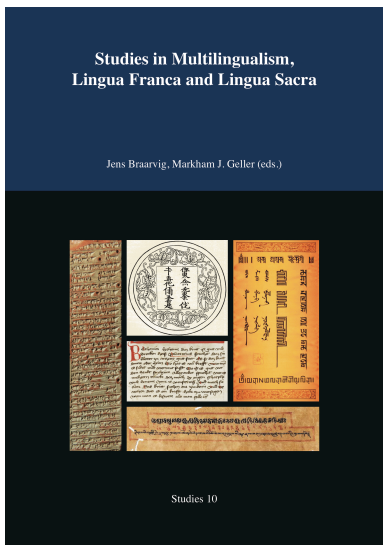


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Studies 10

Lutz Edzard:

Diplomatic Multilingualism in the Middle East, Past and Present: Multilingualism, Linguae Francae and the Global History of Religious and Scientific Concepts



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Chapter 11

Diplomatic Multilingualism in the Middle East, Past and Present: Multilingualism, *Linguae Francae* and the Global History of Religious and Scientific Concepts

Lutz Edzard

11.1 Introduction

This chapter will look at some structural features of some famous ancient Near Eastern diplomatic documents, among them international treaties and correspondence that were drafted in Akkadian (among other languages) and Aramaic. Relevant documents in this context are, for example, the treaty between Ramses II and Ḫattušili III, the vassal treaties of Esarhaddon, the Aramaic state treaties, and the Amarna correspondence. With the aim of highlighting the importance of historical Semitic studies, the question of the degree to which some of these features can still be found in modern corresponding documents will be looked at. As political “case studies,” Article 17 of the Treaty of Wəçale between Italy and Ethiopia, the notorious Security Council Resolution no. 242, and Article 16 from the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) will be addressed. The different (Semitic) language versions of the Universal Declaration of Human Rights (UDHR) will also be briefly mentioned.

Treaties and formal diplomatic correspondence make up an important stock in the vast array of ancient Near Eastern documents. Due to time-independent stereotypes in both form and content, many of these documents exhibit a number of formal and stylistic features, some of which may even be found today in modern diplomatic documents. A larger project on diplomatic documents in the modern Semitic languages Arabic, Hebrew, and Amharic¹ would not have been manageable without such inspiring sources as D. McCarthy’s *Treaty and Covenant* (1981), which takes the Old Testament as its point of departure, John Wansbrough’s *Lingua Franca in the Mediterranean* (1996), as well as Edward Ullendorff’s and Sven Rubenson’s publications on Amharic diplomatic documents from the nineteenth and early twentieth centuries.² These sources in Semitic and other language families indeed constitute an important textual “genre,” as does the vast corpus of *‘inšā’* literature in Arabic.

Another important issue to be addressed in this context is the phenomenon of diplomatic multilingualism. Just as in private transactions, different language versions of one and the same document can have far-reaching legal consequences. This need not always be the case, though, and we may merely be faced with illuminating cultural diversity. Bilingual, and sometimes even trilingual documents, are among the pearls in the realm of philology, not to mention their crucial historical role for decipherment. The bilingual Assyrian-Aramean

¹Edzard (2006).

²Ullendorff and Beckingham (1964); Ullendorff (1967, 1968); Rubenson (1964, 1966, 1969, 1976, 1987, 1994).

inscription on the Tell Faḥrīye statue, which was edited by Ali Abou-Assaf, Pierre Bordreuil, and Alan Millard (1982) is a more recent case in point. “Parallel texts” in a wider sense also include religious core documents where translations must be considered for the sake of edition methodology and textual reconstruction. As far as modern documents are concerned, an important study in this context is Mala Tabory’s *Multilingualism in International Law and Institutions* (1980).

11.2 Political Treaties

Political treaties constitute an important stock of historical documents, as the large-scale text series *Ancient Near Eastern Texts Relating to the Old Testament* and *Texte aus der Umwelt des Alten Testaments* amply demonstrate. The term “treaty” can be used here to translate the Akkadian term *adē*, denoting a formal agreement between two parties which are bound together by oaths.³ Thus, these documents contain lists of witnessing gods, as well as copious sanctions in case the clauses of the treaty should be broken by one of the contracting parties. Relevant documents in this context are, for example, the treaty between Ramses II and Ḫattušili III,⁴ the Vassal Treaties of Esarhaddon with various Iranian notables,⁵ and the Aramaic state treaties, as partially attested in the Sfire stelas from the eighth century BCE.⁶ William Moran (1963) has contributed an important article on the treaty terminology in the Sfire stelas where one finds a hendiadyoin *‘dy’ w-ṭbt* ‘the treaty and the good things,’ reminiscent of Akkadian expressions such as *ṭūbtu u šulummū* ‘friendship and peace.’ We owe the publication of additional Akkadian treaties of the seventh century BCE to scholars like Kirk Grayson (1987) and Simo Parpola (1987, 1988), among others. Kitchen and Lawrence (2012) constitutes an extremely well-done survey and analysis of the relevant documents. At this point it is useful to consider one extract from the Vassal treaties of Esarhaddon:⁷

(1) Seal and Exposition (*narratio*) of the Vassal Treaties of Esarhaddon

*aban kunukki ili Aššur šarri ilī bēl mātī ša lā šunnē aban kunukki rubē rabē abī
ilī ša lā paqāri*

- 1 *adē ša Aššur-aḫa-iddina šar kiššati šar māt Aššur*
- 2 *mār Sin-aḫḫē-eriba šar kiššati šar māt Aššur-ma*
- 3 *itti Ramatayya bēl āli Urakazabanu*
- 4 *itti mārī-šu mārī mārī-šu itti āl Urakazabanu*
- 5 *gabbu šehri rabē mala bašū*
- 6 *itti-kunu mārī-kunu mārī mārī-kunu*
- 7 *ša arki adē ina ūmī šāti ibbaššū*
- 8 *ištu napāḫ šamši adi erēb šamši*

³Cf. also Weinfeld (1973) and McCarthy (1981, 141f).

⁴Cf. Langdon and Gardiner (1920); Goetze (1969, 201–203); Edel (1983, 135–153, 1997).

⁵Cf. Wiseman (1958); Reiner (1969, 534–541); Borger (1983, 160–176).

⁶Cf. Dupont-Sommer (1958); Donner and Röllig (1962–1964, esp. 222–224); Fitzmyer (1967); Rosenthal (1969, 659–661); Lipiński (1975); Rössler (1983, 179–189).

⁷Cf. Wiseman (1958, 23–30); Kitchen and Lawrence (2012, 963–1002).

- 9 *ammar Aššur-aḥa-iddina šar māt Aššur šarrūtu bēlūtu*
 10 *ina muḥḥī-šunu upaššu-ni ša ina muḥḥī Aššur-bāni-apli*
 11 *mār rabū ša bīt rēdūti mār Aššur-aḥa-iddina*
 12 *šar māt Aššur ša ina muḥḥī-šu adē itti-kunu iškun-ni*

Seal of the god Ashur, king of the gods, lord of the lands—not to be altered;
 seal of the great prince, father of the gods—not to be disputed.

- 1 The treaty which Esarhaddon, king of the world, king of Assyria,
 2 son of Sennacherib, likewise king of the world, king of Assyria,
 3 with Ramataia, city-ruler of Urakazabanu,
 4 with his sons, his grandsons, with all the Urakazabaneans
 5 young and old, as many as there may be –
 6 with (all of) you, your sons, your grandsons
 7 who will exist in days to come after the treaty,
 8 from sunrise to sunset.
 9 over as many as Esarhaddon, king of Assyria, exercises
 10 kingship and lordship– (so) he has made the treaty
 11 with you concerning Ashurbanipal, the crown-prince,
 12 son of Esarhaddon, king of Assyria.

After this exposition, a list of contractual clauses follows, mostly having to do with the preservation of property, the prevention and sanction of slander and defamation, and extradition procedures. Technically, the individual clauses in their entirety constitute a gigantic protasis, that is, conditional oath sentences without an apodosis.⁸ The apodosis proper is then an equally long list of dire consequences should any provisions of the treaty be broken. This syntactic and text-linguistic analysis is not uncontroversial.⁹ The treaty closes with a brief statement about when and by whom it was established.

As one can see, already the oldest extant treaties feature most elements of the by now well-established structure of diplomatic documents, which is known by its Latin designations:

⁸Cf. Huehnergard (2005, 438); for “defective” conditional clauses functioning as oath clauses in Arabic, cf. Fischer (2006, 205f).

⁹Cf. Streck (1998, 190): “Daher [...] sind die Stipulationen [i.e., the individual paragraphs of the treaty, LE] und die Flüche nicht als Protasen und Apodosen eines Konditionalgefüges, sondern als syntaktisch selbständig und die Stipulationen als Schwüre aufzufassen”; cf. also Edzard (2012) for an analysis of the syntactic issues involved.

<i>narratio</i> :	name and title of the contracting parties; goal of the treaty; names and titles of the plenipotentiaries; confirmation that the credentials of the involved diplomats are in order and that one agrees on the following
<i>dispositio</i> :	definitions; general and specific content of the treaty; agreement on the implementation of the content of the treaty
<i>corroboratio</i> :	signature, ratification, start of the treaty, temporal and geographical limitation
<i>testimonium</i> :	sentence with signature and seals under the treaty (<i>in witness whereof, en foi de quoi, ...</i>)
–	time and place of the signatures
–	seals and signatures

Let us now introduce the important issue of diplomatic multilingualism and consider Paragraph 4 in the already-mentioned Egyptian-Hittite treaty between Ramses II and Ḫattušili III from the year 1271 BCE, dealing *inter alia* with mutual renunciation of aggression:¹⁰

(2) The Treaty between Ramses II and Ḫattušili III, § 4

Babylonian

§4a: *u^m Ria[mašeš]a mai-^damana šarru rabû šar māt Mišrī lā ugarra <ana> māt Ḫatti ana laqê mimma ina libbî-š[u] iṣṣâti.*

and PN king great king:GEN land:GEN PN NEG shall:attack to land:GEN PN to take something [from] in heart-its in:the:future

And Ria[mašeš]a mai-amana, the great king, the king of the land of Egypt, shall not trespass into the Ḫatti land to take anything there-from in the future.

§4b: *u^m Ḫattušili šarru rabû šar māt Ḫatti lā ugarra ana māt Mišri ana laqê [mimm]a ina libbî-š[u] iṣṣâti.*

and PN king great king:GEN land:GEN PN NEG shall:attack to land:GEN PN to take something [from] in heart-its in:the:future

And Ḫattušili, the great king, the king of the Ḫatti land, shall not trespass into the land of Egypt to take anything therefrom in the future.

Egyptian

§4a: *jw bw jrj <Ḫtsl> p3-wr- '3 n Ḫt thj r p3-t3 n Kmt r nhḫ r jṯ3 nkt jm.f.*

¹⁰Cf. Edel (1997, 26–29); Kitchen and Lawrence (2012, 573–594).

NC-intr. NEG make PN DEF ruler great GEN PN trespass again DEF land GEN PN
for eternity to-take something from-it

without <Ḫattušili>, the great ruler of Ḫatti, attacking at any time the land of Egypt to
take anything therefrom.

§4b: *jw bw jrj Wsr-m3 't-r' stpn-r' p3-ḥq3- '3 n Kmt thj r p3-t3 [n Ht] [r jt3 nkt j]m.fr nḥḥ.*

NC-intr. NEG make PN DEF ruler great GEN PN trespass against DEF land GEN PN
to take something from-it for eternity

without Wašmuaria šatepnaria, the great king of Egypt, attacking at any time the Ḫatti
land to take anything therefrom.

Interestingly, both the Akkadian and the Egyptian versions constitute translations from the
lost original version in the respective other language. What is more, not all parts of the
treaty are attested in their entirety. The independent discovery of the two versions, as docu-
mented by Langdon and Gardiner (1920), as well as by Edel (1997), is thus of great cultural
significance.

The third excerpt of interest for our purposes is a clause of the treaty between *KTK* and
ARPAD,¹¹ here accompanied by an English translation by Franz Rosenthal (1969, 660). The
first sentence is, of course, an active construction in Aramaic.

(3) The Treaty between *KTK* and *ARPAD* (lower fragment from stela Sfire I C)

14 —m—

15 *y š r w ' l h n m n y w* -¹²

16 *m h w m n b y t h w m n*

17 *l y š r m l y s f r ' z y b n š b ' z n h*

18 *w y ' m r ' h l d m n m l w -*

19 *h ' w ' h p k t b t ' w ' š m*

20 *[l] l h y t b y w m z y y ' b -*

21 *[d] k n y h p k w ' l h n ' š -*

22 *[' h] ' w b y t h w k l z y b -*

23 *h w y š m w t ḥ t y t h [l -*

24 *' l y t h w ' l y r t š r -*

25 *[š] h ' š m*

May [he who observes the words of this stela] be guarded by the Gods as to
his day and as to his house. But whoever does not observe the words of the
inscription on this stela but says: I shall efface some of its words, or I shall

¹¹Cf., among others sources, Dupont-Sommer (1958, 87–95, pl. xv, xvi).

¹²The hyphen “-” indicates that a word is continued on the respective next line.

upset the good things and put down evil ones, on the day he will do so, that man and his house and all that is in it shall be upset by the Gods, and he (his house) be turned upside down, and his line shall not acquire a name!

There are remarkable formal parallels between this and the previously mentioned treaty, even though the latter treaty is not attested in its entirety and the order of the various elements in the treaty is in limbo. The parallels extend, for instance, to the equally fearsome list of sanctions as a response to a possible breach of the treaty, of which item (3) offers a taste.

(3) Diplomatic Correspondence

There is no doubt that the Amarna correspondence¹³ can be considered the most famous Near Eastern compilation of texts in this context. In the very first letter of this collection, the Pharaoh complains to the Babylonian king about evidence regarding the fate of the latter's daughter, inappropriately simple gifts, and other things. The formulaic introduction to this letter in this collection is quite instructive.

(4) Amarna Correspondence, first letter (beginning)

*[ana]^m Ka[da]šman-^d Enlil šar^{kur} Kara^d dun[i]a[š]
 aḫī-ya qibi-ma umma^m Nibmuaria šarru rabû
 šar^{kur} Mišrî^{ki} aḫu-ka-ma ana maḥrîya šulmu
 ana maḥrî-ka lû šulmu ana bîṭî-ka ana aššātî-ka
 ana mārē-ka ana^{lû} rabûṭî-ka sisē-ka
 gîš narkabātî-ka ana libbi mātātî-ka dannîš lû šulmu
 ana yâši šulmu ana bîṭî-ya ana aššātî-ya ana mārē-ya
 ana^{lû} rabûṭî-ya sisē-ya gîš narkabātî-ya
 šābē mād šulmu u libbi mātātî-ya dannîš šulmu*

Say [t]o Kadašman-Enlil, the king of Karadun[i]še,
 my brother: Thus Nibmuarea, Great King,
 the King of Egypt, your brother. For me all goes well.
 For you may all go well. For your household, for your wives,
 for your sons, for your magnates, your horses,
 your chariots, for your countries, may all go very well.
 For me all goes well. For my household, for my wives, for my sons,
 for my magnates, my horses, my chariots
 and numerous troops, all goes well, and in my countries all goes very well.

Not surprisingly, similar formulae are stylistically imperative in many kinds of modern Middle Eastern correspondence, even correspondence of a private nature.

¹³ Cf. Winckler and Abel (1889–1890); Bezold and Budge (1892); Knudtzon (1915); Mercer (1939); Moran (1992).

11.3 Modern Parallels in Form and Content

Let us concentrate in the following on structural parallels found in modern diplomatic documents. These parallels may not be surprising, given the common and timeless logic inherent in such documents, but they are nevertheless noteworthy. As already stated, complex syntactic structures are prevalent in such documents, be it in treaties or formal letters. While the individual clauses in a modern treaty usually constitute independent syntactic units, the preambles to these treaties feature precisely the complex syntactic structure found already in ancient counterparts. While chains of coordinated *'id*-clauses are typical of the Arabic versions, the Hebrew versions are made up of *b*- + infinitive constructions. Let us consider an excerpt of a preamble, here the final part of the preamble to the peace treaty between Jordan and Israel.¹⁴

(5) End of the Preamble to the Peace Treaty between Jordan and Israel

English

Bearing in mind that in their Washington Declaration of 25th July, 1994, they
declared the termination of the state of belligerency between them;
Deciding to establish peace between them in accordance with this Treaty of
Peace;
Have agreed as follows:

¹⁴Cf. UN-documents A/50/73, S/1995/83, and *United Nations Treaty Series*, vol. 2042, pp. 394ff.

Arabic

wa-ʾid ta ʾḥudāni bi-ʾayni l-i ʾtibāri ʾanna-humā ʾa ʾlanatā ntiḥāʾa ḥālātī l-ʾadāʾi bayna-humā bi-mūḡibi ʾi ʾlāni waṣiṭtūn al-muwaqqāʾi fī 25 tammūz 1994;

wa-ʾid tuqarrirāni ʾiqāmata salāmin bayna-humā bi-mūḡibi muʾāhadati s-salāmi ḥādihī.

fā-qadi ttafaqā ʾalā mā yalī:

Hebrew

be-tet-an da ʾat-an le-xax še-be-ḥašharat wašington me-yom 25 be-yuli 1994 hen hišhiru siyum mašav ha-miḡama bene-hen;

be-ḥaḡliṭ-an le-konen šalom bene-hen be-het ʾem le-ḡoze šalom ze;

hiskimu ke-di-l-qaman:

In some cases, preambles can be shorter and be reproduced without the optical structure of individual clauses. The following introduction to the “Declaration of Principles” (“Oslo 1 Accord”) provides an example):¹⁵

(6) Preamble to the “Declaration of Principles” (“Oslo 1”)

Arabic

ʾInna ḥukūmata ʾisrāʾīla wa-farīqa munaẓẓamati t-taḥrīri l-filasṭīnīyati (fī l-wafdi l-ʾurdunnīyi—l-filasṭīnīyi ladā mu ʾtamari s-salāmi fī š-šarqi l-ʾawsaṭi) (“al-wafdu l-filasṭīnīyi”) yattaḡiqāni ʾanna l-waḡta qad ḥāna li-waḡd ʾi ḥaddin li-ʾuqūdin mina l-muwāḡahati wa-n-nizāʾi, wa-ya ʾtarīfāni kullun min-humā bi-l-ḥuqūqi l-mašrūʾati wa-s-sīyāsīyati li-l-ʾāḡari, wa-yas ʾayāni ʾilā l-ḡayāti fī ta ʾāyušin silmīyin wa-karāmatin wa-ʾamnīn mutabādalayni, wa-ʾilā taḡḡiqi taswīyatīn silmīyatīn ʾādilatīn wa-dāʾimatīn wa-šāmilatīn, wa-muṣālaḡatīn tārtīḡyatīn ʾan ʾarīqi l-ʾamalīyati s-sīyāsīyati l-muttaḡaḡi ʾalay-hā. Wa-bināʾan ʾalay-hi, yattaḡiqu l-ḡānībāni ʾalā l-mabādīʾi t-tāliya:

Hebrew

Memšelet yisraʾel ve-ha-qvuša ha-faleštinī (be-misgeret ha-mišlaḡat ha-yardenit-faleštinī le-siḡot ha-šalom b-a-mizraḡ ha-tixon) (le-halan “ha-mišlaḡat ha-faleštinī”), ha-meyaseget ha-ʾam ha-faleštinī, maskimot ki higi ʾa ha-ʾet le-havi ʾl-ide gemer ʾasarot šanot ʾimut u-li-fʾol ke-xol yaxult-an le-maʾan du-qiyum, kavod, u-vitaḡon hadadim, u-le-hasig hesder šalom kolel, šodeq, u-var qyama ve-piyus hištori be-misgeret ha-tahalix ha-medini ha-muskam.

ʾE-le-xax maskimim šne ha-šedadayim ʾal ha-ʾeqronot ke-di-l-qaman.

¹⁵ Cf. UN-documents A/48/486 and S/26560.

English

The Government of the State of Israel and the PLO team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) (the “Palestinian Delegation”), representing the Palestinian people, agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve *a just, lasting and comprehensive peace settlement* and historic reconciliation through the agreed political process.

Accordingly, the two sides agree to the following principles:

Modern diplomatic correspondence, notable the genres “exchange of notes” and “note verbale” are equally characterized by a highly formulaic structure. Just to mention one example: a letter concerning the Lockerbie crisis by the former president of the Arab League, Ahmed Esmat Abdelmeguid, to the former Secretary General of the United Nations, Boutros Boutros-Ghali, features a single oblong preamble-like structure.¹⁶

(7) Letter by Ahmed Esmat Abdelmeguid to Boutros Boutros-Ghali

Arabic

Fī 'iṭārī stimrārī ḡāmi'ati d-duwali l-'arabīyati fī baḍli ḡuhūdi-hā buḡyata 'iḡādi taswiyatin silmiyatin li-l-'azmati l-lībīyati ma'a kullin mina l-wilāyāti l-muttaḥidati wa-barīṭāniyā wa-faransā, wa-'ilhāqan bi-risālat-ī la-kum bi-tārīḥi 3/4/94 bi-ḡuṣūṣi qarāri maḡlisi ḡāmi'ati d-duwali l-'arabīyati bi-hāḍā š-ša'ni wa-l-muqtaraḥi llaḍī taḍammana-hā hāḍā l-qarāru ḡaṣṣatan fī-mā yata'allāqu “bi-'iḡrā'i muḡakamatīn 'ādilatīn li-l-muṣtabaḥi fī-himā min qibali quḍātin iskutlandīyāna waḡqa l-qānūni l-iskutlandīyī, wa-fī maqarri maḡkamati 'adli d-duwalīyati bi-lā ḡay, wa-ḡatta maḡlisi l-'amni 'alā 'aḡḍi hāḍā l-iqtirāḥi l-ḡāddi wa-l-ḡadīdi bi-'ayni l-i'tibāri, li-l-baḡṭi 'an ḡallin silmiyin man'an li-'ayyi taṣ'īdin fī l-mawḡifi min ša'ni-hī ziyādatu t-tawatturi fī l-minṭaqa.”

Wa-fī ḡaw'i l-mawḡifi l-lībīyī l-multazimī bi-hāḍā l-qarāri wa-mā 'abdat-hu l-ḡamāḡīrīyatu l-lībīyatu min murūnatīn wa-'iḡābīyatīn kabīratīn fī t-ta'āmuli ma'a ḡāḍihī l-'azmati buḡyata t-tawaṣṣuli 'ilā taswiyatin silmiyatin la-hā.

'Arḡū min-kumu t-takarruma bi-'arḍi hāḍā l-muqtaraḥi l-'arabīyī 'alā maḡlisi l-'amni bi-š-sakli llaḍī tarta'ūna-hū wa-kull-ī iḡqatun 'anna-kum sa-tuwāṣilūna baḍla l-ḡuhūdi min 'aḡli t-tawaṣṣuli li-ḡallin silmiyin li-hāḍihī l-'azma.

Official English translation

In the context of the continuing efforts of the League of Arab States to seek a peaceful settlement to the crisis between the Libyan Arab Jamahiriya and the United States, the United Kingdom and France;

Further to my letter of 3 April 1994 concerning the resolution adopted by the Council of the League on the matter and the proposal made in the resolution,

¹⁶Cf. UN-document S/1994/928.

in particular, “that the two suspects should be judged equitably by Scottish judges in conformity with Scottish law, and that their trial should take place at the seat of the International Court of Justice at The Hague, and to urge the Security Council to take this new and constructive proposal into consideration with a view to arriving at a peaceful settlement and avoiding any escalation which might exacerbate tension in the region”;

And in light of Libya’s attitude of compliance with the resolution and of the flexibility and great responsiveness shown by the Libyan Jamahiriya in its handling of the crisis in a desire for a peaceful settlement.

I request you to be so kind as to present this inter-Arab proposal to the Security Council in whatever form you deem appropriate. I am fully confident that you will continue your efforts to reach a peaceful solution to this crisis.

Let us mention two further examples of an opening and a closing formula in diplomatic correspondence, respectively (one in Arabic, one in Amharic), which also shed light on European stylistic influence on such documents:

(8) Arabic Diplomatic Formula

Arabic original

*Li-ya š-šarafu ’an ’uḫḫda sa’ādata-kum bi-stilām-ī li-ḥiṭābi-kumu l-mu’arraḥi
fī 4 māyū 1946 al-muwāfiqi 3 ġumādā t-tāniyati 1365 wa-llaḏī naṣṣu-hū ka-mā
yalī:*

Official English translation

I have the honor to acknowledge receipt of your Excellency’s letter dated May 4, 1946, corresponding to Jamada-al-Thaniya 3, 1365, the text of which is as follows:

(9) Amharic Diplomatic Formula

Amharic original

*Yəhən-ən məknəyat bā-madräg lä-kəburənnät-wo y-allä-ññ-ən käf y-allä
astäyayät əgälšallāhu.*

Official English translation

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Let us now return to the question as to which problems can arise in diplomatic multilingualism. In modern treaties, which ideally have to be drafted in all the languages of the contracting parties, possible misunderstandings between the different versions has to be avoided. Here is an example from the Camp David Peace Accord between Israel and Egypt. At the time, the issue here was the term *Gulf of Aqaba*:¹⁷

¹⁷Cf. *United Nations Treaty Series*, vol. 1136, pp. 100ff.; cf. also Lapidot (1983).

(10) Article 5 of the Camp David Peace Accord between Israel and Egypt**Hebrew**

Ha-šedadim ro'im be-mešar tiran u-ve-mifraš 'aqaba ('elat) netive mayim ben-le'umiyim ha-ptuxim le-xol ha-'umot le-xofeš šayit ve-tayis bilti mufra' u-bilti nitan le-hatlaya. Ha-šedadim yixvedu kol 'exad 'et zexut zulat-o le-šayit u-le-tayis le-šem giša le-xol 'axat min ha-'arašot derex mešar tiran u-mifraš 'aqaba ('elat).

Arabic

Ya 'tabiru t-ṭaraṭāni 'anna maḍīqa tīrāna wa-ḥalīḡa l-'aqabati mina l-mamarrāti l-mā'iyati d-duwalīyati l-maṭṭūḥati li-kāffati d-duwali dūna 'ā'iqin 'aw 'īqāfin li-ḥurrīyati l-milāḥati 'awi l-'ubūri l-ḡawwī. Kamā yaḥtarimu t-ṭaraṭāni ḥaqqā kulli min-humā fī l-milāḥati wa-l-'ubūri l-ḡawwīyi min wa-'ilā 'arāḍī-hi 'abra maḍīqi tīrāna wa-ḥalīḡi l-'aqaba.

English

The Parties consider the Strait of Tiran and the Gulf of Aqaba to be international waterways open to all nations for unimpeded and non-suspendable freedom of navigation and overflight. The Parties will respect each other's right to navigation and overflight for access to either country through the Strait of Tiran and the Gulf of Aqaba.

At the time, the Israeli side wanted the use the geographical term *mifraš 'elat*, even though the legally neutral English version unequivocally had been *Gulf of Aqaba*. But as the contracting partners were also checking the language versions of the “opposite” side, the more neutral version *mifraš 'aqaba ('elat)* was agreed upon.

The following example from the nineteenth century, Article 17 of the Treaty of Wəčale (“Ucciali”) between Italy and Ethiopia,¹⁸ was much more virulent, as it involved the attempt to establish a protectorate in the wording of the Italian version (“*consente di servirsi*” as a euphemism for “factually has the duty to”). In contrast, the Amharic version stipulates political independence on the Ethiopian side (*yəččalaččāwall* ‘it will be possible to Him,’ that is, the Ethiopian king will have the *option* to communicate with the Italian king in matters of external political affairs):

(11) Article 17 of the Treaty of Wəčale (“Ucciali”) between Italy and Ethiopia**Italian**

*Sua Maestà il Re dei Re d'Etiopia **consente** di servirsi del Governo di Sua Maestà il Re d'Italia per tutte le trattazioni di affari che avesse con altre Potenze o Governi.*

¹⁸Cf. Rubenson (1964).

Amharic

Yä-ityopp' äya nägusä nägäst kä-ewropp'a nägästat lä-mm-ifällägu-t gudday hullu bä-ityäla mängäst aggažännät mällalak yäččalaččäwall.

Contemporary analyses of the issue reflect a high degree of arrogance, as can be seen in the following comment by Despagne:

La difficulté dont il s'agit aurait été écartée si, comme il arrive souvent dans les traités avec les peuples barbares dont la langue est mal connue et peut prêter à des ambiguïtés dont ces peuples seraient tentés d'abuser, on avait dit que, en cas de divergence, le texte dans la langue de l'Etat civilisé ferait seul foi. (Despagne 1897)

The most famous (or infamous) example in this context is certainly Security Council Resolution 242 (1967) with significant differences in its wording of the phrase *(the) territories*. While the French and Spanish versions make use of the definite article, the English version does not—for political, not stylistic reasons, as is by now firmly established.¹⁹ The Russian and Chinese language versions are *prima facie* opaque in this respect, as definiteness has to be circumscribed by other means in these languages, which have no definite article. Arabic was not yet an official language in the United Nations system at the time; the Arabic version below, curiously based on the English and not the French and Spanish versions, represents an official translation at the time:

(12) Security Council Resolution 242

(i) definite (*territories*):

French

Retrait des forces armées israéliennes des territoires occupés lors du récent conflit.

Spanish

Retiro de las fuerzas armadas israelíes de los territorios que ocuparon durante el reciente conflicto.

¹⁹Cf., for instance, Lord Caradon et al. (1981).

(ii) indefinite (*territories*):

English

Withdrawal of Israeli armed forces **from territories** occupied in the recent conflict.

Arabic

Ṣaḥbu l-qūwāti l-musallaḥati l-ʿisrāʾīlīyati min ʿarāḍīni ḥtallat-hā fī n-nizāʿi l-ʿaḥīr.

(iii) unmarked (opaque) with respect to definiteness (*territories*), but definiteness implied:

Chinese

Yisieli jundui cheli qi yu zuijin chongtu suo zhanling zhi lingtu.

Russian

Vývod izrail'skikh voruzhennikh sil s territoriy, okkupirovannykh vo vremya n'edavn'ego konflikta.

Individual terms can have different connotations in different languages and cultures. An example is the term *musāwāh* ‘equality’ in the context of international law. Consider the “Convention on the Elimination of All Forms of Discrimination against Women.” Article 16 of this convention, which is equally “authentic” in all of the six official UN languages, addresses questions of equality in family law:

(13) CEDAW, Article 16

English

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship, and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall

be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Arabic

1. *Tattaḥidu d-duwalu l-ʿaṭrāfu ḡamīʿa t-tadābīri l-munāsibati li-l-qaḍāʾi ʿalā t-tamyīzi ḍidda l-marʿati fī kāffati l-ʿumūri l-mutaʿalliqati bi-z-zawāḡi wa-l-ʿalāqāti l-ʿusrīyati, wa-bi-waḡhin ḡaṣṣin taḍmanu, ʿalā ʿasāsi tasāwī r-raḡuli wa-l-marʿa:*

(a) *naḡsa l-ḡaqqi fī ʿaqdi z-zawāḡ;*

(b) *naḡsa l-ḡaqqi fī ḡurrīyati ḡtiyāri z-zawāḡi, wa-fī ʿadami ʿaqdi z-zawāḡi ʿil-lā bi-riḍā-hā l-ḡurri l-kāmil;*

(c) *naḡsa l-ḡuqūqi wa-l-masʿulīyāti ʿaṭnāʿa z-zawāḡi wa-ʿinda faṣḡi-hī;*

(d) *naḡsa l-ḡuqūqi wa-l-masʿulīyāti ka-wālidatin, bi-ḡaḍḍi n-naḡari ʿan ḡalati-hā z-zawāḡīyati, fī l-ʿumūri l-mutaʿalliqati bi-ʿaṭfāli-hā; wa-fī ḡamīʿi l-ʿaḡwāli, takūnu maṣāliḡu l-ʿaṭfāli ḡiya r-rāḡiḡa;*

(e) *naḡsa l-ḡuqūqi fī ʿan tuḡarrira bi-ḡurrīyatin wa-bi-ṣuʿurin mina l-masʿulīyāti ʿadada ʿaṭfāli-hā wa-l-fitrata bayna ʿiḡābi ṭiflin wa-ʿāḡara, wa-fī l-ḡuṣūli ʿalā l-maʿlūmāti wa-t-tatḡīfi wa-l-wasāʿili l-kafīlati bi-tamkīni-hā min mumārasati ḡaḍiḡi l-ḡuqūq;*

(f) *naḡsa l-ḡuqūqi wa-l-masʿulīyāti fī-mā yataʿallaqu bi-l-wilāyati wa-l-qiwāmati wa-l-wiṣāyati ʿalā l-ʿaṭfāli wa-tabannī-him ʿaw mā ṣibḡu ḍālika mina l-ʿanḡimati l-muʿassasīyati l-iḡtimāʿīyati, ḡina tuḡaḍu ḡaḍiḡi l-maḡāḡimu fī t-taṣrīʿi l-waṭanī; wa-fī ḡamīʿi l-ʿaḡwāli takūnu maṣāliḡu l-ʿaṭfāli ḡiya r-rāḡiḡa;*

(g) *naḡsa l-ḡuqūqi ṣ-ṣaḡṣīyati li-z-zawāḡi wa-z-zawāḡati, bi-mā fī ḍālika l-ḡaqqi fī ḡtiyāri l-laḡabi, wa-l-miḡnati, wa-l-ʿamal;*

(h) *naḡsa l-ḡuqūqi li-kilā z-zawāḡayni fī-mā yataʿallaqu bi-milkīyati wa-ḡiyāzati l-mumtalakati, wa-l-ʿiṣrāfi ʿalay-hā, wa-ʿidārati-hā, wa-t-tamattuʿi bi-hā, wa-t-taṣarruḡi fī-hā, sawāʿan bi-lā muḡābilin ʿaw muḡābila ʿiwaḍin ḍī qīma.*

2. *Lā yakūnu li-ḡuṭubati ṭ-ṭifli ʿaw zawāḡi-hī ʿayyu ʿaṭarin qānūniyin, wa-tattaḡidu ḡamīʿa l-ʿiḡrāʿati ḍ-darūrīyati, bi-mā fī-hā t-taṣrīʿu, li-taḡḍidi sinnin ʿadnā li-z-zawāḡi wa-li-ḡaʿli taṣḡīli z-zawāḡi fī siḡillin rasmīyin ʿamran ʿilzāmīyan.*

Whereas the English version makes use of gender-neutral terms such as “spouse,” women have to be grammatically “marked” in the Arabic version, meaning that the symmetry in the English version cannot be reproduced as such. Paragraph (b) of Article 16 exhibits special

attention to Islamic circumstances in its wording (*naḥṣa l-ḥaqqi fī ḥurrīyati ḥtiyāri z-zawāḡi, wa-fī ‘adami ‘aqdi z-zawāḡi ‘il-lā bi-riḍā-hā l-ḥurri l-kāmil*), which is entirely absent in the English version.

The Universal Declaration of Human Rights was adopted by the General Assembly on December 10, 1948. This is one of the documents, which after having been drafted in English has been translated into a maximum of languages, without however being legally “authentic” in all of these. Here is a synopsis of Paragraph 1 in its three Semitic versions (Arabic, Hebrew, and Amharic) and its English original, which show no semantic differences, in spite of small stylistic nuances:

(14) UDHR, § 1

English

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Arabic

Yūladu ḡamī‘u n-nāsi ‘aḥrāran mutasāwīna fī l-karāmati wa-l-ḥuqūq. wa-qad wuhibū ‘aqlan wa-ḍamīran wa-‘alay-him ‘an yu‘āmila ba‘ḍu-hum ba‘ḍan bi-rūḡi l-‘iḥā’.

Hebrew

Kol bne ‘adam noldu bne ḡorin ve-šavim be-‘erk-am u-vi-zxuyot-am. kull-am ḡonanu bi-tvuna u-ve-mašpon. le-fi-xax ḡova ‘ale-hem li-nhog ‘iš le-re‘e-hu be-ruaḡ šel ‘aḡava.

Amharic

Yä-säw läḡḡ hullu s-iwwälläd näša-nna bä-kəbur-ənna bä-mäbt-əm əkkulənnät ya-säw näw. Yä-täfätro mastäwal-ənna həllina səlalläw and-u lela-w-ən bä-wändəmmamačənnät mänfäs mämälkäät yəggəbbawall.

11.4 Conclusion

In conclusion, it is interesting to tie in the discussion of structural and semantic features in comparable documents of completely different time periods in their linguistic and cultural-political significance, not least because so many problems appear to be of a perennial nature. Even increased efforts to prevent misunderstanding in translation have not been able to prevent a variety of interpretations to arise in various diplomatic contexts. At the same time, diplomatic multilingualism offers a broad spectrum of linguistic and cultural perspectives and may help to engender better understanding of one or several parties’ political, economic, legal, and/or cultural goals. Thus, diplomatic multilingualism can definitely be considered a value in itself.

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