

# Translational Justice in a Multilingual World: An Overview of Translational Regimes

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## Article abstract

Since democratic societies are based on the ideal of participatory citizenship and since participatory citizenship presupposes, among other things, the citizens' *right* to communicate with the authorities, one of the biggest challenges for contemporary multilingual societies is the elaboration of a fair translation policy: there is no language policy without a translation policy. However, among the numerous studies on language rights, on language policies or on immigrant incorporation, the key role of translation is usually not taken into consideration. Which linguistic and translational territoriality regimes are used by authorities to communicate with their multilingual populations? How do these different regimes relate to their linguistic and translational rights and their chances for participatory citizenship and integration? This essay discusses four prototypical regimes which may be used by authorities to communicate with their citizens. It will also try to hint at their possible impact on minorities' linguistic and translational rights and integration.

# Translational Justice in a Multilingual World: An Overview of Translational Regimes

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## RÉSUMÉ

Les sociétés démocratiques étant basées sur l'idéal de citoyenneté participative et celle-ci présupposant, entre autres, le *droit* des citoyens de communiquer avec les autorités, un des plus grands défis pour les sociétés multilingues actuelles est l'élaboration d'une politique de traduction équitable: il n'y a pas de politique de langue sans politique de traduction. Pourtant, parmi les nombreuses études sur les droits linguistiques, les politiques de langue ou l'intégration des immigrants, le rôle clé de la traduction n'est pas pris en considération. Quels sont les régimes linguistiques et traductionnels territoriaux appliqués par les autorités pour communiquer avec leurs populations multilingues? Comment ces différents régimes sont-ils liés aux droits linguistiques et traductionnels des citoyens et à leurs chances de citoyenneté participative et d'intégration? Le présent article se penche sur quatre régimes prototypiques que les autorités peuvent utiliser pour communiquer avec leurs citoyens. Il tentera également d'évoquer brièvement l'impact des différents régimes sur les droits linguistiques et traductionnels et l'intégration des minorités.

## ABSTRACT

Since democratic societies are based on the ideal of participatory citizenship and since participatory citizenship presupposes, among other things, the citizens' *right* to communicate with the authorities, one of the biggest challenges for contemporary multilingual societies is the elaboration of a fair translation policy: there is no language policy without a translation policy. However, among the numerous studies on language rights, on language policies or on immigrant incorporation, the key role of translation is usually not taken into consideration. Which linguistic and translational territoriality regimes are used by authorities to communicate with their multilingual populations? How do these different regimes relate to their linguistic and translational rights and their chances for participatory citizenship and integration? This essay discusses four prototypical regimes which may be used by authorities to communicate with their citizens. It will also try to hint at their possible impact on minorities' linguistic and translational rights and integration.

## MOTS-CLÉS/KEYWORDS

politique de langue et de traduction, multilinguisme, minorités, migration, intégration  
language and translation policy, multilingualism, minorities, migration, integration

## 1. Introduction

It is commonly acknowledged that language plays a key role 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 pre-democratic, pre-industrialized societies people tended to identify not in the first place with a given language but

with a local community (e.g., the village), a social class (e.g., a gild, nobility) or to a confessional group (Catholics, Protestants) (Huyse 1983). The sociological process of modernity and its institutional counterpart, the nation-state,<sup>1</sup> have politicized language relations. In revolutionary France, the first European country to implement the idea of participatory citizenship, deputy Barère declared in 1794:

La monarchie avait des raisons de ressembler à la tour de Babel; dans la démocratie, laisser les citoyens ignorants de la langue nationale, incapables de contrôler le pouvoir, c'est trahir la patrie... Chez un peuple libre, la langue doit être une et la même pour tous. (quoted in Perrot 1997: 162)<sup>2</sup>

Citizens are thus expected to understand and to identify with a shared language, often the so-called national language (see also below), which ensures their right to control the authorities and to communicate with them, to understand the laws taken in their name, to vote, to receive and understand official documents, etc.

The democratic ideal of one language for one people in one nation-state is obviously just that: an ideal. All over the world, authorities are confronted with multilingual populations, whether these are historical territorial minorities (e.g., the Basque, the Catalan, the Galician in Spain) or new immigrants,<sup>3</sup> millions of which migrated over the last six decades. According to the United Nations 2006 Report on international migration,<sup>4</sup> about 200 million people, or some 3 percent of the world population, live outside the country where they were born. More than 50% of them moved to the wealthy democracies of Europe and North America, especially to the urban areas. "Proportionally, 9 percent of the residents of Northern Europe, 12 percent of those in Western Europe, 19 percent of those in Canada, and 13 percent of residents of the United States are migrants. [...] If we include their children born in these host countries (the second generation), the figures are roughly twice as high" (Hochschild and Mollenkopf 2009: 297).

In short, in the last two centuries language has become a state matter and especially after 1945 the nation-states' preferably monolingual<sup>5</sup> institutions (administration, education, the legal and political institutions, etc.) 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. Indeed, how "political officials deal with the integration of linguistic minorities and allophone migrants over the next few decades will be just as important as how they deal with the movement and use of money, ideas, goods, and boundaries" (Hochschild and Mollenkopf 2009: 313).

## 2. No language policy without translation policy<sup>6</sup>

A language policy will be defined here as a "linguistic territoriality regime": a set of legal rules that regulate language use for purposes of education and communication,<sup>7</sup> the latter covering the language of legal affairs, of political institutions, of the media, and of administration. Yet, there is no *language* policy without a *translation* policy. In other words, determining the rules of language use presupposes determining the right to translation within a democratic society. It is therefore necessary to broaden the concept towards 'linguistic and *translational* territoriality regimes,' making it possible to analyze which sets of linguistic and *translational* legal rules (the latter not

necessarily called as such) regulate citizens' language use in education, legal affairs, political institutions, the media, and administration and thus determine their linguistic and translational rights and their chances for participatory citizenship and integration.

One of the biggest challenges for authorities remains indeed the implementation of a fair linguistic and translational territoriality regime. Not only which language(s) can/cannot or must be used, but also, and necessarily, what can/cannot or must be translated in a given territorial and institutional context is part of the struggle for "who is in" and "who is out" (Blackledge and Pavlenko 2002: 130). The ideal of participatory citizenship thus highlights the need for new policies of language *and* translation planning in multilingual societies. If, indeed, "one of the greatest challenges to participatory citizenship is language" (Stroud and Heugh 2004: 213), this also applies to translation. The synchronic and/or diachronic analysis of linguistic *and* translational territoriality regimes therefore constitutes an essential contribution to the study of citizenship, integration, language and translation rights for linguistic minorities.

However, among the numerous studies on language rights, on language policies or on minorities' and immigrant integration, the key role of a translation policy as part of any language policy is not taken into consideration (Kymlicka 1995; Blommaert 1999; 2004; Patten and Kymlicka 2003; Freeland and Patrick 2004; Hochschild and Mollenkopf 2009; Van Parijs 2008; 2010; May 2008; Gibson 2004; De Schutter 2007).<sup>8</sup> From a translation studies viewpoint, the links between language and translation policy are explored from various angles (Cronin 2006; García González 2004; Branchadell 2004; García de Toro 2004; Gülmüş 2007; Schäffner 2008; de Pedro 2009) but synthetic accounts on translational justice are still lacking.

Which linguistic and translational territoriality regimes are used by authorities to communicate with their multilingual populations? How do these different regimes relate to their linguistic and translational rights and their chances for participatory citizenship and integration? How do they serve as symbolic weapons in power relations between various languages and their speakers? These and others are essential questions. Yet, due to a lack of large scale comparative research on linguistic *and* translational territoriality regimes, clear-cut, research-based answers seem to be lacking for the moment. So many ad hoc rules used by local and national authorities worldwide illustrate the hesitations, or even the dilemmas that are faced (see also below).

Language and translation policies indeed have to function in a complex web of conflicting factors. The impact of a given translation rule can be perceived both as a means of oppression and as an attempt for emancipation, according to the beneficiaries, the context, etc. (see also below). What we need is empirical research and theories "identifying the most crucial levers of change that contribute to bringing outsiders in" (Hochschild and Mollenkopf 2009: 314). As a first step, this essay will discuss, within a continuum of linguistic and translational territoriality regimes, four prototypical regimes which may be used by authorities to communicate with their citizens (see also Meylaerts 2009 and forthcoming). It will also try to hint at their possible impact on minorities' linguistic and translational rights and integration. Rather than focusing on one single society, examples will be drawn from as many societies as possible, illustrating the topicality of the issue regardless of the specific context.

### 3. Complete institutional multilingualism with obligatory multidirectional translation in all languages for all

The first regime, at one end of the continuum, is a linguistic and translational territoriality regime characterized by *complete* institutional *multilingualism* with *obligatory multidirectional* translation in all languages for all. This regime guarantees absolute institutional equality of all languages: all people have access to legal, political and administrative institutions and education in 'their own language.' Thanks to institutional translation, citizens can stay monolingual in their mother tongue: multilingualism of institutions enables monolingualism of citizens. Revolutionary France has known a very short period of institutional multilingualism and obligatory translation between 1790 and 1793. According to article 11 of the *Déclaration des droits de l'homme et du citoyen* concerning the freedom of expression, the revolutionaries wanted every citizen to understand in his/her mother tongue the law taken in his/her name in Paris. In June 1790, following the proposal of deputy F. J. Bouchette, it was decided to translate the decrees of the national assembly in all regional languages of France (Perrot 1997: 159). Therefore, translation offices were created in Paris, but also in departments like the Alsace, Lorraine and Brittany. In November 1792 a commission charged with the acceleration of the translations was set up.<sup>9</sup> The Republic thus opted for multidirectional translation in order to assure complete linguistic equality of citizens. Translation difficulties (such as high cost, inexperienced translators and scale of the enterprise) and the association of regional languages with espionage and anti-revolutionary forces were among the reasons advanced for the premature end of the multilingual adventure.<sup>10</sup> From then on, the linguistic indivisibility of the Republic became a republican postulate (see below).

The EU's translation policy towards its member states is a well-known contemporary example. All pieces of legislation and policy documents of major public importance are translated into the 23 official languages which enjoy equal status. "EU citizens in the 27 member countries can use any of them to communicate with the European institutions, which helps to make the Union more open and more effective."<sup>11</sup> However, the EU only translates into and from the national languages. While for example Catalan, Galician and Basque are co-official languages in the respective Spanish regions, they are not part of the official EU languages so that EU directives are only translated into Castilian. Still, the EU also tries to recognize these so-called co-official languages when it comes to these speakers' communication with the European institutions. In November 2006, the European ombudsman P. Nikiforos Diamandouros and the Spanish government signed an agreement permitting citizens to

[...] complain to the European Ombudsman in any of the co-official languages in Spain (Catalan/Valencian, Galician and Basque). [...] According to the agreement, a translation body, which will be set up by the Spanish government, will be responsible for translating complaints submitted in these languages. In turn, it will translate the Ombudsman's decisions from Spanish/Castilian into the language of the complainant.<sup>12</sup>

Based on a territorial logic, the implementation of this regime by former France and the EU fails however to take into account both citizens' internal territorial mobility and possible immigration flows. Consider indeed how the fifth principle of the 2004 EU's common basic integration principles of immigrant policy says that "access for immigrants to institutions, as well as to public and private goods and services, on a

basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration” (quoted in Joppke 2007: 6). Yet, the fourth EU integration principle claims that “basic knowledge of the host society’s language” is indispensable to integration (quoted in Joppke 2007: 6). Unlike national citizens’ and territorial minorities’ linguistic and translational rights, for the EU, immigrants’ rights are secured through language learning not through translation.

Obviously, if authorities were to try to fully implement this linguistic and translational regime, especially for immigrants, it would lead to a dead end for several reasons. To begin with, it would be a real financial burden. Even though exact calculations are not available, translation costs would amount to a multiple of the actual annual cost of \$150 million just for multilingual immigration and naturalisation services in the US or to a multiple of the annual 110 million pounds sterling actually spent for translation and interpreting services in the UK (Schäffner 2008: 169). Also, in theory every newcomer would have the right to receive complete language and translation services in his/her language: a utopian principle not only financially but also organizationally. Its opponents claim it would imply high risks of ghettoization, thus impeding social cohesion and national identity (Van Parijs 2008). Often immigrant communities themselves seem convinced of these drawbacks. For example, according to a Bangladesh immigrant in the UK, his community “is put off learning English because the authorities translate everything for them: ‘They are doing harm because they are reinforcing the language barrier which separates this community from the rest of Britain’” (quoted in Schäffner 2008: 170). Hence many analysts “think that affirmative action, bilingual education, and other policies that seek to preserve immigrants’ customary loyalties and social systems have retarded assimilation and emptied it of civic meaning” (Schuck 2009: 170).

#### 4. Complete institutional monolingualism and non-translation?

The second policy, at the other end of the continuum, is a linguistic and translational territoriality regime characterized by complete institutional monolingualism: one language regulates communication between authorities and citizens in education and public settings. Often this is the so-called ‘national language’ whose status is inscribed in the Constitution or is the object of special linguistic laws. This is the case in numerous states like The Netherlands, or France where since 1992, article two of the French Constitution stipulates that “la langue de la République est le français.”<sup>13</sup> Long before being officialized in the Constitution however, French became *de facto* the only institutionalized language in France. A decree of 20 July 1794 stipulated that: “À compter du jour de la publication de la présente loi, nul acte public ne pourra, dans quelque partie que ce soit du territoire de la République, être écrit qu’en langue française” (quoted in Duvergier 1834: 225).<sup>14</sup> This was the start of the so-called ‘linguistic terror’ (*terreur linguistique*) aimed at strengthening the national union and the popular identification to the Republic and to Republican values through monolingualism. Similarly, at the time of the creation of Belgium in 1830, French was also the only institutionalized language although the majority of new Belgians spoke Dutch – or rather a number of Flemish dialects. In the legal domain for example, the Provisional Government decreed that “le bulletin officiel des lois et actes du gouvernement sera publié en français” (Wils 1991: 54).<sup>15</sup>

Such a regime of institutional monolingualism requires a judicious combination of obliged and prohibited translation (see also Branchadell 2004). The obligation to translate *into* the institutionalized language forms a prerequisite for institutional monolingualism. It applies for example to all administrative, political, legal, ... allophone messages and documents, whether they come from 'other,' 'foreign' institutional contexts or from the local (territorial or immigrant) minorities. Allophone messages are valid only if available and thus translated in the 'only' institutionalized language within a given monolingual territory. In 19<sup>th</sup> century Belgium e.g., all complaints submitted in Dutch to an administrative or legal service were first translated into French before being dealt with.

Actuellement, dans beaucoup de services, lorsqu'il entre un dossier concernant une affaire introduite par un particulier ou une administration locale, en langue flamande, ce dossier n'est pas étudié sur les pièces originales. Il passe d'abord au bureau des traductions et les pièces flamandes en sortent agrémentées d'une traduction, inscrite quelquefois – c'était la pratique aux chemins de fer – en texte interlinéaire à l'encre rouge. Le fonctionnaire responsable chargé d'étudier l'affaire et de proposer une solution au ministre forme son opinion sur la traduction. Il n'est pas difficile d'apercevoir les inconvénients et les risques de ce système.

Faut-il s'étonner que les administrés un peu au courant de la pratique suivie désirent échapper au traducteur – *traduttore traditore* – et s'efforcent de traiter eux-mêmes l'affaire en français?

Quant aux explications verbales que l'administré flamand désirerait donner à l'administration supérieure, il vaut mieux, n'est-ce pas, n'en pas parler? Il se heurtera certainement à un interprète.

Aussi, tant que persistera la situation actuelle, le nombre d'affaires traitées en flamand restera fort restreint, et il ne sera pas difficile aux administrations de prétendre, d'après les données statistiques, que les administrés montrent une préférence extraordinaire pour la langue française. (Van de Vyvere 1919: 20)<sup>16</sup>

Delegitimizing the status of Dutch in favor of French, the Dutch speakers perceived this obligatory translation in a negative light and some groups struggled for its abolition. Translation, contrary to a commonly held cliché, doesn't always have an emancipating function for linguistic minorities. Especially when they wish to obtain equal linguistic rights, minorities tend to lobby against this translation rule.

Similarly, from the viewpoint of the EU member states, in order to become valid, all European directives must be translated into the different institutionalized languages of the member states (France, Germany, etc.) or regions (Flanders). This means that the EU translation policy tends to follow the linguistic and translational regimes of the national states and their implementation of participatory citizenship (mainly) via institutional monolingualism. Communication between the European citizens and the European authorities takes place through the national language of the citizens irrespective of their being immigrants or historical territorial minorities (for exceptions to the latter, see above). In other words, mandatory translation into the institutionalized language helps to secure its status of 'national' language.

The interdiction to translate applies to the other direction. In a regime of institutional monolingualism, legal, administrative, etc. translation into the minority languages may be virtually non-existent or even legally prohibited. In France, article 3 of the decree of 20 July 1794 stipulated that:



Tout fonctionnaire ou officier public, tout agent du gouvernement qui, à dater du jour de la publication de la présente loi, dressera, écrira ou souscrira, dans l'exercice de ses fonctions, des procès-verbaux, jugements, contrats ou autres actes généralement conçus en idiomes ou langues autres que la française, sera traduit devant le tribunal de police correctionnelle de sa résidence, condamné à six mois d'emprisonnement, et destitué. (Perrot 1997: 165)<sup>17</sup>

Similarly in Belgium, a Dutch speaking inhabitant of Brussels who in 1872 made a registration of birth for his son in Dutch and refused to sign the French document, incomprehensible to him, was fined 50 Belgian francs (Luykx and Platel 1985: 161). The same regime of non-translation affected commandments in the army, the publication of laws in the official law gazette and the administration of justice: all these domains were submitted to a 'French only' policy. The consequences of a non-translation regime can be far-reaching however. In Belgian court, for example, innocent Dutch people were convicted because they didn't understand the French jurisdiction. In short, translation was not an enforceable right for those citizens who didn't understand the institutionalized language – 25% of the French until 1863<sup>18</sup> and all non-educated Belgians who had Dutch (i.e., a Flemish dialect) as their mother tongue during the 19<sup>th</sup> century.<sup>19</sup>

But, similar rules exist even today. In the US, section 767 of the S.2611 Comprehensive Immigration Reform Act of 2006 declares that "English is the national language of the United States" and that

[t]he Government of the United States shall preserve and enhance the role of English as the national language of the United States of America. Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal Government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.<sup>20</sup>

Allophone immigrants in the United States have *no affirmative right* to claim a *translation* (notice that the word is not used) of a document or service in one of the minority languages.<sup>21</sup> Similarly, although there are today more than three hundred languages spoken in London (Blackledge 2005: 65), the city's official website in English is not translated in any other language.<sup>22</sup> In other words a regime of institutional monolingualism presupposes, next to a translational regime of mandatory translation into the institutionalized language, a regime of non-translation into the minority languages (Meylaerts 2009; 2011). Non-translation obliges minorities to learn the national language and operate in it for communication with the authorities. After one or two generations the national language may have replaced the former minorities' mother tongues, thus reducing the multilingual character of the nation.

Promoters of this policy consider it favourable for minorities' integration and for national cohesion. Recent studies and surveys testify to increasing support for a non-translation policy and its concomitant learning of the national language<sup>23</sup> as the best way to ensure minorities' integration. Adversaries of a non-translation policy claim it is discriminatory, it reinforces social structures of inequality and exclusion,



leads to ghettoization and immigrants' loss of identity (Gülmüş 2007). While the jury is out on the pros and cons, in reality complete monolingualism and non-translation is a very exceptional regime since it is contradictory to a democracy's ideal of participatory citizenship and thus problematic for its own survival. Therefore, even if monolingualism is "a basic principle of the state in France, Germany and the Netherlands," "outside of school, these countries have been forced to introduce language services to take account of immigrant needs in communicating with courts, bureaucracies, and health services" (Alba and Foner 2009: 282). In practice, most contemporary authorities therefore resort to ad hoc translation measures which tone down a regime of complete monolingualism.

### 5. Institutional monolingualism and translation into the minority languages

Many contemporary democratic societies indeed opt for an intermediate third regime: a linguistic and translational territoriality regime characterized by institutional monolingualism combined with occasional (and often temporary) translation. Compared to the first regime of non-translation, this one foresees *limited* translation rights in well-defined situations in anticipation of minorities' learning of the institutionalized language. That is, specific legal dispositions condition the restricted presence of the minority language(s) in the public sphere or in certain institutions. For instance, they give the right to translate public inscriptions or services, to 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 rights do not endanger the fundamental monolingualism of this regime. Translation remains a granted exception, in anticipation of minorities' linguistic assimilation.

Due to the absence of research on the relations between linguistic and translational territorial regimes and minorities' integration and participatory citizenship, the practical implementation of this regime appears more the random sum of a myriad of ad hoc translation rules than that of a well thought-out policy. So the websites of the US Department of Health and Human Service and of the Department of State are monolingual English, even the latter's section for immigrant visa application. On the other hand, the U.S. government's official web portal offers a Spanish translation, as does the US Food and Drug Administration and the Department of Labor. Similarly, in order to remove language as a barrier to political participation, the American Voting Rights Act "protects minority language group members by requiring particular jurisdictions to print ballots and other election materials in the minority language as well as in English, and to have oral translation help available at the polls where the need exists."<sup>24</sup> However, although in 2008 "Barack Obama and John McCain appealed to Hispanic voters by campaigning in Spanish [...] states like Iowa prevented those very same voters from registering to vote in any language other than English" (Zuckerman 2010: 353).

Whereas the UK Border Agency Visa services' Homepage is monolingual English,<sup>25</sup> "Directgov," the UK government's official website is bilingual English and Welsh.<sup>26</sup> Under "Freedom of Information" in the "Government, Citizens and Rights" section, it is said that since 2005 "everyone has the right to request information held

by public sector organisations under the Freedom of Information Act 2000” and that requesters are entitled to receive the answer “translated into another language.”<sup>27</sup>

These few examples illustrate the absence of streamlined language and translation policies. They share however the view on translation as a granted exception, in anticipation of immigrants’ language learning. These were exactly the conclusions of the 2007 British Commission on Integration and Cohesion. The commission stated that knowledge of English is essential for social cohesion in the UK, that translation and interpreting should be limited to emergency cases and that automatic translation and interpreting services hinder 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. [...] <sup>28</sup>

Among the contextual points that local agencies should bear in mind when thinking about translating, the report mentions:

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

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

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, RM] 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.<sup>29</sup>

In a first phase, immigrants therefore 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.

In sum, in this regime, translation rights are limited to a superficial multilingualisation of public life, whereas important institutions (Parliament, army, administration, legal system, education...) and national symbols (national anthem, inscriptions on coins, banknotes, stamps...) remain dominated by the monolingual ideology.<sup>30</sup> This is why, in spite of the at first sight perhaps extensive translation services offered for immigrants, an enormous gap separates the status of English and that of Spanish, Chinese, Arabic... in the US, or the status of Arabic, Turkish... and that of the institutionalized languages in the European nation states, regions, cities. Opponents of this restrictive moderate translation policy still claim that it hinders integration and instead furthers linguistic and other ghettoization (see e.g. Easton 2006<sup>31</sup> for the UK and Van Parijs 2007: 21).

## 6. Institutional monolingualism combined with institutional multilingualism

In some specific cases, a fourth regime, which is in fact a combination of one and two, is applied: institutional monolingualism at the local level and institutional multilingualism with multidirectional mandatory translation at the superior (e.g., federal) level. This linguistic and translational territoriality regime seems to be reserved for the so-called historical territorial minorities (see above). Examples of this regime (mutual differences not taken into account) can be found in officially multilingual countries like Belgium, Canada, Switzerland, South Africa, India. Belgium provides an example of this. Today, Belgium is a federalized country with two monolingual regions (Flanders and Wallonia) and a bilingual capital (Brussels), as well as three communities (Flemish, francophone and German-speaking). Federal and Brussels institutions remain bilingual (Dutch – French) by law so that all documents must be translated into the ‘other’ language.<sup>32</sup> At the level of the regions and the communities, it is forbidden, even illegal, to translate into ‘the other’ language. The official webpage of the Flemish authorities states that in Flanders authorities must use Dutch in their contacts with inhabitants. So a francophone living in Ghent does not have the right to have his tax form translated into French. Similarly, in their contacts with the Flemish authorities, inhabitants of the Flemish territory can only use Dutch. An inhabitant of Antwerp applying for a building permit can only do so in Dutch; a French application is not accepted. Conversely, the interdiction applies to requests in and translations into Dutch in Wallonia as well.

Translation is only legal in the so-called ‘communes with facilities.’ These consist of 12 Dutch-speaking municipalities along the border with Wallonia and around Brussels with facilities for francophones and four francophone communes along the border with Flanders with facilities for Dutch-speakers.<sup>33</sup> In these municipalities, communal services must, for example, provide a translation of administrative documents in, respectively, French and Dutch. Some Flemings find this automatic translation right in contradiction with the territorial monolingualism. Therefore, in 1997, the so-called ‘circular Peeters,’ concerning language use in Flemish municipalities with facilities for francophones around Brussels, stipulated that francophones who wished to obtain a French translation of a Dutch document would have to ask for it *explicitly on each separate occasion*.

Within ‘their’ respective territory (Flanders and Wallonia) and in communication with the higher level authorities, Flemings and Walloons are thus always and everywhere served in their own language. This regime creates monolingual institutional islands under a multilingual umbrella, preventing multilingualism to apply at all institutional levels. The fundamental difference with the second regime is that the immigrants’ languages do not benefit from the multidirectional translation rights. In the case of Belgium, they fall under the third regime.

## 7. Conclusion

How to bring outsiders in? And how to ensure linguistic and translational justice in a world in which the territorial and monolingual principles of the nation state are at odds with the mobility and multilingualism of their populations? At this point, there seem to be more questions than answers. Yet the stakes are vital and the challenges enormous.

Given the current lack of empirical research and adequate theories, this tentative overview of linguistic and translational regimes is bound to formulate some hypotheses and to point to some possible future research lines, rather than to formulate full-fledged conclusions. While confronted with increasingly multilingual populations, most contemporary democratic societies seem to opt for a monolingual territoriality regime tempered by more or less extensive translation services for their territorial and/or immigrant minorities. How extensive these translation services are, what domains they cover and how restricted they are in time seems to be inspired by ad hoc policies which more than once lack common ground and long term vision. If any, only historical territorial minorities have a chance to obtain full translation services securing their equal linguistic and translational rights and equal access to public institutions and services. In so-called multilingual states, like Belgium, Switzerland, Canada, these territorial minorities have been powerful enough to obtain their own, institutionally monolingual, territory. Within this territory, they have full linguistic and translation rights but reserve restricted translation rights for immigrants and other minorities.

Still, what type of linguistic and translational territoriality regime gives best chances for integration, participatory citizenship and social cohesion remains unclear. Any given policy is said to have virtues and flaws and has its passionate advocates and detractors, using moreover similar arguments to make their point.

The elaboration of a fair language and translation policy thus remains an unexplored research domain with important challenges for translation studies. The analysis of linguistic and translational territoriality regimes puts non-translation as much as translation on the research agenda. Gaining insight into legal rules which forbid or constrain translation for minorities and immigrants is crucial for understanding the possible link between non-translation, participatory citizenship and integration, especially because this link is heavily discussed. It further stresses the need to define translation in terms of translational justice and makes both translation and non-translation fundamental aspects of any linguistic rights debate. How can translation (or non-translation) help ensure equal chances for everyone? From an interdisciplinary viewpoint, it therefore demands a further exploration of the relation between translation policy and political, ethnic and ethical questions within today's multilingual societies. It places translation studies in front of its ethical responsibilities, responsibilities which are shared with political and social sciences, anthropology, sociolinguistics etc.

#### NOTES

1. A nation-state is a form of socio-political organization developed to replace the structures of the Ancien Régime. In its ideal form it superposes a State (a political organization), a territory and a nation. The latter concept refers to the feeling of national unity resulting in an "imagined community" (Anderson 1983/1991). The popular identification with the nation-state happens through national symbols like a national anthem, a national flag, but also a national language and a national literature.
2. "The monarchy had its reasons to resemble the tower of Babel; in democracy, leaving citizens ignorant of the national language, incapable of controlling power, is to betray the homeland... For a free people, language has to be one and the same for all." All translations into English are mine.
3. The distinction between the two, although instrumental for the present discussion, is often arbitrary. In comparison to the natives e.g., all other inhabitants of the US are immigrants. However,

descendants of 19<sup>th</sup> century European immigrants behave like a territorial majority towards natives and later immigrants.

4. UNITED NATIONS (2006): *International Migration 2006*. Visited on 2 November 2010, <[www.un.org/esa/population/publications/2006Migration\\_Chart/2006IttMig\\_chart.htm](http://www.un.org/esa/population/publications/2006Migration_Chart/2006IttMig_chart.htm)>.
5. Of course states like Belgium, Switzerland, Canada, South-Africa... have bilingual or multilingual institutions. Still, their linguistic organization is never a reflection but always a reduction of the linguistic diversity of people on the ground.
6. In its most restricted sense, a policy refers to the conduct of political and public affairs by a government or an administration, i.e., to political or public practices as implemented in legal rules. Within Translation Studies however, 'translation policy' covers a variety of meanings, designing official institutional settings but also a wide range of relatively informal situations related to ideology, translators' strategies, publishers' strategies, translator training, etc. In Toury's seminal chapter on norms, translation policy refers to "those factors that govern the choice of text types; or even of individual texts" (Toury 1995: 58). Without excluding their existence, Toury's definition of the policy concept doesn't explicitly cover legal rules for selection and is thus more in line with the so-called broader implementation. See Meylaerts (2011).
7. The expression "linguistic territoriality regime" is defined by Van Parijs (2010: 183) as "a set of legal rules that constrain the choice of languages used for purposes of education and communication." For Van Parijs it thus refers to a monolingual territory with one language only. I will use it as an umbrella term to refer to various prototypes of linguistic regimes in various territories.
8. Kaplan and Baldauf (1997) and Beukes (2006; 2007) are among the exceptions that consider a translation policy as part of a language policy. In her articles, Beukes shows how the lack of an institutional translation policy in South Africa has contributed to the disappearance of certain indigenous languages in certain socio-cultural sectors.
9. ENCREVÉ, Pierre (2005): *Les droits linguistiques de l'homme et du citoyen*. Paris: EHESS. Visited on 15 October 2010, <<http://www.langues-de-france.org/encreve.html>>.
10. See CERQUIGLINI, Bernard (s.d.): *Le français, une religion d'État?* Visited on 2 October 2010, <[http://www.culture.gouv.fr/culture/dglf/politique-langue/article\\_francais.html](http://www.culture.gouv.fr/culture/dglf/politique-langue/article_francais.html)>.
11. EUROPEAN COMMISSION (2010): *Translation and the European Union*. Visited on 2 May 2009, <[http://ec.europa.eu/dgs/translation/translating/index\\_en.htm](http://ec.europa.eu/dgs/translation/translating/index_en.htm)>.
12. EUROPEAN OMBUDSMAN (2006): *Complaints to the Ombudsman now possible in any of the co-official languages in Spain*. Visited on 2 May 2009, <<http://www.ombudsman.europa.eu/release/en/2006-11-30a.htm>>. Spain has signed analogous agreements with the European Commission, the European Council, the Court of Justice, the Economic and Social Committee, and the Committee of Regions. Similarly, it is possible to send correspondence in Welsh to some European institutions by sending an e-mail to <[post@byig-wlb.org.uk](mailto:post@byig-wlb.org.uk)>.
13. "the language of the Republic is French."
14. "From the day of the publication of the present law, no public act, in whatever part of the territory of the Republic, may be written in a language other than French."
15. "the official bulletin of laws and governmental reports shall be published in French."
16. "At this moment, in a lot of services, when a file concerning a case introduced by a private person or a local administration is submitted in Flemish, this file is not studied in the original version. It is first submitted to the translations office and the Flemish files leave there embellished with a translation, inscribed sometimes – this was the practice at the railways – in interlinear version with red ink. The official responsible for studying the case and for proposing a solution to the minister forms his opinion on the translation. It is not difficult to notice the inconveniences and risks of this system. Does one have to be surprised that citizens who are aware of this practice wish to avoid the translator – traduttore traditore – and make every effort to treat themselves the case in French? As for the verbal explanations that the Flemish citizen would like to give to the superior administration, it's better, isn't it, not to speak of it? He would certainly be confronted with an interpreter. Thus, as long as the current situation persists, the number of cases treated in Flemish will stay very limited, and it will not be difficult for the administrations to pretend, according to the statistical data, that citizens show an extraordinary preference for the French language."
17. "Every official or public officer, every government official who, from the day of the publication of the present law, will draft, write or sign, in the exercise of his duties, charges, judgments, contracts or other documents normally written in idioms or languages other than French, will be summoned for the district court of his residence, sentenced to six months imprisonment, and expelled from his office."

18. Number indicated by Victor Duruy's survey (Encrevé 2005).
19. Although it is difficult to provide exact numbers, in Belgium compulsory school attendance until the age of 12 became law in 1914 only so that especially Dutch lower classes remained monolingual and sometimes even illiterate during the whole 19<sup>th</sup> century.
20. USA CONGRESS (2006): S. 2611. *An act to provide for comprehensive immigration reform and other purposes*. Visited on 2 November 2010, <[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_bills&docid=f:s2611es.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s2611es.txt.pdf)>, 737-738.
21. Consider e.g., that in a town like Miami (Florida) 75% of the population doesn't speak English at home whereas 20% of the inhabitants of California has poor knowledge of English.
22. GREATER LONDON AUTHORITY (2010): Visited on 2 November 2010, <<http://www.london.gov.uk/>>.
23. See e.g., Schuck (2009); Wong and Pontoja (2009) for the US; Schäffner (2008) for the UK; Lahav (2009) for the EU members of Parliament.
24. U.S. DEPARTMENT OF JUSTICE (2010): *Civil Rights Division. Voting Section*. Visited on 10 October 2010, <<http://www.justice.gov/crt/voting/misc/faq.php#faq07>>.
25. UK BORDER AGENCY (2010): *Visa services*. Visited on 2 November 2010, <<http://www.ukvisas.gov.uk/en/>>.
26. DIRECTGOV (2010a): *Public Services all in one place*. Visited on 2 November 2010, <<http://www.direct.gov.uk/en/index.htm>>.
27. DIRECTGOV (2010b): *Freedom of information*. Visited on 2 November 2010, <[http://www.direct.gov.uk/en/Governmentcitizensandrights/Yourrightsandresponsibilities/DG\\_4003239](http://www.direct.gov.uk/en/Governmentcitizensandrights/Yourrightsandresponsibilities/DG_4003239)>. Notice that nothing is said about the language in which the request must be formulated.
28. COMMISSION ON INTEGRATION AND COHESION (2007): *Our Shared Future*. Accessible through <[http://collections.europarchive.org/tna/20080726153624/http://www.integrationandcohesion.org.uk/~media/assets/www.integrationandcohesion.org.uk/our\\_shared\\_future%20pdf.ashx](http://collections.europarchive.org/tna/20080726153624/http://www.integrationandcohesion.org.uk/~media/assets/www.integrationandcohesion.org.uk/our_shared_future%20pdf.ashx)>, 73.
29. COMMISSION ON INTEGRATION AND COHESION (2007): *Our Shared Future*. Accessible through <[http://collections.europarchive.org/tna/20080726153624/http://www.integrationandcohesion.org.uk/~media/assets/www.integrationandcohesion.org.uk/our\\_shared\\_future%20pdf.ashx](http://collections.europarchive.org/tna/20080726153624/http://www.integrationandcohesion.org.uk/~media/assets/www.integrationandcohesion.org.uk/our_shared_future%20pdf.ashx)>, 137-138.
30. A good example is the heated discussions about the Spanish translation of the American anthem in April 2006. According to the opponents, it illustrated the Hispanics' refusal of assimilation and gave the wrong signal as would the US be a bilingual country. The then president G.W. Bush sided with the adversaries of the Spanish translation (see also ANONYMOUS [5 May 2006]: Bush tells immigrants to learn English. *The Washington Times*. Visited on 2 August 2011, <<http://www.washingtontimes.com/news/2006/may/05/20060505-122343-2183r/>>).
31. EASTON, Mark (12 December 2006). Cost in Translation. *BBC World News*. Visited on 10 December 2010, <[http://news.bbc.co.uk/2/hi/uk\\_news/6172805.stm](http://news.bbc.co.uk/2/hi/uk_news/6172805.stm)>.
32. For the German-speaking community, other regulations apply.
33. Two other francophone communes have facilities for German-speakers and all municipalities of the German Community offer facilities to the francophones.

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