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On: 13 June 2014, At: 01:18

Publisher: Routledge

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## The Translator

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rtrn20>

### Traduire: défense et illustration du multilinguisme

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Published online: 09 Jun 2014.

To cite this article: Pierre Legrand (2014): Traduire: défense et illustration du multilinguisme, The Translator, DOI: [10.1080/13556509.2014.920067](https://doi.org/10.1080/13556509.2014.920067)

To link to this article: <http://dx.doi.org/10.1080/13556509.2014.920067>

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## BOOK REVIEW

**Traduire: défense et illustration du multilinguisme**, François Ost, Paris, Fayard, 2009, 421 pp., 23€ (pbk), ISBN 978-2-213-64366-3

A distinguished francophone jurist hailing from the ‘civil law’ tradition (the familiar misnomer referring to legal cultures worldwide that feature epistemologically influential traces of Roman law), François Ost pleads against the supremacy of English which technological, financial and cultural processes of globalisation have been facilitating. Specifically, Ost conjoins his opposition to *anglobalisation* with the view that ‘the fight in favour of the promotion of the French language is a priority of extreme importance’ (17). Throughout, the argument unfolds from an interdisciplinary vantage, an unusual stance within the civil law world where, whether in Germany, Mexico or Japan, academic writing remains stupefyingly obsessed with utilitarian aggregations of concepts and with the desire to keep legal discourse immune/safe from what it deems to pertain to the non-law (which it variously calls ‘anthropology’, ‘economics’, ‘literary criticism’ or ‘\_\_\_\_\_’ [fill in the blank], the only ascertainable exception being mathematics, whose *inevitability* it has expressly wanted law to mimic for centuries).

The theoretical fulcrum of Ost’s proposed resistance strategy is translation. Castigating the ‘*tout à l’anglais*’ (13), he rejects, both descriptively and prescriptively, the idea of a single and perfect language that would allow for largely unimpeded transportation of data from Brazil to Bulgaria and from Sweden to Swaziland. (Incidentally, it is very hard for a francophone not to discern in that expression of frustration an assonance with a well-known French compound, *tout-à-l’égout*, the reference to the sewer system conveying strong contempt.) As he postulates the felicity of linguistic pluralism and calls the multiplicity of languages a ‘blessing’ (12), Ost invests translation with a counter-hegemonic mission – which he claims it can only assume, however, if it undergoes extensive resignification.

For Ost, translation can no longer be justifiably envisaged as a surrogate – that is, as a stratagem which one would deploy by way of *pis aller*. It is thus an error to relegate translation to an ancillary linguistic form which would be inherently inadequate or structurally deficient vis-à-vis an original text radiating as the exclusive and uncontested fount of legitimate semanticity. Ost wants to revisit the assumption that a text-in-translation must stand, but as the flawed rendition of an original. Quite to the contrary, translation demands acceptance as an original form of writing in its own right – not, to be sure, an original in the same sense as the text being translated, which carries at the very least chronological precedence, but as a work (a differential system of energy, an alternative *economy*) attesting to a fully-fledged process of creativity on the part of the translator-as-writer – so much so in fact that Ost shows himself to be at ease with Jacques Derrida’s appreciation that the text-in-translation can enhance or sublimate the initial one, that it can *raise* it (Derrida’s (2005) operational French verb is *relever*), so that there would exist then an inter-indebtedness between the first text and its successor in translation. Yet Ost’s understanding of translation as an intervention harbouring the potential to elevate the text being translated, his injunction that

translation is first and foremost an opportunity, is not devoid of controversial premises (at any rate from the standpoint of lawyers, who remain, barring rare exceptions, woefully uninformed about the state of theoretical play within translation studies).

Consider truth. As I have mentioned, Ost recognizes that the text-in-translation, in effect, acts as another original (what one could usefully call an ‘iteration’ of the initial text). Also, he accepts that the translator can properly ascribe meaning to the text being translated (which entails that meaning is not inherent to that text – that it is not to be found fixated there, so to speak, a *Vorhabe* simply awaiting elicitation by its exfoliator). Ultimately, Ost is willing to agree that translation problematizes truth such that no translation can ever be said to be true. And, for him, the fact of the manifold deserves to be welcomed, irrespective of how much it complexifies matters. It is good that there is not truth-in-translation, that meaning does not exist as some self-contained entity within the initial text and that there is not one original only. In this way, the risk that the first text would be monopolizing all possibilities of unconcealment by reducing meaning to a one-dimensional manner of appearance – the hallmark of totalitarianism – finds itself circumvented (indeed, such one-dimensionality as Ost contests would not be a product of meaning, but an *abandonment* of the semantic dissemination, of the garrulity, that meaning must involve).

Quite apart from deconstructing shibboleths like ‘truth’, fixity of meaning and ‘originality’, Ost argues that translation occupies a much more central place than has been postulated. Indeed, acknowledging his indebtedness to Paul Ricœur (and through him to Thomas Kuhn), he emphasises the paradigmatic character of the translative intervention. Importantly, he observes that it would be philosophically naive and phenomenologically credulous to assume that translation is confined to situations arising at the interface of languages. Rather, translation is intra-linguistic in addition to being inter-linguistic – in fact, it is *preeminently* intra-linguistic. As I write, I am translating my thoughts into words, possibly coining neologisms or ascribing new semantic content to familiar terms. Reflecting on my attempt to configure my thoughts into words in a manner conveying as precisely as possible each inflection of my mind, I can see that such an engagement hardly differs from what I do when I seek to inscribe in English, as loyally as possible, the words that I have encountered, say, in a text to be translated from the French.

In both cases, whether operating within a language or across languages, Ost insists that one is invited to seize the occasion to improve one’s language – and oneself. To formulate a rendition of *The Merchant of Venice* or of the legal term ‘estoppel’ in German, for example, is thus a means for one to refashion the German language and to test the reach of one’s imagination and resilience along the way. As translation solicits the host language to prove hospitable to the foreign words purporting to be received within it, the process invites a linguistic interruption. Indeed, translation challenges the host language to produce meaning, which may well compel it to respond by reinventing itself. In this fashion, notes Ost, the host language, rather than engaging in an act of assimilation of the text being translated that would force the text’s words to fit within the host’s pre-established linguistic patterns, must adjust its habitual unfolding and undertake the kind of self-transformation that will accommodate the other; Ost repeatedly endorses Ricœur’s book (1990) enjoining the self to renounce the appropriation of the other and instead turn oneself into another. An analogous reasoning applies to intra-linguistic transcription. Consider Martin Heidegger as he works with the word *Abgrund* then to introduce *Ab-grund*, a morphological innovation which, despite an indistinguishable pronunciation, carries different meaning; or else envisage Heidegger as he purports to make Kant’s terminology

conversant with his own philosophy in order to initiate an *Auseinandersetzung* with his predecessor. There is, thus, a direct synergy between translation and the task of thinking, language marking the outer reach of thinkability. Whether one is thinking in one's language (but does language belong?) or in another language, translation is inseparable from thought itself. To be sure, one cannot do whatever one wants with language (language does not belong!). Still, in allowing for the exploration of what language can permit, translation teaches crucial information about how far one can take language – and oneself. Ost therefore insists on translation as consisting of that which seeks to capture *both* what lies behind the process (this aspect of the matter being carried by the idea of 'fidelity') and what lies ahead of it (the relevant evocation involving the new interpretive possibilities allowed through the act of 'creativity').

Accepting translation's limits, Ost abides by the view that untranslatability is not to be experienced as a predicament or disconsolation. It is indeed salutary that translation should fail in the end – the goal being, as Beckett has it in *Worstward Ho*, to '[f]ail better' (1983, 471). Only an identity across more than one text could surpass untranslatability. However, identity entails oneness. In other words, if there is more than one text, identity must be forsaken (one can refer to Leibniz's 'law' of imperceptible variations). Now, *ex hypothesi* so to speak, translation assumes more than one text. As a result, the idea that somehow the translation process might deliver the original *an sich* is simply untenable. Rather, there is the coming into co-presence of a second original – a claim which, as I have noted, Ost emphasizes, and which any of Beckett's self-translations would aptly illustrate. It follows – a fact which Ost readily acknowledges – that translation inevitably injects difference into any strategy of re-presentation (I use the hyphen advisedly): translation is a transaction, that is, 'a practice producing difference out of incommensurability (rather than equivalence out of difference)' (Morris 1997, xiii). Indeed, difference becomes a condition of translation's very possibility. For there to be translation, there must be a difference between the text being translated and the text-in-translation. If there were no difference, if the text-in-translation were the self-same text as the text being translated, then it would be precisely that, the self-same text as the text being translated – and it could not be a *translation*. To approach the issue like Derrida (to whom Ost refers approvingly on more than one occasion), it is because translation is impossible that there can be translation at all: the very impossibility of the endeavour acts as a condition of its possibility.

While attending to the virtues of hospitality on the part of the host language vis-à-vis the foreignness of the text being translated and adverting to the advantages inherent to linguistic differentiation, Ost is concerned to avoid promoting any agenda that would suggest communitarian ethics (anyone familiar with public discourse in continental Europe knows how communitarianism is reflexively reviled, perhaps especially in France). There is more, though, for Ost expressly wants to safeguard universalism. Putting the matter in terms derived from the philosophy of language, Ost objects to the fact that encyclopaedic propagation of a multitude of usages and connotations should herald a renunciation on translation's part of lexical rigour and concomitant univocal definitions. Interestingly – and, in my view, unconvincingly – Ost wishes to retain what he calls the self's 'legitimate pretence' (295) to the universalisation of self-situatedness. To be sure, Ost expressly dismisses the brand of universalism that one readily associates with John Rawls's 'original position' or Jürgen Habermas's 'communicational ideal'. In other words, he disavows universalism as implying a referent that would act as a unique vantage. But he then attempts to salvage the idea by reconfiguring each instantiation of local knowledge as a specific rendition of universalism, which he introduces as a constant work-in-progress.

Drawing on Kant, Ost sees in every brand of localism a ‘hidden universal’ or a ‘contested [universal]’ (296). Perhaps in line with an underlying religious denomination, a kind of anthropo-theological thinking which carries through the book beyond, I think, what needs to be said to do justice to the religious history of translation, he defends universalism as an ‘ethical program’ (298). Ost’s hyperbolic exertion to redeem universalism even as he repeatedly makes the case for the value of pluralism (perspicuously acknowledging both the cultural embeddedness of language and the different abilities of interlocutors as they purport to master discourse) stands as the crux of my disagreement with him, even as I otherwise largely concur with his views on language.

In the way he frames his strategy, Ost very much reminds me of Martha Nussbaum. Nussbaum, too, maintains that she is defending ‘a form of universalism that is sensitive to pluralism and cultural difference’ (2000, 8). But the fact is, whether as regards Ost or Nussbaum, that any attempt to fit the square peg of universalism into the round hole of pluralism is always already doomed. Like Nussbaum’s, Ost’s rhetoric is in key respects that of a political liberal approaching his subject matter in typical fashion and therefore instinctively searching for commonalities, consensus, agreement – without any seeming awareness of the structural hold that his liberalism has over his discourse, which becomes, perforce, ethnocentric. For Ost to talk about ‘pluriversalism’, as he does in various places in his book, is not without recalling Habermas who, also making a case for universalism, coins the flaccid notion of ‘[t]ranscendence from [w]ithin’ (1992, 32–45). Ost’s and Habermas’s oxymoronic expressions attest to their continued ensnarement in metaphysical forms that have long outlived any usefulness they may once have held and that ought to have been relinquished accordingly. These locutions also supply further evidence that any so-called ‘universalism’ is very much someone’s ‘universalism’ – that is, someone’s production, someone’s decision – which is another way of saying that any ‘universal’ claim is structurally colonial. Meanwhile, irrespective of how ‘inherently transnational and time sensitive’ it can be said to be (Apter 2013, 42), language, every language, is singular, and no language can hope to surpass its singularity. Such is not to say that communication cannot happen, but that it will be dissonant. (*Quaere*: is Pierre Klossowski justified in entering an exception as regards bodily language, ‘*l’échange des corps*’?) (1970, 61).

When it comes to translation, law, for Ost, is ‘a paradigm’s paradigm’ (380). It offers, ‘*par excellence*’, an illustration of the translation paradigm at work (16). Beyond the obvious cases involving international law or comparative legal studies, where lawyers visibly operate across languages, Ost underlines an extensive array of settings in which translation plays a prominent, if mostly hidden, role. He has in mind the situation when a lawyer attempts to bring a statute into historical perspective or when a given question (for instance, adoption) is envisaged from various legal angles (say, family law or taxation law). Translation is also taking place whenever a lawyer puts into writing a client’s wishes or when a parliamentary expert frames into a statute the political will of the government of the day. Most importantly, though, a process of translation manifests itself every time a fact-pattern needs to be transformed into a question of law: ‘is she entitled to get her money back given that she thought she was buying a Picasso and got a counterfeit painting?’ thus becomes, as a matter of French law – in English, ‘did she make an error bearing on the substance of the object of the contract?’. Translation is also at work whenever a legal text must be applied to the facts of a case. In this respect, there is much more to Ost’s argument than may meet the untrained eye since he is, for all intents and purposes, rejecting the view that the judge would not be interpreting the law, but would simply be implementing it. As

strange as this line of reasoning may appear in London, New York or Singapore, it remains the case that in countries like France, whose law historically derives from the Roman model, it has long been thought that ideally the judge would not engage in any lawmaking whatsoever. By calling the judge a translator (413), Ost recognizes that, just as happens with translation, no reading of the law can in fact arise without an interpretive slant. And then there are other forms of translation still, such as when a judge converts damage to reputation into a sum of money.

In Derrida's deflationary words, '[w]hat guides [on]e is always untranslatability' (2004, 26). Even as he militantly argues the case for the living-on of the French language through the redemption of translation, Ost agrees that sheer restitution of meaning is neither achievable nor worth pursuing. Against Hans-Georg Gadamer, he also resists the view that translation is a matter of 'overcom[ing] and thereby cancell[ing]' the alienness of the text (1983, 350); in fact, drawing on the late Antoine Berman, he staunchly maintains that the translated text must seek to disclose the foreignness of the text being translated. All the same, Ost would dispute Derrida's assertion to the effect that difference across languages is 'irreducible' (1990, 253), a statement which must doom any universalisation project. Yet, for anyone who is willing not to hide behind the agreeable view of the world that the multitude rushes to embrace; who can, though unseasonably, acknowledge the unsurpassable persistence of disintegrating forces, of disputatious antagonisms, of vehement discords, of dislocation or disjointure; who is able to recognize the endurance of a supplement of sense remaining beyond any attempt at consensus; who is willing to countenance 'radical atheism' (Hägglund 2008), there is the fact of the non-relation, of the differend, of the text-in-translation being there, felicitously different from the text being translated. Because each language is singular and since each language's determinative power propounds a unique yet partial mode of existence, any suggested oneness, any claimed satiety, remains a fantasy. In effect, 'we know, in common, that we have nothing in common' (Derrida 1997, 52). Problematically, though, the fantasy is anything but innocuous, for it must assume the effacement of the 'saving difference' (Bloom 1975, 43).

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