 172). Therefore, the juridical discourse and the judicial institutions that mediate two contrasting partners in justice, in the general sense of the term, correspond to the mediating function of the translator between two texts in a just way in the act of translation, in the narrow sense of the term. The translator's task, based on such a re-definition of justice, is to establish a just distance between the source and target texts; in other words, he is responsible for establishing equilibrium in making judgements about the two partners in the act of translating.

Justice as Just Distance in Judging

The act of judging is the common denominator between justice and translation. Ricoeur (1995/2000) refers to several distinct meanings of the verb 'to judge' as to opine, to value so as to express a preference, to take a stand, and to separate in order to distinguish what is 'mine' and what is 'yours' (as implied by the relation between the German words *Urteil* [judgment]/ *Teil* [part]) (pp. 128-130). Furthermore, the act of judging almost always combines an objective and a subjective side, and it follows from a confluence of understanding and will. The search for a just distance in making judgments has to refer to intermediary institutions, which would stand for a third person overview to adjudicate on the claims of two parties. According to Ricoeur (1995/2000), this arbitrating function of the institutions of justice has to set the balance between a number of binaries, in different phases of making judgment, including the relationship between vengeance and justice, between crime and punishment (as two confronting acts of violence), between the defendant and the accuser, and between the detainee and the rest of the society (with a view to reinserting him into the society as a free person) (pp. 134, 136, 142). In other words, the judge is responsible for instituting the just distance so as to overcome and compensate for the initial dissymmetric relation of power between the agent and the receiver of his action, on whom the agent inflicted an incapacity. As Bottone (2012) explains, the act of judgment makes visible the juridical instance in its aim of establishing peace by resolving a conflict through the use of discourse (laws, dispute, verdict and etc.) that prevails over violence (p. 67). What is ultimately reached in this case, even when the conflict is not settled in peace, is a reciprocal recognition of the parties as free and legitimate subjects asking for the just decision in the court.

In passing from justice in the general sense to the more specific sense of justice in translation, Ricoeur underlines the need for establishing the 'mean', or the just middle, by arguing that "[t]o translate is to do justice to a foreign intelligence, to install the just distance from one linguistic whole to another [. . .] This is the formula for equity-equality, the formula for recognized diversity" (2001/2007, p. 31). The mutual recognition of two languages during the act of translation without collapsing either into too little or into an

excess of distance is the very basic achievement that is supposed to be attained out of this principle of justice. This gap between languages is productive and is never to be totally bridged. The inexorable plurality of languages and the impenetrable solitude of each language must be balanced for any interaction to occur; and consequently translation should follow the movement “from plurality to intimacy” so as to allow a reciprocal understanding in dialogue (Ricoeur, 2001/2007, p. 28). Otherwise, the failure of a just distance would end up in a repression of heterogeneity and a total estrangement of the other as something “problematically different” (O’Neill, 2012, p. 126).

Another instance of the quest for the just distance in translation is manifest in the dialectics of distancing and appropriation. In Ricoeur’s hermeneutics of the text, distancing essentially refers to the objectification of an oral discourse by way of writing and gaining a spatial and temporal distance from its original utterer. This distance is a fundamental instance for comprehension since it generates either a fusion or a clash of horizons between the time the text is written and the time of reading. Appropriation means making what is ‘alien’ one’s ‘own;’ and the act of reading is an effort to overcome the cultural estrangement caused by this temporal/spatial distance (Ricoeur, 1976, p. 43). Interpretation is the productive effort to comprehend that arises out of this dialectic between distancing and appropriation, in other words, between otherness and oneness. In the hermeneutics of translation, as well as in a hermeneutics of the text, an abundance of instances is demonstrated as to the appropriation of what is temporally distant and culturally foreign. Scott-Baumann (2009) argues that in the gap between a mother tongue and a foreign language, which is rendered productive thanks to this game of distancing and drawing near, the co-existence of more than one interpretation of meaning is possible, based on the tensile and fragile nature of this interrelationship (p. 110). It is in the act of translation that the foreign is tested in a mother tongue and the translator experiences a tension in reducing the distance and the strangeness of ‘the other’. Additionally, this dialectics of distancing and appropriation is a requisite for a good translation where “one language rediscovers itself in and as another” since it underscores the double duty (of a language as well as of a subject) “to expropriate oneself from oneself as one appropriates the other to oneself” (Kearney, 2007, pp. 150-151). Finally, as Bottone (2012) points out with regard to Ricoeur’s conceptional framework, distancing is the ultimate principle underlying the concept of justice in translation as well as in the juridical sphere, represented by the juridical institution (p.70). Thus, briefly, the search for the just distance between confronting partners encapsulates decision-making and the recognition of the rights of each partner as the essential aspects of the act of judging.

Interpretation and Arbitration

In *The Conflict of Interpretations*, Ricoeur (1969/1974) defines interpretation as “the work of thought which consists in deciphering the hidden meaning in the apparent meaning, in unfolding the levels of meaning implied in the literal meaning” (p.13). Put it differently, interpretation is the comprehension and transferring of the hidden meaning in a text because of the existence of a surplus within the literal meaning. Distancing, as explained above, is one of the fundamental factors that feed this surplus of meaning. Bottone argues that interpretation is, in fact, a reply to this primary distancing from oral discourse through writing (2012, p. 68). Another essential factor that gives rise to this surplus of meaning in (literary) texts is semantic polysemy. Scott-Baumann puts forward, by referring to Ricoeur’s texts on Biblical exegesis, that all translation is immediately an interpretation since there is never an innocent or an entirely objective translation (2009, p. 109). In Ricoeur’s textual hermeneutics, interpretation takes place

in the back and forth movement between textual understanding and self-understanding. In other words, the self that interprets the text understands and recovers itself as a consequence of this interpretation. Therefore, there is always a subjective side of interpretation that co-operates with the objective side of explanation or with the systematic side of argumentation in the appropriation of literary texts (Gerhart, 1976, p. 144). No matter how consistently one explains the objective structure of a textual whole, one must always consider the emergent meanings that arise in the subjective reception of texts. Accordingly, multiplicity of interpretations proceed from a multiplicity of the subject positions that appropriate a literary text.

Furthermore, Ricoeur (1969/1974) speaks of a balance between two aspects that simultaneously operate in the act of textual interpretation: argumentative procedures for validation and the procedures of empirical verification (p.78). We test our guesses about the hidden meaning in a text by validating our arguments in the light of what we already know. This argumentative practice of validation cannot be merely reduced to a mechanical operation of demonstrating how a conclusion is true, but it also implies the necessity for a creative interpretation of texts. The process of validation brings to the fore a logic of uncertainty and probability on the contrary to the classification of textual data in verification. Because a text presents a limited field of possible constructions, all interpretations of it cannot be equally valid. Due to the criteria of “relative superiority” of arguments in resolving a conflict of interpretations, Ricoeur contends that “[a]n] interpretation must not only be probable, but more probable than another interpretation” (1969/1974, p. 79). Thus, the need to arbitrate between conflicting interpretations that demand validation in textual and translational hermeneutics can be compared to the juridical procedures in legal interpretation. Put it another way, as Ricoeur claims, argumentation procedures in the juridical domain indicate the need for interpretive processes compatible with those in exegesis and philology (2001/2007, p. 246).

On the level of semantics, philosophical hermeneutics has a critical function of arbitrating among the absolutist claims of different hermeneutic styles and interpretation practices such as psychoanalysis, exegesis of religious text, structuralist anthropology and etc. (Ricoeur, 1969/1974, p. 15). In legal judgments, as well as in making judgments in the general sense, a particular (a case) is placed under a universal (a norm). Hence, Ricoeur mentions two interwoven chains of interpretation, of the case and the norm, in a legal setting (1995/2000, p. 153). On the side of the case, a reasonable narrative is to be reconstituted out of the apparent facts. However, there is an incontestable difficulty to construe a univocal story out of the rival accounts of the same case by the confronting parties. And on the side of the norm, the judge has to be clear about under which norm to place the case in question. Besides, the intention of the legislator and the intention of the judge may not overlap and cause a special difficulty out of such bifurcation. One has to keep in mind that the judge is not a legislator; he is only responsible for applying the norm to a case. This double interpretation of the law and the facts both demands a recognition of the norm and a test of its applicability. Therefore, the judge is forced at times to make a choice between “the spirit and the letter of the law,” (Ricoeur, 1995/2000, p. 123) which resembles the conventional duality between sense-for-sense and word-for-word translation. Both in textual and in legal interpretation, then, systematic argumentation and objective explanation always go hand in hand with subjective deliberation so as to manage aspects of plurivocality of texts and laws, which also resonates with the function of interpretation in the act of translation.

The trial process provides a discursive framework for a peaceful arbitration of conflicts. Arbitration of the verbal confrontation between competing parties by the judicial

institution contributes to a split between justice and vengeance, between a just distance and an unjust distance. The mediation of the institution in justice “no longer signifies simply *moderation* in a single agent,” unlike the case of the individual interpreter of texts or the translator (Ricoeur, 2001/2007, p. 224; emphasis added). The translator functions as a mediator between two texts similar to the mediating function of a judge in a trial. However, there is a lack of an ultimate authority between the source and target texts in the act of translation, which would also evaluate the performance of the translator himself. That is to say, the translator is not an absolute arbiter between texts and their possible interpretations, but he is just an interpreter in his own right. Metaphorically speaking, this lack of an ultimate decisive authority in translation, as opposed to the function of the judicial institution, makes the translator himself his own judge due to the fact that he cannot entirely suspend his individual perspective. Thereby, arbitration and moderation collaborate in the work of a translator in parallel with the co-existence of objective explanation and subjective reception in the interpretive process. The translator, as Scott-Baumann claims, always has to accept partial success due to the acceptance of the absence of the idea of a perfect translation; and the element of arbitrariness in meaning constantly forces him to make new decisions every time (2009, p. 110).

Decision-making and Practical Wisdom

Decision-making is related to the practical skill of application. Making decisions in the judicial sense involves applying a rule to a case or finding a rule for a definite case at hand. Both decision-making and application lie at the junction between argumentation and interpretation. According to Ricoeur, decision-making is a complex situation of application “that combines in a remarkable way argumentation as a *deductive procedure* and interpretation as an *exercise of productive imagination*” (2001/2007, p. 227; emphases added). There is a dialectical relation between those two seemingly polar opposites, which had traditionally been treated as separate practices. As mentioned above, application as a complicated operation comprises the double process of interpreting the law (rules) and the case (the facts) at the same time. In that respect, Ricoeur speaks of a mutual adjustment between narrative description of the case and the standpoint from which the law is interpreted. This mutual ‘fit’ between the narrative and the juridical interpretations, which makes up the application of the norm to the case, has both inventive and logical aspects (Ricoeur, 2001/2007, p. 70). In the decision-making process, the singularity of each case has to be considered. The historical aspects and the cultural traditions of the mediating institutions in justice pose a problem for the process of application. Especially in cases where decisions have to be made between, not black and white, but between gray and gray, the singularity of each situation has to be recognized (Ricoeur, 2001/2007, p. 243). Thus, deliberation is also a must for judicial decision-making process, overlapping with the inventive procedures of textual interpretation. In other words, the recognition of individual texts in literary and religious hermeneutics always asks for a step beyond rigid rules of interpretation; and this instructs legal hermeneutics to attain a more “creative application” of legal codes, especially in cases of an ambiguity of norms to be applied to a case (Ricoeur, 2001/2007, p. 246). Briefly, deliberation that is needed to make decisions in legal interpretation arches toward the deliberation needed to make new decisions each time in the treatment of individual texts in translation via the procedures of creative interpretation in textual hermeneutics.

Ricoeur emphasizes the role of practical reasoning in ethics and in justice as early as in *Oneself as Another*. In his preeminent work, Ricoeur focuses on the tragic dimensions of ethical judgement, specifically in situations of clashing norms of equal import, with a

special reference to the tragic impasse in Sophocles' *Antigone*. The conflict of norms in the play involve the written laws of the city and the unwritten laws of family, to be applied to Antigone's will to bury the body of his brother Polyneices in Thebes against king Creon's edict after the civil war. Ricoeur's interest in applied ethics within such problematic cases draws him to the function of Aristotle's notion of practical wisdom (*phronesis*), or prudence, for a probable resolution. This Greek virtue, as defined by Aristotle in *Nicomachean Ethics*, is a type of wisdom relevant to a practical excellence in finding the right means to live and deliberating how to act virtuously. Deliberation appears as the mark of prudential judgment that brings reflection on the virtues connected to daily practices at the level of forming judgments and making decisions. A person has to follow the path of prudential judgment through deliberation so as to guide his life towards the good. Ricoeur notices that the greatest lesson to be derived from Aristotle's teaching of practical wisdom is that "the man of wise judgment [is the one who determines] at the same time *the rule* and *the case*, by grasping the situation in its singularity" (1990/1992, p. 175, emphases added). Once again, in *Reflections on the Just*, he defines practical wisdom as consisting in "a capacity, the aptitude, for discerning the right rule, the *orthos logos*, in difficult situations requiring action" (2001/2007, p. 54). Thus, what Ricoeur promotes is the sensitivity to making judgments in situation. It involves making decisions either in institutions of justice or during translation process about singular situations where the case cannot be placed under a single norm due to the co-presence of conflicting rules related to the case in question, or still about situations where either word-for-word rendering of expressions or the application of any translation theory to the practical translation process do not yield the required effect.

The conflicts arising out of the universality of principles of morality and the historical character of justifications in justice can be taken analogously to the emergence of conflicts arising from the meaning of a text that originate from a specific culture and the historical character of its new meaning re-produced every time by each of its translations in different languages or by retranslations in the same language in different times. Therefore, the apparent risks in applying a norm to a case, as Bottone (2012) suggests, is either one of being too mechanical or of being too discretionary, which results from losing the just distance (p. 71). Practical wisdom is a necessary virtue so as to take the right position in the oscillation between these two opposing poles and to obtain a balance both in justice and translation. Both justice and good translation are practical arts. It is in action that these virtues can be practiced and it is again by making decisions that a just balance could be established in these arts, which eventually necessitate the use of practical wisdom. Finally, Ricoeur's ethics of translation aiming at a balanced interrelation between two languages, or between a peculiar and a foreign intelligence, is based on an applied textual hermeneutics and can be extended toward legal hermeneutics.

Attestation and Memory

Attestation, a central concept in Ricoeur's inquiry of a subject's ethical aim and actions, basically means an attestation of the self and involves the recognition of the difference of oneself and the other. In other words, it denotes an assurance of being oneself as an acting and suffering subject. This fundamental assurance of oneself includes the capability of the subject to say, to do, to recognize oneself as a character in a narrative, and to respond to accusations (Ricoeur, 1990/1992, p. 22). It, in fact, designates the Socratic principle to live an examined life and a trust in the capability to live well. In Ricoeur's later writings, attestation also refers to "the capacity to adopt the impersonal point of view; better, the capacity to negotiate between the personal and the impersonal

points of view” (2001/2007, p. 67). This capability is one of making abstractions, of putting oneself in another’s shoes so as to establish a just distance between oneself and another. This capacity for self-reflection is at the same time one that is required by an ethics of translation in that it denotes a subject’s or a language’s trust in its capability “of taking the test of the confrontation with the other” (2001/2007, p. 80). Attestation can be defined, this time, as the reflexive relation of the self to itself through the mediation of alterity. In the act of translation, this capability corresponds to language’s discovery of its own capacity and recognition of its own weaknesses in hosting a work written in another language. Attestation in translation also underscores the translator’s insistent wish to satisfy his desire to translate no matter how fallible he is in his effort. It is at the same time being open to the challenges coming from a foreign language or work and the will to overcome all the practical difficulties in the course of translation. In his endeavor, the translator keeps open a gate between two languages that also makes possible the mutual recognition of these two idioms.

One specific instance of attestation, of this self-reflexive capacity in translation, is ‘mourning’. Ricoeur defines mourning as the acceptance of the loss of meaning in any process of translation and a renunciation of the idea of a perfect translation. Put it differently, mourning corresponds to the acknowledgement of the absence of absolute truths in translation. Ricoeur borrows the term from Freud’s studies on memory where he relates ‘work of remembering’ and ‘work of mourning’. In every act of remembering, there is an inevitable loss in what is remembered and that has to be taken for granted just as there inescapably is a certain amount of loss of meaning in the course of translation (Ricoeur, 2004/2006, p. 3). Like the work of memory, translation is impossible without this initial work of mourning. However, it is only thanks to mourning that there arises the possibility of ‘happy’ translations (Ricoeur, 2004/2006, p. 10). Happiness, achieved in passage from mourning for a perfect equivalence to an acknowledgement of the impossibility of such an ideal, is embedded in linguistic hospitality in the form of a happiness of translating. This hospitality and happiness eliminates any sort of fear or hatred of the foreign (Ricoeur, 2004/2006, p. 23). Mourning the loss of absolutes, which makes translation possible at the first place, reveals the fallibility of the human condition and crystallizes the limitations of human beings in spheres of human language and communication. Thus, mourning and human fallibility fundamentally generate a need for justice in translation that solidifies in an ethics of hospitality.

Another instance of the relation between attestation and translation is apparent in Ricoeur’s suggestion of narrative models for ethical action in his essay “Reflections on a New Ethos for Europe”. The three models he suggests, namely translation, the exchange of memories and forgiveness, all depend on the narrativity of the self’s relationship with alterity. Especially, the exchange of memories between two cultures entails the translation of “a foreign culture into the [narrative] categories peculiar to one’s own,” which would in turn require an acceptance of the ethical categories of the other’s cultural milieu (Ricoeur, 1992/1996, p. 5). By memory, Ricoeur here indicates something different from the mere psychological faculty of recollecting the past. He refers to the idea that recollection needs narratives to function at the collective level of language. Individuals and cultures form their identities within the stories they tell of themselves and others. How the other narrates my actions as well as how I account for my own actions simultaneously determine my identity. Thus, a ‘narrative identity’² is a dynamic sort of

² The fifth and sixth studies in Ricoeur’s *Oneself as Another*, titled respectively as “Personal Identity and Narrative Identity” and “The Self and Narrative Identity,” problematize the concept of narrative identity in relation to temporality, permanence and change in time, sameness and otherness, and ethical engagement. For a thorough analysis, see Ricoeur (1990/1992) (pp. 113-168).

personal identity since it is incessantly made and remade within personal and public stories, revolving around oneself and others. What is emphasized by this narrative perception of identity is the fact that one's life story is always intertwined with the stories of others. My life story is a portion of the life narratives of my near and distant others. Memories, then, are accumulated around the narrative identity of an individual or a collective subject that is constructed within the narrative account of that subject's own life story. These narratives, in return, demand translation so as to be communicated from one subject to another, enabling a shared understanding of the experiences of suffering or traumatic memories between subjects. They also open up a space for mutual forgiveness for the crimes reciprocally committed. Translation is therefore functional in leading individual and collective subjects to what Ricoeur (2000/2004) calls 'happy memory' by aiding them to maintain a delicate balance between forgiving and forgetting, which is manifest in the etymological relation between *amnesty* and *amnesia* (p. 501). In other words, translation facilitates a process of arbitration between conflicting subjects thanks to the narrativity it essentially shares with the forming and transferring of memories. And ultimately, by liaising the claims of distinct cultural communities, the act of translation is helpful in instituting the just distance or the right mean between forgiving and an unrecoverable forgetfulness.

The appreciation subjects cultivate for each other's individual or national stories thanks to translation and thanks to the narrative exchange of memories lead to the emancipation of "the unfulfilled future within the past" that is unveiled after a critical reading of (narrative) traditions (Ricoeur, 1992/1996, p. 8). Ricoeur believes that a retrieval of the unemployed potentialities and the unkept promises from the past by the work of memory and by the act of translation opens up a universe of creative alternatives for building a future. Remembering and translating, in consequence, create a space for the actualization of the unfulfilled dreams of the past. They bring attentiveness to the experiences of pain and suffering, which attributes a historical and testimonial character to the basic human capability of attestation. In that respect, the duty of memory, which serves for the deriving of exemplary value from memories and past experiences of trauma, must be considered in the parallel of the imperative of justice. "The duty of memory," as Ricoeur posits, "is the duty to do justice, through memories, to an other than the self" (2000/2004, p. 89). To sum up, both translation and memory contain an immanent ethics of the engagement with a foreign subject and both are bounded by the imperative of establishing a just distance with another. In that sense, the act of translation and the work of memory both possess a value of attesting the ethical capabilities of oneself in the engagement with the other and, at the same time, possess the capacity of bearing testimony to the ills that befell the other in the past.

Conclusion

Ricoeur's concept of linguistic hospitality, which simultaneously indicates transference of meaning and welcoming of the other in one's language, finds its best practical model in the act of translation. The act of translation, in turn, is capable of serving as a model for an ethical engagement with the foreign. Furthermore, due to the fact that there is an absence of an ultimate judge in translation, the translation process can also serve as a general model for almost all instances of understanding because of a similar absence of a third person overview in ordinary acts of understanding another person or culture. Nevertheless, the function of the act of translation as a model of understanding and interpreting could also be extended to the juridical domain, where there certainly is a

judge acting as the decisive third-person, because translation brings an ethics of discussion into the formal play of legal argumentation (Ricoeur, 2001/2007, p. 246). The courtroom is a setting where the conflicting partners step into a domain of legal discourse consisting of contracts, agreements, and a “war of words” (2001/2007, p. 76). So, the ability to speak correctly in a trial process or the need to master the legal discourse that requires expertise may result in an inequality on the side of the party that is unable to speak well. In other words, the inability to use the correct discourse in the trial process may result in being expelled from the circle of legal discourse. The ethics of discussion, modelled on the act of translation, could supply the judge (and the jury) with a more tolerant understanding of the party that is unequipped with the tools of legal argumentation with a view to overcoming his initial vulnerability. Thus, Bottone correctly points out that translation in a courtroom setting has a twofold ethical force since juridical translation, as a translation, is firstly an attempt to host the word of the other (of either the defendant or the accuser), and fundamentally, as juridical, it secondly aims to facilitate the exercise of justice (2012, p. 73).

Scott-Baumann underlines Ricoeur's treatment of translation as an ethical model by arguing that the act of translation is an instance of “a responsible ownership of language” and “a rich source of responsible action towards others” (2009, p. 108). It is, in the first place, a way to respect and to protect the individual differences and cultural plurality. The interlinguistic hospitality inherent in the ethics of translation bears an imperative to cherish multiplicity. This multiplicity of cultures and languages, in fact, makes one recognize the probable deficiencies in the linguistic transfer of meaning or during cultural transfer of traditions. What is more, it also brings forth recognition of the basic vulnerability of human beings in the face of any human contact. In this regard, translation, both as a model and as a practical tool, is the most humane way of liaising differences so as to overcome this initial fragility and then to aid subjects to regain their lost (linguistic or social) incapacities. Cultivation of tolerance and forgiveness stand out as the most desired outcomes of the practice of translation in Ricoeur's ethical thought with regard to its narrative function in the exchange of memories between communities that share a past laden with traumatic events. However, regardless of their similarities, the adjudicating function of the judge cannot be collapsed into or substituted by the mediating function of the translator. As Humphrey suggests, adjudication belongs to the sphere of rights whereas mediation is concerned with the satisfaction of needs (2002, p. 100). Justice always needs institutions whereas other sorts of ethical mediation can take place in non-institutional and civic spheres. Forgiveness, promised by the act of translation, is definitely a supra-institutional virtue and belongs to the order of charity. Therefore, charity and pardon (and the other virtues promoted by ethical the model of translation) cannot adequately substitute or institute justice on their own (Kearney, 2007, p. 158). Justice and forgiveness are both required, though separately, to establish a just relation between two disagreeing partners. Finally, translation is a supporting model for the judicial domain, in Ricoeur's thought, with the virtue of teaching an ethics of discussion as well as inspiring deliberation and creativity for legal interpretation thanks to its affinity with textual hermeneutics.

Reference

- Berman, A. (1992). *The experience of the foreign*. S. Heyvaert (Trans.). Albany: State University of New York Press. (*L'Épreuve de l'étranger*, 1984).
- Bottone, A. (2012). Translation and justice in Paul Ricoeur. In Lisa Foran (Ed.). *Translation and philosophy* (pp. 65-74). Bern: Peter Lang.

- Gerhart, M. (1976). Paul Ricoeur's notion of "Diagnostics": Its function in literary interpretation. *The Journal of Religion*, 56 (2), Retrieved from <http://www.jstor.org/stable/1202088>
- Humphrey, M. (2002). *The politics of atrocity and reconciliation*. London: Routledge.
- Kearney, R. (2007). Paul Ricoeur and the hermeneutics of translation. *Research in Phenomenology*, 37, 147-159. doi: 10.1163/156916407X185610
- O'Neill, V. (2012). The underlying role of translation: A discussion of Walter Benjamin's 'Kinship'. In Lisa Foran (Ed.). *Translation and philosophy* (pp. 125-138). Bern: Peter Lang.
- Ricoeur, P. (1974). *The conflict of interpretations*. Evanston: Northwestern University Press. (*Le conflit des interprétations*, 1969).
- Ricoeur, P. (1976). *Interpretation theory*. Fort Worth: Texas Christian University Press.
- Ricoeur, P. (1992). *Oneself as another*. Kathleen Blamey (Trans.). Chicago: The University of Chicago Press. (*Soi-même comme un autre*, 1990).
- Ricoeur, P. (1996). Reflections on a new ethos for Europe. Eileen Brennan (Trans.). In Richard Kearney (Ed.). *Paul Ricoeur: The hermeneutics of action* (pp. 3-13). London: Sage. (*Quel ethos nouveau pour l'Europe*, 1992).
- Ricoeur, P. (2000). *The just*. David Pellauer (Trans.). Chicago: The University of Chicago Press. (*Le juste*, 1995).
- Ricoeur, P. (2004). *Memory, history, forgetting*. Kathleen Blamey & David Pellauer (Trans.). Chicago: Chicago UP. (*Mémoire, l'histoire, l'oubli*, 2000).
- Ricoeur, P. (2006). *On translation*. Eileen Brennan (Trans.). New York: Routledge. (*Sur la traduction*, 2004).
- Ricoeur, P. (2007). *Reflections on the just*. David Pellauer (Trans.). Chicago: The University of Chicago Press. (*Le juste 2*, 2001).
- Scott-Baumann, A. (2009). *Ricoeur and the hermeneutics of suspicion*. London: Continuum.