Intraligual Translation Vs Interlingual Translation in Translating Legal Historical Documents

الترجمة ضمن اللغة الواحدة مقابل الترجمة من لغة إلى أخرى في ترجمة الوثائق القانونية التاريخية

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Abstract: This paper presents a research conducted on the techniques and strategies used by translators in translating legal historical documents from English into Arabic, *"Treaty of Peace and Commerce between Algeria and Great Britain in the 17th century* as a case study. It focuses on *Intralingual Translation* as defined by Jakobson and whether the translator re-writes the document taking into consideration some factors relating to the knowledge, culture, time and space of the text. It also demonstrates if the translator has done a documentary research about the historical aspect of the document's content. In fact, the study is descriptive and analytical, as it starts by describing the examples taken from the corpus then giving a detailed analysis of the data under study. Moreover, it displays the techniques that were used in the *Interlingual Translation* of the document. The aim of the this research is to shed light on the importance of following a specific translation pathway in translating legal historical documents in order to achieve a better translation and keep the value of the original document. However, the results of the study show that the translator did not consider the four parameters of *Intralingual translation* and there was a misuse in the techniques of legal translation. Therefore, the study was concluded with some recommendations for any research to be carried out in this field of translation.

Keywords: Documentary Research; Intralingual Translation; Intralingual Translation's Parameters; Interlingual Translation; Legal Translation Techniques.

ملخص: : تعالج هذه الورقة البحثية التقنيات والاستراتيجيات التي يستعملها المترجم في ترجمته للوثائق القانونية التاريخية من خلال تحليل نماذج من ترجمة " **معاهدة سلم وتجارة بين الجزائر وبريطانيا العظمى في القرن 17 م**"،

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من الإنجليزية إلى العربية، وقد تم التركيز في هذه الدراسة على الترجمة ضمن اللغة الواحدة كما عرّفها جاكوبسون والتأكد من ما إذا قام المترجم بإعادة كتابة الوثيقة وأخذه بعين الاعتبار لعوامل عدة نذكر منها عامل الثقافة وعامل الوقت وعامل المعرفة وكذلك عامل مساحة النص، كما تُوضِّحُ هذه الدراسة إن قام المترجم ببحث وثائقي عن الحقبة الزمنية التي كُتِبَت فيها الوثيقة (الجانب التاريخي للوثيقة). تعتمد هذه الدراسة المنهج الوصفي التحليلي لبعض العينات من المدونة قيد الدراسة، وتهدف هذه الدراسة إلى تسليط الضوء على أهمية إتباع طريقة معينة في ترجمة الوثائق القانونية التاريخية للتمكن من ترجمتها ترجمة صحيحة والحفاظ على قيمة الوثيقة الأصلية، ويُظهِرُ تحليل النماذج المُتَرجَمَة التِّقنيات التي استعملها المترجم في ترجمته للوثيقة إلى اللغة العربية، وعليه تبين نتائج هذه الدراسة أن المترجم لم يأخذ بعين الاعتبار العوامل الأربعة للترجمة ضمن اللغة الواحدة كما توضح الاستعمال الخطأ لتقنيات الترجمة القانونية. وانتهت الدراسة بتقديم توصيات وفتح المجال لأي بحث في هذا الميدان.

كلمات مفتاحية: البحث الوثائقي، الترجمة ضمن اللغة الواحدة، عوامل الترجمة ضمن اللغة الواحدة، الترجمة من لغة إلى أخرى، تقنيات الترجمة القانونية.

1. Introduction

Legal translation is considered among the most difficult types of specialised translation which is specified by the divergence of law and its language (Legalese). In fact, the latter is deeply related to the culture and society of the country, which the legal system represents. Hence, translators find themselves dealing with many legal documents that vary according to the different laws and legislations stated in each legal document. Thus, *legal historical documents* are amidst these documents and are regarded as laborious because they were written in an era that is disparate from the present time. This leads translators to follow a specific strategy and adopt some techniques in order to fulfil the translation of these types of documents. However, the translation sometimes requires the transcription of the document itself. This stage is also known as "*inrtalingual Translation*" in translation studies, which means re-writing the document in a language that is close to the present time for the purpose of simplifying some terms and clarifying any ambiguity in the original document. Moreover, the documentary research about the period in which the document was set down is very important and translators should consider it necessary as it helps them understand the content of the document and compare the legal terms. This could be the first step before undertaking the "*Interlingual Translation*". Therefore, what are the techniques

and strategies used by the translator in translating the legal historical document? To what extent does the documentary research about the historical aspect of the document contribute to accomplish the translation? Is it necessary to re-write the legal historical document before starting the translation task? This is what we will try to highlight in this paper through studying and analysing some examples from the English-Arabic translation of a *"Treaty of Peace and Commerce between Algeria and Great Britain in the 17th century"*.

2. Intralingual Translation :

It is common knowledge that translation is a process carried out by translators or practitioners, students or researchers in translation. This usually happens between two languages and implies having two versions, a Source Text (ST) and a Target Text (TT) in which the translator needs to respect the culture and structure of both languages. However, some translation scholars and theoreticians such as the Russian-American Linguist "**Roman Ossipovitch Jakobson**" considers other types of translation. In fact, he based his classification on *Pierce's theory of signs* i.e. *Semiotics*, which says that the sign reports an account of signification, representation, reference and meaning (Short, 2007, p. 23). Thus, many other researchers in translation based their research and studies on *Jakobson's concept*, which he defines as a way of interpreting verbal signs (Jakobson, 1959 as cited in Venuti 2000, p. 127). **Jakobson** divides translation into three kinds also known as *Jokobson's tripartite*:

1- Intralingual translation or *rewording* is an interpretation of verbal signs by means of other signs of the same language.

2- Interlingual translation or *translation proper* is an interpretation of verbal signs by means of some other languages.

3- Intersemiotic translation or *transmutation* is an interpretation of verbal signs by means of signs of nonverbal sign system. (Jakobson 1959/2000, p. 127)

In fact, some scholars argue whether to consider *Intralingual Translation* as a translation itself (Karas, 2016, p. 445). However, Zethsen and Madsen (2016, p. 693) see that if *Interlingual Translation* consists in trensceding a linguistic barrier between two different language systems. *Intralingual Translation* can be expounded as the crossing of language internal barrier.

Intraligual Translation Vs Interlingual Translation in Translating Legal Historical Documents

Intralingual Translation is a various field and would occur either on diachronic or synchronic axes, as for the latter it includes many sub domains (Karas, 2016, p. 448):

1. Translating from professional jargon into standard language.
2. Translating between dialects.
3. Translating between sociolects
4. Translating between registers.
5. Translating from speech into writing.
6. Transliterating which implies a change in language alphabet for languages using several alphabetic systems.
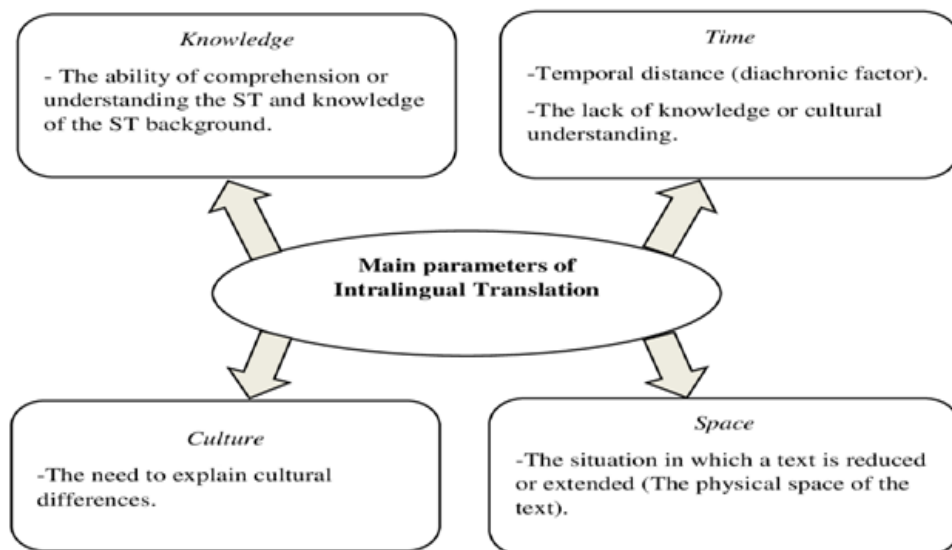
Indeed, every translator, before undertaking any translation into another language, begins with analysing the text at all levels from the simplest word to the most complex sentence with the aim of clarifying the meaning and well-understanding the context. Therefore, for some scholars this step is called *Intralingual Translation*, according to Mostafa. Hosameldin (www.atinternational.org), *Intralingual Translation* is a process that every translator carries out as the first step of *Interlingual Translation*. He also mentions that any translation starts with analysing the text then dividing it into segments in order to simplify the meaning and remove any ambiguity or confusion. However, he considers it as a mental process that happens inside the human brain and it does not come out to be seen or heard. He then gives another definition based on Jakobson's concept of translation in which he says that, *Intralingual Translation* does also mean rewriting from a language that was used in a specific period into the same language but used in a different period of time "the Diachronic aspect of the language" (www.atinternational.org). In this regard, **Jakobson** thinks that *Intralingual Translation* is based on using synonyms in order to convey the message in the ST. Moreover, according to his theory, the message is at two equivalent levels, which have been expressed with equivalent linguistic signs. Nonetheless, this theory led to the emergence of two new terms, which describes the process of *Intralingual Translation* and are *Pseudo translation* or *Quasi Metatext*. Thus, there is no ST but this is an illusory process to the translator. Because in this case he did not deal with a text but just interpret his ideas into linguistic signs and changes. Hence, **Jakobson** considers *Intralingual Translation* as a kind of explanatory translation (www.atinternational.org).

From the definitions mentioned above *Intralingual Translation* is the type of translation we need to consider in the first part of this case study.

2.1 Intralingual Translation's Parameters

In fact, in any type of translation a couple of factors need to be considered and worked on. As for the *Intralignual Translation*, there are four main parameters according to Zethsen (2009, pp. 805-807) which are shown in **Figure 1** below:

Fig.1. Parameters of Intralingual Translation

Knowledge
- The ability of comprehension or understanding the ST and knowledge of the ST background.

Time
-Temporal distance (diachronic factor).
-The lack of knowledge or cultural understanding.

Main parameters of Intralingual Translation

Culture
-The need to explain cultural differences.

Space
-The situation in which a text is reduced or extended (The physical space of the text).

3. Interlingual Translation

It is to be noted that *interlingual translat*ion is the translation between two languages and it includes all types of translation.

3.1. Legal translation

Legal translation, as many other types of translation, has in order to achieve a better translation of the ST. In fact, *legal translation* has many categories according to the type of the *legal text*. Therefore, Cao (2007, pp. 9-10) classified the legal text into four main types as shown in **Figure 2** below:

Fig.2. Cao classification of Legal Texts

The kind of document we are dealing with in this study is included in the Legislative Texts *(International Treaties).* In fact, the divergence of legal systems and the difference of terms used in the legal language (*legalese)*, viz., *Legal English* in particular as well as the lack of standardisation of *Arabic Legal* terms, are considered as an impediment for the translator and makes the task of translating legal documents difficult. This leads to the use of effective translation techniques in order to accomplish the translation.

3.2. Techniques of Legal Translation

The techniques of translation are the methods used by translators to facilitate their task and achieve a better translation. They include those mentioned by *Vinay and Darbelnet* (1995), in "*Comparative Stylistics of French and English: A methodology for translation*". Among these procedures, there is the *Functional equivalence*, in which the translator is required to find an equivalent Target Language (TL) term to the Source Language (SL) term, so that it has the same effect, viz. a term that should have a cultural background. There is also the *Formal or Lexical equivalence*, and is widely used in *legal translation,* in which the translator needs to find the appropriate term to be used in the TL. However, there are other translation techniques to be considered in *legal translation*, and are those mentioned in (Dickins, 2016)*,* such as *Description by definition and explanation*, here the translator uses an explanation of the SL term or gives a definition, either in the Target Text (TT) or as a footnote. *Omission* is the technique in which the translator omits some words that exist in the ST, which they either have no equivalence or cannot be translated into the TL (Dickins, 2016, p. 20). *Addition* is also another technique for *legal translation* introduced by Dickins (2016, p. 21), which includes adding an extra word to the TT in order to complete the meaning, and usually this term does not exist in the ST. *Transliteration* is also another technique used in *legal translation*, it comprehends using letters of the TL to write the SL term respecting the same morphemes, such as in names (Dickins, 2016: 42). *Literal translation*, which comprises the transfer of the ST grammar, structure and word order to be used in the TT (https://www.uv.es).

4. Methodology

The corpus of study consists of a *"Treaty of Peace and Commerce between Algeria and Great Britain in the 17th century"*. It was selected from a book edited by Ali Tablit entitled *"Treaties of Algeria with European Countries and the United States of America 1619-1830"*. It has been chosen because it was written in a different language, which is *Early Modern English (EModE)*. In fact, the corpus represents a considerable amount of data for analysing the morphology and syntax of the English language and showing how it evolved to become the English of today known as *Late Modern English (LModE)* or *Present-day English (PDE)*.

It was written in *Italic Hand*[2], thus, most correspondences and official documents were set down in this type of handwriting in the sixteenth and seventeenth centuries (http://humanities.uwe.ac.uk). Moreover, the corpus is considered as an adequate source to study the changes in *EModE* in comparison with *LModE*. Furthermore, it provides two versions of the document; the original version was written by hand with golden ink (17th century), and the electronic version is the transcription *(Intralingual Translation)* of the document (21st century), made by the translator before doing the translation of the document into Arabic *(Interlingual Translation).*

As a matter of fact, the diachronic aspect of the language is the main factor of the first part of this research. Therefore, data was collected after several readings of the original document to select the terms that have different spelling in *LModE.* And, in order to check this latter, we consulted the *Early English Books Online (EEBO)* website, which is specialised in English historical documents, it gives the exact writing of the texts and shows the accurate spelling of the terms, i.e. as they were used in the original texts. Hence, the analysis of data came after comparing the terms used by the translator when transcribing the document with the terms used in the original document, viz., by looking for the etymology of these terms to check their spelling and demonstrating how they were changed in the course of time. Moreover, explaining the difference between *British* and *American English* because many terms were transcribed in *American English* though the document was written in Great Britain. In fact, the transcription of the document showed this discrepancy, which was due to many reasons such as the influence of *American English* and the failure in maintaining the value of the original document, thus, the translator could have merely mentioned that the document belongs to another epoch and kept the terms as they were spelled. There was also a lack in including translator notes in order to clarify the use of modern terms rather than using the obsolete ones. Hence, the analysis focused on the four parameters of *Intraligual Translation*, which should have been taken into account by the translator.

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2 **Italic script**, also known as **chancery cursive** and **Italic hand** (Eager, 1975 , p. 11), is a semi-cursive, slightly sloped style of handwriting and calligraphy that was developed during the Renaissance in Italy (https://www.britannica.com/topic/italic). It is one of the most popular styles used in contemporary Western calligraphy (https://link.springer.com/chapter/10.1007/978-3-030-20227-9_56).

As for the second part of the research, it was based on *Legal Translation* and its techniques. Basically, the document is a "*Treaty*"[3] which contains a *legal form* and *jargon*. In this regard, the translator was faced with problems of translating *legal terms* and *phrases*. Thus, the data of the corpus shows some cases of mistranslation into Arabic, and the analysis was on the reasons behind this failure in the *Interlingual Translation* of the document, trying to elucidating the choice of the translator for using some terms instead of others, and replacing certain phrases with non-equivalent ones. Therefore, some translations were suggested as an emphasis on the analysis.

4.1 Research Design

This research is descriptive and includes a sample of seven articles from a *Peace and Commerce Treaty between Algeria and Great Britain in the 17th century*. Eighteen terms were selected from these articles in order to carry out the first part of this study and to explain how the translator transcribed the document before its translation. The analysis was based on the use of other terms by the translator rather than keeping the original ones.

However, the second part of the study focused on the translation of the document into Arabic and the techniques used. Therefore, six terms and two articles in full were selected for the case study. The analysis came after giving some suggested translations and indicating the translator's choice of some terms over others.

The selection of examples in this research is considered as a brief overview of how *Legal Historical Documents* are translated.

4.2 Data collection and Analysis

According to the aforementioned **Fig 1**, the translator should consider the four parameters of *intralingual translation* before starting the translation. The ST's background is different and is for the translator to comprehend the target group's background. The diachronic factor is preeminent, and it is necessary for the translator to make a new version of the ST in the same language in order to converge the source and target cultures. Therefore, there is a dire need to explain

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[3] **Treaty**, a binding formal agreement, contract, or other written instrument that establishes obligations between two or more subjects of international law (primarily states and international organizations (https://www.britannica.com/topic/treaty).

cultural references even if the languages involved are the same. Moreover, the length of the text has to be marked as it is either reduced or extended (Zethsen, 2009, pp. 805-807).

In the examples taken from the document under study, I will try to demonstrate if the translator considers the four parameters when he re-wrote the document.

Table 1. Terms used in the original version of the document and in its transcription (Tbl 1)

Example	Terms used in the document	Terms used in the transcription
1	The Douletli	The Doulet
2	Governours	Governors
3	Ratifyed	Ratified
4	Majesties	Majesty's
5	Signor	Signior
6	Old Style	O.S.
7	Esquire	Esq.
8	Pretences	Pretensions
9	Port	Fort
10	Traffick	Traffic
11	Monies	Moneys
12	Moveables	Movables
13	One	a
14	Rovers	Rowers
15	Two	2
16	Pretences	Pretense
17	Shipwrack	Shipwreck
18	Seized	Sized

As for the *knowledge parameter*, **Example (1) (Tbl 1)** shows the term *"The Douletli"* of Ottoman Turkish language origin (دولتلو), which means the governor of a state and is a title given to very important persons at that time (117 .ص ،2012 ،محمود). The term was borrowed from the Ottoman Turkish language then used in the English language. However, when transcribing the document it was spelled differently, and this could be ascribed to the fact that the translator does not master the Ottoman Turkish language, which was already mentioned by the translator himself (Tablit, 2014). This refers to the inability of comprehension, understanding and knowledge of the ST. Moreover, in **Example**

(5) (Tbl 1) from the document the term "*Signor"*, which is an Italian title of respect for a man similar to "Mr" or "Sir" (http://dictonary.cambridge.org), was replaced by the translator with "*Signior"*. In fact, the etymology of the word used by the translator shows that this term did not exist in Latin, which is according to this definition, "Signor: an Italian lord or gentleman, 1570s, from Italian signore, from Latin seniorem, accusative of senior *"older"* Feminine form signora is from 1630s; diminutive signorina is first recorded 1820" (https://www.etymonline.com).Thus, the paper of the document is quite translucent and showing the other side of the document paper (Vellum paper)[4]. Therefore, the translator could have been mistaken the term and this could be the result of misreading the ST and ignoring its background by the translator. In **Example (9) (Tbl 1)** the term "*Port"* which means a place where ships load and unload, it is usually adjacent a town or city (Cambridge, 2008), is used in the original document. Yet, the translator used the term "*Fort"*, which is a fortified building or position used by military troops for protection and defence. In fact, the meaning is completely different, and it changed the whole context of the document. The translator might have been unable to comprehend the term in the ST and had no knowledge of its background. It is the same case with **Example 18 (Tbl 1),** he used the term *"Sized"*, which means the physical extent or dimensions of anything (Cambridge, 2008), instead of "*Seized*", which means to take hold of something forcibly and quickly (Cambridge, 2008). The term used by the translator is not relevant to the context, which explains the neglect of the *knowledge parameter* by the translator in the *Intralingual Translation*.

　　Time parameter is very important in this type of *Intralingual Translation,* as it deals with the same language in two different periods of time what is known *as temporal distance* or *diachronic aspect* of the language (*Early Modern English* and *Late Modern English*) (Zethsen, 2009, p. 806), and it includes the evolution of the English language in *orthography* (spelling and vocabulary), *grammar* (plural forms, affixes, adverbs and prepositions), *punctuation* and *typography* (capital letters, dates, italics, numbers and number style). As it is demonstrated in **Example (2) (Tbl 1),** the term "Governour" was used in the document but the translator used "*Governor"*, which exists in *Late Modern English*. Apart from the British *(our)* and American *(or)* in the endings of some English words; there are

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[4] **Vellum**: material made from calf, used for making book covers and, in the past, for writing on (https://www.oxfordlearnersdictionaries.com). *It is* from the French "*veau*" refers to a parchment made from calf skin (https://www.archives.gov).

some other words that have the same spelling in both American and British English. In fact, most of these words came from Latin in which the ending was spelled *(our)*, *(or)* or *(ur)*. And after the Norman Conquest of England, the ending became *(our)* to match the Old French spelling (http://www.etymonline.com). However, the document was written in the 17th century. Therefore, the English used was *Early Modern English* (American and British English spelling differences, 2022). **Example (3) (Tbl 1)** also shows the ignorance of the *diachronic factor* by the translator as he used the term "*Ratified*" instead of "*Ratifyed*" here, he utilises *Modern English* rather than *Early English***.** As a matter of fact**,** in *Early Modern English*, the past form of most verbs was regular, i.e., by adding the suffix *"ed"* and its vowel sound was not pronounced when speaking, notably in the second half of that period. However, in formal writing the *"ed"* was considered as a separate syllable (Nevalainen, 2006, p. 92). Another example that explains the translator's confusion between using *EModE* or *LModE* is **Example (4) (Tbl 1),** which shows the term "*Majesties*" as was set down in the document and the term "*Majesty's*" used by the translator instead. In fact, in *Early Modern English* the *genitive suffix* for several nouns had been "*es*" (Peters, 2004, p. 55), which is the case of the term *"Majesties"*. It is to be noted that the term "*Majesties*" was repeated in most of the document's articles. Thus, when the target group first reads the term from the original document, it seems like the plural of the term *"Majesty"* was used. However, in *Early Modern English,* the term was spelled *"Majestie"* without the letter *"Y"*, viz. the archaic form of the term "Majesty" (https://en.wiktionary.org). Moreover, the term *"Subjects"* that comes after *"Majestie"* in the document refers to the possessive form and not the plural *(i.e. Subjects of his Majesty)*. Therefore, the translator used the apostrophe when he re-wrote the document *"Majesty's"* to express the *Saxon Genitive*. He then used *Late Modern English* without mentioning or explaining. Again, here, the translator misperceived the ST's background. This might be due to the lack of the documentary research. The same case for **Example (10) (Tbl 1)**, in which he used the term "*Traffic*" while the term "*Traffick*" was used in the document. In fact, many words that end in *"c"* today had a *"ck"* ending in *Early Modern English* such as the term *"Traffick"*. Thus, this goes back to Middle English Period where *"ick"*, *"ike"* and *"ique"* were alternative forms of *"ick"*, they were also used in *Early Modern English* when the document was set down and still existed in English dictionaries until early 19th century. (https://www.wordsense.eu)**. Example (11) (Tbl 1)**, the translator used the term

"*Moneys*" instead of "*Monies*" as in the document. In fact, both terms are an inflection of the term "*Money*" and are both correct. However, one of them was used in the early period, and the translator should have mentioned this and explained his choice because it appears to the reader that they are two different words. In law and accounting, the term *"Money"* is considered as a countable noun (Peters, 2004, p. 356). The translator might lack the cultural understanding that is between the two periods. The *Diachronic factor* in **Example 12 (Tbl 1)** was not considered by the translator, as he used the term "*Movable*" from *Late Modern English* and not the term "*Moveable*" from *Early Modern English* as in the original document. The example shows two different spellings of the same term; one used by the translator *"movable"* and the other one found in the document *"moveable"*. Thus, the latter is the old spelling of the term (https://grammarist.com). The rule says that words ending in *"e"* and have stem with one syllable keep the *"e"* when adding the suffix *"able"* in British English (Peters, 2004, p. 169) which is the case of the term mentioned earlier as the language of the document is British English. And for over a century now *"movable"* is the preferred form (https://www.grammar.com), that is why the translator used it, however, he should have kept the original use as in the document. In fact, *temporal distance* was not taken into consideration. In **Example (17) (Tbl 1),** the term *"shipwreck"* replaced the term *"shipwrack"* in the transcription of the document as demonstrated in the table above and is an alternative form of the term. Basically, the term is composed of *"ship"* and *"wrack"* (https://en.wiktionary.org). This latter is a variant of the term *"wreck"* (Peters, 2004, p. 457) and it means debris and remains of a ship after being damaged (i.e. wreckage). In fact, the two terms were tangled in spelling (https://www.etymonline.com).

The *parameter of culture* can be seen in **Example 8 (Tbl 1),** the term "*Pretences*", which is *British English,* is the synonym of the term *"Pretentions"* which the translator used instead and is *American English*. As well as, **Example 14 (Tbl 1)** shows that the translator used the term "*Rower*", which means one who makes the boat move through water using oars. Nevertheless, the term "*Rover*", which means one who roves, moves, travels, wander or look around, especially a large area (Cambridge, 2008), was used in the document. Besides, in **Example 16 (Tbl 1),** the term "*Pretence*" in *British English* was used while the translator used *"Pretense"* in *American English*. But, the document was written in

Great Britain and not in America. Therefore, he did not explain the cultural differences between British and American English.

Space parameter, which means whether the content of the document was reduced or extended through adding or omitting some elements. In **Example (6) (Tbl 1),** the term "*Old Style*" is a compound noun, it means a method of reckoning time according to the Julian calendar (https://www.britannica.com), was not used in full in the transcription but its abbreviation "*O.S.*" was used instead. However, the translator has not mentioned or explained to the reader either in the TT or in footnotes. **Example (7) (Tbl 1)** shows the term "*Esquire*", which is a member of the British gentry, below a knight in rank. Its abbreviation is "*Esq.*", which the translator used in the transcription. Nevertheless, he did not mention its meaning. In the two previous examples, the translator reduced the text by using abbreviations. Same case in **Example (15) (Tbl 1)**, the term "*Two*" was used and the translator used the number "*2*".

. **Example (13) (Tbl 1)**, the article *"A"* was used to mean "*One*" and the translator used the term "*One*", instead of the article. Therefore, he extended the text.

4.2.1 Analysis of some Intralingual Translation examples from a "Peace and Commerce Treaty between Algeria and Great Britain in the 17th Century"

The document under study is a *Peace and Commerce Treaty between Algeria and Great Britain in the 17th century* (Tablit, 2014, p. 177). It was set down in *Early Modern English,* and it is quite different from *Late Modern English*, which has been used since the 18th century until the present time (Hickey, 2012, p. 2). In fact, the Treaty was written by hand in golden ink; the first page contains the document's reference number, the title of the treaty and the date of ratification. Thus, it starts with a preamble about the content of the treaty, the name of the parties and the countries that participated in it. The English version of the treaty comes first, followed by the Ottoman Turkish language version.

Hence, the translator has re-written the English version of the document in a clear and legible writing (electronic form), which allows the reader to understand the tenor of the document. The table above shows some terms from the original version of the document and how the translator re-wrote them in the electronic form. It is worth noting that the translator has to present an eligible document without any changes, additions or omissions, and he is allowed to write

any abbreviation used in the document in the reference section (بن عودة، 2012، ص. 75).

The examples analysed above clarify some lapses committed by the translator when doing the *Intralingual Translation* of the document. This might be due to his influence by *American English,* as seen in the spelling of some terms. Moreover, it was remarkable that when the translator did the *Intralingual Translation*, he did not consider the context. Therefore, some terms are completely different from what the document states and have no relation with its content. Thus, the background parameter is omitted. As seen from the terms in the table, the translator's *Intralingual Translation* was based on the overall shape of the text rather than keeping the content, and instead of simplifying the context. He replaced some terms and changed the spelling of other words. Furthermore, he did not explain any cultural differences or show any disparate cultural backgrounds.

The translator could consider the diachronic factor by re-writing the tenor of the document and explain the differences in the language used in both versions. In addition to this, in some passages from the document, it was noticeable that the translator did not consider the context, for example, when he used the word (Sized) instead of (Seized) and the word (Fort) in place of (Port). In fact, he kept the same length of the text and used the same punctuation. However, the use of abbreviations was obvious, such as Esq. (Esquire) and O.S. (Old Style). Moreover, the use of numerals instead of writing them in letters, as used in the original document one (1) and two (2). And according to the National Archives website, transcribing a historical document is defined as follows:

> *"When copying a document always transcribe: this is when you retain the original spellings. Do not translate; this is when the words are changed into modern spelling. When you expand a word which was abbreviated in the original text put the letters that you have added in square brackets [ ]. This way, when you no longer have the original in front of you, you will know which letters appear in the original document and which ones you have added"*. (https://www.nationalarchives.gov.uk)

Therefore, the analysis shows that the translator did not take all the factors of *Intralingual Translation* into account in his translation.

Table 2. Terms as used in the document with their Interlingual Translation and the suggested translation (Tbl 2)

Example	Terms in the document	The Arabic translation	The suggested translation
1	Ratifyed	مصدق	مُصادَق
2	Pretence	دعاوي	ادّعاءات
3	Paying	شراء	دفع
4	Customs	جمارك	رسوم جمركية
5	Molestation	إزعاج	اعتداء
6	Hindrance	إهانة	عرقلة

Example 3 in (**Tbl 2**) above shows that the term "*Paying*" was translated (شراء) which is the adequate equivalent if the term is used solely. Hence, in this context, it is used with another term (Paying customs) as a collocation. In fact, in Arabic, it is not correct to say (شراء الرسوم). Therefore, the Arabic collocation (دفع الرسوم) is the suitable equivalent. That is why I suggested the term (دفع) for the term "*Paying*". And as shown in **Example 4 (Tbl 2)**, the term (جمارك) which the translator used as an equivalent for the term "Customs" is correct if the term was used alone. Thus, the term "*Pay*" is a collocation of the term "*Customs*" and in Arabic we do not say (دفع الجمارك). Hence, I suggested the term (رسوم جُمرُكيَّة) as an equivalent for the term "*Customs*". In **Example 1 (Tbl 2),** the translator used the term (مصدق) as an equivalent for the term "*Ratifyed*", which means (صادق). But, the term in Arabic without the stress (◌ّ) has another meaning and is different from the context. Thus, it is not the adequate term and that is why I suggested the term (مُصَادَق) as an equivalent. **In Exmaple 2 (Tbl 2)**, the term "*Pretence*" was translated (دعاوي) and it is the plural of the word (دعوى), which means a legal procedure brought to the court by a person against another person in order to claim for one's rights (https://www.almaany.com). However, what is meant here is (ادِّعاء) which is to review the relevant judicial authority in order to avoid a future dispute or take recourse to litigation; the plural of the word is (ادّعاءات) (المعجم الوسيط، 2008) and is the equivalent that I suggested for the term "*Pretence*" after considering the context. **Example 5 (Tbl 2)** demonstrates the use of the term (إزعاج) as an equivalent for the term "*Molestation*", to molest which means to touch, push etc. someone violently, or the act of attacking somebody (Cambridge, 2008). As seen from the English definition, the term (اعتداء) which I suggested seems to be the accurate Arabic equivalent. Again, the translator unsuccessfully chose the equivalent. As for **Example 6 (Tbl 2),** the term "*Hindrance*" means something that makes it more difficult for people to do something or for

something to develop (Cambridge, 2008), was translated (إهانة). However, the Arabic term used means "*Offense*" in English. Therefore, from the English definition of the term mentioned before, I suggested the Arabic term (عرقلة) which I believe it better suits in this context.

In fact, the terms mentioned above were translated separately. Therefore, the suggested translation was after looking at and considering the context.

The following examples show whether the translator used the *Legal Translation Techniques* mentioned earlier. it was noticeable that some phrases and expressions were omitted, such as "*The Most Serene*", which might be due to a non-equivalence in Arabic. Besides, the sentence "*The City and Kingdom of Algiers*" was translated (مدينة الجزائر), and the term "*Kingdom*" was omitted in the translation, though there is an equivalent in Arabic (مملكة). Moreover, the translator has added a word to the TT and it does not exist in the ST. For example, the use of two Arabic terms (باشا) and (آغا) as equivalents for the English term (Bashaw Aga), in fact, the mentioned terms refer to two different positions in the government of Algiers in the Ottoman period. However, the term (باش- آغا) refers to one position in the Kingdom of Algiers and it means the commander which was a high rank in the janissary (عامر محمود، 2012: ص55). Furthermore, some titles were transliterated this way "*Sir*" which was translated (السير) and Admiral as (أميرال) and it means the commander of the navy; the word was calqued from the Arabic word (أمير البحر) (https://www.almaany.com/ar/dict/ar-ar). He also borrowed the term "*Baronet*" and translated it as "البارون". All these were titles and ranks specific for the government system that existed in that period of time (17th century). He also used the same English structure in Arabic, which is transferring the ST grammar, structure and word order and use it in the TT (https://www.uv.es), as shown in the following examples:

TREATY between Great Britain and Algiers, signed at Algiers, <u>5th April, 1686</u>

Articles of Peace and Commerce between the Most Serene and Mighty Prince, James the Second, by the Grace of God, King of Great Britain, France, and Ireland, defender of the Christian Faith, &c. and the Most Illustrious Lords, the Doulet, G. Bashaw, Aga, and Governors of the famous City and Kingdom of Algiers, in Barbary, ratified and confirmed by Sir William Soame, Baronet, His Majesty's Ambassador to the grand signior, on the 5th of April, O.S. 1686.(Tablit, 2014: 230).

معاهدة بين بريطانيا العظمى

والجزائر وقعت في مدينة الجزائر

يوم 6 أفريل 1686 م

بنود سلم وتجارة بين عظمة الأمير جيمس الثاني بفضل الله   ملك بريطانيا العظمى، وفرنسا، وإيرلندا، ناصر الدين المسيحي وصاحب السمو الدولاتي، الباشا العظي، والآغا وحكام مدينة الجزائر الشهيرة، في بلاد البربر، مصدق عليها من قبل السير   Willaim Soame، و Baronet، سفير جلالته لدى الباب العالي، في الخامس من أفريل   1686 م.(Tablit,2014, p. 156).

In the first place it is agreed and concluded, that from this day, and for ever forwards, the peace made by Arthur Herbert, Esq. Admiral of His Majesty's fleet in the Mediterranean be renewed and confirmed, and kept inviolable between the Most Serene King of Great Britain, France, and Ireland, Defender of the Christian Faith **&c**. and the Most Illustrious Lords the Doulets, Bashaw, Aga, and Governors of the City and Kingdom of Algiers, and between all the Dominions and Subjects of either side; and that the ships and other vessels, and the Subjects and people of both sides, shall not from henceforth do to each other a any harm, offence, or injury, either in word or deed, but shall treat one another with all possible respect and friendship; and that all demands and pretensions whatsoever to this day, between both parties, shall cease and be void (Tablit, 2014, p. 230).

البند الأول

"أنه في المقام الأول تم الاتفاق وعقدت هذه المعاهدة ابتداء من هذا اليوم وإلى الأبد مستقبلا، بحيث جدد وعقد هذا السلم (Arthur Herbert)، المحترم أميرال أسطول جلالته في البحر المتوسط على ألا يخرق هذا السلم بين عظمة ملك بريطانيا العظمى، وفرنسا، وإيرلندا، ناصر الدين المسيحي، وصاحب السمو الدولاتي، الباشا، والآغا وحاكم مدينة ومملكة الجزائر، وبين جميع مقاطعات ورعايا كلا البلدين، وأنه لا تتعرض سفن ومراكب أخرى، ورعايا وسكان كلا الطرفين ابتداء من هذا التاريخ، إلى أي أذى، أو اعتداء أو إهانة، سواء قولا أوفعلاً، بل يعامل كل طرف الآخر بالاحترام والصداقة قدر الإمكان، وأن جميع المطالب والدعاوي، مهما كانت، حتى اليوم، بين الطرفين ستتوقف وباطلة (Tablit, 2014, p.156)

II. That any of the ships or other vessels belonging to the said King of Great Britain or to any of His majesty's Subjects, may safely come to the Port of Algiers, or to any other Fort or place of that Kingdom, there freely to buy and sell, paying the usual Customs of 10 per sent, as in former times, for such goods, as they sell; and the goods they sell not, they shall freely carry on board without paying any Duties for the same, and they shall freely depart from thence whensoever they please, without any stop or hindrance whatsoever. As to contraband merchandises, as powder, brimstone, Iron, planks, and all sorts of timber fit for building of ships, ropes, pitch, tar, fusils, and other habiliments of war, His said Majesty's Subjects shall pay no Duty for the same to those of Algiers (Tablit, 2014, p. 230).

البند الثاني

أن أيا من سفن أو مراكب أخرى تابعة لملك بريطانيا العظمى، أو أيا من رعايا جلالته، قد يصل بسلامة إلى ميناء الجزائر، أو أي مرفأ آخر أو مكان لتلك المملكة، لهم الحرية في شراء ودفع 10% من الجمارك كما هو الحال في السابق، عن كل سلعة يبيعونها، أما السلع التي لم تبع، فهم أحرار في نقلها على سفنهم دون أن يدفعوا أي رسم على نفس السلع، ومن ثم فهم أحرار في الرحيل من ذلك المكان متى أرادوا ذلك، دون أي توقيف أو إزعاج أيا كان. أما فيما يتعلق بالسلع المهربة مثل البارود، والكبريت، والحديد، والألواح الخشبية، وكل أنواع الخشب لبناء السفن، والقطران، والزفت، والحبال، وبنادق العتيقة الطراز، وملابس الحرب الأخرى، لن يدفع رعايا جلالته رسم على هذه السلع لرعايا الجزائر . (Tablit, 2014, p. 156).

4.2.2 Analysis of some Interlingual Translation examples from a "Peace and Commerce Treaty between Algeria and Great Britain in the 17th century"

As seen in examples 1-6 mentioned in the table above, the Arabic terms used by the translator were general and did not express what the English text states. As for the translation techniques, the translator avoided using the "*Functional Equivalence*" in his translation and used *"Lexical Equivalence"* instead, which resulted in translating terms separately, and thus the context was neglected, such as in the translation of "Customs" and "Paying". This could be due to the use of a non-specialised dictionary. However, he could have taken the context into account then look for the equivalents of the terms in Arabic. The translation of the word *"Ratifyed"* shows that the translator did not use the right dictionary when looking for the term in Arabic. In fact, he could have avoided

using the inadequate term by using a *Monolingual Dictionary*, which is required to use in either the SL or the TL, in order to find the appropriate term.

Moreover, *"Omission"* and *"Addition"* techniques were randomly used by the translator, as sometimes he added words and other times he omitted them, for instance the term *"Kingdom"*. The translator used a lot of *"Borrowing"* notably when translating titles, such as "Baronet", "Sir" and "Admiral" though their equivalent terms exist in Arabic. This might be related to the influence of these titles on the meaning of the original document. And then, he thought of using *loanwords* rather than the Arabic terms. However, in the translation of the extracts above, it is noticeable that the sentences in the Arabic translation are separate in meaning, and they start with the noun while in Arabic we start with the verb. It seems that the translator's target of the translation was to show to the reader what this type of documents contains. Therefore, he did a sort of word for word translation of the document and did not take the Arabic style into consideration.

Furthermore, he kept the English form in terms of syntax and used a lot of punctuation, which the Arabic language does not require in comparison to English. He also focused on conveying the content of the document without paying attention to the Arabic language and its structure as well as its grammar. Thus, the Arabic text did not have the same influence on the reader as the English text.

Overall and from the analysis of all the examples taken from the translation of the document, I could say that the translator has an English thinking mind. He was probably thinking in English when writing Arabic, this could be seen through his ideas and the way he translated into Arabic. Indeed, the translator is initially a historian. However, he could not cover all the historical aspects of the document. Hence, he used different dates, as in the title of the Treaty. He seemed to rely on his knowledge in history without conducting a documentary research, this could be seen from the lapses he committed and which he could avoid, such as forgetting to translate "&c".

It is true that the document is historical but the content is legal. So, in addition to the historical aspect that should have been taken in consideration, the legal form of the document is very important and needs to be respected when translating. It is also necessary to use the legal language in order to have the same impact in the target text (TT). However, there was an absence of legal form in the Arabic translation of the document. Therefore, the translator is required to decipher the writing of the document in a correct way in order to be able to well-translate its content (بن عودة، 2021، ص. 80).

5. Results and Discussion

In fact, I have noticed that the translator's lack of proficiency in the Ottoman Turkish language led to some ambiguity in understanding titles and ranks. Thus, some of them were transliterated into English, such us "*Bashaw Aga*", which was a title of honour in Ottoman Turkish language given to a person and not two different titles as used by the translator. Besides, I have noticed how influenced was the translator by American English. This has resulted in some confusion about how to spell some words and the use of "se" instead of "ce" in some nouns. It appeared to me that the translator has not given any explanation or interpretation concerning the use of abbreviations and some terms instead of others. Moreover, through the comparison made between the electronic copy of the legal historical document on *"Early English Books"* website and the electronic form written by the translator, some differences were revealed, which I have already studied and analysed in this paper.

On the other hand, the translator has used a word for word translation in some parts of the document by keeping the same punctuation in Arabic, which in fact, cannot be implied on its grammar. He also used some words with the same roots but they did not express the exact meaning. Therefore, I suggested some terms as equivalents of the English terms that go with the Arabic grammar. I have also noticed that the translator did not take the context into consideration and translated each word separately.

As a result, the translator failed to respect the parameters of *Intralingual Translation* and misused the *Interlingual Translation* (here legal translation) techniques. Thus, the value of the legal historical document could not be kept.

6. Conclusion and Recommendations

I have tried through my analysis of some examples from a "*Peace and Commerce Treaty between Algeria and Great Britain in the 17th century*" to highlight the strategy adopted by the translator in dealing with these types of legal historical documents. In addition, I have focused on what the translator shall consider in re-writing the document. Moreover, I have underlined the necessity for the translator to be accurate, explicit and coherent in order to enable the reader to well-understand the document. Furthermore, my analysis was based on the techniques used by the translator to fulfil this kind of translation and I have emphasised the importance of going back to the epoch in which the legal

document was set down, because the latter is deeply related to the society, culture and language of that era.

Eventually, this study was concluded with some recommendations, which I hope that they will help researchers in this field of translation studies:

- The necessity to take cognizance of the historical aspect of the document before undertaking the translation.
- Being aware of the differences between the language in which the document was written and the language that is used in the present time.
- Re-writing the document before its translation.
- Explaining the changes and choices made in the document before and after its translation as required in the transcription phase.
- Finding the appropriate equivalents that express the exact meaning and avoid translating each word separately and not to neglect the context as it represents the semantic field of each word.

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