

Translating “Unequal Treaties” between China and Great Britain during 1842-1843: Reconstruction of Ideology and Practice of Power

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ABSTRACT

Translation, as the communicative bridge between two discursive systems, plays a crucial role in manipulating and reconstructing ideologies and reshaping the power relations that sustain them. Taking the translation of “unequal treaties”¹ signed between China and Britain during 1842-1843 as a case study, the paper examines how Britain sought more political gains by manipulating the translation of treaties, with the ultimate goal of delineating how translation negotiates power between discourses by ideological reconstruction. Based on critical discourse analysis (CDA), the study is carried out around three dimensions: lexico-grammar, discourse semantics, and context, which focus respectively on discursive patterns, information delivery, and the sociocultural environment that conditions translation practice. Notable translation shifts have been found between the treaties and their translations at lexico-grammatical and semantic levels, which essentially reflect the power struggle in the given historical period.

Keywords: Unequal treaties; translation; ideological reconstruction; power practice

1. Introduction

“Unequal treaties”, also known as the Treaty System, refers to a series of treaties, conventions, and agreements signed between the late Qing government² and Western powers as a result of military defeats during the 19th and 20th centuries. These treaties have been

¹ Also known as the Treaty System. This term, according to Wang Dong (2005: 2), was an invention of the Nationalist Party in the 1920s to arouse patriotism among common Chinese people. Greenburg (1983: 539) points out that, “the issue of unequal treaties was framed in moral rather than legal terms”. To define “unequal treaties”, she has quoted some scholars’ definitions: 1) Hugo Grotius defines “unequal treaties” as those “lacking reciprocity and imposing permanent or temporary burdens on one of the parties”; 2) Emmerich de Vattel defines them as “those in which the allies do not reciprocally promise to each other the same things, or things equivalent”.

² The Qing dynasty is the last imperial dynasty of China, and the late Qing refers to the period 1840- 1912, starting from the First Opium War and ending with the collapse of the Qing court and China’s feudalism.

accused of being unequal, as they were concluded under coercion rather than based on mutual willingness. More importantly, Western nations' aggressive demands on China, including opening ports for trade, territorial cession, extraterritoriality, tariff autonomy, and reparation were legalized in these treaties, which reduced China to an even more unfavorable situation after its failure on the international battlefield. However, when talking about the inequality of these treaties, most people tend to focus on their content and the related historical background, but fail to realize that translation has also contributed to or might even have aggravated the presumed "inequality".

Though abolished in the 1920s, "unequal treaties" are still significant in academic research and have attracted great attention within the domains of humanities and social sciences. Scholars have conducted in-depth studies on "unequal treaties" from historical, legal and political perspectives, answering questions with regard to their role in China's modern history, international law and international relations with Western powers (Qian 1961; Ding et al. 1973; Guo 1993; Wang 2005; Li 2010). In the past two decades, some scholars have shifted attention to a translational perspective, because they have realized that translation, as Baker (2006: 89) says, "is central to historicity as it is how we have come to know what happened which, in turn, informs our understanding of the present". These studies are conducted around three dimensions: 1) the translated texts, especially the "mistranslation"³ of terminology (Wong 2014, 2016; Qu 2013, 2014; and Li 2016); 2) translators (Ji & Chen 2007; Hu & Jia 2010; Wong 2011, 2012); and 3) translation activities (Qu 2017). Undoubtedly these translation studies offer valuable insights, proving that translation plays a crucial role in shaping history and politics. Yet, most of them focus on the semantic delivery and the historical environment, with insufficient attention cast upon the linguistic patterns, which, as part of social semiotics, also reveal the power struggle underneath. Only Fan (1992) studies linguistic features of *the Treaty of Nanking* and *the Treaty of Wang-Hiya*, pointing out that

³ "Mistranslation" implies that the translation itself is incorrect and usually associated with the language insufficiency of translators, but this is not always the case. Thus, the author labels these "mistranslations" as alterations in the discussion below (see Section 3.1).

linguistic differences could have caused ideological divergences. While in this study, I examine the three dimensions within the CDA framework. Equal attention is paid to linguistic patterns and semantic delivery in textual analysis, with critical comparisons made on the basis of systemic functional linguistics (SFL). The historical background and the translators are considered as contextual factors to provide possible explanations for the discursive discrepancies.

A generic understanding of treaties is a prerequisite for the examination of treaties and their translations. As legal texts concluded between states within a political context, treaties feature a unique duality in nature, being both legal and political at the same time. Hence, the text producers of treaties, drafters or translators, need to strike a balance between legal rigor and political predisposition during their discursive practices. With regard to “unequal treaties”, such duality deserves even more attention. Politically speaking, translating “unequal treaties” is essentially mediation between two powers. As Moon and Fenton (2002: 60) suggest in their studies on the translation of *the Treaty of Waitangi* (1840), translation can play a role “in constructing societies, cultures and ideologies by conveying a completely different discourse”. Apart from being a textual reproduction, translating “unequal treaties” is an invisible competition for discourse power, where ideologies have been reshaped from different political stances in a given historical context.

This paper focuses mainly on the first three treaties signed between the Qing government and Britain during 1842-43, namely *the Treaty of Nanking* (1842), *General Regulations of Trade* (1843), and *the Treaty of the Bogue* (1843). These treaties were concluded within two years after the First Opium War, marking the beginning of the Treaty System. Standing out as representative “unequal treaties”, they set a model for the follow-up treaties in both content and style. Moreover, the translators of these treaties were three Westerners appointed by the British government: John Robert Morrison (British, 1814-1843), Karl Gützlaff (German, 1803-1851), and Robert Thom (British, 1807-1846) (more detailed discussions will be

provided in Section 3.2.2.). Thus, it is meaningful to conduct a critical discourse analysis of these treaties to see how Britain sought political gains by manipulating the translation of unequal treaties.

2. Theories and methodology

2.1 Key notions: discourse, ideology, and power

Focusing on actual language use in a variety of sociopolitical settings, critical discourse analysis (CDA) represents a useful approach to the exploration of ideology and power embedded in discourse (Fairclough 1989; van Dijk 2008). To begin with, it is necessary to have a basic understanding of key concepts concerning critical discourse analysis (CDA), namely discourse, ideology, and power. Discourse is the fundamental notion that discourse studies and critical discourse analysis reside upon. There is an abundance of definitions with regard to “discourse” from linguistic, philosophical, and sociological schools, represented by van Dijk, Foucault, and Bourdieu (Czerwińska 2015). In this study, I adopt the linguistic definition as “a communicative event” in the form of texts and talks, which places emphasis on the linguistic structures and language strategies in use in the social context.

Ideology, in Wodak’s definition (1996:18), is “particular ways of representing and constructing society, which reproduce unequal relations of domination and exploitation”. In a broader sense, ideology can be the ways of thinking and perceptions of individuals and institutions, guiding them in construing realities, performing tasks, and enacting relations. Ideology is usually conveyed and reflected by the semantic meanings and linguistic structures of a discourse, and it echoes the given economic status as well as the interests and demands of the ruling class or specific social groups. Usually, there are two sets of ideologies involved in translation: the translation of ideology and the ideology of translation (Hatim & Mason 1997). The former is generally considered the original ideology in the source text, whereas the latter the reconstructed ideology in the target text. According to Tymoczko (2003:183), “The ideology of translation resides not simply in the text translated, but in the voicing and

stance of the translator, and in its relevance to the receiving audience”. This means the target ideology is not necessarily identical to the original, because the reproduction and reception of the ideology in the target discourse is always influenced by human factors.

Power, in Fowler’s words (1985:61), is “the ability of people and institutions to control the behaviors and material lives of others”, which usually implies “an asymmetrical relationship”. Similar to ideology, there is also a pair of concepts regarding translation and power: translation in power and power in translation. Translation in power is the actual discursive practice instructed by the power relations between the source discourse (SD) and target discourse (TD). It is the power relations that determine what texts are to be translated, by what people and in what ways; these are the three essential elements constituting translational practices. Power in translation is the consequential results and effects achieved in these translational practices, concerning how power is communicated and attained via translation. Usually, the product of such practice in turn brings substantial social effects and enacts power relations in a new discourse.

Regarding the triangular relationship between the three concepts, CDA scholars have made in-depth explorations and discussions (Fairclough 1989, 1998, 2008; van Dijk 2008, 2011). Ideology can be a useful tool to exercise and achieve power in discourse. The reconstruction of ideology, pragmatically speaking, is to make the target audience embrace ideas from another ideological system. Nevertheless, the reconstruction of ideology in translation serves not only the target audience. In essence, it is a mixed ideology that endeavors to cater for either side or both sides, reflecting the power struggle between. Reconstructing ideology is necessarily a form of power practice, and translation provides the field for such practice. In my opinion, translation can be viewed as an investment in a trade called “power struggle”, with ideologies as the exchange capital. There are three types of power relations, accounting for discursive practices in different directions. These are respectively power surplus, power deficit and power balance using my own terms.

- (1) **Power surplus** (SD outweighs TD): the translator tends to transfer the original ideology into the target system with utmost faithfulness, and even the ideological differences are preserved to introduce new ideas and concepts to, and achieve mind control over the target audience. The translator needs to estimate whether it is profitable to invest ideological capital, especially those new ideas and concepts strongly contradictory to the target audience's conventional mindset, so as to avoid possible negativity or vulnerability in ideological reception.
- (2) **Power deficit** (TD outweighs SD): the translator generally shows more caution in the ideological investment, inclined to avoid ideological alienness that might arouse misunderstandings and resentment among the target audience. It is also possible that the translator, encouraged by the patron, takes risks to be a loyal messenger in translating those ideas that are expected to reform TD's ideological system and consequently reverse SD's adversity in power.
- (3) **Power balance** (SD equals TD): the translator has more say in his/her ideological investment in translation, in accordance with different purposes and patrons of the translation practices, and the relation between two discourses is no longer one-way power abuse, but instead a two-way power contest.

2.2 Research framework

Critical discourse analysis (CDA) provides the theoretical foundation for this paper, with Halliday's systemic functional linguistics applied as the analytic tool in the case study. Language, taken as social semiotics, for example, by Halliday (2014), performs three meta-functions: 1) construing human experience (ideational); 2) enacting interpersonal and social relationships (interpersonal); and 3) organizing the discursive flow and creating cohesion and continuity (textual) (Halliday & Matthiessen 2014: 29-30). These three meta-functions together form the foundation of ideology in language, and data analysis will center on the meta-functions in discussing translation and ideology. As Munday (2014:134)

proposes, there is an inverted triangular schema of the Hallidayan model of language with six strata, and “the direction of influence is top down”, from sociocultural environment, discourse, genre, register, and discourse semantics to lexico-grammar. However, in this paper, the CDA analysis is carried out bottom up: firstly descriptive, then interpretative, and ultimately explanatory, generally based on Fairclough’s three-dimensional model (1989:26).

“Translation shifts” will be a useful tool to examine the subtle ideological discrepancy between two discourses at the lexico-grammatical and semantic levels. There are different categorizations of translation shifts proposed by Nida (1964), Catford (1965) and Machali (1998). Nida, when discussing dynamic equivalence in translation, proposes three main categories of translation shifts: additions, subtractions, and alterations. Catford (1965:73), relying on “his distinction between formal correspondence and textual equivalences” (Cyrus 2009: 90), divides translation shifts into two groups: level shifts and category shifts, while the latter are further divided into four categories: unit, structure, class, and intra-system shifts. Machali proposes two types of shifts in accordance with the necessity of shifts: obligatory shifts and optional shifts. However, it is sometimes difficult to define whether the linguistic shifts are caused by language conventions or ideological motivations, or in some cases, the translators’ stylistic preferences in language usage. Thus, only Nida’s and Catford’s categorizations are adopted in this paper for descriptive studies, and the shifts are to be analyzed by using the “five key sets of resources for making meaning as text”: APPRAISAL, IDEATION, CONJUNCTION, IDENTIFICATION, and PERIODICITY,” which are proposed by Martin and Rose (2003: 16), based on the Hallidayan systemic functional grammar. Since these translation shifts are subtle and their statistical proportions might not be as prominent as expected, corpus techniques were not used in this study. Instead, more attention has been paid the interpretation of these shifts by making critical comparisons based on close reading. Thus, this paper is essentially qualitative rather than quantitative. However, quantitative research can make the findings more objective and convincing and should be seriously considered in further research.

3. Data analysis on the treaties and their translations

3.1 Into the manipulation – textual analysis

This section attempts to answer **HOW** power is negotiated across discourses via translation. Drawing on critical comparisons between the English and Chinese versions, the paper finds that there exist certain discursive discrepancies between them. As Munday proposes (2007: 213), “the lexicogrammatical choices of the author reproducing an ideology and conveying a representation of reality that favours the powerful side” and “such shifts usually have an ideological motivation”. Britain was then enjoying a “power surplus” that enabled their translators to manipulate the discursive patterns as well as information delivery. The translation shifts do subtly change the ideology: the ideological effect of some information has been amplified or weakened. In this way, the target audience could construe the “realities and truths” as the dominant power anticipates, and eventually perceive the attitudes underneath. The following examples demonstrate what and how “realities and truths” were presented to the target audience.

Example 1:

ST: *There shall henceforward be Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, and between their respective Subjects, who shall enjoy full security and protection for their persons and property within the Dominions of the other. (Article I, Treaty of Nanking)*

TT: 嗣后大清大皇帝、大英君主永存平和，所屬華英人民彼此友睦，各往他國者必受該國保佑身家全安。

BT: *Henceforward His Majesty the Emperor of China and Her Majesty the Monarch of the United Kingdom of Great Britain shall maintain peace forever, and their respective Subjects be friendly to each other; whoever goes to one country shall be secured and*

*protected for their persons and properties by the other country.*⁴ (My translation)

This is the first article in *the Treaty of Nanking*, conveying the overall theme of these treaties, namely to end misunderstandings and hostilities as well as pursue peace and friendship between two states. The two texts maintain high consistency in their core ideas, while conspicuous differences are detected when comparing their transitivity structures⁵. Such structural shifts can be examined from three elements: process, participants, and circumstances within the system of **Ideation**.

The main clause is accordingly split into two symmetrical structures in the target text – “the Emperor and the Queen maintain peace” and “Chinese and British subjects are friendly”. Obviously, the translator conformed to Chinese language conventions by using parallelism, a rhetoric device favored in Chinese, to achieve the textual formality as expected in Chinese official documents and enhance the mood with regard to the “peace and love” theme of the Treaty. The existential process in the source text is transformed into two processes in other categories, material and relational, with the “between... and...” circumstantial phrase reshaped as two subjects for the parallel clauses. The obscureness carried by the original “there be” structure is eliminated with the participants of the given processes explicitly addressed as subjects. Taking the thematic position in the clauses, the participants are assumed to take greater initiative for the central actions, namely maintaining peace and mutual friendship.

As for the attributive clause, the subject of the clause remains the British and Chinese Subjects in both texts, yet the action is conceptualized and narrated from two opposite

⁴ My back translation is based on the target text, lexico-grammatically and semantically, so as to display the basic linguistic structures of the Chinese versions to make comparisons with the original English versions. Thus, some expressions might seem not native in English. The back-translated version is for reference only.

⁵ Regarding the Chinese transitivity system, Eden Sum-hung Li categorizes the processes into four groups: mental, verbal, material, and relational (2007: 44-46). This could be slightly different from the Hallidayan categorization, which further separates material into “material” and “behavioral”, and relational into “relational” and “existential”. The Hallidayan categorization is used in my study. Whether there are process shifts between texts depends on which categorization is used, and there is no settled answer.

perspectives. In the source text, the subject is the agent of the action because the subject itself does the action, namely “enjoying”. The real actions have been nominalized as “security and protection”, performed by an abstract verb “enjoy”. This is a typical “Actor + Process + Goal” construction, whose information stress falls upon the Actor, namely the right holder in this case. However, the translator used a passivized “Actor + Process+ Beneficiary + Goal” construction in the target text and the central action has been changed into “being secured and protected”. The right holder is described from the perspective of the Beneficiary instead of the Actor, and the underlying responsible party has been made visible, with their role of the Actor resumed in the target text. More importantly, the material process has been given greater mobility, with the central action freed from nominalization via translation, being more concrete and dynamic, and fitting Chinese people’s habitual ideological commitments.

Example 2:

ST: *The Emperor of China agrees to pay the sum of Six Millions of dollars as the value of Opium which was delivered up at Canton in the month of March 1839, as a Ransom for the lives of Her Britannic Majesty’s Superintendent and Subjects, who had been imprisoned and threatened with death by the Chinese High Officers. (Article IV, Treaty of Nanking)*

TT: 因大清欽差大憲於道光十九年二月間經將大英國領事官及民等人強留粵省，嚇以死罪，索出鴉片以為贖命，今大皇帝准以洋銀六百萬銀元補償原價。

BT: *Since the Chinese High Officers, in the month of March 1839, had imprisoned and threatened Her Britannic Majesty’s Superintendent and Subjects with death, and delivered up Opium as a Ransom for their lives, the Emperor of China now agrees to pay the sum of Six Millions of dollars as the value of Opium. (My translation)*

This article is about China’s reparation to Britain for the opium confiscated in Humen (also known as the Bocca Tigris or Bogue) in 1839. The two texts are experientially equivalent, but the two shifts in **Periodicity** have conveyed an ideology more approachable to the Chinese

audience. There are two types of waves with regard to information flow (Martin & Rose 2003). The first notable shift is a little wave of information concerning Themes and News, caused by the usage of different voices. **Theme**, as the “peak of prominence at the beginning of the clause” (2003: 177), is where information departs, and **New** is the “information we are expanding upon as text unfolds” (Ibid: 179). In this example, there is a thematic shift from Britain to China, consequently leading to transitivity shifts regarding the central process. This shows the contrast between “operative” and “receptive” of the given transitive clauses (Halliday & Matthiessen 2014: 182). Linguistically speaking, passive voice is patient-oriented, whereas active voice is agent-oriented. The source text highlights Britain’s victim image by narrating Britain’s sufferings in a passive tone and telling that ***Britain had been mistreated by China***, so as to justify Britain’s demand for reparation. On the contrary, the target text emphasizes China’s guilty image, and thus the translator used active voice to describe Chinese authorities’ mistreatments, telling that ***China had mistreated Britain***, which aims to convince the Qing government of its obligation to pay for misdeeds.

The second shift takes place in a bigger wave of information concerning hyperThemes and hyperNews, namely the “larger scale patterning of phases of discourse” (2003:181). These could be understood as Themes and News at the clausal level, and this is also closely related to the system of **Conjunction** that shows how events are connected in a discourse. There is a reverse positioning of hyperThemes and hyperNews with regard to the consequential logic about Britain’s demand for reparation. It is recognized that different narratives cater for different parties, and reframing the narratives, as Baker suggests (2006:107), can help promote competing discourse, which are “important implications for different parties to the conflict”. In the source text, the logic is presented in an effect-cause order as “***China agrees to pay (hyperTheme), because China had done misdoings (hyperNew)***”, while in the target text, it has been restated in a cause-effect order as “***Because China had done something wrong (hyperTheme), it agrees to pay as compensation (hyperNew)***”. This means China having mistreated Britain is displayed as an acknowledged fact underpinning Britain’s

demand for compensation in the target discourse, which conveys an underlying message that China had admitted guilt before the negotiation and thus strengthens the rationality of the ensuing demand.

Examples 1 and 2 show how realities are represented and construed in discourse, with attention paid to the realization of the ideational and textual meta-functions. Now it is time to turn to how attitudes are negotiated across discourse via translation; the system of **Appraisal**⁶ is adopted to examine the performance of the interpersonal meta-function in both discourses.

Example 3:

ST: *An English Officer will be appointed at Hong Kong one part of whose duty will be to examine the registers and Passes of all Chinese Vessels that may repair to that Port to buy or sell Goods, ... (Article XIV, Treaty of the Bogue)*

TT: 香港必須特派英官一員，凡遇華船赴彼售貨、置貨者，將牌照嚴形稽查。**BT:** *An English Officer must be appointed at Hong Kong; whenever seeing Chinese Vessels may repair to Hong Kong to buy or sell Goods, he is to seriously examine the registers and Passes. (My translation)*

Graduation is applied to examine the minor modal shift in translation and explore the two governments' attitudes towards the appointment of an officer at Hong Kong. The underlined *will* here could be understood either: 1) as a modal verb in the modulation group, showing inclination and ability to perform the act; 2) as an auxiliary verb, indicating future tense and the possibility of carrying out this act. Interestingly, the translator put it into *必須* (meaning "must"), the highest-value modal expressing obligation in Chinese.

⁶ The Appraisal system comprises three interrelated subsystems: Attitude, Graduation, and Engagement. Attitude is about the ways of feelings, which are further divided into three subsystems: affect, judgment, and appreciation. Graduation is "a general property of values of affect, judgment and appreciation that they construe greater or lesser degrees of positivity or negativity" (Martin & White 2005: 135). Engagement, as the sources of attitudes, provides "a heteroglossic backdrop of prior utterances, alternative viewpoints and anticipated responses" (Ibid: 97).

This modal shift from the inclination group to the obligation group, with its scale being intensified to the highest level, has inevitably reshaped the underlying ideology and exerted power abuse in an imperceptible manner. For “(a)t each pole of these scales of modality is the choice of positive and negative polarity” (2003: 48), the usage of 必须 has successfully highlighted the appointment of an English officer at Hong Kong as a must in the Chinese text, and there is scarcely room for China to show objection and prevent Britain's occupation of the Island of Hong Kong. This faithfully mirrored Britain's determination in occupying this territory of strategic importance, and it can be taken as the translator's efforts to represent the original ideology of the party he served, namely the British government.

Examples 1-3 mainly discuss lexico-grammatical shifts in translation, while the following examples concern those semantic shifts in the form of additions, subtractions, and alterations. By comparison, information asymmetry has been detected in some places of the target texts, which amplifies or weakens the ideological effect, or even alters how “realities and truths” are represented in the target system.

Example 4:

ST: ... should any persons whatever infringe the stipulations of this Article and wander away into the Country, they shall be seized and handed over to the British Consul for suitable punishment. (Article VI, Treaty of the Bogue)

TT: 倘有英人違背此條禁約，擅到內地遠游者，不論系何品級，即聽該地方民人捉拿，交英國管事官依情處罪，但該民人等不得擅自毆打傷害，致傷和好。

BT: Should any British persons infringe the stipulations of this Article and wander away into the Country, whatever official ranks, they shall be seized by the Chinese locals and handed over to the British Consul for suitable punishment; however, the locals cannot beat or harm them presumptuously without permission, which harms the mutual friendship. (My translation)

This example is about the restraints upon British subjects within the dominion of China, and it shows how the translator amplified the ideological effect by means of addition. Both texts share the same topic, namely, how to implement extraterritoriality⁷, but the two additional pieces of information in the target text have further clarified the respective responsibilities of two parties involved. The first addition, supplementing that it is for Chinese locals to seize the British subjects violating the stipulations within the dominion of China, manages to point out the Actor of the given actions and prevent any misunderstanding that might harm the jurisdiction of both sides. The second addition, saying that Chinese locals cannot hurt the British subjects even within the dominion of China, falls into the “disclaim” group in **Engagement**. Such addition in the form of negation serves two ideological purposes. On one hand, it echoes the historical cause that Chinese authorities had imposed punishments upon British Subjects who infringed rules and entered the town, which also conveyed a sense of condemnation on the British side. On the other hand, it draws a clear line between the rights and duties of China and Britain, so as to avoid possible disputes afterwards and, more importantly, protect the persons of British subjects. This example shows that Britain actually cared greatly about extraterritoriality, with a stronger mood conveyed to the Chinese audience, namely the Qing government.

Besides altering the information amount by additions or subtractions, the translators also adjusted the semantic focus and force of key concepts to achieve ideological purposes. The following example shows how the changing connotations of key concepts help aggravate Britain’s power abuse upon China in bilateral negotiations.

Example 5:

*ST: It being obviously necessary and desirable, that British Subjects should have
some Port whereat they may careen and refit their Ships, when required, and keep*

⁷ Extraterritoriality, namely each country administrating its own people regardless of dominions, can be viewed as a non-transparent form of colonization, which essentially encroaches upon the other’s sovereignty in jurisdiction.

Stores for that purpose. His Majesty the Emperor of China cedes to Her Majesty the Queen of Great Britain, etc., the Island of Hongkong, to be possessed in perpetuity by Her Britannic Majesty, Her Heirs and Successors, and to be governed by such Laws and Regulations as Her Majesty the Queen of Great Britain, etc., shall see fit to direct. (Article III, Treaty of Nanking)

TT: 因大英商船遠路涉洋，往往有損壞須修補者，自應給予沿海一處，以便修船以存守所有物料。今大皇帝准將香港一島給予大英君主暨嗣後世襲主位者常遠據守主掌，任便立法處理。

BT: Since British Ships come from afar across the distant sea and often need repair, it is obviously necessary to give British Subjects some Port whereat they may careen and refit their Ship and keep Stores for that purpose. His Majesty the Emperor of China agrees to give Her Majesty the Queen of Great Britain, etc., the Island of Hongkong, to be possessed in the long term by Her Britannic Majesty, Her Heirs and Successors, and to be governed by such Laws and Regulations as Her Majesty the Queen of Great Britain, etc., shall see fit to direct. (My translation)

This article concerns China's cession of the Island of Hong Kong to Britain, which involves some notable intra-system shifts. Firstly, two wavy-underlined adverbials that modify the central processes have been amplified or weakened in their semantic intensity. The adverbial "when required" was rendered into an adverb with a higher scaling of force – 往往 (meaning "often"), which implies an even more imperative demand for a port than the source text suggests. However, regarding the term of territorial cession, the translator lowered the temporal value by putting the phrase *in perpetuity* into 常遠 (meaning "for the long term"). *In perpetuity*, literally suggesting permanence, indicates that the territorial cession would last forever and there shall be no chance for China to recover the Island; while 常遠 implies there is still weak possibility of China's recovery of Hong Kong. Britain, with an expanding ambition during its colonial progression, undeniably preferred the former, whereas China, taking this cession as a compromising act, opted for the latter. This alteration could be seen as

the translator's efforts to settle the unspoken dispute over the term of the territorial cession.

At the same time, the translator also managed to reshape the ideology and negotiate different attitudes by using alterations to represent the central processes. The underlying *have* in the source text was given a seemingly unmatched word 给予 (meaning “give”). There are two interpretations: 1) China is to give some Port; 2) or Britain is to be given some Port. The source text starts from the one who is to possess this port, while the target text places emphasis on who is to cede the port. The different narrative perspectives serve different ideological purposes, though both in favour of Britain. The source text indicates Britain's ambition of possessing the Island with a stronger sense of ownership, while the target text stresses more on the ceding action itself as well as its Actor – China. The underlying verb *cede* was translated into 给予 (meaning “give”) as well. The original expression reveals the truth behind this action that China was forced to give up the territory to Britain after the military defeat, while the translation reshapes the territorial cession as a generous offer by China. This has brought attitudinal advantages that China's national dignity was preserved on the international stage, and Britain's aggression was disguised and even glorified as a symbol of friendship.

Example 6

ST: *Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, being desirous of putting an end to the misunderstandings and consequent hostilities which have arisen between the two Countries,... (Treaty of Nanking)*

TT: 茲因大清皇帝, 大英君主欲以近來之不和之端解釋, 止肇釁.....

BT: *Since the Emperor of China and the Monarch of the United Kingdom of Great Britain and Ireland desire to end the misunderstandings and consequent hostilities between the two Countries, ... (My translation)*

When addressing the Queen in the target text, the translator used a non-corresponding expression 君主 (meaning “monarch” or “sovereign”). In fact, there have been equivalent lexical items in Chinese, such as 女王 (meaning “female monarch”) and 王后 (meaning “king’s wife”), so this translation shift was not caused by the so-called “translation vacuum”. The translator, taking into account the Chinese audience’s attitudes towards a male or female monarch, chose to blur the gender of the title by using 君主, which is more general and inclusive for its indetermination in gender. Given that China was then a patriarchal society where men assumed dominance over women in power hierarchy, femininity was generally associated with negativity whereas masculinity with positivity. Thus, a female monarch was unpopular and unlikely to earn equal respect and worship as a male monarch did. It would be risky to faithfully present the gender of the Queen to the Chinese audience who had held a poor impression of female monarchs since ancient times⁸. Their perception of “men in power” hierarchy was deep-rooted and unlikely to be changed within a short time. Even though Britain was then enjoying a “power surplus”, the translator still had to carefully consider if the ideological investment into the target system would be profitable. The manifestation of an indeterminate gender helps avoid or lessen the possible negativity triggered by the target ideological system, thus recreating a power balance between the two heads of states during political encounters.

It can be concluded from Examples 5 and 6 that, translating ideologies from one system into another is a process of negotiation and compromise. The incompatibilities between two ideological systems are difficult to tackle. Whether to reproduce or dissolve the original ideology in the target discourse is not only determined by the power relations between the two parties, but also influenced by the translator’s prejudgment about how the target audience might perceive the original ideology.

⁸ In fact, many Chinese officers held an unwelcoming attitude towards the Queen of Great Britain, and even deemed it shameful to put the British Queen side by side with the Chinese Emperor in the very beginning of the Treaty. For example, Li Xingyuan, one Chinese governor in Jiangsu, had expressed his discontent about this addressing problem in his diary.

Overall, while the examples shown in this study might involve the ideological discourse in English being strengthened (e.g. Example 3) or at times weakened (e.g. Example 6) in Chinese, these nonetheless are interesting and salient signs of translators' manipulation from the perspective of ideology and power. Whatever the ideological effect achieved in the target discourse, amplified or weakened, Britain was the beneficiary from the beginning to the end. Enjoying a power surplus, Britain managed to justify the unfair demands and disguise its aggressive image via translation. In this sense, translation did contribute to the inequality of these treaties.

3.2 Behind the manipulation – contextual analysis

The section above, being descriptive and interpretative, mainly explores “power in translation”, namely **HOW** power is negotiated via translation, with discussions about the translation of ideology and the ideology of translation in a comparative manner. This section, being explanatory, tries to answer the **WHY** question regarding “translation in power”; the socio-historical background and translators should be taken into account: historical events are invisible paratexts themselves that constitute the overall social settings for the (re) production as well as interpretation of the specific texts; while translators are the agent enacting power relations in their discursive practice.

3.2.1 Social-historical background

The socio-historical background is, in nature, the macro-discourse that governs the specific discursive practice. The Treaty System was born in the successive conflicts between Imperial China and Western powers, and witnessed the breakdown of the Celestial Empire. Trade between China and Britain dates back to the 17th century, the Ming period of China. Chinese goods, such as silk and porcelain, enjoyed great popularity in the Western markets, leading to the European nations suffering severe trade deficits. Then Britain began to traffic and trade opium to China to turn the situation around. Opium was an injection of poison into the vein of the conservative Chinese people, forcing the Qing government to take action to prohibit

opium transportation and trade within the dominion of China. China's consequential counter-attack, namely Commissioner Lin Zexu confiscating opium at Humen, became Britain's excuse to declare war on China during 1840-42. Unsurprisingly, the Celestial Empire had already lagged behind due to its closed-door policy and was unable to withstand the heavy gunfire of Britain. Soon after the British Army occupied Zhenjiang, the Qing government surrendered to Britain's aggression and sent representatives for peace talks. Having suffered defeats on the battlefield, the Chinese officers, Keying and Elepoo, appointed by the Emperor for the political negotiations with Britain, advocated a conciliatory policy to end foreign hostilities and seek temporary peace from warfare (Jiang 1958); however, they had less say than the British superintendents during the bilateral negotiations. Such a socio-historical background foreshadowed China's failure in the power struggle underlying the treaty translation. Western powers just rode roughshod over China, projecting China's guilty image to justify those unequal demands as proper claims in these treaties (see Example 2).

After receiving Pottinger's demands on August 14, they submitted the next day "a new list of the articles of agreement for commerce, peace, and good will," to which Sir Henry replied on the seventeenth by sending them a draft of the treaty, delayed a day by the necessity of careful translation into Chinese. This the Chinese negotiators straightway accepted, on August 19, meanwhile sending it to Peking for approval. (Fairbank, 1940: 27)

According to Fairbank, there was limited time for the translators to render the texts. Both sides were so eager to conclude the treaties for their own interests that the representatives failed to seriously deal with the translation problem of these treaties within a short timeframe. Given that international law had not yet been introduced to China and there was no established framework for such treaties, several legal terms lacked counterparts in the Chinese language system (Svarverud 2007). The translators were attempting to introduce

these novel concepts into the Chinese ideological system in their own ways. For example, supplementary information was added in Example 4 to clarify “extraterritoriality” that might raise both governments’ concerns about jurisdiction. The Chinese representatives were incapable of noticing the minor differences in discursive patterns and semantic meanings caused by translation, thus allowing the translators certain fault-tolerance in translating the treaties. Furthermore, in the unspoken rule concerning the validity of two versions of treaties – “should there be any disputes, the English version prevails”⁹, there was undoubtedly a huge grey area for those having language advantages to play word games and seek political gains. They could alter the semantic force of key concepts to confuse the English-illiterate Chinese government about the nature of unequal demands (see Example 5), or even impose greater pressure upon China to fulfill its promise (see Examples 3 and 4).

3.2.2 Translators

Translators, as the agent of power, are also one crucial factor that influences the reconstruction of ideology. First and foremost, the two countries held different attitudes towards translators and interpreters. Long before the outbreak of the First Opium War, the British government had already recognized the importance of language in international issues, such as trade and political negotiations, and trained and recruited some language professionals for international encounters. In contrast, the Qing government ignored the outside world that had developed far beyond its imagination, and held strong resistance to foreigners as well as new things. It showed no trust in those who had a command of foreign languages, and even treated them as traitors who colluded with foreign invaders (Hu & Jia 2010). This partly explains the absence of Chinese translators in rendering and proofreading these treaties, which, in consequence, made China lose its own initiative in the political negotiations.

⁹ This unspoken rule was once proposed by Lord Palmerston in *the Draft of Proposed Treaty with China* (1840), “... that that if any doubts shall arise at any time as to the interpretation to be put upon any part of this Treaty, those doubts shall be determined by reference to the English version”, but it was not officially written in black and white in the treaties until *the Treaty of Tientsin* (1858). (Wong, 2012: 56-57; Qu, 2013:88)

As for the three Westerners participating in translating these treaties: John Robert Morrison (1814-1843), Karl Gützlaff (1803-1851), and Robert Thom (1807-1846), they shared similarities in bilingual backgrounds and had rich experience in interpreting and translation, with works translated and published in other fields. For example, both Morrison and Gützlaff had learnt Chinese from their predecessors¹⁰ and participated in translating the Bible into Chinese in 1840 (Wylie 1867), while Thom translated *Aesop's Fables* into Chinese in the same year (Le Pichon 2006: 184). Since there were no established institutions in China to train language professionals then¹¹, it was extremely difficult to find native translators adequate to such translating tasks. Thus, these Westerners serving as interpreters during negotiations seemed to be obvious choices as translators for these treaties. However, in view of the generic uniqueness of treaties, their expertise in law should have been another concern in assessing whether they were qualified enough to engage in legal translation.

In addition, these translators had multiple social identities that accounted for their failure in performing “neutral translation”. The discursive discrepancy as presented in Section 3.1 essentially reflects how the translators perceived and reproduced the original ideology of the text and the party they served. Just as Baker (2006) refers to “selective appropriations”:

A final and related factor that guides our processes of selective appropriation is our own ‘values’ – the values we subscribe to as individuals or institutions – and our judgement as to whether the elements selected to elaborate a given narrative support or undermine those values (2006: 76).

It is understandable that these translators inclined towards Britain when translating treaties,

¹⁰ Morrison learned the Chinese language from his father, Robert Morrison, while Gützlaff learned the Malay and Chinese languages from Mr. Medhurst, who also took part in translating the Bible.

¹¹ It was not until the establishment of the School of Combined Learning (also known as Tongwen Guan) in 1862 did the Qing government start to teach Chinese people Western languages as well as scientific subjects, including international law.

for they worked for the British government during the First Opium War. Morrison was then the Chinese Secretary and Interpreter to the Superintendents of British Trade in China; Gützlaff succeeded to Morrison's post afterwards; Thom was seconded to the British Army during the war. They might have tacitly accepted the ideology imposed by the British government, that is to say, China was the guilty side. This could be reflected in their reconstruction of China's image in translation, as is shown in Examples 2 and 4.

Personally, these Westerners also assumed other social roles that could have brought biases to their translational practices. Gützlaff was a German missionary who devoted himself to spreading Christianity to the East, and he believed that warfare was an effective means to open China to the Western world. Also, he and Thom had once worked as interpreters in the trading house Jardine, Matheson & Co., the chief culprit of trafficking opium to China. Such working experience might have unconsciously affected their attitudes and perceptions in the political negotiations as well as translational practices. This accounts for their attempts to amplify the necessity of appointing an English Officer and owning a port in Examples 3 and 5, for, as people with experience in business, they habitually sought gains for Britain.

4. Conclusion

Drawing upon critical discourse analysis, this paper finds that there were notable structural and semantic differences between two discourses. Translating "unequal treaties" is not merely an act to reflect the inequality of the source discourse; it is also a process of increasing inequality by manipulation in the target discourse. Britain managed to expand its advantage over China at the negotiation table by manipulating the translation of "unequal treaties". On one hand, Britain tried to change China's habitual way of perceiving the given information by subtly altering discursive patterns in translation; on the other hand, it introduced new ideas and concepts to the Chinese ideological system, which were expected to facilitate social reforms in a China that was ideologically backward on the international stage at that time.

As Fowler (1985) says, language cannot be viewed as “an innocent medium that simply reflects inequality”, but rather it is also “a practice that contributes to inequality” (1985:62). Translation, more than a transformation of words that conveys messages from one language into another, is also a means of negotiating power that contributes to social changes. Ideological reconstruction takes place everywhere in translation, as trivial as a linguistic shift, or, as prominent as a semantic alteration. Therefore, such “ideological potential” should be dealt with meticulously when translating or deciphering these texts, and the role of translation in social change deserves special attention. It is far from enough to acknowledge that translation is an important field of power practice. A deeper understanding of how translation traverses different ideologies and leads to substantial social change should offer valuable guidance in discursive practices and critical outlooks on the real world.

Furthermore, the sociocultural environment that conditions translation cannot be ignored, for translation is a discursive practice under the socio-historical background, mirroring the meta-discourse of the given time and space. Such temporal and spatial meta-discourse behind translation is always where “truths and realities” lie. Last but not least, “translators” are a key variable always affecting the outcome of the translational practice. Beyond a messenger across discourses, the translator is the agent of power and has a say in how to transfer the messages. Hence, it is worth recognizing the crucial role of translators in reconstructing ideology and negotiating power, and possibly, approaching them with greater respect, so as to better understand the “truths and realities” from their pens as well as the outside world through their eyes.

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