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DISCUSSION LAW AND LITERATURE RESPONSE

Towards a more radical deterritorialisation of language

The Case for Esperanto

JACQUELINE MOWBRAY — 28 November, 2016



A reply to [Ekaterina Yahyahoui](#)

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it is hard to imagine an intensive usage of language being accommodated within international law. How would international treaty-making incorporate use of syntax ‘in order to cry, to give a syntax to the cry’? How would the judges of the ICJ treat counsel addressing them in language that is not intended to convey content, but rather to allow ‘a direct and immediate access to emotion’?

As international lawyers, our immediate response to these suggestions is a sense that such use of language is not 'legal': it may belong to the sphere of literature, or theatre, but not of law. That, of course, is the point. Law does indeed have 'strict disciplinary conventions', not only with respect to use of language, but also with respect to the reasoning and analysis involved in creating, applying and interpreting the law. The legal field (to borrow Bourdieu's analytical tool) values certainty and rationality in language and thought. The 'ideal' legal text will establish the obligations of the various parties in such a way that there is little room for ambiguity or doubt. The 'good' judgment will be clear and will follow the precedent of existing law in a logical way. But these are not simply 'conventions', which could be altered by a different, more 'intensive' use of language. These are fundamental, structural features of the legal field. For this reason, any 'intensive' use of language will simply not be heard by the legal field, or will be confined to the margins. Although some areas of international law allow greater scope to take account of emotions and 'non-legal' matters (think, for example, of the avenues for victim participation before international criminal courts and tribunals), such use of language is carefully (and legally) circumscribed.

This suggests both the need for 'revolutionary change' in language in order to open up new possibilities for international law, and the impossibility of such change occurring through intensive use of language. What, then, of the second possibility for such change suggested by Deleuze and Guattari, namely deterritorialisation of language? The claim here is that 'deterritorialisation always operates to subvert the existing hierarchies of power'. In the case of international law, I'm not sure that this is entirely true. In fact, as Ekaterina Yahyaoui acknowledges, the dominance of

English as the language of international law, and the corresponding use of English by non-native speakers in the international law field perpetuates the 'power imbalances in favour of native English speakers'. These power imbalances include not only the direct advantages which native speakers have in linguistic exchanges (think of how much more difficult it is to conduct treaty negotiations in a language which is not your own). They also include the indirect advantages of, for example, being more likely to be appointed to key international bodies (the International Law Commission or ICJ, for example, both of which require excellent English), and therefore having more influence over the development of international law.

The problem here is that only *some* of the players in the international system (non-native English speakers) use language in a deterritorialised way, while a powerful large number (native English speakers) continue to use the language which comes most naturally and easily to them. How, then, do we achieve a more far-reaching, and effective, deterritorialisation of language in the international system? One possible answer is to go back to the past.

In the 1920s, the League of Nations considered adopting the constructed language, Esperanto, as its working language. Esperanto was developed in the late nineteenth century by Ludovik Zamenhof, a Jew living in Poland. From a young age Zamenhof noted the conflicts between the four different ethnic groups in his community (Russians, Poles, Germans and Jews), and attributed this, in part, to the fact that they spoke different languages and so had no common understanding or sense of community. His vision was for Esperanto to be a language of peace, learnt by all in addition

to their native tongue, and thus allowing all peoples to communicate with each other.

Esperanto, as a constructed and politically neutral language, represents the ultimate deterritorialisation of language. If Esperanto, rather than English, were the language of international law, then this might, indeed, affect the sort of 'revolutionary change' we are looking for. In the first place, it would radically shake up the existing linguistic hierarchies at work in the international system. If Esperanto were the only official and working language of the UN, there would be no advantage to individuals from any particular linguistic background: everyone would be communicating on equal terms, as non-native speakers of Esperanto. Secondly, this arrangement would remove the need for translators and interpreters to assist in the creation, negotiation and application of international law. Translation is currently central to international legal activity. While this is necessary to allow all parties to participate in the international legal process, it means that expression is never direct, but is always mediated through translators. By removing the need for translation, the use of Esperanto would allow individuals to communicate directly with each other, perhaps thereby opening up space for 'direct and immediate access to emotion, feeling and lived experience of people'.

Moves to make Esperanto the working language of the League of Nations were ultimately blocked by the French, who were concerned about French losing its position as 'the international language'. Today, perhaps, the situation might be different. French has already surrendered its position as the international language to English. And the non-native English speaking majority of the world's states might be persuaded to support a shift away from English towards the

more neutral language of Esperanto. On the other hand, those who benefit from the existing linguistic hierarchies, both native and non-native speakers, will be reluctant to undermine the language policies which support their power and advantage. If they were to do so, however, the 'international language' would at last become truly 'international', a change which might well open up greater possibilities for challenging entrenched power and injustice.

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ISSN 2510-2567



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BILL CHAPMAN

28 November, 2016 at 17:51 (Edit) – Reply

I see Esperanto as a remarkable success story. It has survived wars and revolutions and economic crises and continues to attract people to learn and speak it. Esperanto works. I've used it in about seventeen countries over recent years. I recommend it to anyone, as a way of making friendly local contacts in other countries, but it is available for wider use in all sorts of domains, including the field of international law.



JACQUELINE MOWBRAY

29 November, 2016 at 04:14 (Edit) – Reply

That's encouraging to hear! I think Esperanto is a good 'fit' for international law, in particular, as Zamenhof's aims (promoting peace etc) align with the general aims of the UN system (to promote international peace and cooperation).



DANA SCHMALZ

5 December, 2016 at 16:09 (Edit) – Reply

Many thanks for this thought-provoking piece! Two points I find remarkable: firstly, you write of Esperanto as the "more neutral language" – but this "more" involves the crucial question in my eyes: while maybe more neutral than English, Esperanto is certainly not entirely neutral as it closely aligns with Roman and Slavic languages and grammar system as far as I know? It would thus seem considerably harder to learn/speak for persons from say China than for Europeans, and describing it as neutral might actually work to conceal these asymmetries rather than remedying

them.

Secondly, the idea of “removing the need for translation”: there could theoretically be a chance of an international arena in which participants all speak Esperanto, but is it a desirable aim that this communication takes place in a linguistic detachment from the respective populations represented? In other words, as long as there is not one universal language shared by most individuals in the world at least as second language, there appears to be a democratic case for a diversity of languages in the international realm.

In summary, a “deterritorialisation of language” not in the sense of removing territorial links but of a voluntary and situated shifting of centers of territorial/linguistic attachment seems the more radical project to me.



JACQUELINE MOWBRAY

8 December, 2016 at 06:08 (Edit) – Reply

Thank you for these excellent comments, with which I wholeheartedly agree. Just a few remarks: Re the neutrality of Esperanto – I think there is more to the concept of neutrality (in a linguistic context) than ease of learning. There is also a sense in which languages carry the political, social and other assumptions and values of the communities from which they have developed, and at a more basic level are identified with the states from which they emanate, such that language policy becomes a proxy for state power plays. I don't know whether this is also true of Esperanto as an artificial language. An interesting question for linguists. Re the idea of a “voluntary and situated shifting of centers of territorial/linguistic attachment” – the “Esperanto project” in international law was explicitly based on the idea that all individuals all over the world would learn Esperanto, in schools

etc, such that it would be “one universal language shared by most individuals”. However, I do agree that in the absence of such a state of affairs (which is almost impossible to establish in the foreseeable future), the project you suggest offers emancipatory possibilities. This is a project I have advocated in my own work, including my book *Linguistic Justice*. But arguing for a diversity of languages in the international realm does raise the question of whether we are arguing for a politics of expansion or a politics of destabilisation here. Is simply increasing linguistic diversity/multilingualism at the international level capable of challenging the entrenched linguistic power dynamics, or could it end up reinforcing them?

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