

06 translation interpreting
and transfer

translation policies in legal
and institutional settings

marie bourguignon, bieke nouws
and heleen van gerwen (eds)

Translation Policies in Legal and Institutional Settings

Translation, Interpreting and Transfer

6

“Translation, Interpreting and Transfer” takes as its basis an inclusive view of translation and translation studies. It covers research and scholarly reflection, theoretical and methodological, on all aspects of the core activities of translation and interpreting, but also similar rewriting and recontextualization practices such as adaptation, localization, transcreation and transediting, keeping Roman Jakobson’s inclusive view on interlingual, intralingual and intersemiotic translation in mind. The title of the series, which includes the more encompassing concept of transfer, reflects this broad conceptualization of translation matters.

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Edited by

Marie Bourguignon, Bieke Nouws & Heleen van Gerwen

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Table of Contents

| | |
|--|-----|
| Introduction <i>Marie Bourguignon, Bieke Nouws & Heleen van Gerwen</i> | 7 |
| Government ideologies in translation: An enquiry into past Canadian budget speeches <i>Chantal Gagnon</i> | 23 |
| The complexity of a translation policy: Interpreting for ethnic linguistic minorities in a local courtroom in China <i>Shuang Li</i> | 47 |
| Translation guidelines versus practice: A corpus-based study of the impact of the Polish style guide on translations of EU legislation and reports drafted by the European Commission <i>Katarzyna Wasilewska</i> | 67 |
| Institutional translation practices in South Tyrol: An exploratory study on civil servants working as ‘occasional translators’ <i>Flavia De Camillis</i> | 87 |
| Judicial review of translation policy: The case of bilingual Catalonia in monolingual Spain <i>Albert Branchadell</i> | 109 |
| Investigating the status of Italian as an ‘official minority language’ within the Swiss multilingual institutional system <i>Paolo Canavese</i> | 133 |
| Translation, interpreting and institutional routines: The case of Slovakia <i>Marketa Štefková & Helena Tužinská</i> | 157 |
| Flawless in translation? Legal translations in the Flemish legal professional press (1889–1935) <i>Sebastiaan Vandenbogaerde</i> | 181 |

| | |
|---|-----|
| Translating the Belgian Civil Code: Developments after 1961 <i>Willem Possemiers</i> | 205 |
| Translation in administrative interactions: Policies and practices at the local level in the Dutch language area of Belgium <i>Jonathan Bernaerts</i> | 223 |
| About the editors | 247 |
| About the authors | 249 |
| Index | 253 |

Flawless in translation?

Legal translations in the Flemish legal professional press (1889–1935)

Sebastiaan Vandenbogaerde

Abstract

At the end of the nineteenth century, lawyers took the lead within the Flemish Movement (*Vlaamse Beweging*) and relentlessly strove for the equal use of both French and Dutch as official legal languages in Belgium. However, Dutch – actually Flemish – was deemed incoherent and hence unsuitable as a legal jargon. Aware of this setback, *flamingant*¹ lawyers aspired to develop a legal ‘Flemish’ which would serve the needs of legal professionals. Through legal periodicals, these lawyers advocated a specific view on how French legal sources could and should be translated. In addition, they offered legal professionals the tools to adopt Flemish as a language in court. This contribution scrutinizes the actors of a handful of legal professional journals between 1889 and World War II, an era in which the so-called linguistic struggle soared. Even if the 1935 Act on Use of Languages in Court legally eased the linguistic tensions, editors and authors remained vigilant and kept offering translations for legal professionals. In this way, these lawyers positioned themselves at the front of Belgium’s linguistic issue as gatekeepers for legal changes in administration, education and the judiciary.

1 Introduction

In 1899, the *Rechtskundig Tijdschrift voor Vlaamsch-België* (Legal Journal for Flemish Belgium) boldly opened with its infamous slogan “In Vlaanderen, Vlaamsch!” (“In Flanders, Flemish!”). Influential lawyers sympathized with the linguistic objectives of the review, even though it was not regarded as authoritative source for legal practice and scholarship (Vandenbogaerde 2018, 184). In 1909, the *Rechtskundig Tijdschrift* announced its new stance.

¹ The word *flamingant* refers to all activists of the Flemish Movement. The term does not necessarily mean that they are Flemish-speaking or that they want to have an independent Flanders.

The editors desired no longer “een “vlaamsch” Tijdschrift te hebben, maar [...] betrachten vooral, een “degelijk” Rechtskundig Tijdschrift in België te verspreiden, dat kan opwegen tegen de beste Tijdschriften uit andere landen” (“to have a “Flemish” periodical, but [...] above all to circulate a solid legal journal able to compete with the best journals in other countries”) (De Redactie 1909, 1–2). Although that year the ‘Law of Equality’ (*Gelijkheidswet*)² – having formally put French and Flemish on the same legal footing – had also celebrated its tenth anniversary, Flemish was still not common in Belgium’s legal world. Judges and other members of the elite still considered it unsuitable as a legal language, as had been the case on the eve of that legislation (Y. 1897, 129–30; Vandenberghe 2018, 195).

In this debate, Flemish legal periodicals advocated otherwise and adopted a specific view on how French legal sources could and should be translated. In addition, they offered legal professionals the tools to adopt Flemish as a language in court. Until now, the visions and strategies these titles adopted on and for translating a mainly French world to Flemish have remained uninvestigated.

For decades, the social sciences have embraced the professional periodical press as a valuable object of study. Online access and computer technology have facilitated the analysis of titles all over the world and boosted the potential of periodical studies to unseen levels. The rise of periodical studies offers unique insights in the development of academic disciplines and the organization of different professional groups (Latham and Scholes 2006; Tesnière 2014a, 2014b; Velle 1985–1988; 1994; Vandenberghe 2018). The periodical press is a perfect means of communication between different actors (editors, authors, publishers and readership) in which they can share their views on societal issues. As a ‘vector’ or a carrier of information, journals are able influencers and inherently shape a (professional) group (Vandenberghe 2018, 413).

This contribution scrutinizes a handful of legal titles published in Flemish before World War II and spans the period from 1889, when the first reviews saw their publication, to 1935, when the adoption of the Act on Use of Languages in Court³ at least legally eased the linguistic tensions. In this period of time, journals adopted their views on the translation of French legal texts and the development of a Flemish variant usable for lawyers. Hence, the editors offered translations for legal professionals to use in their practice. Lawyers positioned themselves at the forefront of Belgium’s linguistic issue and demanded legal

2 *Wet betreffende het gebruik der Vlaamsche taal in de officiële bekendmakingen* (Act concerning the use of the Flemish language in official announcements) of 18 April 1898, *Belgisch Staatsblad* 15 May 1898.

3 *Wet op het gebruik der talen in gerechtszaken* of 15 June 1935.

changes to secure Flemish language rights in administration, education and the judiciary. Among those lawyers, some harbored strong views on how a francophone professional group should revert to Flemish in courtrooms in Flanders. This chapter will focus on the translation actors of the periodicals: who were the editors, authors and publishers? How did they tackle the linguistic issue and more particularly the translation problems that came with it? What role did they assign to the periodicals? The answers will reveal the networks of authors and their views on the linguistic issue.

2 A cultural issue becomes a legal one

On the evening of 25 August 1830, riots erupted in the streets of Brussels against the Dutch King William I. The turmoil led to the secession of Belgium from the United Kingdom of the Netherlands, and the new country's Provisional Government (*Gouvernement provisoire/Voorlopig Bewind*), composed of a group of notables, promptly declared Belgium's independence.

Since Belgium united both francophone and Flemish-speaking people, the 1831 Constitution proclaimed in principle the free use of both languages.⁴ However, the government adhered to the one-country-one-language principle that almost each nation-state throughout history had adopted. Moreover, it would show Belgium to be a true nation that merited its independence (Witte 2005, 196). French was a logical choice: it was the leading cultural language in the world, and the Belgian elite was educated in Molière's tongue. Therefore, it was selected as the sole official language in administration, higher education and the judiciary. To accommodate the Flemish population the government provided translations in Flemish of the legislative norms, but it was the French version that mattered in courtrooms (Gubin and Nandrin 2005, 408).

During the 1840s, the first petitions for the use of Flemish in public offices were filed, and the Flemish Movement (*Vlaamse Beweging*) took an active part in it. In this initially cultural movement, jurists took an early lead. One of them was Charles Louis Ledeganck (1805–1847), the justice of the peace (*juge de paix/vrederechter*) who translated the Napoleonic Civil Code from French in 1841 (Deprez 1998, 1810–1811; De Smedt 1997, 227–243). His initiative caused a stir in the francophone legal community, but he sold over

4 “L'emploi des langues usitées en Belgique est facultatif ; il ne peut être réglé que par la loi, et seulement pour les actes de l'autorité publique et pour les affaires judiciaires” (“The use of languages spoken in Belgium is optional: it can only be regulated by law, and only for acts of the public authorities and for judicial affairs”), Article 23, 1831 Belgian Constitution.

3,000 copies, a huge success at that time which illustrated the need for useful translations (Hoste 1859, v–vi).

Official legal documents such as laws and decrees were translated and published in official government journals and collections, but the overall quality of these translations was questionable. Together with the alleged impossibility to achieve a uniform Flemish legal terminology, the poor quality of State translations gave officials the ammunition to deem the language inferior to French. The lack of legal literature in Dutch and an abundance in French only compounded this problem (Dopp 1932). Some sensational court cases during the 1860s and 1870s resulted in great dissatisfaction among the pro-Flemish lawyers who urged for a legally imbedded linguistic equality (Victor 1935; Wils 1977; Van Goethem 1985, 1990; Gevers et al. 1998).⁵ In the wake of this agitation, two legal monthlies were established in 1889: *Het Vlaamsch Bestuur* (The Flemish Administration) and the *Bestuurlijk Tijdschrift voor Vlaamsch-België* (Administrative Journal for Flemish Belgium).

3 Administrative law leads the way

The timing of these publications made perfect sense. At the end of 1888, Belgian members of Parliament had filed an amendment to the 1873 Act on the Use of Languages in Criminal Proceedings.⁶ It followed the tenth anniversary of the 1878 Act on the Use of Languages Within the Administration.⁷ Furthermore, secondary schools in Flanders had been legally obliged to educate students in Flemish since 1883.⁸ These legislative operations generated law books written or translated in Flemish (see Martyn 2005), a

5 The most renowned case was the one of Coucke and Goethals. These two Flemish men were tried in French and sentenced to death for murder. They became the symbol of a people oppressed by an elite, since they allegedly did not understand a word of what was said in court.

6 From that moment on, incriminated Flemish civilians were supposed to be addressed in Dutch during their trial. The Act was fine-tuned on 3 May 1889 and 4 September 1891, when the Courts of Appeal in Brussels and Liège had to rule in Flemish if a Flemish was involved in any penal case concerning Flemish persons; *Loi étendant aux cours d'appel de Bruxelles et de Liège la loi du 3 mai 1889 sur l'usage de la langue flamande en matière répressive, et modifiant la loi d'organisation judiciaire et la loi sur les circonstances atténuantes*, *Pasinomie* 1891, 384–391.

7 *Loi sur l'emploi des langues en matières administratives* (Act on the Use of Languages in Administrative Matters) of 22 May 1878, *Pasinomie* 1878, 173–177.

8 *Loi réglant l'emploi de la langue flamande pour l'enseignement moyen dans la partie flamande du pays* (Act on the Use of Flemish in Secondary School in the Flemish Part of the Country) of 15 June 1883, *Pasinomie* 1883, 146–151. Since secondary education was conducted in Flemish, there was an urgent need for manuals written in Dutch. It prepared future generations of Dutch-speaking children for a career in administration.

revolution enhanced by the first (non-compulsory)⁹ courses in Flemish of criminal law and criminal procedure at the universities of Louvain (1888) (Victor 1935, 45), Liège, Ghent (1890) and Brussels (1891) (De Pauw 1973, 345; Vandersteene 2009, 113).

In this time frame, the Catholic Limburg attorney-at-law and politician Adrien De Corswarem (1849–1909) (Roppe and Boudrez 1998, 804–805) initiated *Het Vlaamsch Bestuur*, while the Catholic civil servant Karel Brants (1856–1934) (*Rechtskundig Weekblad* 1933–1934, 548; De Redactie 1934, 219–220; *Tijdschrift der Gemeentebesturen* 1934, 89–90; Hardy and van Clemen 1998, 594–595) established the *Bestuurlijk Tijdschrift voor Vlaamsch-België*. Both periodicals focused on administrative law, which might have been the best developed legal branch at that time. After independence, Belgium's legislators hastened the institutional development of the country, in which the administration took a central position (*Het Vlaamsch Bestuur* 1889–1890, 222). Due to their office, most civil servants in Flanders were perfectly bilingual since they acted as intermediary between the Dutch-speaking population and the francophone central government (Dujardin et al. 2006, 396–397). The 1878 Act regulated languages in the national administration, and the editors-in-chief sensed a profound need for publications in support of civil servants in Flanders (Vandenbogaerde 2018, 170–172).¹⁰

Similarities put aside, both monthlies differed conceptually and ideologically from one another. *Het Vlaamsch Bestuur* dealt dispassionately with topics for all kinds of administrative institutions such as municipalities, churches and poor houses. It discussed legislation, decrees and the most noteworthy judgments in administrative law. Additionally, De Corswarem reviewed in a bibliographic section books regardless of the language they were written in. Furthermore, he answered practical questions about administrative law in a Q&A section (De Corswarem 1893). The politician regularly used the francophone *Revue de l'administration* (Administration Journal) as a source and translated its content. De Corswarem's efforts proved to be lucrative, since the number of subscriptions rose quite rapidly (*Het Vlaamsch Bestuur* 1889–1890b). Presumably, local civil servants in Flanders enthusiastically

9 Article 49, *Loi sur la collation des grades académiques et le programme des examens universitaires* (Act on Awarding Academic Grades and University Examination Program) of 10 April 1890 stipulated no one in Flanders could be appointed as a magistrate without knowledge of the Flemish language.

10 From then on, messages from civil servants to the public in Flanders had to be either in Dutch or bilingual. In their correspondence with local authorities or individuals, they had to use Dutch in principle, unless the addressee wished otherwise.

subscribed to this title published by one man who supported all Flemish initiatives (*Het Vlaamsch Bestuur* 1898, 32).

The *Bestuurlijk Tijdschrift voor Vlaamsch-België* took a more combative stand and opened with the line “In Vlaanderen, Vlaamsch!” The journal stated that it aimed to remain above all politics and to refrain from “valorizing the legislation and decrees mentioned”. This title launched Karel Brants’s career at the forefront of the Flemish Movement. He found a *compagnon de route* in his colleague, the secretary of the city of Lier, Aloïs Broëll (1831–1898)¹¹ and the Louvain attorney Hendrik Veltkamp (1857–1933) (Brants 1898, 285–286). As ‘experience experts’ they knew how civil servants in Flanders struggled with the use of both languages in Belgium and encouraged local representatives and civil servants to subscribe. The *Bestuurlijk Tijdschrift* did not explicitly ask for a complete ‘flemification’ of the government; rather, it intended to be a practical instrument for civil servants. The periodical embedded itself in administrative circles, and pretty soon it became the mouthpiece for the Flemish Association for Town Clerks. In this professional category, most executives had studied law. Hence, the *Bestuurlijk Tijdschrift* discussed administrative law in all its aspects, such as the military, elections, organization of schools and the like. In addition, it also translated and discussed legislation and relevant case law (see, for example, *Bestuurlijk Tijdschrift* 1889b, 207–210).

The very first article of this periodical sketched the history of how Belgium’s municipalities were organized. The anonymous author, presumably Brants himself, seized the opportunity to heavily criticize the disproportionately large French influence on Belgian administrative law (*Bestuurlijk Tijdschrift* 1889a, 1–2). The author argued that despite genuine Belgian municipal law (1836) public civil servants and magistrates still looked to France when confronted with a legal problem. This situation was a vestige from when the Southern Netherlands were annexed as the *départements réunis* by France between 1795 and 1815. Brants reinforced his point by referring to the time before the French dominated ‘ancient Flanders’ with its *châtellenies* and decentralized administration.¹² To his way of thinking, Belgium’s administrative organization imposed by Brussels was uncharacteristic for the Flemish *Volksgesit*, as well as the use of French.

11 Not much is known about Aloïs Hendrik Roëll, except that he was the municipal secretary at Lier and a board member for the local chapter of the Catholic Flemish association called the *Davidfonds*.

12 During the *Ancien Régime*, the regions that would become later Belgium stood rather independent from the Habsburg ruler.

Like many other Romantic thinkers, Brants ascribed a common language to such *Volksgeist*. He blamed the French annexation for the fact that “onze geest [...] zoo diep van die uitheemsche vakwoorden en uitdrukkingen doordrongen [is], dat onze taal, in bestuurszaken, ons eene vreemdelinge is geworden” (“our spirit [is] permeated by foreign words and expressions in such way that our language has become a stranger to us in the context of the administration”) (*Bestuurlijk Tijdschrift* 1889c). Consequently, public civil servants had no experience whatsoever in using Flemish correctly, which was also caused by a lack of decent works in that language (*Bestuurlijk Tijdschrift* 1889c; *Het Volksbelang* 1889, 6).¹³ Aware of ‘gallicisms’, or *bastaardwoorden* as they called them, the editors strove to a pure and united administrative legal language (*Bestuurlijk Tijdschrift* 1889c). To that end, the editors introduced a section *Rechtstaal* (Legal Language) in 1890.

The section responded directly to a failed competition organized by the Royal Flemish Academy of Belgium for Science and the Arts. In 1889, this cultural organization called for a project to draft a “Nederlandsch-Fransche en Fransch-Nederlandsche woordenlijst van rechtstermen en –uitdrukkingen” (“Dutch-French and French-Dutch glossary of legal terms and expressions”). A three-member jury of the prominent *flamingants* Theophiel Coopman (1852–1915) (Vervliet 1998, 791–792),¹⁴ Jan Van Droogenbroeck (1835–1902) (Sieben 1998, 990)¹⁵ and Julius Obrie (1849–1929) assessed the lists handed in by two anonymous contenders (Coopman et al. 1890). The first one was named “Eigen recht in eigen taal” (“Justice in own language”), whereas the second adopted the title “Rust roest” (“To rest is to rust”). The members of the jury heavily criticized both submissions as incomplete inventories of terms and expressions, lacking any sense of methodology. The section “Rechtstaal” had the ambition to do better.

As a concept, this section’s strength was its simplicity: it brought legal terms and proverbs in French or Latin together in a list and translated them into Flemish. Felix Rodenbach (1827–1915) – political propagandist, tax specialist and secretary of the city of Elsene – drafted those vocabulary lists and justified each specific translation (Rodenbach 1890, 175–177; 1891, 11–13,

13 This clearly shows the opinion of Karel Brants.

14 Initially, Coopman was an accountant. As a civil servant he helmed the translation section of the Railway Department. He was very active in the Flemish Movement and wrote poems and songs devoted to Flanders.

15 Van Droogenbroeck started his career as a teacher, but he became a civil servant at the *Bureau des Affaires flamandes* of the *Algemeen Bestuur van Letteren, Wetenschappen en Kunsten*, which was a subdivision of the Ministry of Internal Affairs. He became an active member of several associations to promote Flemish in theater and poetry.

176–177, 240–243, 305–308; 1892, 17–19, 45–49; 1893, 106–109, 172–176, 235–238, 262–267). Apart from the fact that Rodenbach authored several other legal works in both languages, little is known about him (Victor 1935, 37). However, as will become clear further on in this text, he and Brants eventually took a leading role in the translation of legal terminology.

During its ten-year existence, the *Bestuurlijk Tijdschrift* faced a high turnover in the editorial staff. Eventually, it all came down to Karel Brants, who had to take full responsibility for the journal. The final issue appeared in September 1899. Publication was halted as it likely suffered from the strongly francophone-oriented legal world. However, the main reason for its disappearance is probably the dedication of Brants as founder and editorial secretary to another, new and more broadly circulated general legal journal: the *Rechtskundig Tijdschrift voor Vlaamsch-België*.

4 *Rechtskundig Tijdschrift*: Old wine in new bottles

Even if it was published eight years after the *Bestuurlijk Tijdschrift*, historians designate the *Rechtskundig Tijdschrift voor Vlaamsch-België* as Belgium's first legal periodical in Flemish (Victor 1935, 46; Van Overwalle 1988, 16).¹⁶ It is, however, more correct to consider it the first journal addressing 'actual legal professionals' – that is, attorneys, magistrates, notaries – making it the first 'judicial' journal.

Its structure was conventional. Each copy opened with a contribution on doctrinal matters, followed by (sometimes commented) case law and a bibliographic section. It ended mostly with "novelties" about the legal world. Its major achievement was its long-term publication until it ingloriously perished in 1964, due to financial issues. Throughout its history, the *Rechtskundig Tijdschrift* never succeeded in shaking off its label as "eternal promise" (*Rechtskundig Tijdschrift* 1963, 1), but it merits every acclaim since it paved the road to important successes such as the *Rechtskundig Weekblad* (Legal Weekly) and the *Tijdschrift voor Notarissen* (Journal for Notaries) (Van Goethem 1985b, 13–99; 1990; 1998c, 2566).

The *Rechtskundig Tijdschrift* found its roots in the *Vlaamsche Conferenties* (Flemish Conferences) and the *Bond der Vlaamsche Rechtsgeleerden* (Union

¹⁶ Van Overwalle considered the *Rechtskundig Tijdschrift* as the oldest she could lay hands on; Victor mentioned *Het Vlaamsch Bestuur* in his oeuvre *Een eeuw Vlaamsch rechtsleven*. However, *Het Vlaamsch Bestuur* and the *Bestuurlijk Tijdschrift voor Vlaamsch-België* are mentioned in the bibliographic section of the first issue of the *Rechtskundig Tijdschrift voor Vlaamsch-België*.

of Flemish Legal Scholars). These associations united attorneys around one goal: improving the position of Flemish as a legal language (about the Flemish Conference in Ghent (1873): Baert 1974; about the Flemish Conference in Antwerp: Meerts 2012, 193–223; Quintelier 2013, 90–92; Van Goethem 1985a; 1998a, 538–540; Matheeußen 1992). Protagonists in the Brussels legal scene – such as Edmond Picard (1836–1924) (Coppein 2011; Aron and Vanderpelen-Diagre 2013; Van Eeckhoutte and Maes 2014), Victor Jacobs (1848–1924) (*Rechtskundig Tijdschrift* 1924, 234–235) and Jules Lejeune (Christiaensen 2004; Matheeußen 1992, 37–40) – supported those associations and the Flemish demands. The announcement of the 1898 Law of Equality, which stated that French and Dutch had equal standing in legislation, directly lies at the root of the *Rechtskundig Tijdschrift* (De Opstellers 1897–1898, 1).

The new journal modeled itself on its predecessor, the *Bestuurlijk Tijdschrift*. After all, the day-to-day management was in the hands of the inescapable Karel Brants who, again, was editorial secretary and took full responsibility for the journal's smooth running. The first editorial staff was helmed by Juliaan Van der Linden and was firmly rooted in the Brussels legal world, yet could also rely on cooperation from outside Belgium's capital (Vandenbogaerde 2018, 171).

The presence of Brants explains the similarities between the titles in terms of both form and content. Like *Het Bestuurlijk Tijdschrift voor Vlaams België* the opening statement “In Vlaanderen, Vlaamsch!” had two objectives. First of all, it propagated the use of Flemish in Flanders' court rooms. In the editor's opinion, the Law of Equality was a mere first step in the creation of a Flemish legal culture. Therefore, the correct use of Dutch-language legal language was highly necessary (De Opstellers 1897–1898, 2), and the journal adopted a specific method for it:

Het ligt in het plan van het *Rechtskundig Tijdschrift*, op rechtsgebied het zijne bij te dragen tot het bevorderen en het verspreiden der Nederlandsche rechtstaal in België door het leveren van taalkundige studiën en het verklaren van vakwoorden. Naar onze meening, bestaat daartoe geen doelmatiger middel dan het volgende: bij iedere aflevering de voornaamste rechtstermen en rechtsuitdrukkingen, die in deze of gene bijdrage dier aflevering voorkomen, aanteekenen met aanwijzing van de artikels onzer Wetboeken en mededeeling van andere termen en uitdrukkingen die tot hetzelfde vak behooren.

(The *Rechtskundig Tijdschrift* aims to contribute to the promotion and dissemination of Dutch as a legal language in Belgium by providing linguistic studies and explaining professional words. In our opinion, there is no more effective means of achieving this than to take notice of important

legal terms and expressions that appear in this or that issue and indicate the articles of our codes as well as convey other terms and expressions that belong to the same discipline.) (Brants 1897–1898a, 26)

Karel Brants and Felix Rodenbach, in particular, provided linguistic contributions and glossaries (Brants 1897–1998a, 26). Sometimes they entered into discussions with each other (Rodenbach 1897, 47–51; 1897–1898, 115–118; De Opstelraad 1897–1898, 51–52; Brants 1897–1898, 118–120). However, at that time most *flamingants* felt no need to invent a new legal language since an appropriate and well-developed legal language did already exist in the Netherlands. Some strongly defended the opinion that Flanders should adopt the legal language from the Netherlands “as far as possible” (Van Goethem 1998b, 1465–1466). On the occasion of Paul Bellefroid’s (1869–1959) *Dictionnaire français-néerlandais des termes de droit*, Hendrik de Hoon (1850–1932) wrote in the *Rechtskundig Tijdschrift*: “Ons standpunt is gekend: de Nederlandsche rechtstaal behoeft niet in het leven geroepen te worden, zij bestaat; wij hebben slechts te putten in den woordenschat, dien onze Noordelijke taalgenooten bezitten en die het gemeenschappelijk goed is van allen die de Nederlandsche taal spreken.” (“Our point of view is known: the Flemish legal language does not need to be created, it exists; we only have to use the vocabulary that our fellow Northerners possess, and which is the common good of all who speak Dutch.”) (De Hoon 1898–1899, 37).

Nevertheless, the attention to the Dutch language did not last long and the linguistic section disappeared.¹⁷ The *Rechtskundig Tijdschrift* published translated judgments from French and the editors corrected in footnotes any mistakes to purify the texts from ‘gallicisms’ (van Gerwen 2017, 14). The new secretary, Albéric De Swarte, labelled the journal as “the best way to study Dutch legal language”. However, he also recommended Dutch journals, including the *Rechtsgeleerd Magazijn* (Legal Magazine), *Tijdschrift voor Strafrecht* (Journal of Criminal Law), *Paleis van Justitie* (Palace of Justice), *Weekblad van het Recht* (Weekly Journal of the Law), *Rechtsgeleerde Bijdragen* (Legal Contributions) and *Themis* (Deswarte 1900–1901, 89).

Over time, the editors became aware that the magazine did not benefit from an exclusive focus on the development of the Dutch legal language.¹⁸

17 In 1903, the section was called “Taal- en Rechtskundige Aantekeningen” (“Linguistic and Legal Notes”).

18 That is why the tenth volume was announced as following: “Wij betrachten niet alleen een “vlaamsch” Tijdschrift te hebben, maar we betrachten vooral, een “degelijk” Rechtskundig Tijdschrift in België te verspreiden, dat kan opwegen tegen de beste Tijdschriften uit andere landen, zoals bijvoorbeeld, het Rechtsgeleerd Magazijn uit Holland” (“Not only are we trying to have a

In addition to its linguistic purpose, the journal had to pursue a practical and scientific goal and reshuffled its objectives in 1909. A call for more professionalism was made (De Redactie 1909, 2).¹⁹

Viewed from a distance, all the ingredients seemed present to make the *Rechtskundig Tijdschrift* a success story. The editors were involved in all kinds of Flemish legal associations, promoted the use of Dutch within legal practice and provided the necessary tools. Nevertheless, the formula never worked out, and the *Rechtskundig Tijdschrift* faded away, due to its irregular publication frequency. In fact, it just came about too soon, since the legal world was simply too frenchified for legal professionals to justify an expensive subscription to “a linguistic magazine”.

The most important merit of the *Rechtskundig Tijdschrift* is perhaps that it encouraged other Flemish lawyers to start publishing a Dutch-language legal journal as well. In that sense, it succeeded in its mission: the development of a Flemish legal culture. In the wake of the *Rechtskundig Tijdschrift*, new Dutch-language initiatives arose that were supported by the former, such as the *Vlaamsch Museum* (Flemish Museum), a now forgotten monthly magazine devoted to “Staathuishoudkunde, bestuurlijke aangelegenheden, onderwijs, wetenschappen, letteren en schoone kunsten” (“State Economics, Administrative Affairs, Education, Science, Literature and Fine Arts”). On 1 October 1900, the first issue of the *Tijdschrift voor Belgische Notarissen* (Journal for Belgian Notaries) appeared, the first journal completely published in the Dutch language for the notaries. Its first year was unilingual in Flemish, but the next year it appeared as a bilingual journal, which attests to the fact that Belgium’s legal world was too francophone. However, this journal merged with the francophone *Annales du notariat et de l’enregistrement* (Annals of Notaries and Registration) as a supplement in Dutch in 1908. It became a direct precursor to the *Tijdschrift voor Notarissen* (Vandenbogaerde 2013, 7–30).

The last major pre-war achievement was the *Tijdschrift der Gemeentebesturen* (Journal of Local Governments) which was founded in 1902, by, once again, Karel Brants. Seven years later, this title took over *Het Vlaamsch Bestuur* when

“Flemish” journal, but above all we are trying to distribute a “solid” *Rechtskundig Tijdschrift* which can compete with the best journals from other countries, such as, for example, the *Rechtsgeleerd Magazijn* from Holland.” (De Redactie 1909, 1–2).

19 “Bij het samenstellen van ieder nummer beoogen wij een drievoudig doel: 1. het leveren van grondige rechtsstudiën; 2. het verzamelen van al wat nieuws en meldenswaardig is op rechtsgebied in binnen- en buitenland; 3. het mededeelen van al wat ons beroepsleven aangaat” (“In compiling each issue, our aim is threefold: 1. to provide thorough legal studies; 2. to collect all that is new and noteworthy in the field of law at home and abroad; 3. to share all that concerns our professional life.”)

de Corswarem died. More initiatives were to come, but the August 1914 German invasion halted all publications during the course of the war.

Before World War I, the attempts for legal periodicals to familiarize legal practitioners with Flemish terminology seemed to have little effect. The very few contributions were limited to an even fewer number of pages. One thing was clear: in the genre of legal periodical, Felix Rodenbach and Karel Brants took the lead. Nevertheless, little is known about their approach to the task. A glimpse can be found in an article Karel Brants published in 1921.

5 Insights in translation: The method of Karel Brants

After World War I, the godfather of Flemish legal titles kept actively translating legal terminology from French. In 1921, the Catholic monthly *Dietsche Warande en Belfort* published Brants's article on *Nederlandsche rechts- en bestuurstaal* (Dutch [i.e., Flemish] legal and administrative language), in which he emphasized the formal equality of legal texts both in Flemish and French. However, he added, the Flemish translation in most of those texts were poorly drafted and showed no uniformity. The application of a decent legal Flemish required a linguistically impeccable translation (Brants 1921b, 298).²⁰

In two contributions – more were foreseen, but never published – Brants discussed two terms, namely *témoin/getuige* (witness) (Brants 1921b, 299–303), and *impôts/belastingen* (taxes) (Brants 1921c, 608–613). He did not explain the rationale behind these choices. As before, he argued for preferred translations and, for the first time, he disclosed his sources and method. Brants seemed to have taken a very prosaic and pragmatic approach, for he took popular Dutch dictionaries, such as Van Dale, Kramers and Koenen, as a starting point. In addition, he relied on less-known, general dictionaries that translated French to Dutch (Heremans 1867; Herckenrath 1906). From that point on, he looked into Dutch legal texts in depth, such as the 1838 Dutch Civil Code – which in a sense can be considered a translation of the Napoleonic Code – and the Dutch Procedural Code. Other sources were the aforementioned French-Dutch legal dictionary, published by Paul

20 “Welk de oorzaken van een zoo betreurenswaardigen toestand zijn, willen wij thans niet nagaan: het volstaat dien toestand vast te stellen en er op te wijzen dat, waar, krachtens de taalwet van 1898, de Vlaamsche stukken in de meeste gevallen even officieel, even wettelijk zijn als de Fransche, die stukken behoeven onberispelijk te zijn in taalopzicht.” (“We do not want to examine at this moment the causes of such a deplorable situation: it suffices to establish the situation and to point out that, where, by virtue of the linguistic law of 1898, the Flemish documents in most cases are as official, as legal, as the French ones, those documents need to be flawless from a linguistic point of view.”)

Bellefroid, or Dutch handbooks (e.g., De Boer 1900). When a translation was not satisfactory for Brants, he consulted all other texts and specialist handbooks, regardless of the language they were published in (e.g., de Brouckère and Tielemans 1834–1856). Brants assembled all dictionaries, legal texts and handbooks that could help to explain the term correctly, from which a satisfactory translation could be distilled.

Almost simultaneously, Brants published his *magnum opus* on Belgium's municipal law (Brants 1921a; Vandenbogaerde 2020, 169–172). Moreover, after the war he had obtained the position of *bestuurder der Vlaamsche Diensten aan de Kamer der Volksvertegenwoordigers* (Director of the Flemish Services at the House of Representatives).²¹ His never-ending commitment to the Flemish cause must have enabled him to acquire access to Belgium's highest political circles. It resulted in a seat in the 1923 *Centrale Commissie voor de Nederlandse Rechtstaal en Bestuurstaal in België* (Central Commission for Flemish Legal and Administrative Language in Belgium), headed by Hendrik de Hoon and later by Emiel Van Dievoet (1886–1967).²² This commission was set up at the request of the *Bond der Vlaamsche Rechtsgeleerden* (Flemish Lawyers Association) and could count on the support of the *Rechtskundig Tijdschrift* (Vandenbogaerde 2018, 205). The commission based its translations heavily on the 1838 Dutch Civil Code and saw its work before the start of World War II rewarded with the adoption of a translated Constitution (1925), Penal Code (1926) and Municipal Law (1927). It took until 1939, before the Belgian government had approved a translated Civil Code (Van Dievoet 2003, 109).

At that moment, the Flemish Movement had witnessed important breakthroughs, such as the 1935 Act on the Use of Languages in Court. This law appeased, at least formally, the discussion between Flemish and francophone lawyers. A crucial victory in the road to that appeasement was the complete 'flemification' of Ghent University in 1930. From that moment onward, students could study law in their mother tongue, which opened the doors for a new influential legal weekly, which would then take up the issue of translational policies (Vandenbogaerde 2018, 237).

21 Unfortunately, we do not know – yet – what kind of position it was.

22 Koninklijk besluit over de oprichting van een *Commissie voor de vertaling in het Vlaamsch van de bepalingen der Grondwet, der wetboeken, der voornaamste geldende wetten en besluiten waarvan geen officiële Vlaamsche tekst werd bekendgemaakt* (Royal Decree of 18 September 1923 on the installation of Commission for the Translation in Flemish of the Constitution, Codes, most Important Acts and Decrees in force of which no official Flemish text was promulgated) of 18 september 1923, *Moniteur belge* 28 September 1923.

6 *Rechtskundig Weekblad* (1931–today)

On Sunday, 11 October 1931, the *Rechtskundig Weekblad* published its first issue with the goal of providing Belgian lawyers reports on legal life in Dutch on a weekly basis. It was an immediate success, and to this day it is considered to be one of the most important Flemish legal journals in existence (Victor 1935–1936, 1735–1740; *Rechtskundig Weekblad* 1961–1962a, 2507–2518; 1961–1962b, 2521–2544; Van Oevelen 2011–2012, 1–6). It could count on a new generation of students – first those at Ghent University; a few years later Louvain and Brussels followed suit – trained in law only in Flemish. In addition, shortly after the launch of this journal, the Act on the Use of Languages in Court was adopted.²³

The aims of the *Rechtskundig Weekblad* can be found in the opening statement, written by editor-in-chief René Victor (1897–1984) (Verstraete 2018) and endorsed by all the members of the Board (De Voorloopige Redactie 1931–1932, 1–4; Ooms 1961–1962, 2073). First and foremost, the new publication stood at the service of the Flemish legal practitioner, especially through the publication of the most important judgments ruled in Dutch (not Flemish, as there were very little). In doing so, the editorial board took a great risk, as it refused to translate any cases from any other language (De Redactie 1968–1969).²⁴ Hence, it faced the same problems as its illustrious predecessor the *Rechtskundig Tijdschrift*, since, in practice, for the time being, there were no Flemish-language judgments from the Court of Cassation, and Courts of Appeal rarely allowed Flemish in civil proceedings (De Redactie 1931–1932, 19).

The *Rechtskundig Weekblad* served a scholarly purpose. Almost every issue opened with a contribution on doctrinal matters, which was not always as thorough as it could have been (De Redactie 1931–1932, 18), but at least

23 In the Flemish districts, the entire administration of justice is conducted in Dutch. In the Walloon arrondissements, it is done in French, except for the courts in the district of Eupen, where German is the language of administration of justice. For the judicial district of Brussels, there is a complicated arrangement. This judicial district contains unilingual Dutch municipalities and bilingual municipalities (Dutch-French). The parties can unanimously request that the proceedings be continued in another language. The case is then referred to a court of the other language area.

24 It was only in 1968 that the *Rechtskundig Weekblad* published its first ‘translated’ case. The so-called Belgian Linguistic Case (Belgium v. Belgium, ECHR (1968), Appl. No. 1474/62; 1677/62; 1691/62; 1769/63; 1994/63; 2126/64.) was a ruling by the European Court for Human Rights and had a high symbolic value for René Victor and the *Rechtskundig Weekblad*. By fully translating the judgment in Dutch, the journal fought against its own program statement that only Dutch language case law would be published. René Victor saw the ruling as a confirmation of his ideals in the field of language policy in Belgium. .

it discussed topical issues at that time (e.g., Vander Planken 1932–1933, 545–550; Fredericq 1932–1933, 513–518; Ooms 1932–1933, 497–506). The editors wanted to contrast this approach of theirs with those who regarded the law as a mere technique: “Het blijkt voor de meeste leden van onze rechtskundige congressen, die zich hoofdzakelijk bezighouden met de praktijk van het recht, uitsluitend een techniek. [...] Aan een zuiver wetenschappelijke verhandeling wordt door de meeste onzer juristen al te dikwijls weinig belang gehecht” (“For most of the members of our legal conferences, who are mainly concerned with the practice of law, this appears to be exclusively a technique. [...] Too often, most of our lawyers attach little importance to a purely academic treatise”) (*Rechtskundig Weekblad* 1931–1932, 467). The editors copied their *modus operandi* from the *Nederlandse Juristenvereniging* (Dutch Lawyers Association) (*De Nederlandse Juristenvereniging* 1970), which presented thoroughly elaborated papers at professional conferences (Vandeputte 1932–1933, 553). René Victor admired Dutch law and its legal scholars (Vandeputte 1984–1985, 2872). Together with other members of the editorial board, he believed there was no cultural boundary between Flanders and the Netherlands. Moreover, his opinion was that in law there should be more solidarity and co-operation between Flemish and Dutch lawyers (Victor, 1961–1962, 2527). Even if the Dutch turned out to be not very ardent fans of Flemish legal life at that time (C.R.C. Wijkerheld Bisdom 1961–1962, 2528), the seeds were planted for a more intense Flemish-Dutch co-operation.

The scholarly goal did not stand on its own, yet was seen as a necessary element to emancipate and to elevate the Flemish people (*Rechtskundig Weekblad* 1931–1932, 466).²⁵ After all, law was a cultural product and played a prominent role in society (*De Voorloopige Redactie* 1931–1932, 2). Hence, according to the editors, the *Rechtskundig Weekblad* would contribute to the general culture and intended to mobilize the masses with influential lawyers as perfect guides (Roost 1961–1962, 2529). The gap between the courthouses and the Flemish people had to be reduced in order to develop a full-fledged Flemish legal culture. In this respect, the program differed little from that of *La Belgique Judiciaire* (Judiciary Belgium) and the *Journal des Tribunaux* (Tribunals’ journal), both of which also aimed at the popularization of the law (Vandenbogaerde 2018, 237).

25 “Stellig niemand zal betwisten dat vooral in ons land volksverlichting het hoogste doel dient te zijn van de wetenschap.” (“Certainly no one will dispute that, especially in our country, popular enlightenment should be the highest goal of science.”)

This could only happen once Flemish lawyers had embraced and mastered Flemish as a legal language. The editors wanted to familiarize all legal actors with Flemish, all the more so because

in vele vonnissen en arresten [...] fouten voor[komen] die niet slechts aan onachtzaamheid te wijten zijn maar die het vermoeden wekken dat de stellers de Nederlandsche taal niet behoorlijk kennen. Dit gebrek zal dan eerst afdoende kunnen bestreden worden wanneer de afgestudeerden der Nederlandsche hoogeschoolen van Gent en Leuven een overwegende plaats zullen innemen in de magistratuur, in de balie en in het notariaat

(many judgments and rulings contain errors that are not only due to negligence, but which give rise to the suspicion that the composers do not know the Dutch language properly. This shortcoming can only be adequately combated when the graduates of the Dutch colleges of Ghent and Leuven will occupy a dominant position in the judiciary, in the bar and in the civil-law notary's office.) (*Rechtskundig Tijdschrift* 1933, 619)

A thorough knowledge of their mother tongue would also give the Flemish lawyers greater self-confidence:

Wij voelen elken dag vóór onze Rechtbanken hoe aarzelend en onzeker velen onzer magistraten en confraters, zelfs wanneer ze van Vlaamsche afkomst zijn, de Nederlandsche rechtstaal gebruiken. [...] Voor de Vlaamsche juristen ligt hier een geweldig arbeidsveld en ons blad wil een praktisch werktuig zijn om hen in hun taak te helpen. De taal onzer rechtspraktijk dient geschaafd en geslepen te worden. De onvolmaaktheden die zullen voorkomen in de uitgegeven beslissingen zullen aanleiding geven tot kritiek en tot studie en de vruchten hiervan zullen gemeengoed worden van de heele Vlaamsche rechtswereld.

(Every day before our Courts we feel how hesitantly and insecurely many of our magistrates and co-counsels, even if they are of Flemish origin, use Dutch. [...] For Flemish lawyers, lots of work remains to be done, and our journal wants to be a practical tool to aid them in their task. The language of our legal practice needs to be brushed and polished. Imperfections in published case law will give cause for criticism and investigation, the fruits of which will become commonplace in the entire Flemish legal world.) (De Redactie 1931–32, 19)

In order to remedy these shortcomings (Van Dievoet 1932–1933, 601–604; Bellefroid 1933–1934, 137–150; Le Paige 1933–1934, 661–668) judgments of Dutch courts were regularly included in the journal, and a section with professional terminology in Flemish was published (De Redactie 1931–1932, 19). The comments were drafted by lawyer and Germanic philologist Guido Spanoghe (1910–1994). At that time, the later professor was a young man who enthusiastically read the *Rechtskundig Weekblad*. However, he was annoyed by the multitude of errors published in the weekly and wanted to prevent that such frequent mistakes would be adopted as correct legal language. He contacted the editorial board and was allowed to point out all faulty terminology. At the same time, he proposed solutions (Spanoghe 1932–1933a, 347–350). He opposed the use of words in Latin – which is common in the legal world – since it did not contribute to a clear and uniform legal language. In later contributions, he replied to translation questions from readers (Spanoghe 1932–1933b, 425–28). Contrarily to his predecessor Brants, we cannot distinct the sources Spanoghe uses to found his argument. However, he refers several times to the Dutch legal language, which was a continuation of Brants’s philosophy. In addition, one cannot deny that Spanoghe was educated as a philologist who understood the importance of correct application of language rules.

Although these glossaries drew inspiration from Dutch legal terms, the editors did not consider it desirable to simply copy the legal terminology from the Netherlands (De Redactie 1931–1932, 19). This position contrasted with the former generation of Flemish lawyers and opened the door for a more ‘Belgian Dutch’. Paul Bellefroid – after World War I, a professor at Nijmegen University – published a plea for proper Flemish legal terminology independent of the Dutch vocabulary. Through examples he described the shortcomings of a mere adoption of Dutch legal terminology. According to him, a unified legal language between Flanders and the Netherlands is impossible and not desirable, since both countries had developed a different legal system. He invigorated his argument by referring to the terminological differences in Austria and Germany. Bellefroid questioned the Belgian government that had imposed in law education and administration the translations made by the 1923 Commission. In his opinion, a government cannot regulate a language, which is a lively aspect of human interaction which alters over time. Bellefroid could not support a lawyer who promoted himself as a “taalverbeteraar” (“improver of language”), one who felt superior to the people, because such a person could only cause confusion. The professor advocated for a close connection to the language the population uses on a daily basis and called out for patience. A Flemish legal language would flourish once the first generation law students, who were trained in their mother tongue, would fill the chambers

of attorneys, public notaries and the judiciary (Bellefroid 1933–1934, 150). In hindsight, Bellefroid might have assessed the situation correctly.

7 Conclusion

Legal periodicals are nodes in networks bringing together like-minded actors. The case of titles published in Flemish illustrates the importance of such networks and how they adopted a vision of the official language and translation policy. One general observation was that official translations were of poor quality and would not help the Flemish people to emancipate themselves in the Belgian nation. Therefore, the editors used their medium to give the tools needed to legal practitioners.

Aware of their role as an elite to guide the people, lawyers used the means of periodical publications in an attempt to construct a uniform legal language. Therefore, they adopted one particular method: drafting vocabulary lists and inventories of translations with a justification for the choices made. Authors did not systematically mention the sources they relied on, but it is perhaps clear that, based on an article by Karel Brants, Flemish lawyers took a very pragmatic approach. They referred to a wide variety of (translating) dictionaries and handbooks to distill a uniform legal language and used their journals to disseminate – and maybe impose – ‘their’ legal language.

At the turn of the nineteenth and twentieth centuries, Flemish lawyers increasingly consulted Dutch vocabulary and explained their approach because of the language shared between Dutch and Flemings. It did not work out. Firstly, Belgium’s legal world remained heavily embedded in the French tradition and its professionals remained francophone – roughly until World War II – and secondly, there seemed to have been little support by legal practitioners to simply adopt a ‘foreign’ legal language. When Ghent University became monolingually Flemish, a generation of lawyers, educated with one legal terminology, could stand up and introduce their mother tongue in legal practice. From then on, it was only a matter of time before a proper Flemish legal terminology had developed.

It is remarkable that pre-World War II legal periodicals published in Flemish were sustained by a very small group of civil servants and lawyers who expressed the desire to adopt a Dutch-inspired legal language. Particularly Karel Brants proved essential to this evolution. Even if he did not fully succeed in establishing a clear and uniform legal language in Flemish, his influence in the professional press makes clear that he can deservedly be considered the ‘godfather’ of all Flemish legal journals.

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