IDEOLOGY IN THE TRANSLATION OF LEGAL TREATIES

A THESIS IN TRANSLATION AND INTERPRETING

(ENGLISH/ARABIC/ENGLISH)

By

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Abstract

The British Colonial Era produced a number of international treaties, such as the 1820 General Treaty of Peace with the Arab Tribes. The treaty produced in English was translated into Arabic three times. This study analyzes the differing discourses between the three translations in order to uncover the influences that played a role in the production of the translation. The study analyzes differences in skopos, word choice, and sentence structure in order to uncover the influences. This study demonstrates, despite the common assumption that legal translations are literal, that legal treaties may be translated differently depending on the context and cause of its translation. The study concludes that significant differences in the goals of the translation can result in significant differences in the discourses between the three translations.

Search Terms: *Discourse, Translation, British Empire, Colonialism, Legal*

Translation, International Treaties, Discourse Analysis, Critical Discourse Analysis.

Acknowledgements and Dedication

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CHAPTER ONE

Introduction

The British Colonial Empire between 16th and 19th centuries was marked by its ability to control trade routes around the world. Among those trade routes was the sea route between India and Basra in the Ottoman Empire. Along this route were ports dominated by a merchant family known as the Qawasim. This merchant family, through their economic control, presented themselves as a rival to the British East India Company in this route.

The British East India Company took up the task of lobbying the British government to attack what it called 'Pirates' it had faced in the region. The British navy attacked in the winter of 1819 the town of Ras Al Khaimah, which the Qawasim was based in. Other port towns controlled by the Qawasim were also attacked, and thus the natives were defeated by the invading army. The town was destroyed, and the leaders of the Qawasim were forced to sign a treaty known as the General Treaty of Peace in January of 1820.

The study undertaken in this thesis takes a new look at the treaty, through an analysis of the text of the treaty and the political and economic context surrounding the treaty. The text of the treaty contains a source text in English, and three translations, one of which was produced in 1820 for the signatories to read and sign, and two translations produced in 2004 and 2006 by researchers.

The main issues analyzed by this study include the differences between the translations themselves, the analysis on the contexts in terms of historiography, and the possible goals of the translations produced, along with the systemic-functional grammatical framework which aided the analysis of the discourse.

The study demonstrates that translations are influenced by differences in goals and contexts, specifically in the difference between the original translation produced in 1820 and the contemporary translations. These differences were visible due to the differing aims, where the 1820 translation was a part of the actual treaty that was signed, and the contemporary translations were done for historiography and scholarly reasons. Other differences pointed out were structures that existed in the 1820 translations that were not reproduced in the contemporary translations.

The thesis presented in the following chapters will be structured as follows: Chapter Two will deal with Translation Studies as a scholarly field, focusing on its

development from a isolated field focusing on anything remotely related to the field of translation into a well-rounded field of study focusing on communicative practices undertaken in the act of translation, its influences on society in terms of culture and politics, and the influences of the socio-cultural context upon the act of translation. The Descriptive Translation Studies approach is discussed and used as a general outline of the methodology to be used in the study.

Chapter Three will discuss the descriptive framework provided by Systemic-Functional Linguistics. The multilayered meanings, called metafunctions, that are produced in texts will be reviewed in detail. Various applications of systemic-functional linguistics will be reviewed, with a focus on discourse analysis and the critical dimension of discourse analysis.

Chapter Four reviews research literature dealing with ideology and its manifestations in texts. The review is conducted in the form of a series of case studies. In various studies, ideology is shown to be influenced by shifts in registers, changes in general discourse, and potentially unintentional shifts caused during translation. In another series of studies, intertextuality analysis and critical discourse analysis are shown to uncover ideologies, while changes in discourses across time uncover changes in the ideologies. Ideologies are also shown to influence acts of translations, especially when the ideology is dominant in the target culture, therefore potentially subjecting the translation to significant changes as shown in South Korean media texts and political speeches of a former Tunisian president.

Chapter Five takes a general review of the historical situation which brought about the signing of the General Treaty of Peace in January of 1820, with a review of the history of the Qawasim merchant family, the destruction of Ras Al Khaimah, and the beginning of British control of the region. A short review of the historical texts dealing with the region is conducted in order to reflect upon the "piracy" label given to the natives of the region. Later, a review of the development of jurisprudence that posed as a legal foregrounding of colonial era legal treaties was conducted. A short biography of the translator who accompanied the British navy in 1819–1820 is given. Following that, a review of post-colonial translation studies is given, particularly relating to the influence of Edward Said's *Orientalism* and Tejaswini Niranjana's *Siting Translation*, where they refer to the influence of orientalists as being the

authoritative translators and depicters of the colonized societies.

Chapter Six collates all the previous chapters into an analysis of the text under consideration. First, the study analyzed the Skopos and Audience of the three separate translations, noting that the 1820 translation was produced as a part of a legal treaty that was to be presented to the signatories, while the contemporary translations were sited within reference texts discussing the history of the British Empire in the region. The second section of the study analyzed the lexicogrammatical elements of the text such as word choice in how words such as *plunder* and *piracy* were translated in the texts, and grammatical structure in terms of the differences of the thematic structure in the translations. The following section also takes into consideration the explicitations and deletions that are observed in the source text and the three translations. The final section of the analysis reflects on the discursive differences between the translations in terms of the Interpersonal meanings and the Implicatures that exist in the texts.

CHAPTER TWO

Translation Studies

2.1 Introducing Translation Studies

Translation studies began as a scholarly pursuit to study the transfer of knowledge and culture across languages. Many earlier studies focused on studying "faithfulness" of the translation to the source text and were described by Munday (2008:110) as "isolated free-standing studies", however Schäffner (2004:136) points out that this is not the case anymore, "the notion of 'equivalence' is almost a 'dirty' word now". Contemporary translation studies focuses on "social, cultural, and communicative practices, on the cultural and ideological significance of translating and of translations, on the external politics of translation, on the relationship between translation behaviour and socio-cultural factors" (2004: 136). Indeed, it is important to conduct well-rounded studies on translation in order to observe its influence on societies, their cultures, and, of course, their politics.

2.2 Descriptive Translation Studies

A solution for the Translation Studies field had to be developed in order for it to expand from its initial phase of being a collection of "isolated free-standing studies" (Munday 2008:110). Gideon Toury developed an empirical methodology to be used in Translation Studies in order to describe and analyze the differences between source texts and target texts, and to observe patterns in the translation of the text (Munday 2008:110, Hatim & Munday 2004:338). This methodology became a branch of Translation Studies known as Descriptive Translation Studies.

Munday (2008:111) summarizes Toury's three-step methodology:

1. Situate the text within the target culture system, and observe its significance and acceptability in that target culture.
2. Compare the source text (ST) and target text (TT) for shifts in meaning, identifying relationships and patterns between segments in ST and TT.
3. Reconstruct the process of translation for the segments identified in Step 2.

Although Descriptive Translation Studies (DTS) began in the 1980s as a rigid and inflexible methodology, this was changed in 1995 when Toury reformulated the methodology "in favour of a more flexible 'ad-hoc' approach to the selection of

features, dependent on the characteristics of the specific texts under consideration" (Hatim & Munday 2004:32). This flexibility allowed researchers to expand their potential approaches to translation, rather than focusing on minor shifts such as errors and losses.

Toury demonstrated his newly reformulated methodology in a study of binomials and conjoined phrases as they appear in the source text the shift they undergo in translation into Hebrew (Toury 1995:105). He concluded from his study of translation of children's literature that binomials were inserted into the target text in order to allow the reader to perceive the text's language as a prestigious style of language. The reason Toury studied this particular form of binomials was because of the text type being that of old children's literature. In another study, Toury presents a historiography of the translations of Shakespeare's sonnets from English into Hebrew where he observes shifts in the rhyme structures (Toury 1995:115-125). In this example like the earlier example, Toury cites the text-type as a reason to choose the differences in rhyme structures as opposed to any other form of shifts. In the case of another study by Toury (1995: 115-125), he presents a historiography of translations of Shakespearean sonnets from English into Hebrew, and analyzes the differences between them, specifically observing their rhyme structures.

2.3 Reformulation of the DTS Methodology

The reformulation of Toury's DTS methodology in 1995 allows the methodology to be used as a guide for further adaptation for use in the study of translation. Using the three basic steps of the DTS methodology, the translations of a treaty, which was signed in 1820 by representatives of the British Government and prominent members of Arab tribes in the Gulf at the time, will be described and analyzed. In the following section, I will detail how I will use the three steps to analyze the text.

2.3.1 Situating the Text in the Target Culture

A historical sketch of the geopolitical and economic context which gave rise to the production of the text, such as the competition between the British East India Company, then the attack on Ras Al Khaimah which was ended by the 1820 General

Treaty.

The wider context of British colonialism will be reviewed, along with Post-Colonial Studies, especially the sub-field that focuses on the topic of translation, such as Niranjana (1992). These will form a basis for the analysis of the original translation of the treaty that was concluded in 1820, along with the history of the translator and his role in the translation of the document.

Two other translations will be analyzed in a similar manner, using Skopos theory in comparison with the earlier translation, in order to analyze the difference in goals and context. The reason behind this is that the theory views translation process as an activity governed by the aim, *skopos*, of the translation (Vermeer 2004:227-230, originally published in 1989). The translation is influenced directly by the client who commissions the translation. The act of commissioning the translation governs three things, which Vermeer states must be specified to the translator:

1. The translation process, and the goal of the process.
2. The translation result, and the function of the target text.
3. The translation mode, and the intention of the mode.

As Vermeer (2004:237) states, "the *skopos* can also help to determine whether the source text needs to be 'translated', 'paraphrased' or completely 're-edited'." Examples of this will be seen in the analysis of the translations, where the various translations experienced varying degrees of changes through explicitation and deletion.

An important aspect which has been highlighted by Hatim & Mason (1997:83, 148, 162) is "audience design", which differentiates the audience between four categories (addressees, auditors, overhearers, eavesdroppers). They argue that it is an important component for *skopos* along with the translation task briefing, citing an example of a translation of Ayatollah Khomeini's speech to instructors and students in Iranian seminaries (who are in this case addressees, because they are known to the speaker and participants in the speech event), which was produced for the BBC Monitoring Service. The translation discussed would be described as a *foreignizing* translation as per Lawrence Venuti's (1995) dichotomy of *domestication and foreignization*. The translator would have undertaken the strategy of maintaining a *foreignizing* translation because of the BBC Monitoring Service being the audience

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receiving the source text and therefore would require a "close representation of what the source text producer actually said" (Hatim & Mason 1997:162).

2.3.2 Comparison of the Source Text and Target Texts

The comparison of the source text and target texts should not be concerned with the topic of faithfulness or equivalence as Schäffner explains (2004:136), rather, the study should be concerned with the practice of communication, and the socio-cultural significance of the translation and its activity.

As such the parameters that could be used in the study of the texts in question should be explored and discussed. The parameters to be used in this study will be drawn from Systemic-Functional Linguistics, through the study of ideational, interpersonal, and textual meanings as they are realized in the source and target texts. This approach has been demonstrated by various researchers (Hatim & Mason 1997, Määtä 2007, and others, see Chapter 4 on Ideology).

2.3.3 Reconstruction of the process of translation

In order to reconstruct and analyze the process and product of translation, the aim is to use discourse analysis, through a combination of critical discourse analysis and a textual analysis, particularly through the use of methodologies described by Norman Fairclough (2010). This would identify issues in the discourse of the texts examined, particularly differences between the official 1820 target text, and the translations produced later.

Discourse, in this study, refers to the use of language and the meanings carried by the language use (Fairclough & Wodak 1997, Amouzadeh 2008), especially with how discourse is used to present and mediate power relations. This will be discussed further in relation to discourse analysis.

In this chapter, the development of Translation Studies was reviewed, through which a general outline of the study undertaken in this thesis was explained. The following chapter will discuss the framework provided by systemic-functional linguistics.

CHAPTER THREE

Systemic-Functional Linguistics

Systemic-functional linguistics began in the 1960s when Michael Halliday first developed it as a basis for language analysis. This basis then developed into a descriptive and interpretive framework for language by looking at it as a resource used to create meanings (Eggins 2004: 1-2). Baxter (2010:127) describes systemic functional grammar as a framework built upon the "relationship between the grammatical system and the social and personal needs that language is required to serve."

3.1 The functions of language

Eggins (2004: 3) explains that systemic linguists make four claims about language:

1. Functional: Language use is functional.
2. Semantic: Language's function is to make multiple meanings at a time.
3. Contextual: Meanings are influenced by the social and cultural context in which they are exchanged.
4. Semiotic: The process of using language is a semiotic process where choice is used to make meanings.

3.1.1 The metafunctions of language

Systemic-functional grammar states that meanings take three main forms called *metafunctions*:

1. Ideational
2. Interpersonal
3. Textual

These metafunctions are expressed and realized in different ways. Ideational meanings are expressed using transitivity structures, whereas interpersonal meanings are expressed using mood structures, textual meanings are expressed using theme/rheme structures. Each of those metafunctions will be explained in the following subsections.

3.1.1.1 Ideational Meanings

Ideational meanings are a type of meaning that expresses how the world is perceived. It is realized by a system of transitivity. This system of transitivity is made up of various categories of verbs (or process types), such as: material, mental, verbal, behavioral, existential, and relational. As Eggins (2004: 213-215) makes clear, three aspects of a clause should be described when analyzing transitivity structures:

1. The selection of a process: *Last year Diana <u>gave</u> blood.*

2. The selection of participants: *Last year <u>Diana</u> gave <u>blood</u>.*

3. The selection of circumstances: *<u>Last year</u> Diana gave blood.*

Examples taken from Eggins (2004).

Different process types describe different actions. Material processes are processes of doing something. Clauses containing material processes include participants called actors, goals, ranges, and beneficiary, each with a different purpose. Mental processes are processes which are thought and felt, these processes are subdivided into three groups: processes of cognition, processes of affection, processes of perception. Mental processes involve only two participants, one is an active participant, called the senser, and the other is a non-active participants, called the phenomenon. Verbal processes may contain up to three participants, the sayer, the receiver, and the verbiage. Clauses which contain relational processes are those which state that things exist in relation to other things attributively or identifyingly. Other processes are existential processes, and behavioral processes (Eggins 2004: 213-240).

3.1.1.2 Interpersonal Meanings

The interpersonal meaning, as Eggins (2004:147) points out, is meaning that shows a person's attitude towards a certain utterance they produce. Unmarked clauses where the function is to make a statement carries a declarative mood, to ask a question carries an interrogative mood, to give commands carries an imperative mood.

Clauses containing interpersonal meanings are made up of two main components: the mood, and the residue. The mood is what contains the interpersonal meaning, much like how the transitivity structures contain the ideational meanings, within the mood is an lexicogrammatical item known as the finite operator, which can refer to time, or to modality. What remains is a residue, and thus can be dropped from

a clause without losing much meaning (Eggins 2004:149). Consider the following example:

> *Henry James did not write Leaves of Grass.*

> The Mood is contained in the first segment: *Henry James did not*

>> The first element (*Henry James*) is the Subject.

>> The second element (*did not*) is the Finite.

> The Residue is contained in the second segment: *write Leaves of Grass.*

>> The first element (*write*) is the Predicator of the Residue.

>> The second element (*Leaves of Grass*) is the Complement.

3.1.1.3 Textual Meanings

A third type of meaning created in texts is what is known as textual meaning. The textual meaning is contained in both the theme and the rheme of a clause, with the theme being the initial of the clause carrying a known piece of information, while the rheme is what remains of the clause carrying the new pieces of information (Eggins 2004:296).

There are three types of themes, which build up on previous meanings in the systemic-functional grammatical framework (Eggins 2004:301). The topical theme is one that carries an ideational meaning, through a transitivity structure. The interpersonal theme carries a mood structure. The textual theme carries structures which are called adjuncts, which may be continuity adjuncts (such as *well, oh, yeah*) or conjunctive adjuncts (such as *therefore, however,* etc.).

3.2 Applications of Systemic-Functional Grammar

In a work which was originally published in 1969, Halliday (2008:19-25) demonstrated how language is capable of conveying meaning. He uses the systemic-functional grammar to analyze the language of a novel by William Golding. He looks at patterns of clauses which are a realization of the ideational metafunction. In his analysis of a passage taken from the novel, he shows that the majority of the clauses of action are expressed by intransitive verbs in the simple past tense. Halliday concludes that in the passage, and for the majority of the text of the novel, the entire transitivity structure "can be summed up by saying that there is no cause and effect."

Hatim and Mason (1997:7-10) applied a methodology for analyzing transitivity patterns in an Albert Camus novel and comparing it with the shifts in the patterns in the translated text, they compare how various material processes, taken from passages of the novel, shifted in translation into relational processes. In one case, an event process became a relational process, the source text's gloss was "My whole being <u>tensed</u>" was transformed into "Every nerve in my body <u>was</u> a steel spring". The conversion from *tensed* (an event process) to *was* (a relational process) was noted in the analysis is being a possible intention of the translator to carry the characteristic of the novel into the English language.

Määtä (2007) tackled the issue of transitivity in his critical discourse analysis of the Constitution of the European Union found that the text of the constitution shifted from material processes in the English and the French versions into relational processes in the Finnish, Spanish, and Portuguese versions. It is through the use of systemic-functional grammar's understanding of transitivity that allows Määtä to conclude critically that legal texts can be used to regulate opinions and definitions of Europe, and therefore are capable of materializing ideology in relation to what Europe may be.

3.3 Methodologies of Systemic-Functional Grammar

Discourse analysis, as Paltridge (2006:2) defines it, is a methodology used to analyze communication through the use of language, and how such use presents biases, power-relations, and social identities. Language use, or discourse, can often become "an instrument of power, of increasing importance in contemporary society" (Blommaert 2005:25), indeed, it is so important to contemporary societies that scholars have pursued means to understand it, and analyze it. That is because language use is capable of carrying within it subtle manifestations of biases, social identities, ideologies, that often become an element of a worldview taken for granted and unquestioned.

Halliday uses discourse analysis to study communication through linguistic choices (as cited in Munday 2008:90). These choices become apparent in the text through lexicogrammatical elements such as transitivity, modality, and cohesion. These are, in turn, influenced by the three discourse metafunctions (ideational,

interpersonal, and textual metafunctions). These metafunctions are ultimately related to the sociocultural environment (or context) surrounding that text. Despite the complexity of Halliday's model, it can be used to analyze the language of texts to show what these texts mean, an example of this is given by Munday (2008: 91) where he discusses a transitivity analysis of an Ernest Hemingway novel which concluded that the protagonist's active character was emphasized through the transitivity structures used in that novel, just as Halliday demonstrated on Golding's novel *The Inheritors*. Halliday (2008:23) demonstrated in an example passage that "transitivity patterns are not imposed by the subject-matter; they are the reflection of the underlying theme" in the novel's characters. He pushes further by suggesting that the transitivity patterns in the passage demonstrate the "inherent limitations of understanding, whether cultural or biological, of Lok and his people." In his analysis, he shows that the syntax is part of the story, this is because in a later part of the story, the language shifts to more complex structure indicating the new humans which are at a higher stage of development in relation to the Lok's people.

Munday, in his explanation of relationship between the register, discourse semantics and lexicogrammar refers to Eggins (2004: 78) who explains that the transitivity patterns (which is related to the verb types, voice structures, participants) is a realization of the ideational meaning that is associated to the field of the text. And in a similar manner, Eggins explains the relationship between modality, interpersonal meaning and tenor of the text and that of cohesion and thematic structures, textual meaning and the mode of a text.

Baxter (2010:125) describes the four features relating to discourse analysis:

> 1.   Principle of variability, which recognizes that language can be used for a variety of functions and has variable consequences.
>
> 2.   Constructed and constructive nature of language, which shows that language when used to describe an experience creates an interpretation which becomes a new reality. An example of this is when reading news articles, which describe an experience of someone's reality, which when read by the audience becomes perceived as a reality.

3. Interpretative repertoire, which are made up of commonly used elements of language such as distinct lexicogrammatical features, expressions and metaphors. These include stylistic variations and idiomatic expression which are used to identify the meanings carried by a text.

4. Micro- and macroanalytical approaches, which are combined together to analyze evidence in the discourse to interpret the factors that affect the particular text being analyzed. Examples of this include psychological analysis, sociological analysis, political analysis of the text

3.4 Critical Discourse Analysis

Critical Discourse Analysis (CDA) is a critical approach to discourse analysis, it is used to investigate social inequality, discrimination, power, and control as they appear in language use. It is capable of uncovering ideological biases as present in the discourse, and by extension, in the process of translation (van Dijk 2008).

Fairclough (2010: 10) defines Critical Discourse Analysis as a methodology which is a systematic and normative analysis of relations between discourse and other social processes through the analysis of texts. CDA would be conducted to locate ideology from the discursive event, through the interpretations of the text's meanings (ibid:57). The systematic nature of critical discourse analysis is that it aims to "explore opaque relationships of causality and determination" between discourse events and sociocultural structures (ibid:93). The normative nature of CDA is to be able to provide a methodology rooted in discourse analysis to address social wrongs and critique ideologies and discuss approaches to mitigate and change them.

Discursive events are made up of three elements: Sociocultural Practice, Discourse Practice (such as text production, distribution, and consumption), and the Text (2010:59), and therefore the critical analysis of discourse requires the analysis of these three elements. To analyze each element, Fairclough (2010:94, 132–133) presents a three-dimensional approach:

1. Analysis of the text through the analysis of the form and meaning using the systemic-functional framework of linguistics.

2. Analysis of the discourse practice through the analysis of the text production and interpretation.

3. Analysis of the sociocultural practice is through the analysis of the context and the situation that surrounds the text.

These three dimensions are illustrated in the following figure taken from

Process of production

Text — Description (text analysis)

Process of interpretation

Discourse practice — Interpretation (processing analysis)

Sociocultural practice — Explanation (social analysis)

(Situational; institutional; societal)

Dimensions of discourse   *Dimensions of discourse analysis*

Fairclough (2010: 133).
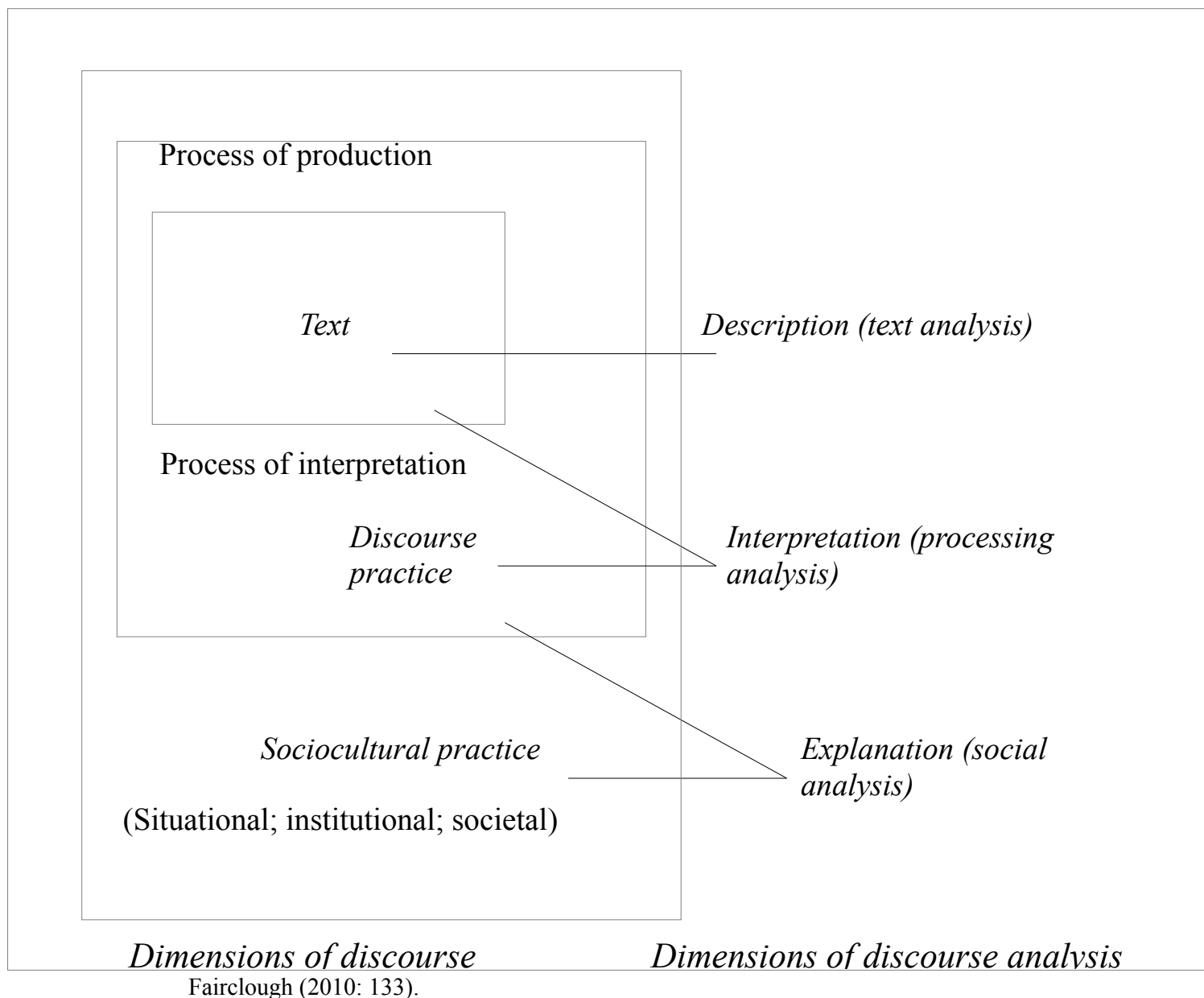
Figure 3.1 (Taken from Fairclough 2010:133)

Baxter (2010:126) considers CDA as a perspective to be used with other approaches to analyze "*discourse* in its widest sense". It can be used to analyze how features of grammar work ideologically within individual texts to undermine oppressed groups, or the reproduction of inequalities in discourse and media. She mentions the work of Fairclough and Wodak (1997) where they take a discourse-historical approach, which aims to "integrate systematically all available background information in the analysis and interpretation of the many layers of a written or spoken text".

Blommaert (2005:23-25) considers that systemic-functional linguistics crucial to CDA, because it allows linguists to analyze "the relations between discourse and social meaning", and offers a critique of these relations in order to understand power relations. However, the problem with the current state of Critical Discourse Analysis is that it has a linguistic bias, and largely a geographic bias because most of the literature produced in this field is restricted to a limited number of countries, "there is no reason to restrict critical analyses of discourse to highly integrated, Late Modern, and post-industrial, densely semiotised First-World societies" (Blommaert 2005:35), and restricted to a limited time-frame, "there is hardly any analysis of historical developments in CDA" (ibid:37). Indeed, Critical Discourse Analysis as a field is capable of becoming well-rounded if it does expand to include historical events outside the Late Modern First-World societies and therefore become a vital element in historiography.

In this chapter, the framework provided by Systemic-Functional Linguistics through its metafunctions was discussed which effectively took into consideration the context when analyzing the text. There are methodologies that apply this framework to provide in-depth analysis of texts such as discourse analysis, and critical discourse analysis.

The following chapter will discuss the issue of ideology, mostly as analyzed through the framework of systemic-functional linguistics, at times doing so through critical eyes.

CHAPTER FOUR

On Ideology – A Series of Case Studies

This chapter will discuss the concept of *ideology*, through a review of case studies undertaken by researchers in the field of linguistics, translation studies, and critical studies. The series of case studies reviewed herein are thematically-organized.

Ideology is a way to view and describe the world and it exists naturally in every individual or group's worldview. It comes into existence through the use of language, which allows it to become internalized and taken for granted as "common sense" (Mooney *et al.* 2011:17–18).

4.1 Shifting Registers in Government Discourse

Pagani (2007) explains that ideologies are ways of thinking and describing the nature of the world-order in a way that makes that world-order appear natural. He studied the change of register in correspondences between a government and the citizens across the fifteen years between 1990 and 2005 and demonstrates that this change is a shift from the expert-client relationship to a producer-consumer relationship. Pagani focuses on the shifts in the three elements of context are used to decide on the register of a text. These elements are field, tenor, and mode. In the earlier text was highly formal and carried a "very high authority differential" to show that expert-client relationship, while the most recent text is relatively informal and does not carry an authority gap, therefore creates an implied producer-consumer relationship. Pagani connects this shift to the privatization of many government services in the United Kingdom during the fifteen years surveyed. He also looks at how the nation-state propagates ideology through the use of what he calls "symbols of nationalism", such as myths of common ancestry and history, and through the use of

"symbols of nationalisation" which correspond to the use of logos and texts on vehicles, buildings, and documents, to link the service provided under them with the welfare state.

4.2 Defining AIDS by Intertextuality

Lean (2007) looks at how the media plays a powerful role in defining AIDS, specifically focusing in the portrayal of the disease in TIME magazine between 1983 and 2005. The intertextual analysis conducted by Lean shows how the media (in this case the magazine) has associated AIDS with death as shown in an extract titled "The Final Temple", fear as shown in an extract titled "The Big Chill: Fear of AIDS", immorality and stigma as shown in an extract titled "The Real Epidemic: Fear and Despair" which discussed issues of hospital staff refusing to carry food trays to patients suffering from AIDS. It is also demonstrated that when the media texts show a higher level of dialogicality, that is a higher number of quoted voices, there would be a lower presence of ideology in the sense that "there is more room for differences" (ibid:34). An issue of power relations is also demonstrated by voices which are absent in the texts and voices which are quoted in the texts.

4.3 Ideologies of Universities Marketing Themselves

Teo (2007) examines the prospectuses of universities in Singapore to see how the universities market themselves to potential students. He shows how the visual and verbal material in the prospectuses make the universities seem to have become business enterprises searching for fee-paying customers. In one example, he describes the ideology of Nanyang Technological University which portrays the university

experience as a journey to education and the global economy by presenting a prospectus that looks like a passport complete with customs and immigration stamps. In another example, he describes how the Singapore Management University's prospectus looks like a brochure filled with colorful images and catchy slogans, all which portray the university as a business selling a product rather than being a referential document to be used by potential students.

4.4 Ideology in Constitution of the European Union

Määttä (2007) analyzes the Constitution of the European Union to demonstrate how an ideological perception of Europe is constructed through the document. He uses both transitivity analysis and intertextuality analysis to demonstrate that laws can make beliefs and ideologies. He found that the text of the constitution shifted from material processes in the English and the French versions into relational processes in the Finnish, Spanish, and Portuguese versions. For example, "The anthem of the Union *shall be based* on the 'Ode to Joy' from…" includes the material process *be based*, whereas the case is different in the Finnish translation of the text which Määtä describes as a relational process. He uses systemic-functional grammar's understanding of transitivity that allows Määtä to conclude critically that legal texts can be used to regulate opinions and definitions of Europe, and therefore are capable of materializing ideology in relation to what Europe may be.

4.5 Shifts in McDonald's Discourse

Hong (2008) looks at how McDonald's as a fast food company is responding to criticisms against its business practice through changes in its discourse. Discourse

Formations is used as an analytic tool to investigate intratextual and intertextual relations, this methodology is based on systemic-functional linguistics by analyzing the lexicogrammatical choices in the texts that are being considered. In the corpus, which consist of three McDonald's CEO's letters from 1997, 2003 and 2006, and one criticism leaflet, three participants are identified: Customers, Food, and Workers. The intratextual relations between these three participants were analyzed in all four texts, and then the intertextual relations between the company's discourse and the criticism's discourse were identified. Relations between the customers and food were stronger in the earlier CEO's letters, but that changed in 2006, when the letter focused more on the relation between the customers and workers; however, in both cases, the relations were described as alliances. The criticism's discourse, on the other hand, described the relations as oppositions, because the customers are shown to be victims of the company's promotion and unhealthy food, and workers are shown to be victims, as well, exploited by the company. The company's discourse is shown to have changed between 1997 and 2006 in terms of ideology: the first two letters were dominated by "they" and "customers" respectively, whereas the letter in 2006 was dominated by "you". The use of the *you* helps in creating a bridge between the company and the customers and "reinforces solidarity" with them (Hong 2008: 93). Despite not directly replying to the criticisms in the leaflet, the changes in the lexicogrammatical choices in the CEO's letters as demonstrated by Hong's analysis show that the criticism has played a role in triggering a change its ideology in an attempt to recover its brand image.

4.6 Development of Discourse and Ideology in Iranian Newspapers

Amouzadeh (2008) looks at how language has been used by Farsi language Iranian newspapers to represent ideologies, and identifies that socially constructed texts have two functions: (1) to represent realities experienced in social life, (2) to reveal aspects of those realities as constructions of language. He collates newspaper headlines that represent the ideas of government officials. These newspaper headlines are taken from three distinct periods in Iran after the revolution of 1979, in order to analyze the dominant discourses of the time. The three periods identified by Amouzadeh are termed Radical Islamization (1980–1988), Economic Reconstruction (1989–1997), and Political Reformation (1998–2004). Despite the difficulty expressed by Amouzadeh in assessing political affiliations of newspapers, he categorizes most Persian newspapers as affiliating with hardliners, conservatives, orthodox leftists, or modern liberal leftists.

Amouzadeh (2008: 55) says that linguistic resources in a language are diverse in order to allow the speaker "to construe a particular perspective for an external event or process" through the use of different utterances. Fowler (1991: 4) says those differences carry "ideological distinction". Amouzadeh says that, along with word choices, ideologies can be represented using syntactic processes like transitivity and passivization. For consistency, he uses Fairclough & Wodak's (1997) definitions of discourse and ideology, which mean "language use" and "particular perspective reflected and constructed by such discursive practices to maintain and perpetuate the values of dominant groups" (Amouzadeh 2008: 58). Examples from the Radical Islamization period represent the dominant Islamic ideology through the heavy use of terms taken from the Islamic register (many of which are lexical items borrowed from Arabic) such as امت(nation, instead of the native مردم) and توحید(monotheism,

instead of یگانگي), and terms taken directly from the Qur'an (مستضعفین & مرفهین) all of which construe realities to portray the dominant ideology of the period. The dominant ideology from the Economic Reconstruction period modified the previous ideology of islamization to include concepts like nationalism and socio-economic welfare, Amouzadeh constructs the term common during the islamization period " انقلاب اسلامي ایران" and the one used during Economic Reconstruction period "ایران اسلامی", specifically commenting on the topicalization process where ایران[Iran] is "ideologically foregrounded" to occupy the initial position in the nominal phrase (Amouzadeh 2008: 62). Another example from the same period is one where the headline uses a marked word which pushed the object ahead of the subject in the sentence "*The powerful Iran, no one is able to put under pressure.*", as opposed to the Persian unmarked word order which was Subject-Object-Verb "*No one is able to put the powerful Iran under pressure.*", this was done in order to make the object function as a theme, and therefore becoming the focal element of the sentence, therefore presenting the nationalism component in the dominant ideology during that period.

The socio-economic component of the dominant ideology is represented by an increase in use of specialized economic language in the headlines, alone with the euphemization (in order to construct reality instead of reflect external realities) such as the use of "price adjustments" instead of "inflation", and "vulnerable classes" instead of "the poor", and the increased use of statistical economic figures in the headlines. Amouzadeh contends that such discourses are really a distortion of reality than a reflection of reality, along with a shift in discourses from "social justice" during the Radical Islamization period to "welfare and privatization" in the Economic Reconstruction period. The discourse of headlines taken from the Political

Reformation period showed an increased use of legal terms, which Amouzadeh notes were absent in newspapers of first two periods, whereas Islamic ideology became relatively marginalized. The socio-economic discourse from the Economic Reconstruction period is remains present but is now accommodated by the dominant discourse of Political Reformation. Amouzadeh concludes that language in Persian newspapers in the three periods was used (mainly through the use of semantic borrowing) to "maintain hegemonic ideologies and power relations", and therefore construct many social realities (2008: 68).

4.7 Epistemicide: A Phenomenon in Portuguese Academic Discourse

Bennett (2007) looks at traditional Portuguese academic discourse and what happens to the discourse when translated into English, and how English academic discourse imposes itself onto the Portuguese academic writings to such an extent to cause what she terms as *epistemicide*, which is "the systematic destruction of rival forms of knowledge" (Bennett 2007:154). She traces the development of English academic discourse, which began in England in the 17th century with Isaac Newton's writings, and how it became the default style used to write texts across the academic field eventually becoming the common style considered to write texts considered to contain knowledge. But unlike English, Portuguese has various discourses used in the academic context, each dedicated to its own set of fields, the discourse used in the sciences is similar to English academic discourse, while in the social sciences and humanities the common discourse used is different, using literary devices and figures of speech and highly complex syntax. Bennett suggests that translators, when translating these forms of discourses into English, could be responsible for

participation in epistemicide. This would be done in various ways, but commonly in presenting "alien knowledge in a form that will enable it to be assimilated into one or another of the ready-made categories existing for the purpose" (Bennett 2007: 154) through changing the source text's discourse into something accepted into the target text's discourse. She presents a simple explanation of when a translation process may be considered epistemicidal: "when the underlying ideology of the original is very different from the dominant one [in the target culture]" (Bennett 2007: 155). She suggests that this is the situation occurring in Portugal and Spain (and probably many other places) simply because the knowledge produced in the humanities in these cultures is presented differently from the dominant English discourse in the humanities.

Bennett looks at various articles from the humanities to see how they would be translated, and analyzes the changes in discourse that the text endures during translation, such as replacing emotive terms with other terms, adding collocations commonly expected by English academic discourse, changes to syntax and reorganization of information, all this is considered a process of domestication and epistemicide in order to replace the original with the "positivist structure inherent to English academic discourse" (Bennett 2007: 158). She also looks at various journals publishing about the Portuguese language in English, and states that these journals expect that writers publishing in these journals are expected to use the English academic style, instead of the traditional Portuguese discourse when writing about the language, and as the authors do so, they are repackaging their culture to suit the dominant foreign expectation of what knowledge is. Bennett calls that "the real tragedy of epistemicide" (2007: 166).

4.8 Translations Influenced by Ideologies

Sánchez (2007) studied how scientific discourse relating to the topic of gender underwent changes in the ideology when translated from French to Spanish. The difference between the source text and the target text was discursive in nature, and reflected the influence of the dominant ideologies in the target culture on the translation. The source text, and its translation are considered to have appeared in the context of debate relating to society and identity; however, Sánchez considers that there is greater debate in Spain on issues of gender than in France. The source text was a collection of scientific magazine articles presenting the topic of gender under two major perspectives (constructivist and deterministic), which allow the topic to be projected as "open to debate" (2007:186), on the other hand the target text omits the constructivist approaches to gender, and therefore projects the issue as an issue of 2 biological (deterministic) models.

Sánchez demonstrates in an example that an instance of intertextuality present in the source was lost in translation, due to the sentence being translated literally. The source text was "*la fabrique du sexe*", which is an intertextual reference to a famous book that discussed gender from a constructivist perspective. The book's translation into Spanish carried a different title, and therefore the literal translation ("*la fábrica de los sexos*") does not have the same intertextual reference, and does not even reflect the constructivist understanding of gender (2007: 182). In another example, Sánchez makes use of lexical analysis of the source and target texts, demonstrating that the distinction of terms used in the source text to reflect the anthropological domain and the zoological domain was blurred in the target text, where terms commonly used

only in the zoological domain of scientific discourse were used in the anthropological domain. This semantic leap, as Sánchez describes it, is another reflection of how the text underwent extensive discursive changes. The occurrence of these shifts in scientific discourse contradicts the commonly accepted assumption that scientific discourse is a place where facts and information are presented in a normative manner.

4.9 Political Discourse Analysis

Schäffner (2004) shows that translations of political texts can have political effects. She illustrates this by applying translation studies methodologies, such as commenting on the translation of the analyzed texts, in the context of Political Discourse Analysis. She says that in the field of Political Discourse Analysis the conventional analytical tools (such as textual, pragmatic, discourse-historical approaches) have been used extensively. However, despite the widespread phenomenon of translation in political discourse, there has not been much use of any method from Translation Studies in analyzing political discourse. Schäffner (2004) looks at lexical choices in terms of translation of a political speech. The case was that a Hungarian politician used the Hungarian word used to mean economic living space (*élettér*) which had been used to translate the German word *Lebensraum* (used in Nazi vocabulary to mean *living space of Germans*). The translation of the Hungarian speech into German, which may have been unintentional, did cause a debate regarding the translation of the word, eventually the issue became used as a political weapon against the Hungarian politician and against admitting post-Communist countries into the European Union. The Hungarian word itself has been used in non-political topics such as the field of animal behavior.

Schäffner also looks at how information is selected and transferred in political texts, she suggests that "tracing the origins of statements provided in translation by the media can result in more or less surprising findings" even if the statements were reported by a quality newspaper (2004: 127). An example of this is given where various British newspapers quoted a statement by Gerhard Schröder, the then German Chancellor, in December 1999 during a speech in the German parliament, the quoted statement was *not* actually made had the journalists referred to the records of that particular session. Schäffner suggests that the translation of the mis-quotation had contributed in toughening Tony Blair, the British Prime Minister at the time, negotiations with the Germans later on. Another example cited was that of a joint policy paper produced by the British Labour Party and the German Social Democratic Party in both English and German, this document drafted in constant parallel translation in such a way that both the English and German versions served as source text and target text simultaneously. The issue involved was that the translation process was not done by professional translators, and thus differences in the final text emerged showing the differing ideologies of each party's cultures despite the joint policy document being portrayed as a common outlook in "modernising Social Democracy" (ibid: 129).

4.10 The Possibility of Unintentional Ideological Changes in Translation

Munday (2007) suggests that although a critical study of a text's lexicogrammar may represent the ideology and representation of reality in favor of the powerful, that is not always the case when a translator intervenes in the text. Munday examines at two speeches, the first by Fidel Castro, and the second by Hugo Chavez,

both originally in Spanish. Three translations of Castro's speech were examined, two of which followed the source text's lexicogrammar and structures, while the third which was the Granma translation (often considered the official translation). Munday demonstrates how ideology was changed in the translation of the Cuban official newspaper Granma, however the change was unexpected. The changes represented Castro as active in causing the reasons of his ill-health, while the source text suggests the opposite. In the Chavez example, both an interpretation and a translation of the speech were examined. In the ST, Chavez proclaims "*Insurgimos los pueblos*" which was interpreted by the interpreter as "*People are standing up*", and the translators as "*We, the Peoples, are rising up*", the translation does compensate what was lost in the ST's lexicogrammar by adding the pronoun *we*. Each of the examples cited by Munday demonstrates how ideology (however subtle) can be examined through the use of systemic functional linguistics, in terms of lexis, transitivity, modality, and information structures. However, he does warn that these tools may be inaccessible to unaware readers, suggesting that they "will be encouraged to follow the interpretation suggested by the more powerful party" (2007:198).

4.11 The Influence of the Target Culture on Translation

Kang (2007) suggests that translating (particularly that of news articles) is an activity that is influenced by "historically constituted discursive resources" (2007:240) which can entail reformulating the text in light of what is acceptable and relevant in the target context. Kang examined three articles produced by Newsweek regarding North Korea, and translated into Korean by the Korean edition of Newsweek. The translations from English to Korean showed that the texts underwent

complex discursive changes and recontextualisation, due to the conflicting perspectives and values between the source contexts and the target contexts. In one example, referring expressions were compared between ST and TT, where the ST referred to Kim Jong Il (the political leader in North Korea) negatively as "the North Korean dictator" and ironically as "The Great Leader" (2007: 229), the TT omitted these negative references, instead opting for the title "*Chairman*". These shifts have the effect of legitimizing the North Korean leadership in the TT, while the ST delegitimizes him using the negative references. Various examples shown by Kang as mitigating the negative representations of Kim Jong Il and North Korea. These shifts may be explained as recontextualisation because Kang points out that the dominant discourse in South Korea "signaled tolerance and reconciliation" towards North Korea (2007:223), due to the Sunshine Policy used by the South Korean government to engage North Korea. This contrasts with the dominant discourse in American media regarding North Korea, which is commonly represented as a threat to the international community. If Newsweek Korea were to translate the texts without the discursive changes, it may risk alienating its target readers (who are different from the target readers of Newsweek) by publishing perspectives that its South Korean readers may resent, due to this, the translation becomes a ratification of the discourse that already exists in the South Korean media, instead of representing the source discourse of Newsweek to South Korean readers.

4.12 Changing Modes and Taming Speeches through Translation

Boussofara (2011) examines how the translation process can be used to recast the content of the speeches from the conversational language to an authoritative

language acceptable in political field. She examines and compares nine speeches given between October and December 1973 by the former President of Tunisia, Habib Bourguiba, in Tunisian Arabic and the reproduction of these speeches into a book written in Modern Standard Arabic (MSA). The translation of the text from a performative spoken mode in one spoken variety of Arabic to a written mode as a standard variety of Arabic exposes how discursive changes played a role in rendering a personal story into the history of a country, specifically because Bourguiba perceived his personal story as the history of Tunisia. Boussofara points out that the translation from Tunisian Arabic to MSA included "carefully orchestrated processes of shifting, reframing, erasing, and re-articulating Bourguiba's words" all done in order to provide authority to the presidential voice (2011: 206). Boussofara suggests that the choice of using Tunisian Arabic was deliberate in that it was the language of the people, despite addressing a highly educated audience who can understand MSA, the same is apparent with Bourguiba's style of performing his life story before the audience, something which he is known for, with "each gesture, body movement, or facial expression was in total mesh with the linguistic code chosen, the word selected, and the message delivered" (2011: 212). His use of Tunisian Arabic, with the occasional code-switch to French and Standard Arabic, allowed him to display emotional memories and experiences to the audiences.

The nine speeches were published in 1982 in book form using MSA, the speeches thus underwent an extensive translating and editing in order to produce the historical document in MSA. The story-telling performance, which contains his distinct style of switching between various linguistic codes (Tunisian Arabic, Colloqualized MSA, MSA, and French), disappears in the book form, erased and

bleached "in order to obey official propriety" and because "none of them are allowed in a fuṣḥā [MSA] discourse" (2011: 213, 216). MSA and Classical Arabic, Boussofara points out, functions as a linguistic institution which embodies authority because of its associated with the Qur'an and the Islamic civilization, this makes it the only acceptable written variety of Arabic to be used for official speeches. By translating the speeches from Tunisian Arabic to MSA, the speeches become ordered and unified as opposed to its fragmented and chaotic discourse in the performative spoken mode (2011: 217), this gives the speeches the frame of being authoritative speeches regarding the history of the nation. Derisive identification cues, regarding people Bourguiba presented contemptuously, such as *Minister of Trash* [وزير الزبلة] and *That Mestiri guy* [هاك المستيري] were all erased and replaced by the appropriate term of address in MSA *as-sayyid* [السيد], the same were done to insulting words that were present in the performed speeches. Boussofara further lists examples of changes and deletions in the translation of the speeches between Tunisian Arabic and Standard Arabic, specifically on parts of the speech that discussed the emotional, therefore the discourse changed the "*Pathos* into *Logos*" by recasting the personal story into "a leader's concern with the country's future" (2011:222).

4.13 Uncovering Ideologies through Critical Discourse Analysis

Fairclough (2010: 255–280) explores, in collaboration with Eve Chiapello, the language of new capitalism to uncover the ideology within a particularly influential "new management" text written by Rosabeth Kanter. The ideology uncovered shows a heavy focus on one dimension of legitimation (stimulation) while showing little interest in the two other dimensions (security and justice). The stimulation dimension

evokes "a world of change, innovation, and creativity" (2010:273). A chapter of the text is analyzed by combining economic sociology and critical discourse analysis. Fairclough and Chiapello identify the "new management ideology" as part of the broader ideological system called "the new spirit of capitalism" which seeks to justify people's commitment to capitalism. On the text linguistics side, Fairclough (2010:270), with Chiapello show how the syntax is paratactic (by adding clauses and sentences to build up meaning), this is shown in an example that describes the "changemasters" in such a way that the portrait is constructed piece by piece in the form of a list: "Changemasters take all the input… and use it *to shake* up reality a little, *to get* an exciting new idea of what's possible, *to break* through the old pattern *and invent* a new one.

From the above studies on ideology, one can conclude that ideology plays an unconscious role in interfering with the act of translation and editing, as seen in Boussofara (2011) and Kang (2007), with almost direct influence in international or regional politics, as demonstrated by Schäffner (2004). Whereas Sánchez (2007) demonstrated how the ideology influences the use of different registers in the translation of popular scientific texts, and can play a role in influencing a reader's outlook into a particular issue, and in turn, influencing the popular perception of a particular issue. One can see that ideology can be constructed and evolved through the active use of language, as seen in Munday (2007).

In the following chapter, the history behind the General Treaty of 1820, this, along with the case studies in this chapter, will frame the analysis undertaken in Chapter Six.

CHAPTER FIVE

The Historical Context behind the General Treaty of 1820

The General Treaty of 1820 came at a time when the British Empire was beginning to consolidate its colonial domination of the region surrounding the Indian Ocean. In this chapter, the history surrounding the General Treaty of 1820 will be reviewed, including the attempts of the British East India Company to lobby the British Government to attack the Qawasim merchant family's ports and ships. The origins of the *piracy* label will be discussed, along with the influence of philosophy of law upon the colonial era. A short biography of T. P. Thompson will be presented, in light of his translation of Treaty at the time it was being drafted. The subfield of post-colonial studies that relates to translation studies will be reviewed.

5.1 The Qawasim

In the early part of the 1800s, the British Empire had begun to expand colonially, and this was due to the economic growth experienced by the British Isles, which was at the time the center of the modern capitalist world. As the British empire expanded around the globe in search of markets and trade routes, it found trade routes around the Gulf attractive (as it did find other routes around the world), and in the Gulf region, there was competition for trade in the Qawasim family (Abdulla 1985:76).

The Qawasim family was backed by alliances with regional powers such as the Al Saud. The Qawasim controlled many ports around the region, commanding 63 large ships and hundreds of smaller ships, and employed over 20,000 men (Abdulla 1985:74). Thus the British East India Company faced stiff competition commercially by the Qawasim, and in order to control the region's economy, the Governor-General of India Francis Rawdon-Hastings ordered a military expedition aiming at destroying all ships, ports, forts belonging to the Qawasim and subjecting Ras Al Khaimah under military occupation (Abdulla 1985:74, Rashid 2004:77). However, to legitimize the attack on Ras Al Khaimah, the East India Company had to lobby for such an act against their trading rivals. As Davidson (2008:11) explains, this campaign against the English East India Company's rivals was lobbied for by the English East India Company to such success that the region came to be called the "Pirate Coast" in the British Empire, and the activities of the Qawasim came to be called "pirate

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trepidations". The validity of those labels were contested by researchers in recent years, specifically, Tomanovich (2006:43) states that accusations of piracy and slave trading was merely an libelous excuse used to control the region's economic activity (See Davies 1997, Al-Qasimi 1986 for more on those labels).

The expedition was made possible with the help of a deposed Qawasim leader, who was exiled in Dir'iyyah, and the Ruler of Muscat, who provided the British with 4,000 of his soldiers (Tomanovich 2006:236), when the main regional power allied to the Qawasim was being weakened by the Egyptian army (Rashid, 2004:73–74). The town of Ras Al Khaimah was flattened save for the main fort which the British troops used as a military base (Tomanovich, 2006:238), and the fleet belonging to the Qawasim was destroyed in December 1819 by a military expedition lead by Major General Sir William Grant Keir, the British imposed a treaty to the defeated merchant family, which was later signed by various other tribal sheikhs in the region (O'sullivan 2008:299–300, Tomanovich 2006:198). The treaty contained various points, the most significant of which was the fifth article, which instituted a registration system to ships and vessels belonging to the Arab tribes enforcing them to carry documentation that included information on the ship's crew, cargo, and journey. This, Abdulla (1985:77) points out, allowed for the region's economy to be restricted and confined to whatever the British government deemed was worthy of specialization, in this case: pearls. Tomanovich (2006:243) points out that this treaty effectively gave the British a monopoly in the control of sea trade in the region.

The treaty, according to O'sullivan (2008:300) was drafted and imposed by a Captain Perronnet Thompson who Keir had appointed as a liaison officer due to his ability to speak Arabic. The treaty signed in 1820 was a preliminary introduction to later treaties, the most important of which was the Treaty of Perpetual Maritime Peace in 1853, which further cemented the British empire's control over the region (O'sullivan 2008:270).

5.2   The "Piracy" Label

Looking through much of the literature related to the history of the Trucial Sheikhdoms, the expedition of 1820 is seen as resulting in the "destruction of Ra's al-Khayma and *pirate craft* all along the coast" (emphasis added) and the resulting

General Treaty of 1820 is described as putting "an end to *organized piracy* in the Gulf" (Hinds 1967:81). So bad was the reputation of the region that it was called the *Pirate Coast*, and this only became *Trucial Sheikhdoms* until later when they signed the 1853 Treaty (Kelly 1964:239). In 1966, Charles Belgrave published a book titled *The Pirate Coast* on the history of the region. Tomanovich (2006:197–198) states these labels were largely for propagandistic use, saying that these labels became used later by researches and politicians due to its use in the first article of the General Treaty of 1820. In the critical historiographic study undertaken by Tomanovich (2006:216–217), it is repeatedly pointed out that the British conducted a dishonest smear campaign upon the Qawasim and the Arab tribes, after they had resisted the British attempts to become involved in the affairs of the region. Tomanovich (2006:217–218) cites an example of a similar smear campaign used on the Chinese, and suggests that the *piracy* label could have been used upon the British in an incident in 1814 involving an attack on a Russian ship.

In a biography of T. P. Thompson, who was the Arabic translator in the 1819–1820 expedition on Ras Al Khaimah, Saunders (1840:88) describes the expedition as being "marked throughout by a moderation strongly contrasting with the proceedings often adopted by what are called *civilized nations* towards *weaker powers*." Kelly (1964) and Hinds (1967) are only examples to show the process of *civilizing*, as Anghie (1999) would describe it, that was implicitly undertaken by the British colonialists in enforcing the treaties upon the signatories from Ras Al Khaimah to Abu Dhabi.

The perception of the region as a haven for pirates was evident in the first article of the General Treaty of 1820: "*There shall be a cessation of plunder and piracy by land and sea on the part of the Arabs, who are parties to this contract, for ever*." This perception will be discussed later in relation to the historical context of the treaties.

5.3   International Law during the Colonial Era between Natural Law & Positivist Law

Anghie (1999) looks at the development of international law during the nineteenth-century between the positivism and naturalism in jurisprudence in light of

the colonial activities undertaken by European states. He analyses how colonialism benefited from positivist jurisprudence, which distinguished between *civilized* and *non-civilized* states, allowing international law to only be applied to *civilized* states. This was unlike naturalist jurisprudence, which was a trend in jurisprudence that considered that "a universal international law deriving from human reason applied to all peoples, European or non-European" (Anghie 1999:3). Positivism required that non-civilized (non-European) states to become civilized before being given the benefit of international law. This allowed colonialist empires to undertake the mission of civilizing the uncivilized states. This was possible because positivism, as explained by Anghie, asserts that the law itself is the creation of sovereign will and therefore are rules agreed upon between civilized nations to regulate relations between them, whereas naturalism bound the state by natural law which was essentially a "set of transcendental principles that could be identified through the use of reason" (Anghie 1999: 5). So beneficial was positivist jurisprudence to colonialism that it deemed legal the use of "coercion to compel parties to enter into treaties that were then legally binding", and took whatever was included in those treaties as "expressing clearly and unproblematically the actual intentions of the non-European party" (Anghie 1999: 20).

Tomanovich (2006:241), like Anghie (1999), considers that colonial treaties are indeed imposed by the colonialist empires, and describes the obligations set in the text of the Preliminary Treaty and General Treaty of 1820, but rather "conditions for surrender" (2006:241).

5.4   Thomas Perronet Thompson

In John Saunders' *Portraits and memoirs of eminent living political reformers* (1840:72–97), Thomas Perronet Thompson is identified as the Governor of Sierra Leone, where he had learnt the Arabic language from muslim tribes in Sierra Leone eventually reaching a level where he was able to translate documents. This acquired skill proved useful later when he served as Arabic interpreter for Sir William Keir Grant in 1819 for the expedition against "the Wahabees of the Persian Gulf", and negotiating the 1820 Treaty "with the defeated tribes" (Saunders 1840:88). He was left to be in charge of Ras Al Khaimah until the summer of 1820 when he received the

orders from the Bombay government to demolish what was left of Ras Al Khaimah and leave.

Tomanovich (2006:244) states that T. P. Thompson was involved in an unsuccessful attack on the Al Bu Ali tribe in Oman in the autumn of 1820 immediately after pulling out from Ras Al Khaimah. Thompson was later subject to trial due to the incident; however, the British attacked the Al Bu Ali tribe a second time in revenge in 1821.

5.5   Post-Colonial Studies and Translation Studies

A review of post-colonial translation studies is vital prior to the next chapter, as it frames the situation presented in the treaty. Edward Said's ideas on the depiction of the east can be seen in the terms used in the source text, and Niranjana's note that the colonizer's translator's role is vital in producing the translation as there is no trust for a native translator to produce an *official* translation to the text.

Hatim & Mason (2005:106–108) describe the interdisciplinary field which combined both Post-Colonial Studies with Translation Studies, referring to Said (1978) and Niranjana (1992) specifically. This field focused on studying the power relations between different cultures, specifically the relations between European colonial powers and its colonies. Said's *Orientalism* (1978/1995:140, cited in Hatim & Mason 2005) described the west's depiction of the east as "irrational, depraved, childlike, different", and the resulting imperialist mindset resulting from that depiction. This mindset we can see in the text from the use of terms such as *plunder and piracy*.

Niranjana (1992) discusses examples of how translations of texts from the colonized cultures were *sited* in the texts through the use of introductions, prefaces, and explanations in order to depict these cultures as exotic, unsophisticated, and inferior. In an example, she states that William Jones, who translated various texts from Sanskrit and Persian, was considered "the bearer of the 'true' meaning of the law, always operating from a position of assumed superiority" as opposed to the translations that could be provided by the natives (1992:16). He expressed distrust for the natives to such an extent that in his *Grammar of the Persian Language* (1777) he states that it is "highly dangerous to employ the natives as interpreters, upon whose

fidelity they could not depend" and therefore East India Company officials would have to learn the languages of the natives to avoid subjecting themselves to treachery by them (Niranjana 1992:16). In another example, Niranjana (1992:61–62) shows how translations of Sanskrit literature by Orientalists represented and constructed their colonial subjects, their psyche, and their way of life in ways that seemed to be inventive and oversimplifications of complex realities. Likewise is the case of the *Pirate Coast* as it was constructed to the British bureaucrats situated in Bombay, and London, which were oversimplified the geopolitical nature of the events to allow the native actors to be described as *Pirates*, and therefore pushing this representation into the 1820 Treaty.

In this chapter, the socio-political history surrounding the text was discussed in order to frame the analysis of the text. The following chapter will analyze the text under consideration.

CHAPTER SIX

Data Analysis of the General Treaty signed in 1820

The text under discussion in this chapter is the General Treaty of 1820 which was previously discussed from a historiographical context. The original official copy of the treaty was produced in both English and Arabic versions (original source text, and original target text, respectively). Two translations of the treaty into Arabic were later produced, both of the two translations were included in the reference texts dealing with the topic of British treaties with the sheikhdoms in the Gulf (Rashid 2004), or the topic of the European colonial presence in Gulf (Tomanovich 2006).

The analysis will cover four main points in relation to the three target texts in relation to the source text:

1. The goals, purpose, and audience of the text in terms of the Skopos.
2. The lexicogrammatical elements in the text, such as word choice, and grammatical constructions.
3. The differences in the target texts in terms of explicitations and deletions.
4. An analysis of the discourse and a critique.

6.1 The Skopos

The texts show fundamental difference in context. The Original English and Arabic documents were produced in a colonial-political context in 1820, at a time when they were needed in order for the addressees, the signatories, to understand. That is, they were drafted by the leadership of the British expedition and translated by them, in order for the leaders to understand the obligations required of them in the treaty. This text does not take into consideration any other possible readers other than the politicians and signatories.

The two other translations were produced by researchers. In the case of Rashid (2004), the translation is sited within the reference text, and is explained and interpreted to the reader while discussing the history of the British colonial era in the region. While in the case of Tomanovich (2006), the translation is part of an appendix of treaties relating to the Gulf region, as the book discusses the history of European colonial powers in the Gulf region. We notice that the audience of the text is not the contracting parties, rather it is aimed at readers interested in the history of the region,

and also scholars who may be discussing these treaties and analyzing them.

Categories of Audience Design, discussed in Chapter 2, which identifies four types of audiences each different in their activity in the speech act, one which is known to the speaker and is directly addressed (the addressee), another which is known to the speaker and addressee but is not addressed (the auditor), while the overhearer are known by the speaker but not the addressee, and the eavesdropper is not known by either speaker and the addressee. The following table shows the differences in audience design evident in the texts:

	Thompson 1820 Text	Rashid 2004 Text	Tomanovich 2006
Text Producer	Expedition Leadership	Researcher/Translator	Researcher/Translator
Addressee	Arab Signatories	History readers and scholars	
Auditor	British Government	Ignored	
Overhearer	Ignored	Ignored	
Eavesdropper	Ignored	Ignored	

Table 6.1 Audience Design

The table above shows that the difference between the original texts, and the contemporary translations is the audience, each audience needs to be addressed in a different manner. This difference affected the production of the translation.

6.2 The Lexicogrammar

In this section of the chapter, various lexicogrammatical elements in the translations will be looked at and compared, both in terms of word choice and grammatical structure.

6.2.1 Word Choice

One of the most noticeable elements of word choice present in the treaty which was provoked much analysis by history researchers in questioning the use of terms such as *piracy* and *slave trade* (see Tomanovich 2006, Davies 1997, Al-Qasimi 1986). The following table shows the how the terms *plunder* and *piracy* were translated in articles one and seven:

Original 1820 Source Text	plunder	piracy

Original 1820 Target Text	النّهب	الغارات	
Rashid 2004 Target Text	النهب	القرصنة	
Tomanovich 2006 Target Text	السلب	القرصنة	*Article 1*
	النهب	القرصنة	*Article 7*

Table 6.2 Plunder and Piracy

The source text in English uses the term *piracy*. This is a direct manifestation of the lobbying conducted by officials in the English East India Company, as discussed in the Historiography Chapter. This term played the role of legitimizing naming the region as the *Pirate Coast*, and the truce induced by the treaty gave its name to the region's leadership being called the *Trucial Sheikhdoms*.

The depiction of the region's natives as pirates may have not been evident to the defeated Qawasim signatories, who had no access to documents other than those in the treaty. Indeed we see an important semantic difference between the two translations of the term *piracy*. T.P. Thompson's translation uses the term *ġārāt*, while later translations used the modern term *qarṣanah*. The term *ġārāt* refers to an attack, which meant that the signatories signed a document that restricted them from continuing their sea skirmishes with British ships, which belonged to their trading rivals. However, to give a negative connotation to this particular form of attack, T. P. Thompson used *nahb* which carried the meaning of forceful theft.

In Article 5 the registration and port clearance system that is subjected on the ships belonging to the Arab tribes is described:

Source Text	Karahs	Nacodah
Thompson translation 1820	كاره	الناخداة
Rashid translation 2004	حمولتها	الربان
Tomanovich translation 2006	حمولتها	الربان

Table 6.3 Borrowed Lexemes

We see from T. P. Thompson a tendency to use vernacular words relating to the

shipping field, and since the region's trade involves Arab and Persian merchants, it is not unusual for the terms *karah* and *nacodah* to be borrowed from Persian. Indeed, the term *nāḫudāh* is the Persian word (Kashani 2001:1282), *nāwḫudā*, which means *ship captain* or *naval colonel*, Handhal states that the word has been used in classical Arabic texts (1998:696).

In article 8, the term *acknowledged war* is used:

Source Text	acknowledged war	
Thompson translation 1820	الحرب المعروف	*[The known war]*
Rashid translation 2004	الحرب المعترف بها	*[The admitted war]*
Tomanovich translation 2006	الحرب المعلنة	*[The declared war]*

Table 6.4 Acknowledged War

The three translations differ semantically from one another, and differ significantly to the source text. The back-translations show the semantic distance from the source text's terms. The noun modifiers in each carry a different transitive process at its root: in the original translation of 1820 the noun modifier *maʿruf* is derived from the Arabic verb *ʿarafa* [to know], which is a mental process, whereas in the Rashid 2004 translation uses *muʿtaraf* derived from *iʿtarafa* [to admit] which is a verbal process and similarly does the Tomanovich 2006 translation use *muʿlanah* derived from *aʿlana* [to declare/announce] which is a verbal process. Through a look at the transitivites implied in the noun modifiers, we are able to see the significance of the difference between the understanding of the text in 1820 and an understanding of the same text in the modern context.

In article 6, the term *British Government* was rendered in an unusual manner in the 1820 Target Text:

Source Text	British Government	British Residency
Thompson translation 1820	سركار الانكريز	سركار الانكريز
Rashid translation 2004	الحكومة البريطانية	دار المقيم السياسي

Tomanovich translation 2006	الحكومة البريطانية	دار المقيم السياسي

Table 6.5 Government Names

The two nouns used in the 1820 translation hint at how the British were identified to the signatories. There is a word choice issue with the use of *sarkār al-inkrīz*, as opposed to using *ḥākim al-inkrīz*. The word *sarkār* unlike the alternative is a term borrowed from Persian, meaning overseer (Kashani 2001:653). The use of terms borrowed from Persian, in this case, and in the case of using the vernacular *nacodah*, could be due to T. P. Thompson's limited access to lexical resources in Classical Arabic while in the region, and therefore had to make due with what he can in order to translate the treaty, which was to use the vernacular lexical resources in reference to these political concepts.

We notice, too, that T. P. Thompson did not differentiate in his translation between the *British Government* and the *British Residency*, and translated both terms into *sarkār al-inkrīz*. This plays the role of mis-identifying the leadership of the British Empire in the text itself, although it was widely known that the British Resident functioned almost as an Ambassador or Governor-General in the Gulf region. Despite that fact, the mis-identification of the British Government and the Residency as one entity poses questions as to the quality of the translation produced by Thompson.

6.2.2   Grammatical Structure

Article 2 of the treaty defines the term *acknowledged war*:

Source Text	An acknowledged war is that which is proclaimed, avowed, and ordered by Government against Government; and the killing of men and taking of goods without proclamation, avowal, and the order of a Government is plunder and piracy.
Thompson translation 1820	والحرب المعروف هو الذي منادًا به مبيّنٌ مأمورٌ به من دولةٍ الي دولةٍ وقتل النّاس وأخذ المال بغير منادية وتبيين وأمْر دولةٍ فهو النّهب والغارات
Rashid translation 2004	إن الحرب المعترف بها هي التي يتم اعلانها جهارًا، وتشنها حكومة أخرى،

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وأن قتل الناس وسلب أموالهم بدون اعلان صريح من حكومة ما أو أمر منها، نهب وقرصنة.

والحرب المعترف بها هي التي يتم إعلانها جهارًا، وتشنها حكومة أخرى، وأن | Tomanovich translation 2006
قتل الناس وسلب أموالهم بدون إعلان صريح من حكومة ما يعد سلبًا وقرصنة.

Table 6.6 Article 2

The Tomanovich translation seems to be based on the Rashid translation which was produced two years earlier, however, we notice that in both of them the segment relating to the source text's "*and ordered by a Government against Government*" becomes "*conducted by another Government*" [back-translated]. On a transitivity level, we see a change in the number of participants in the clause, an agent continues to exist, while the other participant, the object of the war, disappears in translation.

Through the editing and interference of the translation where "*against Government*" is deleted, an implied meaning carried in this article's source text was transferred into Arabic: that the signatories were not states. And if one was to interpret this using Anghie (1999) explanation of how jurisprudence influenced colonialism, it is possible to confirm that through this article in the treaty, the signatories were not states indeed, let alone *non-civilized states*. Along with that, Rashid (2004:79) notes in his analysis comparing the 1820 treaty with earlier treaties in 1814 and 1806 between the British and the Qawasim, that the earlier treaties considered Ras Al Khaimah "a free and independent country" as opposed to the treaty of 1820.

Article 5 of the treaty deals with the registration system imposed upon the signatories:

Source Text	The vessels of the friendly Arabs shall all of them have in their possession a paper (Register) signed...
Thompson translation 1820	إنَّ مراكب العرب المصالحين كلّهم بايديهم قرطاسٌ مرشوم بخطِّ اميرهم...
Rashid translation 2004	ان سفن العرب المتصالحين جميعًا ستحمل معها ورقة...
Tomanovich translation 2006	تحمل كل سفينة من سفن العرب المتصالحين سجلا خاصا بها موجودا على متناها...

Table 6.7 Article 5

Rashid (2004:90–91) argues in his analysis that the treaty is effectively an unequal treaty because it was enforced upon the signatory tribes by military force and required them to undertake obligations (such as the registration and clearance system described in this article of the treaty) while not requiring the British government to undertake any obligation. So unequal was this treaty that Rashid argues that it gives British ships the "right to attack and confiscate Arab ships in the Gulf for lack of documentation or for carrying slaves" (2004:91).

We notice from the translations that the Rashid (2004) translation closely followed the Original 1820 version; however, the Tomanovich (2006) translation is markedly different in translation. The Tomanovich translation changes the word order, by using a verb-initial clause instead of a noun-initial clause. By doing that, the Theme-Rheme structure is changed, thus making the Theme a Topical Theme carrying Ideational meaning (realized through the verb *taḥmalu*), while the Original and the Rashid translations have an Interpersonal Theme (realized through the *ʾin* modal adjunct which is always followed by nouns).

Considering the time of the production of the Original 1820 translation, one can argue that modern Arabic legal discourse had not begun to settle the difference between using verb-initial structures or noun-initial structures, and therefore Thompson would have used the *ʾin* structure, as opposed to the more recent translations which come in the light of the modern Arabic legal discourse which uses the verb-initial structure for the legal *shall* that exists in English. However, we also see that Thompson's attempt to parallel the English structure may have played a role in him using the noun-initial clauses, this is because the Arabic word order may be Subject-Verb-Object or Verb-Subject-Object. Although the Subject-Verb-Object structure is usually considered a marked structure in the Arabic language, it is the closest syntactical structure that can parallel the English language's Subject-Verb-Object structure.

Article 6 of the treaty deals with sending envoys and representatives of the signatories to the British Residency, this will be discussed in two parts:

 Source Text   The friendly Arabs, if they choose, shall send an Envoy to

the British Residency in the Persian Gulf...

Thompson translation 1820	إنَّ العرب المصالحين إنْ كان مرادهم يرسلون رسولًا الي سركار الانكَريز في بحر الفارس...
Rashid translation 2004	من الممكن للعرب المتصالحين، إذا أرادوا إرسال مندوب إلى دار المقيم السياسي في الخليج...
Tomanovich translation 2006	يمكن للعرب المتصالحين، إذا أرادوا إرسال مندوب إلى دار المقيم السياسي في الخليج...

Table 6.8 Article 6a

Source Text	and the British Government, if it chooses, shall send an Envoy also to them in like manner...
Thompson translation 1820	وسركار الانكَريز إنْ كان مراده يرسل رسولًا الي عندهم كذلك...
Rashid translation 2004	وللحكومة البريطانية إذا شاءت إرسال مندوب عنها إليهم على نفس المنوال.
Tomanovich translation 2006	وللحكومة البريطانية ذلك أيضًا إذا ما أرادت إرسال مندوب عنها إليهم.

Table 6.9 Article 6b

We see in the above two clauses examples of the legal *shall* which was discussed by Hatim (1997:30–31) who pointed out that the legal *shall* is different from the future *shall*, and therefore must be treated differently. We see in the previous example how the legal *shall* is rendered into Arabic.

Article 7 of the treaty includes sanctions against those who "shall not desist from plunder and piracy". The structure of the text is a basic conditional statement:

Source Text	If any tribe, or others, shall not desist from plunder and piracy, the friendly Arabs shall act against them according to their ability and circumstances.
Thompson translation 1820	إنْ كان طايفة او غيرهم لا يزالون من النَّهب والغارات فالعرب المصالحون يقومون عليهم على قدر حالهم...
Rashid translation 2004	إذا لم تتوقف أية قبيلة أو جماعة عن النهب والقرصنة فإن جميع العرب

المتصالحين سيعملون ضدهم حسب طاقتهم وظروفهم...

Tomanovich translation 2006   إذا لم تتوقف هذه القبيلة أو تلك عن النهب والقرصنة، فيتوجب على جميع العرب المتصالحين العمل ضدهم حسب طاقتهم وظروفهم...

Table 6.10 Article 7

In the above article, we see the conditional clause rendered in two ways, the Original by T. P. Thompson rendered using an *ʾin* structure, while Rashid and Tomanovich used the *ʾiḏā* structure. The difference between the structures lies in the probability of the condition becoming true, as Ryding (2005:671) describes it, with the *ʾiḏā* construction implying a probable condition. Ryding does state that the *ʾin* construction is less frequent in Modern Standard Arabic, and therefore its inexistence in the recent translations is expected, and may also be considered to be part of an unconscious process of translation.

Article 8 detailed what consists of an act of piracy:

Original 1820 Source Text:	The putting men to death after they have given up their arms is an act of piracy, and not of acknowledged war...
Original 1820 Target Text:	إنَّ قتل النّاس بعد تسليم السّلاح فهو من الغارات ولا من الحرب المعروف...
Rashid 2004 Target Text:	إن إعدام الناس بعد تسليم أسلحتهم هو عمل من أعمال القرصنة وليس من أعمال الحرب المعترف بها...
Tomanovich 2006 Target Text:	يعد قتل الأسرى بعد تسليم أسلحتهم من أعمال القرصنة وليس من أعمال الحرب المعلنة...

Table 6.11 Article 8

We see a difference in the target text between the Original 1820 target text and the Rashid (2004) translations on one hand, and the Tomanovich (2006) translation on the other. The difference is in the Theme of the clause, in a similar manner to the difference between the translations in Article 5. The Original and Rashid translations use the *ʾin* Modal Adjunct to create an Interpersonal Theme, while the Tomanovich translation's Theme includes a transitive process and therefore carries Ideational meaning.

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6.3 Explicitations and Deletions

An unusual example of explicitation was observed in the *source* text, rather than the target text produced in 1820. Article 3 of the text begins as such:

The friendly (literally the pacificated) Arabs...

This explicitation is a reference to the Arabic translation of the text. It shows that the drafting of the translation was done parallel with to the drafting of the source text. Therefore the source and target texts produced in 1820 had mutual influence on one another.

A minor, but interesting, deletion occurred in the modern translations of the treaty. Article 6 of the treaty where the name where the name of the Gulf was different from the name used in the Original Arabic translation. The 1820 source and target texts use the term *Persian Gulf*, while the Rashid (2004) and Tomanovich (2006) translations used the term *al-ḫalīǧ* [*Gulf*], without using the modifier that identified it as Arab or Persian. Though this interference may seem trivial, the two modern documents are written with an audience of Arab readers in the history of the region, and whose opinion of the naming of the Gulf could influence their opinion of the text produced. For that reason, it is expected that the translations would take the audience into consideration in their rendering of the text into Arabic.

6.4 The Discourse

In the text of the Original Arabic translation produced in 1820, the structure of the Articles are consistent in that the *ʾin* Modal Adjunct is extensively used in the translation, whereas the translation by Rashid (2004) and Tomanovich (2006) do not use the Modal Adjunct in a similar manner. Through the use of this modal adjunct, Thompson managed to build a consistent legal structure for the treaty and forced the Theme in each article to be an Interpersonal Theme, rather than Ideational Themes (when the Themes would include Transitive processes).

The text of Thompson's translation paralleled the source text syntactically, with minor differences across the text, whereas the Rashid (2004) and Tomanovich (2006) translations followed a more flexible syntactic structure relative to Thompson's translation.

The text of Thompson's translation faced limited lexical resources due to the translator's non-native proficiency in Arabic, and in that case, had to make do with whatever lexical resources he can extract from the environment, and therefore had to use vernacular terms which were borrowings from the regional languages. The modern translations, on the other hand, made use of extensive lexical resources derived from modern Arabic political and legal discourse but differed slightly in the realization of the discourse. This caused the Rashid translation to seem like corrections on Thompson's translation but failing to fulfill the general form of Arabic legal discourse, while the Tomanovich translation seemed more competent at fulfilling the general form of Arabic legal discourse.

The lexeme *piracy* was not reflected semantically in Thompson's translation, but was reflected in the modern translations. This lexeme had the influence of legitimizing in text the depiction of the region's natives as *pirates*.

The definition of *acknowledged war* in Article 2 of the treaty showed an implicature that the signatories were not considered *heads of governments*, but rather mere chiefs of tribes. The translations of that clause into Arabic by the modern translators carried the implicature through the deletion of a portion of the clause.

The difference in the skopos of the original Arabic translation and the modern translations helped in bringing to the surface different elements that are part of the treaty's text. Because the modern translations were done by researchers, the issue of the implicature carried in Article 2 was translated with interference in order for it to surface. While because Thompson's translation was done with the aim of producing a legal international treaty, the translation followed a strict and consistent syntactic structure parallel to the original English text of the treaty.

Though the Arabic translation produced in 1820 would seem to be aimed at producing a legal international treaty, its heavy use of interpersonal meaning in its thematic structures shows a certain attitude that poses questions on whether the treaty was translated as a legal text or merely as an opinioned explanation of what was meant by the English version of the treaty.

CHAPTER SEVEN

Conclusion

Translation studies often focused on faithfulness, but with Toury's formation of the Descriptive Translation Studies approach to the field, had expanded to study minute details and differences. In this thesis, DTS was used as a guide to analyze translations of a colonial era treaty produced between the military representatives of the British government and prominent members of Arab tribes in the region now known as the United Arab Emirates.

Through the adaptation of the DTS approach, a well-rounded study can be conducted to observe the effect of sociocultural elements, including politics, on translation. A historical sketch of the region was combined with a comparison of the source and target texts, and the target texts amongst themselves in order to produce observations and reconstructions of the translation process and the translator's attitude.

This was done by drawing upon systemic-functional linguistics's three main metafunctions, which allowed for a context-sensitive analysis of the texts discussed. Indeed, the use of this framework allows for a context-sensitive (and thus ideology-sensitive) analysis of any text whether a translated text or a non-translated text, specifically texts of historical significance. The incorporation of Systemic-Functional Linguistics and its closely associated field of Critical Discourse Analysis into the study of history would allow for the construction of a well-rounded critical approach to Historiography.

Through the combination of approaches the text analysis showed fundamental differences in context, primarily in terms of their audience and the attitudes of the translators. This difference affected the translations in material terms, such as lexical choice, stylistic structure, and metafunctional meanings realized in the thematic structures.

Despite all this, the analysis of the discourse of the treaty and its translation is merely a scratch on the surface. The texts discussed deserve greater analysis in terms of the various metafunctional meanings, and similarly are the texts of treaties produced later in the same region between the tribes and the British Government during the Colonial Era.

It is recommended that the study of discourse in translation become a required element in programs teaching Translation Studies, as they allow translators and researchers to analyze the source text with great detail and nuance, and produce a relevant translation that is required by the audience and the commissioner.

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حنظل، فالح. (1998). <u>معجم الألفاظ العامية</u>. أبوظبي: وزارة الإعلام والثقافة.

راشد، علي أحمد. (2004). <u>الاتفاقيات السياسية والاقتصادية التي عقدت بين امارات ساحل عمان وبريطانيا 1806 – 1971</u>. الشارقة: اتحاد كتاب وأدباء الامارات.

Primary Texts used in the Analysis:

The English Copy:

"General treaty with the Arab tribes of the Persian Gulf—1820." *Records of the Emirates 1820–1958*. (1990). Volume 1. pp. 13–16.

The Arabic Copy was transcribed from:

"General treaty of peace between the Arab tribes of the Gulf and the British government, 1820". National Archives of India, New Delhi, India, and National Centre for Documentation and Research, Abu Dhabi, United Arab Emirates.

The Rashid (2004) translation:

راشد، علي أحمد.(2004). الاتفاقيات السياسية والاقتصادية التي عقدت بين امارات ساحل عمان وبريطانيا 1806 – 1971. الشارقة: اتحاد كتاب وأدباء الامارات.

The Tomanovich (2006) translation:

تومانوفيتش، ناتاليا نيكولايفنا. (2006). الدول الأوروبية في الخليج العربي من القرن 16 إلى القرن 19. (ترجمة سمير نجم الدين سطاس). دبي: مركز جمعة الماجد للثقافة والتراث.

Appendix A

General Treaty with the Arab Tribes of the Persian Gulf—1820.

Source: *Record of the Emirates 1820–1958*. (1990). Volume 1. Pages 13–16.

In the name of God, the merciful, the compassionate.

Praise be to God, who hath ordained peace to be a blessing to his creatures. There is established a lasting peace between the British Government and the Arab tribes, who are parties, to this contract, on the following conditions:—

ARTICLE 1.

There shall be a cessation of plunder and piracy by land and the sea on the part of the Arabs, who are parties to this contract, for ever.

ARTICLE 2.

If any individual of the people of the Arabs contracting shall attack any that pass by land or sea of any nation, whatsoever, in the way of plunder and piracy and not of acknowledgeed war, he shall be accounted an enemy of all mankind, and shall be held to have forfeited both life and goods. An acknowledged war is that which is proclaimed, avowed, and ordered by Government against Government; and the killing of men and taking of goods without proclamation, avowal, and the order of a Government is plunder and piracy.

ARTICLE 3.

The friendly (literally the pacificated) Arabs shall carry by land and sea a red flag, with or without letters in it, at their option, and this shall be in a border of white, the breadth of the white in the border being equal to the breadth of the red, as represented in the margin (the whole forming the flag known in the British Navy by the title of white pierced red); this shall be the flag of the friendly Arabs, and they shall use it, and no other.

ARTICLE 4.

The pacificated tribes shall all of them continue in their former relations, with the exception that they shall be at peace with the British Government, and shall not fight with each other, and the flag shall be a symbol of this only, and of nothing further.

ARTICLE 5.

The vessels of the friendly Arabs shall all of them have in their possession a paper (Register) signed with the signature of their Chief, in which shall be the name of the vessel, its length, its breadth, and how many Karahs it holds. And they shall also have in their possession another writing (Port Clearance) signed with the signature of their Chief, in which shall be the name of the owner, the name of the Nacodah, the number of men, the number of arms, from whence sailed, at what time, and to what port bound. And if a British or other vessel meet them, they shall produce the Register and the Clearance.

ARTICLE 6.

The friendly Arabs, if they choose, shall send an Envoy to the British Residency in the Persian Gulf with the necessary accompaniments, and he shall remain there for the transaction of their business with the Residency; and the British Government, if it chooses, shall send an Envoy also to them in like manner; and the Envoy shall add his signature to the signature of the Chief in the paper (Register) of their vessels, which contains the length of the vessel, its breadth, and tonnage; the signature of the Envoy to be renewed every year. Also all such Envoys shall be at the expense of their own party.

ARTICLE 7.

If any tribe, or others, shall not desist from plunder and piracy, the friendly Arabs shall act against them according to their ability and circumstances, and an arrangement for this purpose shall take place between the friendly Arabs and the British at the time when such plunder and piracy shall occur.

ARTICLE 8.

The putting men to death after they have given up their arms is an act of piracy, and not of acknowledged war; and if any tribe shall put to death any persons, either Muhammadans or others, after they have given up their arms, such tribe shall be held to have broken the peace; and the friendly Arabs shall act against them in conjunction with the British, and, God willing, the war against them shall not cease until the surrender of those who performed the act and of those who ordered it.

ARTICLE 9.

The carrying off of slaves, men, women, or children, from the coasts of Africa or elsewhere, and the transporting them in vessels, is plunder and piracy, and the friendly Arabs shall do nothing of this nature.

ARTICLE 10.

The vessels of the friendly Arabs, bearing their flag above described, shall enter into all the British ports and into the ports of the allies of the British so far as they shall be able to effect it; and they shall buy and sell therein, and if any shall attack them, the British Government shall take notice of it.

ARTICLE 11.

These conditions aforesaid shall be common to all tribes and persons, who shall hereafter adhere thereto in the same manner as to those who adhere to them at the time present.
End of the Articles.

Issued at Ras-ool-Kheimah, in triplicate, at midday, on Saturday, the twenty-second of the month of Rabe-ul-Awul, in the year of the Hejira one thousand two hundred and thirty-five, corresponding to the eigth of January one thousand eight hundred and twenty, and signed by the contracting parties at the places and times under written.

Signed at Ras-ool-Kheimah at the time of issue by

(Sd.)   W. Grant Keir,

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Major-General.

(Sd.)   Hassun bin Rahmah,
Sheikh of Hatt and Fahleia, formerly of Ras-ool-Kheimah.

(Sd.)   Kazib bin Ahmed,
Sheikh of Jourat al Kamra.

Signed at Ras-ool-Kheimah on Tuesday, the twenty-fifth of the month of Rabe-ul-Awul, in the year of the Hejira one thousand two hundred and thirty-five, corresponding to the eleventh of January 1820.
(Sd.)   Shakbout,
Sheikh of Aboo Dhebbee.

Signed at Ras-ool-Kheimah at midday, on Saturday, the twenty-ninth of the month of Rabe-ul-Awul, in the year of the Hejira one thousand two hundred and thirty-five, corresponding to the fifteenth of January 1820.
(Sd.)   Hassun bin Ali,
Sheikh of Zyah.
This seal is Captain Thompson's, as Sheikh Hassun bin Ali had not a seal at the time of signature.

Signed for Muhammad bin Haza bin Zaal, Sheikh of Debay, a minor, at Shargah, on Friday, the twelfth of the month of Rube-oos-Sanee, in the year of the Hejira one thousand two hundred and thirty-five, corresponding to the twenty-eighth of January 1820.
(Sd.)   Zaid bin Syf,
Uncle of Sheikh Muhammad.

Signed at Shargah at midday, on Friday, the nineteenth of the month of Rube-oos-Sanee, in the year of the Hejira one thousand two hundred and thirty-five, corresponding to the fourth of February 1820.
(Sd.)   Sultan bin Suggur,
Chief of Shargah.

Signed at Shargah by the Vakeel on the part of the Sheikhs Suleman bin Ahmed and Abdoolla bin Ahmed, in his quality of Vakeel to the Sheikhs aforesaid, on Satirday, the twentieth of the month of Rube-oos-Sanee, in the year of the Hejira one thousand two hundred and thirty-five, corresponding to the 5th of February 1820.
(Sd.)   Syud Abdool Jalil bin Syud Yas,
Vakeel of Sheikh Suleman bin Ahmed and Sheikh Abdoolla bin Ahmed, of the family of Khalifa, Sheikhs of Bahrein.

Signed and accepted by Suleman bin Ahmed, of the house of Khalifa, at Bahrein, on the ninth of Jemade-ool-Awul, in the year of the Hejira one thousand two hundred and thirty-five, corresponding to the twenty-third of February 1820.

Signed and accepted by Abdoola bin Ahmed, of the house of Khalifa, at

Bahrein, on the ninth of Jemade-ool-Awul, in the year of the Hejira one thousand two hundred and thirty-five, corresponding to the twenty-third of February 1820.

Signed at Fahleia at noon, on Wednesday, the twenty-ninth of the month of Jemade-ool-Awul, in the year of the Hejira one thousand two hundred an thirty-five, corresponding to the fifteenth of March 1820.
<div style="text-align:center">(Sd.)   RASHED BIN HAMID,
Chief of Ejman.</div>

Signed at Fahleia at noon, on Wednesday, the twenty-ninth of the month of Jemade-ool-Awul, in the year of the Hejira one thousand two hundred an thirty-five, corresponding to the fifteenth of March 1820.
<div style="text-align:center">(Sd.)   ABDOOLA BIN RASHID,
Chief of Umm-ool-Keiweyn.</div>

Appendix B

General Treaty of Peace between the Arab Tribes of the Gulf and the British Government, 1820.

Transcribed from the Original Handwritten text and the printed edition, produced in 1906, and reprinted in 1990, of the treaty produced in 1820, refer to Appendix E for more information. The orthographical mistakes were maintained in the following text.

Sources:

1. National Archives of India, New Delhi, India and the National Centre for Documentation and Research, Abu Dhabi, U.A.E.
2. *Record of the Emirates*. (1990).

النسخة العربية الاصلية للاتفاقية العامة مع القبائل العربية عام ١٢٣٥ هـ

بسم الله الرحمن الرحيم

الحمد لله الّذي جعل الصّلح خيرا للانام وبعد قد صار الصّلح الدّايم بين دولة سركار الانكَريز وبين الطّوايف العربيّة المشروطين على هذه الشّروط

الشّرط الأول اَنْ يزال النّهب والغارات في البرّ والبحر من طرف العرب المشروطين في كلّ الأزمان

الشّرط الثّاني اَنْ تعرّض أحد من قوم العرب المشروطين على المتردّدين في البرّ والبحر من كاقة النّاس بالنّهب والغارات بلا حربٍ معروفٍ فهو عدوّ لكافة النّاس فليس له الأمان على حاله ولا ماله والحرب المعروف هو الّذي منادًا به مبيّنٌ مأمورٌ به من دولةٍ الي دولةٍ وقتل النّاس وأخذ المال بغير منادية وتبيين وأمْر دولةٍ فهو النّهب والغارات

الشّرط الثّالث إنّ العرب المصالحين لهم في البرّ والبحر عَلَم أحمر فيه حروفٌ او بلا حروفٍ على مطلوبهم وهو في كُفّةٍ اَبْيض عَرْض الأبْيض الّذي في الكُفّة يعادل عَرْض الأحمر كما هو مُصوّرٌ في الحاشية وإنَّ هذا هو عَلَم العرب المصالحين فيستعملون به ولا يستعملون بغيره

الشّرط الرّابع إنَّ الطّوايف المصالحين كلّهم على حالة الاوّل إلّا اَنّهم صار الصّلح بينهم وبين دولة سركار الانكَريز وأن لا يحرّب بعضهم بعضًا والعَلَم هو الشّاهد على ذلك فقط وليس هو شاهدٌ على غيره

الشّرط الخامس إنَّ مراكب العرب المصالحين كلّهم بايديهم قرطاسٌ مرشوم بخطّ اميرهم فيه اسم المركب وطوله وعَرْضه وكم يحمل من كاره وبايديهم ايضًا مكتوبٌ آخر مرشوم بخطّ اميرهم فيه اسم صاحب المركب واسم النّاخداة وعدد الرّجال وعدد السّلاح ومن اين سار وفي ايّ وقتٍ والي ايّ بندر يتوجّه فإنْ تعرّض لهم مركبٌ من الانكَريز او غيرهم يعرضون عليه القرطاس والمكتوب

الشّرط السّادس إنَّ العرب المصالحين إنْ كان مرادهم يرسلون رسولًا الي سركار الانكَريز في بحر الفارس ومعه الّذي يحتاج اليه فيجلس مع السركار حتّى يقضي غرضهم منه وسركار الانكَريز إنْ كان مراده يرسل رسولًا ايضًا الي عندهم كذلك والرّسول يلحق خطّه الي خطّ اميرهم في قرطاس مراكبهم المذكور الّذي فيه طول المركب وعَرْضه وكم يحمل من كاره وينبغى خطّ الرّسول يجَدَد في كلّ سنةٍ وايضًا كلٌّ من المرسولين خرجه علي قومه

الشّرط السّابع إنْ كان طايفةٌ او غيرهم لا يزالون من النّهب والغارات فالعرب المصالحون يقومون عليهم على قدر حالهم ويصير بين العرب المصالحين وبين الانكَريز كلامٌ في ذلك في وقت وقوع ذلك النّهب والغارات

الشّرط الثّامن إنَّ قتْل النّاس بعد تسليم السّلاح فهو من الغارات ولا من الحرب المعروف وإنْ كان طائفةٌ يقتل النّاس مسلمين او غيره بعد تسليم السّلاح فهو قد اخلف الصّلح فانّ العرب المصالحين مع الانكَريز يقومون عليهم وإنْ شاء الله تعالي فلا يزال عليهم الحرب إلًّا بعد تسليم مَنْ فعل بذّلك وحكَمَ به

الشّرط التّاسع إنَّ نهب الرّقيق الرّجال والنّساء والاولاد في سواحل السّودان او غيره وحَمْلهم في المراكب فهو النّهب والغارات فالعرب المصالحون لا يفعلون مِنْ ذلك شيىًا

الشّرط العاشر إنَّ مراكب العرب المصالحين الحاملة عَلَمهم المذكور يدخلون في كلّ بنادر من دولة سركار الانكَريز وفي بنادر رفيقهم علي قدرهم يشترون ويبيعون فيها وإنْ كان احدٌ تعرّض لهم فذلك علي سركار الانكَريز

الشّرط احدى عشر إنَّ هذه الشّروط المذكورة فهى علي جميع الطّوايف والنّاس يقبلونها في المستقبل كما قبلوها في الحين تمّ الشّروط واِنَّ تحرير القول في راس الخيمة بثلاثة نسخ في تاريخ ظهر يوم السّبت اثنين وعشرين من شهر ربيع الاوّل في سنة ١٢٣٥ الهجريّة مايتين خمس وثلاثين بعد الالف ورشموه المشروطون في الاماكن والتواريخ المكتوبة ذيلًا

فرشموه في راس الخيمة في تاريخ تحرير القول

خط السردار بيده وخاتمه

(Sd.) W. Grant-Keir,
Major General.

كتبه حسن بن رحمه بيده

كتبه قضيب بن احمد بيده

فرشمه في راس الخيمة في تاريخ يوم الثلثاء خمسة عشرين من شهر ربيع الاول في سنة ١٢٣٥ الهجريّة ماتين خمس وثلاثين بعد الالف

كتبه شخبوط بيده

فرشمه في راس الخيمة في تاريخ ظهر يوم السبت تسعة عشرين من شهر ربيع الاول في سنة ١٢٣٥ الهجريّة ماتين خمس وثلاثين بعد الالف

كتبه حسن بن علي بيده   المهر مهر قبطان طامسين وليس عند شيخ حسن مهر في وقت رشمه

فرشمه من طرف محمد بن هزاع بن زعل شيخ دبي وهو صغير السن في الشارقة في يوم الجمعه ثاني عشر من شهر ربيع الثانى سنة ١٢٣٥ الهجريّة ماتين خمس وثلاثين بعد الالف

زايد بن سيف على محمد

فرشمه في الشارقة في تاريخ ظهر يوم الجمعه تسعة عشر من شهر ربيع الثانى سنة ١٢٣٥ الهجريّة ماتين خمس وثلاثين بعد الالف

كتبه سلطان بن صقر بيده

فرشمه في الشارقة الوكيل من طرف الشيخين سليمان بن احمد وعبدالله بن احمد بحسب وكالته عن الشيخين في تاريخ يوم السبت عشرين من شهر ربيع الثانى سنة ١٢٣٥ الهجريّة مايتين خمس وثلاثين بعد الالف

بسم الله قد كتبه بيده السيد عبدالجليل بن السيد يسن الوكيل عن الشيخ سليمان بن احمد والشيخ عبدالله بن احمد آل خليفه شيخي البحرين

فرشمه عبدالله بن احمد آل خليفه في ٩ جماد الاول سنة ١٢٣٥ في البحرين وقبلوا ذالك في ظهرية الاربعا

فرشمه سليمان بن احمد آل خليفه في ٩ جماد الاول سنة ١٢٣٥ في البحرين وقبلو ذالك في ظهرية يوم الاربعا

فرشمه في الفلية في ظهر يوم الاربعا في تاريخ تسع وعشرين من شهر جماد الاول سنة ١٢٣٥ الهجريّة مايتين وخمس وثلاثين بعد الالف كتبه راشد بن حميد بيده

فرشمه في الفلية في ظهر يوم الاربعا في تاريخ تسع وعشرين من شهر جماد الاول سنة ١٢٣٥ الهجريّة

مايتين وخمس وثلاثين بعد الالف كتبه عبدالله بن راشد بيده

Appendix C

المعاهدة العامة للسلام بين القبائل العربية والحكومة البريطانية 1820، ترجمة راشد 2004
Rashid Translation 2004

بسم الله الرحمن الرحيم

الحمد لله الذي جعل الصلح خيراً للأنام، وبعد قد صار الصلح لدائم بين دولة سركار الانكليز وبين الطوائف العربية حسب الشروط التالية:

المادة الأولى: يتوقف النهب والقرصنة بحرًا وبرًا إلى الأبد من جانب العرب المشتركين في هذا الاتفاق.

المادة الثانية: إذا هاجم أي فرد من العرب المتعاقدين مسافرًا ما برًا أو بحرًا، مهما كانت جنسيته بقصد النهب والقرصنة في غير ما حرب معترف بها – فسيعلن عدوًا للجنس البشري، وسيعتبر كأنما أبيح دمه وماله. إن الحرب المعترف بها هي التي يتم اعلانها جهارًا، وتشنها حكومة أخرى، وأن قتل الناس وسلب أموالهم بدون اعلان صريح من حكومة ما أو أمر منها، نهب وقرصنة.

المادة الثالثة: يحمل العرب المتصالحون في البر والبحر علمًا أحمر ضمن حاشية بيضاء، ويكون عرض الأبيض في الحاشية مساويًا لعرض الأحمر، ولهم الخيار أن يحمل هذا العلم شيئًا من الكتابة أو لا (ويؤلف مجموع الأبيض والأحمر المعروف لدى البحرية البريطانية باسم بياض تخترقه حمرة). وهذا سيكون علم العرب المتصالحين دون غيره.

المادة الرابعة: ان القبائل العربية المتصالحة ستستمر في علاقتها مع بعضها كما أنها ستكون في صلح مع الحكومة البريطانية، ولن تحارب بعضها بعضًا، والعلم سيكون رمزًا لا أكثر.

المادة الخامسة: ان سفن العرب المتصالحين جميعًا ستحمل معها ورقة (سجلا) تحمل توقيع الشيخ وتحتوي على اسم السفينة وطولها وعرضها وحمولتها – وكذلك سيكون عندها وثيقة أخرى (رخصة من سلطة الميناء) تحتوي توقيع الشيخ وتحتوي اسم المالك واسم الربان وعدد الرجال والسلاح ومن أين أبحرت ووقت إبحارها والميناء المتوجهة إليه، وإذا واجهت هذه السفينة سفينة بريطانية قدمت لها السجل والرخصة.

المادة السادسة: من الممكن للعرب المتصالحين، إذا أرادوا إرسال مندوب إلى دار المقيم السياسي في الخليج مع ما يلزم من الوسائل، ويبقى هناك للقيام بأعماله مع دار المقيم السياسي. وللحكومة البريطانية إذا شاءت إرسال مندوب عنها إليهم على نفس المنوال.

وسيضيف المندوب توقيعه إلى توقيع الشيخ في الورقة (السجل) التي لسفنهم والتي تحتوي على طول السفينة وعرضها وحمولتها بالأطنان ويجب أن يجدد توقيع المندوب سنويًا. هذا وسيكون جميع هؤلاء المندوبين على نفقة الطرف الذي ينتمون إليه.

المادة السابعة: إذا لم تتوقف أية قبيلة أو جماعة عن النهب والقرصنة فإن جميع العرب المتصالحين سيعملون ضدهم حسب طاقتهم وظروفهم، وسيجرى اتفاق بهذا الخصوص بين العرب المتصالحين والبريطانيين عندما يحدث مثل هذا النهب والقرصنة.

المادة الثامنة: إن إعدام الناس بعد تسليم أسلحتهم هو عمل من أعمال القرصنة وليس من أعمال الحرب المعترف بها، فإذا أقدمت على ذلك العمل قبيلة أو جماعة ما، سواء كانوا مسلحين أو غير مسلحين بعد أن يكونوا قد سلموا أسلحتهم، فستعتبر مثل هذه القبيلة قد خرقت الأمن وسيشترك العرب المتصالحون في العمل ضدهما مع الانجليز.

وإن شاء الله فإن الحرب ضدها لن تتوقف حتى يعاقب حتى أولئك الذين ارتكبوا تلك الفعلة والذين أمروا بها.

المادة التاسعة: إن حمل الرقيق سواء كانوا رجالا أم نساء أم أطفالا من سواحل أفريقيا أو غيرها، ونقلهم في السفن، هو نهب وقرصنة وإن العرب المتصالحين لن يقوموا بعمل من هذا القبيل.

المادة العاشرة: لسفن العرب المتصالحين التي تحمل العلم الآنف الذكر أن تدخل الموانئ البريطانية وموانئ حلفاء البريطانيين ما دامت تستطيع الدخول، ولها أن تبيع وتشتري هناك. فإذا هاجمها مهاجم فإن الحكومة البريطانية ستهتم بهذا الأمر.

المادة الحادية عشرة: إن الشروط المتقدمة ستكون مشاعة لجميع القبائل وللأشخاص الذين يتمسكون بها فيما بعد على هذه الصورة.

Appendix D

المعاهدة العامة للسلام مع القبائل العربية للخليج العربي، ترجمة تومانوفيتش 2006

Tomanovich Translation 2006

بسم الله الرحمن الرحيم

الحمد لله الذى جعل الصلح خيرًا للأنام، وبعد قد أقر السلام بين الحكومة البريطانية والقبائل العربية الموقعة، والمنضمين إلى هذه المعاهدة حسب الشروط الآتية:

المادة الأولى: يتوقف السلب والقرصنة بحرًا وبرًا من جانب العرب المنضمين إلى هذا الاتفاق.

المادة الثانية: إذا نفذ أي شخص من العرب الموقعين على الاتفاقية هجومًا بهدف السلب والقرصنة، وليس على أساس الحرب المعلنة، فيعد هذا الشخص عدوًا للجنس البشري، وسيعد كأنما أبيح دمه وماله. والحرب المعترف بها هي التي يتم إعلانها جهرًا، وتشنها حكومة أخرى، وأن قتل الناس وسلب أموالهم بدون إعلان صريح من حكومة ما يعدّ سلبًا وقرصنة.

المادة الثالثة: يحمل العرب المتصالحون في البر والبحر علمًا أحمرًا ضمن حاشية بيضاء، ويكون عرض الأبيض من الحاشية مساويًا لعرض البحر الأحمر، ولهم الخيار أن يحمل هذا العلم شيئًا من الكتابة أم لا (ويؤلف مجموع الأبيض والأحمر المعروف في البحرية البريطانية باسم بياض تخرقه الحمرة). وسيكون علم العرب المتصالحين دون غيره.

المادة الرابعة: يمكن للقبائل العربية المتصالحة أن تبقى على علاقتها فيما بينها كما كانت في السابق، ولكنها ستكون في صلح بعضها مع بعض، ولن يحارب بعضها بعضًا، والعلم المذكور سيكون رمزًا لذلك لا أكثر.

المادة الخامسة: تحمل كل سفينة من سفن العرب المتصالحين سجلًا خاصًّا بها موجودًا على متنها، يحمل توقيع الشيخ، ومسجل فيه اسم السفينة، وطولها، وعرضها، وحمولتها. ويجب أن يكون مع كل سفينة تصريح بالإبحار من الميناء موقع في الأسفل من الشيخ، ويذكر فيه اسم مالك السفينة واسم الربان، وعدد الرجال، والسلاح، ومن أين أبحرت، ووقت إبحارها، والميناء المتجهة إليه. وإذا واجهت هذه السفينة سفينة بريطانية قدمت لها السجل والتصريح.

المادة السادسة: يمكن للعرب المتصالحين، إذا أرادوا إرسال مندوب إلى دار المقيم السياسي في الخليج مع ما يلزم من الصلاحيات، ويبقى هناك للقيام بأعماله مع دار المقيم السياسي. وللحكومة البريطانية ذلك أيضًا إذا ما أرادت إرسال مندوب عنها إليهم. ويضيف المندوب توقيعه إلى توقيع الشيخ على السجل الموجود في السفينة الذي يحتوي على طول السفينة وعرضها وحمولتها. ويجب تجديد توقيع المندوب في كل عام. وتكون إقامة جميع المندوبين على نفقة الطرف الذي ينتمون إليه.

المادة السابعة: إذا لم تتوقف هذه القبيلة أو تلك عن النهب والقرصنة، فيتوجب على جميع العرب المتصالحين العمل ضدها حسب طاقتهم وظروفهم. وفي حال وقوع مثل هذا النهب والقرصنة، يتم الاتفاق بين العرب والبريطانيين بهذا الخصوص.

المادة الثامنة: يعد قتل الأسرى بعد تسليم أسلحتهم من أعمال القرصنة وليس من أعمال الحرب المعلنة. وإذا حكمت أيّ قبيلة على الأشخاص، سواء كانوا مسلمين أو غير مسلمين بعد تسليم أسلحتهم بالموت، فتعد هذه القبيلة عدوة للسلام وعلى العرب المتصالحين التعاون فيما بينهم وبالتنسيق مع البريطانيين ضدها. والحرب ضدها لن تتوقف إن شاء الله إلى أن يستسلم مرتكبو هذا الجرم والآمر بارتكابه.

المادة التاسعة: يعد نقل العبيد سواء كانوا رجالًا أم نساءً أم أطفالًا من سواحل إفريقيا أو غيرها على متن السفن نهبًا وقرصنة، وعلى العرب المتصالحين عدم القيام بمثله.

المادة العاشرة: لسفن العرب المتصالحين التي تحمل العلم الآنف الذكر أن تدخل الموانئ البريطانية وموانئ حلفاء البريطانيين ما دامت تستطيع ذلك، ولها أن تبيع وتشتري هناك. فإذا تعرضت إحداها لهجوم فيجب إبلاغ الحكومة البريطانية بذلك.

المادة الحادية عشرة: تشمل المواد التي سبق ذكرها جميع القبائل والأشخاص الذين سينضمون إليها فيما بعد، أو الذين وقعوا عليها في الوقت الحاضر.

Appendix E
Notes on the Treaty's Text

The copies of the text of the treaty in its handwritten form was provided by the National Center for Documentation and Research (NCDR) in Abu Dhabi, United Arab Emirates, which in turn had acquired copies of the treaty from the National Archives of India in Delhi, India. The transcribed form provided in Appendix B was compiled from the transcription provided by Donia Rushdi (of the NCDR), along with my corrections of some transcription errors by referring to the enlarged detailed (but black and white) copies that were provided with the transcription and the color image of the treaty, and referring also to the printed edition provided in the *Record of the Emirates* (1990).

Figure E.1 The first page of the handwritten copy of the original 1820 Treaty, as provided by the NCDR.

The treaty was printed in 1906, and this copy was preserved and included in the first volume of *Record of the Emirates 1820–1958* (1990), which was edited by Penelope Tuson, the following two images were taken from the first pages of the Arabic and English copies respectively:

Figure E.2 The first page of the printed copy of the Arabic translation of the 1820 Treaty as produced in the *Record of the Emirates*.

Treaties and engagements in force on 1st January 1906 between the British Government and the Trucial Chiefs of the Arab Coast.

[Note.—In the event of doubt hereafter arising as to the precise interpretation of any portion of the English or Arabic text of one or other of the Treaty stipulations, the English text shall be considered decisive.]

General Treaty with the Arab Tribes of the Persian Gulf—1820.

In the name of God, the merciful, the compassionate.

Praise be to God, who hath ordained peace to be a blessing to his creatures. There is established a lasting peace between the British Government and the Arab tribes, who are parties, to this contract, on the following conditions :—
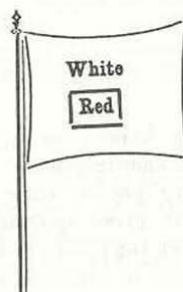
ARTICLE 1.

There shall be a cessation of plunder and piracy by land and sea on the part of the Arabs, who are parties to this contract, for ever.

ARTICLE 2.

If any individual of the people of the Arabs contracting shall attack any that pass by land or sea of any nation, whatsoever, in the way of plunder and piracy and not of acknowledged war, he shall be accounted an enemy of all mankind, and shall be held to have forfeited both life and goods. An acknowledged war is that which is proclaimed, avowed, and ordered by Government against Government; and the killing of men and taking of goods without proclamation, avowal, and the order of a Government is plunder and piracy.

ARTICLE 3.

The friendly (literally the pacificated) Arabs shall carry by land and sea a red flag, with or without letters in it, at their option, and this shall be in a border of white, the breadth of the white in the border being equal to the breadth of the red, as represented in the margin (the whole forming the flag known in the British Navy by the title of white pierced red); this shall be the flag of the friendly Arabs, and they shall use it, and no other.

ARTICLE 4.

The pacificated tribes shall all of them continue in their former relations, with the exception that they shall be at peace with the British Government, and shall not fight with each other, and the flag shall be a symbol of this only, and of nothing further.

Figure E.3 The first page of the printed copy of the English version 1820 Treaty as produced in the *Record of the Emirates*.