

José María Castellano Martínez

Translation as a novelty in the *Colección de los Tratados, Convenios y documentos internacionales* of the Marquis of Olivart.

2/2019
DOI: 10.25365/cts-2019-1-2-7

Herausgegeben am / Éditée au /
Edited at the: Zentrum für
Translationswissenschaft der
Universität Wien

ISSN: 2617-3441

Abstract

This paper aims to highlight the relevance of the Colección de los Tratados, Convenios y documentos internacionales of the Marquis of Olivart from a translation history perspective. This international legal index covering the treaties and conventions held by the governments of Spain from the effective reign of Isabella II to the times of her grandchild Alphonse XIII was compiled between 1890 and 1912 in the Spanish Restoration context. After a brief social and historical introduction to this period, we have, with reference to Lepinette (1997), exposed the reasons that motivated this project —inspired by other national and foreign collections—, as well as analysed its structure and its process of compilation. Translation arises as the main novelty of this Spanish index —developed under royal auspices— through the incorporation of language versions, classified in four types. The collector's concerns about the warranty of authenticity of the texts define translations as an essential instrument in order to avoid possible mis-interpretations of other language versions. Because of this, linguistic equivalence arises next to legal equivalence when language versions of a same document are compared, revisiting legal veracity from a linguistic point of view. We conclude by sharing some considerations about these approaches that could contribute to translation history in the field of diplomacy.

Keywords: translation history, Spain, Olivart, Diplomacy, Legal Collection, Long Nineteenth Century

Zum Zitieren des Artikels / Pour citer l'article / To cite the article:

Castellano Martínez, José María (2019): Translation as a novelty in the *Colección de los Tratados, Convenios y documentos internacionales* of the Marquis of Olivart, *Chronotopos* 2 (1), 119-141. DOI: 10.25365/cts-2019-1-2-7



José María Castellano Martínez

Translation as a novelty in the *Colección de los Tratados, Convenios y documentos internacionales* of the Marquis of Olivart

Abstract

This paper aims to highlight the relevance of the Colección de los Tratados, Convenios y documentos internacionales of the Marquis of Olivart from a translation history perspective. This international legal index covering the treaties and conventions held by the governments of Spain from the effective reign of Isabella II to the times of her grandchild Alphonse XIII was compiled between 1890 and 1912 in the Spanish Restoration context. After a brief social and historical introduction to this period, we have, with reference to Lepinette (1997), exposed the reasons that motivated this project – inspired by other national and foreign collections –, as well as analysed its structure and its process of compilation. Translation arises as the main novelty of this Spanish index – developed under royal auspices – through the incorporation of language versions, classified in four types. The collector's concerns about the warranty of authenticity of the texts define translations as an essential instrument in order to avoid possible misinterpretations of other language versions. Because of this, linguistic equivalence arises next to legal equivalence when language versions of a same document are compared, revisiting legal veracity from a linguistic point of view. We conclude by sharing some considerations about these approaches that could contribute to translation history in the field of diplomacy.

Keywords: Translation History, Spain, Olivart, Diplomacy, Legal Collection, Long Nineteenth Century.

Introduction

The Marquis of Olivart compiled the *Colección de los Tratados, Convenios y documentos internacionales*¹ between 1890 to 1916. This work is composed by a total of 15

¹ The full title of the studied work is *Colección de los Tratados, Convenios y documentos internacionales celebrados por nuestros Gobiernos con los Estados extranjeros desde el Reinado de Doña Isabel II hasta nuestros días*.

volumes which, for the very first time, made it possible to consult the international legally binding texts held by Spain from 1834 to 1912. The period covered by the *Colección* reflects the development of the Spanish international relations from the years of Isabella II to the reign of Alphonse XIII, in the beginnings of the twentieth century; that is to say, a framework of 78 years in which translation of international treaties and conventions can be analysed from a perspective that goes beyond the legal issue. According to DULLION (2018: 398), “[t]hroughout legal history, concepts and practices of translation have changed together with the relationship between law and power”. Because of that, the *Colección* offers an extraordinary opportunity to better approach these aspects taking into consideration that translation is not the main purpose of the *Colección*, but one of the instruments that made it possible.

Our collector was inspired by the intent of organising a corpus of Spanish international legal documents initiated at the end of the eighteenth century by the German jurist and diplomat Georg Friedrich von Martens. In G. F. Martens’ *Recueil des principaux traités d’alliance* (1791), the jurisconsult community found a sort of methodological volume for classifying the main treaties and conventions between the European nations. In his work, the Marquis of Olivart also referred to other later (monolingual) collections such as Hertslet’s *Complete collection of the treaties and conventions* (1827-1850) in the United Kingdom, Neumann’s *Recueil des traités et conventions conclus par l’Autriche* (1855) from Austria or Clerq’s *Recueil* (1864, 1880) in France, among others. Besides this bibliography, the Marquis of Olivart also studied the main European gazettes and official journals – the Spanish *Gazeta*, later *Gaceta, de Madrid* or *Colección legislativa*, the British *State Papers*, etc. – in order to compare or verify the compiled texts for his collection.

The relevance of the *Colección* lies in the originality of covering the tumultuous period in the history of Spain. It entails a unique framework for both legal and translational perspectives, not only regarding the international panorama and its evolution between the Spanish governments and other states, territories or entities; but also, how translation was conceived in this project. Since there are few works about this Spanish compilation, we must definitely point out those carried out by BLANC (1999, 2000). However, this author discusses the volumes from a purely historical and legal perspective, without any interest in linguistics or translation, which is what this paper aims for.

= Collection of the Treaties, Conventions and international documents held by our Governments with the foreign States from the Reign of Doña Isabella II until our days.

The Colección: an original instrument in the Restoration context

This enthusiastic project took place between 1889 and 1890, some years after the death of the king Alphonse XII. Once the battered monarchy of Amadeo I (1871-1873) was over and the First Spanish Republic collapsed in 1874, the Prince of Asturias – son of the queen in exile Isabella II – became Alphonse XII of Spain in November 1874 (CARR/CAPELLA et al. 1969: 310-326; TUÑÓN DE LARA 1974: 217-220, 249-251). A new historical period – called the Bourbon Restoration – started in Spain with the arrival of this liberal monarch, who was educated in elitist institutions throughout Europe such as the *Stiftung Theresianische Akademie* (Theresianum) of Vienna, the *Collège Stanislas de Paris*, or the Royal Military Academy Sandhurst in England (ESPADAS 1990: 50, 73, 111).

The architect of the new regime was Antonio Cánovas del Castillo, leader of the Conservative Party and prime minister of Spain, who alternated the office with the liberal Práxedes Mateo Sagasta. The Restoration was founded in the “turnismo” which consisted of the agreement in advance of the results of the legislative elections by the two major parties – conservatives and liberals. Under this system, the kingdom of Spain reached the consolidation of the monarchy, a new Constitution in 1876 and the stabilisation of governments and institutions (CÁNOVAS DEL CASTILLO 1978). The prosperity and success of this new regime was suddenly interrupted by the death of Alphonse XII from tuberculosis in 1885. Despite this sad episode, his underage son Alphonse XIII awaken new hope in the institution and Cánovas’ regime continued under the regency of the widow queen Maria Cristina of Austria (TUÑÓN DE LARA 1974: 271-273; MONTERO 1990: 421).

The Marquis of Olivart, whose full name was Ramón María de Dalmau y de Olivart, was a relevant juriconsult and a versatile author who published several academic and non-academic works throughout the Restoration period². He was elected as a national deputy of the conservative party to the *Congreso de los Diputados* (the Spanish parliament) for the 1896-1898 and 1899-1900/1900-1901 sessions, as well as a member of several institutions and associations based on legal and judicial interests like the prestigious *Asociación Francisco de Vitoria*. When the first volume of the *Colec-*

² *Catalina de Aragón y Carolina de Brunswick* (1881), *Teorías de los interdictos* (1885), *Manual de Derecho internacional público y privado* (1886), *Tratado y notas del Derecho internacional público* (1887-1889), *La ejecución de las sentencias extranjeras* (1888), *Programa de Derecho Internacional Público* (1889), *Elementos de Derecho Internacional Público* (1906), or *Bibliographie du Droit international* (1905-1910). (GRAN ENCICLOPÈDIA CATALANA: Ramon de Dalmau i d'Olivart. <https://www.enciclopedia.cat/ec-gec-0021321.xml> (22.10.2019))

ción was published under the regency in 1890, the Marquis of Olivart was an academician of the *Real Academia de Ciencias Morales y Políticas* (the Spanish Royal Academy of Moral and Political Sciences), as well as an assistant professor at the *Universidad Central* in Madrid (nowadays *Universidad Complutense*) and a member of the *Institut du Droit International* in Geneva.

The prime minister Cánovas del Castillo had good relations with the Marquis of Olivart, as the prologue of the first volume demonstrates. In one of their conversations, Olivart presented his project to Cánovas del Castillo, who fully agreed with the initiative to compile the future *Colección* as a legal instrument for the kingdom (OLIVART 1890: XV-XVII). In words of MONTERO (1990: 403): “Varias iniciativas de colecciones y bibliotecas contribuyen al crecimiento de la producción bibliográfica. [...] [D]iversos boletines bibliográficos y revistas de publicaciones contribuyeron a un relanzamiento significativo de la producción bibliográfica”³. During the Restoration period, the bases for a more profound cultural production were established in favour of new libraries, original compilations and bibliographies. These works and enterprises were seen as educational instruments for society by both liberal and conservative governments (op. cit.: 401-406).

Cánovas personally supported the initiative of the Marquis of Olivart and under his auspices, the jurisconsult expert addressed a report about the *Colección* to the state minister, the Marquis de la Vega de Armijo on the 17th of May 1889. Some days later, on the 30th of May, the queen regent Maria Cristina – on behalf of king Alphonse XIII – authorised Olivart to coordinate and publish the *Colección de Tratados de España* [sic] by royal order (op. cit.: XIII).

The authorised project intended to achieve a complete and better compilation of the Spanish treaties and conventions since the reign of Isabella II in order to supersede those of ABREU (1740-1752), CANTILLO (1843) and JANER (1869). The two first mentioned collections were distant in time to the Restoration and JANER (1869) was incomplete and insufficient in the eyes of Olivart due to the lack of relevant treaties or official foreign texts which is why he disregarded it completely:

Sea cual fuere la causa, y sin ánimo de ofender la memoria de literato tan ilustre [Janer], el ser su prólogo mera y precipitada clasificación por materias de los tratados que publica, la ausencia en dicho libro de todo texto oficial extranjero, que im-

³ = Several collection and library initiatives contributed to the growth of bibliographic production. [...] [S]everal bibliographic bulletins and publication journals contributed to a significant relaunch of bibliographic production.

pide conocer la correspondencia con el mismo de la quizá simple traducción española, y lo que es peor, el hecho de faltar en él más de un tratado, no completamente desprovisto de importancia, hace que pueda seguirse diciendo que la última colección española es la del Sr. Cantillo. (OLIVART 1890-1906, 1: VI-VIII)

= Whatever the cause, and without intention of offending the memory of such an illustrious writer [Janer], the fact that his prologue is a mere and hasty classification by topics of the published treaties, the absence in this book of any foreign official text, which does not indicate the simple Spanish translation, and what is worse, the fact that more than one treaty of importance is missing, makes it possible to say that the last Spanish collection is that of Mr. Cantillo.

This report reveals the main reason for the Marquis of Olivart to carry out his endeavour. He wanted to be the very first one to create a Spanish compilation that would serve as a legal instrument and that included the bilingual and/or multilingual versions of the international documents considered of importance. First, Olivart aspired to collect the Spanish treaties and conventions since the effective reign of Isabella II and after the regency of her mother, queen María Cristina de Borbón (also known as Maria Christina of the Two Sicilies). This point of departure continued where CANTILLO (1843) had left off: Cantillo collected only the Spanish version texts up until the beginnings of the nineteenth century and the period of the Peninsula War (*Guerra de la Independencia*) – without historical notes or commentaries – for reasons of “national decency”⁴: “faltan las notas á aquéllos, que el prudente colector suprimió desde 1800 por razones de nacional decoro, y resulta siempre la novedad de la inserción de los dos textos, dado que en dicha obra se continúa sólo el español” (OLIVART 1890-1906, 1: VI). Second, Olivart intended to offer a prologue and a preliminary discourse for each one of the different volumes that would frame the whole *Colección*, as well as notes and commentaries to all the documents. Adding this information to the compilation, Olivart demonstrated an academic regard for his work, surpassing a simple gathering of official papers and designing a methodological legal instrument based on both original texts, official translations and commentaries and notes as metatexts. Finally, the Marquis of Olivart emphasised the unquestionable in-

⁴ In the Abdications of Bayonne (1808), Carlos IV was forced by Napoleon to abdicate the Spanish Crown to his son Ferdinand VII. Immediately, the new King abdicated the throne in same terms and conditions to Napoleon, who designated his brother Joseph as the new King of Spain under the name José I Bonaparte. These abdications were considered ignominious and dishonourable for the Nation, which had been previously invaded by the French troops. The Peninsula War (1808-1814) awoke a new national awareness reflected in the 1812 Spanish Constitution, and that is why, Olivart referred to the issue of “nacional decoro” (national decency) in his report.

clusion of official translations published in reliable sources to enrich the *Colección* as a true instrument to be consulted.

The project of the *Colección*

The *Colección* is composed by a total of fifteen volumes, previously planned in five tomes (op. cit., 4: v). The thirteen first volumes belong to the original collection published between 1890 and 1906. According to BLANC (1999: 148-149), the Marquis of Olivart added two more tomes⁵ to cover the treaties from 1902 to 1905 and from 1905 to 1910 respectively. However, the costs and the extension of the original project were the main cause of the postponements, humbly assumed by Olivart (OLIVART 1890-1906, 13: v). For solving these obstacles, the collector deleted national legislation not directly related to International Law:

Para disminuir en lo posible esta desproporción entre lo prometido y lo necesario, buscamos desde luego un remedio, suprimir á partir de este volumen, ó sea de 1859 en adelante, las disposiciones unilaterales de nuestros gobiernos cuya relación no sea tan directa é inmediata con el derecho internacional [...]. (op. cit., 4: v).

= In order to reduce as far as possible this disproportion between what has been promised and what is necessary, we seek, of course, a remedy, to suppress from this volume, or from 1859 onwards, the unilateral provisions of our governments whose relationship is not as direct and immediate to International Law [...].

Likewise, the Marquis of Olivart admitted discontent in the prologue of the eighth volume: “No estamos satisfechos de la obra, (...). No nos ha sido posible realizar, por motivos ajenos á nuestra voluntad, el riguroso y detenido cotejo con los originales [...]”⁶ (op. cit., 8: v). Despite the reasons beyond his responsibility, the collector had an evident intention of improving the previously mentioned collections. Not only a new compilation of international treaties held by Spain from Cantillo’s collection to the present date, but a critical —and extremely ambitious— revision of those texts from a methodological and translational point of view. The following table shows the full collection with the later added volumes:

⁵ The fourteenth volume was published in *Revista Internacional de Derecho Internacional y de Política Exterior* (OLIVART 1911).

⁶= We are not satisfied with the work, certainly, but experience persuades and reassures us by demonstrating that the best is always the enemy of the good. It has not been possible for us to carry out, due to reasons beyond our control, the rigorous and measured comparison with the originals [...].

Volume⁷	Period	Published in
<i>Tomo I</i>	1834-1848	Reign of Isabella II Madrid, 1890
<i>Tomo II</i>	1849-1852	
<i>Notas Histórico-Críticas⁸</i>	-	
<i>Tomo III- Volumen III</i>	1852-1859	
<i>Tomo III- Volumen IV</i>	1859-1862	
<i>Tomo V</i>	1863-1868	
<i>Tomo VI</i>	1868-1874	<i>Sexenio Democrático:</i> Provisional Government (1868-1871) Reign of Amadeo I (1871-1873) First Spanish Republic (1873-1874) Madrid, 1895
<i>Volumen VII</i>	1875-1879	Reign of Alphonse XII Madrid, 1896
<i>Volumen VIII</i>	1880-1885	
<i>Volumen IX</i>	1885-1890	Reign of Alphonse XIII (Regency of Maria Cristina) Madrid, 1899
<i>Volumen X</i>	1891-1893	
<i>Volumen XI</i>	1894-1896	
<i>Volumen XII</i>	1897-1899	
<i>Volumen XIII</i>	1900-1902	
<i>Revista Internacional de Derecho Internacional y de Política Exterior</i>	1902-1905	
<i>Volumen XV</i>	1905-1910	

Table 1: Tomes and volumes in the *Colección*

⁷ The author interchanged the names *tomo* (tome) and *volumen* (volume) without distinction throughout the publication.

⁸ *Notas Histórico-Críticas* (Historical-Critical Notes) is the briefest volume and it includes notes and commentaries about the two previous tomes.

The compilation process

History and evolution of the *Secretaría de Interpretación de Lenguas* have been exhaustively studied by CÁCERES (2006), whose research on languages and translation of this institution is of interest for our study. Regarding the main translated languages, Cáceres (2010: 619-620) confirms the relevant position of French from the early to the late Modern period. The preponderance of this *lingua franca* – “given the central position of French in European culture (...)” (HEILBRON 2000: 16) – is clearly reflected in the *Colección* when Olivart considered that treaties and conventions written in a minor or “exotic” language should also be translated into French; in case of doubt, the French version was to be consulted⁹. This functionalist criterion focused on a possible wider dissemination for Olivart’s project in American and European libraries and chancelleries, although the collector also assumed that adding different language versions of a same document would increase the number of pages and cost of his work (OLIVART 1890-1906, 1: X).

Apart from French and Spanish, the most common language versions of the *Colección* are English (for the UK and the USA), Italian (for Italy), German (for the German States and the Austro-Hungarian Empire), Portuguese (for Portugal and Brazil), and Swedish (for Sweden and Norway). In case of “exotic” languages whose calligraphy differs from the Latin – Arabic, Chinese, Japanese or Ottoman Turkish¹⁰ –, translations were also omitted or replaced by French versions, as previously mentioned¹¹.

⁹ Article XXI of the 1868 Treaty of Friendship, Commerce and Navigation between Spain and Japan says: “Este Tratado está escrito en español, japonés y francés. Las tres versiones están enteramente conformes en su sentido y propósito; pero en caso de duda sobre su interpretación, deberá considerarse la versión francesa como la original y decisiva. (...)” (OLIVART 1890-1906, 6: 194-195).

= This Treaty is written in Spanish, Japanese and French. Three versions are entirely in accordance in terms of sense and purpose; but in case of doubt about its interpretation, the French version should be considered as the original and decisive one [...].

¹⁰ There is a special commentary about the translation of the Ottoman Sultan Imperial diploma attached to the 1840 Treaty of Commerce between the Court of Spain and the Ottoman Empire. It reveals the collector’s interest in translation as a source of knowledge as its meticulous analysis of the note demonstrates. In this kind of sworn translation, terms and expressions are studied as well as the structure of the document. The note says: “Por excepción insertamos este diploma de ratificación como curiosidad histórica, constando los títulos y dignidades del Sultán de los Otomanos” (OLIVART 1890-1906, 1: 161).

= By exception we insert this ratification diploma as a historical curiosity, stating the titles and honours of the Sultan of the Ottomans.

¹¹ For example: The French version of the 1840 Treaty of Commerce and Navigation between Spain and the Ottoman Sublime Porte is a translation from the Turkish text (OLIVART 1890-1906, 1: 152).

In the rest of the Western world – Europe, the Americas and maybe Japan –, French, English and German kept their role as diplomatic languages of chancelleries. The historical rivalry between France and Great Britain balanced the traditional use of French and English, mainly used for trade with the colonies and the USA. The emergence of modern sciences and philosophy in Central Europe empowered German as a language for knowledge and transmission of ideas (CÁCERES 2006: 65-66).

The *Secretaría* was the main source of original documents and translations to the *Colección*. We could summarise that the translation process that was carried out in the *Secretaría* under supervision of the *Secretario* (head of the secretariat) consisted of three different stages (OLIVART 1890-1906: 212-215): first, the document had to be duly registered in the office applying for the target language; and second, the *Secretario* put an official translator in charge of the text —whose drafts and copies had to be conserved in the said archives (*op. cit.* 216-219)—. The process concluded when the final translated version was also archived. Cáceres (2006) also describes a change of translation process of the office from the eighteenth to the nineteenth century, due to the sworn translator's designation to assume official translations in order to reduce the amount of work of the *Secretaría* (OLIVART 1890-1906:196-197).

Turning back to the *Colección*, the Marquis of Olivart noticed mistakes and misinterpretations in the process of textual comparison that could cause “serious disruptions” in the Spanish diplomacy: “Esta escrupulosa reproducción de los textos originales no debe llegar hasta el punto de no corregir los crasos errores de copia que no tengan la más pequeña excusa basada en la sintaxis ú la ortografía de la época”¹² (OLIVART 1890-1906, 1: XI). Concerned about the importance of a good textual reproduction of the originals and their translations, Olivart also proposed to include variants collected in other official reviews or publications as the *Gaceta de Madrid* or the *Colección Legislativa* in order to ensure a global comprehension of the document in case of disagreement:

El cotejo de los textos, empresa de curiosa erudición en las obras literarias, reviste en una recopilación de tratados (en los cuales del cambio de una coma pueden resultar [...] una grave alteración en las relaciones cordiales de los pueblos y largas controversias diplomáticas) singularísima importancia. Por esto juzgamos que sería

¹²= This scrupulous reproduction of the original texts must not reach the point of not correcting the crass errors of copy that do not have the smallest excuse based on the syntax or the orthography of the period.

muy útil [...] constar las variantes que quizá existan, entre los documentos originales, [...]. (op. cit., 1: X-XI)

= The comparison of texts, a curious erudition in literary works, takes on a compilation of treaties (in which changing a comma can cause [...] a serious alteration of the cordial relations of peoples and long diplomatic controversies) of the most singular importance. For this reason, we consider that it would be very useful [...] to include the variants that may exist among the original documents, [...].

Regarding the compilation process, the Marquis of Olivart adopted a strict chronological order for the inclusion of documents excluding those that would not have been officially ratified. In other words, the *Colección* only admitted the texts legally binding for the parties: “Sólo deben figurar aquellos por los que resulta la existencia del *duorum vel plurium in eodem consensus*, en materia de derecho, no de mera acción política [...]”¹³ (op. cit., 1: VIII).

Olivart referred to the ministerial *Archivo* and *Biblioteca* (archives and library) as the place where he developed his project. There, Olivart was assisted by civil servants, such as Manuel del Palacio —head of the archives— and José Tobarra and his son Alfredo, who cooperated in documentation, among others (op. cit., 1: XXI-XXII). Although the compilation was carried out within the fold of the ministerial archives and library, the Marquis of Olivart also required the aid of Mariano Juderías Bender for the translation the *Colección*. The following schema represents the conceptual compilation process described by the collector:

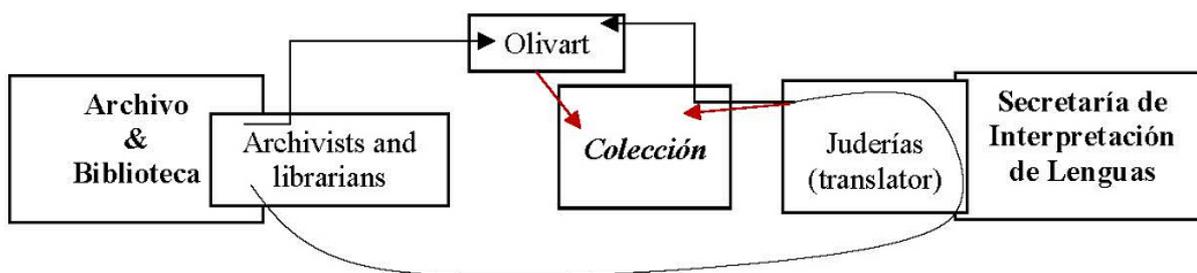


Figure 1: compilation process schema

Juderías was a versed translator from the *Secretaría* who could speak and translate several foreign languages such as German, French and English. Apart from the translations of Irving’s works (VILLORIA 1998: 212), he also translated into Spanish the *Historia de Cristóbal Colon y de sus viajes* (1885, 1863) written by the French Ameri-

¹³= “Only those [texts] appreciating the *duorum vel plurium in eodem consensus* will be considered, legally, and not only politically, speaking [...].

canist Roselly de Lorgues, as well as several studies of the British Whig historian Thomas Babington, such as *Estudios históricos* (1879), *Estudios biográficos* (1880), *Estudios críticos* (1880) or the four volumes of *Historia de la revolución de Inglaterra* (1905-1910). Because of his high profile and valued career in the *Secretaría*, his collaboration was crucial for this project. Juderías Bender was in charge of evaluating and revising the official translations archived in the Ministry. Additionally, the non-translated documents were also translated for the first time: “Al corregir juntos las pruebas de alguna traducción oficial desdichadísima, se ha escandalizado de semejante severidad mi amigo Bender, [...]. Únicamente se han hecho nuevas traducciones donde no ha sido posible encontrarlas oficiales, [...]”¹⁴ (OLIVART 1890-1906, 1: XXI).

Translation as a warranty of authenticity

Lepinette’s methodology (1997) consists of two models in order to analyse translation history: a) the sociological and cultural model (henceforth SCM) – which considers the social and cultural contexts of a translation and tries to explain the reasons, proceedings and reception in its time – and b) the historical and descriptive model (henceforth HDM) – which compares or contrasts metatextual aspects of the period such as decisions made by translators, concepts, its evolution as well as other works in space and time –. In words of Lepinette, her HDM is an adaptation of a translational framework by SWIGGER (1990) and his “architectonic” analysis of the linguistic object. Meanwhile, the SCM is close to meta-historiographical concepts and methods expressed by D’hulst and his goals for translation history (D’HULST 2010: 397-405). The SCM observes the object of study as a museum piece, isolated *in vitro*, without conceptual or philosophical reflections. The previous sections of this paper have briefly corresponded to this methodological model, where we have descriptively analysed the *Colección*.

On the contrary, the *in vivo* HDM begins by conceptualising collections as “crucial processes of Western identity formation” (CLIFFORD 1994: 220). This idea is reinforced by FRANK (1998: 13) who confirms that these processes are “memorable ways of transmitting culture within a country, or of transferring it internationally”. At this point, we should point out the historical functions of translation assigned by Delisle (2003), concretely the identity and democratic roles in this kind of works. Transla-

¹⁴ = When revising together the proofs of some really wretched official translation, my friend Bender was scandalised because of such severity, (...). New translations have been done when it has been impossible to find the official ones, (...).

tion acquires a historical function in these collections due to its contribution to national identity through the compilation, and a democratic function because of the dissemination of its contents.

Legal interest in translation evolved from the mid-nineteenth century (CHEVREL, D'HULST & LOMBEZ 2012: 108 sqq.) modifying professional conditions of translators and highlighting its value as connoisseurs to be considered (i. e. Juderías Bender, mentioned in cover pages of the *Colección*). Translation was conceived as a warranty of textual authenticity – to be trusted, to be transferred –: “Por esto, si se quiere hacer una colección verdaderamente *auténtica*, han de marcarse bien estas diferencias entre el texto y las versiones oficiales (...)” (OLIVART 1890-1906, 1: X)¹⁵. In this sense, double text treaties – language versions – were considered as *one* document or single legal act composed of two or more texts (op. cit., 1: XX), which equalised the value of translation with its source text by putting both of them on the same level as parts of a common instrument.

Textual warranty implies both legal and linguistic equivalence for this collection. The first one responds to a fictional belief of an equally legal accuracy of the compiled language versions based on the power of Law. However, the linguistic equivalence could have disrupted the previous one. When the Marquis of Olivart and Juderías evaluated the archived translations in order to include, improve or propose language versions, they indirectly revisited equivalence of these two natures.

This sort of manipulation was openly envisaged by Olivart (op. cit., 1: XXI) who applied a similar treatment to different language versions, modifying their original paratextual aspects – from the archives – in favour of the collective edition. Indeed, from a textual point of view, translations in the *Colección* can be classified into four categories: a) parallel versions, b) official translations, c) collector's translations and, finally, d) omitted translations.

Parallel versions

Parallel versions are bilingual or, to a lesser extent, multilingual texts comprising a single document without direct reference to translation. However, the closing paragraphs of these texts indicate duplicate issue versions of the parties: *hecho/fecho en duplicado* [ES], *done in/by duplicate, done in double* [EN], *fait en double, signé en double original* [FR], *in dopprio originale* [IT], *in doppelter Ausfertigung* [DE] or *feito em duplicado* [PT], among others. This kind of non-overtly recognised translations are typical for bilateral treaties and conventions, the Spanish version logically is one

¹⁵ = For this reason, if one wants to make a truly authentic collection, these differences between the text and the official versions must be clearly marked [...].

of them. They are supposed to have been written in parallel or translated from the text elaborated first, but there is no evidence of that. The versions are commonly organised in comparative columns with, the Spanish text on the left.

CONVENIO DE CORREOS
ENTRE ESPAÑA Y LA CONFEDERACIÓN SUIZA

FIRMADO EN BASILEA A 2 DE NOVIEMBRE DE 1850

Su Magestad la Reina de las Españas y el alto Consejo federal de la Confederación Suiza, deseando estrechar los vínculos de amistad que felizmente unen á los dos países, y queriendo arreglar sus comunicaciones de correos sobre bases más favorables á los intereses del público por medio de un convenio que asegure tan importante resultado, han nombrado al efecto por sus Plenipotenciarios á

Su Magestad la Reina de las Españas á *D. José de Nebiét*, Comendador de número de la Real y distinguida Orden de Carlos III y de la de Isabel la Católica, Caballero de la inclita Orden de San Juan de Jerusalem, y su Ministro Residente cerca de Su Magestad el Rey de los belgas;

Y el Alto Consejo federal á *Monsieur Benoit La Roche Stehelin*, Director General de Correos de la Confederación, que ha sido, y Comisario federal;

Los cuales, despues de haber canjeado sus plenos poderes, hallados en buena y debida forma han convenido en los artículos siguientes:

CANJE DE RATIFICACIONES en 3 de Enero de 1851.

Sa Majesté la Reine des Espagnes et le Haut Conseil fédéral de la Confédération Suisse, désirant resserrer les liens d'amitié qui unissent heureusement les deux pays et voulant régler leurs communications postales sur des bases plus favorables aux intérêts du public, au moyen d'une Convention qui assure cet important résultat, ont nommé à cet effet pour leurs Plénipotentiaires, savoir:

Sa Majesté la Reine des Espagnes, *D. José de Nebiét*, Commandeur de nombre de l'Ordre Royal et distingué de Charles III, et de celui de Isabelle la Catholique, Chevalier de l'Ordre de Saint Jean de Jerusalem et son Ministre Résident près de Sa Majesté le Roi des Belges;

Et le Haut Conseil fédéral *Mr. Benoit La-Roche Stehelin*, ancien Directeur Général des Postes de la Confédération, Commissaire fédéral;

Lesquels après avoir échangé leurs pleins-pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants:

Janer, 4º y 41. - Col. Leg, t. LIII, págs. 459 á 61. - Gaceta de Madrid de 10 de Marzo de 1851.

81
1850
2 Noviembre.
Suiza.

GRAN BRETAÑA

Convenio comercial.

Firmado en Madrid el 26 de Abril de 1886.

El Gobierno de Su Magestad la Reina Regente de España y el Gobierno de Su Magestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, deseando facilitar las relaciones mercantiles de sus respectivos países, han nombrado para este fin como sus Representantes:

El Gobierno de S. M. la Reina Regente de España al Excelentísimo *Sr. D. Segismundo Moret y Prendergast*, Ministro de Estado, etc;

El Gobierno de Su Magestad la Reina del Reino Unido de la Gran Bretaña é Irlanda á *Sir F. Clare Ford*, Enviado Extraordinario y Ministro Plenipotenciario de la Gran Bretaña en Madrid;

Quienes, debidamente autorizados por sus respectivos Gobiernos, han convenido en los siguientes artículos:

Artículo I. El Gobierno de Su Magestad la Reina Regente de España concede al Reino Unido de la Gran

CANJE DE RATIFICACIONES en Madrid autorizado por ley de 7 de Agosto de 1886.

The Government of Her Majesty the Queen Regent of Spain and the Queen of the United Kingdom of Great Britain and Ireland being desirous of facilitating the commercial relations of their respective countries, have named as their Representatives for that purpose:

The Government of Her Majesty the Queen Regent of Spain, His Excellency *Sr. D. Segismundo Moret y Prendergast*, Minister of State, etc;

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, *Sir F. Clare Ford*, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Madrid;

Who, being duly authorized by their respective Governments, have agreed upon the following articles:

Article I. The Government of Her Majesty the Queen Regent of Spain will grant to the United Kingdom

A. N. 322 a. - Blue Book Commercial, n.º 9, 1886. - Martens, N. R. G. 2.º XIII, 303. - Herzberg, XVII, 1021. - Colección legislativa, CXXXVII, 308. - Gaceta de Madrid de 6 de Agosto de 1886.

CLXIX
1886
26 Abril.
Gran
Bretaña.

Figure 2: parallel version samples¹⁶

Official translations

Official translations (*Traducción oficial*) are those recognised as such in the *Colección*. The source text is written in French and the official translation is in Spanish. The officiality of the translated texts comes from their publication in an official repository as the *Gaceta de Madrid* or the *Colección legislativa*. This category basically includes international conventions creating organisations or resolving controversies – i. e. the 1874 Treaty concerning the formation of a General Postal Union¹⁷ –. Some bilateral treaties are originally written in French, translations of which will be subsequently added – i. e. the 1868 Treaty of Commerce and Navigation between Spain and the North German Confederation¹⁸ –. These versions are organised horizontally,

¹⁶ The conventions in Figure 2 are 1850 Postal Convention between Spain and the Helvetic Confederation (op. cit., 2: 61) and 1886 Commercial Convention with the Great Britain (op. cit., 9: 133), respectively.

¹⁷ Op. cit. (7: 23-48).

¹⁸ Op. cit. (4: 420-429).

differing to the parallel ones: the original paragraph in French appears first and its translation into Spanish later.

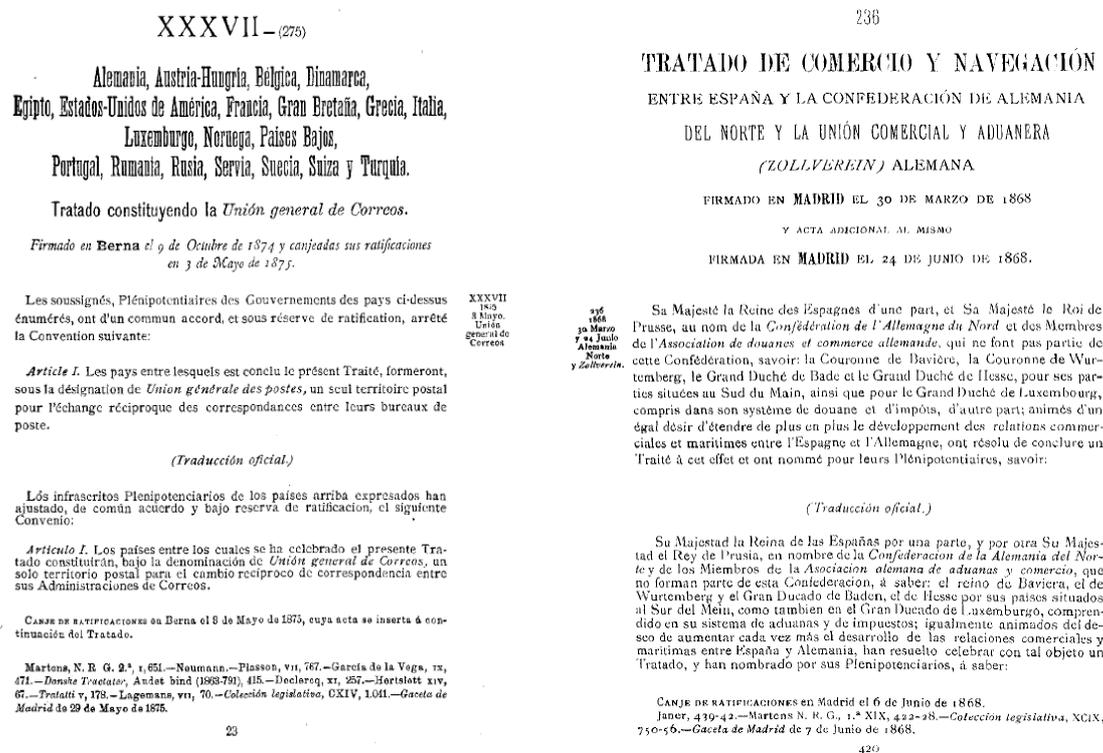


Figure 3: official translation samples

Collector's translations

Collector's translations (*Traducción del colector*) are the texts translated and added under the supervision of Olivart in order to offer a first Spanish version of an unpublished official document – i. e. the record the ratifications exchange to the Treaty concerning the formation of a General Postal Union¹⁹ or the first-time translation into Spanish of the 1882 attached declaration²⁰ relating to the 1869 Commerce Convention between Spain and Switzerland –. Textual organisation of these versions is similar to official translations:

¹⁹ Op. cit. (7: 38).

²⁰ Op. cit. (8: 261).

PROCÉS VERBAL D'ÉCHANGE DES RATIFICATIONS

Le délai pour l'échange des ratifications ayant été prorogé d'un commun accord, les soussignés, Plénipotentiaires des Gouvernements des Pays qui ont conclu à Berne, le 9 Octobre 1874, le Traité concernant la création d'une Union générale des postes, se sont réunis aujourd'hui à Berne pour procéder à l'échange des ratifications de ce Traité.

Le Plénipotentiaire du Gouvernement français, M. le comte d'Harcourt a déclaré que la France donne son adhésion au Traité sans approbation de l'Assemblée nationale et moyennant les conditions et réserves suivantes:

1^{re} Cette convention pourra n'entrer en vigueur, en ce qui concerne la France, qu'à partir du 1^{er} Janvier 1876;

2^o La bonification à payer pour le transit territorial sera réglée d'après le parcours réel;

3^o Il ne pourra être apporté aucune modification en ce qui touche les tarifs insérés dans le Traité du 9 Octobre 1874, si ce n'est à l'unanimité des voix des pays de l'Union représentés au Congrès.

En vertu des pouvoirs spéciaux qui leur ont été donnés à cet effet et qu'ils se sont communiqués, les Plénipotentiaires soussignés ont déclaré au nom de leurs Gouvernements respectifs, consentir les conditions et réserves nos 1 et 2 ci-dessus.

La réserve sous no 2 a également été consentie, avec la rédaction suivante, proposée par le Gouvernement russe, et à laquelle M. le comte d'Harcourt, au nom de Gouvernement français, a déclaré se rallier:

"2^o La bonification à payer pour le transit territorial sera réglée d'après le par-

AUTA DE CANJE DE RATIFICACIONES

(Traducción del colector) (1).

Habiendo sido prorrogado de común acuerdo el plazo convenido para el canje de ratificaciones, los abajo suscritos Plenipotenciarios de los Gobiernos de los países que firmaron en Berna el 9 de Octubre de 1874 el Tratado concerniente á la creación de una Unión general de Correos, se han reunido hoy, día de la fecha, en Berna, para proceder al canje de ratificaciones de dicho Tratado.

El Plenipotenciario del Gobierno francés, el Sr. Conde d'Harcourt, ha declarado que la Francia se adhiere á dicho Tratado sin perjuicio de la aprobación de la Asamblea nacional, sujeta á las condiciones y reservas siguientes:

1.^o Este Tratado podrá no entrar en vigor, en lo que concierne á la Francia, hasta 1.^o de Enero de 1876.

2.^o El aumento que haya de pagarse por el tránsito territorial se ajustará al trayecto efectivo.

3.^o No podrá hacerse modificación alguna en las tarifas incluidas en el Tratado de 9 de Octubre de 1874, á no ser por unanimidad de votos de los países de la Unión representados en el Congreso.

En virtud de los poderes especiales que les han sido otorgados é este efecto, y que se han comunicado recíprocamente, los Plenipotenciarios infrascritos han declarado, en nombre de sus Gobiernos respectivos, quedan aceptadas las condiciones y reservas anteriores 1.^o y 2.^o.

La reserva 2.^o ha sido igualmente aceptada en la fórmula siguiente, propuesta por el Gobierno ruso, y á la cual también se ha concurrido, en nombre del Gobierno francés, el Sr. Conde d'Harcourt.

2.^o El aumento que ha de pagarse por el tránsito territorial se ajustará al trayecto efec-

(1) En la Oficina y la Colección legislativa se sustituye á este documento una nota remitiendo los términos de la soberanía de Francia, indicamos, imprimiéndolos en cursiva, las palabras incluidas en dicha advertencia.

Figure 4: collector's translation sample

Omitted translations

The last proposed category refers to the intentionally omitted translations. Usually, both versions are recognised in the text itself: "(...) se firmarán y sellarán cuatro originales de él en los idiomas español y árabe (...)"²¹ (op. cit., 3: 157-158); even in the notes added by the Marquis of Olivart. For example, the first note of the 1864 Treaty of Friendship, Commerce and Navigation between Spain and China says: "En español y en chino"²² (op. cit., 4: 404), although the document is exclusively compiled in Spanish. On other occasions, a note advises of the omission of a language version because of typographic difficulties: "No insertamos, por las dificultades tipográficas, el texto chino"²³ (op. cit., 7: 247). For that reason, the Spanish or French versions are attached:

²¹ = (...) four originals [of the treaty] will be signed and stamped in Spanish and Arabic; (...).

²² = In Spanish and Chinese.

²³ = We do not insert, because of typographic difficulties, the Chinese text.

TRATADO	CHINA
DE AMISTAD, COMERCIO Y NAVEGACIÓN	Convenio relativo á la <i>emigración</i>
ENTRE ESPAÑA Y CHINA	de sus súbditos á Cuba.
FIRMADO EN TIEN-TSIN EL 10 DE OCTUBRE DE 1864.	Firmado en Pekín á 17 de Noviembre de 1877.
Y PUBLICADO EN 15 DE FEBRERO DE 1868.	
<p>131 1868 15 Febrero China.</p> <p>Su Majestad la Reina de las Españas y Su Majestad el Emperador de la China, queriendo fijar sobre (a) bases sólidas por medio de un Tratado solemne las relaciones de amistad y comercio que existen hace largo tiempo entre el Reino de las Españas y el Imperio chino, han nombrado por sus Plenipotenciarios, á saber:</p>	<p>LXV 1877 17 Noviem. China.</p> <p>Sa Majesté le Roi d'Espagne et Sa Majesté l'Empereur de la Chine, desirant établir sur de nouvelles bases l'émigration des sujets chinois à l'île de Cuba et éviter toute complication qui pourrait surgir à l'avenir, ont nommé pour leurs Plénipotentiaires respectifs, savoir:</p>
<p>Su Majestad la Reina de las Españas á Don <i>Sinibaldo de Mas</i>, Gran Cruz de la Real Orden americana de Isabel la Católica, su Enviado extraordinario y Ministro plenipotenciario;</p>	<p>Sa Majesté le Roi d'Espagne, don <i>Carlos Antonio de España</i>, son Ministre Plénipotentiaire en Chine, Annam et Siam, Grand Croix de l'Ordre Royale d'Isabelle la Catholique, Chevalier des Ordres de Saint Jean de Jérusalem et du Lion Néerlandais, etc.</p>
<p>Y Su Majestad el Emperador de la China: á <i>Shie</i>, Comisario Imperial, condecorado con la insignia del primer grado, miembro del Ministerio de Negocios extranjeros, y á <i>Tehung</i>, Consejero de Estado en el Ministerio de la Guerra, Superintendente de los tres puertos comerciales del Norte y Comisario Imperial;</p>	<p>Et Sa Majesté l'Empereur de la Chine, leurs Excellences <i>Shên, Mao, Tung, Ch'eng et Hsia</i>, Membres du Tsung-li-Yamen, lesquels ont convenu ce qui suit:</p>
<p>Los cuales, despues de haber canjeado sus plenos poderes respectivos, hallados en buena y debida forma, han convenido en los artículos siguientes:</p>	<p>Et Sa Majesté l'Empereur de la Chine á sus Excelencias <i>Shên, Mao, Tung, Ch'eng y Hsia</i>, Miembros del Tsung-li-Yamen, los cuales han convenido en lo siguiente:</p>
<p><i>Artículo I.</i> Continuará existiendo constante paz y amistad entre Su Majestad la Reina de las Españas y Su Majestad el Emperador de la China, cuyos respectivos súbditos gozarán tambien en los dominios de las Altas Partes contratantes de la más completa y decidida protección respecto de sus personas y propiedades.</p>	<p><i>Article I.</i> Les Hautes Parties contractantes par les présentes, conviennent qu'à l'avenir l'émigration par</p>
<p>En español y en chino.</p>	<p><i>Article I.</i> Les Hautes Parties contractantes conviennent que, en lo sucesivo, la emigración por contrato de</p>
<p>FIRMADO POR S. M. LA Reina el 15 de Mayo de 1866, en virtud de la Ley de 14 de Mayo de 1866.—No constan en las colecciones oficiales la fecha ni el lugar del canje, y fué publicado el 15 de Febrero de 1868.</p>	<p>Collección Legislativa, cxxvii, 1716.—Gaceta de 81 de Mayo de 1870.</p>
<p>Jener, 365-7.—<i>Colección legislativa</i>, XCIX, 146-157.—<i>Gaceta de Madrid</i> de 15 de Febrero de 1868.</p> <p>No se publicaron ni el Arancel ni los reglamentos comerciales; si nos es posible los daremos como apéndice en el tomo siguiente.</p> <p>(a) <i>Colección y Gaceta</i>, bajo.</p>	<p>CASER DE RATIFICACIONES EN PEKIN EL 6 DE DICIEMBRE DE 1877.</p> <p>No insertamos, por las dificultades tipográficas, el texto chino.</p>
404	247

Figure 5: omitted translation samples with marking.

Textual organisation as a criterion for the classification of translation

The textual organisation designed by Olivart is founded on a translational perspective – there is a textual hierarchy, for example, in official translations –, otherwise all the language versions could have been reproduced in the same way just attending to legal equivalence. This remains into the background of the *Colección*, because legal texts cannot be questionable in a legality system, which is based on a “fictional” and “invisible” agreement between the parties. This sort of legal textuality corresponds to the legal communicational theory developed by Robles (1998, 2006, 2015), who considers Law as a Text. This point of the discussion raises the following question: have translational perspective here revised by Olivart and Juderías disrupted legal equivalence of the documents? This question makes us reflect on both equivalences (legal and linguistic) as connected but focused on different realities: legal equivalence arises from legal acts and not properly from language versions, some of them latterly proposed or reviewed to be compiled. This equivalence represents an invisible shell for the linguistic and textual core (language versions, translations), revisited *ad hoc* with a clear purpose of avoiding possible misinterpretations or improving archived texts without questioning the previous legal value.

This translational consideration – made possible via the incorporation of indexed language versions – was scarcely applied in such evident and direct way in this period. International legal collections were commonly written and compiled in French, the *lingua franca* of diplomacy. Olivart introduced this issue referring to the vast *Recueil* of C. Martens & Cussy (1846-1857), who only compiled French versions neglecting other language or national texts. The mentioned Hartslet (1827-1850), Neumann (1855), Clerq (1864, 1880) or Cantillo (1843) offered monolingual works, without any linguistic or textual “warranty” by comparing them to other language versions. Differences aside, there is a work close to the *Colección* in time and purpose: the *Recueil des traités et conventions conclus par la Russie avec les puissances étrangères*, compiled by Frédéric Fromhold de Martens (also Fiódor Martens, Фёдор Мартенс) from 1875 to 1909. Martens was a Russian jurist and diplomat who published a total of fifteen volumes of treaties and conventions held by Russia with other European powers. This collection, mainly written in French, included detailed introductions and texts of conventions and treaties in parallel in the languages of the contracting parties. Martens justified his work because of an imperative need for the “official and private spheres” of the empire (F. F. MARTENS 1875-1909, 1: v): “La présent publication est destinée à combler une lacune qui, depuis longtemps, se faisait sentir dans les sphères officielles et privées”²⁴. This *Recueil* exhibits the same academic and functionalist purpose of the *Colección*: “le désir de faciliter autant que possible l’étude et l’accomplissement des obligations internationales”²⁵ (F. F. MARTENS 1875-1909, 1: v), also enclosing language versions in parallel with the Russian text. Although translation is not directly mentioned in Marten’s preface, the incorporation of both language versions reveals the said necessity of legal warranty for those “spheres”.

To finish our discussion, we must point out that the organisation and methodology of the Russian collection clearly differed from the Spanish: F. F. Martens compiled paying attention to geographical criteria, while Olivart followed a chronological order: F. F. Martens dedicated volumes 1-4 to Austria, 5-8 to Prussia and Germany, 9-12 to England and, finally, 13-15 to France. Although the thematic compactness of the four different thematical volumes is impressive, we must point out a methodological disadvantage regarding the possibility of incorporating new treaties or conventions to previous volumes. Furthermore, F. F. Martens only focused on bilateral relations and did not mention any kind of revision or translation process; in contrast to

²⁴ = This publication is intended to fill a long-standing gap in the official and private spheres.

²⁵ = the desire to facilitate as much as possible the study and implementation of international obligations.

Olivart, who kept a higher international vision compiling bilateral and multilateral treaties and highlighting translation as the main novelty of his *Colección* compared to others.

Conclusion

Translation history, as a diachronic branch of Translatology, sheds light on the construction – and reconstruction – of cultural and social narrations. The *Colección* reflects the Spanish contribution to the called *Law of the Nations* during the nineteenth century until the beginnings of the twentieth. However, this paper has focused on a study from a translational perspective considering translation as the essential angle of the compilation project.

The *Colección* represents an extraordinary translational framework to contextualise legal institutional translations in one of the most turbulent periods of contemporary Spanish history. This international legal index does not only reflect the international relations and diplomatic inclinations of the Spanish governments evolved from the reign of Isabella II to her grandchild Alphonse XIII, but the evident jurisconsult necessities that motivated the compilation itself. Inspired by other European legal *recueils*, Olivart developed an original project where language versions (translations) acquired a new dimension. The efforts of the Marquis were directed towards the incorporation of foreign language versions next to the Spanish texts – by reviewing, improving or proposing translations. Olivart abandoned writing historical-critical notes, which are only included in one volume attached to tomes I and II. The collector preferred to invest his time and resources in recovering and displaying the language versions of international documents. In this sense, we also consider that the role of the translator represented by Juderías Bender was particularly highlighted in the compilation process carried out in the Ministry. Likewise, the translations collected by Olivart in the ministerial archives from 1890 to 1912 reveal the intense translational activity of the *Secretaría de Interpretación de Lenguas* as an historical institution that began with the modern Hispanic Monarchy administration.

If the main contribution of the *Colección* or advantage in comparison to other international legal collections was to include language versions, translation had to become crucial in the compilation process. Recognising translation as an evident stage of international law proceedings should be considered of as a novelty for said period. The classification here proposed – parallel versions, official translations, collector's translations and omitted translations – arises from the concerns of Olivart about language version equivalence and how he decided to represent and display these texts. If legal

equivalence was formally and commonly assumed, the inherent and subordinated linguistic equivalence was questioned. In this regard, we have observed that Olivart conceived the textuality of Law as a linguistic reality where translations became an essential part of the international document. Nevertheless, translation was also part of the compilation process for a better legal understanding of the international document in the strict sense. In other words, Olivart indirectly equalised the legal shield of language versions to linguistic equivalence, through translation, when advertising of possible misinterpretations. For example, we see that parallel versions – the most common type – are closer to the notion of legal equivalence in comparison to the official or the collector's translations, which clearly distinguish source and target texts prioritising the linguistic equivalence through a hierarchical textual representation (figures 3 and 4). In this type of translations, we see that French was the diplomatic *lingua franca* of the period. This language was not only the *de facto* language version for “exotic” language treaties or conventions, but it was the preferred language of other multilingual states in the diplomatic relations with Spain such as the kingdom of Belgium (to the detriment of Dutch) or the Swiss confederation (instead of German or Italian). In the same way, there is no reference to any of the current co-official Spanish languages (Basque, Catalan or Galician) in the whole collection. Furthermore, multinational documents constituting unions and international organisations were written in French as the official version of the document, whose subsequent translations into Spanish were included by Olivart.

In quantitative terms, collector's and omitted translations are rare in the volumes, but they were conceived by Olivart as a remedy for certain circumstances such as the lack of a Spanish version of some international documents or the technical difficulties when reproducing a particular foreign language version. If collector's translations responded to an absence of information and contributed to the *Colección* by adding new texts, the omission of existing translation harmed the original purpose of this legal project and reduce its scope.

This study has introduced a possible line of research for translation history in the context of Spanish diplomacy in the nineteenth to twentieth centuries by applying Lepinette's model, taking into consideration the reduced framework that this paper applies. The next step of our research will shift focus from the macro text to the micro texts by comparing and analysing translations, since “little is known about the various translational strategies and techniques used through the ages in translating legal texts” (LAVIGNE 2006: 158), concentrating on the study of language combina-

tions, the translation techniques or the specialised fields of knowledge —Commerce, Telegraph, Defence—, among others.

References

Primary sources

ABREU Y BERTODANO, Joseph Antonio (1740-1752): *Colección de los Tratados de Paz, alianzas, neutralidad, garantía, protección, tregua, mediación, accesión, reglamento de límites, comercio, navegación (...) hechos por los pueblos, reyes y príncipes de España con los Pueblos, Reyes, Principes, Republicas, y demás Potencias de Europa, y otras Partes del Mundo... : desde antes del establecimiento de la monarchia gothica, hasta el feliz reynado del Rey N. S. D. Phelipe V, en la qual se comprehenden otros muchos actos publicos, y reales concernientes al mismo asunto... / fielmente sacados de los Originales, ò Copias Autenticas... ; traducidos en Castellano los que se hicieron en otros Idiomas.* 12 vols. Madrid, print. from the third volume by Juan de Zúñiga, Antonio Marin, y la Viuda de Peralta.

CANTILLO, Antonio (1843): *Tratados, convenios y declaraciones de paz y de comercio que han hecho con las potencias extranjeras los monarcas españoles de la casa de Borbón desde el año 1700 hasta 1843 con la historia de sus negociaciones.* Madrid, Imprenta de Alegría y Charlain.

CONGRESO DE LOS DIPUTADOS: *Histórico de Diputados 1810-1977, Dalmau y Olivart.* http://www.congreso.es/portal/page/portal/Congreso/Congreso/Iniciativas?_piref73_2148295_73_1335437_1335437.next_page=/wc/servidorCGI&CMD=VERLST&BASE=DIPH&FMT=DIPHXLSS.fmt&DOCS=1-100&DOCORDER=FIFO&OPDEF=Y&QUERY=%2830020.NDIP.%29 (25.07.2019)

CLERCQ, Alexandre de (1864, 1880): *Recueil des traités de la France. Tome 1. Publié sous les auspices du Ministère des affaiores étrangères par M. Jules de Clerq.* Paris: A. Durand et Pedone-Lauriel.

HERTSLET, Lewis (1827-1850): *A Complete collection of the treaties and conventions, and reciprocal regulations, at present subsisting between Great Britain and foreign powers and of the laws, decrees, and orders in council, concerning the same; so far as they relate to commerce and navigation,* 8 vols. London: Henry Butterworth.

JANER, Florencio (1869): *Tratados de España: documentos internacionales del reinado de doña Isabel II desde 1842 á 1868.* Madrid, Imprenta de Miguel Ginesta.

JUDERÍAS BENDER, Mariano (transl.) (1858, 1863): *Historia de Cristóbal Colón y de sus viajes* (2 vols.). Cádiz: Eduardo Gautier, Imprenta de la Revista Médica. [ROSSELLY DE LOGUES, Antoine François-Felix, (1856): *Christophe Colomb. Histoire de sa vie et de ses voyages* (2 vols.). Paris: Didier & C^{ie}.].

————— (1879): *Estudios históricos por Lord Macaulay*. Madrid: Imprenta central a cargo de Víctor Saiz.

————— (1880): *Estudios biográficos por Lord Macaulay*. Madrid: Imprenta central a cargo de Víctor Saiz.

————— (1880): *Estudios críticos por Lord Macaulay*. Madrid: Imprenta central a cargo de Víctor Saiz.

————— (1905-1910): *Historia de la revolución de Inglaterra por Lord Macaulay*. Madrid: Libería de los Sucesores de Hernando.

MARTENS, Georg Friedrich von (1791-1801): *Recueil des principaux traités d'alliance, de paix, de trêve, de neutralité, de commerce, de limites, d'échange, etc. conclus par les puissances de l'Europe tant entre elles qu'avec les puissances et états dans d'autres parties du monde depuis 1761 jusqu'à présent*, 7 vols. Göttingen: Jean Chrétien Dieterich.

MARTENS, Charles de; CUSSY, Ferdinand de Cornot (baron de) (1846-1857): *Recueil manuel et pratique de traités, conventions et autres actes diplomatiques*. 8 vols. Leipzig: F. A. Brockhaus.

MARTENS, Friedrich Fromhold de (1874-1906): *Recueil des traités et conventions conclus par la Russie avec les puissances étrangères / Собрание Трактатов и Конвенций, заключенных Россией с иностранными державами*. 15 vols. St. Petersburg: Imprimerie du Ministère des Voies de Communication (A. Böhnke et al).

NEUMANN, Leopold (1855): *Recueil des traités et conventions conclus par l'Autriche avec les puissances étrangères depuis 1763 jusqu'à nos jours. Tome 1^{er}*. Leipzig : F. A. Brockhaus.

Secondary sources

BLANC ALTEMIR, Antonio (1999): *El Marqués de Olivart y el Derecho Internacional (1861-1928)*. Edicions Universitat de Lleida.

————— (2000): *El Marquès d'Olivart i el dret internacional (1861-1928): societat internacional i aportació científica*. Lérida: Institut d'Estudis Ilerdecns.

CÁCERES WÜRSIG, Ingrid (2006): *La traducción en España en el ámbito de las relaciones internacionales con especial referencias a las naciones y lenguas germánicas*. Madrid: Universidad Complutense.

————— (2010): "Breve historia de la secretaría de interpretación de lenguas", *Meta—Journal des traducteurs*, 49:3, 609-628. DOI: [10.7202/009381ar](https://doi.org/10.7202/009381ar)

CÁNOVAS DEL CASTILLO, Juan Antonio (ed.) (1978): *La Restauración monárquica de 1875 y la España de la Restauración*. San Lorenzo del Escorial: Biblioteca "La Ciudad de Dios".

- CAPELLA, José Ramón / GAZOLINI, Jorge / OSTBERG, Gabriela (transl.) (1969): *España 1808-1939*. Espluges de Llobregat: Ariel [CARR, Raymond, (1969): *Spain 1808-1939*. London: Oxford University Press].
- CHEVREL, Yves; D'HULST, Lieven & LOMBEZ, Christine (dirs.) (2012): *Histoire des traductions en langue française – XIXe siècle (1815-1914)*. Lagrasse: Éditions Verdier.
- CLIFFORD, James (1994): *The Predicament of Culture*. Cambridge, MA/London: Harvard University Press.
- DELISLE, Jean (2003): "L'Histoire de la traduction. Son importance en traductologie, son enseignement au moyen d'un didacticiel multimédia et multilingue". *FORUM*, 1 (2), 1-16. DOI: 10.1075/forum.1.2.01del
- D'HULST, Lieven (2010): "Translation History". In: GAMBIER, Y.; DOORSLAER, L. von (eds.) *Handbook of Translation Studies*, vol. 1, 397-405. Amsterdam: John Benjamins. DOI: 10.1075/hts.1.tra5
- ; GERWEN, Heleen van (2018): "Translation space in nineteenth-century Belgium: rethinking translation and transfer directions", *Perspectives – Studies in Translation Theory and Practice*, 26 (4), 495-508. DOI: 10.1080/0907676X.2017.1402940
- DULLION, Valérie (2018): "Legal history". In: D'HULST, L. and GAMBIER, Y. (eds.) *A History of Modern Translation Knowledge. Sources, concepts, effects*, 397-400. Amsterdam: John Benjamins. DOI: 10.1075/btl.142.55dul
- ESPADAS BURGOS, Manuel (1990): *Alfonso XII y los orígenes de las Restauración*. Madrid: Consejo Superior de Investigaciones Científicas.
- FRANK, Armin Paul (1998): "Anthologies of translation". In: BAKER, M. (ed.) *Encyclopedia of Translation Studies*, 13–16. London: Routledge.
- GRAN ENCIPLOPÈDIA CATALANA (n.y.): Ramon de Dalmau i d'Olivart. <https://www.enciclopedia.cat/ec-gec-0021321.xml> (22.10.2019).
- HEILBRON, Johan (2010): "Translation as a cultural world system", *Perspectives: Studies in Translatology*, 8:1, 9-26. DOI: 10.1080/0907676X.2000.9961369
- LAVIGNE, Claire-Hélène (2006): "Literalness and Legal Translation: Myth and False Premises". In: BASTIN, G. L. and BANDIA, P. F. (eds.): *Charting the Future of Translation Studies*. University of Ottawa Press: 145-162.
- LEPINETTE, Brigitte (1997). *La Historia de la Traducción. Metodología. Apuntes Bibliográficos*. Lynx, Documentos de trabajo, vol. 14. Valencia: Centro de Estudios sobre Comunicación Interlingüística e Intercultural.
- MONTERO, Feliciano (1990): "La Restauración". In: MARTÍNEZ DE VELASCO, Ángel *et al.* *Manual de Historia de España – 5. Siglo XIX*. Madrid: Historia 16.
- OLIVART, Marqués de (1890-1906): *Colección de los Tratados, Convenios y Documentos Internacionales celebrados por nuestros Gobiernos con los Estados*

extranjeros desde el reinado de Doña Isabel II hasta nuestros días. Acompañados de notas histórico-críticas sobre su negociación y cumplimiento, y cotejados con los textos originales. 13 vols. Madrid: El Progreso Editorial.

————— (1911): “Colección de los Tratados, Convenios y Documentos Internacionales concluidos o ratificados por nuestros Gobiernos con los Estados extranjeros en los tres primeros años de la mayoría de Don Alfonso XIII”. Volume XIV. *Revista de Derecho Internacional y Política Exterior*. Biblioteca de Derecho internacional y Ciencias auxiliares. Madrid: 1911, 427 pp.

ROBLES MORCHÓN, Gregorio (1996): “El Derecho como texto: en torno a la fundamentación de una teoría comunicacional del Derecho”. *Persona y derecho: Revista de fundamentación de las Instituciones Jurídicas y de Derechos Humanos*, 35, 195-226.

————— (2006): *Teoría del Derecho fundamentos de Teoría comunicacional del Derecho. Volumen I*. Madrid: Civitas.

————— (2015): *Teoría del Derecho fundamentos de Teoría comunicacional del Derecho. Volumen II*. Madrid: Civitas.

SWIGGERS, Pierre (1990): “Histoire et historiography de l’enseignement du français : modèles, objets et analyses”. *Études de Linguistique Appliquée*, 78, 27-47.

TUÑÓN DE LARA, Manuel (1974): *La España del siglo XIX*. Barcelona: Laia.

VILLORIA PRIETO, Javier (1998): “Mariano Juderías Bender, traductor de Washington Irving”, *Livius*, 11, 211-223.