
Introductory Note

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ABSTRACT

This Introductory Note highlights the thematic core of “Justice as Translation and Counter-storytelling”, whilst exploring the corresponding “sophisticators” (*translation* and *narrative*). Even though acknowledging their differences, it concludes that they

should be understood as creative forms of life (ways of challenging literal-mindedness), that are simultaneously necessary and impossible.

KEYWORDS

Translation – Narrative – Forms of Life – Necessity – Impossibility

It is a great honor to speak to you at the beginning of this important conference. I certainly wish I could greet all of you in person, especially my old friends.

I have just a couple of things to say. The first is that to have a conference focused on both translation and narrative seems to me inspired. These are obviously very different forms of expression, but they are both ways of challenging simplistic ways of thinking and talking. In particular they both resist what might be called literal-mindedness, the idea that one can simply say what one thinks and others should understand it perfectly. When well understood both narrative and translation are what might be called, if I may invent a term, ‘sophisticators.’

One thing translation and narrative share is that they are both realms where it is obvious that there can be no single standard by which a work can be understood, or measured, or judged. When you read a great novel you admire what is done, but you also know that the story might have been told very differently and perhaps equally well. Every page is the embodiment of

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choices that might be replaced. Likewise, when you read a good translation and admire it, you also know that it might have been done differently, in every aspect, but equally well. There is no one right way for a person to tell (or write) a story or to translate a passage from one language to another.

The significance of this is that both forms of expression insist that human expression is at its heart creative. When we chat with our child on the way to school, we do it differently every day. It is up to us.

Of course to say that expressions are creative is not to say that they are automatically interesting or thoughtful or original. There are bad translations and bad novels, and bad ways of talking to our child, as well as good ones. We must read them and judge them as fairly as we can and then be prepared to explain or defend our judgment, even to ourselves. In doing this we know that here too there is no one right answer; our judgments are our own responsibility, and we must try to make them as soundly as we can.

Another way to put the connection between narrative and translation is to say that both of them are at once necessary and impossible. Whether we know it or not we are always telling stories to ourselves and others—in our work, in our social life, in our most causal conversations, as well as in our published work. It is impossible not to tell stories. We have to. But to tell them perfectly is impossible. Think how you would tell another person what you had for breakfast this morning. If you try it you will see that there will be immediate difficulties—about vocabulary, audience, sequencing, timing, and meaning—each of which could be resolved in many ways. And think how differently your spouse might tell the story of the same breakfast! Every story is told anew.

Much the same thing is true of translation. We have to do it and we cannot, except in a deeply tentative way, especially when we realize that the practice of interpretation is itself a form of translation. For whenever anyone speaks to us, even in our own language, we have to try to understand what they are saying and that will often take the form of putting it in other terms. Or think of what happens when something is said in another language that we want to carry over to our own. We know this cannot be done without changing the meaning of what is said. We will add to what is not there; we will fail to express all that is there; our translation will necessarily twist and change the original. Within the same language the same thing is true of interpretation: in our statement of what something means we will necessarily add and subtract meaning. Like the translation, the interpretation is a new text with its own meaning.

So we have to tell stories and we have to make translations. They are necessary to social life.. But they are impossible, in the sense that one cannot tell a perfect story or make perfect translation; but that very fact means that they are creative at their heart, and thus far more interesting and important than utterances that claim they have done the job without a flaw. The bad news is really good news.

Let me just add one thing, as a lawyer: that the ability to tell our stories well in the law—our competing narratives—and to translate well the authorities that speak to us—the statutes, constitutions, established practices, earlier cases—is essential to the realization of justice itself.

If you think about a trial, its very fabric is the story of the plaintiff, the answering story of the defendant, the regulation of the ways in which those stories can be told in court and then criticized and answered. The winner is the one whose story is believed. This whole process is creative in the extreme: limited but creative.

At the same time lawyers and judges are faced with authoritative texts—statutes, regulations, prior cases, contracts—that are uncertain and contestable in significance, and must therefore must be interpreted, and that is a species of translation.

Justice is the goal of law, its deepest concern, and the way it is attained is by the deeply creative and necessarily imperfect practice of narrative and translation.

So let me welcome you to a conference in which you will constantly be thinking and talking about these two forms of life, translation and narrative, both necessary, both impossible.

