Comparative analysis of the Spanish and French versions of the treaty called "Family Pact" of 1761

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Abstract

This paper offers a comparative analysis of the Spanish and French versions of the Pacte de Famille of 1761, where the mutual military alliance of both crowns of Spain and France are reinforced. The main object of this study aims, firstly, the compared linguistic analysis of this historical document; and secondly, to conclude if it is possible to differentiate a Source Text (ST) and a Target Text (TT). This question is not clarified in the Collection of 1796. Once the political and institutional instrument has been introduced, we proceed to study its structure, specially the organization of its articles. Then, both versions are analyzed from lexical-semantic, syntactic and pragmalinguistic levels. The final conclusions will collect the reflections and reasons about the possible translation, adaptation or parallel writing.

Keywords: Translation Studies, History, Spain, France, Pacte de Famille.

A. INTRODUCTION

The War of Succession to the throne of Spain, which took place on the European continent between the years 1701 and 1713-1715, concluded with the arrival of a foreign dynasty in the Iberian country. The Bourbons, originally from France, configured a new plane of political and diplomatic relations between the kingdoms of Spain and France, and to a lesser extent with the kingdoms of southern Italy, which were based on two principles: family kinship and animosity for the emerging maritime power of the kingdom of England. This purpose of alliance would materialize through the treaties called "Family Pacts" that the Bourbons of the Spanish and French branch subscribed throughout the 18th century (Raymond, 1802).

This work deals with the comparative analysis of the official language versions in Spanish and French of the third "Family Pact" according to the Collection of Treaties of Peace, Alliance, Commerce, etc. adjusted by the Crown of Spain with foreign powers from the Reign of the Lord Don Felipe Quinto to the present (1796). The main objective of this contrastive analysis French-Spanish) seeks to extract possible evidence that suggests the presence or not of OT and TM. Therefore, after the relevant presentation and contextualization of the document, the text in French and Spanish is studied from three different linguistic planes, from which the final conclusions will be based.
The versions of the diplomatic agreement that we are dealing with here are the result of the agreement between Carlos III of Spain and Louis XV of France, represented by their plenipotentiaries the Marquis de Grimaldi and the Duke of Choiseul, respectively (Françoeur, 2002). Thus, on August 15, 1761, the signing of said treaty was celebrated in Paris, in which every power that was itself an enemy of either of the two signatories was declared a common enemy, adhering to the pact to the King of the Two Sicilies and the Duke of Parma, although only in formal and never material terms (Bely, 2000). The fundamental content of the text revolves around the assistance and aid that each party would provide to the other in the event of a conflict with an enemy power as well as univocal action in matters of war, diplomacy or the signing of peace.

B. METHOD

Research was conducted using qualitative methods. With this qualitative method, researchers attempt to reveal the universal essence of phenomena personally experienced by a group of individuals in depth (Taylor et al., 2015). Data was collected through several techniques, including observation techniques, focus group discussions, and documentation studies. Data analysis was carried out through three analysis processes, namely coding, merging codes that emerged into themes, verification of themes through theory and follow-up interviews, and drawing conclusions (Creswell, 2010).

C. RESULT AND DISCUSSION

1. ANALYSIS OF THE TEXT

The text under study deals with the different agreements and principles reached in 1761 between the Spanish and French crowns that gave continuity to the previous treaties called "Family Pacts". The document is offered in a mirror, showing the Spanish version in the left column and the French version in the right column, without ever noting that any of the versions is a translation from one language to another except for the texts corresponding to the plenipotencies and final ratifications.

The document presents characteristics of the Diplomatic, close to the texts of the legal field in that they have been drawn up including solemn formulas that are adapted to the type of acts they represent. However, the textual analysis offered below responds to an exclusively diplomatic point of view and by analogy maintains the names that Hernández proposes for classification of diplomatic documents in the Modern Age (Leuilliot, 1939).

The treaty is organized around four fundamental parts: the preamble, the compendium of articles or properly articulated, the plenipotencies and the final ratifications. Most of the length
of the text corresponds to the twenty-eight articles that develop the provisions and agreements on military aid and assistance in the event of a conflict, whether of offense or defense, between any of the two crowns with respect to a third party. Likewise, the treaty incorporates the kingdom of the Two Sicilies by Bourbon kinship, although to a secondary degree (Braun, 2012).

Preamble 5 corresponds to the symbolic invocation that is typical in this type of text. It expresses the relevance of the agreement between the Catholic Majesty for Spain and the Most Christian Majesty for France and highlights the intention of both to "perpetuate the distinguished way of thinking of Louis XIV of France", expressed in the French version: *perpétuer dans leur posteriorité les sentiments of Louis XIV*; referring to the Sun King as the "august Great-grandfather". After that, the respective plenipotentiaries are appointed. This first preambular section also includes the titles by which the respective monarchs are represented as well as the *explanatory memorandum* (Cervera, 1993):

“(…) empeñan á su Magestad Católica, y á su Magestad Christianísima en formar y concluir entre sí un Tratado de amistad y union baxo el nombre de Pacto de Familia, cuyo principal objeto es hacer permanentes é indisolubres (…) las obligaciones que traen consigo naturalmente el parentesco y la Amistad”.

“(…) Ont engagé sa Majesté très Chrétienne, et sa Majesté Catholique à arrêter et conclure between them a Traité d’amitié et d’union sous the denomination of Pacte de Famille, and dont l’objet principal est de rendre permanens et indissolubles (…) They devour you who are a suite naturelle de la parenté et de l’amitié”.

The preambular act is followed by the articles, properly considered the device of the document. This consists of a total of twenty-eight articles of different length and theme. The primary objective of the text is the development of the mutual assistance agreement between the Crowns of Spain and France, although the participation and integration of the Kingdom of the Two Sicilies is also contemplated, in second degree and for kinship reasons. The articles can be organized around the following general ideas:

- Art. 1: determination of the common enemy power.
- Arts. 2 and 3: definition of guarantees between their Majesties and extension of the agreement to the Two Sicilies, the Infante Don Felipe and the Duke of Parma.
- Art. 4: principle of reciprocity of mutual military assistance.
-Arts. 5 and 6: materialization of said military reciprocity in terms of naval troops, cavalry and infantry.
-Arts. 7 and 8: exceptions to the materialization of the previous reciprocity in cases of assistance to the Two Sicilies, to the Duke of Parma or to issues related to the Peace of Westphalia.
-Art. 9: Sending of commissioners.
-Art. 10: disposition of the troops at the request of the applicant power.
-Art. 11: military purpose of the troops and never occupation in ports or domains.
-Arts. 12 and 13: unquestionable request for aid and its exclusivity for military use.
-Art. 14: suffrage of expenses incurred by the demanded power.
-Arts. 15 and 16: disposition of troops in due time and form and inseparable obligation by ties of kinship and friendship, extendable to descendants.
-Arts. 17, 18 and 26: mutual trust and reciprocal communication regarding treaties, negotiations and the signing of peace through collaboration between ministers.
-Art. 19: extension and ratification of the treaty to the king of the Two Sicilies and descendants.
-Arts. 20 and 22: common concurrence of protection and assistance between the three Crowns.
-Arts. 21 and 24: exclusivity of the treaty to the Bourbon house.
-Arts. 22, 23 and 24: extension of benefits of the treaty to the subjects of the three Crowns, equalization of rights and tariff equity. Determination of the common enemy power.
-Art. 25: retroactivity of the previous equity for trade agreements with third parties.
-Arts. 26 and 27: close collaboration between prime ministers.
-Art. 28: terms of ratification of the treaty.

The articulating device of the treatise closes with the traditional topical and chronological dating: "In Paris on the fifteenth of August, one thousand seven hundred and sixty-one" (sic) / "Fait a Paris le quinciéme août mille le sept cent soixante et un (sic)".

The articles are followed by the full powers of both monarchs, through which their delegates are given full powers of execution and conclusion for the treaty. In the Collection, both are collected in the Spanish language: the first corresponds to the "Plenipotence of HM Catolica" (sic) (Hernández Ferreira, 2013), by means of which Carlos III of Spain designates Don Gerónimo Grimaldi, Marquis of Grimaldi; the second reads "Plenipotence of SM Christianisima" (sic) (Etensel Ildem, 2007), in which Louis XV of France appoints the Duke of Choiseul as his highest representative. In this last plenipotence, "Translated from French" is specified.
Finally, the text concludes with the extensive ratifications by the monarchs Carlos III of Spain and Louis XV of France, again indicating that the latter is "Translated from French" (Kordoni, 2017).

2. ANALYSIS OF THE SPANISH AND FRENCH VERSIONS

Unlike contemporary international agreements, the text studied here focuses its interest on an objective of immediate military alliance in which a certain specialized lexicon can be seen (eg vaisseaux, fregates, "mansion”, etc). The analysis is based on the linguistic description and comparison between both versions based on the concept of equivalence based on the communicative situation in which it is registered (Garcia, 1995). Therefore, we proceed to analyze the versions from a lexical-semantic, syntactic and finally pragmalinguistic level, in which the main linguistic differences detected between both texts are collected.

The origin of the linguistic versions is controversial, considering two hypotheses in this regard: either the two texts are the result of the translating process, differentiating an original text (hereinafter TO) and a target text (hereinafter TM), or both versions were written in parallel. The first hypothesis is reinforced if one attends to the events related in the chapter "The English War" of the Havana Magazine (1856) (Izquierdo2005), where reference is made to the diplomatic relations between the kingdoms of Spain and France, and it refers specifically and briefly to the elaboration of this treaty. According to the Magazine, the French ambassador drew up and delivered a "minute" to the Spanish ambassador:

"So it did not take a great effort for the able Choiseul, minister of Louis XV., Or rather of the Pompadour, to carry out the coveted alliance with the Spanish monarch, and in such and so leonine terms that it is a truth what said by Marquis Grimaldi, Spanish ambassador in Paris, upon receiving the minute of the famous Family Pact drawn up by the French minister: by formalizing a similar treaty, the King of France would work as one who foresighted and diligently propped up the house that was given to him with strong timbers. it comes down, and the King of Spain would proceed like a raging prodigal throwing his fortune through the window (von Martens, 1846)."

Although this magazine is considered a document of little historical or documentary rigor, throughout the chapter there is a certain ironic character regarding the influence of French politics on Spanish. However, there are linguistic differences between the two without there being any kind of official clarification on the translation process or parallel writing of the
versions included in the collection. For their part, the actual full powers and ratifications of the treaty specify "Translated from French" (sic), as indicated above, although said documents are subsequently attached as indicated by their signatures, as they are included in this Diplomatic Collection. Regarding the preamble and the previous articles, there are no clarifications or specifications of the previous type.

Likewise, it is necessary to highlight the preponderance of the French language in diplomatic relations between the States of the time, to the detriment of the traditional Latin (Frijhoff, 1996), even on the part of the Ottoman "Sublime Door" (de Autoridades et. al.,. Although there is no type of document or international agreement that recognizes the French such status for centuries, although it is true that since Francis I of France sanctioned in 1539 the ordonnance de Villers-Cotterêts, by which he declared French as the language of acts official, the preponderance of this language was progressive in the courts of Europe:

“In 192 articles, the text is one of the most important of the French legislation: the impulse donnée par le geste royal futu décisive pour la diffusion du français (…)”.

In théorie, il n ’ya jamais eu d ’ adoption en droit international d ’ une langue diplomatique. Dans le droit international public, il already pas de déposition écrite à ce subject.

In practice, the diplomatic language is celle that is employed at the time of concluding an international trade between the States who, at the time of the trade, are theoretically on a foot of the law , which is on the other hand, from plus to plus for the arrangement in table round. De façon explicit donc aucune langue n ’était spécialement reconnue comme langue internationale. In fact, there is an accord, a convention between the parties, which practically regulates the adoption of a language that is not the same . L ’usage de la langue française n ’ a jamais été officiellement reconnu. Elle a toujours été adopted en diplomatie for a simple accord. Et, chose curieuse à remarquer, l ’adoption du français n ’ a jamais été liée à une supreme politique ou militaire de la France. (Je ne dis pas une supématie quelconque, je précise politique ou militaire, qui aurait pesé au moment où l ’on conclut un traité)”.

Based on the indicated considerations (equivalence of meaning, hypothesis and preponderance of the French language), we proceed to analyze the Spanish and French language versions of the third "Family Pact" (Azorín Fernández & Santamaria, 2004).

2.1. Lexical-semantic plane
The comparison of both linguistic versions from the perspective of the lexical-semantic units that comprise it is not an obstacle to reiterate the transversality of any self-respecting linguistic or translational study. In this first stage, the interest of our work lies in analyzing the main divergences that are detected in the Spanish and French versions, considering meanings, signifiers and correspondence or not with the opposite version.

2.1.1. The “Law of auvena” and the “aubains”

Article XXIII of the treaty includes the commitment that both Crowns will have to treat the subjects of the opposing kingdom as nationals. While the Spanish version reads: "... it has been agreed that the Spanish law of auverna (of foreigners) of France will not be understood from now on" (sic), the French version maintains "il a été convenu que les Espagnols ne seront plus Reputés aubains en France". Later, in the same article, the Spanish version indicates that: "Everything said regarding the abolition of the law of auvena in favor of the Spaniards in France ..." (sic), and in French: "Tout ce qui est dit cidessus-par rapport à l 'abolition du droit d 'aubaine".

According to Berman 24, in the law of the Old French Regime, the foreign person residing in France, although without naturalization, was called aubain, who was deprived of the right to inherit or be able to testament his assets, which became part of the monarch’s patrimony. Likewise, the Dictionnaire de l ’Académie françoise of 1799 collects the word aubain, defining it as: "Terme de Chancellerie et de Palais. Find out who is naturalized in the country or the demeure". As well as aubaine: “Succession aux biens d ’an Étranger who died in a country où il n ’est pas naturalisé. L ’aubaine appartient au Roi. Le Roi a droit d ’aubaine “. It is an outdated term in the current context, since such legal outrage is not applicable. The current meaning refers to the opportunity value or economic bargain of something. With the arrival of the Revolution, the right to "auvena" will be abolished.

The representation of these realities varies in the language versions of the treaty. The Spanish makes reference by means of an abstract noun modified by complement of the name and highlighting in italics the foreignerism ("auvena law"), also specifying in parentheses “(of foreigners) of France”. For its part, the French version prefers the noun person, as it refers to the fact that Spaniards will no longer be considered aubains in France. Later, as has been mentioned, the Spanish version speaks of "auvena law", resembling it as a legal norm, while the French one maintains "droit d ’aubaine", as a legal advantage in patrimonial and hereditary matters of the French about foreigners.
2.1.2. Verb tense equivalence analysis (Spanish-French)

While it is true that we must avoid categorical statements regarding full "equivalences" between languages, custom offers us accepted customary uses. In the Spanish version, the extensive use of the tenses of the subjunctive mood deserves special mention, which find different equivalences in the French version:

- "Futur simple / antérieur d ’indicatif": art. I, "come" for "deviendra"; art. II, "are found" by seront constatées "; art. XII, "did" for " fera "; art. XIV, "I will supply" for " fournira "; art. XV, "would have supplied" by " se aura fourni " ( sic ); art. XVIII, art. XXVI, "could" and "tubiesen" ( sic ) "by pourront and auront ."
- " Conditionnel présent d ’indicatif " 25 : art. VI, "arrived" for " arrivoit "; art. XI, "ask" for " demanderoit ".
- " Présent d ’indicatif ": art. XXV, "did" for " font ."

Although there is equivalence in the case of imperfect subjunctive due to subjonctif imperfect in art. VIII: " fuesen " for " fussent ". Likewise, there is a balance between the use of the future indicative in both versions: art. X, "will act" for " agiront "; art. XI, "suffira" for " suffira "; art. XV, "will arrange and determine" by " concerteront et determineront "; art. XXVI, "they will be trusted " by "they will confront ". This correspondence is also found in the case of the present indicative in both Spanish and French: art. III, "granted" by " accordent ", art. IV "understand" by " entendent " (in disuse); art. XV, "are forced" by " s ’ obligent "; art. XVII, "they commit themselves and they promise themselves" by " s ’ engagent et se promettrent ". The use of conditionnel présent d ’indicatif by present of indicative in art. VII, "impose" by " imposeront "; although there is also correspondence of said time with the conditional of the Spanish indicative in art. XXVII: "cesaria" ( sic ) for "cesseroit ".

2.2. Syntactic plane

The main divergences between the Spanish and French versions of the treaty are at the level of the syntax of the text. There are several issues related to the order and relationship of the words or phrases in the sentences of the article. For this reason, investments or changes, additions or deletions of structures or functions are frequent (de Autorididades, 2002).

The fragments analyzed here are a selection of the most representative examples of variations on the syntactic plane in both versions. Although there are no great variations in the semantic
core of these fragments, there are in relation to the textual arrangement, as can be seen in the extension of some of the examples collected here.

2.3. Pragmalinguistic plane

Next, those fragments that show some type of variation between both versions that affect the textual perception within the communicative situation by use of language or by the formulas of relationship between the parts of the Catholic Magestad and the Christianísimá Magestad.

In particular, the comparative orthographic order or the textual position of certain subjects and entities stands out, which are usually inverted according to the linguistic version in question. The pragmalinguistic plane stands out for the numerous investments that are appreciated in the order of the Spanish and French monarchs depending on the linguistic version, thus as well as by some toponymic or treatment variations. The only time a "mirror" balance is seen is in topical and chronological dating.

C. CONCLUSION

The work presented here has approached the study of Spanish and French language versions of the document referred to as "Family Compact" integrated in the Collection of Treaties of Peace, Alliance, Commerce, etc. 1796, under the reign of Carlos IV of Spain, son of Carlos III. The main purpose of this article has been the description and analysis of the text in its bilingual version, excluding final ratifications, in which its status as a text translated from French into Spanish is reliably confirmed. No other reference clarifies whether the document has been drawn up in parallel in both languages or subsequently translated from French to Spanish. However, taking into account the brief and critical reference collected by the Revista de La Habana and in light of the following considerations, it could be assumed that the text was originally written in French and translated into Spanish with the pertinent adaptations, of which are collected examples in the tables above.

From the triple analytical plane outlined here, the following conclusions can be drawn:

- Certain influences of the French language are appreciated in the Spanish version, both in the syntactic plane and in the pragmalinguistic plane, especially in the variations and prepositions.
- Ellipsis or modifications are frequent, especially in the Spanish version, on the contrary being the most complete French version in form although both are equivalent in content.
- The fragments compared in the lexical-semantic plane show synonymy in numerous words whose variations do not significantly affect the message of the text, rather they are a sample of the lexical richness in both languages in the diplomatic and state policy
field between the two Borbón branches, which is why the denominations and references to sentimental and flattering words stand out.

- The formal divergences in the use of formal tenses respond to the idiosyncrasies of both languages. Hence, it is interesting to highlight the use of the subjunctive tenses in the Spanish language against the future and the conditional indicative in the French language.

Likewise, this work presents the possibility of tackling a comparative analysis between two linguistic versions of the same historical text, of a strong diplomatic, dynastic and military alliance character, in which the linguistic stages of Spanish and French in the middle of the year can be clearly appreciated. of the eighteenth century, as collected in the Collection as well as in the lexicographic resources of authorities consulted throughout the study.

From this work, therefore, a line of research is proposed around the comparative analysis of the linguistic versions of historical instruments of a political and institutional nature, where the relevance of the document is not limited to its historical value, but also linguistic.

REFERENCES


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