



Studying the forms and functions of legal translations in history: the case of 19th-century Belgium

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Abstract: Research on translation history is thriving: scholars are becoming progressively interested in the role of translations in history in general as well as in the history and historiography of translation. With the exception of some studies on legal translations, institutional translators and institutional translation policy, research on the role and implications of legal and institutional translation in a specific historical and cultural context has been neglected by both (legal) historians and translation studies scholars. In this paper, I argue that the study of the historical role of legal translations constitutes a crucial component of translation history and sociocultural history in general. This paper offers a contribution to the interdisciplinary research field of historical legal translation through the discussion of legal translation practices in the context of multilingual 19th-century Belgium. More in particular, I will focus on the sociocultural role of translation, examining the ways in which legal translation contributed to the intellectual debate on the creation of multilingual and participatory citizens. Legal translations played a significant role in providing access to legislation for the Flemish citizens who were not able to read the official French text. Concurrently, they also assisted in the development of a Flemish legal language and culture. Many translations did not only offer a Flemish equivalent of the legal text, they also included notes and explanations. In this way, legal translations did not only offer purely material access to legislation, but also enabled citizens to understand the law and fully participate in legal and political life.

Keywords: translation history, Belgium, 19th century

1. Introduction

In recent years, it has become clear that we can no longer disregard the importance of historical studies on translation. Despite the growing body of research on translations in history and writings of the history of translation (Bastin & Bandia, 2006, and D'hulst & Gambier, 2018, most notably), “there still remain ‘vast unknown territories’ in that universal history, territories which concern not only places and times but also whole fields of inquiry and research” (Santoyo, 2006, p. 13). The history of legal translation constitutes one such field that has received relatively little attention from both translation studies scholars and (legal) historians: “Of the many articles that have been written over the years on the subject of legal translation, only a few address the history of legal translation” (Lavigne, 2006, p. 145). Even though there has been an increasing interest for forms of specialized translation and interpreting, notably in judicial settings, the study of this type of translations relies on less firmly established research traditions and is mainly focused on contemporary issues.

However, multilingualism and translation in legal and institutional settings are far from being recent issues (Dullion, 2018, p. 397). Even though it has

remained largely uncharted territory in research, legal translation has “a long and colorful history” (Šarčević, 1997, pp. 23-24). Several seminal works on legal language and translation include historical issues (such as Gémard, 1995, pp. 7-28; Šarčević, 1997, pp. 23-53 and Bocquet, 2008, pp. 69-85, cited in Dullion, 2018, p. 397), focusing mainly on the issue of literal-versus-free translation and the difficulties of translating legal terminology and legal system-bound concepts. However, a systematic understanding of the role and implications of legal translation and its link to larger sociocultural events and phenomena is lacking. While cultural and historical aspects are often touched upon, they usually serve as a historical contextualization of current terminological problems. Nevertheless, recent scholarship has realized the importance of placing cultural and historical considerations in the centre of the study of legal and institutional translation. Popular topics include translations of the French Civil Code and their effect on other legal cultures and systems such as Belgium and Switzerland (Bocquet, 2000; Dullion, 2007; Heirbaut, 2004), translation in multilingual governments, such as Canada, in the past (Otis, 2005), institutional translators in history (Delisle & Otis, 2016) and institutional translation policies in specific historical and political regimes (D’hulst, 2014; D’hulst & Schreiber, 2014; Wolf, 2015).

Why should we, speaking now from the point of view of translation studies scholars in particular, pay more (systematic) attention to legal translations in history? There is great value in studying the various ways in which legal translations, being intrinsically authoritative and normative texts, have influenced social, cultural and political aspects of history, for instance in the standardization of legal language and the emancipation of minority language groups. The decision to translate (or not) important legal texts (legislation, codes, constitution, etc.) has had a true impact on people’s lives. Legal translation enables official communication between language communities in (trans)national contexts and allows the circulation of crucial information on citizens’ rights and obligations. It has also played a role in the development of participatory citizenship in multilingual and democratic contexts, by linking the need for translation to the issues of publicity and transparency. Comparing these functions within and across multilingual countries and/or institutions and over a certain period of time can teach us how approaches to and values on legal translation can change, or remain constant, depending on the specific context. As Dullion argues in the recently-published *A history of modern translation Knowledge*, “legal history can be a source of knowledge about translation”, and a historical and comparative approach to legal translation and languages “can shed light on particularly difficult problems of translatability” and contribute to our understanding of “current institutional policies and practices” by “put[ting] them in perspective” (2018, p. 397).

This type of study calls for an interplay between methods, concepts and insights from translation studies, history and law. Adopting an interdisciplinary approach is challenging but necessary for any researcher who aims to create a well-rounded image of the role of legal translation in history. In this respect, Descriptive Translation Studies provides one suitable framework for this type of study, as it “corresponds to a descriptive, empirical, interdisciplinary, target-oriented approach to the study of translation, focusing especially on its role in cultural history” (Assis Rosa, 2010). Because legal translations can display a variety of forms and functions, as will be discussed later, it might be useful to involve functionalist theories, such as skopos theory, in this type of study. Functionalist theories are based on the idea that translation strategies are determined by the intended purpose of the target text rather than by the function of the source text itself (Dullion, 2007, pp. 20-22). This means that, in principle, one and the same text, or a text type, can be translated in various ways – i.e. according to different strategies and techniques – depending on the purpose of the translator or translating institution. This article proposes to contribute to the

interdisciplinary research field of historical legal translation and to underscore the sociocultural role of legal translation in history. It will demonstrate how translations of legislation can adopt multiple forms, all the while serving the same purpose, i.e. enabling access to legislative texts, and discuss the additional functions and implications of legal translation practices in multilingual 19th-century Belgium.

2. Forms and functions of legal translation in Belgium in the nineteenth century

2.1 *Multilingualism and translation in Belgium*

Multilingualism has always been at the heart of the space that became the independent nation of Belgium in 1830. French, Flemish or Dutch and German have been spoken, in varying degrees and with changing prestige, by its inhabitants throughout its history.¹ In this article, I focus on the asymmetrical relation of power between French and Flemish² and on the legal translation practices from French into Flemish. After having been part of two political and linguistic regimes that explicitly imposed French (the French Republic, from 1795 to 1814) and Dutch (the United Kingdom of the Netherlands, from 1815 to 1830), the new Belgian government decided to explicitly enshrine freedom of languages in article 23 of its Constitution, allowing for regulation in specific contexts: “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”].³ Nonetheless, French, as the established language of the political elite, became the *de facto* official language of legislation and administration. Flemish, spoken by the majority of Belgian citizens, was considered as an assemblage of regional dialects, and thus unsuitable for use in official and judicial settings. While it continued to be used in several local councils and administrations in Flanders (Vanhecke, 2004), Flemish remained a non-official language and was rarely used in Parliament until the end of the 19th century.

The choice of French as the only official language of legislation was initially not contested: the new Belgian leaders, both Francophone and Flemish, agreed that the existence of one official text would prevent confusion and errors in interpretation:

La législature a décidé que le texte français des lois serait seul officiel; je [Désiré Lejeune, Flemish representative] regarde cette mesure comme très sage; car un seul terme impropre peut en changer toute la signification, et comme le texte français est seul soumis à la discussion des chambres, les lois seraient abandonnées à la discrétion d’un ministère ou même d’un simple traducteur plus ou moins capable. (*Moniteur belge*, nr. 21, 21 January 1837)

[The legislative power has decided that the French text of laws will be only official; I [Désiré Lejeune, Flemish representative] consider this measure as very wise; since a single improper term can change the entire meaning, and since the French text only is submitted to discussion in the Chambers, laws would be abandoned to the discretion of a minister or even of a simple translator who is more or less capable.]

¹ The evolution and implications of the Belgian language situation has been the object of many studies: see, among others, Von Busekist, 1998 and Witte and Van Velthoven, 2010.

² I will refer to the language spoken in the northern provinces of Belgium as ‘Flemish’, a variant of Dutch.

³ All translations are my own.

Nevertheless, the Belgian government did recognize the importance of providing translations into Flemish, and discussed its implications on multiple occasions in Parliament, most notably when discussing the publication mode of legislation (see Nouws & Meylaerts, 2018 for a detailed overview). The main argument was that all citizens, including those who did not speak French, have to be able to read and understand the law: “Or, comme la justice réclame que ceux qui doivent obéir à la loi puissent la lire et l’entendre, une traduction flamande devient indispensable” [“Yet, as justice demands that those who have to obey the law have to be able to read and understand it, a Flemish translation becomes indispensable”] (Huyttens, 1844, p. 330). As a result, translations of laws and royal decrees were to be published in the official government bulletins.⁴ However, these Flemish texts would continue to carry the status of translation only, and had consequently no legal value in official settings or courts. Developments in favour of Flemish occurred from the 1870s onwards, as linguistic legislation prescribing the use of Flemish in certain administrative and judicial contexts, was gradually enacted (Clement, 2003). From 1893 onwards, when universal census suffrage was established, the situation developed more rapidly: the government periodical *Moniteur belge* became bilingual in 1895 and the Equality Law of 1898 put French and Flemish on an equal footing in the voting, sanctioning and publication of legislation.

2.2 Forms of legal translations

In the context of 19th-century independent Belgium, legal translations were distributed via different channels and by various actors, and consequently have adopted various forms. In order to structure the legal translations included in my corpus, i.e. Flemish translations of legislation and Parliamentary proceedings, I have established a threefold typology, i.e. official, semi-official and non-official translations. These categories are based on the status of the translator in the official and legal domain and on the locus of publication, i.e. the publication mode.

Official translations were the result of legal provisions. They included translations of laws, royal decrees, administrative decisions by provincial and local councils, and translated summaries of Parliamentary proceedings. They were made on the initiative of the national, provincial and local administrations and were published in central,⁵ provincial⁶ and local⁷ official bulletins respectively. A summary of the Parliamentary proceedings was published in a separate Flemish edition from 1878 onwards (*Beknopt Verslag van de Handelingen van de Wetgevende Kamers*).⁸ The official level initially only provided translations of new legislation, and consequently semi-official and non-official translations emerged as a way of filling in gaps by translating, among others, codes and reports of Parliamentary sessions. *Semi-official* translations were made on the personal initiative of jurists and government officials, and published via commercial publishers or other non-official channels.⁹ We have labelled these texts as ‘semi-official’ since the translator

⁴ The order of 16 November 1830, the decree of 27 November 1830 and the law of 19 September 1831 created official bulletins and included articles or dispositions regarding Flemish translations (Van Gerwen, Bourguignon et Nouws, 2017, pp. 105-109).

⁵ *Bulletin officiel des lois et arrêtés royaux de la Belgique. Staatsblad (1831-1845), Recueil des lois et arrêtés royaux de la Belgique. Verzameling der wetten en koninklijke besluiten van België (1845-1972), Moniteur belge. Journal officiel. Staatsblad (1895-).*

⁶ The provinces of West Flanders, East Flanders, Antwerp and Limburg published decisions and other communications to the public in a *Mémorial administratif* or *Provinciaal Memoriaal*.

⁷ Some Flemish cities, such as Antwerp, Ghent and Bruges, distributed a *Bulletin communal* or *Gemeentebblad*.

⁸ An overview of publications included in this category is discussed in more detail in D’hulst & Van Gerwen, 2018.

⁹ Semi-official translations were listed in 19th-century bibliographies (cf. De Potter, 1897 and Eggen, 1909) or reviewed in legal periodicals, such as the *Rechtskundig Tijdschrift voor Vlaamsch-België* (1897-1964).

forms part of the legal sphere in his professional life, while his act of translation falls outside of this sphere.¹⁰ This category included translations of a variety of legal genres and texts, mostly related to civil law, the constitution, commercial law, electoral law and education. *Non-official* translations were made on the initiative of journalists and published in newspapers and other periodicals, which means that both translator and translation fall completely outside of the official or legal sphere. They included summaries, paraphrases and commentaries of laws, royal decrees, various administrative decisions of provincial and local administrations, and reports of Parliamentary sessions. Even though Flemish translations of these types of texts were provided at the official level, non-official translations were still considered necessary. On the one hand, newspapers were more likely to reach a wider audience: the official publication *Recueil des lois*, for instance, was hardly ever consulted by lawyers and jurists, let alone by the general public (Van Dievoet, 2003, p. 105). On the other hand, journalists were obliged to translate the reports of the Parliamentary sessions themselves if they did not want to fall behind: official translators often had to wait for the corrections made by Francophone representatives, which led to delays in publication (Witte & Ceuleers, 2002, p. 320).

The legal translations distributed through these various channels displayed multiple translation strategies. At the official as well as the non-official level, these strategies were designed by institutions and by actors that we have not yet been able to identify. At the semi-official level, the translator's motivation and his strategies were sometimes discussed in introductions or prefaces: J.O. De Vigne, for instance, stated that he translated the electoral laws since there was no Flemish version available yet (1871, p. 1); C. Ledeganck explained his goal, i.e. providing an "accurate" translation of the Civil Code, and his views on translation procedures (1841, pp. v-viii).

A first strategy concerns the choice of including Flemish translations in bilingual or monolingual editions. *Bilingual* editions, with on the left page the French original text and on the right page the Flemish translation, following the age-old norm, constituted the preferred format of official translators, but was also frequently adopted by semi-official translators. This strategy of printing original and translation next to each other had several effects. Firstly, it allowed the French source text to be underscored as having sole authoritative and official status, since the Flemish text was not to be used in official settings. Moreover, the principle of fidelity to the source text, having a much longer and stronger foothold in the domain of legal translation (Šarčević, 1997, p. 23) was also present in the minds of 19th-century Flemish official translators. The presence of the source text prevented them from straying too far from the form and syntax of the original, leading to literal or word-for-word translations (see Image 1). Bilingual editions also stimulated comparison between source and target text. Largely due to the incompetence of official translators, who had often received no training in either law or translation and who were unable to consult models or to use a standardized legal language, the translation was often incomprehensible and could only be understood by consulting the source text. The poor quality of the official translations and the need for competent legal translators were issues raised by Flemish representatives in several Parliamentary sessions in 1837, citing notes provided by Flemish men of letters (Van Gerwen, Bourguignon & Nouws 2017, pp. 113-114):

En résumé, la traduction flamande du Bulletin officiel des lois et arrêtés royaux de la Belgique n'est qu'un tissu de mots incohérents, auxquels il est impossible d'attacher un sens raisonnable et qu'on ne parvient à comprendre qu'à l'aide du texte officiel français. (*Moniteur belge*, nr. 336, 2 December 1837)

¹⁰ It should be noted that in the context of 19th-century Belgium, all semi-official translators were male.

[In short, the Flemish translation of the *Bulletin officiel des lois et arrêtés royaux de la Belgique* is nothing but a string of incoherent words, to which it is impossible to attach a reasonable meaning and which is impossible to understand but with the help of the official French text.]

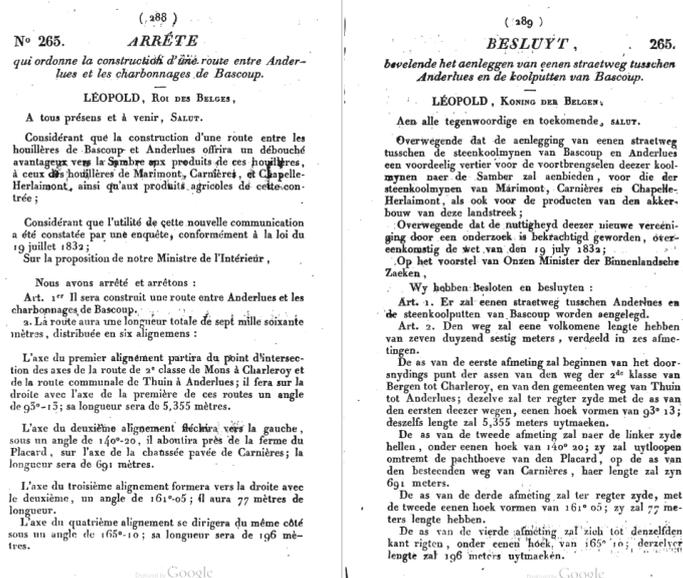


Image 1. Example of an official bilingual translation, published in the *Bulletin officiel des lois et arrêtés royaux de la Belgique*.

The presence of both the French and Flemish text can also be seen as an inclusive strategy. By publishing a legal text (the Constitution, for example) in both national languages in the same volume, the Belgian public in general is addressed, and not one or the other language community in particular.

Monolingual Flemish editions were the preferred format at the semi-official and non-official levels. Even though several types of semi-official translations (of the Constitution, the electoral law and the communal and provincial law, for example) would provide the French original as well, other translations (of the Civil Code for instance, and those published in Flemish newspapers) would be consistently published in monolingual editions only. This choice to omit the French source text fitted in the larger endeavour of promoting the status of Flemish. By demonstrating that a legal work or text could be understood and read in Flemish without the constant presence of the French original, translator-jurists attempted to strengthen the autonomy of a Flemish legal culture. Ledeganck's Flemish translation of the French Civil Code (Image 2) is a key instance of how legal translators entered into a broader cultural policy of emancipation and language standardization (see Van Gerwen, 2018, for a discussion of this translation).

HET
BURGERLYK WETBOEK,

UIT HET FRANSCH VERTAELD,

EN BEKNOPTELYK UITGELEGD,

MET BYVOEGING DER AEN HETZELVE TOEGEBRACHTE WYZIGINGEN VOOR BELGIE,

DOOR

C. LEDEGANCK,

ADVOKAET EN VREDEREGTER TE ZOMERGEN, LID VAN DEN PROVINCIALEN RAED VAN OOSTVLAENDEREN.

Image 2. Ledeganck's semi-official translation of the Civil Code (1841)

In translation history there are few examples of legal translators who have decided to freely translate and adapt a legal text (cf. Lavigne, 2006, for a case study). Flemish versions of legal texts were also generally faithful to the source text. At the official level especially, translators subscribed to the norms of the source text, and provided literal or word-for-word translations. According to Šarčević, “the first real challenge to the literal translation of legal texts did not come until the twentieth century when translators of lesser used official languages finally began to demand equal language rights” (1997, p. 23). However, several 19th-century Flemish translators had already adapted and transformed the material of the source text in their translations, by resorting to both translation proper and transfer modalities: generally, complete translations were provided, but they often also contained notes (of a bibliographic, legal, encyclopaedic and/or linguistic nature), glossaries, and introductions or prefaces discussing the objectives of the translation and/or translation strategies (see for instance Ledeganck, 1841; Torfs, 1870). In addition, other forms of transfer, such as summaries, commentaries, partial translation and handbooks were frequently used at the semi-official and non-official level (De Vigne, 1871, for example). Flemish newspapers would rarely publish full translations of legislation or Parliamentary sessions. Flemish journalists¹¹ selected and summarized – often in a single phrase – legislation for their Flemish readership, commented on specific laws or administrative decisions, such as their evaluation of nominations of judges, and published extensive reports of discussions held in Parliamentary sessions (see Image 3).

For the most part – and perhaps paradoxically given the relationship between the two national languages – the fact that the Flemish text was a translation was not frequently stated. At the official and non-official levels, translations and transfer modalities were hardly, if ever, presented as such. Translation was a hidden, covert activity in this context. Whether this was a conscious choice of the translators or not is difficult to determine with certainty. Given the sociolinguistic context and the discussions on the publication of legislation in Parliament, it was likely deemed unnecessary to explicitly add the mention of translation in the official publications. In the case of the non-official translators, Flemish newspapers manifestly stated that they were established to defend the interests of Flemish citizens, and to ward off the ‘foreign’ French influence. As such, they were not eager to draw attention to the fact that a large amount of translation from French occurred. Moreover, Flemish newspapers were concerned with transferring the message and the content of legislation and

¹¹ I studied Flemish newspapers *Vlaemsch België*, *Den Vaderlander* and *Het Handelsblad*, which are digitized and made available online via BelgicaPress (<https://www.belgicapress.be>).

of the discussions held in Parliament, rather than with the form and procedures of translation. In the case of semi-official translations, however, their “metatextual status” as translation, or the fact that the text was derived from another text (Dullion, 2007, p. 71), was often underscored, including indications in their title or on the title page that they were translated from French, or that they concerned an edition including the French official text with its Flemish translation.



Image 3. Fragment of a report of a discussion held in the Chamber of Representatives, published in Flemish newspaper *Het Handelsblad* on 6 December 1860.

2.3 Functions of legal translations

The main function of Flemish legal translations was to provide *access to legislation* for Flemish citizens. As they were expected to know and obey the law, translations of laws and royal decrees became indispensable instruments in this respect. We observe, however, that the idea of access was interpreted in different ways across the three levels. At the official level it was deemed sufficient to provide a Flemish version, faithful to the source text and printed next to the original, which was conceived as an expression of courtesy to the Flemish citizens. However, complaints regarding the poor quality of the official translations, mostly denouncing the fact that these were often incomprehensible and riddled with errors, underscored their insufficient nature and the lack of true access to the legal text (Van Gerwen et al., 2017). Consequently, many semi-official and non-official translations endeavoured to provide acceptable alternatives for official translations, not only by providing a correct and readable translation or summary, but also by attempting to render the text comprehensible through explanations and commentaries. That is, in order to make the law truly accessible, in the broad sense of the word, to Flemish citizens, other considerations came into play. Accordingly, legal translations in

the context of 19th-century Belgium have played additional roles, which were predominantly related to ideas of citizenship and other sociocultural issues.

Closely related to the issue of access to legislation is the ideal of *participatory citizenship*. As Meylaerts has put forward, “democratic societies are based on th[is] ideal (...)”, and “[it] presupposes, among other things, the citizens’ right to communicate with the authorities”. Consequently, “a fair language and translation policy is a vital need for the survival of any democratic society” (2010). In the context of 19th-century Belgium, as in other multilingual nations, subjects related to language and translation were regularly broached in discourse on participatory citizenship, being often directly related to the social and political position of citizens (see Huyttens 1844, pp. 330-336, for example; Nouws & Meylaerts, 2018). Flemish citizens who did not speak or read French had fewer opportunities to find a position in government; they also found themselves frequently disadvantaged in court, as court cases in Flanders were predominantly held in French until the law of 17 August 1873,¹² and they had less ready access to legislation and discussions held in Parliament. Semi-official and non-official translators – through translations of key legal texts, notably the Civil Code and the Constitution, and Flemish-language reports of Parliamentary sessions held in French – endeavoured to instruct Flemish citizens in the legal and administrative issues influencing their everyday lives and to make them aware of current state of affairs.

In this light, legal translations can also be seen as an important instrument in the effort to ensure *publicity* and *transparency*. These issues were often at the heart of discussions held in Flemish newspapers and legal and linguistic conferences, as the young state of Belgium valued the ideals of liberalism and democracy very highly (Van Gerwen et al., 2017, pp. 118-131). Initially, Flemish representatives focused on bringing about the translation and publication of legislation (cf. supra, the idea that translations of the official bulletins were indispensable). However, in order to truly realize the ideals of publicity and transparency, they also requested translations of the Parliamentary proceedings. The authorities were less keen to provide these translations, the main argument being that this would lead to higher publication costs (Clement, 2003, pp. 115-120). The *Compte rendu analytique* (*Beknopt verslag* in Flemish), which was published from 1878 onwards, provided a summary of the proceedings but did not literally reproduce the speech of the speakers. In light of the principles of transparency and publicity, the discussions themselves (i.e. the *process* of legislation), which had already been available in French in the *Annales parlementaires* from 1844 onwards, were also to be translated if full and equal access to legislation for Flemish citizens was to be achieved.

Another important function of Flemish legal translation was its role in the *development of a Flemish legal language*. As Belgium had been part of France, the Belgian legal domain was heavily influenced by the French legal language and culture.¹³ After Belgian independence, both Francophone and Flemish jurists continued to look towards France as the primary model for jurisprudence and legislation: codes and doctrinal works were either directly consulted or (slightly) adapted. Since a Flemish legal language was virtually non-existent in Belgium, French having been the language of politics, law and administration for several centuries, borrowings from French were omnipresent in Flemish legal texts. As regards translations into Flemish, the three categories of translation show common ground in that they all remain faithful to the French source text. Even in the case of summaries, paraphrases and handbooks, the fingerprint of the French original remained clearly visible: legal translations

¹² This law stipulated that Flemish people should be prosecuted in Flemish in the Flemish provinces.

¹³ The Civil Code in particular is a key case in point of French legal influence: it was imported not only in Belgium but also in the Netherlands, Switzerland and many other countries in Europe and beyond, and constitutes the foundation of civil law systems (Dullion, 2007; Heirbaut, 2011).

were marked by the use of French legal terms and loan words, syntactical constructions and literal translations.

Flemish jurists and translators gradually opposed this strong dependence on the French legal language and called for the development of a *Flemish* legal terminology. From the 1870s onwards, jurists and translators increasingly turned towards the north, stating that the Dutch and Flemish legal cultures were virtually the same and that the Flemish could thus simply adopt the Dutch legal language (Bellefroid, 1933; Obrie, 1892). Even though the Dutch legal culture was also influenced by the French example, its legal terms and expressions were less heavily indebted to the French terminology. In this respect, the alignment of Flemish legal culture with the Dutch culture should be interpreted as a predominantly symbolic move, protesting the dominant position of French as the only legal language in Belgium. Consequently, several Flemish-Dutch linguistic and legal conferences were organized,¹⁴ and Flemish translators strove to use Dutch legal terminology instead of the usual borrowings from French. In this way, Flemish translators found themselves in-between two legal languages and cultures, both with strong traditions, compromising in their translational choices and thus fulfilling an important reconciling role.

All in all, the functions of Flemish legal translation in 19th-century Belgium can be grouped in two categories. *Symbolic* functions of legal translations are related to the idea(l)s of inclusion, equality, transparency, publicity and participatory citizenship. The Flemish legal translations of the time can be seen as a symbol for the fact that the Flemish part of the Belgian population wanted to be recognized as equal citizens, having the same right as Francophones to consult legal texts and to have the same access to legislation. Even though the number of Flemish citizens who actually consulted these legal translations remains unknown and was probably relatively low, it was clearly a matter of principle that legal translations had to be provided. Flemish legal translations also fulfilled a *pragmatic* function, since citizens inevitably had to know the law, and translations acted as necessary instruments to ensure good rule and observance of the law.

3. Conclusion

This article set out to demonstrate the value of studying legal translations in history through the discussion of the forms and functions of Flemish legal translations in 19th-century Belgium. While previous research on legal translation has primarily focused on terminological issues, this study explicitly put historical and sociocultural factors in the spotlight. Including this kind of considerations can lead to rich insights, not only into the effects and implications of legal translation itself in history, but also into the broader understanding of historical and cultural events. In the context of multilingual 19th-century Belgium, the co-existence of various levels, forms and functions of legal translations underscored the unequal relationship between French and Flemish and the tensions that resulted from it. We have seen that legal translations constituted crucial instruments in larger sociocultural discussions on participatory citizenship and transparency. As such, Flemish legal translators can be said to have played a crucial role in the process of enabling access to legislation and fostering informed Flemish citizens by enabling them to communicate with the authorities and to consult key legal texts in their own language.

Forms and functions of translations are often closely related. Laws and royal decrees were translated according to different strategies because different

¹⁴ Most notably the *Nederlandsche taal- en letterkundige congressen* [Dutch linguistic and literary conferences].

goals were envisioned. Whereas full translations were provided at the official level, non-official translations were more concerned with summarizing and explaining the content of the source text. Other kinds of legal texts, such as the Civil Code and the Constitution, were also translated in different ways, often combining translation and transfer modalities, as the semi-official translators pursued different aims and target audiences. Conversely, a single strategy can lead to varying effects. For instance, as discussed above, the choice to provide bilingual editions can either lead to the underscoring of the inferior status of the Flemish translation, or it can be a strategy of inclusion and equality.

Legal translation is a crucial part of history and should consequently be studied more systematically in order to discover its various forms and functions and their evolution. Nevertheless, researchers focusing on the role of legal translation in larger sociocultural and political contexts should remain critical and not overestimate the role of translation. We should remain aware of the fact that translation has only recently become an important item on the political, legal and sociolinguistic agenda, more particularly since the advent of supranational organizations such as the EU (see for instance Koskinen, 2008). In many historical contexts, the issues of multilingualism and language politics as well as other forms of transfer were considered as relatively more important and were discussed more frequently than the question of translation. As such, researchers should take care to sufficiently situate translation practices within larger contexts and relate them to other sociocultural practices.

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