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## The relevance of Derrida's translation: Mercy and *ethos*

Michelle Bolduc 

Translation Studies, University of Exeter, Exeter, UK; HCTI (Héritages et Création dans le Texte et l'Image), Université de Bretagne Occidentale, France

### ABSTRACT

This study examines Derrida's rhetorical *ethos* in his 1998 lecture, 'Qu'est-ce qu'une traduction "relevante"?' [What is a 'relevant' translation?], given before an audience of French literary translators from the ATLAS association. This lecture provides a gloss, informed by Derrida's seminars on forgiveness, on his partial translation of Portia's lines from Shakespeare's *Merchant of Venice*. Although Derrida's translation turns on the rendering of 'seasons' as *relève*, his overtly rhetorical positioning in this lecture foregrounds the homonymic pair *mercy/merci* as a primary 'relevant'. As a result, Derrida's performative statements of gratitude and appeals for mercy may be read as speech acts that, while simultaneously evoking and repudiating the association of translation and conversion activated in the translation of these lines, also conjure his specular *être-juif*. As a result, rather than simply giving a public lecture on an intimate philosophical translation practice, in 'Qu'est-ce qu'une traduction "relevante"?' Derrida presents a rhetorical *ethos* that embeds translation, relevance, and mercy in a personally-inflected public reflection on the 'Jewish Question' and its very real historical consequences.

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For this special issue on translation and *trouville*, I consider Derrida's 1998 ATLAS lecture as a *point de départ* for unexpected new understandings tied to translation and its relevance. I confess that in re-reading this lecture, I did not expect to find rhetoric – oratory, even – as a major feature of his discourse, despite the enduring links I have examined between translation and rhetoric (Bolduc 2020).<sup>1</sup> Dazzling linguistic-inflected philosophical sleights of hand, yes, but rhetoric, no. Less 'trouville' than 'retrouvilles' [the act of finding anew], I found that within this most philosophical of reflections on translation, rhetoric launches translation into a sphere far more expansive than that of the intimacy of translator and text (see Spivak 2004, 398, 412).

Kathryn Batchelor (2021, 12) has written that 'Derrida demonstrates the power of translation to prompt philosophical reflection'. Her in-depth reading of Derrida's unraveling of the multilingual meanings of *relevant* (*relevance*; *relève*) in his gloss of Shakespeare's *Merchant of Venice* is integral to her cogent argument that we should read his ATLAS lecture within the context of Derrida's investigations of forgiveness,

**CONTACT** Michelle Bolduc  [m.k.bolduc@exeter.ac.uk](mailto:m.k.bolduc@exeter.ac.uk)  Queen's Building, The University of Exeter, Exeter, Devon UK EX4 4QH H

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justice, and mercy. I concur: Derrida's lecture – his explorations of *relève*, on which the whole of the lecture is based – asks his audiences to surrender to his linguistic rhetoric (See Spivak 2004, 405). But rather than focusing on relevance (*relève*), I argue that Derrida's use of rhetoric compels us to pay closer attention to the function of the homonymic pair, *mercy/merci*, which offers a way into the topical questions interrogated in this lecture, and how these form the basis of his rhetorical *ethos*. By *ethos*, I mean the way in which the speaker's own character becomes a tool of persuasion, as described, for example, in Aristotle's *Rhetoric* I.1 1356a (Aristotle 2020, 16–17). Significantly, beyond its (etymological) ties to ethics, *ethos* is also discursive (Amossy 2009), permitting an intersection between rhetoric and sociology (Amossy 2010), and thus between *ethos* and (the performance of) self-presentation.

Derrida's *ethos* is especially complicated. A few years after his ATLAS lecture, he spoke poignantly of the duality – the two *histoires*—he had experienced, between his *être-juif* and his public persona as philosopher, observing that his writings do not always bear traces of the former (Derrida 2014 71–72). I keep this painful duality in mind, especially in light of his self-naming as 'le dernier des Juifs' (Derrida 1991, 145; see also Derrida 2014, 87–88), which is a play on being simultaneously the least Jewish of the Jews and the last Jew standing, and which stands in contrast to 'le plus juif' (one gloss of which he gives as 'autre que juif' [Derrida 2014, 126]). As 'le dernier des Juifs', Derrida evokes the history of antisemitism especially in the first half of the twentieth century and his personal experiences of this as an Algerian Jew (Derrida 2014, 91).

In his lecture to the literary translators of ATLAS, Derrida fashions his rhetorical *ethos* in terms of a *mercy/merci* that not only responds to the Jewish Shylock's conversion in *The Merchant of Venice* but that also conjures, especially via his contemporary work on forgiveness, this unstated but specular Jewish identity. Moreover, his *ethos* pointedly evokes the topical stakes of *mercy/merci*: the 'Jewish Question' and the debates on the possibility of forgiveness, pardon and mercy after the Shoah. In this way, he translates 'seasons' from Portia's line 'mercy seasons justice' not only with *relève*, but rhetorically speaking, with himself.

## Derrida's Rhetoric

We begin by exploring how Derrida creates an intricate performance of oratorical tools and techniques before his audience of literary translators. Whereas Peter France (2005, 261) has argued convincingly that the translator is generally in a 'rhetorical situation', the scholarship on Derrida's ATLAS lecture tends to overlook its rhetoricity. A careful reader may protest at such a statement, as the text that we read is the slightly modified text of a spoken address, and is thus *de facto* discursive in nature. And yet, Derrida emphasises with clear verbal markers his use of rhetoric, and not only with the use of the second person plural to address the audience directly, although this too would have rendered the audience attentive and open to persuasion in a way that evokes the precepts Cicero (1949, 46–47) gives for successful oratory in *De inventione* I,16, 23.

In fact, throughout this lecture, Derrida calls explicit attention to his oratorical self-positioning. Recalling Quintilian's advice in *Institutio oratoria* IV.1.1 (2001, 180–181), Derrida begins his lecture by using the various means of the oratorical *captatio benevolentia*, appealing to his audience to gain their goodwill and approbation. First, Derrida

praises his listeners by characterising them as united in their concern for, and expertise in, translation; he also flatters, adding that translators are the only ones, to his mind, who truly know how to read and write (Derrida 2001, 174–75; 2005a, 7–8). He thus recalls a primary concern of judicial rhetoric: as Quintilian (2001, 186–87) notes in *Institutio oratoria* IV, 1, 16, by praising the judge and associating this praise to the ideas he presents, the speaker prepares the audience to be more favourably inclined towards these ideas. Derrida's praise of his audience manifests how the orator 'can acquire the benevolence of the listeners by speaking of their good qualities and praising their deeds, their strength, candour and valour, [and] reason' (Latini 1915/1968, 184–186).

Derrida then makes use of a humility discourse, repeatedly noting (via the verb 'to dare', *oser*) the daring required to speak on translation before an audience of literary translators ['Comment oser parler de la traduction devant vous ...'; 'Comment oserai-je m'avancer devant vous'; 'Si j'ose aborder ce sujet devant vous ...'] [Derrida 2001, 174; 2005a, 7–8].<sup>2</sup> Here, Derrida evokes such foundational texts of Classical rhetoric as Cicero's *De inventione* I, 16, 22 (1949, 44–45) and Quintilian's *Institutio oratoria* IV, 1, 8 (2001, 182–83), employing a trope from judicial oratory, feebleness (*excusatio propter infirmitatem*), which aims to dispose judges favourably (Curtius 1973, 83). Derrida's use of this may be an 'affected modesty topos' (Curtius 1973, 83–85): although some in the audience may have been drawn in by these gestures of humility, anyone with the slightest knowledge of Derrida's scholarship would have instead felt the paradoxical authority underlying them, as his philosophical interest in and practice of translation was well known.<sup>3</sup>

Rather than (simply) an 'immense monologue' (Cixous 2012, 1), then, Derrida's discourse here suggests his use of standard rhetorical techniques before an audience. We can easily find such traces of oratory in other texts. Consider, for example, *Otobiographies*, originally given as a lecture at the Université de Montréal in (1979): here, Derrida makes repeated direct addresses to the audience (Derrida 1985b, 3–5). Consider too his *Apories*, which begins with a citation from Diderot as a rhetorical appeal to authority (Derrida 1996, 15), and which contains not only direct addresses to the audience but also gestures indicating the specific time and place of the original discourse (Derrida 1996, 22, 26). Finally, consider Derrida's *Work of Mourning* (Derrida 2001), a collection of his funeral and memorial orations as well as letters in homage to important figures who had recently died. These contain numerous markers of his rhetorically-inflected discourse, as well as references to the theory and practice of such orations, demonstrating Derrida's expertise in epideictic rhetoric.

If Derrida was accomplished in the theory and the practice of oratory, his rhetorical interventions in the ATLAS lecture are not simply standard traces of public discourse, epideictic or not, nor do they remain at the level of his application of Classical precepts of effective oratory. Rather, they quickly become more specifically tied to his translation of Shakespeare, and place a spotlight on the interlingual homonymic pair *mercy/merci* as *relevant(s)*.

### The relevance of *mercy/merci*

Cixous (2012, 2) has noted that '[t]he whole adventure of [Derrida's] thought is a hunt and chase of symptom words, cleft words that beetle over their base, clefts through which world commotions are produced'. When such words are polysemic, homonymic,

and interlingual, they not only call out for ‘experimental prowling’ (Batchelor 2021, 8), but also underscore how, for Derrida, translation’s very design is a ‘passage à la philosophie’ (Derrida 1985a, 119–120; see also Crépon 2006). Whereas a textual reading of Derrida’s ATLAS lecture on a relevant translation will privilege (and rightly) the term *relevant* and its linguistic network (for example, Batchelor 2021, 9–12; Davis 2001, 98–106; and; Foran 2016, 159–214; see also Venuti 2013, §48 on translating *relève*), a reading of this lecture as rhetorically inflected changes the focus, placing more weight on *mercy/merci* as an additional ‘corps de traduction’ (Derrida 2001, 177; 2005a, 14).

This is not to say that *relevant* is not important: it is the very heart of the lecture, given place of honour in his title and in the lengthy justifications he gives for using it to translate Portia’s line from *The Merchant of Venice* IV.1.193, ‘when mercy seasons justice’ (Shakespeare 1623, 179, line 2108; (Derrida 2001, 195–198; Derrida 2005a, 62–69). Moreover, as Derrida himself observes in (unspoken) notes to the ATLAS lecture, it is very much tied to his (non)translation of Hegel’s *Aufhebung* (Derrida 2001, 196n8; 2005a, 76–77n10).<sup>4</sup> It is also a reminder of his earlier deconstruction of the primacy of the voice and phonetic writing, keystones for Derrida of Hegel’s philosophical project (Derrida 1972b, 13).<sup>5</sup>

However, a rhetorical reading of this lecture unveils how Derrida interposes forgiveness (*le pardon*) itself as *relevant*, as an *Aufhebung*, tying it to the central theme of the lecture, translation. As he observes, ‘Mercy [*le pardon*] is a *relève*, it is in its essence an *Aufhebung*. It is translation as well’ (Derrida 2001, 197; Derrida 2005a, 14; see also Trüstedt 2019, 169). If *relevant* (*relève*) ‘carries in its body an ongoing process of translation’ (Derrida 2001, 177; 2005a, 14), *mercy/merci*, perhaps even more so than *relève*, force the reader’s ear to engage in translational code-switching – between writing and speech, French and English. Derrida’s use of *mercy* and *merci* troubles linguistic stability by invoking the long-standing variation in spelling of both words. Medievalists in the audience would know that *merci* was spelled in Old French not only as *merci* and *mercy*, but also as *merchi*, *merchy*, *mercid*, *mercit*, *mercet*, *mierchi*, and *marchi*, as we find in Godefroy’s Old French dictionary (Godefroy 1982, 252). Even Shakespeare spells *mercy* in various ways in the first folio editions of 1623, including both *mercie* and *mercy* in *The Merchant of Venice* IV.i.183–194 (Shakespeare 1623, 179, lines 2095, 2104, 2108, 2111). With *mercy/merci*, then, as with *relevant*, ‘at the word go we are within the multiplicity of languages and the impurity of the limit’ (Derrida 2001, 176; 2005a, 12).

Because of their graphic instability and intersecting meanings, *mercy/merci* may remind us of ‘homonyms’, signs of the gymnastic virtuosity of language (Cassin 2016, 112–113).<sup>6</sup> As homonyms, *mercy/merci* evoke how languages invent and construct themselves (Cassin 2016, 91). They also compel interpretation, whether read or spoken aloud, making of their translation an act of interpretation (see Cassin 1989, 71; 2016, 88) and revealing both the instability of (philosophical) meaning and the impossibility of translation (see Foran 2016, 160). We are constantly reminded in this lecture of the other when the one is spoken/read, as *mercy/merci* oscillate, performing a contrapuntal movement marked by and yet exceeding simple homophony. In this way, *mercy/merci* are visible and audible signs of an on-going process of translation and cross-border linguistic propagation, recalling how ‘we only ever speak one language/We never speak only one language’ (Derrida 1996, 21, 23).

Further, both *merci* and *mercy* retain, if in specular fashion, a common history of being performative language. For example, some of the first vernacular uses of *merci* in the twelfth-century, as detailed by the Centre National de Ressources Textuelles et Lexicales (<https://www.cnrtl.fr/definition/merci>), show *merci* to be associated with a vocalised call for mercy: '*crier merci*' [to ask/cry for mercy]; '*querre merci*' [to ask for/seek mercy]; '*demander merci*' [to ask for mercy]. This use of *merci-qua-mercy* may be a far cry from the *merci* we proffer so easily now in French shops; nevertheless, their long entangled history as speech acts is a trademark of Derrida's own discourse in this lecture, and elsewhere.<sup>7</sup> In fact, his demands for pardon and mercy from the ATLAS translators render explicit the performative aspects of *mercy/merci*.

### **Merci and the appeal for mercy**

Derrida places *mercy/merci* at the centre of his relationship with his audience, as he repeatedly thanks his listeners and calls on them to extend mercy to him, thereby troubling our reading of *relevant* and, by extension, the nature of a relevant translation. We have only to consider how Derrida frames his lecture with *mercy/merci*. Near its opening, Derrida directs his gratitude and mercy to his audience by gesturing at the interlingualism of these terms (which the transcript highlights by its use of italics): 'But I won't put off any longer saying "merci" to you, in a word, addressing this *mercy* to you in more than (and no longer) one language' (Derrida 2001, 175; 2005a, 10). Similarly, Derrida's concluding words turn once again to this interlingual homonymic pair: 'Merci for the time you have given me, pardon, *mercy*, forgive the time I have taken from you' (Derrida 2001, 200; 2005a, 73).

Such appeals could appear to be part and parcel of any public speech before an audience. However, the homonymic and interlingual pair *mercy/merci* has here rhetorical rather than metaphysical presence, as Derrida embeds them within the direct address he makes to his audience (see Perelman and Olbrechts-Tyteca 2008, 113, vs.; Derrida 1978, 142; Bass in Derrida 1978, xi). His framing of the lecture in terms of a gratitude that veers into an appeal for mercy thus has the effect of sharpening our attention to how his speech invites a response, and is thus 'bound up with effects' (Austin 1975, 118).

Derrida's rhetorical use of *merci/mercy* also signposts this lecture's relationship with the seminars on perjury and forgiveness that he gave over the 1997–1998 academic year (Derrida 2019, 2020). We know that he recycled most of his commentary on *The Merchant of Venice* in this 1998 lecture from the second seminar (Batchelor 2021, 4–7; Derrida 2019, 77–101), but reading rhetorically unveils intriguing overlaps between the ATLAS lecture and the first and second seminars. Derrida performs there the terms *pardon* and *merci* as speech acts, opening the first seminar (12 November 1997) by declaring 'Pardon, oui, pardon' (Derrida 2019, 27), and the second seminar (26 November 1997) by saying 'Pardon, merci' (Derrida 2019, 77). By means of this rhetorical reiteration, he links not only the two seminars but also *pardon*—mercy – with *merci*, which 'resonates a bit like an echo of pardon' (Derrida 2019, 77).<sup>8</sup> Further, although he initially lodges both *pardon* and *merci* in French (and, in the first seminar, he does so explicitly, saying 'I have just said 'pardon' in French' (Derrida 2019, 27), he quickly provides multilingual etymological links for both, highlighting the vernacular forms of *pardon* (Derrida 2019, 27–28) and the Latin

cognates of *merci*, including *merces*, *mercredis*, and *mercimonium* (Derrida 2019, 77–78). And finally, Derrida also stresses in the second seminar that *merci* has a performative aspect: “‘Merci’: this word, ‘Merci’ . . . this abbreviated phrase by which in a performative mode we note our gratitude for a gift, a clemency or a favour granted, a reward, [is] thus, the performative expression of gratitude’ (Derrida 2019, 77).

The performative aspect that Derrida attributes to his use of *merci* in this second seminar is expanded in the ATLAS lecture in reference to the English word ‘merciful’. In using it here, Derrida explicitly portrays himself as a speech act theorist:

For your part, forgive me from the outset for availing myself of this word merciful as if it were a citation. I’m mentioning it as much as I’m using it, as a speech act theorist might say, a bit too confident in the now canonical distinction between *mention* and *use*. (Derrida 2001, 175; 2005a, 10)

Several observations may be made. First, the way in which Derrida distinguishes between *mention* and *use* (even as he unsettles the theoretical ground of this distinction) draws the audience’s attention to the doubled function of ‘merciful’, suggesting that this word has illocutionary force (Austin 1975, 98–132).<sup>9</sup> Second, his characterisation of ‘merciful’ as a citation ties it to his notion of indefinite iterability, which can break with any given context and yet engender an infinity of new contexts (Derrida 1972a, 381; 1982, 320–321). In addition, it also evokes the possibility that multiple starting points may bear similar axiological weight, as observed in rhetorical argumentation when it is considered as regressive philosophy (Frank and Bolduc 2003, 191; Perelman 1949, 177–178). Finally, seeing ‘merciful’ as a citation recalls not only Derrida’s own play of iterability, but also the longstanding use of citation and quotation as rhetorical appeals to authority (Perelman and Olbrechts-Tyteca 2008, §70, esp. 413) that are used in order to establish communion with an audience (Perelman and Olbrechts-Tyteca 2008, 240).

Underlying these appeals for mercy is Derrida’s own gloss of J.L. Austin’s conception of speech acts as witnessed in his ‘Signature Événement Contexte’ (Derrida 1972a, 382–390; 1982, 321–327). Here Derrida draws several notions from Austin (1975): that language is performative and meaning is shaped in context, suggesting that language can operate outside of, and even in conflict with, the actual words uttered. However, Derrida is critical of Austin’s exclusion (Austin 1975, 21–22) of non-serious, parasitic language, including such performative utterances as theatrical discourse, which limits iterability and reintroduces intention (see also Culler 1981; Davis 2001, 54–56).<sup>10</sup> Consequently, that Derrida challenges the translators in the audience at his ATLAS lecture to grasp this English word ‘merciful’ *autrement* is instructive for our reading of the homonymic pair *mercy/merci*. That is, like ‘merciful’, Derrida performs *mercy/merci* as speech acts. We hear *mercy/merci* in resonance with ‘merciful’, and as equally performative in nature; they are utterances that are not just saying something, but that are performing an action (Austin 1975, 6–7), as their function is to act, to produce and to transform events (Derrida 1972a, 382; 1982, 321).

Glossing Derrida’s use of *merci/mercy* in this ATLAS lecture as rhetorical speech acts means, then, that we are meant to see these terms as doing something. But what is it exactly that this pair *merci/mercy* does, besides recall these earlier seminars? As Spivak (2004, 398) tells us, the rhetoric of a source text may be for the translator inherently disruptive, as it frays the linguistic and textile surface of the text into sites of resistance. I believe that Derrida’s rhetorical positioning of the multilingual and polysemic

homophonic pair *mercy/merci* directs his audience to wander into a kind of *frayage*, down those meandering paths of what may seem to be obscure meaning, but which is in fact essential to the present reading. In other words, what's at stake in this lecture has everything to do with Derrida's *ethos*.

### Derrida's rhetorical ethos

A rhetorical reading of this lecture is especially useful, then, for understanding how Derrida's 'traduction relevante' (2005a, 61) and the *ethos* he adopts and performs are tied to *mercy/merci*. But the rhetorical force of *mercy/merci* elicits significant questions of economy, identity and power, so that this homonymic pair appears as a *truchement* (Diagne 2022, 53–82), an intermediary between languages and cultures in which power is at play. Derrida's *ethos* may be produced by and in the *parole*, his saying of the lecture, but in making appeals for mercy, he rhetorically implicates himself in a public and performative way in the negotiation that is the act of mercy.

It is no accident that Derrida adds the notion of law [*le droit*] to his translation of 'when mercy seasons justice'. For one, the law recalls the 'tension God faced, at the beginning of creation, between justice and mercy' as discussed in traditional Jewish interpretations of Genesis (Frank 2021, 54; Levy and; Levy 2017, xvi). Moreover, in making of mercy (as *pardon*) a *relève* (Derrida 2001, 197; 2005a, 14), Derrida points once again to Hegel's *Aufhebung*, suggesting how for Hegel 'mercy is a critical stage in the movement towards absolute knowledge as the truth of the Christian religion' (Foran 2016, 168). As an *Aufhebung-relève*, then, mercy both elevates and preserves justice and, because it exceeds the law, simultaneously negates justice as the law (Foran 2016, 168). The law is tied to the Pauline opposition between the dead letter of the law and living spirit of the law, and thus to the play's underlying touchstone – which is, for Foran (2016, 164), also Hegelian – that Christianity is the truth of Judaism (see also Critchely and McCarthy 2004, 13; Kriegel 2003, 199–200).<sup>11</sup>

We recall at once that Shakespeare's character Shylock deconstructs this Christian vision of the law (Trüstedt 2019). This point is significant because in his ATLAS lecture as in his second seminar on perjury and forgiveness, Derrida's rhetorical *ethos* is caught up with, and responding to, the character of Shylock and his fate as a Jew in the anti-Semitic Christian world of the sixteenth century. That is, Derrida's *ethos* is produced in his use of *mercy/merci*, which is also a response to Shakespeare's play, and manifest in his performative replication of (Christian) confession and in his refusal of (Jewish) conversion.<sup>12</sup>

Consider first 'confession'. In his gloss before the ATLAS translators, Derrida highlights how Antonio, in confessing and acknowledging his debt or bond, performs a speech act: he points out that it is Antonio's performative saying 'I do' ('a performative') that obligates Shylock to be merciful, and consequently to lose his fortune and his religion (Derrida 2001, 186; 2005a, 38–40). However, in the lecture, we see – or rather hear – Derrida himself making a confession. This he introduces by means of an expression of gratitude and an appeal for mercy: 'For no sooner will I have thanked you for the hospitality with which you honour me than I will need to ask your forgiveness and, in expressing my gratitude [*grâce*] to you, beg your pardon [*grâce*], ask you to be merciful to me' (Derrida 2001, 175; 2005a, 10).<sup>13</sup> Derrida then performs a threefold confession, recognisable in the French by his use of the verb 'to confess' (*avouer*) and the noun 'confession' (*aveu*).<sup>14</sup> First he confesses his

inhospitality in speaking in an untranslatable way to the audience: ‘j’avoue en premier lieu une faute de langage qui pourrait bien être un manquement aux lois de l’hospitalité’ (Derrida 2001, 175; 2005a, 11). Second, he confesses to speaking about his title in an untranslatable manner: ‘l’un des aveux ... [est] ... de parler comme je le ferai dans un instant, de façon tout intraduisible, du titre’ (Derrida 2001, 178; 2005a, 11). Finally, he confesses, pleading guilty [‘plaidant ainsi coupable’] to the crime of having untranslatability as his signature (and his seal [sceau], as abbreviated in his signed initials [paraphe]) as both translator and philosopher (Derrida 2001, 178; 2005a, 18; 178; see also Kamuf 2014).

Cixous (2012, 2) sees this performance of confession as Derrida staging the ‘drama of unsolvable debt, therefore of forgiveness’. And yet his threefold confession points more directly to his quasi-autobiographical *Circonfession* [Circumfession] (Derrida 1991), which ties Augustine’s *Confessions* to his childhood experiences of being Jewish in Algeria (including his expulsion from school due to anti-Jewish legislation), and to circumcision and Jewish identity more broadly (see also Derrida 2014, 83–84, 90–93; Robbins 1995, 24–36).<sup>15</sup> Thinking back to *Circonfession* is suggestive for our reading of his ATLAS lecture, as it unveils Derrida’s interest in the tie between confession and (his) Jewish identity, which is only implicit here.

And yet, in placing the demands for forgiveness and mercy at the centre of his confession and his *ethos*, Derrida enacts a very different mode of Jewishishness than that of Shylock. Further, he simultaneously upends the power relations implicit in Antonio’s confession, disrupting any analogy we might make with the Christian Antonio. That is, Derrida’s confessional appeals for mercy to his audience are not meant to create an equivalence between him and Antonio; these would mean eliminating his Jewish identity. Instead, these repeated calls for mercy are calculated to remind us above all that mercy is a *relève*, tied to the insolvent-unsolvable debt of translation and Shylock alike (Derrida 2001, 175; 2005a, 8).

The notion of exchange is key here. Exchange is an essential aspect of Antonio’s confession because it requires Shylock’s conversion in return. We are reminded, as Critchely and McCarthy (2004, 5–8) have argued, that the *Merchant of Venice* turns broadly on the rhetoric of the market and on the conflict between the two different economic forms represented by Antonio and Shylock. We may also remember Derrida’s efforts to expand Hegel’s restricted economy – in which phenomenology is ‘limited to the meaning and the established value of objects, and to their circulation’ (Derrida 1978, 343) – to a general economy in his eponymous essay (Derrida 1978, 317–350, 434–442). Moreover, because our rhetorical reading places a spotlight on the homonymic pair *mercy/merci*, we recall especially that ‘mercy is *merché* without measure’ (Critchely and McCarthy 2004, 13). In other words, the mercy in Shakespeare’s play is figured as an economic and symbolic exchange by which Christianity differentiates itself from Judaism, and by which the Jewish Shylock loses not only his fortune but also his religion.

In his second seminar, Derrida (2019, 78) explains that the very word itself, *merci*, signifies and symbolises a specular and circular market economy of values, in which the offering of a gift must be mirrored by the recipient’s gratitude: ‘Le nom “merci” signifie cet échange, cette symbolisation d’un échange, du marché des valeurs d’échange, le cercle spéculaire de cette économie et de sa reconnaissance’. As he concludes in bilingual fashion, to be ‘merciful’ is to be both grateful [*reconnaissant*] and forgiving [*miséricordieux*], capable of

giving in return. However, as we read later in his fifth seminar given 28 January 1998, Derrida (2019, 205) points out the *équivalence* created between Christian (associated with the living word, credit, and mercy) and Jew (associated with writing, banks, money, and the incapacity to forgive/of forgiveness). From this perspective, the Christian appropriates the value of mercy, while the Jew, eternally reflecting the living word, merci-less, is ‘incapable de pardon’ (Derrida 2019, 205). Given that Portia’s description of mercy falling as does the gentle rain from heaven (IV.i.181–182) is a travesty that intends to veil Christian hypocrisy, rendering Shylock responsible for the excess and surplus she invokes (see Critchley and McCarthy 2004, 13), it is hardly surprising to read early in his second seminar that Derrida wonders whether forgiveness must break with this economy, and in turn with the Biblical traditions that generate and uphold it (Derrida 2019, 78).

Derrida’s ruminations are answered in his ATLAS lecture by his rhetorical posture as regards *mercy/merci*, and by the positions he takes on translation and conversion by means of this pair. He associates conversion and translation by describing translation (and its impossibility) via the Ciceronian terms for translation (see Traina 1974, 61–62): not only *vertere* and *transvertere*, but also and especially *convertere* (Derrida 2001, 180; 2005a, 24). Translation as conversion in this lecture is also intimately related to the conversion that Shylock, as a Jew, is compelled to make, as Derrida portrays both Shylock’s financial loss and conversion in terms of translation: ‘Shylock loses everything in this translation of transaction . . . he will have to convert to Christianity, to translate himself (*convertere*) into a Christian’ (Derrida 2001, 189; 2005a, 47). In so doing, Derrida both plays once again on the etymological links between translation and conversion, recalling *De oratore* 1.30 (Cicero 1942, 22–23), but also pointedly tying Shylock’s fate to the translation that is forced religious conversion.

Significantly, Derrida rejects both Shylock’s conversion and its translation: in the opening lines of this lecture, Derrida (2001, 174; 2005a, 7), also refuses to translate – refuses to sign (Batchelor 2021, 10) – Portia’s line ‘then must the Jew be merciful’, agreeing to translate only ‘When mercy seasons justice’. Derrida’s rhetorical *ethos* allows us to see precisely what he does endorse in translating only the latter phrase: he both responds to, and sidesteps, the Abrahamic business [‘affaire abrahamique’] of translation as exchange, or conversion, between Jews, Christians, and Muslims (Derrida 2005a, 33–34; Derrida 2001, 184; see also Derrida 2014, Derrida 1987–2003, 170n2; Anidjar 2003).<sup>16</sup> Derrida thereby rebuffs Hegelian Christianity, Portia’s command, and this obligation that a Jew must provide mercy – which ‘falls like a verdict’ (Derrida 2001, 186; 2005a, 40) – while simultaneously appealing for mercy (and presumably gaining *merci*) from his audience. His stance is not that of a disinterested philosopher, then, but rather of philosopher-translator whose engagement bears traces of an *être-juif*.

### Derrida’s conjuring of his *être-juif*

Based on Derrida’s well-known injunction (Derrida 1967, 227; 1997, 158), we might think that we should not read outside the text of the ATLAS lecture for its meaning. However, his performative appeal for mercy therein compels us *not* to dispense with such a restricted economy of reading; his rhetorical *ethos* encourages us to grasp his lecture as circulating through other texts that constantly lead us back (Derrida 1967, 214; 1997, 149) to this gloss of *The Merchant of Venice*. What Derrida does not include in this address to the translators of

ATLAS from his seminars thus may be thought of as both supplementing and potentially supplanting (Derrida 1967, 207; 1997, 144–145; see also Bernasconi 2013; Davis 2001, 35–40) aspects of this lecture on translation and relevance.

These supplementary texts are essential, for underlying his gloss of *The Merchant of Venice* is Derrida's *être-juif* and concomitant concerns that are as much private as they are socio-historical. It is here that we turn most usefully to the notion of values, even ethics, with which rhetorical *ethos* may be associated. As Michel Meyer (2017, 192–193) writes, there is no action or *ethos* in general which does not implicitly rely or extol some value or values . . . . Values are the instruments linked to *ethos* for convincing (argumentation) or for influencing and pleasing an audience (rhetoric). Keenly aware of the values at play in Shylock's position and fate (and especially of how *mercy/merci* functions as a commodity of exchange therein), Derrida fashions his rhetorical *ethos* as a way of repositioning the values of *mercy/merci* outside the Christian paradigm of necessary, compulsory exchange. He also provides in his seminars an acutely political and historical lens through which to grasp this lecture and its reading of *The Merchant of Venice*. As a result, Derrida broadens the import of Portia's obligation for the Jewish Shylock to be merciful far beyond the boundaries of both the literary world and the temporal context of Shakespeare's play.

We see this in three notable details.

First, and most obviously, in the second seminar, Derrida overtly explains his gloss of Shakespeare by linking it to the 'la question juive' (Derrida 2019, 78–79): the idea, arising in the nineteenth century and most associated with the early-twentieth century antisemitism that gave rise to the Shoah, that the status and the very presence of Jews in Europe were problems demanding a solution.<sup>17</sup> In addition, by evoking the 'Jewish Question', Derrida also provides a Jewish reflection on the Christian metaphysical logic fundamental both to relevance as exchange and to Hegel's *Aufhebung* (see also Kriegel 2003, 197). It is the seemingly eternal 'Jewish Question' – 'la question juive de notre temps et de tous les temps' – that inspires, and even necessitates, his gloss of these lines from *The Merchant of Venice* (Derrida 2019, 78–79). We consequently cannot understand his reading of the play, or his partial translation of Portia's lines from it, without the knowledge that it is the 'Jewish Question' which in specular fashion motivates it.

Further, Derrida argues in his sixth seminar (11 February 1998) that it is the conflict [*scène*] between Jew and Christian, as seen in the Shoah, crimes against humanity, and *The Merchant of Venice*, that characterises the Abrahamic form of forgiveness [' . . . le "pardon" abrahamique [est] comme une scène entre le Juif et le Chrétien, chose sur laquelle nous ne cessons d'insister, qu'il s'agisse de la Shoah, des crimes contre l'humanité et de l'imprescriptibilité, jusqu'au *Marchand de Venise*'] (Derrida 2019, 215).<sup>18</sup> Derrida here works backward, grounding the Shoah and its crimes against humanity and *The Merchant of Venice* in a primal scene of fraternal enmity (see Anidjar 2003), as he simultaneously performs an inverse movement, transporting his readers beyond the early sixteenth century of Shakespeare into the more recent past of the Shoah, and beyond the translation of literature into history and politics. He thus pointedly observes that the conflict underlying Portia's notion of *mercy-qua-exchange* is operative not only in Shakespeare's play but also in the Shoah. However, Derrida's point here is not simply that *The Merchant of Venice* and the Shoah are repetitions of the same antisemitic logic, but rather that they are events marked by iterability. Further, by pairing 'pardon' with the theatrical term 'scène', Derrida once again draws forgiveness as performative speech,

echoing both his appeals for mercy and his non-translation of Portia's line, 'then must the Jew be merciful' in the ATLAS lecture. As a result, he discredits this fraternal enmity its origins, just as he denies mercy-*qua*-exchange its power.

Finally, we know that Derrida disseminated his first seminar in numerous lectures given in places as diverse as Kraków, Warsaw, Athens, Capetown and Jerusalem in 1997-1998.<sup>19</sup> In these lectures, Derrida wrangles again and again with the way in which mercy—*pardon*—goes beyond the judicial logic of crimes against humanity based on Vladimir Jankélévitch's writings on the possibility of forgiveness of 1967 and 1986. Derrida here refers to the debates and the resulting law (n°64-1326 of 26 December 1964) in France on whether such crimes, and those of the Nazis in specific, should be imprescriptible (i.e. not subject to statutes of limitations). But 'the time is out of joint' here (see Derrida 2012, 61), as Derrida gestures not only to the Shoah, but also to other nearly contemporaneous public acts of repentance: the apologies and statements of remorse made by Japanese Prime Minister Ryūtarō Hashimoto (1996, 1997, and 1998) for Japanese actions during World War II and by Václav Havel (1989, 1995) for Czechoslovakia's post-war expulsion of Sudeten Germans; and, more significantly, the statements of apology and repentance made in 1995 by the Catholic Churches of Poland and Germany to the Jewish people on the occasion of the fiftieth anniversary of the liberation of Auschwitz concentration camp (Derrida 2012, 17–18; 2019, 34).<sup>20</sup> For such speech acts there is only iteration. Derrida thus refuses to give any precedence of meaning to the original context of production of Portia's lines, or to allow that the meaning provided by such a context is in any way intrinsic to her utterance alone.

Read (or heard) through the lens of these supplemental writings, the significance of Derrida's refusal to convert, to translate (*convertere*) Portia's obligation for the Jew to have mercy, is amplified. Indeed, if with *relève* he exposes the terms of Portia's piety and Antonio's confession – the Jewish Shylock's conversion, it is by means of his *ethos* that Derrida firmly resituates the ostensible piety of Portia's lines within the seemingly interminable 'Jewish Question'. It is also, moreover, by means of this rhetorical *ethos* that Derrida commits himself in performative fashion (Derrida 2006, 62–63) to unmasking not only mercy as compulsory exchange within a reduced, and antisemitic, economy, but also his *être-juif*.

## Conclusion

His, then, is a 'performative interpretation . . . an interpretation that transforms the very thing it interprets' (Derrida 2006, 63), displacing the boundary of public and private (Derrida 2006, 62), and making an active, ethical appeal to the real-world stakes of translating *The Merchant of Venice*. Moreover, the *mercy* Derrida demands in this lecture consequently compels us to listen carefully to his rhetorical *ethos*, by which he conjures the Jewishness lying just behind his persona as philosopher-translator. He is, then, as speaking subject/philosopher-translator, an active subject politically, recalling how 'the capacity for acting and speaking – and speaking is but another mode of acting – makes us political beings' (Arendt 2020, 106).

What does such a rhetorical reading of Derrida's ATLAS lecture mean for translation? On the one hand, it incites us to read his brief definition of a relevant translation (Derrida 2001, 177; 2005a, 16) as insolvent, which suggests,

by extension, that we should seek a reworked relevance for translation that transcends the reduced economy of semantic and cultural equivalence. More important, such a reading encourages us, as translators, to listen carefully to our rhetoric on translation and how we position ourselves therein. The practice of translation may indeed produce debts that are *à jamais* unsolvable, but our agency rests in how we respond to them, and thus how we shape, individually and collectively, an *ethos*.

## Notes

1. NB: I am using 'oratory' and 'rhetoric', the art of persuasion, as quasi synonyms.
2. Derrida uses a similar technique in the opening sentence of his *Apories* (Derrida 1996, 11).
3. Derrida's first major publication was the translation (with introduction) of Husserl's *The Origin of Geometry* (Husserl 1962). He also responds to Walter Benjamin's *Task of the Translator* in his 'Tours de Babel' (Derrida 1985a). Finally, many of his philosophical works evoke the problems of translation: his 'Living On' /*Borderlines* (Derrida 1979), first published in English, 'stages "the double bind of translation"' (Davis 2001, 67–68).
4. *Aufhebung* is a complicated and 'untranslatable' (see Bass in Derrida 1978, xxii) term that literally means 'lifting up', but also denotes both conservation and negation (see Bass's note in Derrida 1982, 19–20 n24).
5. Derrida characterises *relevant* in the ATLAS lecture as a 'vocable' (Derrida 2001, 177; 2005a, 14), recalling how *Aufhebung* is 'produced entirely from within discourse' (Derrida 1978, 348). His aim: that *Aufhebung* may be 'constrained into writing itself otherwise' by means of *différance* (Derrida 1982, 19). Derrida's criticism of Hegel's metaphysics of the voice should not be understood as creating a rigid distinction between speaking and writing. Derrida (2005a, 9; Derrida 2001, 175), describes both activities (along with teaching) as ones he shares with his audience, making of them a point of rhetorical communion (see Perelman and Olbrechts-Tyteca 2008, 240). Indeed, he preserves the *parole* within a refashioned *écrit* (Derrida 1967, Derrida 1997, 55), thereby for Kriegel (2003, 200) echoing how Judaism itself refers primarily to the *Torah she-beal pé* [literally, the Law on the mouth], since Moses broke the *Torah she mik* (the written tablets of the Law).
6. Significantly, in another lecture on mercy and forgiveness given the year before his ATLAS lecture, Derrida also provided the example of the related term *pardon* as a multilingual homonym (Derrida 2012, 9).
7. Consider how he plays on the meaning of *merci* at the end of his *Pardoner*: 'Pardon! Pardon me for taking so much of your time, and without mercy. *Merci*' (Derrida 2012, 72; see also 14).
8. All translations from Derrida (2019) are mine.
9. Derrida's distinction of 'use' and 'mention' also recalls a similar performance that he gives relative to *pardon* in a lecture he had given the year before the ATLAS lecture (Derrida 2012, 14).
10. Derrida's reading of Austin in 'Signature Évènement Contexte' was met with a sharp reply from speech act theorist John R. Searle, to whom Derrida responded in *Limited Inc.* (1990). On the Derrida-Searle controversy, see Culler (1981); Moati (2014).
11. We may also see in this emphasis on law a reminder of Judaism as the culture of the written and Christianity of the spoken word, a characterisation that Derrida himself disrupts in the ATLAS lecture with his doubled *ethos* in writing and speaking (Derrida 2001, 175; 2005a, 9), which he had unsettled earlier in his *De la grammatologie* (see Kriegel 2003; see also Derrida 2014, 85–86).
12. Catholic doctrine views conversion and confession as interchangeable terms within the sacrament of penance and reconciliation. See Catechism of the Catholic Church Part 2, section 2, chapter 2, Article 4, 1423–24. <http://www.scborromeo.org/ccc/p2s2c2a4.htm>
13. NB: Here Derrida uses 'merciful' in English. He evokes a similar situation of confession, pardon, and grace in his 1998 'Avouer l'impossible' (2014, 15).

14. The notion of confession is minimised in the English by Venuti's translation of *avouer* as 'to acknowledge' and *aveu* as 'admission' (Derrida 2001, 175).
15. Derrida (2005b) also ties translation, Jewish identity, and circumcision in his reading of Celan.
16. For Anidjar (2003), Derrida uses 'Abrahamic' to destabilise the tradition of the three Abrahamic religions' fraternal enmity, destabilising also our understanding of Derrida's autobiography.
17. A diachronic reading of the 'Jewish Question' may be found in Perelman's post-war work (Perelman 1949). See also Derrida's deconstruction of the authentic and inauthentic Jew (Derrida 2014, 67–126).
18. Derrida unsettles a stable identity for Abraham in 'Abraham, l'autre' (Derrida 2014, 67–126).
19. These lectures are edited as 'Abraham, l'autre' and 'Avouer l'impossible' (Derrida 2014). See also the editors' notes on the often unedited comments he made during these lectures (Derrida 2019, 27–75).
20. Derrida also makes reference in these lectures to socio-political initiatives of reconciliation, including those tied to apartheid, which imply the appeal for pardon and repentance (Derrida 2019, 34n3).

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No potential conflict of interest was reported by the author(s).

## Notes on contributor

*Michelle Bolduc*, a scholar of Translation Studies, has published extensively on medieval literature (translatio) as well as on modern rhetoric—the New Rhetoric Project—and its translation.

## ORCID

Michelle Bolduc  <http://orcid.org/0000-0002-0106-2145>

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