

Belgium's legal periodicals as vectors of translation policy: How Flemish legal journals contributed to the development of a Dutch legal language

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Abstract

Belgium's national history has been characterized by linguistic issues. As soon as Belgium gained independence in 1830, French was promoted as the nation's first and most important language, despite the fact that a large majority of its people spoke Flemish. Constitutionally, the choice of which language to use was free, but the legal world easily adopted French. Flemish was only able to loosen the yoke of French during the final quarter of the nineteenth century, after a few sensational court cases. Jurists played a primordial role in the use of Flemish as a full-fledged legal professional language and one of their instruments were legal periodicals. Editors and authors used their position to offer colleagues translations of legal terminology, and gave guidelines as to how Flemish could and should be used in the Flanders court rooms (in Wallonia, French was used exclusively). This article examines the works that promoted the idea of Flemish as a professional legal language and the methods that were seen as the best way to reach the goal of a unilingual legal world in Flanders.

Keywords

Periodical studies, legal history, law, history, translation policy

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1. Introduction

At the end of the nineteenth century, the *Bestuurlijk Tijdschrift voor Vlaamsch-België* (1889-1899) and the *Rechtskundig Tijdschrift voor Vlaamsch-België* (1897-1963), two legal periodicals, opened with a clear tagline: “*In Vlaanderen Vlaamsch!*”.² Both titles advocated the use of Flemish³ by public officials and the judiciary in Flanders, the Dutch-speaking part of Belgium. Flamingant lawyers⁴ wanted to serve the Dutch-speaking population in their own language and those journals facilitated this desire. Ever since the Belgian independence, the judiciary was a francophone environment, hence it was not evident for pro-Flemish lawyers to convince their peers of their mission to establish a genuine Flemish legal culture. At that time, legal periodicals were considered to be the best means to gain support for the Flemish cause. Editors deployed their titles as vectors, i.e., carrier of ideas, and contributed actively to a Flemish legal language in Belgium. One particular aspect was the publication of vocabulary lists translating French legal terms into Flemish ones. Although there have been several studies on governmental initiatives (Bellefroid, 1933, pp. 223-245; Victor, 1962; Leliard, 2004; Van Dievoet, 1964; Van Dievoet, 1961-1962, col. 2062-2064; Van Dievoet, 1980, pp. 34-40; Van Dievoet, 1995, pp. 81-82; Van Dievoet, 2003, pp. 96-118; Van Dievoet, 1974, pp. 177-187; Van Haver, 1990, pp. 601-620), this kind of informal translation policy has rarely been discussed.

This article will discuss three Belgian legal periodicals which published such lists between 1889 and 1935. The first, namely the *Bestuurlijk Tijdschrift voor Vlaamsch-België* (1889-1899) focussed exclusively on administrative law. The second one is the *Rechtskundig Tijdschrift voor Vlaamsch-België* (1897-1964), which is generally seen as the first legal periodical published in Dutch in Belgium.⁵ In 1935, Parliament promulgated the Act on the Use of Languages in Judicial Matters, settling at least legally the linguistic issue.⁶ A few years before, the *Rechtskundig Weekblad* (1931-present) had been introduced, which positioned itself at the forefront of the Flemish legal periodical press. Each journal coincides with a new phase in the ‘Flemish Struggle’ and will be contextualized.

Focus is brought on the actors of those journals. Who were the editors, authors and publishers? How did they relate to each other, and how did that influence the publication? In which circles did they act? What were their ideas on the use of Flemish in the legal world and by extension Belgian society?

A contextual legal historical approach will illustrate that the “Dutchification” of legal periodicals in Belgium, and by extension the Flemish legal world, was the work of only a few people, who had a particular view on how language played a most crucial role in the

² “In Flanders, Flemish”; my translation.

³ In this article Flemish and Dutch will be used as synonyms.

⁴ Flamingant does not necessarily mean ‘Flemish’. There were also francophone lawyers who supported the idea that the people should be addressed in a comprehensible language. Of course, in a francophone environment such as the judiciary during the 19th century, most Flamingant supporters were native Flemings.

⁵ Geertrui Van Overwalle found the *Rechtskundig Tijdschrift* the oldest she could consult, whereas René Victor, only mentioned *Het Vlaamsch Bestuur* in his book *Een eeuw Vlaamsch rechtsleven*. However, the bibliographic catern of the *Rechtskundig Tijdschrift*'s first edition mentioned both journals (Victor, 1935, p. 46; Van Overwalle, 1988, p. 16).

⁶ Even in today's Belgium, which is a federal State with four linguistic groups, this conflict tends to pop up from time to time, be it on a more ideological level.

'*volksverheffing*' or exaltation of the Flemish people. To understand this, one needs to have a brief introduction to the origins of Belgium's linguistic issues.

2. A brief introduction to Belgium's linguistic problems

When Belgium gained its independence in 1830, the francophone Wallonia and the Dutch-speaking Flanders were united, however, the region suffered already since the French (1795-1815) and Dutch reign (1815-1830) from linguistic issues.⁷ The 1831 Constitution stipulated that "*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*".⁸ Thus, in principle, both languages could be equally used in public offices. Nonetheless, French became the dominant language, a choice explained by the history before the country's revolution against the Dutch.

The Vienna Conference (1815) united the Southern and Northern Netherlands in the United Kingdom of the Netherlands, headed by King William I who dictated in 1819 the use of Dutch in administration and courts. Due to practical problems, temporary measures were foreseen until 1823. The linguistic policy of the Dutch King and many other political decisions led to discontent amongst the French-speaking elite in the South, which resulted in the independence of Belgium and had significant consequences for the use of Dutch within the national territory. The revolutionaries took their seat in Parliament. A large majority amongst them were jurists, who had enjoyed law school during the French reign between 1795 and 1815 in French. For them it was easier to stick to the language they knew best (Rapport, 2002; Heirbaut, 2011). The choice for French must also be seen as a reaction against the Dutch reign. In addition, the revolutionaries adhered greatly to the Jacobin idea of one language within one nation. Flemish was not considered to be a real language rather than an assembly of dialects at best. Such a language could never be used in international relationships or in science, where correct terminology was important. Thus French rapidly gained its status as the only official language of the new kingdom.

To meet the needs of the Dutch-speaking people, official legal documents such as laws and decrees were translated and published in official government journals and collections, such as the *Bulletin officiel des lois et actes du gouvernement*, the *Recueil des lois et arrêtés royaux* and the province-specific *Mémoriaux administratifs*. However, the French version was the one and only official version, which meant the judiciary only accepted French texts and no translations. In addition, discussion often arose on the quality of the translation. This and the seeming impossibility to achieve a uniform terminology, made that Flemish was seen as a language inferior to French. The lack of legal literature in Dutch compounded this problem. Those individual translation initiatives found their roots in the Flemish Movement, which since the 1840s focussed exclusively on the cultural aspect of the Flemish language. However, some sensational court cases during the 1860s and 1870s led to great dissatisfaction among the pro-Flemish lawyers who urged for a legally imbedded linguistic equality (Victor, 1935; Wils, 1977; Van Goethem, 1985, 1990; Gevers, Willemsen, & Witte, 1998).

⁷ During the Ancien Regime, this was less the case, although French was used by the elite to distinguish themselves from the lower classes. In judicial matters, the language of the parties or the accused was used and legislation was also in a language understood by all civilians.

⁸ The use of languages spoken in Belgium is optional; only the law can rule on this matter, and only for acts of the public authorities and for judicial affairs.

A first important success in the Flemish emancipation was the Act of August 17, 1873 concerning the language used in criminal proceedings.⁹ Five years later, the Act on the Use of Languages within the administration followed¹⁰ and in 1883 secondary schools in Flanders educated students in Dutch.¹¹ In the aftermath of this legislative work law books were written or translated into Dutch (more in Martyn, 2005, pp. 271-300), a revolution enhanced by the first (not-compulsory)¹² courses of criminal law and criminal procedure at the universities of Louvain (1888),¹³ Liège, Ghent (1890) (cf. de Pauw, 1973, p. 345; Vandersteene, 2009, p. 113) and Brussels (1891).

Yet, Flemish legal culture was still in its infancy. Ghent magistrate and later professor Julius Obrie (1849-1929),¹⁴ explained during the Dutch Congress of 1887 that the Flemish legal language in Belgium was deeply flawed and the easiest way to mend this problem was to take the Netherlands as an example.¹⁵ In 1893, attorney-general Hendrik de Hoon (1850-1932)¹⁶ suggested on the Dutch Language and Literature Congress again the idea to introduce “*de Nederlandsche Strafwetboektaal*” (Dutch language used in the Dutch Penal Code) in Flanders (Deswarte, 1900-01, p. 88). In other words, no need was felt to invent new terms, but a simple transplant of the Dutch legal vocabulary to Flanders would be sufficient.

It was in that spirit that almost simultaneously the first two Flemish legal journals appeared in 1889: *Het Vlaamsch Bestuur* and the *Bestuurlijk Tijdschrift voor Vlaamsch-België*. It makes perfect sense that both periodicals focussed on administrative law, since the Act of 1878 regulated linguistic issues for administration. More importantly, almost all public civil servants were bilingual as, due to their office, they acted as intermediary between the Dutch-speaking

⁹ From that moment on, Flemish civilians incriminated should be addressed in Dutch during a trial. Later, this Act was finetuned by the Act 3 May 1889 and the Act 4 September 1891 when the Courts of Appeal in Brussels and Liège had to judge in Flemish when confronted with a penal case concerning Flemish persons; *Pasinomie* 1891, pp. 384-391.

¹⁰ Act 22 May 1878 on the Use of Languages in Administrative Matters, *Pasinomie* 1878, pp. 173-177.

¹¹ Act 15 June 1883 on the Use of Languages in Secondary School, *Pasinomie* 1883, pp. 146-151.

¹² Article 49, Act April 10, 1890 concerning awarding academic grades stipulated no one in Flanders could become a magistrate without knowledge of the Dutch language.

¹³ This occurred on a voluntary basis. Alfred Schicks (1857-1933) was responsible for this course (Victor, 1935, p. 45).

¹⁴ Obrie studied law at Ghent University and started his career at the local Bar. In 1876 he made the step to the judiciary but he quit the job when he became a full professor at Ghent University. As an attorney, he was a true *flamingant* and together with his colleague Albert Fredericq he took the initiative to petition against the Court of Cassation's attitude in the Schoep case. In the aftermath of this procedure he established the *Vlaamse Conferentie der Balie van Gent*. Obrie focussed on legal language in Dutch and tried/worked to diminish the prejudices against the language. He also translated Belgian legislation. He had close relations with lawyers and linguists in the Netherlands. Because of his efforts he was elected as a member of the Koninklijke Vlaamse Academie voor Taal- en Letterkunde (1886). Together with his colleague at the university, the biologist Mac Leod, he strove to a Dutch Ghent University (Van Goethem, 1998a, pp. 2219-2220).

¹⁵ *Vl. Best.* 1889, p. 94. Mac Leod, in *Rechtskundig Tijdschrift*, 1897-98, pp. 193-203, 225-238.

¹⁶ Hendrik de Hoon studied law and political sciences at Ghent University. After he had become a member at the Ghent Bar and fulfilled a mandate as a public officer in the province of West-Flanders, he became a judge in Brussels. He later became attorney-general at the Brussels Court of Appeal. He was a decendent of a Flemish nationalist family as he was Ledeganck's cousin and he was one of the first jurists publishing a study on law in Dutch. He wrote also an adaptation of Ledeganck's translation of the Civil Code. In 1923 he was appointed as president of a Commission charged with the translation of all Belgian laws (Van Goethem, 1998b, pp. 1465-1466).

population, and the francophone central government (Dujardin, Dumoulin, Gerard, Gubine, Nandrin, & Witte, 2005, pp. 396-397). *Het Vlaamsch Bestuur* was headed by Catholic Member of Parliament and attorney Adriaan de Corswarem (1849-1909) (Boudrez, 1998, pp. 804-805). His journal was literally a one-man periodical. Until his death in 1909, de Corswarem compiled legislation and case law for each edition in Dutch, but he barely commented on the quality of the language. Therefore, we leave this title out of this contribution's scope. In contrast, the *Bestuurlijk Tijdschrift* adopted a whole new approach and had a clear linguistic goal.

3. The Bestuurlijk Tijdschrift voor Vlaamsch-België (1889-1899)

The *Bestuurlijk Tijdschrift voor Vlaamsch-België* opened with the line “*In Vlaanderen Vlaamsch*”. Karel Brants (1856-1934) founded the journal and found in Aloïs Broëll (1831-1898)¹⁷ and Hendrik Veltkamp (1857-1933) two like-minded individuals with whom to form the editorial board (cf. also De Redactie, 1934, pp. 219-220; Hardy & van Clemen, 1998, pp. 594-595; Brants, 1898, pp. 285-286). The journal was heavily embedded in administrative circles. Brants and Broëll were secretaries of Flemish cities, whereas Veltkamp was an attorney at law in Louvain. More than anyone else, they knew how civil servants in Flanders struggled with the use of both languages in Belgium. Pretty soon, this journal became the mouthpiece for the Flemish Association for Community Secretaries.

The first edition opened with an anonymously written article, sketching the history of Belgium's communal organization. It criticized heavily the disproportionate French influence on Belgian administrative law.¹⁸ The author, presumably Brants himself, argued that despite a genuine Belgian community law (1836) public civil servants and magistrates still looked to France when confronted with a legal problem. This attitude was not appropriate because Belgians and their cities historically used to be independent. Especially Flanders with its chatelonomies had always known a decentralized administration.¹⁹ Thus, Belgium's administrative organization was, according to the author, uncharacteristic for the Flemish people.

An important element in that *Volksgeschied* was the Flemish language, and according to the author, the French annexation was to blame for “*onze geest [...] zoo diep van die uitheemsche vakwoorden en uitdrukkingen doordrongen [is], dat onze taal, in bestuurszaken, ons eene vreemdelinge is geworden*”.²⁰ Consequently, public civil servants had no experience whatsoever in using Dutch, which was also caused by a lack of decent works in Dutch.²¹ Aware of gallicisms, or ‘*bastaardwoorden*’ as they called them, the editors strove to a pure and united administrative legal language.²² However, this seemed not so easy and therefore a section *Rechtstaal* (Legal language) was introduced in 1890.

¹⁷ Not much is known about Aloïs Hendrik Roëll, except he was community secretary at Lier and a member of the Board of the local section of the Davidsfonds.

¹⁸ “De Belgische Gemeenteinrichting”, *Best. T.*, 1889, pp. 1-2.

¹⁹ During the Ancien Régime, the regions that would become later Belgium stood rather independent from the Habsburg ruler.

²⁰ “Our minds are that much permeated by foreign terms and expressions, that our language has become a complete stranger to us”; “Prospectus”, *Best. T.*, 1889.

²¹ This clearly shows the opinion of Karel Brants; “Prospectus”, *Best. T.*, 1889; “Bestuurlijk Tijdschrift voor Vlaamsch België”, *Het Volksbelang* 9 March 1889, p. 6.

²² “Prospectus”, *Best. T.*, 1889.

As a concept, this section was simply put together: it brought legal terms and proverbs in French or Latin together in a list and translated them to Dutch. Flemish political propagandist, tax specialist and secretary of the city of Elsenne Felix Rodenbach (1827-1915) drafted those vocabulary lists (Rodenbach, 1890, pp. 175-177).²³ What made his work unique is that he argued why a specific translation was chosen. He wrote several other legal works, both in Dutch and French (Victor, 1935, p. 37). The introduction of this section must be seen as a response to a competition organized by the Royal Flemish Academy of Belgium for Science and the Arts. In 1889, this cultural organization called for a project to draft a *Nederlandsch-Fransche en Fransch-Nederlandsche woordenlijst van rechtstermen en –uitdrukkingen* (Dutch-French and French-Dutch vocabulary list of legal terms and expressions). This list was assessed by a three-member jury consisting of Theophiel Coopman (1852-1915)²⁴, Jan Van Droogenbroeck (1835-1902)²⁵ and Julius Obrie (Coopman, Obrie & van Droogenbroeck, 1890, pp. 289-325). Only two contenders, whom we do not know by name, had submitted a list: *Eigen recht in eigen taal* and *Rust roest*. Both were heavily criticized as they were merely an incomplete list of terms and expressions. Moreover, both lacked a clear methodology. As a reaction the *Bestuurlijk Tijdschrift* introduced a new section: *Rechtstaal* (legal language).

Not only was *Rechtstaal* an important section, as the *Bestuurlijk Tijdschrift* discussed administrative law in all its aspects such as militia, elections, organization of schools and the like; in addition, it also translated and discussed legislation and relevant case law.²⁶

The *Bestuurlijk Tijdschrift* took a heavy blow when Roell died in 1898, leaving Karel Brants alone in charge. He kept the periodical alive until September 1899, after which it vanished forever. Maybe it had suffered hard from the strong francophone-oriented legal world, although the main reason for its halting might be the fact that Brants stood at the cradle of a younger and more broadly conceived general legal journal: the *Rechtskundig Tijdschrift voor Vlaamsch-België*.

4. The Rechtskundig Tijdschrift voor Vlaamsch-België

The first edition of this journal appeared in January 1897 and its innovative part lied in the fact that it was the first to address itself to the legal world and not exclusively to the administration. Other contemporary journals emphasized the “linguistic importance” of the series. The *Rechtskundig Tijdschrift* had its origins in the various *Vlaamse conferenties* that have been established since 1873 to improve the Flemish legal language (Baert, 1974; Meerts, 2012; Quintelier, 2013, pp. 90-92). In 1885, the *Bond der Vlaamse Rechtsgeleerden* was

²³ *Best. T.*, 1891, pp. 11-13; 176-177; 240-243 and 305-308; *Best. T.* 1892, pp. 17-19 and 45-49; *Best. T.*, 1893, pp. 106-109; 172-176, 235-238 and 262-267.

²⁴ Initially, Coopman was an accountant, but later became a civil servant heading the translation section of the Ministry of Railways. He was very active in the Flemish Movement. He wrote poems and songs devoted to Flanders (Vervliet, 1998, pp. 791-792).

²⁵ Van Droogenbroeck started his career as a teacher, but became a civil servant at the *Bureau des Affaires flamandes van het Algemeen Bestuur van Letteren, Wetenschappen en Kunsten* which was a subdivision of the Ministry of Internal Affairs. He became an active member of several associations to promote Flemish in theater and poetry (Sieben, 1998, p. 990).

²⁶ E.g. “Kieswetten. Beknopt overzicht der arresten van het Verbrekingshof”, *Best. T.*, 1889, pp. 207-210.

established, but soon afterwards, it disappeared, albeit temporarily (Van Goethem, 1985; Van Goethem, 1998c, pp. 538-540).²⁷

Especially the establishment of the Brussels *Vlaams Pleitgenootschap* (Flemish Pleading Association, cf. Matheussen, 1992) proved significant. This association received support from eminent lawyers such as Edmond Picard (1836-1924),²⁸ Victor Jacobs (1848-1924) (cf. *Rechtsk. T.*, 1924, pp. 234-235) and Jules Lejeune (1828-1911),²⁹ leading to a mentality change in Belgium's capital concerning the linguistic issue.³⁰ Juliaan Van der Linden (1848-1911)³¹ became president of this association, although his election was rather motivated by his prestige as he was barely involved in the daily workings.³² For this reason, a second chairman was appointed: Jules De Greef. Vice President, and later president was the Louvain professor of penal law Lambert Ouwerx (+1909) (Botson, 1909, p. 1157). All members of the Board of the *Vlaams Pleitgenootschap* played a decisive role in the creation of the *Rechtskundig Tijdschrift voor Vlaamsch-België*. However, the immediate cause of the *Rechtskundig Tijdschrift* was the announcement of the Act concerning Language Equality (De Opstellers, 1897-98, p. 1).

The *Rechtskundig Tijdschrift* opened with "*In Vlaanderen Vlaamsch*", the same slogan as the *Bestuurlijk Tijdschrift*, and it involved two goals. Firstly, it strove to the use of Dutch in the Flemish legal world and the 1898 Linguistic Act was seen as a first step. Secondly, the periodical devoted its pages to the correct use of Dutch legal language for and by legal practitioners. Once again, a lack of publications in Dutch was seen as the root of the problem (De Opstellers, 1897-98, p. 1). The 1898 Act was extensively discussed (Brants, 1898-99, pp. 97-103, 129-138 and 171-176) but for the editors it was not the time to rest on their laurels. Linguistic equality was not the only goal, but "*aan ons volk een toekomst voor te bereiden van roem en zedelijke waarde.*"³³ The *Rechtskundig Tijdschrift* had to play a leading role in this (Crets, 1906, pp. 345-346). Therefore "*the legal language would receive a lot of attention, especially in order to bring unity in the Flemish one*". To that purpose, the editors adopted a specific method: in every

²⁷ De *Bond der Vlaamse Rechtsgeleerden* aimed for Dutch as official language in court. This association knew a difficult start and halted temporarily its activities. Fuelled by the Brussels Flemish Bar Association and the establishment of the *Rechtskundig Tijdschrift*, the Union reappeared.

²⁸ Ringelheim, 1999; Coppein; 2007, pp. 21-23; 38-39; 57-58 and 76-77; Coppein, 2008, pp. 225-237; Coppein, 2011; Aron & Vanderpelen-Diagre, 2013; Van Eeckhoutte & Maes, 2014.

²⁹ Jules Lejeune was a criminologist and a politician. He was an attorney at the Court of Cassation and professor at the Free University of Brussels. Between 1887 and 1894 he was Minister of Justice and he is well known for his legislation on parole (Christiaensen, 2004).

³⁰ Edmond Picard and Victor Jacobs were appointed as honorary presidents of the *Pleitgenootschap*. Juliaan Van der Linden, the president of the association, persuaded Minister of Justice Jules Lejeune to participate at the opening session. This way, the association obtained prestige (Matheussen, 1992, pp. 37-40).

³¹ Van der Linden studied philosophy and law at Louvain University, where he became a Board Member of the Literary Association *Met Tijd en Vlijt*. He became an attorney at law in Brussels and was a politician for the Catholic Party. Van der Linden spoke only Flemish in Parliament. Van der Linden urged for the development and the use of a Dutch legal language in the Brussels courts. Because of his zeal, he was elected president of the *Vlaams Pleitgenootschap* and the reinstated *Bond der Vlaamse Rechtsgeleerden* (De Redactie, Teirlinck & Heuvelmans, in *Rechtsk. T.*, 1911, pp. 257-260; Van Goethem, 1998d, pp. 1912-1913).

³² As an attorney in law, member of the Brabant Provincial Council and Member of Parliament, his spare time was very limited (Matheussen, 1992, p. 40).

³³ "it would prepare our people for a future in honour and prosperity" (Crets in *Rechtsk. T.*, 1906, p. 345).

edition attention will be paid to important legal terms and legal expressions mentioned in it (Brants, 1897-98, p. 26).

Especially Karel Brants and Felix Rodenbach published linguistic contributions and glossaries. They did not try to invent a new legal language, since the Dutch legal language existed in the Netherlands. This position was also defended by other Flemish attorneys. For instance in a review of Paul Bellefroid's (1869-1959)³⁴ *Dictionnaire français-néerlandais des termes de Droit*, De Hoon wrote: "Our position is well known: the Dutch legal language does not need to be created, it exists; we have only to use that vocabulary, which is used by our Northern fellows [the Dutch] and is common to all who speak the Dutch language" (De Hoon, 1898-99, p. 37).

A linguistic unity could only be achieved by acquiring the Dutch legal terms. Editorial secretary De Swarte considered the *Rechtskundig Tijdschrift* as the "best means of studying a Dutch legal language" but he also recommended to read Dutch periodicals such as *Rechtsgeleerd Magazijn*, het *Tijdschrift voor Strafrecht*, het *Paleis van Justitie*, het *Weekblad van het Recht*, de *Rechtsgeleerde Bijdragen* en *Themis* (Deswarte, 1900-01, p. 89).

As other francophone journals had done after Belgium's independence, the *Rechtskundig Tijdschrift* propagated Savigny's *Volksgeschied* idea for Flanders.³⁵ Law is an emanation of the people, hence it must also adopt a language people could understand. At the end of the nineteenth century, lawyers became aware of the leading role they had to play to guide other civilians to a next cultural level. A few collaborators of the *Rechtskundig Tijdschrift* openly complained about the lamentable state of the Dutch language in Belgium at the *Nederlandse Taal en Letterkundige Conferenties*, whereas others had literary aspirations or supported Flemish writers. Over time, the editor became aware that an exclusive focus on legal language would lead to the downfall of the periodical. Therefore it pursued next to its cultural aims also practical and scientific purposes (De Redactie, 1909, pp. 1-2).

Due to the First World War, the *Rechtskundig Tijdschrift* halted its publication, but it reappeared again in 1921. It took the lead in the Flemish struggle during the 1920s. Several former collaborators seated in the Central Commission for a Dutch Legal and Administrative Language in Belgium (*Centrale Commissie voor Nederlandse rechtstaal en bestuurstaal in België*).³⁶ This commission had to translate all legislative acts (cf. van Goethem, 1985, pp. 88-90; van Dievoet, 2003, pp. 108-110) and its results were discussed in the *Rechtskundig Tijdschrift*.³⁷

From a distance, all ingredients seemed to be present to make the *Rechtskundig Tijdschrift* successful. The editorial board was involved in all sorts of Flemish legal associations; promoted

³⁴ Paul Bellefroid translated several Codes in Belgium.

³⁵ For instance, *La Belgique Judiciaire* (1842-1940) was founded after Belgium's independence and it justified the existence of the country by stipulating that there has been a common history, also legally with important institutions such as the Great Council of Malines (Grote Raad van Mechelen). Hence, there was a Belgian *Volksgeschied*, and therefore the editors stipulated that the country needed a genuine Belgian law, not derived from French codes.

³⁶ Hendrik de Hoon was president. Other members were Karel Brants, Pierre de Beus, J. Vercoullie, de Pelsmaecker, Nico Gunzburg, Johan van Overbeke, Emile van Dievoet, Scharpé, W. Duflou and R. Verdeyen. Its secretaries were F. Toussaint en M. Vande Woestijne. All were prominent figures in the Flemish Movement.

³⁷ E.g. "Vertaling in het Vlaamsch van de Belgische wetboeken", *Rechtsk. T.*, 1923, p. 284; Schrijvers, *Rechtsk. T.*, 1929, pp. 188-190.

the use of Dutch in legal scholarship and practice; and saw its chance to surf along the enthusiasm amongst lawyers on the Equality Act.

The main merit of the *Rechtskundig Tijdschrift* is perhaps that it prompted other pro-Flemish lawyers to start their publication of a legal periodical in Dutch. In its wake, new initiatives in Dutch were released.

Yet, the *Rechtskundig Tijdschrift* was never really successful: it appeared irregularly making subscription less appealing. In fact, it came too early because Belgium's legal world was still francophone and one legal periodical appeared too infrequently. The market called for a weekly. At that time, there was only one francophone weekly: the *Journal des Tribunaux*, which appeared no longer to meet the expectations of Dutch-speaking readers, not only because it continued to be a periodical written in French, in spite of symbolic publications in Dutch, but also because the periodical's views now strongly diverged from the opinion of Dutch-speaking legal practitioners (De Brouwer, 2015).

5. The *Rechtskundig Weekblad* to a real Flemish language

The "Dutchification" of Ghent University in 1930 meant a breakthrough for Flemish legal scholarship (De Clerck, 1985; Simon-Van der Meersch & Langendries, 1999). From that year on, all courses at Ghent University were entirely in Dutch, thus Flemish students could attend law school in their mother tongue. To regain Flemish students, other universities in Flanders, such as Brussels and especially Louvain, could not lag behind. They rather swiftly introduced complete curricula in Dutch.

In those days, voiced were raised to make the use of Flemish compulsory in Flanders' court rooms. Protest from francophone attorneys and magistrates became vile and the legal periodical was the means to campaign against Dutch (Victor, 1960, p. 339). The only two journals published in Dutch, the *Tijdschrift der Gemeentebesturen* and the *Rechtskundig Tijdschrift* were not able to make a stand, not in the least because they were monthlies (De Redactie, 1934-35, p. 2). There was an urgent need for a journal that would be published on a weekly basis (De Voorlopige Redactie, 1931-32, p. 2). Only this way, the arguments of the Francophones could be refuted and members of parliament could be informed about the views of Flemish lawyers (Victor, 1960, p. 339). This new title would be in the midst of legal affairs as it would weekly publish judgements issued in Dutch and legal doctrine, and thus inform Flemish lawyers of the legal world in Flanders (Victor, 1966, p. XVI). At the end of the judicial year 1930-1931, ten members³⁸ of the *Vlaamse Conferentie der Antwerpse Balie* convened in a pleasant atmosphere. The group agreed upon the creation of a new legal periodical, and more in particular a weekly in Dutch. To limit the risk of this new publication, the ten signed the statutes of the *vereniging zonder winstoogmerk (vzw) Rechtskundig Weekblad*. Its statutory goal was "to promote the study of law in Dutch, by publishing a weekly

³⁸ Former president of the Antwerp Flemish Bar Association Ferdinand Zech (1867-1939), Jules Franck (1883-1956), Herman de Jongh (1889-1945), Louis Elebaers (1891-1957), John Stockmans (†1940), René Victor (1897-1984), Ignace Van den Brande (1897-1986), Fernand Collin (1897-1990), Emiel Ooms (1904-1981) en Gaston Craen (1904-1987). All had a seat in the Board of the Antwerp Flemish Conference or would be elected later on. They also belonged to the so-called "Club of Idiots" (*Idiotenclub*), an informal pro-Flemish group of attorneys which met each other on a regular basis in a local pub (Ooms, *RW*, 1961-62, p. 2071).

and other works".³⁹ After a few weeks of preparations and a final check of the opening statement *Aan de lezer* (To the reader) (Ooms, 1961-62, p. 2073), the first edition of the *Rechtskundig Weekblad* appeared on Sunday, October 11, 1931. It stimulated the readership to contribute to legal scholarship and a Flemish (legal) culture (van Oevelen, 2011-12, p. 6).

By establishing the *Rechtskundig Weekblad* the group took a considerable risk. Firstly, French was still a dominant language at the Bar and within the Court House. But also financially, this undertaking was not without a risk (Ooms, 1961-62, p. 2073; Vandeputte, 1984-85, p. 2877). There were no subscriptions nor were there any decent texts (Victor, 1960, p. 340). The shortage on copy was solved by the editor in chief René Victor, who often wrote a text himself to fill the periodical (Victor, 1935-36, p. 1736; Vandeputte, 1984-85, p. 2877). To mend this problem, the editorial board deployed a large network in each Bar Association and Court Room in Flanders (Ooms, 1961-62, p. 2074).

Almost immediately, the *Rechtskundig Weekblad* became a success. According to Victor, curiosity was an important factor (Victor, 1961-62, p. 2525), but its ambitious programme also pleased the readership. The *Rechtskundig Weekblad's* objectives can be found in the opening statement published in the first edition (cf. *RW*, 1931-32, pp. 1-4; Ooms, 1961-62, p. 2073). Firstly, it had to serve the Flemish legal practitioner by publishing the most important case law in Dutch. This limitation led to the same problem of the *Rechtskundig Tijdschrift*, namely, there were no judgements of the Belgian Court of Cassation in Dutch, and also the three Courts of Appeal remained largely francophone. Moreover, even the lower courts in Flanders judged in French, even when the rest of the procedure had been conducted in Flemish (*RW*, 1931-32, p. 19).

The *Rechtskundig Weekblad* also served a scientific purpose and the editors tried to have at least one doctrinal contribution in each edition (*RW*, 1931-32, p. 18). This scientific objective was seen as a necessary element to elevate the Flemish people⁴⁰ as law plays a leading role in a national culture (*RW*, 1931-32, p. 2). In addition, it could mobilize the masses to stand for their culture (Roost, 1961-62, p. 2529). The *Rechtskundig Weekblad* intended a high scientific level, but next to that, it wanted to bridge the gap between the legal world and the real (*RW*, 1931-32, p. 466). This differed little from its illustre predecessors, the francophone *La Belgique Judiciaire* and the *Journal des Tribunaux*, and the *Rechtskundig Tijdschrift* which all wanted to bring law to the people.

A good knowledge of Dutch was essential for the development of a Flemish legal scholarship. The editorial board wanted all legal actors to familiarize themselves with Dutch, not in the least because of errors in judgments. It was the hope that this linguistic problem would disappear once the first students from Ghent University graduated (*Rechtsk. T.*, 1933, p. 619). In addition, a more profound knowledge of Dutch would increase the self-confidence of Flemish lawyers expressing themselves in their mother tongue (*RW*, 1931-32, p. 19).

On a regular basis, judgments of Dutch courts were published (De Redactie, 1931-32, p. 19) and a section with Dutch/Flemish terminology was introduced. Actually, the *Rechtskundig*

³⁹ "het bevorderen van de rechtsstudie in de Nederlandsche taal, nl. door het uitgeven van een weekblad en van alle andere publicatiën" Statutes *Rechtskundig Weekblad*, in *Belgisch Staatsblad*, Annex 22 August 1931, pp. 611-612.

⁴⁰ "Stellig niemand zal betwisten dat vooral in ons land volksverlichting het hoogste doel dient te zijn van de wetenschap" (*RW*, 1931-32, p. 466).

Weekblad did not do more than follow the example set by the *Rechtskundig Tijdschrift* (Spanoghe, 1932-33, pp. 347-350; Spanoghe, 1932-33, pp. 425-428). These vocabulary lists were drafted by professor Guido Spanoghe, who found inspiration across the Dutch border, but, in contrast to earlier generations of Flemish lawyers, he deemed it inappropriate to transplant the Dutch legal terminology without any adaptations (De Redactie, 1931-32, p. 19).

All these initiatives were full of good intentions, but as long as there would be no linguistic act for the judiciary, there could be no decent Flemish legal language and legal scholarship (De Redactie, 1932-33, col. 1). The *Rechtskundig Weekblad* wanted to lobby with Parliament, through its representer Hendrik Marck – just like the *Rechtskundig Tijdschrift* did with the introduction of the 1898 Equality Act (Gunzburg, *RW*, 1931-32, col. 121). The periodical mobilized all Flemish lawyers to make use of their influence so the government without further ado would vote the Linguistic Act which entailed a clear principle: a judicial procedure in Flemish in the Dutch speaking Flanders, and French in Wallonia. In civil and commercial cases, the parties could agree to be judged in another linguistic zone and another language (*RW*, 1932-33, p. 1). The weekly was the mouthpiece of the Flemish lawyer and almost inevitably it collided with the *Journal des Tribunaux*.⁴¹ Until the linguistic act was implemented, both periodicals reacted to each other, and sometimes very passionately.⁴²

On April 14, 1935 the *Rechtskundig Weekblad* triumphed with the announcement that a large majority in Parliament had approved the Linguistic Act. There were some minor details, but the struggle was settled and finally the development of a Flemish legal culture could start (De Redactie, *RW*, 1934-35, col. 1321-1326). The *Rechtskundig Weekblad* encouraged Flemish lawyers to control whether all actors in the judiciary applied the law correctly (De Redactie, 1935-36, pp. 4-5). The *Journal des Tribunaux* accepted somewhat disappointed the law⁴³ and published for its readers a vocabulary list.⁴⁴ The circle of translations in legal periodicals was completed.

6. Conclusion

Belgium's legal periodicals published in Dutch between 1889 and 1935 are examples of informal translation policies. At first, translations in Dutch had no legal significance at all. Only after the first linguistic acts, passed during the last quarter of the 19th century, Flemish periodicals came into being and tried to facilitate the use of Flemish in a largely francophone judicial environment. Almost each title published in Flemish had vocabulary lists to support legal practitioners who were willing to the language in the Court Room. However, the most decisive moment was the 1935 linguistic act, as from then on the use of Dutch was compulsory in Flanders' court rooms. Afterwards, we see legal periodicals in Flanders more focussing on a full fledged legal scholarship, using the correct terms in Dutch.

It is remarkable that only a few people drafted those vocabulary lists, making it some kind of oligarchy. Further research should unveil how much influence they really had on the readership of the periodicals.

⁴¹ On this matter (De Brouwer, 2015).

⁴² For instance, the *Journal des Tribunaux* drew a parallel with the Russia of Stalin and the Germany of Hitler.

⁴³ "L'emploi des langues en justice. Un ordre du jour du Conseil de l'Ordre des Avocats près de la Cour d'appel de Bruxelles", *JT*, 1935, pp. 385-386.

⁴⁴ "Un cours de terminologie juridique flamande au Palais", *JT*, 1935, p. 318.

The editors played a crucial role in this translation policy. They were flamingants and had ties with other associations within the Flemish Movement. Not only the legal component was important, but also, and maybe foremostly, the cultural one. However, focussing on language alone proved to be a dangerous undertaking as almost all pre-Second War legal periodicals in Dutch illustrated. Legal periodicals had to be in the first place informative, leaving political convictions aside.

7. References

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