

*ACLA – Panel: “The Right to Untranslatability: Multilingualism, Translation, and World Literaricity.”  
Mar. 20-23, 2013 at NYU*

Vom Recht auf Unübersetzbarkeit bzw. von der Unübersetzbarkeit des Rechts – on the inextricability of  
language and law.

“Language is the scene of the norm” – for the philosopher Pierre Legendre, this statement serves as basis for the hypothesis of an inextricable relation between logos and nomos. Each speech act, he claims, resonates of the discourse of law, or rather of the discourse of an entity guaranteeing for the law – a fictitious entity that each society has to establish with emblematic-linguistic means. This “Reference”, which Legendre logically derives from the Lacanian mirror paradigm, not only serves as authenticator for the subjective and cultural identity constitution. Structured as emblematic discourse, the Reference is the origin of law and initiates the mechanism of representation, thus inaugurating the culture-specific order of sense and image language and law are based upon.

In a critical view of the modern era of legal positivism and globalization, Legendre fervently defends his idea of the triangular structure of human existence, of the dependence of law and language on a culture-specific, metaphysically set pool of imagery and normativity constituting and guaranteeing for cultural and subjective identity.

With regard to the discussion of translatability of literature, my paper examines the dogmatic-anthropological hypothesis of an interdependence of literature and law. By critically assessing the concept of Reference it deals with the question, whether the claim for a right to untranslatability could be viewed as a sign for an awareness of a dimension of language that has been lost from view; dogmatic-anthropologically speaking, if the legitimation of the right to untranslatability could be derived from the untranslatability of law.