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Translation of Religious Aspects in the Algerian Family
Code from Arabic to English
Case study: Chapter of "Dissolution of Marriage"
(Articles: 47 to 57 bis)

A Dissertation Submitted in Partial Fulfillment for the Requirements
of the Master's Degree in Linguistics.

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*D*edication

I dedicate my dissertation work to my family and many friends.

A special feeling of gratitude to my loving **parents** Abd-el-Kader and Meftahia for all their Sacrifices, patience, and emotional support.

To my **sisters** Fatima, Hanadi and Narimen have never left my side and are very special.

My **brothers** Djelloul and Abd-el-Latif have been nicely my supporter until my dissertation was fully finished.

I dedicate this work and give special thanks to my best friend **Hadjira** and wonderful grandmother Fatima.

I also dedicate this dissertation to **my friends** Maroua, chaimaa and ferial and all members of my family

Lakehal Chaimâa





*D*edication

I dedicate this modest work to the dearest people to my heart **my parents** who taught me patience, and who gave me strength in order to go further .

I dedicate this work to my **grandmother** Halima

To the most precious persons in my life **my sisters** Karima, Omelkhir, Saliha

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Abstract

This research aims at investigating the translation of religious aspects in the Algerian Family Code, highlighting the strategies used to convey the religious charge of terms in a legal context. Scholars in the field of translation have elaborated a set of strategies to overcome the translation difficulties encountered during the translation process. The common difficulties that come against the act of translating a given legal and religious discourse are the linguistic and the cultural obstacles. This research is concerned with translating religious aspects within a legal context in the chapter of “Dissolution of Marriage” in the Algerian Family Code from Arabic into English and analysing this latter from a religious perspective. To achieve the purpose of the study, this research is designed to be both qualitative and quantitative study. The qualitative method has been chosen in order to describe the translation process and analyze the translation of the religious terms on the basis of the employed strategies. While the quantitative one is used to measure the frequency of procedures’ use in the translation of the articles of the chapter “Dissolution of Marriage” from the Algerian Family Code. Based on the findings of the study, some recommendations are presented.

Keywords: *Translation, Translation Strategies, Translation Difficulties, Religious Texts, the Algerian Family Code, Dissolution of Marriage.*

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List of Abbreviation

- SL:** Source Language
- ST:** Source Text
- TL:** Target Language
- TT:** Target Text
- AFC:** Algerian Family Code

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General Introduction

Translation is a communicative process to deliver a message from a source language to a target language, in which it is considered as a way to bridge the gap between cultures, as it is well known in many fields. The translator's operation to convey the meaning from the SL to the TL is a long process filled with difficulties throughout the time of doing the act of translation in any domain. These difficulties can be seen at the level of the lack of cultural background, lack of vocabulary or the absence of the equivalent in the TL. One of the most interesting domains that can be a huge challenge to translators is religion.

It is defined as the set of rules and behavior designated in a person, whom he believes in, and practices throughout the course of life in which it might be practiced in a specific sanctified place. However, in translation, conveying the message takes a huge amount of time and energy to fulfill the meaning or the idea as clearly as the original one. For instance, the translation of the chapter of "Dissolution of Marriage" in the Algerian Family Code cannot be performed without taking into consideration the religious perspective. Therefore, this study will be about the translation field, along with shedding light into the legal and religious aspects, in addition to the translation of the articles of the "Dissolution of Marriage" from the Algerian Family Code and its analysis into relation to Islam.

Research Motivation

This research is motivated due to several reasons and aspects since the translation field is a vast domain. Translation has always brought interest among scholars, in terms of strategies and methods, different texts and discourses, and problems, obstacles and the solutions by which translators can overcome any obstacle that prevents the success of the translation process. Therefore, this study attempts to shed light on the translation field, and the translation process of religious concepts and texts in specific, along with mentioning the difficulties and solutions that appear in this process.

Research Aim

This study aims at highlighting the difficulties encountered during the translation process especially when dealing with legal texts which contain religious aspects, emphasizing the fusion between law and religion and displaying the strategies to guarantee the success of the translation process. In addition to addressing the problem of translating religious aspects included within the chapter of dissolution of marriage specifically. Translating religious words and expressions is one of the greatest challenges faced by translators. They differ as to the appropriate strategies to be employed in such situations. In this study, the focus is on the legal and religious translation. Therefore, this research states some remarks and recommendations that can help researchers in translating religious aspects.

Research Questions:

The study seeks to answer the following questions:

1. What are the translation difficulties that come against translators during translating legal texts, especially “The Algerian Family Code”?
2. What are the strategies used by translators in the process of translating such legal materials that are related to religious aspects?

Research Hypothesis:

1. During the translation process of the legal materials, translators may come against several difficulties that can be seen in terms of linguistic, semantic, and cultural obstacles.
2. The translation process requires different translation strategies, however the used strategies in translating legal articles “The Algerian Family Code” might be Mona Baker’s strategies, since languages and cultures are different, as well as the legal texts which differ from one society to another including the cultural and religious features.

Research Process:

This research is divided into three main chapters. The first and the second chapter are concerned with the literature review part of this study. The first chapter mainly focuses on introducing the translation field along with its obstacles that may lead to the failure of the translation process, in addition to several strategies to overcome the mentioned problems. While the second chapter is devoted to highlighting the most important aspects of the legal translation and the religious ones. Finally, the third chapter is the second part of this study “Data Analysis”, which deals with the translation of “Dissolution of Marriage” from the Algerian Family Code and the translation of some religious terms, so this chapter is made and analyzed in relation to the Islamic perspective.



Theoretical part

Chapter One

Introduction to Translation, Problems and strategies

Introduction

Translation can be defined as the process of transmitting a message from one language to another language. However, in order to transfer the meaning of any given discourse from the source language into the target language, translators tend to follow different strategies and methods. Therefore, this chapter deals with the different definitions of the concept “Translation” from different scholars’ perspectives, in addition to shedding light on the most common difficulties in translating religious texts. Moreover, concerning this latter, some principle translation strategies are also mentioned in this chapter in order to overcome the mentioned difficulties.

I.1. Definition of translation

Translation as a linguistic concept has several definitions, in which these definitions describe the same idea, the process of conveying a meaning from a source language to another language. However, according to Ghazala (2008, p.1), translation refers to all the processes, methods and strategies by which the meaning of the source language discourse is transmitted or conveyed to the target language in its appropriate, close, and complete manner. That is to say that the most important thing in the process of translation is the ability to understand the intended meaning of the discourse.

Therefore, translators must comprehend the meaning of the term in the source language and then find its appropriate equivalence in the target language in terms of meaning. Furthermore, Newmark claimed that translation is “rendering the meaning of a text into another language in the way that the author intended the text” (1988, p.5). While on the other hand, Larson stated, “translation is based on the form, source language’s form is replaced by the form of the target language” (1998, p.3). Based on this definition, Larson tends to focus on the language form as he also confirms that translators should preserve the intended meaning of the SL in the TL language, since the whole process of the translation is mainly concerned with meanings.

As mentioned in his definition, the language forms are obviously different from one language to another, in terms of lexical, grammatical structure, communicational situation and cultural factors. Therefore, during the translation process the mentioned terms and texts must be taken into consideration in order to achieve the appropriate translation from SL to TL as stated by Z. Lamraoui “the translation reconstructs the same meaning using the lexical and

grammatical structure which are appropriate in the target language and its cultural context” (2018, p.345).

Hatim and Munday also defined translation, in which they divided its definition into two meanings. First, as a process, which means that the focus is on the role of translator while rendering a text from SL to TL. Secondly, as a product in which the focus is on the target text. However, following the previous scholars’ definitions they both defined translation as the process of transferring a written text from SL to TL, relying on the transmission of the appropriate meaning’s equivalence of SL in TL.

S. Bassnett stated, “The translation involves the transfer of meaning contained in one set of language signs into another set of language signs through competent use of the dictionary and grammar, the process involves a set of extra – linguistic criteria.” 1980, p.20). To illustrate, Bassnett’s definition of translation refers to the translational process as the process of conveying a certain language’s signs that guarantees both SL and TL grammar and structure by which he named it as “Linguistic criteria”. Furthermore, as claimed by Vermeer, the translation activity consists of various cultural aspects that differ from one language to the other. Therefore, any translator has to have a cultural background in both SL and TL in order to understand the intended meaning of the SL, reproduce that particular meaning in the TL in its appropriate, nearest, and close equivalence. Vermeer also elaborates his saying, as he stated that the legal norms should be taken into consideration while the translator is executing his mission. Thus, he should select the most appropriate translation strategy to translate a legal text (Mohammed H. Alaqad, 2014).

During the translation process from Arabic into English, some difficulties and problems come particularly against translators while translating terms and expressions bound by each language’s culture and system. As it was the case of translating the Algerian Family Code, which it was written in Arabic based on the Islamic law “Science of Fiqh”, Leaning on the Holy Quran and the Hadith that is considered as a report of the quotes and sayings of the prophet Mohammed peace be upon him.

I.2 The Algerian Family Code

The Algerian Family Code, enacted on June 9th, 1984, specifies the laws relating to familial relations in Algeria. It includes strong elements of Islamic law, which have brought it praise from Islam (code de la famille, 2005).

However, The Algerian family code can be described as a document that governs the family, the marriage and property rights of Algerian families, it contains specifications that were based on Islamic traditions and as it is according to the United Nations Rights Organization. The AFC is directly derived from the Islamic law known as “Fiqh” since Islam is the official religion in Algeria.

The Introduction of the Algerian Family Code allowed for restrictions that were contradictory to the role of women during the Algerian war for independence (1954/1962) to be present. In 1996, Algeria ratified the convention on the Elimination of all forms of discrimination against women and men stated that they would aim to counter "discrimination against women in all matters relating to marriage and family relations [...] (قانون المرأة الجزائرية), but in the condition that the convention followed the regulations in the pre-existing Family code. The Government of the People's Democratic Republic of Algeria declares that the provisional article 16 concerns equal rights for men and women in all matters relating to marriage, both during marriage and at its dissolution, should not contradict the provisions of the Algerian Family Code.

However, during the translation of the Algerian Family Code, particularly the part and articles that are concerned with Marriage Dissolution, the following translation problems and obstacles come against the translation process. Moreover, the translation strategies that are supposed to be used in order to overcome these obstacles are also mentioned.

I3. Translation Problems

Translation problems can be posed essentially by grammar or word style. Here are some problems like those that Syntactic, semantic, stylistic, phonological and usage are discussed in details.

I.3.1. Lexical problems

At the lexical level, the identification of translation issues is based on knowledge of formal construction processes of linguistic forms. However, the term “Lexical problems” refers to all the problems that lay under “Vocabulary”, since words can have different meanings and uses. Therefore, the ability to understand the way words are used in both languages is important to avoid such lexical obstacles.

I.3.2. Stylistic problems

Style is considered an essential part of meaning; it may cause problems for translators. It includes various types of figures of speech. Among the stylistic problems, the following aspects are taken into consideration.

Fronting: A word, a phrase or a clause can be put in the beginning of a sentence in the usual way. Such fronting is done on purpose to achieve a stylistic function of some kind: emphasize on the fronted word, or drawing a special importance of the sentence.

- E. g. اشتريت سيارة / instead of سيارة اشتريت

Translators may be familiar with such stylistic aspects, and hence ignore the style fronting. However, this is not advisable since meaning will be affected however, indirectly. It creates fewer problems in Arabic than in English.

Clichés: Some expressions have some kind of comparison.

Example: The Arabic expression.

- مشغول مثل النحل، May be translated to: “**very busy**” in English.

Parallelism: Two clauses or sentences may have the same structure and form, therefore, parallel. Such style paradigms are embodied in such features (Fowler, 1996). Hence translating verse into verse is the most challenging task in Translation; it may require, as many believe, a poet translator in order to render the formal properties that improve poetic features legitimate the discourse in this genre. Therefore, careful and repeating poetry, dropping unnecessary words and looking for the widest possible range for keywords, rhyming words can help the translator.

E.g.: Sounds are important in language, especially when they combine in different patterns to give meaning to support the importance of sounds; we can quote Lawson’s (1981:97). “Much more important than meaning is conveyed by rhythm and stress. The sound effects could be more important than meaning and it plays an esthetic function of language. Therefore, the following points to talk about are examples: Tone, rhyme, rhythm, alliteration, onomatopoeia, and assonance. (Md. Faruq zaman Akan, 2019.p.6).

I.3.3. Phonological Problems:

This type of problems is concerned with sounds and their relation to meaning as a matter, generally, is related to the direct translation, in the sense of face-to-face interpretation, in other words, it can be labeled live translation the translator, interpreter should pay attention not just to the words uttered by the speaker by careful listening. Furthermore, in such situations, the translator needs to continuously follow the intended expressions in addition to aiming and focusing on the “sounds”, “Intonations” and “lips movements”. In order to guarantee the success of achieving the right message, along with preserving the intended meaning in both SL and TL.

The aim of phonological aspects during any translation process is to avoid the failure of transmission meanings. However, a bad listener or a bad speaker will obviously misunderstand the intended meaning, which leads to the failure of interpretation, communication and translation. Like the commonly known story of the man who came from the middle east, who wanted to park his car in an American city, so he asked the policeman “can I park in that park here?”, The problem is that, he did not pronounce the (p) as /p/ but as a /b/; this is a problem almost all people from the middle east or the Gulf citizens, pronouncing the /p/as a /b/. However, the police officer replied by saying that it is America, do whatever you want, it’s democracy.

The police officer seems to be irrelevant to the man’s question, but when one knows that the police officer heard the pronunciation of the verb, /bark/not /park/ as the man might think. Therefore, the answer of the police officer is not wrong; the man is free whether to bark or not to bark, no one would prevent him. As mentioned before, the translator should be careful and do his best in order not to miss anything since translation is a tough field in which details matter. Translators need to be good listeners, as they should be acquainted with the speaker's spoken variety; dialect, idiosyncrasy, sociolect, regiolect (Ghazala, 2008).

I.3.4. Grammatical Problems

English and Arabic belong to different language families; consequently, many grammatical problems may occur when translating from English into Arabic and vice versa, because their grammars are very different. According to (Ghazala, 2008), grammatical problems argue complicated source language grammar, different target language grammar, and different target language word order.

(Sadiq,2010) believes in the correlation between the degree of relatedness between the source language and the target language, the frequency of these problems the more related they are the grammatical problems there are when translating from one into the other. The most common grammatical problems faced by translators are tense, word order and Syntactic ambiguity.

I.3.5. Cultural Problems

Since translation is not only a linguistic aspect, but also a cultural one, multiple cultural problems appear during the translation activity. However, many people might think that the translation is concerned only with linguistics, without shedding light on its cultural side.

Culture, as most human beings believe, refers to all the aspects that gather almost every single social customs, traditions and beliefs in the societies. Scholars also assert the simple view held by many people. In this respect, most of scholars and linguists had define culture as an integrated pattern of human behavior that includes thoughts, communication, languages, practices, beliefs, values, customs, rituals, manners of interacting, roles, relations and expected behaviors of racial, ethnic, religious, or social groups in the ability to transmit the above to succeeding generations.

This definition sheds light on the relationship between language and culture asserting that language is part of culture. Probably, none offers a description of Susan Bassnett who believes that language is the heart within the body of culture, and it is the interaction between the two that results in the continuation of life – energy. In the way, that surgeon, operating on the heart, cannot neglect the body that surrounds it, so translator treats the text in isolation from the culture at his peril. (2000:14) .

Before any translation activity, the translators need to be fully aware about both languages' culture, otherwise the intended meaning of the intended expression will be lost and misunderstood, by which the translation is going to fail, since cultures also differ from a society to another, as it is from a language to another

I.3.6. Pragmatic Problems

Pragmatics is a sub field in linguistics that deals with the study of the language use in terms of meanings. Therefore, any lack in the pragmatic competence of translators causes different translation issues that lead to the failure of its process.

As Stated by Christian Nord (1991:185), concerning translation problems at the pragmatic level, these problems are created because of the differences between the original text and the production situation of translation, in addition to the translator's capacity to comprehend and understand the given text, and his own ability to formulate the intended meaning of the SL text into the TL.

However, the main differences of a pragmatic nature that appear between the source text and target text can be seen in terms of understanding the hidden meanings of texts. In this respect, in order to avoid such obstacles both translators and receivers should be fully aware about the particular concepts of any given text. By which the translator must have a previous knowledge concerning the used expressions and words along with having background knowledge of his own audience, for the sake of avoiding the misunderstanding of the translated discourses.

I.3.7. Semantic problems

Semantic refers to the words, as the basic unit of translation, it plays a very significant role in which students or translators face more problems concerning this latter. These problems take place when a word, phrase or term cannot be understood directly and clearly misunderstood or not found in the standard lexicons /dictionaries. The other major semantic or lexical problems encountered by translators are as follow:

Equivalence: it refers to the similarity of a word, expression or a sentence from the SL to the TL; by means, it holds the same meaning as the translated discourse. It could be an obstacle during the translation activity, due to the grammatical and lexical differences between both languages.

For instance:

Arabic: وجد نجيم نفسه بين نارين

English: Nadjim found himself between the devil and the sea.

Connotations: It is the idea or the feeling that the word itself provokes for a person without neglecting its lexical or primary meaning.

For instance, the Arabic word. أسد (i. e a lion) can signify 'in addition to its known meaning 'a strong and brave person. Therefore, translators need to focus on the real meaning of any given word in order to find its own appropriate equivalence in a TL.

Paraphrases: Is rewriting an idea by which the translators use their own words, expressions or sentences in order to clarify or simplify the intentional meaning without changing the original meaning.

Naturalization: Refers to the process of changing the source language text according to the words pronunciation, then directly to the target language system of morphology.

The following examples illustrate naturalization definition:

The word “Selfie” is translated to Arabic as it is pronounced in English as “سالفِي”, Naturalization can be found also in translating the Holy Quran Suras’ names based on the names pronunciation taking the morphology into consideration

I.4. Translation Strategies:

Translation, in fact, is an interesting domain. Yet, it is a hard task at the same time. During the process of Translation, the translator is likely to come across several difficulties and obstacles that are generally due to the differences between the languages involved at different levels. In This respect, Baker (1992) summarizes the translation strategies that may help translators to overcome that problem of lexical equivalent at the word levels as follow:

I.4.1. Translation by Using a General Term (a superordinate):

This strategy is a common way of translation used to solve the problem of non-equivalence between the SL and TL. However, when dealing with words that have no equivalent in the T L, the translator may use a more general term to refer to the specific one used in the SL in order to overcome the lack of specificity in the TL.

For instance: the term “date” has several hyponyms in Arabic such as /بلح / تمر / etc... Depending on its shape and color. However, these distinctions do not exist in English culture, i.e the general term is used only. Moreover, in Eskimo, they have different kinds of “snow” and a specific term for each kind (Duranti, 1997), yet in Arabic we have only a general one. Therefore, in translating the word concerning the term “بلح” it is translated to “Date” in order to avoid the ambiguity of the word and the misunderstanding of the English reader. The same thing occurs when translating to use the superordinate term “snow “instead of its hyponyms since Arabs are not familiar with such distinctions.

I.4.2. Translation Using a More Neutral / Less Expressive

Meaning

According to Lyons (1981:143) "expressive meaning relates to everything that falls within the scope of "self-expression". In other words, expressive meaning is about the person's beliefs, opinions and attitudes towards certain behaviors or ideas in the real world. It differs from one person to another and from one language to another. In this case, the translator can use a term, which is near equivalent and less expressive to simplify for the TT reader.

For example

The source text:

انه بالفعل لأمر مشين أن تكون حاملا بطفل غير شرعي.

The target texts:

It is something bad to be pregnant with an illegitimate child.

It is obvious that the word "bad" in the TT does not have the exact meaning of the ST's word. However sexual relationships before marriage is an immoral and forbidden behavior for Arab people especially Muslims, but in English culture, it is a natural and quite normal. Therefore, in this case it is better for the translator to use the term 'bad' as a neutral term instead of "horrible".

I.4.3. Translation by Cultural Substitution

People from different cultures and societies have distinct ways of perceiving the world and interpreting its reality. Thus, the concepts that exist in one culture may not exist, or even not lexicalized in another. Therefore, translators in this strategy are not supposed to find out the exact equivalence of the SL's cultural specific term, but keeping the same impact on the TT readers is more important. In other words, the SL's specific term may be replaced by another one in the TL that does not have the same literal meaning, but have the same impact and way of understanding between both languages users.

I.4.4. Translation by Loan Words with an Explanation

A loan word is a lexical term that is borrowed from another language and made part in another. For Campbell (1998:63), "A loan word is a lexical term (a word) which has been borrowed from another language, a word which originally was not a part of the vocabulary of

the recipient language but was adopted from some other language and made part of the borrowing languages vocabulary".

In the case of newly born words and culture specific terms that have no equivalent in the TL, it will be better for the translator to keep the word in question and follow it by an explanation in the TT. This strategy is also used when the translator wants to keep some aspects of the SL's culture to add a local color to the TT as shown in the following example:

The source text:

لم يستطع علي حل واجبه المنزلي لصعوبة تمارين الجبر

The target text:

Ali was not able to do his homework due to algebra's hard exercises.

The word "Algebra" is considered as a loan word borrowed from Arabic, however in most cases when "الجبر" is used it is translated into "Math" since it refers to a mathematical operation named by its own finder.

I.4.5. Translation by paraphrasing

Paraphrasing is another solution for the problem of lexical equivalence in translation. It is used when dealing with concepts that have no equivalent in TL, or lexicalized in another form. When the translator fails in getting the right equivalent for the ST item, he may use a phrase, which could have the same meaning.

Baker (1992) divided this procedure in two ways

Paraphrasing using related words:

This way is used when the concept expressed by SL's word has equivalence in TL, but in a different form. For instance: The Arabic word /خالة/ is expressed in English by the word "aunt" that comprises both Mother's and Father's sister. Hence, the translator can add the term maternal (maternal aunt) to be more precise.

Paraphrasing using unrelated words:

This procedure is used when the SL's term has no equivalent in the TL. That is, a sentence that carries its meaning is used instead as mentioned before. The Examples below add more clarification to these points:

The source text:

تفضل جدتي ارتداء الحايك عند الخروج من المنزل.

target text:

My grandmother prefers wearing a scarf that covers her, except for her eyes. When she goes outside the home.

As it is obviously clear in the previous translation that the word “حايك” does not have its equivalence in the English language, since this term refers to a traditional custom among Algerians, the translator needed to use the explanation approach using unrelated words such as “Scarf” in order to convey the intended meaning as much as possible as it is in the SL.

I.4.6. Translation by Omission

At this level the translator may simply omit a word/or words that have no equivalence in the TL, and does not play a great role in the understanding of the original text. In this respect, Baker (1992) stated, " if the meaning conveyed by a particular item or expression is not vital enough to the development of the text, translators can often simply omit translating the word or expression in question ". It is also used in case of repetition and redundancy that may occur in the SL, which is not adequate in TL.

Conclusion

Based on the aforementioned ideas, it is also possible to include that translation is not just a replacement of words from one language to another. However, it is rather a transmission of concepts and thoughts from a culture to another. Thus, when two linguistic systems are involved in the process of translation, translators should take into account the different linguistic and cultural characteristics of both systems (SL and TL). Moreover, adequate translation entails not only linguistic knowledge about differences between the two languages, but a clear idea about their culture is also prerequisite. Furthermore, despite the different difficulties and obstacles encountered by translators, especially beginners, translation trainers have a number of strategies, which could help them to carry out their task and make the process less challenging.

Chapter Two

Legal Translation and Religious Translation

Introduction

In this Chapter, several definitions, expressions and terms that do have a relation with translation such as: legal language, legal translation and religious translation are defined and explained throughout examples. This chapter sheds light on the legal terms, by which they differ from one legal system to another such as Arabic to English. This study shows that each language has its own terminology. However, legal language, legal translation and legal system also make the translation of such documents special.

II.1. Legal Language

II.1.1. Definition of Legal Language

It is unarguable that legal terminology is technical. This is because of its traits and the setting in which legal language is employed. In agreement with Caton (1963) and Jackson (1985), Cao (2007) claims that legal language is a form of plain language that includes some lexical words that are only employed in legal contexts because they serve particular communication goals. It is well known that legal language is composed in accordance with the laws and regulations specific to each nation's political structure and cultural traditions. The idea of distinguishing between legal language and the language of the laws is supposed by Kurzon (1989, 1979).

In his view, the language of the law refers to the style used in documents that lay out the rules. It is without debate that legal terminology is complex. Due to its traits and the setting in which legal language is utilized, this according to Coa (1963) and Jackson (1985), legal language is a form of plain English that includes some lexical words that are only employed in legal situations because they serve particular communication objectives. Legal language is recognized to be written in accordance with a legal system and its own laws that belong to each country in term the political system and cultural characteristics. Using the example of a document that lays out the law, Kurzon (1989, 1979) argues for the idea of which legal language is utilized, this According to Cao (2007), who also agrees with Caton (1963) and Jackson (1985), legal language is form of plain English that includes some lexical words that are only employed in legal situations because they serve particular communicative objectives. Legal language is recognized to be written in accordance with a legal system and its own laws that belong to each country in terms of the political system and cultural characteristics. Using the example of a document that lays out the law, Kurzon (1989, 1979) argues for the idea of separating between the language of the law and legal language.

It is unquestionably true that legal terminology is complex. Its traits and the setting in which legal language is utilized account for this. According to Coa (2007), Caton (1963) and Jackson (1985) were right when they said that legal language is just plain English that includes some lexical words that are only employed in legal contexts because they serve particular communication goals. It is well known that legal language is composed in accordance with a legal system and its unique laws, which are specific to each nation depending on its political structure and cultural traditions. For him, the term “Language of the law” refers to the style used in documents that lay out the legal principles.

Kurzon (1989, 1979) defends the idea of separating out “Legal language “from other. Caton (1963) and Jackson (1985) were right when they said that legal language is just plain English that includes some lexical words that are only employed in legal contexts because they serve particular communication goals.

The language used in the legal profession is known, as legalese. It is the jargon employed to deliver judgments in courts, impose obligations and confer rights, grant permissions, prohibit expressions. It differs from ordinary language in terms of vocabulary and style. Certain peculiarities characterize the legal language. Unlike common language in its most obvious function, it not only imparts knowledge and information but also directs influences and changes people’s behavior. (E. g through statutes, court decisions, contracts). Thus, it is considered to be:

II.1.2. Normative language:

Since it is the language of rights and duties, the language of power, of law that regulates the orderly coexistence of people within their society.

II.1.3. Performativity Language

It is not limited to words and information. It is not used to express anything but to give rules and effects. In other words, by using this language, it achieves effects and produces consequences in the surrounding world.

II.1.4. Technical Language

It is related to a specific technical sphere that of law. It has its own terminology and style. Every legal language has a specific vocabulary, which is marked by its complexity and particularity, as it is bound to a specific legal system. Legal language reflects the history, evolution and culture of the corresponding and legal system. Each society has its own legal concepts, legal norms and ways of applying its laws (Cao 2007, p.9).

According to Mattilda (2006, p.3) Ordinary language is the foundation of legal language. As a result, legal language uses the same grammar and vocabulary as every day English. However, as legal terminology is a language with very specialized uses, many terms vary according to the many legal specialties. Secondly, legal languages from various nations and eras have traits that set them apart from other written languages to varying degrees. Due of these reasons, it can be challenging to understand legalese, especially from a layperson's point of view.

Much linguistics refers to legal language as "register", "dialect", or "sublanguage". Legal language is a form of register, which is a variation of language appropriate to the legal situation, as Cao stated in his book (translating law). (Cao, 2007, p. 09). Legal language is frequently characterized as technical or formal, According to Mattilda (2006) Professionals use terminology like that by making reference to Kurzon , who makes a distinction between legal language and the language of the law .The phrases are not synonymous from this perspective . "The put it another way," Legal language is general language used to discuss the law, while the language of the laws is written.

Legal language is the language used in legal texts and judges' decision, whereas the language used to draft states and contracts. Silvia Alchimi (2012). Texts utilized in legal situations for legal objectives are known as legal texts. Four categories of written legal writings can be distinguished: Legislative texts include, but are not limited to domestic statutes, subordinate laws, established by law- making authorities. Judicial writings created by judges and other legal experts. Legal scholarly papers created by academic attorneys, such as leases, contracts, and wills, as well as texts written by non-lawyers, such as witness statements, private agreements, and other documents generated by non-layers and employed in litigation and other legal situations. (Cao, 2007).

By referring to Kurzon, who distinguishes between the language of the law and legal language. In this point of view, the terms are not synonyms: the language of the law is "the

language or the style used in documents that lay down the law. In other words," legal language is metelanguage used to talk about the law in a broad sense, and the language of the law is literally just that the language in which the law is written".

E.g: The language of the law is the language used to draw up statutes and contracts, while legal language is the language used in legal textbooks and judges' opinions.

II.2. Legislative Texts

E. g: Domestic statutes and subordinate laws, multilingual laws and other laws produced by law making authorities. Judicial texts produced by judicial officers and other legal authorities. Legal scholarly texts produced by academic lawyers, e. g. Contracts, leases, wills and also texts written by non-lawyers, e.g. private agreements, witness statements and other documents produced by non - lawyers and used in litigation and other legal situations. (Cao, 2007, p. 9.10).

II.2.1. Types of Legal Texts

A legal text is a non-literary text as it deals with information, facts and reality. It is based on accuracy and reason and it is intended to fulfill a certain pragmatic function. Within the legal field, there are many separate areas of law that differ in lexical as well as terminological aspects which opening the ground for the existence of many forms of legal writing. Below are the main Types of these forms:

1. Official documents: certificates of birth, death, marriage, divorce, identity cards, family record books, etc.
2. Documentation for education and or profession: academic transcripts, job certificates, degrees certificates, etc.
3. Property documents.
4. Wills.
5. Contracts: sale or purchase contracts.
6. Witness statements.
7. Trusts.
8. Litigation documents.
9. Court translation.
10. Conventions.
11. Immigration documents : passports, entry clearance etc.

12. Decrees and codes: the civil code, the family code, the commercial code, etc.

II.2.2. ESP as a Part of the LSP:

LSP can be used with any target language needed by the learners as tool for specific purposes, and has often been applied to English (English for specific purposes, or ESP.). In addition, It contains both linguistics and content area knowledge that is specific to a given context based on learner's needs.

II.3. Bases of the Legal English Language

The history of legal English starts with the earliest days of the Celtic England. However, since the British Celts had a little lasting impact on the legal system, the language was not much influenced in this period. Meanwhile, with the coming of the Germanic Invaders Who spoke Anglo-Saxon, a new type of legal English was developed and new terms appeared and have survived until today such as: "theft", "guilt", "land". Because it encouraged Latin –Language writing and opened the door for the Roman Catholic Church to control religious and legal concerns, particularly marriage and family, the introduction of Christianity in 597AD had a significant impact on English as well. Latin as a result created words like: "clients", "admit" and "mediate"

After the Duke of Normandy claimed the English throne and invaded England in 1066, English was replaced with Latin but in the beginning of 1310, the language of statutes and oral pleadings in royal courts was French. For the next one or two centuries, French maintained its status as England's premier legal language. Several French terms are still common in legal English such as "accounts payable /receivable", "attorney general", "and court material". The most lasting impact if French is the tremendous amount of technical vocabulary that derives from it, including many basic words in the English legal system, such as "agreement", "arrest", "estate", "free simple", "bailiff», «council", "plaintiff" and "plea".

According to Stanojevic(2011)there are many foreign words in legal English; many of them are of Latin and French and French origin. These foreign terms, which are derived from Latin and French, were directly borrowed without being transliterated.

According to Mattilda (2006), "Legal English contains numerous instances of Latin". The general rules of law show that Latin is still frequently used to express legal maxims today.

E.g: "Ubi jus, ibi remedium" (where "there is" a right, there "is" a remedy).

There are many words that refer to where the parties are in situation, such as verses (against), prose (for self), etc. (Mattilda, 2006, p.229)

Many French words that are employed in legal papers because of their French flavor have also been adopted into legal English. For instance, a contract, proposal, TimeLine, terms and conditions, policy, alias, name. Additionally, the suffix contains French origins.

In addition, there is a derivation of French origin in the suffix "ee" which denotes a person as a recipient of action. E. g "less" "the person individual leased to ".

II.3.2. Features of Legal English

Legal English has several words that are borrowed from other languages and contains many aspects from different European languages. Due to the variety of linguistic influences, legal English has developed into a reach, diverse language with an odd syntax and a large number of polysomic lexemes.

II.3.2.1. The Lexical Features

II.3.2.1.1. Frequent Use of Formal Words

According to Malinkoff (1963), the language of the law is distinguished by the frequent use of the dignified and formal language as its primary lexical trait. Initially, perfection and completeness were the driving forces behind this. These common instances include accountable and so forth.

II.3.2.1.1.1. Archaisms

Sanchez Febrero (2003) describes archaisms in his book "legal English and Translation" as "The language in which archaisms arise almost always to become more formal as a result"

Due to their infrequent usage and extended abandonment, archaic words have lost their meaning in modern speech. The purpose of using it is to give legal English a somber air. Adverb (here in after), verb (arraign), Adjective (aforesaid). In legal English, we refer to a special case that comprises compound adverbs in archaic adverb verbs by employing simple adverbs based on the simple deictic.

In archaic adverb verbs, we refer to a special case in legal English contains compound adverbs by using simple adverbs based on the simple deictic "here", "there", "where" a shortly thereafter, they frequently refer to the text or document in question by using phrases like :

-Thereunder (by virtue of which, subsequently)

-Hereby (because of this)

-Whereby (because of which).

II.3.2.1.1.2. Terms of art

Technical words, phrases, and statements that have precise and set meaning and cannot replace by others are referred to as terms of art. Bailment, abatement, affidavits (sworn statements), waivers, trade, restraint ,extra are a few examples . etc. (Rupert Haigh, 2009, p.04)

In addition, to common words having obscure meanings, or polysomic lexemes, there are also terms of art. For examples: attachment, action, consideration, execute, party, and soon.

II.3.2.1.1.3. Legal Jargon

According to Robert Haigh (2009) Legal jargon includes specialized and technical terminologies that are not only known to those who have learned them, making it easier for them to communicate.

II.3.2.1.1.4. Repetition of Words

Using the same term repeatedly rather than a pronoun that is mentioned in a legal text or document. For instance, the lessee must pay the lessor at the lessor's office.

If we Want to elaborate on our view point and provide a more thorough summary by referring " As you can see the recurrence of words was caused by the lack of anaphoric references in legal English despite being employed in other registers via the use of personal pronouns ,anaphoric reference is avoided since it is not always obvious which word in the text a particular pronoun refers to .legal writing does not accept pronounce that are not always obvious as to the word in the text they relate to .As a result ,ambiguity is avoided by using repetition . (Stanojevic, 2011).

II.3.2.1.1.5. Foreign Words

Legal English is combined a starting fashion .As a language of instruction between old English, Latin, and old French. (Mattilda, 2006)

II.3.2.1.1.6. Using of Doublets and Triplets

A peculiar historical trend of legal English is to link together two or three words to define, clarify and explain single legal concepts. For example:

- "properly suited" = "Fit"
- "Reflect and think" = "Deem "
- "Cancel, annul and set aside" ="cancel. (Rupert Haigh, 2009, p34.35)

II.3.2.2. The Syntactic Features

II.3.2.2. Excessive Use of Noun Clauses

Fakhouri Maram (2008) states that Legal drafters typically utilize nominalization because it makes for easier amendment because it is an explicit characteristic of legal English.

Legal English frequently uses nouns rather than verbs, such as to offer consideration rather than consider and to be an agreement rather than to agree.

Legislative sentences are more nominal in character than the once typically encountered in ordinary every usage, According to Bhatia (1993, p.107).

II.3.2.2.2. Sentence Length

The length and complexity of sentences are the most noticeable characteristics of legal English. Contains a lot of information repetition, unusual word order, extended noun phrases and prepositional phrases.

II.4. Legal Arabic

Legal Arabic is the Arabic used in legal affairs.

II.4.1. Bases of Legal Arabic

The Islamic law derived from The Quran and the traditions of the Holy prophet Mohammed (peace be upon him) is the main source of most of the Arab and Islamic countries' laws since the Islamic state "khilafa” until today. Holy prophet Mohammed’s peace

be upon him words are general principles of justice and equity, with a high degree of objectivity and essentially primary regulations necessitated by the social nature and structure of the Arab community of that time. It must be mentioned that not only the Holy Quran, but also the other sources of Muslim jurisprudence were essentially created to meet the need of the community existing during and after Holy prophet Mohammed's peace be upon him era. After the decline of the Islamic state, most British law in addition to the Islamic law. Therefore, the language of law in Arab countries is influenced by these main sources:

II.4.1.1. General Features of Arabic legal language

Arabic rarely uses paraphrasing or sentence structuring that includes punctuation, capitalization italicization, in like English does. Kufic, Naskh, Diwani, and other dialects of Arabic exist. In varied writings they use the same structure and paraphrasing techniques. The absence of separate letters since practically all Arabic words are written in cursive (accept an acronyms and abbreviations). Capitulation is not employed either. (Fakhouri Maram, 2008)

II.4.1.1.1. Lexical Features

II.4.1.1.1.1. Doubles

Legal Arabic frequently uses paired terms to emphasize a point, as in the expressions:

- This establishment announces and declares.
- إن هذه المؤسسة تعلن وتصرح.

II.4.1.1.1.2. Binominals

Emery describes binominals as the combination of synonyms or antonyms. Arab law registries and other Arabic registers frequently use binominals. Among Emery's examples

Emery examples are:

- "Later or never" عاجلا أم آجلا.
- "Security and peace" الأمن والسلام
- "robbing trip" ذهابا وإيابا

II.4.1.1.1.3. Descriptive Epithets

These epithets emphasize the noun while also modifying it, as in the phrase below

E.g.:

- The two high contracting parties confirm.

• يؤكد الطرفان الساميان المتعاقدان.

II.4.1.1.2. Syntactic Features

II.4.1.1.2.1. Nominalization

Legal Arabic uses a lot of complicated, lengthy nominal, much like written legal English.

Emery's example:

- What is decided by consensus is binding on all states.

• ما يقرره المجلس بالإجماع يكون ملزما لجميع الدول.

In this example, the nominal group is introduced by the relative "ما".

II.4.1.1.2.2. Verbal Group

Emery (1989, p06) says that the imperfect past verb "كان" is equivalent to "shall" in legal English and it may be express condition or stipulation as in:

- Those to be recruited in the Jordanian armed forces.

• يقبل في القوات المسلحة الأردنية.

- Should be Jordanian by birth

• من كان أردنيا بالولادة.

II.4.1.1.2.3. Conditionals

Conditionals and stipulated terms are often gasified in Arabic legal texts. The most common conditional particle is إذا "if"

E. g:

- If either of two parties terminated the agreement.

• إذا قام أحد الطرفين بإنهاء العقد

II.4.1.1.2.4. Modality

It is usually stated by the sentence lexical verb as in *يجوز، لا يجوز، يحضر* also by the preposition” ل “and “على for rights and obligations and respectively, such as:

- The government may terminate this contract without notice.
● للحكومة إنهاء هذا العقد بدون إنذار.
- As part of his job duties, the citizen must do his best.
● على المواطن أن يبذل قصارى جهده كجزء من مهام وظيفته.

II.5. Legal Translation

Legal translation is the translation of language used in legal settings and for legal purposes. Legal translation may also imply that it is a specific type of translation only used in law, which is not always the case. As law is culture - dependent subject field, legal translation is not necessarily linguistically transparent. In transparency in Translation can be avoided somewhat by use of Latin legal terminology, where possible, but in non-western languages debates are centered on the origins and precedents of specific terms, such as in the use of particular Chinese characters in Japanese legal discussions .

II.5.1. Characteristics of Legal Translation

Legal discourse’s perspective based nature, which gives rise to legal effects according a number of authors is what gives rise to the unique states of legal translation (koutsivitis1988:44-50, Gemar1995p:144-5). Legal documents were divided by Sarcevic (1997:11) into narrative and descriptive texts as well as hybrid writings that combine the two (e.g. judicial, decisions, appeals, petitions). Texts whose primary purpose is expressive are not included in this criterion

By concentrating on viewpoints texts, there is a chance that the expressive or persuasive function that invariably results from language built on rhetoric may be overlooked. It is true that this function mostly manifests in legal language when lawyers and lay people communicate (for example, when a judge addresses a jury), which some theorists disagree with as being legal discourse. The explanation portions of judicial decisions or a scholarly essay outlining the reasons why a change is necessary are two instances of persuasive communication between attorneys and laypeople (or was misguided) in this situation the goal is to persuade instead of prescribe or describe which is a common purpose in professional communication.

Last but not least, the prescriptive function is present in other specialized subject areas to advise in an instruction manual is prescriptive if the reader has joined the covenant ,symbolized by bricking the seal ,if they want the instrument to accomplish its intended duty .In practice ,instructions for using domestic appliances or medical equipment can be both descriptive and prescriptive. (Malcom Harvey, 2002).

A statute is prescriptive in the eyes of the citizen who has agreed to abide by it, therefore the function of a document depend less on its intrinsic nature and more on the communication context. It serves as information for those who might be interested in it (e.g. a person researching company law with a view to setting up a business). A contract is similar in that it binds the parties involved, but it merely serves as a source of information for a third – party observer who consults it in the future .Practical considerations are the most reliable method of determining function in both legal and other forms of communication .The most accurate method for determining function is through pragmatic considerations.

II.5.1.1. A System Bound Discipline

According to Gemar (1995) the absence of a common knowledge base or “universal operative referents” (referents operators’ universals, pelage 2000:127) like the laws of mathematics is one of the most remarkable epistemological characteristics of law. It is a synthesis of many systems that have independently developed and are typically contained within national and linguistic limit (Groffier 1990:314). Finding cultural counter parts becomes a challenge for the legal translator as result. For the legal translator, this results in the problem of finding equivalents for culture _bound terms, institutions and personal (Watson 1991, Hervey 200). This systematic diversity is another argument for the special status of legal translation .

Although religion and political science, which have historically being connected to law, are inseparable from the concept of systems and culture –bound concepts are not unique to the field of law ,they permeate literary texts and ,in fact , appear in all fields of knowledge that have not yet been fully standardized .Law is certainly unusual in that it is system-bound ,but it is not unique in this respect. We might assume that as European and international law become more significant, the law will eventually become more standardized. (Malcom Harvey, 2002).

II.5.1.2 Fidelity

The arguments over whether a legal translation is faithful to the “letter” or the “spirit” of the original document dates back the Roman Empire, when it was decided that formal correspondence between the source text and the target text was crucial to maintaining the meaning of both “biblical” and legal documents .

This was supported by the believe in the magical properties of the logos ,which was reflected in the requirement for exact wording in writs ,failing which they have were deemed invalid .If the weeding was changed ,the Inca force in monolingual legal drafting might be loosed (Malinkoff 1963:113-4).similar to this ,translators where instructed to faithfully fellow the source text until 20th century ,when the emergence of national language consciousness in bilingual and multilingual nations like Switzerland be, Belgium ,and Canada lead to a greater appreciation of the genius of the target language (Sarcevic 1997:34-53;Gemar 1995b:7-28).The concept of fidelity in translation has been significantly improved .

According to Kasir the debate over whether a legal text has spirit or letter is useless because of view point reduce the translator to the position of a passive arbitrator :”the notion that a legal text has spirit tends to be understood as a single that it has a single fixed meaning fixed by the other ,over which meaning the interpreter or translator has no control “experts in the field of legal translation currently describe fidelity as creating an equivalent impression on the reader of the target language which justifies making significant alliterations to the original texts in order to adhere to the esthetic norms of the target language culture (Spare 1979:78-90,Covacs 1982 :95).Authors influenced by German - speaking theorists, notably Vermeer's Skopos theory which involves fidelity not to the meaning of the source text but to the function of the target text, call for target - oriented legal translation adopting a functionalist approach.

Thus the translator shifts from being a bilingual typist to a “text creator, proving simple linguist equivalence”.

Taking this concept a step further ,Sarcevic aims to redefine legal translation ,measuring success in terms not of formal correspondence between source and target texts ,particularly when the text is interpreted by the courts (1997:71).In the case of parallel drafting ,where there is no original text to translate but rather an original intent to wander in several languages ,the notions of fidelity are further strained ,or what the legislator or negotiation wanted to convey ,is the translator’s primary consideration rather than fidelity to the original text (SL)" (Sarcevic 1997-112, author’s emphasis.)

The equal standing of the English and French vernaculars renders formal parallelism unnecessary, hence this approach is also used by Canadian jury linguistics (Sparrow 1988:325). Translation has been brought into par with other translation techniques in terms of fidelity. Nevertheless, language faithfulness is still commonly required of legal translators notwithstanding these advancements made by academics and practitioners (CF Gawron – Zaboraska 2000, Kasirer 2002:57). For instance “fidelity to the original text must be the top consideration,” according to UN translation guidelines (quoted by Sarcevic 1997:16) to avoid imposing our interpretation there, translators working in the US are encouraged not to change of sentences (Bayer and Conderson 1995:164)

This literal understanding of fidelity adheres to the tradition of positivist legal interpretation, which maintains that the meaning of a legislative text “declared, rather than being constructed or created, by the person interpreting it (Kasirer 2000:57-59). Similarly narrow view of fidelity apparently still encountered by court interpreters.

Lawyers are plainly reluctant to give translator’s permission to use terms they close because they are aware of the empowering power of language.

II.5.1.3. Ambiguity and Interpretation

Ambiguity and interpretation /language is both the subject of the study and the method of analysis which is another characteristic of law (Legault 1997:20) law belongs to the same category of knowledge as politics, ethics, and metaphysics, which fall under the domain of rhetoric; their reliance on natural language causes them to be rotten with ambiguity. For the lawyer, language is not just a medium but “raw material” to be worked on. Law is within the same area of knowledge as politics, ethics, and metaphysics, which are all considered being parts of rhetoric. Because of their reliance on natural language, these subjects are ambiguous and imprecise.

Legal documents might contain ambiguity, although most special purpose communication is founded on actual information and hence aims for unicity. It can be applied in a conversation to get to a compromise. (Donna 1995:95-6). Or to produce doubts that one of the parties would later try to exploit. (Cornu 1990:90). Ambiguity can be a diplomatic weapon when it comes to international treaties, (Gemar 1997:47). In this way, the legal text is akin to literary texts, where ambiguity is seen not as a flaw but as a quality that should be preserved in translation.

Having a trouble translating ambiguity raises issues with interpretation. Legal discourse is also exceptional in that disagreements over interpretation are resolved by a court, which imposes a legally enforceable construction of the hand an inclination for ambiguity. Nonetheless, the myth of a single interpretation "Which is capable of ascertaining the legislator' genuine aim (the idea of authorial intent, long derived as the intentional fallacy) as used by literary critics, is still alive and well in translation studies and legal studies.

This is placed the legal translator in a decode a text then it is for a lawyer. Since this is for a work for qualified lawyers, it is typically stressed that the translator must avoid "Interpreting "ambiguities. (Lane 1982:223, Bayer and Couradson 1995:153). The sentence on literal translation mentioned above reflects this. It can be argued that adding restrictions to this process precludes the translator from creating high – quality translations because translation, like any act of reading, inevitably entails interpretation. (Gemar 1995a:143, Kasirer 2000:75) and that impeding this process will stop the translator from creating high – quality translations .

Gemar even goes so far as to say that legal translators should be taught to interpret texts first. (1995b:154), A position Sarcevic opposes (1997:91-2).

However, if legal interpreters are really "text producers». They will inevitably have to deal with interpretation – related issues because they are involved in a dynamic relationship with both the sender and the receiver. Legal translators would be freed from the constrains of literal translation once and for all if lawyers were persuaded that interpretation is a part of creative translation. Translators should be able to understand the material as producers or receivers if they have a strong background in law and communicate with both sender and receiver (the final word rests naturally with judge).

This proactive role is not in conflict with the deliberate ambiguity technique; in fact, it necessitates interpretation to spot ambiguity, determine that it is international, and decide whether to keep it in the translation. (Malkin Harvey, 2002).

II.6. Main Difficulties of Legal Translation

Legal translation really is bound by each language's culture and system: the legal system in most Arab countries takes its main sources from the Islamic religion "The Holy book and the traditions of the prophet Mohammed peace be upon him in particular, in matters of definite personal states' ' marriage, divorce, inheritance. This constitutes a kind of big

difficulty while translating from Arabic into English because Arabic uses terms, collocations and concepts that English takes the equivalence.

Difference in language style and legal families, contrary to popular belief. Arabic and English essentially are very different languages; each one definitely has its own style, which is significant. Legal translation is bound by the fidelity or the source texts for the sake of preserving the letter of law.

II.7. Religious Translation

Religious translation practice tends to focus on the actual source text although many diverse, yet interrelated, contextual factors may also interfere. This complex process of intercultural, interlinguistic communication involves sociocultural, organizational and situational factors may literally internet. This compels process of interlinguistic communication involves sociocultural, organization and attentional factors, which particularly is quite significant. (Wend land 2008 and Wilt 2003).

II.7.1. Assumptions for the Translation of Religious Texts

For the translation of religious texts Naude (2002, 2006, 2008). Offers the following assumptions:

II.7.1.1. Translation of Religious Texts as Normal Translation

Translation of religious texts is a task that is not fundamentally distinct from translating literature from other cultures that are distinct in time and location from the target language .This suggests that the translators should use the best translation technique available; in other words, they need to be qualified translators .Team work is highly recommended because it is rare for translators to become expert in the complicated field of sacred texts and for theologians to combine their understanding of theology with solid translation skills .

II.7.1.2. Translation of Sacred Texts

The opening of foreign culture through the translation of sacred texts. Two circumstances cause a severe cultural gap. First, when it is impossible to build coherence between what is stated and what is known due to a lack of cultural relevant background information. Secondly, when nonverbal and verbal behavior are in consistent, as a result of incorrect nonverbal behavior interpretation.

These two elements make it difficult, if not impossible, to receive sacred texts coherently. Understanding this works which describe a word that is infinitely far from our own, yet understanding them, is essential to maintaining the identity and integrity of their respective religious movements today. There may be in translation, there are times when it is crucial to clause the cultural gap and others when the translator should keep it open and insist on the cultural distance between sources and target cultures, and just make an effort to get folks to look the other way so they can comprehend how strange what is going on.

II.7.1.2.1. Translations of Sacred Texts for Specific Purposes

Sacred texts cannot fulfill the same communicational purposes is contemporary societies as they did in their initial and social cultural contexts. Therefore, it is impossible for the translation of these materials to rely on equivalence criteria. Target-oriented technique is required, where a new functions or scoops is defined separately from the original functions.

Translation inevitably includes some degree of source text change in order to accomplish a specific goal from the perspective of the destination literature. A translator must decide between maintaining the structure and cultural standard of the original book and attempting to adhere any potential future relationships between the religious texts in the target and source cultures. However, in reality a religious translation will either be predominantly (but not exclusively) source –oriented or primarily (but not exclusively) target –oriented. (Naude, 2017, p.286)

Utilizing translation strategies rather than aiming for equivalency in order to achieve the goal of intercultural communication, a translator must make a number of decisions while taking into account the converging requirement of a source culture on the one hand and those of the target language and target culture on the other. Transference, indigenization/Domestication, cultural substitution, generalization, specification (intensification/explication), and mutation are only a few examples of categorize used to describe how cultures are transferred (deletion and addition), etc.

II.7.1.2.2. Descriptive Instead of Normative Analyses

From the early 1980s on word, translation studies have tended to move away from the normative approach to translation criticism, which categorizes religious translation as either good or faithful, bad, or indifferent in terms of what defines equivalence texts instead the

emphasize is on a description and explanation on the translation in the light of the translator's philosophy and methods, (sec translation strategies and tactics), cultural norms.

II.7.2. Cultural Knowledge in the Translation of Sacred Texts is shaped by the Epistemology, Hermeneutics and Religious Spirituality of the Translators

Some of the translations seek to serve the needs of particular segments of the community: children, the youth, women, converts or speakers of various dialects. For this consumer audience the reading of the translation of a sacred text should not be an unpleasant or disturbing experience .As a result ,attempts have been made to produce paraphrase translations ,translations concerned primarily with translation meaning ,translations reflecting contemporary religious school ship ,and translation of sacred texts that are frequently based primarily on sensitivity towards the needs of their prospective reading audience in opposition to the principle that sacred texts should be hard, read ,and understood as religious artifacts derived from their ancient world .

Conclusion

This chapter investigated and presented a process of defining and translating some expressions that have a relationship with translation like legal language, legal translation, and religious translation; and mentioning some types, difficulties, definitions and features to these terms.

Practical part

Chapter Three

Data Analysis and Discussion

Introduction

As aforementioned in the previous chapter, the term “Law” is defined as the set of rules and structures established by the government for the sake of regulating social behavior in the name of justice. However, this chapter is considered as the practical part of this research, by which it deals with the translation of the Algerian Family Code in terms of “Dissolution of Marriage ” from Arabic into English. In addition, the analysis of this latter in light of Islam is also included. The primary goal of this study is to draw attention to the process of translating religious aspects, emphasizing the most affective approaches to this process as well.

III.1. Research Design

The main objective of this research is to focus on the translation process of religious aspects, highlighting the most appropriate strategies concerning the process of this latter, in addition to the linguistic obstacles that appear during it. Moreover, it is also concerned with the translation of the Algerian Family Code, precisely the articles that lay down under “The Dissolution of Marriage”. The translated articles are analyzed from the Islamic perspective.

III.2. Data Collection

The research’s data is derived from the Algerian Constitution, which is a set of rules that describes and preserves the Algerian family Rights. However, the selected data is ten written texts “Articles” from “The Dissolution of Marriage” that are considered as legal texts. This data deals with the interpretation of legal texts and religious text “Islamic Perspective”.

III.3. Research Methodology

This research is designed to be both qualitative and quantitative study. The qualitative method has been chosen in order to describe the translation process and analyze the translations on the basis of the employed strategies. While the quantitative one is used to measure the frequency of procedures’ use in the translation of the articles of the chapter ‘Dissolution of Marriage’ from the Algerian Family Code.

III.4. The AFC Articles’ Translation of Marriage Dissolution

ترجمة مواد انحلال الزواج في قانون الأسرة الجزائري:
المادة 47: تنحل الرابطة الزوجية بالطلاق أو الوفاة.

Article 47: The dissolution of marriage is either by divorce or death.

المادة 48: (أمر رقم 02-05 المؤرخ في 27 فبراير 2005)

مع مراعاة أحكام المادة (49) أدناه يحل عقد الزواج بالطلاق الذي يتم بإرادة الزوج أو بتراضي الزوجين أو بطلب من الزوجة في حدود ما ورد في المادتين (53 و54) من هذا القانون.

المادة السابقة: الطلاق حل عقد الزواج، ويتم بإرادة الزوج أو بتراضي الزوجين أو بطلب من الزوجة في حدود ما ورد في المادتين (53 و54) من هذا القانون.

Article 48: (order n° 02-05 dated February 27th 2005)

Subject to the provisions of the Article (49) below, the marriage contract is dissolved by divorce at the will of the husband, the wives' request within of what is outlined in articles (53and54) of this law, or with approval of the spouses. The earlier peace: at the husband's and wife's mutual consent, divorce dissolves the marriage contact and the consent of the spouses, The previous article: divorce dissolve the marriage contract, at the will of the husband, and the consent of the spouses, or at the request of the wife in the limits of what is stated in the articles (53 and54) of this law.

المادة 49: (أمر رقم 02-05 المؤرخ في 27 فبراير 2005)

لا يثبت الطلاق إلا بحكم بعد محاولات صلح يجريها القاضي دون أن تتجاوز مدته ثلاثة (3) أشهر ابتداء من تاريخ رفع الدعوى.

يتعين على القاضي تحرير محضر يبين مساعي ونتائج محاولات الصلح، يوقعه مع كاتب الضبط والطرفين.

تسجيل أحكام الطلاق وجوبا في الحالة المدنية بسعي من النيابة العامة.

Article 49: (order n°05-02 dated February 27th 2005)

Divorce is not proven except by a ruling after the conciliation attempts made by the judge, without exceeding 3 months from the date of filing the lawsuit. The judge shall draw out a report showing the efforts and results of conciliation, which he shall sign with the clerk and both husband and wife. Divorce rulings are obligatory recorded in the civil status by the Public Prosecution Office.

المادة 50: من راجع زوجته أثناء محاولة الصلح لا يحتاج إلى عقد جديد، ومن راجعها بعد صدور الحكم بالطلاق يحتاج على عقد جديد.

Article 50:

Whoever consults his wife during the reconciliation attempts doesn't need a new contract, and whoever reconsiders her after the divorce ruling has been issued needs a new contract.

المادة 51: لا يمكن أن يراجع الرجل من طلقها ثلاث مرات متتالية إلا بعد أن تنزوج غيره وتطلق منه أو يموت عنها بعد البناء.

Article 51:

It is not possible for a man to take back the one who he divorced 3 times in a row except if she marries another and divorce him, or he dies on her behalf after construction.

المادة 52: (أمر رقم 02-05 المؤرخ في 27 فبراير 2005)

إذا تبين للقاضي تعسف الزوج في الطلاق حكم للمطلقة بالتعويض عن الضرر اللاحق بها.

المادة السابقة: إذا تبين للقاضي تعسف الزوج في الطلاق حكم للمطلقة بالتعويض عن الضرر اللاحق بها.

وإذا كانت حاضنة ولم يكن لها ولي يقبل إيوائها، يضمن حقها في السكن مع محضونها حسب وسع الزوج، ويستثنى من القرار بالسكن، مسكن الزوجية إذا كان وحيداً.

تفقد المطلقة حقها في السكن في حالة زواجها أو ثبوت انحرافها.

Article 52: (order n° 05-02 dated February 27th 2005)

If the judge finds out the husband's arbitrariness in the divorce, he shall award the divorced woman compensations for the damage caused to her.

The previous article: If the judge finds out the husband's arbitrariness in the divorce, he shall award the divorced woman compensations for the damage caused to her. If she is a custodian and has no guardian who accepts her accommodation, he guarantees her right to housing with her custodians according to the husband's capacity, and the material home if he is alone is excluded from the decision to live a divorced woman loses her right in housing in the event of her marriage or if her delinquency is proven.

المادة 53: (أمر رقم 02-05 المؤرخ في 27 فبراير 2005)

يجوز للزوجة أن تطلب التطلاق للأسباب الآتية:

1- عدم الإنفاق بعد صدور الحكم بوجوبه ما لم تكن عالمة بإعساره وقت الزواج، مع مراعاة المواد (78 و79 و80) من هذا القانون،

2- العيوب التي تحول دون تحقيق الهدف من الزواج،

3- الهجر في المضجع فوق أربعة أشهر،

4- الحكم على الزوج عن جريمة فيها مساس بشرف الأسرة وتستحيل معها مواصلة العشرة والحياة الزوجية،

5- الغيبة بعد مرور سنة بدون عذر ولا نفقة،

6- مخالفة الأحكام الواردة في المادة (8) أعلاه،

7- ارتكاب فاحشة مبينة،

8- الشقاق المستمر بين الزوجين،

9- مخالفة الشروط المتفق عليها في عقد الزواج،

10- كل ضرر معتبر شرعاً.

المادة السابقة: يجوز للزوجة أن تطلب التطلاق للأسباب التالية:

- 1- عدم الإنفاق بعد صدور الحكم بوجوبه ما لم تكن عالمة بإعساره وقت الزواج، مع مراعاة المواد (78 و79 و80) من هذا القانون،
- 2- العيوب التي تحول دون تحقيق الهدف من الزواج،
- 3- الهجر في المضجع فوق أربعة أشهر،
- 4- الحكم بعقوبة شائنة مقيدة لحرية الزوج لمدة أكثر من سنة فيها مساس بشرف الأسرة وتستحيل معها مواصلة العشرة والحياة الزوجية،
- 5- الغيبة بعد مضي سنة بدون عذر ولا نفقة.
- 6- كل ضرر معتبر شرعا ولا سيما إذا نجم عن مخالفة الأحكام الواردة في المادتين (8 و37) أعلاه،
- 7- ارتكاب فاحشة مبينة.

Article 53: (order n°05-020dated February 27th 2005)

The wife may request divorce for the following reasons:

- 1- Not spending after the issuance of a ruling that is obligatory, unless she is not aware of his insolvency at the time of marriage, taking into consideration the articles 78,79 and 80 from this law.
- 2- Defects that prevent the achievement of the goal of marriage.
- 3- Abandonment in bed for more than 4 months.
- 4- Judgment against the husband for a crime that offends the family's honor and makes it impossible to continue sexual relations and marriage life.
- 5- Backbiting after one year has passed without an excuse or alimony.
- 6- Violating the provisions of the article 8 above.
- 7- Committing a manifest indecency.
- 8- Constant discord between spouses.
- 9- Violating the conditions agreed on in the marriage contract.
- 10- Every harm is legally valid.

The Previous Article:

- 1- Unless she was unaware of his financial situation and the time of marriage refraining from spending after the mandatory ruling was issued, taking into consideration the articles 78, 79 and 80 of the law.
- 2- Defects that come between the achievements of the goal of marriage.
- 3- Abandonment in bed for more than 4 months.
- 4- Judgment with a disgraceful punishment that disgraces the husband's freedom for more than one year, in which the honor of family is prejudiced, and with which it is impossible to continue the relationship and marriage.
- 5- Backbiting after one year has passed without an excuse or alimony.

6- Any harm considered legitimate, especially if it results from a violation of the previous provisions mentioned in the articles 8 and 7 above.

7- Committing a manifest indecency.

المادة 53 مكرر: المادة 54: (أمر رقم 02-05 المؤرخ في 27 فبراير)

يجوز للزوجة دون موافقة الزوج أن تخلع نفسها بمقابل مالي.

إذا لم يتفق الزوجان على المقابل المالي للخلع، يحكم القاضي بما لا يتجاوز قيمة صداق المثل وقت صدور الحكم.

المادة السابقة: يجوز للزوجة أن تخلع نفسها من زوجها على مال يتم الاتفاق عليه فإن لم يتفقا على شيء يحكم القاضي بما لا يتجاوز قيمة صداق المثل وقت الحكم.

Article 53 bis: Article 54: (order n°05-02 dated February 27th 2005)

The wife may, without the husband's consent, quit herself in exchange for money from her husband. If the spouses do not agree on the financial compensation for Khul'a, the judge shall rule in an amount not exceeding the amount of the shame's person dowry at the time of ruling.

المادة 55: عند نشوز أحد الزوجين يحكم القاضي بالطلاق وبالتعويض للطرف المتضرر.

Article 55:

When one of the spouses disobeys, the judge shall rule for divorce and compensation for the aggrieved party.

المادة 56: إذا اشتد الخصام بين الزوجين ولم يثبت الضرر وجب تعيين حكيمين للتوفيق بينهما.

يعين القاضي الحكيمين، حكما من أهل الزوج وحكما من أهل الزوجة، وعلى هذين الحكيمين أن يقدموا تقريرا عن مهمتهما في أجل شهرين.

Article 56:

If the dispute between the spouses is intense and the damage is not proven, two arbitrators must be appointed to reconcile them. The judge appoints two arbitrators, one from the husband's family and one from the wife's family, and these two arbitrators must submit a report on their mission within two months.

المادة 57: (أمر رقم 02-05 المؤرخ في 27 فبراير 2005)

تكون الأحكام الصادرة في دعاوى الطلاق والتطليق والخلع غير قابلة للاستئناف فيما عدا جوانبها المادية.

تكون الأحكام المتعلقة بالحضانة قابلة للاستئناف.

المادة السابقة: الأحكام بالطلاق غير قابلة للاستئناف ما عدا في جوانبها المادية.

Article 57: (order n°05-02 dated February 27th 2005)

Judgments issued in cases of divorce, divorce and khul' are not subject to appeal, except in the material aspects.

Custody rulings are subject to appeal.

The previous article: divorce rulings are not subject to appeal, except in the material aspects.

المادة 57 مكرر: (أمر رقم 02-05 المؤرخ في 27 فبراير 2005)

يجوز للقاضي الفصل على وجه الاستعجال بموجب أمر على عريضة في جميع التدابير المؤقتة ولاسيما ما تعلق منها بالنفقة والحضانة والزيارة والمسكن.

Article 57 bis: (order n° 05-02 dated February 27th 2005)

The judge may decide on an urgent basis by virtue of an order on a petition in all temporary measures, especially those in relation to alimony, custody, visitation and accommodation.

III.4.2. The Analysis of the Translated Articles in Relation to the Islamic Religion

The marriage bond is a contract constructed in eternity in which it is lasting throughout the course of life, as long as it is built on truth. However, the appearance of any act that leads to breaking the marriage bond is considered as marriage dissolution. Therefore, according to Article 47 from the AFC, the marriage contracts can be broken either by divorce or by death.

As mentioned in Article 49, the declaration of approving the divorce is made by the judge only after several conciliation attempts, based on the Islamic Jurisprudence. As stated in the Quran concerning 'Divorce' *Sura An-Nisa*, Verse 12, by which it is translated to "If they reach agreement, it is not sin for either of them. Peace is preferable". Islamic Jurisprudence loathed divorce, and permitted this latter only when necessarily where there is no other solution rather than divorce. The Prophet Muhammad peace be upon him said "The divorce is abhorrent", that is to say that the Islamic religion aims at highlighting the family's stature and its importance.

Consulting the wife during reconciliation attempts, does not require a completely new marriage contract as mentioned in Article 50. Unless the judge or the husband declared the divorce according to the Islamic perspective, which is the limit of three consecutive divorces, by which the reunion of spouses required a new marriage contract. According to Islam, as mentioned in *sura Al Bakara*, (Verse, 230) *إِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّىٰ تَنْكِحَ زَوْجًا غَيْرَهُ ۖ فَإِنْ طَلَّقَهَا ۚ لَا حَرْمَ لَهَا ۚ وَبِئْسَ الَّذِي يَصْنَعُ الْإِنْسَانُ ۚ إِنَّ ظَنًّا أَنْ يُقِيمَا حُدُودَ اللَّهِ ۚ وَتِلْكَ حُدُودُ اللَّهِ ۚ يُبَيِّنُهَا لِمَنْ يَعْلَمُونَ* translated as "If he divorces her (A third time), she won't be legal to him again until she marries (not with the intention remarrying her x-husband) another spouse. After that, if he divorces her, it won't be

wrong for either of them to get back together if they believe they can stay within Allah's bounds. Those are Allah's bounds for those who are aware, he makes them clear". That is to say that the Algerian Family Code derived its provisions as it is mentioned in the Quran. Therefore, after the act of declaring the divorce consecutively three times, it is impossible for the husband to take back his divorced wife unless she marries another man and divorce him, or dies on her behalf as mentioned in the previous Quran Verse and according to the Article 51.

Islam and The Algerian Family Code tend to preserve both men and women's rights after the divorce in the most appropriate and just way. Therefore, the Algerian legislator set different rules that guaranteed the divorced spouses rights in Article 52. By which the judge preserves the rights of the divorced wife in the case of any arbitrariness by the husband, in which he compensates her in any caused damage. Furthermore, if she does not have a guardian that provides her a roof over her head, the judge provides her the right of housing even when she has custodians without neglecting the husband's capacity, by which she lives alone without any disturbance from her divorced spouse. In this article 52, there is no neglect of the rights of the spouses in every single aspect.

Based on Article 53 from the AFC, the Algerian legislature stated several reasons by which the wife has the power to request a divorce from her husband. The intended reasons are already aforementioned and translated from Arabic to English. However, they are made according to the Islamic perspective, in which this latter aimed at preserving the wife's rights.

As stated in the Holy Quran, {قَدْ دُو سَعَةً مِنْ سَعَتِهِ وَمَنْ قَدَرَ عَلَيْهِ رَزَقَهُ فَلَا يَذْفُقْ مِمَّا آتَاهُ اللَّهُ يَكْلَفُ اللَّهُ نَفْسًا } which is translated into {Let the man spend according to his means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what he has given him. After a difficulty, Allah will soon grant relief.} Surah Al Talak, Verse 07. That is to say, the husband is obliged to spend his own money on both during and after their marriage, he was married to his wife. Therefore, not receiving financial support from her spouse in one of the grounds on which women have the right to request a divorce. Since the husband is the only person who has the authority to divorce his wife, and the wife does not have that authority, Islam allowed her to demand the divorce based on the same reasons that are mentioned in the AFC. However, the decision of approving the wife's divorce demand or rejection is made by the judge after reviewing all the reasons behind this divorce in relation to Islam.

From what has been mentioned in the 55th Article, the disobedience act can be seen from either the wife or her husband, by which the judge rules for the favor of the harmed

party, in addition to a compensation paid by the disobeyed spouse, who can result a divorce simply for the reason, mentioned in the article above. As for the Islamic point of view, the article preserves every right and protects the aggrieved spouse from any further type of hurt whether physical or emotional. Furthermore, as mentioned in Article 56, in case of any dispute between the husband and the wife without any damage proven, the judge provides one arbitrator from each side, in which they have a mission of reconciling between the spouses, and they must submit a report in a period that does not exceed two months for the judge to proceed with the divorce process or end it for the spouses to continue their marriage. This act is a well-known tradition in the Islamic jurisprudence, in every attempt of divorce, the same procedures are done in order to get back the family together and in the failure of the reconciliation, the spouses get a divorce. Rulings in cases of divorce or khul' are not subject to appeal except in the case of changeable factors covered by article 57, such as custody, alimony and lodging. On the other hand, it is found that Islam has covered this case from all sides, leaving no loopholes or loose ends the same as the article above.

To conclude with, both the Algerian Family Code and the Islamic point of view concerning "Marriage Dissolution" aims at preventing the divorce process as much as possible. However, if the divorce is necessary the spouses' rights are preserved in terms that the law and Islam focus is to satisfy the husband and wife leaving no reasons to be otherwise or to start a new conflict afterwards.

III.5. Translation of Religious Aspects:

The first source from which the Algerian family law is Islam

We transliterated these terms since they have no equivalent in English and we followed each term with an explanation. We put this explanation just when the term first appeared.

انحلال الزواج :Dissolution of marriage: The Algerian legislator has enacted laws to end the marriage bond if something happens that removes affection mercy disturb the peace of the purest relationship found on the surface of the law.

The concept of "Dissolution of marriage" is present in all religions and societies, and it can be considered as a common feature and is found in all languages ,or in all cultures expressed in these languages .However ,the existence of the concept of dissolution does not negate that the Islamic law has codified and regulated this "Dissolution. So, it is concluded that the term "dissolution of marriage" is translated by the strategy of calque because this term is found in all cultures and religions.

الزواج Marriage: A formal union or social and legal contract between two individuals that unites their lives legally economically and emotionally. Marriage is also defined as a contract between men and women to live together as husband and wife. The marriage contract is called "nikah" for most Muslims. This term is translated by the equivalence strategy because it is known and very common in all societies whether it was Arabic or of foreigner country.

الطلاق Divorce: Divorce in the language denotes dissolution, so divorce is the abandonment. As for technically, Sabiq defined "divorce" by saying that it is: "Dissolving the marriage bond and ending the material relationship".

Lifting the marriage constraint immediately or the money in a word derived from the article of divorce or its meaning. It is "the dissolution of the correct material bond on the part of the husband with a specific wording or whatever is based on it "his place, immediately or for money. So, the word Divorce is translated by equivalence strategy because this concept exists in all cultures and languages.

الطلاق بإرادة الزوج Divorce at the will of the husband: Is a man's right according to what the Shariah has brought. It is a pure right of the husband "This right is only available when it is needed and it is not overwhelmed by its inflection. Divorce in this case belongs to the man .However ,this right is not absolute from other restrictions and conditions until it becomes tyrannical weapon , it may be used in a wrong place ,but it has cases and times ,stripping it from abuse and protect it from tampering .Divorce is used by singular will, accept in its place the law guarantees the right of the divorced woman in the event that the husband's abuse is found in the light of the text of article 52 of the family law .The "Divorce at the will of the husband " is translated literally into English.

so we have translated this phrase using literal translation and this translation carries the meaning, and is understandable for the receptors of the target text.

الطلاق الرجعي Revocable divorce ,Redjai: Among the types of divorce, the Algerian legislator mentioned revocable divorce, which is derived from shariah, and it is what is permissible for the husband to return his wife in her waiting period (Idda) without resuming a contract, which was less than the third divorce with regard to the one who was consummated with it. About the translation of this concept, " revocable divorce " is translated with using the technique of calque. However, the term "Radjai" is borrowed from the Arabic one. The concept of "revocable divorce "is specific to Islamic societies and does not exist in Non-Muslim societies, which makes a transfer of the Arabic term with its meaning and connotation problematic real and refer us to untranslatable terms, we recall that they are translated terms

but the problem is on the privacy of religious and cultural advantage it carries and that makes form and content, two sides of the same coin (for one concept).

الطلاق البائن بينونة صغرى Irrevocable divorce, Baynunah minor:

The husband divorces his wife before consummating the fact of her marriage, or his divorce. “In exchange for money to ransom herself, and it was not preceded or not by a first divorce. So the irrevocable divorce is a divorce after which the husband has the right to return his wife back with a new contract and dowry without stopping to get married to another husband. Moreover, this term is translated by using the two techniques, equivalence and calque, this concept carries an important religious and cultural meaning. The Algerian legislator and translator use these two techniques to preserve the Islamic authenticity of the term.

الطلاق البائن بينونة كبرى Irrevocable divorce

Is a major divorce in which a man does not have the right to return his wife to his matrimonial authority, even with a new contract if he divorces her the third divorce than it is not permissible for him if they want to get back to each other, unless she married another husband, a legal marriage in which they intend to continue their marriage and he consummated intercourse with her, but a divorce occurred between them. she can return to her first husband after she has completed her waiting period (Idda). In order to convey this religious term from Arabic into English the strategy used is the equivalence.

التطليق Divorce: The Islamic Sharia has granted the matrimonial authority to the man, and entrusted him with all the rights and duties to take care of his family, and made divorce in his own hands, because it preserves the integrity of the conjugal relationship, but Shariah did not neglect the wife’s right to ask for divorce, but rather granted it to her in some cases. The wife has this right through what is called divorce, or what the jurists call “judicial separation”, the contract is dissolved. Its reasons are above- mentioned in the text of article 48 of the Algerian Family Code. For the absence of the term in the English language, the term “divorce” was interpreted, and the only means is the use of the term divorce by adding the wife to refer to this type divorce that the party claiming the divorce is in it, because it is distinguished from the other types of divorce.

الطلاق بالتراضي Divorce by mutual consent: Is one of the cases in which the divorced woman that not deserves compensation, and the legislator has stipulated it. The Algerian as a picture of the dissolution of marital bond, as stated in article 48 of the Algerian Family Code that the marriage contract is permissible for divorce that takes place at the will of the husband or with the consent of the spouses or at the request of the husband. This term is translated literally because the concept exists in the target culture.

الفاتحة Alfatiha: Contrary to the previous term, Al Fatiha Does not exist in English culture and belief. It is in particular associated with the Islamic religion. It is composed in reciting a verse from the Quran and the expression of provide and popularity of marriage. We add an explanation “the expression of provider of the bride’s wali and reputation of the groom observed with reciting the Surah Al –Fatiha “. So this term cannot be translated into English language because it has pure religious and cultural dimensions without forgetting the spiritual importance of this context, so in this term the strategy of borrowing is used.

ولي المرأة Elwali: Is taken from Arabic word. The wali is a person who possesses or has been granted via way of means of shariah the authority to carry out a wedding contract. He is a person of the girl’s relatives “usually her father”, this term is translated into English "el wali" using the borrowing, at the aim of preserving the religious and cultural dimensions of the concept.

الصداق Sadaq or dower: An amount of cash or something of value “jewelry” that is delivered by the husband to his spouse earlier than the consummation of marriage. It is one of the pillars of marriage in Islam. This term is translated by both strategies borrowing and equivalence but the best strategy is borrowing because in order to preserve the exact religious specificity of the concept.

صداق المثل Sadaq el mithl or dower of parity: This sort of “Dowry “is not always decided with inside the marriage contract. The concept has no equal in English. Thus, we transliterated “Sadaq el mithl “observed with the aid of using this explanation: the dowry of parity”. So to avoid any confusion, we can use the calque and borrowing as procedures of translation.

الخلع Khola: The term was also an obstacle for us since the notion that a wife could petition a judge for a divorce that would be granted without the husband’s consent. This ability works by paying a certain sum to the husband. This divorce process is allowed in Islamic countries according to family code. As usual the term khol’a is not found in the English language, so it is impossible to translate it with giving the same meaning as Arabic language so the borrowing is the most appropriate strategy to guarantee the specific religious aspect of the term.

العدة Idda: Is a period during which the divorced wife is obliged to elapse four months and ten days before she can remarry, this term is translated by using the borrowing strategy so it is obligatory to take it like it is because the concept does not exist in the English culture and religion.

المعتدة **Elmotada**: Means the divorced wife during her idda “Legal waiting period “. Borrowing strategy is used because this term is not found in the English religion, so we must respect the originality and specificity of this Arabic term religiously and culturally.

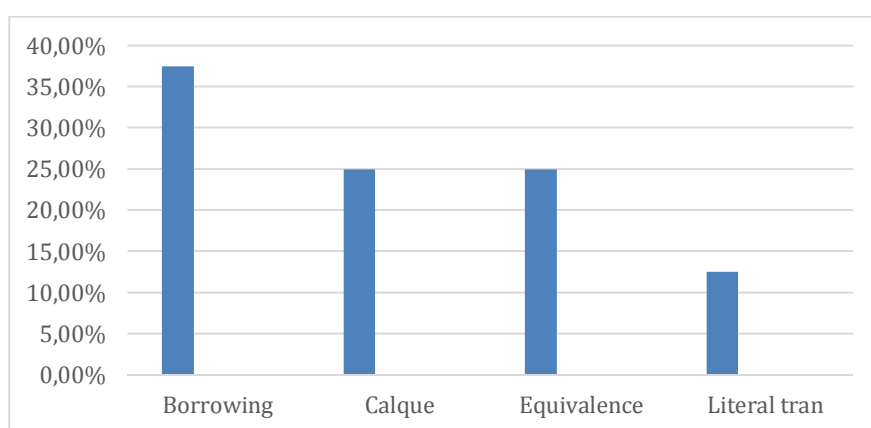
Quantitative Analysis:

Table 01: Religious terms and their translation techniques.

Religious terms	Translation techniques
Dissolution of marriage	Calque
Marriage	Equivalence
Divorce	Equivalence
Divorce at the will of the husband	Literal Translation
Revocable Divorce	Borrowing
An irrevocable divorce « Baynunah minor »	Equivalence
An irrevocable divorce « Baynunah major »	Calque
Divorce” Divorce at the request of the wife”	Calque
Divorce by mutual consent	Literal Translation
El Fatiha	Borrowing
EL Wali	Borrowing
Sadaq /Dower	Equivalence
Sadaq EL mithl	Calque
El khol’a	Borrowing
Iddah	Borrowing
EL Moatada	Borrowing

Table 02: The percentage of translation techniques.

Translation techniques	Number	rate%
Borrowing	06	37,5%
Calque	04	25%
Equivalence	04	25%
Literal Translation	02	12,5%
Total	16	100%

**Figure 01.** Bar chart representing translation techniques.

Discussion of the translation

We noticed through these graphs that the most used technique in translating religious contexts is the borrowing technique with the percentage of 37, 5% because it preserves the original meaning of the term and it keeps the religious and legal identity of the word. While the calque and equivalence techniques show the same percentage of 25%, these two techniques approximately respect the religious and cultural meaning of the studied and translated terms without prejudice to the Islamic roots of the term, so these two techniques served the purpose, even if only a little. Finally, it is followed by the literal translation technique as last rank used with a percentage of 12, 5 %. Therefore, the translator of religious and legal terms resorted to using this technique to translate these words without defects or lack of meaning, so he does everything he can to convey the meaning.

Suggestion and recommendations:

Many recommendations and suggestions can be stated in relation to this study:

- The translation of legal texts does not need only a translator, but it needs a researcher who follows experts and specialists in this field in order to avoid any misunderstanding.
- The translator's work is not just a mere transfer from a language to another. As well as he shows his linguistics competence, he should show his cultural competence and his ability to preserve the exact meaning within the religious context of the source language and convey it to the target language, which is a very difficult mission to accomplish.
- It would be desirable if the Algerian authorities established Arabic- English dictionaries of legal terminology containing the definitions of terms in order to facilitate the understanding for students and avoid the interpretations especially in the field of the translation of law.
- Translators and students should be aware of the importance of the cultural and religious background as a primordial element in the translation in general, and the translation of law specifically.
- As far as the recommendations for future research is concerned, this research was far from being perfect. Constructive criticism and suggestions are indeed expected for the refinement of future research. We hope this dissertation will be helpful and useful for the coming researchers.

Limitations of the Study

At the level of doing, this research aiming at providing answers to our questions and testing the mentioned hypothesis, the following limitations are the ones that were be faced during this process:

- Unavailability of sources.
- The lack of previous studies made concerning our topic, especially in the English Language.
- The effect of COVID 19 in the program of the students.

Conclusion

Throughout this chapter, the analysis of the Algerian Family Code shows that the Algerian legislator stated the articles of the "Dissolution of marriage" according to Islam, considering both the Holy Quran and Muhammad Be Peace upon Him quotes and hadith. However, the translation of the articles was made based on the strategies mentioned in the first chapter. While the analysis of these articles was based on a religious background according to Islam. Moreover, we have translated the religious terms in the context of the

dissolution of marriage and tried to give some definitions to these terms to be clear to the reader and without forgetting mentioning the strategy used in the translation of these terms.

General Conclusion

General Conclusion

After doing this research, we reached tangible results, and perhaps what illuminated our path were the previous studies that we used in the legal and translation field and after we discussed in our research study of language ,translation and law, it become clear to us that there are lapses and obstacles with regard to religious and legal translation ,so we decided to shed the light on it .This is a difficult type of translation ,in order for the drafters of religious and legal texts in other languages to be careful in translating them with regard to the religious shipments of terms . And we will present our remarks as points:

Through the comparative, critical, analytical investigation, it is evident to us that the concepts taken from Islamic law were translated largely literally (borrowing and calque). With some exceptions denoted by terms such "al-Sadaq", some of which required the use of the word "borrowing" or an explanation .While some terms indicating basic concepts were not mentioned in the Algerian family code, such as: "revocable divorce" and "irrevocable divorce", and it can even be identified through the texts of articles referred to ,even though some terms were not addressed in the law's text. Thus, an expressive pattern unique to the Arabic language is introduced. Translation of terms and concepts inspired from Islamic law into English is somehow a difficult task that needs an understanding of their characteristics and meanings in religion, law and language. So, the translator needs to have a religious background. In order to translate terms and notions inspired from Islamic shariah into English. He must also use specialized books and dictionaries, which can help him to understand before translating. Some legal terms that have Islamic roots but have a universal meaning must simply be translated by providing their equivalents in the target dialect. Some legal terms express notions which do not exist in English language and present the different difficulties and obstacles that stand against the translator causing him to be perplexed of the translation that might be used for such terms. We found that translation of religious aspects is difficult and not within the reach of anyone. In addition, religious aspects must be translated carefully because of its special importance and cultural charge. Moreover, the results showed that translators whenever they deal with legal contexts and religious aspects they tend to face several obstacles at different levels such as "Linguistics obstacles", "Semantics Problems" in addition to "Cultural Difficulties". Therefore, the first hypothesis of this research is considered to be proven based on both first and third analysis in terms of translating the Algerian Family Code and the faced difficulties during the operation. Concerning the second question and its hypothesis, it is also proven, since the used strategies in translating such

General Conclusion

religious aspects is based on the equivalence translation which tends to preserve the same meaning as it is in the SL; therefore, translators use these strategies in order to guarantee the success of achieving the same meaning of the SL in the TL. Finally, this research answered the mentioned questions based on the analysis made in chapter three, through the translation process of the Algerian Family Code “Dissolutions of Marriage”.

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المصادر باللغة العربية

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مينة بو المرققة، ترجمة بعض المصطلحات والمفاهيم المستمدة من القانون الإسلامي الى اللغة الفرنسية حالة الزواج وانحلاله في قانون الاسرة الجزائري نموذجاً. مذكرة ماجستير في الترجمة.. جامعة متنوري، قسنطينة الجزائر 2007

ملخص

يهدف هذا البحث إلى دراسة ترجمة العناصر الدينية في قانون الأسرة الجزائري، وتبسيط الضوء على الاستراتيجيات المتبعة عند نقل الحمولة الدينية للمصطلحات ضمن السياق القانوني. وقد وضع المختصون في مجال علم الترجمة جملة من الاستراتيجيات من أجل تخطي الصعوبات التي يواجهها المترجمون أثناء ترجمة النصوص ذات الخصوصية الدينية والثقافية من لغة إلى لغة أخرى، ولعل أهم العوائق التي تعترض عملية الترجمة هي الصعوبات اللسانية والثقافية. تهتم هذه الدراسة بترجمة العناصر الدينية الواردة في فصل " فك الرابطة الزوجية" من قانون الأسرة الجزائري من اللغة العربية إلى اللغة الإنجليزية وتحليل هذه الترجمة من ناحية دينية. ولبلوغ الغرض من هذه الدراسة، تم الاعتماد على المقاربتين الكمية والنوعية، أما المقاربة النوعية فقد تم اختيارها من أجل وصف عملية الترجمة وتحليل ترجمة المصطلحات الدينية بناء على الاستراتيجيات المستعملة، فيما تم استعمال المقاربة الكمية من أجل قياس تكرار استعمال إجراءات الترجمة في مواد فصل " فك الرابطة الزوجية" من قانون الأسرة الجزائري. وبناء على نتائج البحث، تم تقديم جملة من الاقتراحات.

الكلمات المفتاحية: الترجمة، استراتيجيات الترجمة، صعوبات الترجمة، العناصر الدينية، قانون الأسرة الجزائري، فك الرابطة الزوجية.

Abstract

This research aims at investigating the translation of religious aspects in the Algerian Family Code, highlighting the strategies used to convey the religious charge of terms in a legal context. Scholars in the field of translation have elaborated a set of strategies to overcome the translation difficulties encountered during the translation process. The most common difficulties that come against the act of translating a given legal and religious discourse are the linguistic and the cultural obstacles. This research is concerned with translating religious aspects within a legal context in the chapter of "Dissolution of Marriage" in the Algerian Family Code from Arabic into English and analysing this latter from a religious perspective. To achieve the purpose of the study, this research is designed to be both qualitative and quantitative study. The qualitative method has been chosen in order to describe the translation process and analyze the translation of the religious terms on the basis of the employed strategies. While the quantitative one is used to measure the frequency of procedures' use in the translation of the articles of the chapter "Dissolution of Marriage" from the Algerian Family Code. Based on the findings of the study, some recommendations are presented.

Keywords: Translation, Translation Strategies, Translation Difficulties, Religious Aspects, Algerian Family Code, Dissolution of Marriage.

Résumé

Cette recherche vise à explorer la traduction des aspects religieux dans le code de la famille Algérien, en mettant en évidence les stratégies utilisées dans le transfert de la charge religieuse des termes dans un contexte juridique. Les chercheurs en traductologie ont élaboré un ensemble de stratégies pour permettre aux traducteurs de surmonter les difficultés durant le processus de traduction. Les difficultés les plus fréquentes en traduisant des articles du code de la famille Algériens sont des difficultés linguistiques et culturelles. Cette recherche porte sur la traduction des aspects religieux existant dans le chapitre de « La Dissolution du Mariage » du code de la famille Algérien de l'arabe vers l'anglais. Et afin d'atteindre l'objectif de cette recherche, une approche qualitative est adoptée pour décrire l'opération traduisant et analyser la traduction des termes religieux en se basant sur les stratégies utilisées, tandis que l'approche quantitative est utilisée pour mesurer la fréquence des procédés de traduction employés dans le dit chapitre. Suite aux résultats obtenus, un ensemble de recommandations est proposé.

Mots clés : Traduction, Stratégies de Traduction, Difficultés de Traduction, Aspects Religieux, Code de la Famille Algérien, Dissolution du Mariage.