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Translating Marriage: A Study on Intercultural Manipulation

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ABSTRACT

The current study set out to examine the strategies used to translate marriage-related culture-specific legal terms in the Family Law of Saudi Arabia, with the aim of determining the degree of intercultural manipulation involved in translating these terms from Arabic into English. The study adopted a qualitative descriptive research design where 35 marriage-related culture-specific legal terms were extracted from a corpus composed of the Family Law and its official English translation, and then analyzed qualitatively using Aixelá's typology (1996) of conservative and substitution translation strategies. The results revealed that both conservative and substitution strategies were used to translate marriage-related culture-specific legal terms with a tendency towards using conservative strategies (59%). The findings also indicated that linguistic translation was the most frequently used conservative strategy and that naturalization was the most frequently used substitution strategy. Furthermore, the findings showed that, although there was a tendency against intercultural manipulation, such a tendency was moderate, as intercultural manipulation affected the translation of 41% of the terms. This may be due to the polarity found in marriage-related concepts with some being universal while others remain culturally unique. The researcher concludes that multiple factors contribute to the choice of translation strategy, such as the centrality of the term to the source text, the availability of an equivalent term in the target language, and the provision of a definition or explanation for the term in the source text.

Keywords: Culture-Specific Terms; Intercultural Manipulation; Legal Translation; Translating Culture; Translation Strategies and Procedures

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1. Introduction

It has long since been claimed that culture is untranslatable ^[1]. However, over the years an opposite view has emerged that supports the translatability of culture; Ghazala ^[2], for instance, claims that the untranslatability of culture is “a fallacy [emphasis in original]” (p. 4) arguing that if a concept can be understood, it can be translated, while Alwazna ^[3] believes that the choice of appropriate translation strategies addresses the issue of the untranslatability of culture and ensures that the lack of conceptual correspondence—especially in legal translation—does not undermine the accuracy of the translation ^[4]. Moreover, the work of translators is based on the premise that this argument is inaccurate as they continuously challenge the view that supports the untranslatability of culture; translators have translated between languages representing different cultures ever since the need to communicate between people who speak different languages arose. The continuous work of translators involving cultural concepts eventually triggered the cultural turn in translation studies ^[5] as scholars theorized about the matter with some approaches advocating for the domestication of culture in translation while others called for its foreignization ^[6]. Since no approach, however, may be considered the only correct way to approach a translation task, translation studies scholars began to consider the factors that influence a translator’s decision and his/her choice of one approach over another. This encouraged research in what became known as the functional approach to translation where the target audience is taken into consideration along with the purpose of the translation and its initiator, ideological and linguistic factors, regulatory or publishing guidelines, and the like ^[7].

Based on the view that culture can be translated, the current study set out to examine the culture-specific legal terms (CSLTs) related to marriage in the English translation of Saudi Arabia’s Family Law ^[8] (henceforth, “the Family Law”), using Aixelá’s ^[7] typology as a framework, with the aim of: (1) identifying the strategies used to translate the CSLTs related to marriage in the Family Law from Arabic into English, and (2) determining the extent of intercultural manipulation involved in the translation of such terms. In particular, the study aimed to answer the following research questions:

1. What strategies are used to translate marriage-related CSLTs in the Family Law?
2. What is the degree of intercultural manipulation involved in the translation of marriage-related CSLTs in the Family Law?

To achieve the aims of the study and answer its research questions, the researcher adopted Aixelá’s ^[7] typology of strategies for translating culture-specific terms. Although the literature on translating culture-specific terms offers several approaches, frameworks, and typologies, such as those of Vinay and Darbelnet ^[9], Newmark ^[10], Mailhac ^[11], Venuti ^[6], and—more recently—Ghazala ^[2], the researcher found Aixelá’s ^[7] typology to be more streamlined as it was proposed with methodological efficiency in mind, in addition to its ability to provide a quick indication of the tendency towards intercultural manipulation in translation ^[7] (p. 60). Aixelá ^[7] achieved this by categorizing translation strategies in light of the degree of intercultural manipulation a given strategy imposes, which created two main strategies each including several sub-strategies as follows:

1. Conservative strategies:
 - a. Repetition, which involves using the source language term with its orthographic conventions in the target text (e.g., using an English term written in the Roman alphabet in an Arabic text).
 - b. Orthographic adaptation, which involves transcription or transliteration of the source language term using the alphabet of the target language.
 - c. Linguistic (non-cultural) translation, which involves translating the source language term using a denotatively close target language term producing a translation that can still be recognized as belonging to the source language culture.
 - d. Extratextual gloss, which involves using any of the sub-strategies in (a), (b), or (c) in combination with italics or an explanation that is provided as a parenthetical explanation, footnote, endnote, or in a glossary.
 - e. Intratextual gloss, which involves using any of the sub-strategies in (a), (b), or (c) in combination with an explanation that is provided as part

of the text.

2. Substitution strategies:

- a. Synonymy, which involves using other ways to refer to the term when it is repeated in the text to avoid using it again, such as a pronoun, a synonym or near-synonym, or the like.
- b. Limited universalization, which involves translating the source language term using another source language term that may be more familiar to the target text audience.
- c. Absolute universalization, which involves translating the source language term using a universal term that is not from the source language.
- d. Naturalization, which involves replacing the source language term with a term from the target language culture, thereby removing any element of foreignness in the translation.
- e. Deletion, which involves not translating the source language term either due to ideological or stylistic reasons, or because the translator deems the term insignificant and decides not to translate it.
- f. Autonomous creation, which involves adding to the target text a cultural reference from the target language that does not exist in the source language text.

Conservation strategies tend to involve a lesser degree of intercultural manipulation by attempting to preserve the source text culture-specific term, while substitution strategies involve a higher degree of intercultural manipulation as they tend to produce a translation that is more familiar—and in some cases, more acceptable—to the target text audience.

1.1. Culture-Specific Terms

Culture-specific terms, which are also referred to as items ^[7,12] or references ^[11,13], may generally be described as terms or expressions that have cultural significance and cultural meanings influenced by the context of the culture in which they are used. They typically express concepts that are specific and unique to a given culture. The uniqueness of the concepts represented by such terms and

expressions entails that other languages may lack equivalent terms to express such concepts since the concepts themselves may be foreign to the speakers of such languages. Different classifications have been proposed for culture-specific terms (e.g., Vlahov and Florin ^[14]; Kyiak et al. ^[15]), yet Newmark's ^[10] classification remains one of the most popular. He classifies cultural terms into the following five categories: (1) ecology: terms related to the natural environment, such as the names of plants, animals, and geographical features; (2) material culture: terms related to objects and artifacts, such as the terms for food, clothing, and means of transportation; (3) social culture: terms related to the social aspects of life, such as work and leisure; (4) organizations, customs, and ideas: terms related to political, religious, and legal systems; and (5) gestures and habits: terms related to non-verbal communication, such as gestures and body language ^[10] (p. 95).

From the point of view of translation, however, whether a term is culturally specific may be determined by whether it creates a translation problem, as terms are not necessarily inherently culturally specific ^[7,13]. Rather, Aixelá ^[7] claims that the cultural specificity of a term is determined by several factors, such as the source and target languages involved in the translation process, the particular way the term is used in the source text, and the familiarity of the source language term to the target text audience. In other words, translators working between languages that share cultural backgrounds may not encounter as many culture-specific terms as those who work between languages that are culturally different. Furthermore, a term that may have certain cultural significance when used in a certain context may not have the same cultural significance if used in other contexts. For example, referring to the month of Ramadan in a context where it is understood to mean that Muslims are fasting carries cultural significance, while using it to refer to the date of a meeting or appointment does not carry the same significance. The third factor that contributes to determining the cultural specificity of a term, according to Aixelá ^[7], is its familiarity among the audience of the target text; frequent exposure to a term makes it more familiar and less likely to pose a translation problem. For example, some Arabic words that were typically considered culturally specific have become so familiar to English speakers that they are now included in English language

dictionaries. Similarly, terms commonly used in international media are not viewed as problematic because of their familiarity and, therefore, may not be considered culturally specific by some translators, such as Buckingham Palace, the Yellow Vests Movement, or the names of international organizations.

By extending the previous discussion, CSLTs are basically culture-specific terms that occur in legal texts, whether they are proper nouns, kinship terms, or religious terms, or fall under any of the categories presented above. Thus, for the purpose of the current study, the researcher defines CSLTs as terms occurring in legal texts which are deemed culturally specific in their contexts of use.

1.2. Translation Strategies of CSLTs

Examining the strategies translators have employed to translate culture-specific terms is a well-researched topic in translation studies literature. Different text types have been subject to such examination and a variety of models have been adopted for analysis. Due to the nature of literary writing which typically contains cultural terms and references, studies dealing with the strategies used to translate culture-specific terms in literary texts are not surprisingly very popular (e.g., Aixelá ^[7]; Daghoughi & Hashemian ^[16]; Dehghani Firouz Abadi & Miri ^[17]; Van den Berg ^[12]; Borysenko et al. ^[18]; Valeišaitė ^[19]; Saad Mudheher et al. ^[20]).

Even though CSLTs are typically translated using the same strategies employed to translate culture-specific terms in other text types, an extra degree of caution is necessary due to the nature of legal texts; legal texts pose a challenge for translators that surpasses the importance of ensuring legal equivalence and extends to the legal ramifications associated with interpreting the meaning of the text, especially if one is to consider that—even in monolingual contexts—the same legal text may be interpreted differently by different legal practitioners ^[21]. Furthermore, in the case of the text under examination in the current study, an additional challenge lies in the significant difference between Arabic and English, both linguistically and culturally, which is magnified by the significant difference in legal systems ^[22].

Many studies have examined the strategies used to translate culture-specific terms in the context of legal translation. For example, both Laudisio ^[23] and Whithorn ^[24] examined the translation strategies of CSLTs in texts

translated into Italian using Venuti's ^[6] foreignization and domestication model. However, while Whithorn ^[24] examined an excerpt of the Italian Criminal Code in comparison to parallel EU legal texts and found that procedures that fall under the foreignization approach would be more suitable, Laudisio ^[23] analyzed the translation of American legal drama into Italian by fansubs and found that the strategies used by fansubbers tended to fall under the approach of domestication. The difference in approach detected by the two studies may be attributed to text type, translation purpose, and the translators themselves; the strategies used to translate legislative legal texts by professional translators in highly regulated contexts for the purpose of enforcing the law are not the same as those used to translate literary legal texts by fansubbers for the purpose of entertainment.

Several researchers have also studied the strategies used to translate CSLTs in English-Arabic translations of legal texts. Hassoon and Al-Dahwi ^[25], using Venuti's ^[6] foreignization and domestication model, conducted a qualitative study where they analyzed the translation strategies used to translate a certificate of eligibility issued by a Sharia court in Jordan from Arabic into English. They found that, although unsuccessfully, the translation frequently adopted procedures that fall under the approach of domestication. In another qualitative study, El Ghazi and Bnini ^[26], using several models including Vinay and Darbelnet ^[9] and Newmark ^[10], analyzed the strategies used to translate a Moroccan marriage contract from Arabic into English. They found that several procedures were used, such as literal translation, transliteration, adaptation, and omission. Furthermore, Khalaf et al. ^[27], in their qualitative descriptive study, examined the translation strategies of CSLTs in Palestinian divorce documents, and like El Ghazi and Bnini ^[26], they adopted Vinay and Darbelnet's ^[9] model. Their findings indicated that procedures that fall under the oblique strategy were typically used to translate the CSLTs in these documents rather than procedures that fall under the direct strategy. In a recent study conducted in Yemen, Ashuja'a et al. ^[28] analyzed the translation strategies used by accredited translators to translate court documents. Their findings indicated that literal translation was the most commonly used strategy, even though the use of literal translation usually led to inaccurate translations. They recommend introducing standardized training in translation strategy use.

In the Saudi context, BinMasad and Alotaibi ^[29] conducted a mixed-methods corpus-based study on the translation strategies employed to translate CSLTs in six Saudi laws: Basic Law of Governance, Labor Law, Enforcement Law, Law of Civil Procedure, Law of Criminal Procedure, and Companies Law. They employed the models of both Mailhac ^[11] and Venuti ^[6] to analyze the strategies used to translate the CSLTs in these laws. Their analysis concluded that most of the procedures in Mailhac's ^[11] model were used, with definition being the most frequent procedure and compensation being the least frequent. They also highlighted the importance of consistent terminology use in translation.

In light of the studies reviewed in this section, it becomes clear that researchers tend to adopt popular models to analyze translation strategy use (e.g., Venuti ^[6]; Vinay and Darbelnet ^[9]), which results in some models being over-researched, while other models receive little or no attention. The review also indicated that the strategies used to translate the culture-specific terms in the Family Law have not been previously analyzed. Furthermore, emphasizing the translation of terms in a specific cultural domain (i.e., marriage) in a legal document is not common as previous studies tended to analyze all the culture-specific terms occurring in a document or a group of similar documents. Finally, viewing the results of the analysis from the perspective of intercultural manipulation is also deemed a contribution in itself as previous studies tended to refer to domestication and foreignization or oblique and direct due to their use of other models, even though the researcher believes that intercultural manipulation is an all-encompassing term that accounts for the terms used in other models.

Accordingly, the current study aimed to contribute to the literature on translating culture-specific terms in general, and CSLTs in particular, using a qualitative approach based on Aixelá's ^[7] typology to determine the degree of intercultural manipulation involved in the translation of marriage-related CSLTs in the Family Law.

After introducing the study and discussing its aims, research questions, and framework as well as relevant literature, the methodology of the study is presented in Section 2, followed by the results of data analysis, discussion of the findings, and conclusion in Sections 3, 4, and 5, respectively. The researcher would like to indicate that, even though

the literature in this area distinguishes between a strategy and a procedure, strategy will be used in the current study in line with Aixelá's ^[7] usage to refer to any technique used to translate a CSLT, whether it may be considered a strategy or a procedure.

2. Materials and Methods

The current study adopted a qualitative descriptive research design, as this design serves the aims of the study by enabling the researcher to adequately identify and describe the strategies used to translate marriage-related CSLTs in the Family Law to determine the degree of intercultural manipulation involved in their translation. In addition, the selected design is in line with relevant literature in the field, as shown in Section 1.

2.1. Materials

The corpus of the study was composed of the Family Law and its official English translation. It comprised an Arabic-English parallel corpus of the Arabic version of the Family Law and its official English translation ^[8], which were obtained from the National Center for Records and Archives' website, the official outlet for publishing legal documents issued by the government and their translations in Saudi Arabia. The total word count of the parallel corpus is 24,949, with the Arabic source text comprising 10,385 words and the English target text comprising 14,564 words.

The Family Law is composed of eight parts: Parts 1, 2, 3, and 4 regulate marriage, the marriage contract, the rights of spouses, and the separation of spouses; Part 5 regulates trusteeship and guardianship; Parts 6 and 7 regulate wills, estates, and inheritance; and finally, Part 8 includes the Law's concluding provisions. All the parts—with the exception of Part 8—are composed of chapters that address different aspects. For example, Part 3, which regulates the separation of spouses, includes chapters with provisions on different types of marital separation.

To extract the CSLTs subject of the analysis from the source text, the researcher was guided by Aixelá's ^[7] view of what constitutes a culture-specific term (see Section 1.1). Accordingly, a total of 91 terms were initially extracted from the corpus; for an added layer of verification, the extracted terms were reviewed by two native speakers of

Arabic to judge whether they are deemed culturally specific based on their native speaker intuitions. After modifying the list of extracted terms in light of the feedback received from the reviewers, the final list comprised 64 CSLTs. However, since the study aimed to focus on the CSLTs related to marriage, the terms occurring in Parts 1, 2, 3, and 4

of the Family Law were included as these four parts contain provisions dedicated to marriage and related matters; the terms occurring in the remaining parts of the Law were excluded. The final list of marriage-related CSLTs comprised 35 terms. See **Table 1** for the terms and their translations as extracted from the corpus.

Table 1. Marriage-related CSLTs in the Family Law.

	ST	TT
1	المهر	dowry
2	مهر المثل	a dowry similar to that of a woman of equal status
3	المتعة	NOT TRANSLATED
4	الإحصان	preserve a person's chastity
5	الخلوة	<i>khalwa</i>
6	من يُتميز	discerning person
7	المرأة المحرمة على الرجل تحريماً مؤقتاً أو موقئاً	a woman temporarily or permanently prohibited from marrying the man
8	المرأة المعسولة	a woman precluded from marriage by her guardian
9	النسب	consanguinity paternity/maternity
10	مجهول النسب	unknown parentage
11	الأصل	ascendants
12	الفرع	descendants
13	المصاهرة	affinity
14	الدخول	consummation/consummate the marriage
15	اللعان	oath of <i>li'an</i> [<i>li'an</i> is an act of imprecation whereby the husband accuses his wife of adultery and the wife denies such accusation] <i>li'an</i>
16	الرضاع	Breastfeeding
17	العدة	<i>iddah</i> [the period during which a widow or divorcee may not marry another man due to the death of or marital separation from the husband] <i>iddah</i>
18	الطلاق الرجعي	revocable divorce
19	الطلاق البائن	irrevocable divorce
20	طلاق بائن بينونة صغرى	minor irrevocable divorce
21	طلاق بائن بينونة كبرى	major irrevocable divorce
22	فسخ الزواج/فسخ عقد الزواج	dissolution of marriage/dissolution of marriage contract
23	الفرقة بين الزوجين	separation of spouses
24	الفرقة البائنة	irrevocable separation
25	الفرقة البائنة بينونة صغرى	minor irrevocable divorce
26	مُحَرَّم بالحج أو العمرة	in the state of <i>Ihram</i> for Hajj or Umrah
27	التحلل من الإحرام	ending the <i>Ihram</i>
28	الكتابي	the People of the Book (<i>Kitabiyya</i>)
29	النفقة	alimony
		provide for
		supported by financial support
30	الخُلْع	<i>khul'</i> (divorce at the request of the wife) <i>khul'</i>

Table 1. *Cont.*

	ST	TT
31	طفلة واحدة	single divorce
32	طلاق سابق	the number of previous instances of divorce
33	التحليل	render remarriage to the ex-husband lawful
34	المراجعة	resumption of marriage
35	المحرم	<i>mahram</i>

2.2. Data Analysis

Choosing a qualitative descriptive research design enabled the researcher to analyze the data qualitatively by identifying and describing the strategies used to translate marriage-related CSLTs in the text under investigation using Aixelá's ^[7] typology. To answer the study's research questions, the researcher first examined the translations of the CSLTs to determine the strategies and sub-strategies used to translate them. After the strategies and sub-strategies were determined, the researcher reanalyzed the data after the lapse of a period of two weeks to ascertain the validity of the initial analysis; modifications were made, as necessary. The qualitative data were then quantified by calculating the frequency and percentage of each strategy and sub-strategy. Both qualitative and quantitative data were used to answer the study's first research question. To an-

swer the study's second research question, the researcher mainly relied on the quantified data. The results of the analysis are presented in Section 3.

3. Results

The analysis revealed that marriage-related CSLTs in the Family Law were translated using both conservative and substitution strategies. **Table 2** shows that conservative strategies were used slightly more than substitution strategies to translate the terms; conservative strategies accounted for 59% of the translation strategies used, while substitution strategies accounted for only 41%.

At a more detailed level, **Table 3** shows the frequency of each sub-strategy used to translate the marriage-related CSLTs in the Family Law.

Table 2. Frequency of translation strategies.

Strategy	<i>N</i>	%
Conservative	26	59
Substitution	18	41
Total	44	100

Table 3. Frequency of translation sub-strategies.

Strategy	<i>n</i>	%
Conservative strategies		
Linguistic translation	14	31.8
Extratextual gloss	11	25
Orthographic adaptation	11	-
Linguistic translation	3	-
Intratextual gloss	1	2.3
Substitution strategies		
Synonymy	3	6.8
Naturalization	14	31.8
Deletion	1	2.3
Total	44	100

Data analysis indicated that four conservative sub-strategies were used from among the five sub-strategies falling under this category, as repetition was not used. Linguistic translation was the most frequently used conservative sub-strategy ($n = 14$), closely followed by extratextual gloss ($n = 11$), while intratextual gloss was detected only once. Closer examination of the data in **Tables 3** and **4** reveals that the conservative sub-strategy of extratextual gloss always involved the use of orthographic adaptation; all 11 cases of extratextual gloss included the use of orthographic adaptation. In addition, three cases of extratextual gloss also in-

volved the use of linguistic translation, which means—when the cases of extratextual gloss are broken down—linguistic translation was actually used a total of 17 times.

Furthermore, as shown in **Table 3**, three substitution sub-strategies were used from among the six sub-strategies falling under this category; limited and absolute universalization and autonomous creation were not detected in the data. The sub-strategy of naturalization was the most commonly used substitution strategy ($n = 14$), while synonymy was used in relation to only one term ($n = 3$), and deletion was used only once.

Table 4. Translation strategies of marriage-related CSLTs in the Family Law.

	ST	TT	Strategy	Sub-Strategy	Comments
1	المهر	dowry	Substitution	Naturalization	
2	مهر المثل	a dowry similar to that of a woman of equal status	Substitution Conservative	Naturalization Linguistic translation	Combination of strategies
3	المُتعة	NOT TRANSLATED	Substitution	Deletion	
4	الإحصان	preserve a person's chastity	Substitution	Naturalization	
5	الخُلوة	<i>khalwa</i>	Conservative	Extratextual gloss	orthographic adaptation (transliteration) + italics
6	من يُميز	discerning person	Substitution	Naturalization	
7	المرأة المحرّمة على الرجل تحريماً مؤبداً أو مؤقتاً	a woman temporarily or permanently prohibited from marrying the man	Conservative	Linguistic translation	
8	المرأة المعسولة	a woman precluded from marriage by her guardian	Conservative	Linguistic translation	
9	النسب	consanguinity paternity/maternity	Substitution Substitution	Naturalization Naturalization	
10	مجهول النسب	unknown parentage	Substitution	Naturalization	
11	الأصل	ascendants	Substitution	Naturalization	
12	الفرع	descendants	Substitution	Naturalization	
13	المصاهرة	affinity	Substitution	Naturalization	
14	الدخول	consummation/consummate the marriage	Substitution	Naturalization	
15	اللعان	oath of <i>li'an</i> [<i>li'an</i> is an act of imprecation whereby the husband accuses his wife of adultery and the wife denies such accusation] <i>li'an</i>	Conservative Conservative	Extratextual gloss Intratextual gloss Extratextual gloss	Combination of strategies: adding the words "oath of" to clarify + orthographic adaptation (transliteration) + italics + parenthetical explanation orthographic adaptation (transliteration) + italics
16	الرضاع	breastfeeding	Conservative	Linguistic translation	Single strategy
17	العِدّة	<i>iddah</i> [the period during which a widow or divorcee may not marry another man due to the death of or marital separation from the husband] <i>iddah</i>	Conservative Conservative	Extratextual gloss Extratextual gloss	orthographic adaptation (transliteration) + italics + parenthetical explanation orthographic adaptation (transliteration) + italics
18	الطلاق الرجعي	revocable divorce	Conservative	Linguistic translation	
19	الطلاق البائن	irrevocable divorce	Conservative	Linguistic translation	

Table 4. Cont.

	ST	TT	Strategy	Sub-Strategy	Comments
20	طلاق بائن بينونة صغرى	minor irrevocable divorce	Conservative	Linguistic translation	
21	طلاق بائن بينونة كبرى	major irrevocable divorce	Conservative	Linguistic translation	
22	فسخ الزواج/فسخ عقد الزواج	dissolution of marriage/ dissolution of marriage contract	Substitution	Naturalization	
23	الفرقة بين الزوجين	separation of spouses	Substitution	Naturalization	
24	الفرقة البائنة	irrevocable separation	Conservative	Linguistic translation	
25	الفرقة البائنة بينونة صغرى	minor irrevocable divorce	Conservative	Linguistic translation	
26	مُحْرَم بالحج أو العمرة	in the state of <i>Ihram</i> for Hajj or Umrah	Conservative	Extratextual gloss	linguistic translation + orthographic adaptation (transliteration) + italics
27	التحلل من الإحرام	ending the <i>Ihram</i>	Conservative	Extratextual gloss	linguistic translation + orthographic adaptation (transliteration) + italics
28	الكتابي	the People of the Book (<i>Kitabiyya</i>)	Conservative	Extratextual gloss	Linguistic translation + orthographic adaptation (transliteration) + italics
29	النفقة	alimony	Substitution	Synonymy	
		provide for	Substitution	Synonymy	
		supported by	Substitution	Synonymy	
		financial support	Substitution	Naturalization	
30	الْخُلْع	<i>khul'</i> (divorce at the request of the wife)	Conservative	Extratextual gloss	orthographic adaptation (transliteration) + italics + parenthetical explanation
		<i>khul'</i>	Conservative	Extratextual gloss	orthographic adaptation (transliteration) + italics
31	طلقة واحدة	single divorce	Conservative	Linguistic translation	
32	طلقات سابقة	the number of previous instances of divorce	Conservative	Linguistic translation	
33	التحليل	render remarriage to the ex-husband lawful	Conservative	Linguistic translation	
34	المراجعة	resumption of marriage	Conservative	Linguistic translation	
35	المَحْرَم	<i>mahram</i>	Conservative	Extratextual gloss	orthographic adaptation (transliteration) + italics

4. Discussion

This section provides a discussion of the study's findings. The strategies and sub-strategies used to translate marriage-related CSLTs in the Family Law are discussed first, followed by a discussion of the degree of intercultural manipulation involved in the translation.

As presented in Section 3, marriage-related CSLTs in the Family Law were translated using both conservative and substitution strategies, with conservative strategies being used more frequently (See **Table 2**). Furthermore, linguistic translation was the most common conservative strategy, followed by extratextual gloss, inclusive of orthographic adaptation. Intratextual gloss was also used, but only in a single case. As for the substitution strategies used,

only three sub-strategies were detected: naturalization, followed by synonymy and deletion, which were only used a few times (See **Table 3**). Upon closer examination of the strategies and sub-strategies used to translate marriage-related CSLTs in the Family Law, as detailed in **Table 4**, useful insights were obtained that enabled the researcher to make some observations in an attempt to explain and justify strategy choice.

Linguistic translation was the most common conservative sub-strategy used to translate marriage-related CSLTs. This strategy is similar to literal translation and involves using a target language term with a meaning close to that of the source language term while still being recognized as belonging to the source language culture. The cases

where linguistic translation was used mainly involved concepts which are essentially familiar to the target language audience but carry aspects of meaning that are unique to the source language culture. These include several terms revolving around the concepts of divorce and the separation of spouses, such as الطلاق الرجعي والطلاق البائن (revocable and irrevocable divorce), الطلاق البائن بينونة كبرى وبينونة صغرى (major and minor irrevocable divorce), المراجعة (resumption of marriage after a revocable divorce), طلاق واحدة وطلقات (the number of instances of divorce), and التحليل (the concept of rendering remarriage to an ex-husband lawful after divorce). In addition, linguistic translation was used to translate المرأة المحرمة على الرجل تحريمًا دائمًا أو مؤقتًا (a woman temporarily or permanently prohibited from marrying a man) and المرأة المعصولة (a woman precluded from marriage by her guardian).

As for the other cases of conservative strategy use, the analysis revealed that the terms *khalwa*, *iddah*, *khul'*, *li'an*, *ihram*, and *mahram* were translated using extratextual gloss. These terms represent concepts which are unique to the source language culture and do not share any conceptual similarity with any term in the target language culture. The terms were all orthographically adapted using transliteration. However, in addition to orthographic adaptation, the terms were always written in italics, which transformed the strategy from mere orthographic adaptation to extratextual gloss according to Aixelá's ^[7] typology.

In addition to the cases of extratextual gloss arrived at through combining orthographic adaptation with italicization, some instances of extratextual gloss also involved a parenthetical explanation of the term. Data analysis revealed that the translation usually included a parenthetical explanation when the term was not defined in the source text, as is the case with the term *li'an*, or when the term was defined in the source text but the definition was not provided at the first instance the term was used, as is the case with the terms *khul'* and *iddah*. The provision of a definition in the source text, as is the case with the term *khalwa*, relieved the translation from the need to provide a parenthetical explanation of the term. In other cases, however, a parenthetical explanation was necessary either due to the absence of a definition in the source text or due to the definition being provided at a later point in the source text. In either case, the researcher observed that—when used—

parenthetical explanations were only provided with the first instance of the term; the remaining instances included the term orthographically adapted and italicized.

Noteworthy to mention is that the terms *ihram* and *mahram* were neither defined in the source text, nor was a parenthetical explanation included in the translation. This may be attributed to the infrequent use of the two terms in the source text, combined with their peripherality to the meaning of the text. In addition, orthographic adaptation and italicization signal that the terms belong to the source language culture, enabling the reader of the target text to look them up if the meaning is not clear from the context.

The last conservative strategy detected in the data was intratextual gloss, which was used only once in the translation of the term *li'an*. The words “oath of” were used together with the orthographically adapted and italicized translation to clarify that the act of *li'an* is an oath taken by a husband and wife under certain circumstances. The data also revealed a case where a conservative sub-strategy was combined with a substitution sub-strategy in the translation of a single term. The translation of المثل مهر combined the substitution sub-strategy of naturalization in translating the word مهر as “dowry” with the conservative sub-strategy of linguistic translation in translating the word المثل as “similar to that of a woman of equal status,” which produced the translation “a dowry similar to that of a woman of equal status.” The concept of dowry is known in the target language culture and, therefore, using it to translate the source language term is appropriate, while the concept of المثل required an explanation and, accordingly, was translated using linguistic translation to ensure the intended meaning was conveyed.

As presented in **Table 3**, only three substitution sub-strategies were used: naturalization, synonymy, and deletion. Naturalization was used with terms that had direct equivalents in the target language culture, such as مهر (dowry), النسب (consanguinity, paternity/maternity, or parentage), الأصل (ascendant), الفرع (descendant), المصاهرة (affinity), فسخ الزواج/فسخ عقد (consummation of the marriage), فسخ الزواج (dissolution of marriage/ dissolution of marriage contract), and النفقة (financial support). These terms have denotative equivalents in the target language, which makes their translation using the sub-strategy of naturalization the most appropriate to facilitate understanding. The case of synon-

ymy where a repeated term is referred to differently in the target text was detected with the translation of the term النفقة. Although it was mostly translated as “financial support,” there were two instances where it was translated as “alimony” and “supported by,” and there were several cases where the concept was referred to indirectly by using a variation of the phrase “provide for.” Nevertheless, in all cases of translating النفقة, the intended meaning was conveyed appropriately. The last substitution sub-strategy used was deletion, and it was detected only once with the term المتعة, which refers to compensation a woman receives in certain cases of divorce. The term was not translated; rather, it was omitted and the intended meaning was conveyed successfully.

In terms of intercultural manipulation, the results of the data analysis presented in Section 3 showed that conservative strategies were used more frequently than substitution strategies, indicating a tendency against intercultural manipulation. Yet, the tendency was not high, as conservative strategies represented 59% of the cases, while substitution strategies represented 41%. This may be due to the fact that marriage is universal which means that many of the concepts related to marriage are shared by most—if not all—the world’s cultures. Nonetheless, some aspects of marriage are uniquely specific to the source language culture and typically do not have corresponding concepts in the target language culture, especially, with regard to the current study, as the different aspects of marriage in Saudi Arabia are regulated by Sharia. This polarity of having both universal and culturally unique CSLTs created an approximately middle degree of intercultural manipulation, with a slight tendency towards conservation.

The findings of the current study correspond to the findings of El Ghazi and Bnini’s ^[26] analysis of the strategies used to translate a Moroccan marriage contract, as they found that literal translation and word-for-word translation, which are comparable to the conservative sub-strategy of linguistic translation, were frequently used. Their findings also indicated a tendency towards preserving the uniqueness of the source text; in other words, they detected a tendency against intercultural manipulation.

The frequent use of orthographic adaptation detected in the current study is not surprising, as Baker ^[30] claims that using loan words is popular when dealing with culture-specific concepts in translation. Furthermore, this find-

ing corresponds with the findings of Alwazna and Sidiya’s ^[31] analysis of the translation of some legal terms in Saudi newspapers published in English. They found that the terms were typically translated using borrowing to preserve cultural references.

The findings of Khalaf et al. ^[27] provide interesting material for comparison with the findings of the current study, since the topics of the two studies intersect. Many of the culture-specific terms addressed in their analysis were also analyzed in the current study. It was noted that the strategies used to translate a given term were not always in agreement between the two studies, which indicates a difference in the way translation is approached by translators in different countries in the Arab world. For example, the strategies used to translate الطلاق البائن والطلاق الرجعي and whether a divorce is minor or major partially correspond, despite the different models adopted for analysis. The current study found that these terms were translated using linguistic translation, while Khalaf et al. ^[27] found that the strategies used were adaptation and literal translation. Another instance of partial correspondence was detected in the translation of the term *iddah*; Khalaf et al. ^[27] found that it was borrowed as “idda” or “udda” in some documents, which corresponds to the strategy detected in the current study, but they also found that it was translated as “legal waiting period” using the strategy of equivalence in other documents. In the case of the term *khalwa*, no correspondence in strategy use was detected, as a more conservative approach was adopted in the current study, while Khalaf et al. ^[27] found that this term was translated using strategies that indicated a tendency towards a higher degree of intercultural manipulation (e.g., modulation and equivalence).

The findings of BinMasad and Alotaibi ^[29] also intersect with the findings of the current study due to the overlap in data (i.e., the two studies analyzed some of the same terms). As with Khalaf et al.’s ^[27] findings, the findings of the current study sometimes agreed with BinMasad and Alotaibi’s ^[29] findings. For example, the studies agreed regarding strategy use with regard to the terms *iddah* and *khul’* despite the difference in nomenclature resulting from the studies’ adopting different models for analysis; both studies also found that the terms were translated using a combination of strategies as orthographic adaptation—or borrowing according to BinMasad and Alotaibi ^[29]—was combined with

an explanation of the term. The studies disagreed, however, in terms of strategy use with regards to the translation of the terms *المراجعة* and *العزل*, as the current study found that the strategy used was linguistic translation, while BinMasad and Alotaibi ^[29] found that it was definition. The case of the term *النفقة* was that of partial correspondence, as the current study found that the term was translated using the strategy of naturalization, with the variations of the term in case of repetition being deemed cases of synonymy. BinMasad and Alotaibi ^[29] found that the strategies used to translate the term *النفقة* were cultural substitution and definition. An interesting finding of both studies was that deletion, or omission according to BinMasad and Alotaibi ^[29], was rarely used; nevertheless, its use did not have a negative impact on the translation as it did not distort the meaning. The rare use of deletion is also supported by Alwazna ^[3] who claims that it is the least used strategy and that it should not be resorted to unless its use has no negative impact on the meaning of the target text, or if translating the term would cause undue confusion for readers.

5. Conclusion

The current study adopted a qualitative descriptive approach with the aim of determining the degree of intercultural manipulation involved in the translation of marriage-related CSLTs in the Family Law of Saudi Arabia by examining the translation strategies used to translate these terms from Arabic into English in light of Aixelá's ^[7] typology. The data were extracted from a parallel corpus consisting of the Family Law and its official English translation. The findings of the study indicate that there was a slight tendency against intercultural manipulation, as the use of conservative strategies slightly exceeded the use of substitution strategies. The slight tendency may be attributed to the fact that marriage is a universal concept that typically involves culturally unique aspects.

The findings also revealed patterns that may explain the use of certain strategies. The researcher observed that the more frequently a term is used in the source text and the more central it is to the meaning of the text, the more likely the translation is to be more elaborate. For instance, central terms that were not defined in the source text, or whose first mention in the source text preceded the definition provided,

were typically defined in the target text by adding a parenthetical explanation. On the other hand, terms that are not significant or that occur only a few times were not provided with any explanation. Furthermore, the findings indicate that the conservative strategy of linguistic translation was used when a concept similar to the concept of the source language culture exists in the target language culture, while extratextual translation was used when a similar concept does not exist in the target language culture. In the latter case, italics were used to draw attention to terms which were orthographically adapted through transliteration. If a more natural term exists in the target language culture to express the source language term, the substitution strategy of naturalization was typically used. It was also noticed that some strategies were not used at all in the data, such as the substitution strategies of universalization, whether limited or absolute, and autonomous creation. This may be attributed to the nature of legal texts which calls for a more faithful translation with less freedom afforded to the translator.

The study has several implications for translators, policymakers, and scholars. The findings indicated that strategy choice is typically justified, which may be operationalized in translator training to educate trainee translators on the different factors that influence strategy choice. In addition, the findings of the current study and similar studies in the Saudi context could be used to provide relevant feedback to legal practitioners. Finally, the findings may also encourage scholars to experiment with frameworks and models other than those which have become over-researched due to popularity.

The findings of the study may be extended by adopting the same framework to analyze different legal texts in the Saudi legislature, to analyze legal texts from other Arab countries that deal with marriage to compare the results with the findings of the current study, or even to analyze legal texts and their translations in other language pairs (e.g., English and French). Studies may also be conducted to examine the other parts of the Family Law that deal with matters of inheritance and guardianship to determine whether a similar tendency against intercultural manipulation exists in the translation of such terms. Other typologies may also be used to analyze the strategies used to translate the same data set to compare with the findings of the current study.

Finally, the researcher acknowledges the limitations

of the current study as it comprised a limited data set (i.e., 35 CSLTs). Thus, the findings are to be interpreted and generalized with caution taking into consideration the study's aims, framework, data, and methodology.

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