

Review Article¹

Balancing the Protection of Family Honor and the Exercise of Freedom of Expression: A Study of the Autonomy of the Right and the Effectiveness of Civil Protection in Light of Algerian Law

Dr. Yazid Benameur²
Dr. Youcef Boudjemaa³
Dr. Benaziez Azzedine⁴

Abstract

This study investigates the boundaries of civil protection afforded to family honour in juxtaposition with freedom of expression through an in-depth doctrinal analysis of the legal status of honour, reputation, and private life within the Algerian legal order. It specifically interrogates whether the family as a distinct social institution possesses an autonomous, collective right to honour, or whether civil protection remains confined to the individual subjective rights of its constituents. The research proceeds from the hypothesis that while tortious injury inflicted upon the honour of an individual family member can reverberate through the domestic sphere, this sociological reality does not, under positive Algerian law, engender a general legal personality for the family or confer collective standing to sue (*locus standi*). Instead, when actionable criteria are met, it gives rise to direct, personal "ricochet" harm (*dommage par ricochet*) actionable by each relative establishing personal injury. Employing an analytical and comparative hermeneutical method across constitutional, civil, and media enactments, integrated with international human rights standards, the findings reveal that while the Algerian legislature establishes constitutional safeguards for honour and private life and conditions freedom of expression upon respect for human dignity and third-party rights, civil mechanisms remain fragmented. This inadequacy is particularly pronounced concerning

¹ Received: May 11, 2026; Accepted: July 22, 2026; Published: September 05, 2026

© 2026 The Author. Published by AVADA. This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC BY 4.0), which permits unrestricted use, distribution, adaptation, and reproduction in any medium, provided that the original author and source are properly credited.

<https://creativecommons.org/licenses/by/4.0/>



² Adjunct Lecturer, University of Continuing Education (UFC), Médéa Centre, Algeria, Benameur.yazid.1982@gmail.com

³ Associate Professor (Class A), University of Yahia Farès, Médéa, Algeria • youcef.boudjemaa030@gmail.com

⁴ University of Alger 2, Algeria, azedine26@gmail.com

transboundary and algorithmic digital harms due to conceptual indeterminacy, rigorous causation thresholds, and the scarcity of expedited interim injunctions. The study advocates for an operationalized functional reinterpretation of family honour as a protected social interest without weaponizing it to suppress legitimate journalistic discourse, supplemented by modernized evidentiary rules, cross-border judicial cooperation, and expedited digital rectifications.

Keywords: honour, reputation, family, freedom of expression, civil liability, ricochet damage, right of reply, personality rights, Algerian law.

Introduction

The family represents the primary social sphere wherein human personality is formed and within which individuals cultivate their most intimate relationships. Consequently, an unlawful infringement upon the honour of one of its members frequently produces repercussions that transcend the immediate individual victim, impairing the reciprocal trust among family members and undermining their collective standing within the broader community. However, this sociological reality does not signify that the family, qua social grouping, automatically acquires independent legal personality analogous to a commercial corporation or an incorporated civil association. Rather, it indicates that the legal system may safeguard family-related interests obliquely through individual subjective personality rights, rules governing private life, human dignity, and the tenets of extra-contractual civil liability (tort law).

The contemporary urgency of this inquiry has been profoundly magnified by the rapid proliferation of digital communication platforms. Unlawful interferences with honour and reputation are no longer confined to conventional print journalism or localized physical utterances; they now possess the capacity for instantaneous, exponential dissemination across digital networks, platforms, and social media ecosystems. Such digital torts are marked by effortless replication, algorithmic amplification, and jurisdictional fragmentation. As a result, tortious harm accumulates progressively and remains publicly accessible even after deletion from the primary digital source. Conversely, freedom of expression constitutes an indispensable prerequisite for democratic debate, institutional accountability, and social progress. Therefore, the protection of honour cannot legitimately be transformed into an instrument for suppressing justified criticism or prohibiting reporting on matters of genuine public interest.

The imperative of recognizing protective mechanisms for family honour has intensified amid the multiplication of modern communicative torts. Historically, the evolution of print and audiovisual broadcast media demonstrated the necessity of establishing lawful boundaries on communicative freedoms to safeguard individuals and families from calumny and defamation. Infringements upon honour originate from diverse wrongful acts, most notably criminal slander, libel, and abusive invective. While these acts inflict non-pecuniary moral injury upon individual reputation and standing, every human being—regardless of their socio-economic status—is entitled to an irreducible baseline of moral integrity

and social respect. Although the penal legislature has historically instituted criminal sanctions against defamation and insult, it has stopped short of framing these immaterial interests within a rigid statutory definition. Non-pecuniary values—such as honour, social standing, reputation, and dignity—defy absolute moral codification, shifting alongside normative societal transformations.

In practical adjudication, recourse has overwhelmingly gravitated toward criminal proceedings, given their perceived speed and deterrent force. Nevertheless, navigating criminal channels entails substantial procedural and substantive risks. The criminal judge is strictly bound by the presumption of innocence and the gravity of custodial penalties, which operationalizes the standard that reasonable doubt must resolve in favor of the accused (*in dubio pro reo*). An acquittal in criminal proceedings frequently exerts a detrimental, preclusive effect upon civil actions joined before criminal tribunals. While the civil judiciary focuses centrally on the victim's reparation, the criminal court concentrates on the liberty of the accused, demanding an exacting degree of evidentiary certainty that is often unattainable. Consequently, civil protection emerges as an indispensable paradigm, prioritizing the immediate cessation of the unlawful interference and the equitable restoration of moral and material equilibrium through flexible remedial measures.

Research Problem

This study addresses the following foundational research problem:

Do the rules of Algerian civil law provide an effective, autonomous mechanism for the protection of family honour while simultaneously preserving the constitutional essence of freedom of expression from substantive erosion?

This core inquiry branches into two underlying questions:

1. What is the precise legal definition, scope, and standing of "family honour" within the doctrinal architecture of personality rights?
2. What are the procedural conditions and substantive modalities governing injunctive cessation and compensatory redress for family honour violations in both conventional and digital environments?

Methodology and Structural Framework

To examine these interrelated questions, this research adopts an analytical doctrinal methodology, scrutinizing constitutional, civil, penal, and media legislative texts within the Algerian legal system, benchmarked against international human rights instruments. Furthermore, a comparative legal lens is integrated where relevant, juxtaposing Algerian jurisprudence with French civil and press doctrine. The substantive discussion is structured into two main sections:

- **Section 1: The Scope of the Right to Honour:** Confrontation with Freedom of Expression and

Personal Bounds.

- **Section 2: Civil Protection of Family Honour:** Manifestations of Infringement, Injunctive Cessation, and Compensatory Reparations.

Section 1: The Scope of the Right to Honour

Delineating the legal contours of the right to honour is vital for establishing the precise subject matter of legal protection. However, formulating an exhaustive legal definition presents notable conceptual hurdles, given that honour is deeply intertwined with cultural values, customs, and dynamic societal ethics. Concurrently, honour must be systematically balanced against a countervailing constitutional imperative: the freedom of expression.

Subsection 1.1: The Right to Honour Versus Freedom of Expression

The interface between honour and free expression embodies a classic constitutional friction. While honour safeguards the moral and psychological integrity of individuals and their familial units, excessive or ill-defined protections risk suppressing legitimate journalistic oversight and democratic transparency.

Ambiguity in the Substantive Content of the Right to Honour

Jurists have long grappled with the precise terminology and substantive scope of this immaterial right. When legal science conceptualizes intangible values, it borrows terms from proximate linguistic usage that gradually acquire technical meaning through doctrinal application. Consequently, statutory designations vary widely across comparative jurisdictions, reflecting the normative ethos of each legal culture.

A significant segment of legal doctrine uses the compound terms "the right to honour and esteem" (*l'honneur et la considération*), whereas others subsume both concepts under "the right to reputation" (*le droit à la réputation*), as reflected widely in Arab civil jurisprudence. Proponents of the latter argue that reputation encompasses both subjective self-worth and objective social esteem. Conversely, an opposing doctrinal view asserts that reputation and social esteem are synonymous—denoting the objective societal rank occupied by an individual and their right to be treated consistently with that status—whereas honour is distinct, rooted in internal moral consciousness and subjective dignity.

In Algeria, Article 182 *bis* of the Civil Code expressly pairs "honour or reputation" as compensable interests within the framework of moral harm, whereas other statutes and doctrinal commentaries refer generically to "the right to honour." In practical adjudication, the judiciary frequently treats honour, reputation, and esteem as interchangeable synonyms without probing their structural distinctions. To resolve this ambiguity, legal scholarship has established operational criteria:

Conceptual Dimension	Substantive Definition	Doctrinal Orientation
Honour (Subjective / Moral Dimension)	The intrinsic moral sentiment of personal integrity; an individual's consciousness of fulfilling ethical duty and meriting respect. As articulated in French doctrine: <i>"L'honneur est un bien qui consiste à n'avoir rien à se reprocher qui soit contraire à la morale."</i>	Subjective personality right intrinsic to human dignity; shields against wrongful accusations of moral turpitude or breach of ethical duty.
Esteem & Reputation (Objective / Social Dimension)	The external social estimation, prestige, and professional standing conferred upon an individual by society based on their social, familial, or occupational function.	Societal attribution; vulnerable to imputations of occupational failure, professional negligence, or breach of basic civic duties.

Under this doctrinal bifurcation, legal protection of honour does not extend to shield individuals who consciously violate fundamental moral obligations (e.g., deceit, fraud, bad faith); such individuals cannot legitimately invoke honour to suppress exposure of their verified misconduct. True honour synthesizes universal attributes of human dignity: honesty, integrity, candor, moral uprightness, and adherence to societal ethical imperatives. Conversely, esteem represents an individual's accrued moral capital within their family, professional peer group, or neighborhood. When an imputation compromises the esteem garnered through professional or familial roles, it constitutes an actionable civil wrong.

The Algerian Supreme Court affirmed the familial reverberation of honour in a milestone civil judgment:

"...The defendant in the appeal, in her capacity as a wife, mother, and homemaker, has suffered non-pecuniary and material damage; her social standing was destabilized, and her chastity and dignity were injured as a result of this malicious accusation..."

This ruling illustrates that an attack on the moral honour of an individual woman directly imperils the domestic stability and reputation of the entire household, demonstrating the high vulnerability of family units to communicative torts.

Honour as a Legitimate Restriction on Freedom of Expression

Freedom of expression constitutes a foundational pillar in international human rights treaties and national constitutions. However, positive law universally rejects absolute, unrestrained liberties. Permissible restrictions on expressive freedoms are anchored in paramount public interests, including the protection of religious constants, public order, state security, and the subjective rights of third parties—most notably their honour and dignity.

Liberty and responsibility represent indissoluble dimensions of communicative freedom. Constitutional governance seeks a proportionate synthesis between individual expressive liberties and state authority to prevent communicative overreach. Under the Algerian constitutional order, while freedom of expression and freedom of the press are formally guaranteed, they are systematically circumscribed by the duty to respect the dignity, privacy, and honour of others.

This balance is codified in Organic Law No. 23-14 on Information. Article 2 dictates that media activity must be exercised freely within strict adherence to "human dignity and individual and collective liberties." Article 93 reinforces this imperative by explicitly prohibiting "any violation of the private lives of persons, their honour, and their reputation." Thus, human dignity operates as an overarching constitutional ceiling on freedom of expression. The societal injury resulting from unchecked slander, vitriolic denunciation, and intrusive exposure far outweighs any superficial democratic gain derived from defamatory disclosures.

Nevertheless, international standards (e.g., Article 19 of the ICCPR) and constitutional jurisprudence clarify that restrictions on freedom of expression are legitimate only when they meet a three-part test: (1) clear statutory prescription; (2) pursuing a legitimate aim (safeguarding the rights and reputation of others); and (3) demonstrable necessity and proportionality in a democratic society. Therefore, the protection of honour must never serve as a blanket immunity shielding public figures or families from legitimate inquiry, public debate, or investigative reporting on matters of public interest.

Subsection 1.2: The Personal Scope of the Right to Honour

While the natural person constitutes the paradigmatic bearer of the right to honour, legal science confronts complex frontiers when evaluating whether honour persists posthumously and whether the family can

assert an independent, collective right to honour.

Vesting of the Right to Honour

1. The Natural Person

Positive law vests the right to honour in every human being purely by virtue of their humanity, irrespective of subjective attributes such as age, mental capacity, social standing, or past criminality. A minor, an interdicted person, an absentee, or a convicted criminal possesses an inherent entitlement to human dignity. This egalitarian doctrine presumes that all individuals hold an equal baseline capacity for social existence, regardless of whether they have actively realized that potential.

A nuanced doctrinal counter-position distinguishes between the subjective and objective facets of reputation. While universal human honour and moral dignity adhere equally to all persons—including convicted felons or sex workers—objective social esteem and professional prestige remain contingent upon demonstrated ethical and social merit. Consequently, an individual who notoriously engages in systemic criminality cannot claim compensable injury to a non-existent professional or civic reputation, although their fundamental human dignity remains protected against gratuitous vituperation.

This protective perimeter extends retroactively to the human fetus (*nasciturus*). Jurisprudence acknowledges that unborn children possess embryonic personality rights, including the right to physical integrity and the right to be born into conditions respecting human dignity. Should defamatory falsehoods be directed against a fetus (e.g., disputing lineage or alleging maternal illegitimacy), civil liability can be sustained under the legal fiction that personality traces back to conception, conditional upon live birth. However, because an unborn child cannot independently mount a legal defense, the imperative for parental representation under the doctrine of ricochet harm becomes paramount.

A pervasive practical manifestation occurs within the context of wrongful, protracted engagement breakups. While betrothal does not constitute a binding civil contract under the Algerian Family Code, an arbitrary, unilateral repudiation after prolonged engagement (e.g., exceeding several years) frequently inflicts acute non-pecuniary harm. The Supreme Court has repeatedly sanctioned damages under Article 5 of the Family Code for abusive termination of engagement, citing severe moral damage, missed marital prospects, and societal gossip that tarnishes the reputation and modesty of the betrothed woman and her household.

2. Post-Mortem Protection of the Deceased's Memory

A strict classical premise posits that personality rights extinguish upon biological death. However, legal systems universally recognize an ongoing duty to protect the memory and reputation of the deceased. Physical death dissolves the material entity, but the moral entity persists within cultural memory and familial consciousness. Defaming the deceased desecrates their memory and breaches the domestic peace of their surviving kin.

Comparative law demonstrates that this protection operates through specialized statutory mechanisms. Under Article 34 of the French Press Law of 1881, defamation or insult directed against deceased persons is actionable only where the perpetrator intentionally sought to undermine the honour or reputation of living heirs. While Algerian legislation lacks an exact counterpart to Article 34, judicial practice reaches an analogous result. The right to defend the memory of a deceased relative devolves upon the heirs. This transmission represents a functional adaptation: heirs do not assert a severed proprietary claim, but rather defend a shared moral solidarity (*solidarité morale*).

3. Does the Family Possess an Autonomous Right to Honour?

An influential school of thought argues that the family, given its primary social function and constitutional recognition as the fundamental nucleus of society, should be endowed with an autonomous collective right to honour, distinct from the aggregate individual rights of its members. Proponents analogize the family to commercial corporations or non-profit entities, which enjoy recognized standing to defend corporate reputation.

However, positive Algerian civil law does not confer moral personality (*personnalité morale*) upon the family. Granting collective legal standing without express legislative codification creates procedural anomalies, threatening to extend collective claims to non-statutory groupings such as academic faculties or professional guilds. Consequently, under current Algerian civil procedure, standing to sue remains strictly individual. A family member cannot initiate litigation as a generic "representative of the family." Instead, when a defamatory act targets one member, other relatives may initiate separate actions only by demonstrating direct, personal "ricochet harm" (*dommage par ricochet*), establishing that the primary wrong reverberated into their own personal sphere.

Section 2: Civil Protection of Family Honour

The substantive enforcement of family honour requires examining the concrete manifestations of unlawful interference, followed by analyzing the injunctive and compensatory mechanisms recognized in civil jurisprudence.

Subsection 2.1: Manifestations of Infringement on Family Honour

Interferences with honour are intrinsically linked to publicity and unauthorized disclosure. The proliferation of digital networks has exponentially expanded the modes of reputational injury.

Confidentiality as a Safeguard of Moral Personality

The preservation of confidentiality constitutes the foremost barrier protecting moral personality. Because reputational harm predominantly materializes through publicity, the strict enforcement of professional

secrecy operates as an essential shield for domestic privacy.

Under Algerian law, the unauthorized disclosure of professional secrets is heavily penalized under criminal statutes and gives rise to strict civil liability. Professionals entrusted with private confidences—physicians, lawyers, notaries, and public officials—hold secrets that directly implicate familial integrity. Disclosing such sensitive data violates the human dignity not only of the principal client or patient but of their entire domestic circle. Professional secrecy thus safeguards the collective moral peace of the family unit.

Forms and Classifications of Infringement

Reputational torts fall into two overarching legal categories: criminally codified offenses and actionable civil wrongs that do not reach the threshold of criminalization.

1. Criminally Codified Infringements

- **Defamation (Article 296, Algerian Penal Code):** The public, intentional imputation of a specific factual allegation that injures the honour or esteem of the person to whom it is attributed, or exposes them to public contempt. Essential elements require: (a) imputation of a specific factual event; (b) targeting an identifiable natural or legal person; (c) public dissemination; and (d) general criminal intent (*dol général*).
- **Insult / Invective (Article 297, Algerian Penal Code):** Any offensive, outrageous, or contemptuous expression or invective that does not involve the imputation of a specific factual occurrence (e.g., vituperative insults, slurs, obscene epithets).
- **Calumnious Denunciation (Article 300, Algerian Penal Code):** The malicious, spontaneous reporting of fabricated, unlawful allegations against an identifiable individual to judicial or administrative authorities authorized to initiate sanctions. It presupposes bad faith, deliberate deceit, and intent to harm.
- **Threats of Exposure & Extortion:** Exploiting private family secrets to extort concessions or blackmail individuals, actionable under both criminal and tort provisions.

2. Non-Criminalized Actionable Civil Wrongs

The domain of civil liability is substantially broader than penal law. An act or omission may violate the general duty of care (Article 124, Civil Code) without satisfying the strict elements of a criminal offense:

- **Dissemination of Inaccurate News:** Circulating unverified rumors or erroneous statements regarding a family's financial solvency, marital fidelity, or genetic lineage without exercising due journalistic diligence. Good faith or lack of hostility does not exonerate the tortfeasor from civil negligence.
- **Reckless Reports and Unsubstantiated Complaints:** Lodging administrative or judicial complaints with utter lack of circumspection, haste, and groundless suspicion, even where criminal bad faith cannot be established to sustain a conviction under Article 300 of the Penal Code.

- **Abusive Criticism (Excess of Fair Comment):** While critique of literary, scientific, political, or artistic works is protected, directing caustic, disparaging, or malicious attacks against the private life, lineage, or moral character of the author constitutes an actionable abuse of right (*abus de droit*).
- **Tortious Omission:** Intentional or grossly negligent failure to act, such as omitting an accomplished scholar's name from an authoritative national registry of inventors, thereby debasing their professional standing.

Subsection 2.2: Mechanisms for Protecting the Family's Right to Honour

Civil remedies are divided into preventive, injunctive relief aimed at halting ongoing violations, and compensatory remedies designed to repair accrued injuries.

Injunctive Cessation of Unlawful Interference

Civil doctrine sharply distinguishes between compensation (reparation *ex post*) and cessation of the unlawful act (prevention *ex ante*). Injunctive measures represent specific performance (*exécution en nature*) of the erga omnes duty to respect personality rights, operating to prevent imminent or continuing harm.

1. Halting Circulation or Prohibiting Publication

Under Article 47 of the Algerian Civil Code, any person who suffers an unlawful infringement upon their personality rights is entitled to demand the immediate cessation of the infringement alongside damages. This empowers the judiciary to seize publications, ban broadcast segments, or issue interim injunctions against print runs where defamatory material targets an individual or their household. However, this preventive mechanism must be cautiously balanced against press freedom to avoid unlawful prior restraint.

2. Redaction, Modification, and Digital Deletion

Where an entire publication need not be suppressed, courts may order the surgical deletion or redaction of specific defamatory passages. A celebrated ruling illustrative of this principle occurred in the judgment of the Bir Mourad Raïs Court (Algiers) on July 22, 2000:

"...Ordering the excision and removal of pages 133, 134, 135, and 136 from the published book containing defamatory assertions injurious to the memory of the late historical figure Abane Ramdane..."

Although rendered by a trial court on the merits, this remedy could be effectively deployed through expedited summary proceedings (*référé*) to halt digital publication, eliminate hyperlinks, or de-index defamatory entries on online platforms.

3. Transboundary and Digital Jurisdictional Challenges

In contemporary cyberspace, reputational torts frequently transcend national jurisdictions. The victim may reside in Algeria, the author in another country, the hosting digital platform in a third jurisdiction, and the readership distributed worldwide. Purely domestic injunctions often remain unenforceable extraterritorially, underscoring the urgent necessity for modern multilateral conventions on evidence preservation, swift digital take-down notices, and mutual recognition of civil judgments.

Reparation for Harm: Compensatory Modalities

Where harm has materialized, compensatory relief constitutes the primary mechanism of civil liability. Under Algerian civil jurisprudence, compensation may assume non-pecuniary or pecuniary forms.

1. Non-Pecuniary Compensation

- **The Right of Reply and Correction:** Codified in Articles 100–114 of Organic Law No. 23-14 on Information. Any natural or legal person subject to inaccurate factual imputations or defamatory allegations is legally entitled to insert a formal reply or demand correction free of charge in the same medium and with equivalent prominence. This right also extends to surviving heirs seeking to defend a deceased relative's memory.
- **Compulsory Publication of the Condemnatory Judgment:** Grounded in Article 132(2) of the Civil Code, the trial court may order the full or partial publication of the civil judgment in designated newspapers or websites at the expense of the tortfeasor. This serves as an effective public vindication of the victim's honour. In the aforementioned Abane Ramdane case, the Bir Mourad Raïs Court awarded one symbolic Algerian Dinar alongside the compulsory publication of the judgment in the national dailies *El Khabar* and *Liberté*.

2. Pecuniary Compensation (Monetary Damages)

Monetary compensation aims to redress both moral (non-pecuniary) and material (pecuniary) injury:

- **Moral Harm (Article 182 bis, Algerian Civil Code):** Redresses psychological distress, grief, dishonour, public humiliation, and anxiety. The Algerian legislature explicitly encompasses infringements upon "liberty, honour, or reputation" within compensable moral harm. In the contemporary media landscape, civil courts increasingly calibrate moral damages to exercise a punitive and deterrent function against sensationalist yellow journalism.
- **Material Harm:** While less frequent than moral harm, reputational attacks can cause demonstrable pecuniary loss, such as dismissal from employment, forfeiture of commercial contracts, legal costs, and medical expenses incurred for psychological therapy. The Supreme Court confirmed that false accusations of moral crimes (e.g., calumnious accusations of marital infidelity) give rise to both moral and quantifiable material harm.

Conclusion and Recommendations

This study demonstrates that the civil protection of family honour under Algerian law does not necessitate the artificial creation of an autonomous, collective legal personality for the family. Instead, it demands robust procedural and substantive recognition that tortious attacks upon an individual member directly generate direct, personal, and ricochet harm for surviving kin, actionable under general tort principles. While the Algerian Constitution firmly enshrines human dignity and private life as structural limits on expressive freedoms, the civil and media statutory frameworks remain partially deficient in addressing algorithmic dissemination and transboundary internet defamation.

To establish an equitable equilibrium between protecting family honour and preserving the vital core of freedom of expression, this study submits the following actionable recommendations:

- 1. Statutory Harmonization of Family Honour:** Amend the Civil Code and Information Law to define family honour as a protected legal interest, providing objective statutory criteria that differentiate legitimate journalistic critique of public figures from unlawful defamatory incursions into private familial life.
- 2. Codification of Ricochet Damage Standards:** Formulate explicit legislative guidelines regulating ricochet harm in personality rights violations, clarifying that kinship creates a rebuttable presumption of actionable interest, subject to proof of direct psychological or material injury.
- 3. Expedited Digital Interim Remedies:** Modernize summary judicial proceedings (*juge des référés*) under the Code of Civil Procedure to authorize swift, binding interim injunctions for digital preservation, provisional URL de-indexing, and targeted removal of defamatory online content.
- 4. Strengthening Cross-Border Judicial Cooperation:** Conclude bilateral and multilateral agreements facilitating evidence-sharing, digital preservation requests, and the mutual enforcement of digital rectification and civil damages against foreign-hosted communication platforms.
- 5. Systematic Publication of Case Law:** Establish a publicly accessible, anonymized digital repository of Supreme Court and appellate jurisprudence concerning personality rights, eliminating existing legal uncertainty and guiding trial judges in the consistent assessment of moral damages.

References

Abidin, M. A. (1997). *Al-Ta'wīd bayn al-ḍarar al-māddī wa-al-adabī al-mawrūth* [Compensation between inherited material and moral damage]. Dār al-Fikr al-Jāmi'.

Abū al-Īd, K. (1978). Sirr al-mihnah [Professional secrecy]. *Majallat al-Qānūn wa-al-Iqtisād*, 48(3–4), 112–145.

Al-Adawī, J., Abū al-Su'ūd, R., & Qāsim, M. H. (1996). *Al-Ḥuqūq wa-ghayruhā min al-marākiz al-qānūniyyah* [Rights and other legal statuses]. Mansha'at al-Ma'ārif.

- Al-Ahwānī, H. (1978). *Al-Ḥaqq fī ihtirām al-ḥayāh al-kbāsshah (al-ḥaqq fī al-khnṣūsiyyah)* [The right to respect for private life (The right to privacy)]. Dār al-Nahḍah al-‘Arabiyyah.
- Al-Bahjī, ‘I. A. (2005). *Ḥimāyat al-ḥaqq fī al-ḥayāh al-kbāsshah* [Protection of the right to private life]. Dār al-Jāmi‘ah al-Jadīdah.
- Al-Duray‘ī, S. ‘A. (2002). Ba‘ḍ al-mushkilāt allatī yuthīruhā al-taqdīr al-qaḍā’ī lil-ta‘wīd [Judicial assessment of compensation: Commentary on Kuwaiti Court of Cassation Ruling No. 59/1993]. *Majallat al-Ḥuqūq*, 26(4), 85–124.
- Al-Jubūrī, F. H. (2009). *Ḥuqūq al-shakhsīyyah wa-ḥimāyatuhā al-madaniyyah: Dirāsah muqāranah* [Personality rights and their civil protection: A comparative study]. Dār al-Kutub al-Qānūniyyah.
- Al-Maghribī, J. ‘A. (2006). Al-Ḥimāyah al-madaniyyah lil-janīn [Civil protection of the fetus]. *Majallat al-Ḥuqūq*, 30(2), 135–178.
- Al-Najjār, ‘A. M. (1995). *Al-Ḍarar al-adabī: Dirāsah muqāranah fī al-fiqh al-Islāmī wa-al-qānūn* [Moral harm: A comparative study in Islamic jurisprudence and law]. Dār al-Mirrikh.
- Al-Sa‘dī, M. Š. (2004). *Sharḥ al-qānūn al-madani al-Jazā’iri: Maṣādir al-iltizām (al-wāqi‘ah al-qānūniyyah)* [Commentary on Algerian civil law: Sources of obligation (Vol. 2, 2nd ed.)]. Dār al-Hudā.
- Al-Sarṭāwī, F. ‘A. ‘U. (2003). Jarīmat al-qatl bi-sabab al-sharaf bayn al-sharī‘ah wa-al-qānūn [Honour killing between Sharia and law]. *Majallat al-Ḥuqūq*, 27(2), 205–246.
- Al-Shawāribī, ‘A. (2004). *Al-Jarā‘im al-ta‘bīriyyah: Jarā‘im al-ṣiḥāfah wa-al-nashr* [Expressive crimes: Press and publication crimes]. Mansha‘at al-Ma‘ārif.
- Al-Ṭabbākh, S. (2007). *Al-Ta‘wīd ‘an jarā‘im al-sabb wa-al-qadhif wa-jarā‘im al-nashr* [Compensation for crimes of insult, slander, and publication]. Dār al-Fikr al-Jāmi‘ī.
- Ba‘ṭūsh, H. (1995). Ta‘wīd al-ḍarar al-ma‘nawī [Compensation for moral damage]. *Nashrat al-Quḍāt*, 47, 45–62.
- Beignier, B. (1995). *L’honneur et le droit* (Pref. J. Foyer). LGDJ.
- Belhadj, L. (2001). *Al-Nazariyyah al-‘ammah lil-iltizām fī al-qānūn al-madani al-Jazā’iri* [General theory of obligations in Algerian civil law (Vol. 2)]. Diwan des Publications Universitaires.
- Belhadj, L. (2007). Al-Ṭabī‘ah al-qānūniyyah lil-khiṭbah ‘alā ḍaw’ qānūn al-usrah al-jadīd [Legal nature of engagement in light of the new Family Code and Supreme Court jurisprudence]. *Revue Algérienne des Sciences Juridiques, Économiques et Politiques*, 44(3), 11–38.
- Ben Abbas, S. (2001). *Al-Qadhif fī al-qānūn al-Jazā’iri wa-al-muqāran* [Defamation in Algerian and comparative law] [Master's thesis, University of Algiers].

- Blin, H., Chavanne, A., & Drago, R. (1969). *Traité du droit de la presse*. Librairies Techniques.
- Boudjemaa, Y. (2011). *Ḥuqūq al-shakhṣiyyah* [Personality rights] [Master's thesis, University of Algiers 1].
- Boudebbaḥ, S. (2004). *Jarīmat al-balāgh al-kādhīb fi al-qānūn al-Jazā'iri* [The crime of malicious denunciation in Algerian law] [Master's thesis, University of Algiers].
- Boukaddah, A. (2010). *Jarīmat al-sabb* [The crime of insult] [Master's thesis, University of Algiers].
- Boussekia, A. (2009). *Al-Wajīz fi al-qānūn al-jazā'i al-khaṣṣ* [Summary of special penal law (Vol. 1, 10th ed.)]. Dār Houma.
- Fahmy, K. M. (2003). *Ḥurriyyat al-ra'y wa-al-ta'bīr* [Freedom of opinion and expression]. Dār al-Jāmi'ah al-Jadīdah.
- Fayed, 'A. (2008). *Nasb ṣuwar ḍahāyā al-jarimah: Al-Mas'ūliyyah al-madaniyyah* [Publishing images of crime victims: Civil liability for depicting victims' tragedies]. Dār al-Kutub al-Qānūniyyah.
- Filali, A. (2007). *Al-Itizāmāt: Al-Fi'l al-mustaḥiqq lil-ta'wīd* [Obligations: The act warranting compensation]. ENAG/Mauve.
- Hassan, 'A. 'A. (2002). *Jarīmat al-balāgh al-kādhīb* [The crime of false report]. Dār al-Kutub al-Qānūniyyah.
- Hijāzī, 'A. (2004). *Al-Mas'ūliyyah al-madaniyyah lil-ṣuḥufi 'an intibāk ḥurmat al-ḥayāh al-khaṣṣah* [Civil liability of the journalist for violating the sanctity of private life]. Dār al-Nahḍah al-'Arabiyyah.
- Jean-Pierre, M. (2008). L'apothéose du droit à la réputation. *Revue Trimestrielle de Droit Civil (RTD Civ.)*, 2008(2), 241–258.
- Khalaf, 'A. I. (1994). *Al-Ḥimāyah al-jinā'iyyah lil-ḥaqq fi al-sharaf wa-al-i'tibār* [Criminal protection of the right to honour and esteem] [Doctoral dissertation, Cairo University].
- Kīrah, Ḥ. (1993). *Al-Madkhal ilā al-qānūn: Al-Naẓariyyah al-'āmmah lil-ḥaqq* [Introduction to law: General theory of rights (6th ed.)]. Mansha'at al-Ma'ārif.
- Lambert-Faivre, Y. (2000). *Droit du dommage corporel: Systèmes d'indemnisation* (4th ed.). Dalloz.
- Mokadem, S. (1992). *Naẓariyyat al-ta'wīd 'an al-ḍarar al-ma'nawī fi al-mas'ūliyyah al-madaniyyah* [Theory of compensation for moral damage in civil liability]. Entreprise Nationale du Livre.
- Mohammedi, F. (2002). *Al-Madkhal ilā al-'ulūm al-qānūniyyah: Naẓariyyat al-ḥaqq* [Introduction to legal sciences: Theory of rights]. Entreprise Nationale des Arts Graphiques.
- Nāṣir, 'I. M. (2006). Māhiyyat ḥuqūq al-shakhṣiyyah wa-taqṣīmātuhā [Substance and classifications of personality rights]. *Majallat al-Amn wa-al-Qānūn*, 14(2), 55–82.

- Qāsim, M. H. (2009). *Al-Madkhal li-dirāsāt al-qānūn: Naẓariyyat al-ḥaqq* [Introduction to the study of law: Theory of rights (Vol. 2)]. Halabi Human Rights Publications.
- Ramadan, M. (2002). *Al-Ḥimāyah al-jinā'iyyah li-sharaf wa-i'tibār al-shakhsīyyāt al-'ammah* [Criminal protection of the honour and esteem of public figures]. Dār al-Nahḍah al-'Arabiyyah.
- Raslan, N. I. (2007). *Al-Mas'ūliyyah fī majāl al-ma'lūmātiyyah wa-al-shabakāt* [Liability in the field of informatics and networks]. Dār al-Jāmi'ah al-Jadīdah.
- Shams, A. T. (1999, March 14–15). *Al-Ṣiḥāfah wa-al-ḥimāyah al-jinā'iyyah lil-ḥayāh al-khāṣṣah: Dirāsah muqāranaḥ* [The press and criminal protection of private life: A comparative study] [Paper presentation]. Second Scientific Conference on Media and Law, Helwan University, Cairo, Egypt.
- Sorour, A. F. (1986). *Al-Ḥaqq fī al-ḥayāh al-khāṣṣah* [The right to private life]. *Majallat al-Qānūn wa-al-Iqtisād*, 56(1), 1–48.
- Terré, F., & Fenouillet, D. (2005). *Droit civil: Les personnes, la famille, les incapacités* (7th ed.). Dalloz.
- Terré, F., Simler, P., & Lequette, Y. (2005). *Droit civil: Les obligations* (9th ed.). Dalloz.
- ‘Abd al-‘Āl, M. ‘A. (2002). *Maḥmūm al-sharaf wa-al-i'tibār fī jarā'im al-qadhḥ wa-al-sabb* [The concept of honour and esteem in defamation and insult crimes]. Dār al-Nahḍah al-'Arabiyyah.
- ‘Abd al-‘Āl, M. M. (1994). *Al-Mas'ūliyyah al-madaniyyah al-nāshi'ah ‘an mumārasat mibnat al-ṣiḥāfah* [Civil liability arising from the practice of the journalism profession] [Doctoral dissertation, Cairo University].
- Yāqūt, M. N. (1985). *Fikrat al-ḥaqq fī al-sum‘ah* [The concept of the right to reputation (1st ed.)]. Mansha'at al-Ma‘ārif.
- Yahyā, Y. M. (1991). *Al-Ḥaqq fī al-ta'wīd ‘an al-ḍarar al-adabī* [The right to compensation for moral damage]. Dār al-Nahḍah al-'Arabiyyah.