A Critical Analysis of the Translation of 1816 Peace Treaty between Britain and the Regency of Algiers through the lens of Skopos Theory

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Abstract

This paper critically explores the 1816 Treaty of Peace between Britain and Algeria in Arabic. It examines how the terms of the Treaty were negotiated in both linguistic and diplomatic terms.The examples drawn from the text will help in identifying the possible translation techniques employed as well as determine if the meanings were effectively conveyed.By employing theSkopos Theory as an analytical framework, the treaty will have a specific communicative purpose and function. This article demonstrates how languages influence by examining the translations of diplomatic goals and cultural issues. It underlines the significance of accurate translation process for historical documents to maintain understanding when considering function and audience.

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1. Introduction

During the late 1700s and early 1800s, Algeria witnessed a period of relative stability. This was mostly attributed to fruitful foreign relations between different nations resulting in signing of peace and friendship treaties.

The 1816 Peace Treaty signed between Britain and Algeria was One major landmark agreement in the history of the two countries. Nevertheless, similar to any other treaty, a comprehensive interpretation of the treaty is required to ensure its accurate understanding and implementation. In this article, we will analyze and critique the contract translation to better understand its language in the light of Skopos theory.

2. HISTORICAL CONTEXT AROUND THIS TREATY:

2.1 Brief Historical Perspective

During the 1800s century, Algeria was one of the most powerful countries in the Mediterranean and the Arab Islamic Maghreb. The Abundance of its trade, economic wealth as well as its well-known diplomacy with the outside laid the foundations to a successful trade with other states.(McDougall, 2017)

Algeria held, during the Deys' period, all the features of a sovereign state. It forged its own diplomatic relations with different countries. In addition, the Dey of the Regency of Algiers concluded his diplomatic relations not in the name of the Ottoman Caliphate, but in the name of the Algerian state only. The Dey is the one who concludes international agreements, receives diplomatic missions (consuls), declares war and concludes peace and trade treaties. while some countries at that time, such as Iraq, Egypt, Libya and others, were not allowed to conclude any treaty only with a written permission from the Sublime Porte. Therefore, there were many attempts by major countries to mediate with other countries in the Regency of Algiers, and even efforts by the Sublime Porte to mediate with the Regency of Algiers. This independence from the Sublime Porte can be deduced from the abolition of the position of Pasha, which was imposed by the sultans on the Deys in 1711 AD. "When the Dey Ali Chaouch obstructed Ibrahim Pasha, the representative of the Sublime Porte, from entering Algeria on the pretext of potential unrest." (our translation)(سعيدوني، 1985، صفحة 23)

This situation provided the status of leadership over all other Maghreb Regencies. European Countries acknowledged, at that time, this supremacy. They paid tributes and sent gifts more than what they paid or sent to Morocco and Tripoli during the 17th& 18th century. They sought to

conclude treaties of peace and friendship with the Regency of Algiers, just in order to acquire the privilege of using its passport to across the Mediterranean.(U.S Navy Office of Naval Records, 1939, p. 265)Europeans were accustomed to paying tributes and gifts in circumstances in which they were weak and unable to confront. However, when they can not pay or they were fed up with these taxes and imposed gifts, they break pledges and deliberately organize military campaigns. The raids and attacks were sometimes isolated, and in other times combined of alliances. The list of the European military campaigns against Algeria is long and broad.

Although, the Algiers' relations with the Europeans were often characterized by wars and plunders. This did not prevent the growth, the development and even the improvement of the diplomatic relations with the Regency of Algiers. For instance, America concluded three peace treaties with the Regency of Algiers in 1776, 1815 and 1816 AD; Holland concluded eleven treaties; England signed eighteen treaties and France signed seven treaties with the Regency of Algiers.

2.2 *Congress of Vienna &The Battle of Algiers*

At the beginning of the nineteenth century, the Congress of Vienna was held between 1814–15 to reorganize Europe following the Napoleonic Wars. After nearly twenty-five years of upheaval and conflict, Europe had become dangerously dispersed. This international diplomatic congress was a meeting of envoys from European nations: Austria, Prussia, Russia and Great Britain, to resolve the challenges emerging from the Napoleonic Wars and to determine the fate of the territories. So they could maintain a state of peace and balance each other and stay at peace. The decision made during the Vienna Congress redraw the political map of Europe. (Britannica, Congress of Vienna, 2023)

The Vienna Congress played a major role in the condemnation of the slave trade. The Vienna Declaration has been rightly recognized for establishing the abolition of the slave trade as a tenet of universal international law. As part of this development, Britain assumed the role of Christian slaves' "protector". After the visit of Captain Walter Croker and his letter detailing the suffering of the Christian slaves, King of Britain dispatched Admiral Lord Exmouth, the commander of the British Mediterranean fleet, who had under his command a fleet of 05 ships of the line and 14 lesser ships. On the way, he encountered a squadron of Dutch frigates commanded by vice admiral Theodorus Frederick van Capellen. So together, the Anglo-Dutch fleet bombarded ships and the harbor defenses of Algiers.(Shaler, 1826, pp. 135-137)

After the bombardments, the Dey of Algiers, Omar Pasha, signed a Peace treaty, which forced the release of all slaves and required to the attackers indemnity payment. (عمر باشا، 1816)

The original Arabic version of the treaty was discovered by Professor Abdul Jalil Al-Tamimi in the archives of the British Foreign Ministry in London, under the reference number C.0/2, F.O. They

were subsequently published in his book titled " 1871-1816 بحوث ووثائق في التاريخ المغربي (Research and Documents in Maghreb's History 1816-1871).(التميمي، 1972، صفحة 256).

After this deceptive attack, the Dey of Algiers sent a valuable correspondence in which he explained to the Ottoman Sultan the events of this invasion: "Sixteen months ago, we concluded a peace treaty with the English and the Dutch. They appeared, on the third of Shawwal, in front of the port of Algiers with a fleet consisting of thirty or forty ships. They entered the port, waving the white flag, and handed us a letter requesting for answer within one hour… However, the English tricked us and took advantage from that waiting hour. They entered the port, positioned themselves toward the fortresses and then they brought cannons & weapons to initiate the battle…" (our translation)(التميمي، 1972، الصفحات 257-259)

Europeans, particularly in the modern era, often described the Algerian navy's activity as piracy and labeled its sailors as pirates.(أبوالقاسم-سعدالله، 2003، صفحة 485) Professor Christopher W. Minster provides a detailed explanation of the distinctions between terminology used in the English language to refer to those engaged in high-seas thievery. **Pirates** were indiscriminate in their predation, operated as autonomous criminals, known for their brutal, violent and intimidating tactics. Unlike pirates, **privateers** operated under the aegis of a nation at war, authorized to assail enemy vessels and interests. They shared their rewards with their sponsor nation, as demonstrated by the illustrious Captain Henry Morgan, who, under English commission, targeted Spanish assets but never assailed English ones, distinguishing him from pirates. **Buccaneers**, derived from the French term 'boucan', were initially hunters who became pirates, well-knownfor their resilience and tenacity. They mostly raided coastal towns and were essential to French and English privateering efforts and activities against Spain. **Corsairs**, a term coinedto describe foreign privateers, notably Muslim or French, who were distinguished by their selective aggressiveness, sparing Muslim ships and often engaging in the slave trade. The term held pejorative connotations, as illustrated by Henry Morgan's outrage upon being dubbed a corsair. This lexicon reflects the intricate social and legal dynamics of seafaring brigandage.(W.Minster, 2019)

Amid this complex pattern of naval history, the Regency of Algiers regarded this activity as a "Naval Jihad", a maritime holy war. European and American countries, notably France and England, however had come up with various vocabularies aimed at justifying their acts of piracy and robbery, which they considered offshore business that brings money in.(مولود قاسم، 2008، صفحة 71).

3. SKOPOS THEORY APPLICATION IN THIS TREATY:

According toskopos theory, the product's function determines the translation process. It was first introduced into translation theory by Hans J. Vermeer, who believes that the prime purpose of a text

determines the translation strategies. The main principle of this theory can be summed up into the following quote: "the end justifies the means", it marks the intended goal from the translation. In general, the translation of a text may have several objectives, therefore, "Reiss" and "Vermeer" suggested in their booksix basic rules for translation.(Reiss & Vermeer, 1984)

These rules emphasize that a translation's purpose—its skopos—is the most important component in its development. They assert that a translation serves as a conduit of information between the source and target cultures, and it should not suggest a straightforward reversal of the original message. Furthermore, a translation must be internally consistent and faithful to the main text for theaccurate reflect of the original content and intent.(Munday, 2008, p. 80)

History and Diplomatic writings represent a nation's consciousness and perform a major part in the growthand the progressof people & society. As a result, translating these texts presents challenges for translators because the intended recipients are often states, not individuals. This concept aligns with Skopos theory, which argues for translations that are tailored to effectively serve their specific purpose within the given context and meet the exact needs of the intended readers or audience. (Vermeer, 1989, p. 20). In this way, the role of diplomatic texts translator is to withdraw the source text from its primary status just in order to serve the attainment of the designated skopos. In other words, the ideology of translation is determined by the intended function of the final product.

So drawing on thisfunctionalist theory, the translator could be loyal to the source text and choose the simple appropriate word to render meaning or could focus his loyalty on the real people of the other party in the translation process.

The intended purpose of this treaty translation may be revealed in rendering terms & expressions into the target text by other terms & expressions that serve the meaning of the whole clause or convey the appropriate meaning.

The translation of a treaty presupposes the purpose of the victorious country. Moreover, Skopos theory serves the notion of coherence with "the target recipient's situation". As such, this theory is very useful in translating treaties, because the purpose is served with specified vocabulary to increase their hegemony on the defeated country and to apply their own concepts, rules and regulations.

4. TREATY'S ANALYSIS:

4.1Content Analysis of the Original Treaty Text:

The original version of the text in English was published on 1824 by Joseph Chitty, in his book entitled: " A Treatise on the Laws of Commerce and Manufactures, and the Contracts". (Chitty, 1824, p. 283)

This Treaty of 1816, between the Regency of Algiers and Britain has employed formal and diplomatic English language that is typical for treaties of that period. We can notice, in the Original English version, the use of honorific titles and the elaboration of well decorticating language to describe the treaty signatories and their respective positions.

The introduction of this treaty begins with stating that this is a peace status between the British King and theDey of Algeria. Then, it mentions the King's envoy, Edward Baron Exmouth, to negotiate and conclude on behalf of the king, who was described in this treaty as a highly ranked British Admiral.

It is well noticed that the main purpose from the English version of this treaty is to establish a strict unbreakable peace and friendship between Britain and Algeria. It declaresthat the previous treatiesbetween the two parties arerenewed, ratified and confirmed. This indicates that this treaty is building upon the previous agreements.

It is duly well observed that the treaty stipulates for ships, vessels, subjects, and people of both sides an end of hostility and the establishment of peaceful relations. Therefore, the two states shall abstain from causing harm, offense, or injury to each other, both in words and deeds. This treaty highlights the importance of treating each other with respect and friendship. It seeks, as well, to prevent hostilities and promote peaceful relations between the two nations.

Finally, we can say that the English language of this treaty is clear and goes straightforward to the point. It focuses, explicitly, on establishing peace, friendship and mutual respect between the two nations, and leaves no room for ambiguityor misinterpretation. This clear and concise language helps to foster a good understanding that can set the stage for an accurate and concise translation.

4.2 Content Analysis of the Translated Text

The original version of the text in Arabic was discovered by Professor Abdul Jalil Al-Tamimi in the archives of the British Foreign Ministry in London, under the reference number C.0/2, F.O. He, then, published it in his book entitled " 1871-1816 بحوث ووثائق في التاريخ المغربي" (Research and Documents in Maghreb's History 1816-1871).(256 صفحة ،1972 ،التميمي).

This treaty's translation is primarily written in Classical Arabic, which would be expected for a formal legal agreement of this nature. However, there are also clues of Arabic dialects particular to

the regions of Algeria (such as متاع) and the Levant (such as حضرة الجناب), reflecting the linguistic diversity of the Algerian regency at the time. The inclusion of terms and phrases influenced by Algerian Arabic dialects gives the treaty a cultural touch for local readers. Furthermore, the presence of vocabulary from Levantine Arabic may indicate the translator's provenance. Despite the clear and obvious regional influences, the translator's identity remain unknown, as no references or documents have been found that could shed light on his/her identity.

The incorporation of the Algerian Arabic dialect in the treaty demonstrates a deliberate effort to draft the treaty in language forms familiar to Algerians, while maintaining the elevated register required for an international agreement. This language choice reflects the multilingual nature of Algerian cultural and political networks during this period.

The content of the Arabic version of the treaty covers the establishment of peace and friendship between Algeria and Britain, the renewal of previous agreements, the commitment to non-aggression and respect, and the abandonment of the war prisoners enslaving practice.

The Arabic text contains a number of vocabulary and words that need to be explained:

- متاع: Owner -

- كواليز : derived from the French word "Cavalier" and here means the rank of honor knight. -

- المنسوب لأهل الغزو: attributable to the invaders; -

- عمارة: We could not find the exact meaning of the word in the dictionaries of the region's dialect, nor in the dictionaries of Arabic. However, in our research we found in the manuscript of Sheikh Abdelrahman bin Idris al-Tanilani, who happened to be in the city of Algiers during the English attack of 1816, where he said:

"When it was Sunday of the month, in the afternoon, the enemy ships of the British Navy descended near Algiers in the sea. They were forty ships, and each ship had a hundred large cannons, each cannon has one quintal of gunpowder building storage, and they disembarked far from the city so that the shots from Algiers would not reach them, ..." (التنيلاني ، 1816، صفحة 05) (our translation)

In this context, the significance of the word "عمارة" is understood as an exterior structure or physical structure found on board a ship, and by comparing the word's meaning in each context, we can deduce that the general and common meaning of the word "عمارة" is the structure or the upper part of the ship bearing the flag. This is the closest common sense;

- السفاين: ship collection; -

- الشقوف: all types of ships;

- عدم أسار: Non-captivity;

- معدود تحت العبودية: placed under slavery;

- العداة: Hostility or War;

- من اليوم وقدام : From Today onwards.

The style of the treaty Arabic text seems to be formal, traditional and uses an accessible language to the Algerian people. It includes the honorific titles that reflects the language often used in diplomatic and legal documents. It also employs some specialized terminology commonly proper to that period of time and place.

Based on the Arabic version of the treaty, it appears that Dey Omar Pasha, after his defeat, accepted the conditions set by the English in their treaty. These conditions included the cessation of enslaving Europeans and the release of European Christian prisoners in Algeria.

According to the Algerian historian Mubarak Al-Mili, the English did not seek an end to the Algerian naval activities in the Mediterranean, a stance previously advocated during the Congress of Vienna. The English used desire to use the Algerian fleet as a counterbalance to French influence in the Mediterranean. In other words, the English sought to establish this treaty due to the growing number of English prisoners in Algeria. The problem of prisoners during wars and battles is a sensitive and influential issue.(مبارك الميلي، 1964، الصفحات 263-264)

5. *Comparative Study of the text & its Translation (DATA ANALYSIS):*

Upon initial examination, this treaty appears to be set apart from other treaties by the absence of a separate preamble section from the rest of its articles.

A thorough reading of the translation may reveal much about the historical circumstances in which it was concluded, how it has been understood by lawyers and statesmen over time, as well as what happened politically.Such a review helps us comprehend the importance and effects that the 1816 Peace Treaty between Britain and Algeria had on the relations between those powers and on its relevance in a wider historical setting.

The treaty begins with a preamble that invokes the name of God Almighty, emphasizing on the religious undertones of the treaty. It then proceeds to outline the key provisions that would govern the relationship between Britain and Algeria.

In this process, we will analyze the translation of the 1816 Peace Treaty between Great Britain and Algeria with the purpose of discovering useful information for this main whole study.

The following examples (excerpts) are taken from the aforementioned treaty:

Example 01:

" His Majesty the King ... Kingdom of Algiers "

"حضرة الجناب العلي عمر باشا ... المنسوب لأهل الغزو"

The treaty's introductory statement establishes the identities and titles of the parties involved in any agreement. In the English text, the contracting parties are identifiedwith terms commonly used in treaties to formally identify the sovereign entities entering into the agreement.This defines the official functions and positions of delegates representing their respective nations.

The Arabic translationdid not convey the same information, itstrays from the original English text in terms of the signatories' order. The first mentioned is Dey of Algiers, which is followed by Lord Exmouth as representative for King. This order differs from the English text, where the King is mentioned first. Furthermore, the British King's title translation by " متاع باشا المنسوب لأهل الغزو"differently suggests another option to translate this sentence.

Therefore, if it makes sense, and based on the skopos theory, then perhaps such translation might not exactly correspond to the meaning of the English phrase in question. It seems that this appears to have been a deliberate mistake in orderto convey literary symbolic message. The translatorpossibly wanted, by using the phrase " متاع باشا المنسوب لأهل الغزو" (Pasha associated with the people of conquest), to demonstrate that this treaty was not simply a diplomatic agreement but rather a result of a conquest or military action.

This assumed intentional error in translation is in lign with the skopos theory, which suggests that translated worksshould be coined according to the specific purpose and function of the target text, with close regard to the target audience's intentionand the desired effect. In this case, translators may have used more evocative and symbolic termsto signify why the treaty had some importance and historical context as well as emphasize its connections with conquest.

Example 02:

"Treaty of peace ..."

"العهد والشروط ..."

This particular translation choice can imply "conditions" or "terms" and carries a connotation that the agreement were imposed without consent from both parties,thus indicating an unequal relationship between the two countries when entering into such treaties rather than being mutually agreed terms between two equal states.

Hence, according to skopos theory context, which emphasizes the purpose and function of a translation. We can infer that the translator had a specific communicative goal in mind, when he rendered the term as "عهد وشروط" in Arabic, which implies that the treaty resulted from war circumstances rather than a mutual agreement between equitable partners.

Example 03:

"… the 28th day of **August**,... day of the Moon **Shawal**."

"... شهر **شوال** سنة 1231 ... موافقًا إلى 28 من شهر **اجوصت**..."

In this example, we notice that the translator referred to adaptation in presenting the "Hijri date" before the "Gregorian date", because using the Islamic calendar would be more appropriate and understandable for the intended audience and help to achieve the translator's goal (skopos theory). Additionally, in the translation of months, we note the translator's resort to domestication in translating "August" with "اجوصت", in addition to its equivalent "آب", and to "Foreignization" in translating "شوال" with "Shawal".

So This blending of using both the Islamic Hijri calendar and Western calendar reflects the interaction between nations of different backgrounds, i.e. translation played its role in civilizations dialogue.

Example 04:

"… warlike city of Algiers…"

"...متاع المدينة المجاهدة وبلاد الجزائر…"

In this example, "The warlike city" was translated to "المدينة المجاهدة". The translator used equivalence. The English term has a connotation that the Regency of Algiers likes and prefers wars than peace, and this is not the same meaning in the Arabic copy.

So drawing on the skopos theory, we find that the English side had a goal, which is to demonstrate that the Regency of Algiers is a bloodthirsty city. While in translation, the Algerian

party has employed the skopos theory for one purpose, which is that the Regency of Algiers was a city of Jihad as stated in its delivered passport at that time.

In addition to the use of terms with pragmatic significance during that time, such as "متاع" which currently means "owner".

Example 05:

"…**Knightgrand cross of the most honorable military order of Bath**"

"**كواليزعلامة الصليب الكبير**متاع باشا المنسوب لأهل الغزو"

"كواليز" is derived from the French "Cavalier", which means "Knight".

The English version has semantic meanings that the translator did not convey. The translator had a purpose (skopos theory) that he sought from the beginning. The phrase " كواليز علامة الصليب" conveyed only the meaning that this knight carries the cross and did not convey the "Military Medal", which refers to the ultimate and most esteemed military order, specifically the Order of the Bath. This tradition goes back to the King George I'st, where knights were taking bath, to depict purity,during the knighthoodceremony.(Britannica, The Most Honourable Order of the Bath, 2023)

The Arabic translation failed to capture thatperception, possibly because of the translator's unfamiliarity with it. It implied that the translator intended to degrade the dignity and value projectedfrom the original text. Additionally, this translation does not render "Military Order" which carries connotations of majesty, and instead it indicates that this knight is "attributed to the invaders".

The most appropriate equivalent to this example is:

"فارس الصليب الأكبر من الوسام العسكري الأكثر فخامة لمدينة باث"

Our suggested translation is in accordance with the functionalist theory. It accurately captures the true sense of honor of being a Knight Grand Cross and the exclusive prestigious status of the military order.

Example 06:

" be buried in oblivion"

"تكون باطلة ومنكورة"

In order to convey this expression, the translator accommodated himself by using the Dynamic equivalence to convey the implied meaning of disregardedness and forgottenness. However, If we opt for more idiomatic expression, such as: " يدفن في غياهب النسيان", thiscan effectively capture the connotations and implications of being forgotten or disregarded over time.

Example 07:

"commander in chief of a squadron of ..."

"رأس حاكم على كل السفاين والشقوف...".

The translator adapted "His said Majesty's ships" into " سفن دولة الانجليز". The Arabic version did not transmit the semantic meaning of being the commander in chief of a squadron of ships and vessels under His Majesty's authority. A more appropriate translation would be:

"القائد العام لسرب سفن ومراكب جلالته".

Therefore, drawing on the skopos theory as basis, the translator, in this example, was unfaithfull to the source text by preferring different words that does not convey the equivalent meaning. On the other hand, in our suggested translation, this will assure that the hierarchical function and the significance of the King's naval fleet are accurately transmitted in the target language.

6. CONCLUSION

The translation of the 1816 Peace Treaty between the Regency of Algiers and Britain is a case study in the delicate equilibriumbetween text accuracy and relevance to culture. In order to solve the issueof rendering the treaty comprehensible to the Algerian audience, some parts were directly translated, particularly when introducing the parties as well as summarizing key events and facts. At the same time, the translator included various dialectal phrases and expressions, which are common and widely used in the Maghreb region. This choice made it very authentic to the local audience. Thus, the use of such expressions enhances this treaty with the implicit and makes it harder to understand, so that one has to consider cultural as well as linguistic issues while translating historical texts.

The translator's devotion to skopos theorycan be noticed in the critical viewpoint on the translation process, which gives precedence to the intended message importance rather than word-for-word translation. By focusing on conveying the true nature of the treaty properly and precisely, the translator heldwith the complexities of cross-cultural communication, thus making sure that the document servedthe two partiesits intended purposes. This method, though not always accurate to

the original text'smeaning, was efficientat achieving the treatygoal. Thisstudyinvestigated the translator's role in promoting mutual understanding between cultures, and the enduring effects of such translations in cross-border communications, especially duringpost-war negotiations. So, the archival recordsretention depends mainly on the thorough comprehension not only of various languages but also of fine linguistic shades and sense.

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