THE TRANSLATION OF ARABIC LEGAL DOCUMENTS: A CASE STUDY OF PALESTINE DIVORCE DOCUMENTS

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ABSTRACT

This study is about the translatability of Arabic religious legal terms in Palestinian divorce documents. It is a qualitative descriptive study which aims at exploring the translator's choices and decisions in dealing with divorce terminologies to determine the determinant norms that can affect or enhance divorce terminologies in Arabic-English translation. In doing so, Vinay and Darbelnet's translation procedures are followed to assess the translations. The study has looked into the translations of divorce terminologies in Palestinian divorce documents. Translated texts of Palestinian divorce documents have been selected from Palestinian sworn translators and certified translation offices to be representative of this text type. A set of specified divorce terms have been analysed. As a result, it is discovered that the translators rely highly on the direct strategy to translate general terms such as 'nafaqa, dukhul, ibra' while the oblique technique is used to translate culture-specific terms such as: khalwa, raji, baen baynona sughra and kubra'. The research reveals also that the translations decisions depend not only on translation norms, but also on language norms related to culture- specific terms.

Keywords: Divorce, determinants, legal translation, sharia, strategy, terminology, translation procedure

INTRODUCTION

Apart from competency, legal translation demands in-depth knowledge of legal and linguistic systems particularly when culture-specific and system-based terms are embedded. Notably, one should be knowledgeable in the syntax and semantic rules of both the source and the target texts (El-Farahaty, 2016; Ali, 2016).

Within the context of specialised translation, translating religious terms in legal documents crucially demands experience and skills (Byrne, 2014). Unlike non-religious documents, errors in translated religious texts must be hindered at all cost stemming from the sensitivity of those religious texts. Accurate conveyance of religious meaning to another language is imminent, mainly because the translated meaning must reflect the intended meaning from the source language (SL). For instance, the term 'dowry' does not accurately reflect the term "مهر" "*Mahr*"; as 'dowry' in the English language, which denotes "money, goods or estate that a woman brings to her husband in marriage" (Merriam-webster.com, 2020). Nonetheless, the meaning in the English language contradicts the idea behind the Islamic term of "*mahr*", which means "mandatory amount of money paid to the bride by the groom prior to the wedding ceremony" (Al Aqad, 2014, p.114).

Referring to Hanrahan et al., (2015), translators tend to face linguistic and cultural challenges due to context, content, and text type. According to Musaev, Aziz & Mohd (2021, p.236) within the different cultures, translation becomes more demanding because translators need to find and utilize more accurate equivalence to show their comprehension of the various cultural backgrounds of the source and target languages. As a result, it is crucial for translators use the most effective translation strategy, which can avoid inaccurate translation outcomes. The objectives of this study are:

    i. To explore the translator's choices and decision in dealing with divorce terminologies in translation.
    ii. To determine determinant norms that can affect or enhance divorce terminologies in translation procedures.

Related studies like Altarabin & Al-Hajjar (2022), Elhajahmed (2017), Karjo (2015), Al-Aqad (2014), Thawabteh and Najjar (2014), Mayoral (2003), and Tiersma (1999) tackled the issue of legal translation and the difficulties of legal terminologies translation, however, no study has examined the application of Vinay and Darbelnet's model in translation of legal terminologies in the Palestinian divorce contracts and the determinants that can affect the choice of the translation procedures. This study examines the translation procedures used in translating a set of terminologies found in Palestinian divorce contracts.

LITERATURE REVIEW

Legal Translation

Legal translation, as defined by Cao (2007, p.10), refers to "rendering of legal texts from the SL into the target language (TL)". This definition blankets all legal sub-texts that are applied for varied legal settings, including but not limited to "a court, a national or international organisation, a law book, a legal report, a birth certificate or a contract". According to Šarčević (1997, p.13), legal translation signifies "the translation from one legal system into another – from the source legal system into the target legal system". Essentially, the basic unit of legal translation is the text, not the word (Šarčević, 2000, p.5). Therefore, a translator should comprehend the meaning of SL words and sentences, as well as the legal effect of the text in order to create a particular legal effect in the TL (ibid).

Challenges in Legal Translation

According to Alaqad (2014), merely being a bilingual is insufficient to competently translate culture-related terms. Instead, a competent translator should be either bi-cultural or multi-cultural in order to accurately translate culture-based terms. Nida (1964) depicts those challenges in translation when two languages are attributed to more serious reasons than the variances between the two language systems, particularly when the concerned culture belongs to both the languages. In order to address this issue, Nida has prescribed the dynamic equivalence that mostly depends on referring the reader to the modes of behaviour relevant within his culture. According to Zabir & Haroon (2021, p.21) texts have distinctive and exclusive textual relations; it is difficult to

reproduce these unique features in translation. Instead, they are often substituted with some options in the target language, such as the standardized or normalized words.

Meanwhile, Palestinian translators tend to face lexical and semantic issues, which can adversely affect their translation work. For instance, Thawabteh and Najjar (2014) identified errors made by translators pertaining to syntax, structure, and tenor; attributable to inadequate linguistic knowledge and insufficient training. In another study, ElHajAhmed (2017) discovered that there is poor source text comprehension, lack of translation expertise, and inability to generate more effective target texts, which may lead to textual issues. Failure to apply the correct procedures when producing a coherent and cohesive English target text becomes apparent in the errors sprawled at the textual level. Notably, omission happens to be a strategy which is used by many translators to prevent producing erroneous translations. Accurate translation strategies are largely disregarded as most translators are only keen in literal translation. As a result, the word order of the source text is given more attention while dismissing the semantic elements of the TL.

Although divorce documents are religion-related documents that incorporate Islamic terms, they are classified as legal document as they come under judicial writing that includes verdicts and texts by courts, along with sharia court that operates on the basis of state-stipulated regulations.

Legal Terminology

Mayoral (2003) argues that translation of legal terminology has a culture and language -bound nature. The translation of "solicitor and barrister" will be taken as an example. In English solicitor is the advocate who contacts directly with clients and represents them through litigation, the latter is the advocate who represents clients in the court. However, Arabic does not have this distinction, so the translator has to resort to the function of each in order to decide on the correct equivalent. A suggested translation for them could be "muhami" محامي literally means advocate or lawyer, and "muhami fi almahkama alolia" محامي في المحكمة العليا, literally means "a lawyer at the supreme court.

Here are some characteristics of Arabic and English legal terminologies:

i. legal terms are technical terms, which mean that they are used by experts and not by laypersons in their day life. For example, technical terms such as lawsuit, waiver and abatement are known by lawyers but they are not familiar to the layperson (Mellinkoff, 1963; Karjo, 2015).

ii. The use of archaic, Latin and French words: Old and Middle English influenced Modern English through the introduction of Archaic expressions into legal documents and poetry. Words such as "hereof", "thereof", and "whereof" are examples of archaic words (Tiersma,1999; & Alcaraz Varó and Hughes,2002). However, a tendency to use simple words in legal documents started with the plain language movement where complex expressions are substituted by familiar words. For example, 'joint and several', and 'instrument' were replaced with 'together and separately', and 'legal documents' respectively (Triebel, 2009). Mellinkoff, (1963, p.58) suggests that French words are widely used as legal terms, such as: 'court', 'evidence', 'jury', 'judge' and 'verdict', 'attorney general'. Yet, examples of Latin terms used in English law are "Minor which refers to a party in a case, bona fida, interalia, and ipso facto" (El-Farahaty 2015, P.21)

iii. Nominalization where a verb or an adjective is changed to a noun by adding suffixes- 'tion', 'dom', and 'ment'. For example, foundation, freedom and payment (Almanna,2017). In nominalization, meaning lacks a tense, therefore, time modality and agent are missing from the sentence (Farhaty,2015). Nevertheless, Tiersma (1999) envisages nominalization as useful in cases where laws and regulations have to be stated as broadly as possible.

iv. Doublets and triplets: doublets and triplets are defined as the use of two or three words together to convey a single legal concept. Examples of doublets are: "null and void, fit and proper, perform and discharge" (Van Dijk, 1981, p.285). Beveridge (2002) suggests that the use of doublets and triplets appeared in English after the use of English language in the common law instead of the French language; therefore, both English and French terms are used. The following are examples of doublets and triplets as cited in El-Farahaty (2015):

> *"I <u>make, publish and declare</u> this instrument to be my <u>Last Will and Testament.</u> By signing   this document, I revoke any and all former <u>Wills or Codicils,</u> previously made by me, if such documents existed prior to the signing of this <u>Last Will and Testament</u>" (P.28).*

On the other hand, here are some characteristics of Arabic legal terminologies:

i. Use of religious, culture-specific and system-based terms and expressions: Emery (1989) and El-Farahaty (2015) argue that Arabic legal language takes many terms and expressions from the Islamic law which is derived from the Holy Quran and the Sunna (Prophet Muhammad's deeds and utterances). Here is an example taken from a marriage contract:

'Their legal capacity': أهليتهما
According to the Holy Book of Allah and the Sunnah of His Messengeرسوله علي كتاب الله و سنة (El-Farahaty, 2015, p.34)

ii. Formality and Highly decorative terms:
El-Farahaty (2015, P.35) argues Arabic, formality is made through forms of address or honorary titles due to the diverse social and political backgrounds of different Arab countries.
This example is taken from a mutual cooperation between Iraq and Turkey:

> "حضرة صاحب الجلالة الملك فيصل الثاني ملك العراق، صاحب الفخامة السيد نوري السعيد رئيس الوزراء، صاحب المعالي البروفسور فؤاد كوبرولو وزير الخارجية" (Mansoor, 1965 a, p.55)

From Lataiwish's (1995, p.256) perspective, expressions that signify a person's title such as; سيدنا، حضرة، سعادة، سيادة، استاذ, are commonly used in Arabic. They typically help to distinguish between characters of different social statuses and are often used for courtesy and respect to addressee.

On the other side, El-Farahaty (2015, p.36) suggests this highly decorative style distinguishes formality in Arabic from its translation in English where such highly decorative words are absent. For example,

'I take this opportunity to express to you my sincere wishes for success and good luck in the enormous and difficult task'	أغتنم هذه المناسبة لأعبر لكم عن تمنياتي المخلصة بالنجاح و التوفيق في المهمة الجسيمة و الصعبة

3. Gender-biased terms

According to El-Farahaty (2015, p.38), Arabic prefers masculine forms in official documents and contracts. For example, the masculine is used to refer to both masculine and feminine as the case in the following words:

the tenant	المستأجر
the contracted	المتعاقد

Al Easa (1996) argues that Arabic has feminine-masculine distinction, however, masculine is usually dominant; it is used to refer to feminine and masculine.

4. Archaic terminology:

Emery (1989) and El-Farahaty (2015) state that archaic forms are very common in English; however, Arabic uses less archaic forms due to its cohesive reference system. However, some appeared in Ottoman legal documents such as المسفور (the stated) and المزبور (the aforementioned), yet, they are not used in Arabic legal language nowadays (Ebeid, and Young1976, p.14, 36).

Due to translation shifts and approaches, shiftists like Vinay and Darbelnet (1995) developed a model that comprises two strategies and several procedures.

The initial strategy refers to direct translation, while the second strategy is oblique translation. Direct translation is composed of the sub-categories. Under direct translation, Vinay and Darbelnet (1995 p.128-137) prescribed the following translation method:

(a) Borrowing: The SL word form is transferred to the TL in order to fill a lexical gap or to create an effect. Almanna (2016, p.57) gives the following example on borrowing: "Imam, Hijj, and Jihad" are rendered as "امام، حج/ جهاد"

(b) Calque: A special form of borrowing, which transmits the same word and arrangement of the SL via direct translation. This involves the components of compounds and phrases, such as prominent English-Arabic pairs. Almanna, (2016, p.57) examples of calque include: skyscrapers ناطحات السحاب, play a role يلعب دورا, and mother of battles ام المعارك

(c) Literal translation: It occurs between languages of the same families and cultures (e.g., Indo-European languages), but far-fetched between languages of different families (e.g., English & Arabic). According to Munday (2016, p.88), literal translation denotes the 'author's prescription for good translation unless the technique is unacceptable because it gives a different meaning, has no meaning, is impossible for structural reasons, does not have any corresponding expression within the metalinguistic experience of the TL or corresponds to something else at a different level of language'. El-Farahaty (2015) gives an example on literal translation:

(e.g.) I get up early every day – استيقظ مبكرا كل يوم.

The second strategy, namely oblique translation as introduced by Vinay and Darbelnet (1995), has the following four sub-classes:

(a) Transposition: This method substitutes one-word class with another without changing the meaning of the message. El-Farahaty (2015, p.61) suggest that transposition can be either obligatory or optional as in the following two examples:

1 . إدارتها إدارة فعالة – Operating it effectively (obligatory)

He heard noise when he got up – سمع ضجة عند استيقاظه (optional)

(b) Modulation: This method modifies the meaning due to a change of perspective. A negative SL expression is modified to a constructive TL expression. Similar to transposition, modulation can be obligatory or optional. El-Farahaty (2015, p. 61) gives an example on modulation: 'it's not a strong argument' = حجة واهيه

(c) Equivalence: Equivalence here is dissimilar from the concept described by other theorists, such as Nida (1964). Vinay and Darbelnet (1995) point out that equivalence deals with proverbs, clichés, idioms, and nominal or adjectival phrases, which share similar conditions in different languages by a range of stylistic means. Almanna (2016, p. 60) gives an example on this equivalence: "to bring something on the surface" = "لتطفوا على السطح"

(d) Adaptation: This method is used when a translator is faced with a condition in the SL culture that does not exist in the TL culture, such as the translation of story and film titles. A good example of adaptation is changing the proper noun in "he is rich as Croesus" as "يملك مال قارون" (Almanna, 2016, p.60)

Turning to this present study, the use of translation strategies and their related procedures in Palestinian divorce document translation was analysed to explore the application of the model, as well as to determine the preferred strategy between the two (direct & oblique translation strategies).

RESEARCH METHODOLOGY

This is a qualitative study which relies on analytical descriptive method. In order to study the translatability of Palestinian religious legal documents, sharia court documents, 20 legal divorce documents translated from the Arabic language into the English language by Palestinian sworn translators and licensed translation offices are collected and analysed. They are considered to be representative. All the original documents and translated documents are wholly read. Then, terms are identified and selected manually in the Arabic version and in the English translations. Then, the translation of those identified terms are examined and assessed, following Vinay and Darbelnet's translation model. This will involve the translatability of the terms by using direct or oblique translation procedures, namely borrowing, calque, literal translation, transposition, modulation, equivalence, and adaptation. The meaning of the legal terms will be examined and assessed by checking their exact meaning in English and Arabic legal dictionaries and Islamic references like 'tafsir'. After that the translation procedures will be examined and assessed in order to determine the translators' choices, decisions, and constraints.

The analyses are done manually because the research is a product-oriented research, which descriptive and which is carried out with an evaluative purpose in mind. Therefore, this research uses qualitative techniques, which analyse texts manually. In addition, a qualitative approach should be used to answer qualitative questions of a study (Saldanha and O'Brien (2014). In the same vein, Lopez and Whitehead (2013, p.124) point out that Qualitative research is a research in

which a non- probability sampling is used. Data selection can be done randomly or systematically; "one might wish to randomly select sentences from a large corpus of text, or it may be more appropriate to select coherent passages of text, or text that demonstrates specific linguistic features" (Saldanha and O'Brien, 2014, p. 105). Therefore, the last option of this quotation, which is read "text that demonstrates specific linguistic features", has been followed. The sampling of this study is, therefore, a purposive sampling, which deals with selecting a sample based pre-defined critical parameters.

DISCUSSION AND FINDINGS

This section presents the terminologies identified in the selected divorce contracts based on the translation model developed by Vinay and Darbelnet. Identified terms that were analysed in this present study are: /Talaq/, /Raji/, /Ba'en Baynona kubra/, /Baen baynona sughra'/, /almajlis alshari'/, /aldukhul alshari'/, /mu'aref/, /nafaqa/, /idda/, /khalwa/, /ibra'/, /zawjeya/, and /mukallaf/. The terms are analysed based on the translation model comprising direct and oblique translation strategies, as well as the translation procedures of each strategy. The direct translation strategy has the following: borrowing, calque, and literal translation; while the oblique translation strategy is composed of transposition, modulation, equivalence, and adaptation. The use of procedures will be explored as follows:

1. Equivalence:
'Equivalence' as a translation procedure is used in the translation of four terms, they are:

(a) طلاق /Talaq/
The term 'divorce' in the Arabic language has a different meaning in the English language in terms of conditions and procedures. According to Salem (2003, p.232, 251), divorce refers to the dissolvent of marriage contract immediately (as in irrevocable Baen divorce) or at a later time (after idda by Rajii divorce) using specific phrases, such as: 'I divorce you' or 'you are divorced'. Nevertheless, the analysed samples rendered 'divorce' equally to the term used in the English language that signifies the separation of couples. Here, the equivalence translation strategy is used, whereas the translation procedure used is oblique translation. What decided the translation strategy is the translation norm where translators used the Arabic dictionary equivalent of the English term.

(b) aldukhul alshari'الدخول الشرعي

Table 1: Translation of الدخول الشرعي aldukhul alshari'

Arabic term	English Translation	Number of the Document
الدخول الشرعي	Legal sexual act	19

'Aldukhul alshari'الدخول الشرعي means to consummate a marriage 'دخل بها" (Al-Khudrawi, 2004 p.165) where consummation refers to the point at which something is complete or finalized: the action of making a marriage or relationship complete by having sexual intercourse" (concise

dictionary, 2006, p.195). Thus, 'legal sexual act' is a descriptive equivalent of the Arabic term where the translator describes the 'dukhul' as sexual act which is practiced legally; on the basis of marriage contract between the couples. Here, the translators chose the equivalence translation procedure that comes under the oblique translation strategy. In this case, the translator has used his own interpretation of the Arabic term, thus, translator's decision is the determinant of the translation strategy.

(c) /iddat/عدة

Table 2: Translation of the term /idda/عدة

Arabic term	English Translation	Number of the Document
عدة		
	Legal period	5, 7-8, and 10
	Legal waiting period	15
	Legal prescribed waiting period	1, 9, 11, 13, 16, and 18
	Legally prescribed period	12
	Legally described waiting period	14

The concept of 'iddat' is imposed to ensure that the woman is not pregnant, and to allow the divorced couples to reconsider their decision of separation (Imam, 1996, 283-288).

In the above-mentioned documents, where the term عدة was translated as 'legal period, legal waiting period, and legally prescribed waiting period', the descriptive equivalent translation procedure that belongs to the oblique translation strategy was applied to explain and describe the term. Translators depended on their understanding of the term and tried to give a detailed description of it.

(d) /khalwa/خلوة

Table 3: Translation of the term خلوة/khalwa/

Arabic term	English Translation	Number of the Document
الخلوة	Being alone together	9

According to Imam (1996, p.128) and Salem (2003, p.170) this term refers to the state where a husband and wife are alone in fully private place, where nobody can see them consummating marriage between them. 'Being alone together' refers to the descriptive equivalent for the Arabic term 'khalwa' based on the equivalent translation procedure. This translation is a result of the translator's interpretation of the Arabic term.

2. Literal
Literal procedure is used in the following terms:

(a) الدخول الشرعي 'aldukhul alshari'

Table 4: Translation of الدخول الشرعي aldukhul alshari'

Arabic term	English Translation	Number of the Document
الدخول الشرعي	Consummation	1-2, 4, 6-7, 9-15, 17-18 and 20
	Intercourse	3 and 8
عدم الدخول	Non-consummation	16

Referring to the table above, 16 translators had used the term 'consummation', which is equivalent to دخول while 2 translators used the term 'intercourse' which refers to the sexual relationship between couples. These reflect the use of literal translation procedure under the direct translation strategy. In this case, translators depended on dictionary equivalents to give the translation of the term.

(b) معرف /mu'aref/

Table 5: Translation of the term /mu'aref/
معرف

Arabic term	English Translation	Number of the Document
المعرفين	Identifiers	1-3, 5,7-14, and 16-20

This term was translated as 'identifiers' in 17 documents. The term 'identifier' means a person or thing that identifies something (Concise Oxford American dictionary, p.443). By using this equivalent, the literal translation procedure within the direct translation strategy is used. Here, the term معرف is translated on the basis of translation norms where translators used dictionary equivalents, however, using the equivalent without referring to the context, led to an erroneous translation. For Imam (1996, p.378) in divorce contracts, المعرفين the identifiers' role is to witness the identity of the spouses and to function as witnesses on the contract.

(c) نفقة /nafaqa/

Table 6: Translation of the term /nafaqa/ نفقة

Arabic term	English Translation	Number of the Document
نفقة	Alimony	7-8 and13
	Allowance	18
	Fees	19
	Pension	20

نفقة /nafaqa/ is identified in 6 documents and was translated as 'alimony', 'allowance', 'fees', and 'pension' – signifying literal translation that belongs to the direct translation strategy, whereby equivalent terms are retrieved from bilingual dictionary. However, some of these terms appear to be inaccurate (i.e., fee & pension), while others reflect accurate translation (i.e., alimony & allowance).

In religious dictionaries, نفقة/nafaqa/ represents the following meaning: maintenance, sustenance, and expenditure (Al-Khudrawi, 2004, p.111).

As explained by Saleh (2011, p. 170), نفقة means alimony or expenses; money usually paid by a former husband to his divorcee for her support during the 'waiting period' or for the support of his children, who are in her custody. The word also means expenses or financial support in general. Here, translators depend on language norms by using the dictionary equivalent of the Arabic term.

(d) /ibra' / ابراء

Table 7: Translation of the term /ibra'/ ابراء

Arabic term	English Translation	Number of the Document
الابراء العام	Exoneration	16-17
	Acquittal	7-8, 10, and 15
	Non-liability	12-14 and 18
	Total waiving	19
	General disengagement	20
	Absolution	9

All the terms shown in the table above refer to literal translation of the Arabic term ابراء, which can be found in bilingual dictionaries as equivalents of the Arabic term.

According to Salem (2003, p.175), 'ibra' (acquittal) occurs when the wife waives the *mahr* (bridal money) or part of it. In this case, the husband is exempted from paying any of the *mahr* for the wife. 'Ibra', based on the analysed documents, refers to 'in return of divorce'. Besides, Imam (1996, p.229) terms this as 'divorce for money'. This also denotes the 'Baen divorce of absolute finality' based on paying money (*mahr*/bridal money) in return for final divorce. Ascha (2004, p.153) explains that all financial rights between the spouses are dropped in the case of acquittal 'ibra'. Thus, translator depends on dictionaries to render the term rather than their own interpretation.

(e) /zawjeya/زوجية

Table 8: Translation of the term زوجية /zawjeya/

Arabic terms	English Translation	Number of the Document
حقوق زوجية	Matrimonial rights	12, 15, and 19
	Conjugal rights	18
	Marital rights	9-10 and 17
سبق قيام الزوجية	Marriage relationship	8

The meanings of the terms shown in the above table are from **Blackwell dictionary**.marriage: A legally recognized union between a man and a woman as husband and wife. V. marry (p.309)

matrimony: The state of marriage; the ceremony in which two people are married. ADJ. matrimonial (p,.312)

conjugal rights: Rights that each spouse can expect from the other, particularly sexual rights but also the rights to society, comfort, and affection.

nuptial. ADJ. Related to marriage (p. 342). Whereas, حقوق زوجية means "Nuptial rights: The rights a spouse has over his or her partner, or the duties of the spouse (Saleh, 2011, p.85). Thus, زوجية which is translated as 'matrimonial', 'conjugal', and 'marital' – indicates literal translation procedure which comes under the direct translation strategy, whereby the translated words are equivalent to the Arabic word.

In translating سبق قيام الزوجية as 'marriage relationship' reflects the literal translation of قيام الزوجية, where a noun phrase is used to translate a noun phrase. In this case, the different equivalents of the term زوجية are taken from the dictionaries, thus, language norms determined the strategy.

(f) Baen baynona sughra'بائن بينونة صغرى

Table 9: Translation of Talaq Baen baynona sughra'بائن بينونة صغرى

Arabic version	English Translation	Number of the Document
طلاق بائن بينونة صغرى	Small ba'ena divorce	7
	First small baena divorce	10
طلقة واحدة بائنة بينونة صغرى	One small ba'ena divorce (final divorce)	8
	First small baena divorce	3

In documents 3, 7, 8, and 10, بائن بينونة صغرى was translated as 'small baena divorce', whereby literal translation procedure is used; صغرى 'sughra' is translated as 'small', بائن 'baen' as 'baena' and طلاق 'talaq' as divorce. The word بينونة is deleted from translation due to the difference between Arabic and English language norms; where بينونة is مفعول مطلق absolute object; which is absent in English language. Therefore, translators used borrowing for 'baen' and literal for 'small'. Here, the determinants are both language norms and translators' decisions.

(g) khalwa/خلوة

Table 10: Translation of the term خلوة/khalwa/

Arabic term	English Translation	Number of the Document
الخلوة	Seclusion	15

In Alkhuli (1990, p.157) 'privacy and seclusion' are equivalents for the term 'khalwa'خلوة. Therefore, 'seclusion' is the literal translation (direct translation strategy) of the term 'khalwa'; a dictionary equivalent to this Arabic term.

3. Modulation:
Modulation is deployed in the translation of the following terms:

(a) /mu'aref/ معرف

Table 11: Translation of the term /mu'aref/ معرف

Arabic term	English Translation	Number of the Document
المعرفين	Witness	15, 14
افادة المعرفين المذكورين	Testimonies of the aforementioned introducers	4 and 6

In documents 14, 15, 4, and 6; terms 'witness' and 'introducers' were used. The translators associated /معرف muarref/ with witnessing or introducing the parties of the contract to the judge. Thus, the modulation translation procedure from the oblique translation strategy was used to translate those documents. Their interpretation and understanding of /mu'aref/ معرف role made their decision in choosing these equivalents.

(b) almajlis alshari'ي المجلس الشرعي

Table 12: Translation of 'almajlis alshari'المجلس الشرعي'

Arabic term	English Translation	Number of the Document
المجلس الشرعي	The legal session	2-3, 5, 7-8, 10, and 15
	Legal council	1, 9, 11-14, and 16-19

For documents 1-3, 5, and 7-19, the translators applied the term 'legal' to translate the word 'shar'i' شرعي. However, the term 'shar'i' has a range of meanings, as given in the following:
-   /Shar'i/: Attributed to sharia
-   /Hukm shar'i/ Sharia ruling: a ruling subject to the provisions of Islam
-   /zawaj shar'i/ shar'i marriage: marriage according to the provisions of Islam
-   /tabib shar'i/ forensic doctor: a qualified doctor who testifies in the court
-   Shar'i court: a court specialised in Islamic law, marriage, and divorce contract
-   Watheqa shareia/ a document of legal status
    /Ibn ghir shari/ illegitimate son: born to unmarried parents
    Source: http://almaany.com/ar/dic/ar-ar/شرعي

The translators had many options to choose in translating the term 'legal' based on their interpretation. Hence, the modulation translation procedure that belongs to the oblique translation strategy is used here. Nonetheless, some translators (see documents 4 & 6) have used the borrowing translation procedure within the direct translation strategy to use the same Arabic word but written in English alphabets. It is translator's choice to use the term 'legal' instead of 'sharia' despite the fact that the term 'sharia' exists in dictionaries.

(c) خلوة/khalwa/

Table 13: Translation of the term خلوة/khalwa/

Arabic term	English Translation	Number of the Document
الخلوة	Lawful privacy	19

The term 'lawful privacy' was chosen based on the modulation translation procedure; it reflects translator's understanding of the term as a state of privacy between couples on the condition of being lawful and not violating laws or norms of society on the basis of marriage. Thus, the choice of strategy depended on translator's decision.

4. Adaptation
The following terms are translated using adaptation:

(a) Ba'en Baynona kubra' بائن بينونة كبرى

Table 14: Translation of Ba'en Baynona kubra' بائن بينونة كبرى

Arabic version	English Translation	Number of the document
طلاق بائن بينونة كبرى	Irrevocable divorce	11
	Irrevocable divorce	6

In translating بائن بينونة كبرى as irrevocable in documents 11 and 6, the translators used the adaptation translation procedure, mainly because this concept does not exist in the TL. As a result, the translators adapted a term that conveyed its meaning - 'irrevocable' that means 'cannot be revoked or cancelled' and retroactive. This strategy of adaptation belongs to the oblique translation strategy. Based on the above explanation, both translator's decision and translation norms are used to come up with this translation.

(b) raj'i رجعي
Raji رجعي

Table 15: Translation of the term رجعي/raj'i/

English Translation	Number of the Document
Revocable	1, 4, 6, and 11
Retroactive	2-3 and 5

'Revocable and retroactive' are used to refer to 'raj'i' – a type of divorce where the husband can return his divorced wife to him before the passage of idda. Essentially, talaq raji' is defined as "a man and his divorced wife may return to each other without remarrying" (a new marriage contract). This occurs after the "first or second divorce" before the passage of the waiting period or 'idddah' (Saleh, 2011, p.235).

Apparently, the translators deployed the adaptation translation procedure of belonging to the oblique translation strategy to translate this term as such divorce genre does not exist in the English culture (TL). Hence, the translators adapted the Arabic term 'raj'i' to convey the meaning of revocable (may be cancelled or revoked). For these translations, translators rendered upon the translation norms of using the bi-lingual dictionary equivalent of the term. The term is translated as 'revocable divorce' in (Al-Khudrawi, 2004, p.327).

(c) Baen baynona sughra' بائن بينونة صغرى

Table 16: Translation of Talaq Baen baynona sughra' بائن بينونة صغرى

Arabic version	English Translation	Number of the Document
طلاق بائن بينونة صغرى	Irrevocable divorce	16-20

Translations noted in documents 16 until 20) rendered the phrase بائن بينونة صغرى as 'irrevocable divorce'. Since this term is absent in the TL culture, the adaptation translation procedure is used as equivalent to 'irrevocable' (cannot be cancelled or revoked) to substitute the concept and convey the idea of this divorce. Therefore, language norms from dictionaries and translators' decision are used to translate the term.

(d) mukallaf/مكلف

Table 17: Translation of the term مكلف/ mukallaf/

Arabic term	English Translation	Number of the Document
مكلف	Legally competent	2-3, 5, 7-8, 10, and 15-17
	Legally commissioned	4 and 6
	Legally capable	1, 9, 11-14, and 18-19
	Legally obligate	20

Competent, capable, commissioned, and obligate were all adapted from the Arabic term مكلف, which were interpreted based on the translators' comprehension; the translation into English was done by using the equivalent translation procedure. The fact that this is an indirect translation of the term demonstrates the role of language norms in translation.

5. Borrowing

(a) Ba'en Baynona kubra' بائن بينونة كبرى

Table 18: Translation of Ba'en Baynona kubra' بائن بينونة كبرى

Arabic version	English Translation	Number of the document
طلاق بائن بينونة كبرى	A big baena divorce (final divorce)	2

In translating بائن بينونة كبرى as 'big baena divorce' the term بائنة 'baen' is translated by using borrowing translation procedure where the Arabic term 'baena' was borrowed from the Arabic language and transcribed in English alphabets. Obviously, the direct translation strategy was used here. The determinants in this case are a mixture of translator's decision where they analysed the term and adapted it to an English translation, and a translation norm which is related to the deletion of المفعول المطلق absolute object بينونة' due to the absence of this structure from English. This also applies to the following term "Baen baynona sughra'بائن بينونة صغرى"

(b) Baen baynona sughra'بائن بينونة صغرى

Table 19: Translation of Talaq Baen baynona sughra'بائن بينونة صغرى

Arabic version	English Translation	Number of the Document
طلاق بائن بينونة صغرى	Small ba'ena divorce	7
	First small baena divorce	3,10
	First ba'na divorce	8
	One small ba'ena divorce (final divorce)	8

In documents 3, 7, 8, and 10, بائن بينونة صغرى was translated as 'small baena divorce', whereby literal translation procedure is used to translate بائنة as 'baena' through borrowing the term from the source language and using it in the target language.

(c) almajlis alshari'المجلس الشرعي

Table 20: Translation of 'almajlis alshari'المجلس الشرعي

Arabic term	English Translation	Number of the Document
المجلس الشرعي	Shar'i council	4 and 6

Translators of documents 4 & 6 have used the borrowing translation procedure within the direct translation strategy since the same Arabic word of شرعي 'shar'i', which is written in English alphabets is used.

(d) /idda/عدة

Table 21: Translation of the term /idda/عدة

Arabic term	English Translation	Number of the Document
عدة	Udda	2-3
	Uddat	4 and 6
	Idda waiting period	19
	Idda (period of continence)	17
	Legal waiting period (iddat)	20

The borrowing translation procedure (direct translation strategy) is used in documents 2-4, 6, 17 and 19-20 where the Arabic term عدة was borrowed and used as an equivalent for the source text

term. Nonetheless, the term عدة was inaccurately transcribed in several documents (2-4 & 6), in which the translators used 'udda' and 'Uddat' instead of 'Iddat' which is the accurate transcription of the word according to Al-Mawrid dictionary.

6. Transposition
Here is the last procedure for translation of divorce terms:

زوجية/zawjeya/

Table 22: Translation of the term زوجية /zawjeya/

Arabic terms	English Translation	Number of the Document
سبق قيام الزوجية	An existing state of matrimony	1, 9, 12-14, and 16

Translating سبق قيام الزوجية as 'existing state of matrimony' involves a 'transposition' as translation procedure, which belongs to the oblique translation strategy. In this case, the word 'Existing' (indication of a present participle) is translated as the noun 'قيام', which is a noun by translating a word class by another word class 'transposition' is achieved. In this case, language norms are the determinant of translation strategy where قيام which is a noun is rendered as 'existing' using another word class (a present participle).

As a response for the first objective, the study found that translators utilized six translation procedures; they are: equivalence, literal, modulation, adaptation, borrowing, and transposition. However, 'literal' procedure is the most used procedure which is utilized in translating seven (7) terms. The Followings are 'equivalence, borrowing and adaptation' where each is used for translating four (4) terms. Moreover, 'modulation' is used for the translations of three (3) terms. The last is 'transposition' which is used for translating (1) one term.

For the second objective, it is found that the determinants behind the choice of a translation strategy of divorce documents are language norms where dictionaries are consulted and translation process norms between a source text and a target text concerning translator's decisions, some translators use their interpretation and understanding of the term as a basis for the translation, and language specificity which makes some structures are not translated due to their absence in the target language such as المفعول المطلق 'absolute object' in 'Baena baynona kubra and baena baynona sughra'.

CONCLUSION

This study had explored the translation model developed by Vinay and Darbelnet to assess the following divorce terms: /mukallaf/, /zawjeya/, /ibra'/, /khalwa/, /idda/, /nafaqa/, /mu'aref/, /aldukhul alshari'/, /almajlis alshari'/, /Baen baynona sughra'/, /Ba'en Baynona kubra/, /Raji/, and /Talaq/. Results show that 'nafaqa, ibra', zawjeya, are fully translated using literal procedure; where 'nafaqa, and ibra' are mentioned in 6 documents and 13 documents respectively, and zawjeya is mentioned as an adjective like 'hoqoq zawjeyya' in section (2.5) where in all these positions the term is translated literally. As for other terms, such as /mu'aref/ and /aldukhul

alshari'/, the direct translation strategy was deployed by most translators; 17 and 13 out of the 20 translators, respectively. Next, the translators opted for the oblique translation strategy for the following terms: /almajlis alshari'/, /idda/, and /mukallaf/, whereby 18 used 'modulation' for: /almajlis alshari', and 13 used 'equivalence' for iddat versus 2 used borrowing for the former and 7 for the latter. In addition, 20 out of 20 translators preferred using the oblique translation strategy for translating/mukallaf/. The phrase /sabq qiyama alzawjeya/ appeared in 7 documents; in which 6 out of the 7 translators applied the oblique translation strategy of transposition. Next, /khalwa/ was noted in 4 documents, whereby 3 translators opted for the oblique translation strategy using equivalence and 1 used modulation. Moving on, 'raji' was mentioned in 7 documents and all the translators used the oblique translation strategy of adaptation. Referring to the translation of /Baen sughra/, 4 translators used direct translation like 'borrowing' and 5 opted for the oblique translation strategy of adaptation. The last term, baen kubra was mentioned in 3 documents where 2 adaptations and one borrowing are used.

In short, the Palestinian translators have used the oblique translation strategy to translate culture-specific terms, whereas the direct translation strategy was used to translate general and less culture-specific terms. Choice of a certain translation strategy is determined by either translation norms, translator's decision by depending on their knowledge and understanding to describe the term, and language norms where the nature of the language imposes addition or deletion of certain structures. In some cases, both translator's decision and language norms work together as determinants of a specific translation strategy as in the translation of the absolute object المفعول المطلق. Since this study is done one Arabic text type, the study recommends that other investigations should be done on other legal text types translation in order to have a general conclusion of the study.

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