



Treaty of Tripoli (1796)

When the United States declared independence from the British empire, US merchant ships in the Mediterranean lost the protection from piracy afforded by the tribute that Britain paid to the Barbary states of northern Africa. The US government negotiated its own protection payments to Barbary rulers after raiders from Barbary states seized US ships and enslaved their crews. Presented here are selections from the United States' treaty with Yusuf Karamanli, pasha of Tripoli, which was negotiated through the mediation of Algerian pasha Sidi Hassan, to whom the United States had already agreed to pay tribute. Despite the treaties, raids on US ships continued until US victories in the Barbary Wars of 1801-05 and 1815 drove the Barbary states to desist. The capture of the Tripolitan city of Derna by a US-led force during the First Barbary War was the United States' first foreign military occupation.

The treaty with Tripoli has been frequently invoked in arguments about church-state relations in the United States. From the time the treaty was ratified, there have been Americans who object that article 11 denies their nation's Christian foundation, while opponents of Christian nationalism, since the early 1800s, have celebrated article 11 for the same reason. Oddly, article 11 does not exist in the treaty's Arabic original: in the signed bilingual treaty book, the Arabic text that parallels the English text of article 11 is actually a letter from Sidi Hassan encouraging Yusuf Karamanli to accept the treaty. The translation given below shows how the treaty's Arabic text repeatedly categorizes the United States, alongside European nations, as Christian. Also, the Islamic identity of the Tripolitan and Algerian states is more prominent in the treaty's Arabic original than in the English paraphrase that American diplomats provided to the US Senate for ratification.

Arabic text

As translated into English in 1930

Praise be to God!

Declaration [of] the first article:

That we have agreed upon a perfect, valid, everlasting peace, without modification or change from the beginning to the end, in permanency, with the Americans and with our honored lord, the Lord Yusuf Pasha of Tripoli, may God strengthen him [...]; and what we have arranged between us has been arranged with a pure heart from our side and their side. This treaty of peace has been displayed and worked out in detail by our honored and exalted master, our supreme master, the Lord Yusuf Pasha, in the [divinely] protected Algiers, may God strengthen him by his grace. Amen!

English text

As ratified by the US Senate in 1797

ARTICLE 1

There is a firm and perpetual peace and friendship between the United States of America and the Bey and subjects of Tripoli of Barbary, made by the free consent of both parties and guaranteed by the most potent Dey and Regency of Algiers.

[...]

Glory be to God!
Declaration of the third article:

We have agreed that if American Christians are traveling with a nation that is at war with the well-preserved Tripoli, and [a] Tripolitan takes prisoners [of] the Christian enemies and [of] the American Christians, with whom we are at peace, then he sets [the American] free; neither he nor his goods shall be taken. Likewise, the Americans, when they take ships of their enemies, and there are on board people from Tripoli, they shall not take one of them nor their goods. Thus!

ARTICLE 3

If any citizens, subjects, or effects belonging to either party shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty and the effects restored to the owners.

[...]

Praise be to God!
Declaration of the seventh article:

We have agreed that if any vessel of the Americans is shipwrecked or damaged on the shore of Tripoli, the Moslems shall assist them until their goods are completely recovered from him who withholds. And if the vessel has merchandise or anything else, the Moslems shall be with them, guarding the goods from thieves, and shall watch over them until they have finished their affairs. Thus!

ARTICLE 7

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people; no pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succored till they can be sent to their country.

Praise be to God!
Declaration of the eighth article:

We have agreed upon this matter from both the two sides. If there is an American ship in the neighborhood of the Tripoli shore, and an enemy of their own kind [*i.e., a Christian enemy*] encounters them and pursues them, trying to take them, then they shall be assisted from the side of the Moslems with

ARTICLE 8

If a vessel of either party should be attacked by an enemy within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her. And when she proceeds to sea, no enemy shall be allowed

guns from the forts of Tripoli for their defense [...] Likewise, if there are at anchor in the port two ships belonging to nations that are at enmity with each other, and one of them wishes to sail out, then her enemy shall not be allowed to sail out within twenty-four hours, as is the custom of all the Christian nations. Thus!

Praise be to God!
Declaration of the ninth article:

We have agreed that all the tradesmen, and likewise the merchants, of the American nation who bring merchandise to the well-preserved Tripoli, and likewise the captains and sailors, shall have to pay the customs as all the Christian nations pay them; and [...] the consul of the Americans shall continue doing his official duty as it is done by all the Christian nations, namely, the kiss of the Feast [...] Thus!

[Translator's note: ...] The "Feast" seems to denote that of the 1st of Shawwal, the conclusion of the Ramadan fasting. I guess that on such occasions the consuls had to "kiss" the Pasha's cloak or even the floor in front of His Highness [...]

Praise be to God!
Declaration of the tenth article:

Be it known that the Americans have paid the present[s] and the money for the peace treaty [into] the hand of the exalted lord, our master, the Lord Hassan Pasha [of] Algiers, may God strengthen him; [...] and this money and these presents they have given shall be counted forever, and they shall not continue to pay every year. This which they have given shall be at once complete, remaining forever. Thus!

to pursue her from the same port within twenty-four hours after her departure.

ARTICLE 9

The commerce between the United States and Tripoli; the protection to be given to merchants, masters of vessels, and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such consuls, are declared to be on the same footing with those of the most favored nations, respectively.

ARTICLE 10

The money and presents demanded by the Bey of Tripoli as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed, except such part as is promised on the part of the United States to be delivered and paid by them on the arrival of their consul in Tripoli, of which

Praise be to God, who inspires the minds of rulers with causes of well-being and righteousness! The present matter be in the interest of the land and the servants of God, in order that things may be put in their place. This whole affair has been opened by the intermediary of the exalted, honored prince, the Lord Hassan Pasha, in the [divinely] protected Algiers, may God strengthen him [...], out of love for our brother and friend and our most beloved, the exalted Lord Yusuf Pasha [of] the well-protected Tripoli, may God strengthen him [...], because our interests are one and united, because our aim is that acts may succeed by overflowing justice and [...] by making, successful[ly], safety and security by permanence of innumerable benefits [...] Praise be to God for the comprehensive benefit and your perfect gifts; may God make them permanent for us and for you, thus till the day of resurrection and judgment, as long as times last. Amen!

Further, if there are any American people coming to the well-protected Tripoli, they wish to be, by your carefulness, honored and free from all disagreements, as are indeed all the Christian nations, so that nobody molests them and no injury befalls them. And likewise people from Tripoli, if they proceed to the country of the Americans, they shall be honored, elevated upon the heads, nobody molesting or hindering them until they travel homeward in good state and prosperity. Thus! And greetings!

part a note is likewise hereto annexed. And no pretense of any periodical tribute or further payment is ever to be made by either party.

ARTICLE 11

As the government of the United States of America is not in any sense founded on the Christian religion; as it has in itself no character of enmity against the laws, religion, or tranquility of Mussulmen; and as the said [United] States never have entered into any war or act of hostility against any Mahometan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.

[...]

Signed and sealed at Tripoli of Barbary, the
3rd day of Jumada, in the year of the Hegira
1211, corresponding with the 4th day of
November 1796 [...]

Source: Hunter Miller, ed., *Treaties and Other International Acts of the United States of America*, vol. 2 (Washington DC: Government Printing Office, 1931), 364-366, 368-372 (doc. 20). <https://hdl.handle.net/2027/uiug.30112104106221>. Public domain, Google-digitized.

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These edited, parallel-column excerpts from the treaty are intended for *teaching* purposes only. For *research* purposes, you should consult, quote, and cite the source publication listed above.



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