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# No language policy without translation policy: A comparison of Flanders and Wales

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No language policy without translation policy:

A comparison of Flanders and Wales

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## NO LANGUAGE POLICY WITHOUT TRANSLATION POLICY

### **No language policy without translation policy: A comparison of Flanders and Wales**

**Abstract.** A major challenge for authorities in the modern world is the linguistic integration of minorities. In this context, language policies play a key role as authorities are increasingly faced with the challenge of adjusting their language policies in order to secure the linguistic rights and thus the integration of their multilingual populations. In multilingual democracies, these language policies must include choices about the use or non-use of translation. These choices, when they are systematic, become policies of their own in terms of translation. Thus, translation policies arise in part as a consequence of language policies, and there can be no language policy without an attendant translation policy. This article sheds light on the role of translation policies as part of language policy. Specifically, it shows that translation policies can be a tool for integration and recognition or exclusion and neglect of speakers of minority languages and therefore deserve special attention. This is done by comparing the translation policies adopted in Flanders and Wales, both as applied to autochthonous linguistic minorities and allochthonous linguistic minorities. Lessons can be learned from the similarities and differences of translation policies in these two regions.

**Keywords.** Interpreting, translation, language policy, translation policy, Flanders, Wales

### **Geen taalbeleid zonder vertaalbeleid: een vergelijking van Vlaanderen en Wales**

**Samenvatting.** Een belangrijke uitdaging voor overheden in de moderne wereld is de taalkundige integratie van minderheden. In deze context speelt taalbeleid een belangrijke rol aangezien overheden meer en meer geconfronteerd worden met de uitdaging om hun taalbeleid aan te passen om de taalrechten en dus de integratie van hun meertalige bevolking veilig te stellen. In meertalige democratieën moet dit taalbeleid keuzes inhouden over het gebruik of niet-gebruik van vertaling. Indien deze keuzes systematisch worden, vormen ze

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een vertaalbeleid op zich. Vertaalbeleid ontstaat dus als gevolg van taalbeleid: er kan geen taalbeleid zijn zonder een begeleidend vertaalbeleid. Dit artikel werpt licht op de rol van vertaalbeleid als onderdeel van taalbeleid. In het bijzonder laat het zien dat vertaalbeleid een instrument kan vormen voor integratie en erkenning of uitsluiting van sprekers van minderheidstalen en daarom speciale aandacht verdient. Hiervoor wordt het vertaalbeleid in Vlaanderen en Wales, zowel voor autochtone als allochtone linguïstische minderheden, vergeleken. Lessen kunnen worden getrokken uit de overeenkomsten en verschillen in vertaalbeleid in deze twee regio's.

### **No hay política lingüística sin política de traducción: una comparación entre Flandes y Gales**

**Resumen.** La integración lingüística de las minorías supone uno de los principales retos para las autoridades contemporáneas. En tal contexto, las políticas lingüísticas cumplen un papel fundamental conforme las autoridades enfrentan cada vez con mayor frecuencia el desafío de ajustar sus políticas lingüísticas al objetivo de asegurar los derechos lingüísticos, y por ende lograr la integración, de las poblaciones en las que se hablan varios idiomas. En democracias multilingües, dichas políticas forzosamente incluyen decisiones en torno al uso (o no) de la traducción. Tales decisiones, cuando tienen carácter sistemático, se convierten en políticas de traducción en sí, por lo cual las políticas de traducción surgen en parte como consecuencia de las lingüísticas; es decir, no hay política lingüística sin política de traducción. Este artículo revela algunos aspectos de la función que cumplen las políticas de traducción en el contexto de la política lingüística. El mismo demuestra que las políticas de traducción pueden ser un instrumento para lograr por un lado la integración y el reconocimiento o por otro la exclusión y el abandono de los hablantes de idiomas minoritarios, por lo cual se les debe prestar particular atención. Tal demostración se lleva a cabo mediante la comparación de las políticas

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de traducción adoptadas en Flandes y en Gales, tanto para las minorías lingüísticas autóctonas como alóctonas. Las semejanzas y diferencias en las políticas de traducción de estas dos regiones pueden aportar lecciones relevantes.

The linguistic makeup of our contemporary world is richly diverse. Institutionalized “majority” languages come in contact with a fluid tapestry of “foreign” languages and a set of “regional or minority” languages<sup>1</sup>. One of the biggest challenges for authorities worldwide is the *linguistic* integration of minorities. Here integration is not to be understood as “the elimination of human differences” but rather as accommodating such differences in a way “that individuals may be able to participate in the life of the linguistic or cultural community to which they belong as well as in the life of the wider society of the State as a whole” (De Varennes 1999: 309). In this context, language policies play a key role. They are instrumental in the construction of modern democratic societies and especially in their search for cohesion through participatory citizenship. “Power in each kind of democracy is (...) mediated and policed through language” (Wright 2004: 226). In democratic states, citizens have traditionally been expected to understand and to identify with a shared, dominant language, which is perceived as a way to ensure their right to control the authorities and to communicate with them, to understand the laws passed in their name, to vote, to receive and understand official documents, etc. Authorities are increasingly faced with the challenge of adjusting their language policies in order to accommodate the linguistic reality and thus secure the integration of their multilingual populations.

### **Theoretical framework**

Language policy is a concept that is notoriously hard to define with a high level of precision. The term itself, “language policy”, competes with other terms such as language planning, language management, language engineering and even language governance (Walsh 2012: 324). Distinctions can be drawn between each of these terms (see e.g. Ager 2001: 5-6), but they are not always easy to parcel. We therefore favour a broad definition of language

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policy, which includes the study of language practices, beliefs, and management (Spolsky 2012: 5). Spolsky's understanding allows researchers to focus more on one of these three broad and interrelated areas of language policy while still acknowledging the existence of the others. In this study we wish to approach the third leg of Spolsky's definition, namely language management. Language management refers to "efforts by some members of a speech community who have or believe they have authority over other members to modify their language practice" (Spolsky 2012: 5). Within this concept of language management, we want to address in particular issues that arise in communication between citizens and authorities. Consequently, we will work specifically with legal or administrative rules that attempt to regulate the use of language for purposes of communication in legal affairs, political institutions and administration (see Van Parijs 2010).

As stated, we are interested in translation as it springs from language policy. We find that in today's multilingual democracies, language policies of necessity must include choices about the use or non-use of translation. These choices, when they are systematic, become policies of their own in terms of translation. Thus, translation policies arise as a consequence of language policies, especially when language policies interact with other policies, such as non-discrimination (see González Núñez 2013). There is, to summarize it with a slogan, "[n]o language policy without translation policy" (Meylaerts 2011: 744). Inasmuch as language policy can help us understand translation, translation policy may be analytically approached, after Spolsky, as translation practices, beliefs, and management (see González Núñez 2013: 2). Translation management may then be understood as the efforts by individuals who are in a position of authority to make decision regarding the use or non-use of translation in specific domains. Determining the rules of communication between authorities and citizens presupposes determining the right to translation, or at least the obligation to provide translation, within a democratic society. We are concerned here only with efforts to manage



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translations through legal or administrative rules that regulate translation for purposes of education and communication in legal affairs, political institutions and administration. One way to gauge these efforts is by considering legislation pertinent to them. Of course, translation policy exists even without these explicit rules, and the existence of an explicit policy doesn't guarantee implementation (cf. Spolsky 2012).

In the many studies that have been done into language policy or into translation, translation policies long remained somewhat of a blind spot (see Diaz Fouces 2006; Meylaerts 2011) and this has only lately begun to change (e.g., González Núñez & Meylaerts 2017). From among these publications, of particular relevance to this study is Meylaerts 2011, which argued that within a continuum of language and translation policies we can distinguish four prototypical regimes which authorities use to communicate with their citizens: 1) At one end of the continuum we have multilingualism with obligatory multidirectional translation in all languages for all. This policy would aim to make all languages within a given territory official (that is, institutionally equal), so that all people have access to legal, political and administrative institutions in their mother tongue. Therefore, this policy requires multidirectional translation in all languages for all. Thanks to institutional translation, citizens can stay monolingual in their mother tongue: multilingualism of institutions enables monolingualism of citizens. So, for example, between 1790 and 1793, it was decided to translate the decrees of the national assembly in all regional languages of France (Perrot 1997: 159) and translation offices were created in Paris and in departments like Alsace, Lorraine and Brittany. The high cost and the scale of the enterprise, together with inexperienced translators and the association of regional languages with espionage and anti-revolutionary forces, were among the reasons for the premature end of the multilingual adventure. If today's national authorities were to adopt this translation policy, including for the languages of foreigners, implementation would prove problematic. Not only would it be a real financial burden, but it

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would also imply that in theory every newcomer would have the right to receive complete translation services in their language. Therefore it would go against what is known in the legal field as the principle of proportionality<sup>2</sup>: a translation service should be reasonable and justified; in other words, it should be proportional to the relative size of speakers of a language. Additionally, it could theoretically lead to an increased risk of ghettoization that could impede social cohesion and national identity (Van Parijs 2008). 2) The second prototype policy, at the other end of the continuum, is characterized by complete institutional monolingualism: one “national” language (for example, French in France), regulates communication between authorities and citizens in education and public settings. In order for this language to maintain its institutional monopoly, translation and non-translation become crucial. All incoming, “foreign” official documents and messages (for example, EU laws and guidelines in France) have indeed to be translated in order to become legally valid. At the same time, monolingualism requires non-translation through a (sometimes legally enacted) ban on translations into minority languages. Law No. 94-665 of 4 August 1994 Relating to the Use of the French Language (*loi Toubon*) states, for example, in Article 3 that “any writing or announcement posted or made on a public highway, in a place open to the public or in a public transport system and designed to inform the public must be expressed in the French language”

(<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000005616341&dateTexte=vig>; our translation). A monolingual policy gives *no affirmative right* to minorities to claim a *translation* (notice that the word is often not used). Non-translation expects these groups to learn the national language and operate in it for communication with the authorities. Non-translation and language learning are in other words seen as mutually reinforcing. Although research has suggested the opposite (e.g., Pokorn & Čibej 2017), the idea that translation hinders language acquisition continues to be “one of the more pervasive fictions generated by

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the media representations”, especially in places like the UK (Tipton 2012: 199). Promoters of non-translation policy claim it favourable for minorities’ integration and for national cohesion (Schuck 2009, Wong and Pontoja 2009). Opponents think it leads to a deplorable elimination of minorities’ languages and cultures, high dropout rates or poor school results, high unemployment rates, exclusion in health and social services (Gülmüs 2007; de Varennes 2012a). It comes as no surprise then that even officially monolingual countries, such as France, have introduced translation services for communicating with allophones. This brings us to a third prototypical language and translation policy. 3) In practice, many democratic societies opt for an intermediate prototype policy: institutional monolingualism combined with occasional (and often temporary) translation in well-defined situations in anticipation of minorities’ learning of the majority language. These groups can, for example, obtain a translated document or an interpreter in certain well-defined circumstances: in court, in health care, in administration, at elections, etc. However, through restrictive implementation, these translation obligations do not endanger the fundamental monolingualism of this system. Opponents of this restrictive translation policy still claim that it hinders integration and instead furthers linguistic and other ghettoization (see e.g. Easton 2006, for the UK, and Van Parijs 2007:21). 4) In some specific cases, a fourth prototype policy, which is in fact a combination of one and two, is applied: institutional monolingualism at the lower level and institutional multilingualism with multidirectional mandatory translation at the superior (for example, federal) level or vice versa. This fourth policy creates monolingual institutional islands under a multilingual umbrella, or vice versa, preventing translation to apply at all institutional levels. The fundamental difference with the second policy is that the foreigners’ languages do not benefit from the multidirectional translation rights. They are faced with non-translation or restricted translation, according to the situation. The first case applies to Belgium where according to the Constitution the federal state is officially trilingual (Dutch-

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French-German) whereas the Dutch, French and German language areas are monolingual. The second case applies to the UK government, which is largely monolingual, while co-existing with bilingual areas, such as Wales. These two regions, Flanders and Wales, form the object of the present study.

In this study we aim to help shed light on the role of translation policies as part of language policy. Specifically, we aim to show, through a descriptive approach, that translation policies can be a tool for integration or exclusion of speakers of minority languages and therefore deserve special attention as part of “cross-portfolio policy making” (Ozolins 2010: 196).

### **Method**

In order to help understand the role of translation policies as part of language policies, we must determine first what translation policies are in effect in a certain society. We will attempt to do that by focusing on translation management in Flanders and Wales. Both regions have a complex mixture of languages and linguistic groups which share their respective territories, and both are part of larger political units.

We will first consider the management of translation policies in these respective regions, and then we will reflect upon the aims of such management. That will help us understand how translation plays a role in the larger aims of language policy. We are aware that this is a messy endeavour in which “it is difficult to do justice to the complexity of [...] a multi-faceted, shifting object” (Phillipson 2003: 17). Thus, we acknowledge that our approach cannot be comprehensive and that methodological choices must be made. We have chosen to approach our object of study top down. We recognize that top-down approaches are becoming less frequent in language policy studies. However, we feel that for the specific questions we

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have about translation policies, such an approach is helpful. Thus, we will begin with a look at legislative enactments, as overt policy actions, that are relevant to translation. Which laws do explicitly call for translation? Or is the legislative framework surrounding the translation policies at work rather implicit, not so much a matter of actually calling for translation but of imposing obligations that from a practical standpoint can be achieved through different forms of translation? Having considered the relevant legislative enactments, we will look at resultant policy approaches in Flanders and Wales<sup>3</sup>.

As we do this, we will consider to what extent translation becomes a tool for inclusion of linguistic minorities in multilingual societies. Thus, we will look at translation as a way to grant access to speakers of languages other than the majority language. In exploring what those translation obligations may be, several key domains where translation policies may be used by the authorities as a tool for inclusion and cohesion can be identified, such as government, health care and legal settings. In this article, we will narrow our scope to translation in settings where individuals come in direct contact with the government, such as local government offices.

### **The linguistic make-up of Flanders**

Although Dutch is originally the language of Flanders, for several centuries French has been an integral part of the linguistic make-up of the region. Roughly between the 16<sup>th</sup> and 19<sup>th</sup> centuries, French was the language of the nobility and upper classes, the main language of higher social relations, science, culture, education, press and local administration (Willemyns 2002: 386). Dutch<sup>4</sup>, or rather an amalgam of its dialects, remained the local language of the common people for all informal situations. The creation of Belgium in 1830 gave an extra boost to French as the institutionalized language of the new state. Moreover, the

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first government was firmly committed to gradually abolishing Dutch in Belgium. To that end, all civil and military jobs had to be given to French speakers so that Dutch speakers would be obliged to learn French (Peeters 1930, quoted in Willemyns 2002: 393). From 1850 onwards, some Flemish groups (mostly perfectly French-Dutch bilinguals) started to oppose institutional monolingualism.

Let us try to summarize the most important steps in the evolution of Dutch towards becoming Flanders' institutionalized language<sup>5</sup>. In the 1870s linguistic laws strengthened the position of Dutch in Flanders, for example, in administrative affairs. Even so, French continued to be dominant. In 1898 the Equality Law was passed: Dutch and French were equal as legal languages and every law had to be published in French and Dutch in the Law Gazette. In 1932, another linguistic law made the administration in Flanders monolingual in Dutch. This was an important step for the "emancipation" of the former minority language. In 1962 the linguistic border was legally defined, and Belgium was divided into four linguistic areas: three monolingual language areas (Dutch, French and German) plus a bilingual area (Dutch-French in Brussels). This provided the basis for Belgium becoming progressively (1970, 1980, 1993) a federal state with three regions (Flanders, Wallonia and Brussels) and three communities (the Dutch-, French- and German-speaking communities). The communities have competence over culture, education and language, all areas that are closely linked to language issues. On the Flemish territory, the status of the territorial languages has thus completely shifted. The former dominant language, French, has become the autochthonous minority language and Dutch has become the institutionalized official language.

Besides the Francophone minority, mainly found in municipalities around Brussels and along the linguistic border with Wallonia<sup>6</sup>, there are, of course, allophone foreigners in Flanders. In 2008, foreigners accounted for 5,8% of the population of Flanders (mostly Dutch

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31%, Moroccan 8% and Turkish 6%). However, many Moroccans and Turks have become Belgian nationals in the last few years, so if we include these naturalized persons, 8,6% of the population of Flanders is foreign-born. If we add people who were born to a non-Flemish mother, we reach 10,3% of the population. These figures do not take into account asylum seekers or illegal residents. Within this larger group of foreign-born individuals and their children, it is of course hard to gauge who precisely speaks Dutch and who does not. Recent research has shown that even among first-generation foreigners going back to the 1950s, some people do not understand (enough) Dutch (Bevilacqua 2011).

### **Translation policy in Flanders**

Having indicated that Flanders is by no means a one- or even two-language region, we can begin to explore translation policies in this linguistically diverse region. To what extent does translation, as enacted in laws regulating contacts between authorities and citizens, become a tool for inclusion or integration of linguistic minorities? That is, to what extent is translation a way to grant access to public services for speakers of languages other than Dutch? At the very top, the policy agenda is set by the Flemish Parliament in the “Laws on Language Use in Government Settings”. The Flemish Parliament has competence for changes in the law, except for the municipalities with linguistic facilities for Francophones. These are 12 Flemish municipalities along the linguistic border with Wallonia and around Brussels where a special majority in the Federal Parliament is needed to approve linguistic laws. We will come back to these municipalities later.

In legal terms, Flanders, excepting the 12 municipalities with facilities, is called the “homogenous Dutch region”. This term sets the tone for a language and translation policy that is at odds with the multilingualism of people actually living in Flanders. How is

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communication between authorities and citizens enacted in the law? For one thing, Flemish legislation is very strict and explicit. All communication between the Flemish authorities (local services, regional services, services of the Flemish government) and the inhabitants is submitted to a non-translation policy. For relations with individuals, for public messages, for public signage, for forms, in official meetings, etc., etc., Dutch is the only legal language. So a francophone or Turkish speaker living in Ghent does not have the right to have his/her tax form translated into French or Turkish. Similarly, in their oral or written contacts with the Flemish authorities, inhabitants of the Flemish territory can only use Dutch. There is only one exception. Citizens can obtain a certified translation of a certificate, a declaration, an authorization, etc. *if* they are able to indicate the necessity of it. It is through this policy of non-translation that the guarantee for Dutch to remain the only official language in the “homogenous Dutch region” is assured (see also <http://www.vlaanderen.be/nl/publicaties/detail/de-taalwetwijzer-welke-taal-wanneer>).

What does this mean for the foreigners and their languages? The Flemish (not the federal) government is exclusively competent for the reception and integration of allochthonous minorities in Flanders. In its proposal of a “Decree for a Flemish integration and assimilation policy” of 2013 (<http://docs.vlaamsparlement.be/docs/stukken/2012-2013/g1867-11.pdf>), the Flemish government defined the goal of its integration policy in response to migration. The policy speaks in terms of independent and proportional participation for all, accessibility to services, active and shared citizenship and social cohesion. Fully in accordance with its non-translation policy (prototype 2), the Flemish authorities consider speaking Dutch an absolute condition for the integration of allochthonous minorities. Knowledge of Dutch is seen as an essential condition to reach a social cohesive society and is considered to have a strong emancipating effect. In other words, the policy of non-translation and language learning go hand in hand in Flanders.



Obviously, in practice, complete non-translation is a utopian principle, in contradiction with the democratic principles of participation, accessibility, non-discrimination and cohesion. Flemish legislation in the last ten or fifteen years shows traces of a growing but yet limited awareness of the need for a more elaborate translation policy for foreigners (prototype 3). For example, in a 2005 circular concerning language use, the Flemish minister states that “some municipalities and Social Services in Flanders (...) use an *interpreting service* to assist their civil servants in their contacts with allophones, e.g. asylum seekers or refugees. Such an initiative *doesn't seem to me to contradict the linguistic legislation*. (...) This doesn't mean however that an allophone inhabitant would have the right, beyond the arrangements made by the municipality, to possibly claim assistance by an interpreter. (...) It is a matter of course that this service can only be *temporary*. (...) If an inhabitant of a Flemish municipality after a certain time is unable or unwilling to use Dutch in his contacts with the local authorities, it is obviously the task of these local authorities not to make use any more of an interpreter in its contacts with the person in question. This stresses once again that the courtesy of the local service *doesn't create a right for the person in question*.” (Keulen 2005, 5–6; all translations from Dutch into English are mine; italics added). So the Flemish minister foresees *limited* translation in well-defined situations in anticipation of minorities learning the majority language. Through restrictive implementation, translation does not endanger the position of the official language. Translation remains a granted exception, in anticipation of minorities' linguistic assimilation. In the most recent policy documents on assimilation and integration<sup>7</sup>, community interpreting and translation<sup>8</sup> are advanced as legal instruments to support the oral and written communication of public services in Flanders in their contacts with allophone foreigners and to contribute to their integration by increasing participation, accessibility, active citizenship and social cohesion. There are actually 9 services for community interpreting and translation in Flanders whose task is to “help to bridge the language gap

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between the allophone client and the Dutch services and facilities”

(<http://www.integratiebeleid.be/integratiebeleid/sociale-tolkendiensten>). Although they are seen as an important instrument of Flanders’ integration policy, to date the legal framework concerning their financing has yet to be implemented. What is more, these services still cannot be claimed or organized by individuals. Allophone foreigners thus have no affirmative right to claim a translation.

That is why, according to organizations like “Vluchtelingenwerk Vlaanderen” (Refugee Work Flanders), the Flemish authorities do very little for people who are not yet able to speak Dutch. Due to the strong focus on language learning and its concomitant non-translation policy, the authorities don’t invest enough in interpreting and translation services. Interpreters are needed, but not always available (Janssens and Craenen 2012: 24).

Still according to Vluchtelingenwerk Vlaanderen, intensive support at the start means that refugees will become more independent faster (Soret, Janssens, and De Muylder 2012: 29). What this implies for integration of allochthonous minorities in Flanders is not yet clear since official instruments for measuring integration were only put in place as late as 2012!

A completely different legal picture in terms of translation policy prevails in the 12 communities with facilities where the Francophone autochthonous minority has some specific translation rights (<http://www.vlaanderen.be/nl/publicaties/detail/de-taalwetwijzer-welke-taal-wanneer>). This doesn’t mean that there are no Francophones in the rest of Flanders, but we have seen that they don’t have any translation rights in the homogenous Dutch region. In some respects, all 12 municipalities have the same translation policy: written and oral *public messages* from the authorities to the inhabitants have to be *bilingual* Dutch-French. So here there is an *obligation* to translate. The fulfilment of this obligation is to be organized by every municipality separately. However, the bilingual version has to give preference to Dutch. In official circulars this is done in different ways, such as a bigger font for the Dutch text, a

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frame surrounding the Dutch text, the Dutch text before or on top of the French text (Keulen 2005: 8). In other respects, there are differences between the municipalities depending on their geographic location. In the 6 municipalities around Brussels *forms for the inhabitants*, as well as *acts, certificates, declarations, permissions, authorizations drafted for an individual* have to be in Dutch or in French according to the wish of the person concerned. Thanks to institutional translation, citizens can stay monolingual in their mother tongue, at least if it is Dutch or French: multilingualism of institutions enables monolingualism of citizens. In the 6 Flemish municipalities along the linguistic border between Wallonia and Flanders, by contrast, translating these forms into French is prohibited. So translation rights, and accordingly linguistic rights, of francophone citizens around Brussels are better secured than those of francophones living near the linguistic border.

In their relations with *individual* inhabitants when, for example, sending tax forms or polling cards, or when addressing them at the office window, the local authorities of all 12 municipalities have to use Dutch. However every inhabitant can ask for a French translation or to be served in French, *but* he or she has to ask for it over and over again at each individual instance (Peeters 1997: 7). This restrictive translation policy, made explicit in a circular by the 1997 Flemish Minister of Internal Affairs, is meant to secure the priority status of Dutch, to maintain the monolingual character of the Flemish territory and to keep the municipalities from de facto becoming bilingual. For the Flemish authorities the translation rights granted by the facilities are temporary and integration-increasing measures. Just like allochthonous minorities, Flanders' autochthonous minorities are expected to integrate through language learning. The issue is still much debated. The 1997 circular has been contested at the Council of State<sup>9</sup> and has led to a long lasting crisis in three municipalities with facilities. Instead of waiting for individual demands to have the Dutch polling cards translated into French, as prescribed by law, the mayors of these municipalities immediately sent a French translation to

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their francophone inhabitants for the 2006 and 2007 elections. Since they had broken the law, these three mayors were not appointed by the Minister of Internal Affairs.

Facilities finally only concern inhabitants, NOT administrators. Mayors, members of city council, etc. are subjected to a non-translation policy for taking the oath, for issuing decrees and orders, for votes during meetings, for individual interventions during meetings, for minutes, etc. All use of other languages and/or translations is declared null and void.

In sum, translation as enacted in laws regulating contacts between authorities and citizens is not seen as a key tool for inclusion or integration of linguistic minorities in Flanders. Only in a very restrictive sense, translation can be legally used as a way to grant access to public services for speakers of languages other than the majority language. Translation policies both for allochthonous and autochthonous minorities, although quite different in practice, in essence are based on the idea of language learning as the default integration policy. So Flanders' translation policy in government settings is very restrictive, both towards allochthonous and autochthonous minorities, designed to secure above all the status of the current dominant language. Not surprisingly, Flanders is often accused of discriminating against its minorities. In the case of the three mayors, the Council of Europe sent an investigative commission. It found that the non-appointment of the three mayors was prejudicial for good governance and suggested that they be promptly appointed. Similarly, the 1992 European Charter for Regional and Minority Languages drafted by that same Council of Europe to protect and promote historical regional and minority languages in Europe has not been ratified by Belgium. In 2006 the annual human right report on Belgium by the International Helsinki Federation for Human Rights reported some cases of the violation of linguistic rights of national minorities by the Flemish authorities (International Helsinki Federation for Human Rights 2006: 78).

### **The linguistic make-up of Wales**

Welsh, a Celtic language that developed in Wales, is the language with the second most number of speakers in Wales. English, although not originally from Wales, eventually became the language with the highest number of speakers. This process took place to a great extent due to actions by Parliament. Clear hostility toward the Welsh language was reflected in English efforts to Anglicize Wales. For example, the Act of Union 1535 and 1542 banned the use of Welsh in public office in Wales, in favour of English. A decline in the percentage of Welsh-speakers was seen well into the twentieth century (Morgan 2007: 44).

Policy toward the Welsh language began changing around the middle of the twentieth century through a number of acts of Parliament. For example, the Welsh Language Act 1967 made “the use of Welsh in the courts a legal right” (Grin and Vaillancourt 1999: 16). The Welsh Language Act 1993, in turn, placed a duty on the public sector to treat Welsh and English on the basis of equality. This meant, in effect, that the public face of many government bodies would become bilingual. Later, under the Government of Wales Act 1998, a limited devolution gave the Welsh government power to act in any appropriate way to support the Welsh language (Dunbar 2003b: 26). In this context, the Welsh government has been active in promoting the Welsh language so as to create equality between the treatment of the English and Welsh languages.

Despite such efforts, census figures released in December 2012 were not encouraging for proponents of the use of Welsh. The number of individuals who reported they could speak Welsh was reduced from 21% in 2001 to 19% in 2011 (Office for National Statistics 2012: 13). This percentage represents mostly bilingual speakers, as there seem to be nearly no monolingual speakers of Welsh, at least over the age of three<sup>10</sup> (Dunbar 2007: 106-107).

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The linguistic landscape of Wales, however, is not limited to English and Welsh. In Wales there are many languages which are not autochthonous to the British Isles (Edwards 2008: 265). In the latest census, 3% of the households in Wales report not using English or Welsh as their main language (Office for National Statistics 2012: 13). All in all, these speakers of languages other than Welsh or English are largely overlooked when it comes to language policy in Wales (May 2008: 269).

### **Translation policy in Wales**

Regarding translation policy in Wales, the broad policy is set at the very top by the UK government through Parliamentary enactments. Parliament has not explicitly mandated that local governments in the UK engage in translation. However, through anti-discrimination legislation, Parliament has put translation on the agenda of local governments.

The government's general obligation to translate for those who do not speak the majority language (English) in England and Wales can currently be derived from the Equality Act 2010. The act seeks to promote equality of individuals by protecting against discrimination based on certain characteristics, such as race. In turn, race includes ethnic or national origin (section 9(1)). The idea of "ethnic origin", which has been defined in the UK under *Mandla v Dowell Lee* ([1983] 2 A.C. 548), includes "factors as a shared history, religion, language and literature, family, social and personal customs and manners, so that they have a separate ethnic or communal identity" ([1983] 2 A.C. 548, at 551). Thus, those who do not speak English could be understood to be of specific ethnic origins and thus be protected through the Equality Act 2010. As a consequence, local governments find themselves translating in order to effectively communicate in a non-discriminatory manner with those seeking their services (prototype 3).

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The Equality Act 2010 in essence means that those who need language support, including translation, must receive it in order to not be denied equality of access to services. Translation for individuals who speak English but would rather use another language could not be justified under this act. This matters because in Wales, translation in the English-Welsh combination would not come from the legal requirements imposed by this act (except when dealing with Welsh speakers who do not speak English, of course). Translation in the English-Welsh combination at the local government level is the result of legislation specific to Wales.

The Welsh Language Act 1993 sets “the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality” (Welsh Language Act 1993). This did not create an individual right to accessing public services in the Welsh language (except in legal settings, which are not part of this study) but rather an obligation on the part of public bodies, including local governments, to provide services equally in English and in Welsh (Dunbar 2003a: 151). Under the act, local governments had an obligation to draft policy documents called Welsh Language Schemes that detailed how the principle of equality between the two languages will be implemented. A Welsh Language Measure 2011 was adopted to update the Welsh Language Act 1993. Among other things, it abolished the Welsh Language Schemes in favour of Welsh Language Standards, a set of cross-sector rules which are gradually replacing the Schemes. Because this study was carried out during the time of transition from the Schemes to the Standards, translation will be considered under both.

In practice, translation plays an important (but not exclusive) role in bringing about that equality between the languages. While there is no Wales-specific legislation explicitly mandating translation in communicating with the government, local governments often adopt policies that result in translation so as to comply with the Equality Act 2010, the Welsh Language Act 1993 or the Welsh Language Measure 2011. We will now consider the type of

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translation efforts local government councils in Wales engage in. For translation combinations other than English-Welsh, all local councils engage in some form of translation (prototype 3). Translation may take the form of information leaflets or specific documents translated from English, telephone interpreting, and face-to-face interpreting. This is usually outsourced to companies such as Language Line or The Big Word, but some local councils also work with the Wales Interpretation and Translation Service, a service that is funded in part by the Welsh government. In order to maximize resources and possibly avoid the political backlash of spending too much money on translation for foreigners, no local council engages in translation automatically. When it comes to languages in Wales, the English-Welsh dichotomy monopolizes most of the conversations.

Indeed, in Wales as in the whole of the UK, translation for speakers of languages other than English or Welsh is seen as a granted exception, in anticipation of foreigners' language learning (prototype 3). These were exactly the conclusions of the 2007 British Commission on Integration and Cohesion. The commission states that knowledge of English is essential for social cohesion in the UK as a whole, that translation and interpreting should be limited to emergency cases since automatic translation and interpreting hinders integration. In the Commission's report we read:

English is both an important part of our shared heritage, and a key access factor for new communities to the labour market and wider society. It binds us together as a single group in a way that a multiplicity of community languages cannot – hence our proposal [...] that translation into those community languages should not always be the first approach. [...] (Commission on Integration and Cohesion 2007: 73).

Among the contextual points that local governments should bear in mind, the report mentions:

There is no legal reason for all materials to be translated. [...]

Translation can never be a substitute for learning English. [...]



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Translation should be reduced except where it builds integration and cohesion. Opinion is divided as to whether translation is a barrier to integration, or whether it is a stepping stone to better language skills. Our position is that it depends on the community: where settled BME [Black and Minority Ethnic] populations are still relying on community languages, then translations from English are likely to extend their reliance on their mother tongue; where new communities have arrived in a local area then clearly they need initial information in appropriate languages. Local Authorities will judge what is best – but our working assumption is that heading for the translators should not be an automatic first step in all cases (Commission on Integration and Cohesion 2007: 137–138).

Although these provisions seem less stringent than in Flanders, the overall translation policy is quite similar for foreigners. In a first phase, foreigners have access to institutions, public and private goods and services in “their own language” by means of translation. The final goal, however, remains knowledge of the host society’s language. This is reflected in the British Nationality Act 1981, which requires knowledge of English, Welsh or Scottish Gaelic for naturalization. (In practice, this means knowledge of English, since it is highly unlikely a non-British national will learn Welsh or Scottish Gaelic before English.)

Translation to and from Welsh is handled differently, both under the Schemes and the Standards. Welsh Language Schemes varied from council to council. For example, Gwynedd Council made Welsh its working language so that staff are encouraged to draft documents for public consumption in Welsh that are then translated into English through in-house services, but Merthyr Tydfil Council uses English as its working language and outsources translation of documents for public consumption into Welsh. Despite such differences, there was also a great deal of commonality among the Welsh Language Schemes, with clear translation implications. Unlike the situation in Flanders, all local councils indicated in their Schemes that they would correspond with individuals in the preferred language of each person (English or Welsh), and all indicated that general correspondence (such as circulars) would be bilingual, just like in some parts of Flanders. Public meetings could be in English only,

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bilingual, or in Welsh, depending on the locality, attendees, and subject matter, but all councils have a policy of providing interpreting for those who wish to participate in Welsh (or in English, in some cases). All local councils indicated they would provide bilingual signage. Regarding publications, not all publications were translated, and councils had developed classification systems to decide which documents would be published all the time in English only, at times bilingually, and always bilingually. However, most documents for public consumption were translated so as to be published bilingually or, if the document was too long, in simultaneous English and Welsh versions. Because these actions require a great deal of translation (which cannot always be handled by bilingual employees), about three quarters of the local councils have set up their own in-house translation services for the English-Welsh combination. External translators are also engaged.

The Welsh Language Standards seek to secure the provision of services in Welsh. Such provision by local authorities will continue to require translation under the Standards. For example, translation is explicitly mentioned in the Standards as a way to facilitate some personal meetings. Further, translation is incorporated as a way to secure the bilingual production of specific texts in the internal operations of local councils. It follows that this is also the case for the mandated production of bilingual texts to be consumed by the general public. Thus, English-Welsh translation continues to be a fact of life for local governments in Wales.

All in all, the commitment to translation in the English-Welsh combination is stronger than that of translation into other languages. This is even evidenced in the one instance where legislation *prohibits* translation. Translation is prohibited when it comes to the most emblematic act of the democratic process: casting the ballot. The Representation of the People Act 1983, as amended, sets rules to increase accessibility for people who do not speak the language of the majority (Electoral Commission 2007:25). These give translation a role at

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polling stations. Electoral officials may “give or display or otherwise make available” documents in languages other than English (s. 199B(2), 199C(2)) or Welsh. The actual ballot, however, must be in English (s. 199B(4), 199C(4)) or Welsh. To be fair, a sample copy of the ballot paper with translation into one or several languages may be displayed at the polling station (s. 199B(6)). This means that some translation can take place to have greater equality for qualifying members of linguistic minorities in accessing the democratic process, but the actual ballot, which is the key instrument in the act of voting, can only be translated into Welsh. Translation all around the ballot is permitted as long as the difficult and politically sensitive act of translating the real ballot is kept at bay, except, of course, when it comes to Welsh.

In sum, there are currently no laws that explicitly make translation compulsory for local governments in Wales; however, in order to guarantee equal access to services for those whose ethnic origin results in limited English proficiency, local councils in Wales engage in translation (and interpreting) as needed. This kind of translation helps linguistic minorities who do not speak English become more fully integrated into the institutional life of the state. Translation in the English-Welsh combination, however, is about a lot more than the institutional life of the state. It is generally not meant as a tool to grant access to individuals who do not speak English but rather to place Welsh and English on equal footing. Because English is the more widely spoken language in Wales, this means that a lot of translation takes place into Welsh in order to allow individuals who speak Welsh the opportunity to live out their lives through the medium of Welsh. Thus, English-Welsh translation is not so much about granting greater access as it is about creating language equality and thus recognizing the use of Welsh as a valid choice.

## Conclusion

In this study we have looked at two regions, Flanders and Wales, for insights on the role of translation in the integration of linguistic minorities. While both regions are quite different, we can conceive of them as places where a majority language and an autochthonous minority language coexist with a number of foreign languages. We have considered the language policies of these two regions and the translation in government settings that is attendant to those policies. In so doing, we have hoped to shed light on the observation that there is no language policy without a translation policy. Translation decisions become a tool for carrying out the state's language policy, whether translation is mandated, permitted or prohibited.

Both in Flanders and in Wales, authorities use translation as part of their integration policy towards allochthonous minorities in terms of access to public services. However, the exact link between translation and integration remains fundamentally unclear and begs for large-scale comparative international research, within Europe and beyond. Such a study does not yet exist for either autochthonous or allochthonous minorities, even if there is a great deal of literature addressing the challenges of integrating speakers of foreign languages<sup>11</sup>.

We can draw, however, some conclusions. For example, the extent to which authorities grant translation services to minorities in government settings varies from obligation to prohibition. The specific implementation of a translation policy within this continuum is subject to a number of variables. One of them has to do with whether both languages are autochthonous or one of them is a foreign language.

As is illustrated by the Welsh and Flemish cases, speakers of foreign languages have less of a chance to benefit from translation than their autochthonous counterparts. However there are interesting nuances here. For example, a Polish speaker in London is more likely to access services in his language than a Cornish speaker in Cornwall. Here, the number of

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speakers and the legitimate need to bridge a language barrier in order to assure equality and non-discrimination play an important role. Overall, however, historical or territorial claims seem to be more efficient in justifying translation efforts, if those making the claims can back them up with political power. It is in this light that we must understand that Welsh speakers in Wales are better able to live out their lives in the medium of Welsh than Francophones can live their lives in French in Flanders.

One final observation can be brought to bear from the data on translation policy presented here. Both in Flanders and in Wales, translation is more than a practical tool to overcome language barriers. It is also as a symbolic weapon in the struggle surrounding the claims of speakers of the language in the minority position. Thus, in Flanders a restrictive translation policy is meant to progressively diminish the status and existence of the autochthonous minority language. On the other hand, broader, more encompassing (even if not evenly distributed) translation provisions in Wales are meant to enable the emancipation of the autochthonous minority language towards equality with the majority language (and perhaps eventually toward a majority position). In this respect, we could say that authorities see translation as a tool for language recognition, negatively perceived for French in Flanders and positively perceived for Welsh in Wales. Inasmuch as the minority speakers are bilingual, the issue here is not so much equality of *access* as it is equality of the speaker's *choice*, or in other words, the recognition that the choice of a speaker to use the minority language is a valid one.

In essence, by focusing on the management of translation in broader language policies, we have brought to the forefront the crucial role of translation in achieving other policy aims. We have stressed that translation decisions, anywhere on the continuum between total prohibition and full obligation, are important in terms of the integration of speakers of languages other than the majority language. We have also stressed that translation can become

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a weapon in the battle over the position of specific minority groups in society. Consequently, policy makers that deal with language policy should bear in mind the translation implications of their choices, both in a practical and symbolic sense. At this point, there seem to be more questions than answers. Yet the stakes are vital and the challenges enormous.

## Notes

1. In this study, the term “majority language” refers to the language that is in a dominant position in a given society, a position reached not only by demographics but by greater institutionalization in domains such as the public administration. The term “foreign language” refers to languages brought into the state by foreigners who speak languages that are generally not considered autochthonous to the receiving state. “Regional or minority language”, in turn, is the term that refers to languages that are considered autochthonous to the state but that are in a position of inferiority compared to the majority language.

2. The principle of proportionality tries to balance individual and general public interests. For example, “where public authorities at the national, regional or local levels face a sufficiently large number of individuals, they must use to an appropriate degree their language” (de Varennes 2012b, 36, 37).

3. We do not mean to imply that policy flows only from legislative enactments. In fact, legislation is one way policy is put into practice. However, legislation creates rules within which more specific policies are adopted. This is what we mean to explore: the rules enacted in legislation and then the policy documents that affect translation as a result of those rules.

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4. “Dutch” is the official term to refer to the language spoken in Flanders. “Flemish” refers to culture, ethnicity and identity, for example, in the designation of the actual federalised institutions like the Flemish Community and the Flemish Region. Historically, as illustrated by various quotations in this article, the term “Flemish” also referred to the language, sometimes with a condescending flavour of “amalgam of dialects”.

5. For more info, see Luyckx and Platel 1985.

6. Since 1962 linguistic censuses are forbidden by law, so it is impossible to give exact numbers regarding Francophones in Flanders.

7. See Vlaamse Regering 2012, Bourgeois 2011, and Bourgeois 2009.

8. Community interpreting and translation refers to interpreting and translating in the context of provision of public services such as health care, government settings, legal settings.

9. In 2004 and in 2008 the Council of State stated that the circular gave a correct interpretation of the language law and had thus to be followed (see <http://www.raadvst-consetat.be/Arresten/184000/300/184353.pdf>).

10. Besides some young children, there may be some older individuals who perhaps only speak Welsh (Shipton 2012).

11. The literature includes studies on topics such as language testing regimes (e.g., Hogan-Brun, Mar-Molinero, & Stevenson 2009), language acquisition policies for migrants (e.g.,

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Kluzer, Ferrari, & Centeno 2011), language policies in education (e.g., Tollefson 2002), language rights and immigration (e.g., Richter, Richter, Toivanen, & Ulasiuk 2012), the breath of language diversity in Europe (e.g. Extra & Gorter 2008), etc.



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