



Re-Visiting Translation of the Yemeni Constitution in the Light of House's Revised Model

Dr. Essam Hassan Naji Al-Mizgagi^{*} Esamhasan10@gmail.com

Abstract

Translator is always between the two horns of the dilemma: he needs to make balance between preserving accuracy of meaning, function and style of Source Language (SL) and maintaining acceptability of the translated text with all its potentials in the Target Language (TL) which, sometimes, makes translation so difficult, if not impossible. This study investigated the quality of the translation of the constitution of the Republic of Yemen through House's revised model (2015). This model was found within Hallidayan components of discourse and functions that received acceptability and was used as one of the most common qualitative tools of Translation Quality Assessment (TQM) (El-Farahaty, 2015; Sarcevic, 1997; Varmazyari et al., 2016). The model depends on a three-layer scheme of analysis: lexical, syntactic, and textual. Then, based on the previous analysis, the study compared these discursive components in the target text (English version) to their equivalent in the source text (Arabic version). The study concluded that the translator, partially, succeeded in transferring the potential meaning from Arabic into the English, whereas he, in some other parts of the target text, fell short to render the source text satisfactorily based on House's model (2015) which was appropriate for providing a qualitative account for the translation of the constitution of the Republic of Yemen.

Keywords: legal translation, Yemeni constitution, Translation Quality, House's Model, Translation assessment.

* Associate Professor of Translation Technology and Theory, Department of English, College of Humanities and Social Sciences, University of Science and Technology, Republic of Yemen.

Cite this article as: Al-Mizgagi, E. H. (2025). Re-Visiting Translation of the Yemeni Constitution in the Light of House's Revised Model, *Arts for Linguistic & Literary Studies*, 7(3): 594-613. <https://doi.org/10.53286/arts.v7i3.2729>

© This material is published under the license of Attribution 4.0 International (CC BY 4.0), which allows the user to copy and redistribute the material in any medium or format. It also allows adapting, transforming or adding to the material for any purpose, even commercially, as long as such modifications are highlighted and the material is credited to its author.



مراجعة لترجمة دستور الجمهورية اليمنية وفق أنموذج هاوزيه

د. عصام حسن ناجي المزجاني*

Esamhasan10@gmail.com

الملخص

استقصت هذه الدراسة جودة ترجمة دستور الجمهورية اليمنية باستخدام الأنموذج المعدل لـ"هاوزيه" (2015)، الذي هو مستنبط من مكونات الخطاب والوظائف عند "هاليداي"، وقد حظي هذا الأنموذج بالقبول، وشاع استخدامه باعتباره أحد أكثر الأدوات النوعية شيوعاً لتقييم جودة الترجمة، ومن المعروف أن المترجم يقع بين مطرقة النص الأصلي الذي يتوجب الحفاظ على دقة معانيه ووظائفه وأسلوبه في اللغة المصدر، وسندان قبوله باعتباره نصاً مترجماً بكل ما يحمل من معانٍ ومضامين في اللغة الهدف، وهذا يجعل الترجمة صعبة، وفي بعض الأحيان مستحيلة. (الفرحاتي، 2015؛ فرامزياري وآخرون، 2016؛ سارسيفيتش، 1997). يعتمد النموذج على مخطط تحليل ثلاثي الطبقات: المعجمية، التركيبية، والنصية. ثم قارنت الدراسة، بناءً على التحليل السابق، هذه المكونات الخطابية في النص الهدف (النسخة الإنجليزية)، بما يقابلها في النص المصدر (النسخة العربية). وخلصت الدراسة إلى أن المترجم نجح جزئياً في نقل المعنى المحتمل من العربية إلى الإنجليزية. بينما واجه تحديات في بعض الأجزاء الأخرى من النص الأصلي في تقديم ترجمة تعكس النص المصدر معجمياً وتركيبياً وأسلوبياً وفقاً لأنموذج "هاوزيه" (2015)، الذي نجح في تقديم تقييم جودة ترجمة دستور الجمهورية اليمنية.

الكلمات المفتاحية: الترجمة القانونية، الدستور اليمني، جودة الترجمة، أنموذج هوزيه، تقييم الترجمة.

* أستاذ تكنولوجيا ونظرية الترجمة المشارك، قسم اللغة الإنجليزية، كلية العلوم الإنسانية والاجتماعية، جامعة العلوم والتكنولوجيا، الجمهورية اليمنية.

للاقتباس: المزجاني، ع. ح. ن. (2025). مراجعة لترجمة دستور الجمهورية اليمنية وفق أنموذج هاوزيه، *الآداب للدراسات اللغوية والأدبية*، 7 (3): 594-613. <https://doi.org/10.53286/arts.v7i3.2729>

© نُشر هذا البحث وفقاً لشروط الرخصة Attribution 4.0 International (CC BY 4.0)، التي تسمح بنسخ البحث وتوزيعه ونقله بأي شكل من الأشكال، كما تسمح بتكييف البحث أو تحويله أو الإضافة إليه لأي غرض كان، بما في ذلك الأغراض التجارية، شريطة نسبة العمل إلى صاحبه مع بيان أي تعديلات أجريت عليه.

Introduction

Translation assessment of legal texts is thought to be controversial due to the subjective nature of translation performance with the objective nature of technical texts (El-Farahaty, 2015; Sarcevic, S. 1997; Varmazyari H. et al., 2016). Translation Quality Assessment (TQM), thus, has emerged to meet the need and expectations of those who try to find a feasible and sustainable mechanism to objectively assess translation. Well-known translation theorists such as Peter Newmark (1988), Augine Nida (1964), Mona Baker (2018), Vinay and Darbelnet (1995), and Juliane House (1977; 1997; 2015) tried to have their own contributions to find compromising formula between both adequacy of the source language (SL) and acceptability of target language (TL). It is believed that there are no absolute standards for translation quality but only more or less appropriate translations for the purpose for which they are intended (Williams, 1989; Sager, 1997). The ultimate yardstick of finding an appropriate TQA tool is that the less subjective the tool is, the more inter-rater reliability it gains (Doyle, 2003; Al-Mizgagi, 2020; Martínez-Mateo, 2014; Al-Mizgagi & Al-Rawhani, 2019). Sager (1997) emphasizes that there are no absolute standards for translation quality but only more or less appropriate translations for the purpose for which they are intended (Segar, 1998; 91).

House's TQA model is thought to be one of the best, if not the best available model to objectively and comprehensively assess translation (El-Farahaty, 2015; Sarcevic, S. 1997; Varmazyari H. et al., 2016). What makes House's assessment model more feasible is the technical nature of legal text that, mainly, does not include subtle expressions such as idioms and metaphors that literary text does.

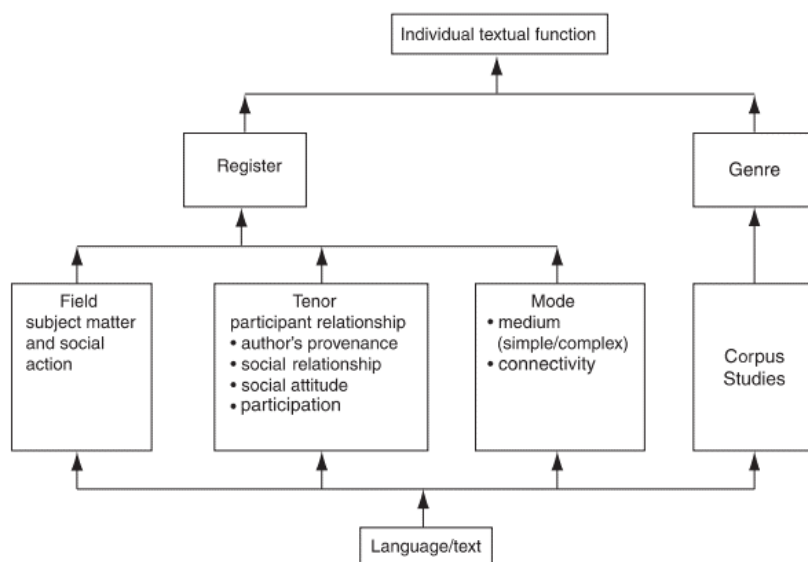


Figure 1 A revised scheme for analyzing and comparing original texts



According to House (2015), this revised model is basically based on Halliday's components of discourse (1978; 2004), and Biber's Dimensions of Register (2006) that brought about a Multi-Dimension analysis as refined register dimensions in his previous contribution in '*Variation across Speech and Writing*'. Furthermore, this assessment model (House, 1997) is based on Hallidayan Systemic-Functional Theory (SFT), but it also draws eclectically on Prague School ideas, speech act theory, pragmatics, discourse analysis and corpus-based distinctions between the spoken and written language. It provides the means for the analysis and comparison of an original text and its translation on three different levels: *Language/Text*, *Register (Field, Mode and Tenor)* and *Genre*.

An objection that has been raised against House's functional model is its dependence on the notion of equivalence that is often a vague and controversial term in translation studies (Hönig, 1997). Opponents of this term, however, do not introduce a better alternative approach.

In a revision for her (1977) model, House's (1997) model of translation quality assessment pinpoints three issues that she considers important in translation evaluation: the first one is relationship between the source and target text; the second is the relationship between texts (or features of the texts) and the persons involved in regards of how they perceive the texts; the third one is finding these relationships to determine which texts are translations and which ones are originals.

House suggests that "the source text is analyzed prior to the translation" (House, 1997, p. 37). The reason for this is that only the source text analysis can give a precise idea of the equivalence which is to be searched for in the translation. The source text analysis "results in a statement of the individual textual function of the text" (House, 1997, p. 110).

Later in her (2015) model, House declares that she decided to modify the model in the internal workings of the dimensions of Field, Tenor and Mode. These modifications are the result of extensive work with the model in the Hamburg project 'Covert Translation', which showed that often there was an unnecessary overlap in the findings along the categories of Field, Tenor and Mode (House, 2015, p. 126).

Varmazyari et al., (2016) used the model to assess the Persian translation of Noam Chomsky's (1997) *Media Control*. Varmazyari pinpoints two modifications that took place in House's new assessment model; adding the corpus as a main component of the genre of the text, and using the term *differences* instead of the term *mismatches*. Varmazyari et al., concluded that House's model is successful in assessing the political text and the TT had not fully reflected the functions intended by ST (2016).

According to Šarčević (1997), legal translation can be classified according to the functions of the legal texts in the source language into the following categories: (1) primarily prescriptive, e. g. laws, regulations, codes, contracts, treaties and conventions. These are regulatory instruments containing rules of conduct or



norms that are normative texts; (2) primarily descriptive and also prescriptive, e. g. judicial decisions and legal instruments that are used to carry on judicial and administrative proceedings such as actions, pleadings, briefs, appeals, requests, petitions etc.; and (3) purely descriptive, e. g. scholarly works written by legal scholars such as legal opinions, law textbooks, articles etc. They belong to legal scholarship, the authority of which varies in different legal systems (Sarcevic, 1997, p. 11).

Problem of the study

The translation of the Yemeni constitution went through challenges according to several studies (Abdullah, 2020). AlFattah (2024) addressed the challenges of the translation of the constitution of Yemen from a pedagogical point of view when pinpointed the challenges that faced the students when translating the constitution of Yemen. Although, these studies contribute to enriching knowledge about the challenges of the translation of the Yemeni Constitution, they did not utilize House's TQA tool that focuses on the functional and discursive elements in addition to the linguistic components. Thus a deeper study on the Translation of the linguistic and cultural elements and nuances of the most important legal document of the nation (amendment 1997) is required.

Questions of the Study

This study investigates the translation of the Yemeni Constitution (amendment 1997) with regard to both acceptability of the English translation and its accuracy to the Arabic text when applying House's (2015) model of assessment. The questions of the study, then, are:

1. Was the Translation of the Yemeni constitution into English successful to reflect the source text satisfactorily?
2. To what extent House's revised model (2015) was successful in assessing the translation of the constitution of Republic of Yemen from English into Arabic?

Significance of the Study

The study pinpoints the linguistic and cultural elements and nuances when translating the most important legal document of the nation, namely the constitution of the Republic of Yemen, amendment 1997. Amid the prevailing political crises that Yemen is witnessing, the country sometimes goes through peace consultations, hopefully, get out from the dark tunnel of this political turmoil. These peace talks will, definitely, include finalizing the constitution amendment draft proposed by Yemeni National Dialogue Conference in 2015. Along with the previous studies, this study will contribute to translating the nation's foundational legal document more efficiently since accurate and nuanced translation is crucial to ensure a comprehensive understanding of the constitutional amendments among stakeholders. This study serves as a linchpin for the academia of legal translation, providing valuable insights into the intricacies of legal language

translation, and contributing to the advancement of scholarship and the development of a robust legal translation framework in Yemen.

The study method

The instrument of the study

The study is qualitative that is based on House's revised assessment model (2015).

The Procedures of the Study

The procedures of the study will be according to Munday's list (2016) of seven steps to apply the model. It's worth noting that House, in her newly revised model (2015), merged step (4) in step (5). Likewise, the procedures in this study takes the following six steps:

1. A profile is produced of the ST register.
2. To this is added a description of the ST genre realized by the Register.
3. Together, this allows a 'statement of function' to be made for the ST, including the ideational and interpersonal component of that function (in other words, what information is being conveyed and what the relationship is between sender and receiver).
4. When repeating steps (2) and (3) for TT, a comparison with ST The TT profile and a statement of 'mismatches' or errors is produced. These are categorized according to the situational dimensions of Register and genre. Such dimensional errors are referred to as 'covertly erroneous errors' (House 1997: 45) to distinguish them from 'overtly erroneous errors', which are denotative mismatches (which give an incorrect meaning compared to the ST) and target system errors (which do not conform to the formal grammatical or lexical requirements of the TL).
5. A 'statement of quality' is then made of the translation.
6. Finally, the translation can be categorized into one of two types: 'overt translation' or 'covert translation' (Munday, 2016).

Data Analysis and Discussion

Analysis of the original text along the lines of the revised model

[]: exists in Arabic but not in English

{ }: part of speech inside the sentence

Remark: The expressions Arabic text, the original text refers to Source Text (ST), and the expressions The English text/translation refers to the Target Text (TT).



Reliability of the analysis

To ensure the analytical rigor of this qualitative study which was conducted by a single rater, the qualitative data were independently coded by two trained raters using a meticulously developed codebook. intra-rater reliability was calculated using Krippendorff's alpha, which is robust against chance agreement. This intra-rater reliability was bolstered through a two-stage coding process: an initial coding round was followed by a recalibration period and a subsequent re-coding of a 30% sample to ensure consistency over time. The analysis yielded a coefficient of $\alpha = .89$ across all major categories, significantly exceeding the accepted threshold of .80 for reliable consensus. Following the initial independent coding, all coding discrepancies were discussed until full consensus was achieved, ensuring a consistent and trustworthy analytical framework for all subsequent findings.

Assessment of the Arabic text of the constitution

The source text presents a legal text, the constitution of the Republic of Yemen including the amendments of 1997, which composes five parts; State Foundations, Basic Rights and Duties of Citizens, Organization of the State Authorities, Emblem, Flag and national anthem of the Republic, and Basics for Amending Constitution and General Provisions. The constitution went through several amendments from 1991 up to 2015.

Since then, this constitution is still in force despite the political crisis that Yemen is through. Since the text of the constitution is homogeneous in its discourse and genre, the study focuses on the first two parts of the constitution from which the excerpts of the study are taken. The constitution is basically prescriptive and a little exhortatory document in that individuals and society are given normative information about the content mentioned earlier (Hu & Cheng, 2016; Sarcevic, 1997).

Register

Field

Subject Matter and Social Action

The Arabic text, which is the source text, is legal. Society/individual is alerted to guiding principles and to established values like law, order, equality, duties and liberties. Being put for a conservative society, remarkable Islamic presence of Islamic law (shari'ah) is found to prove a religion influence on the legal text. Being written for the public, explicitness, directness and simplification are used to avoid misunderstanding and manipulation of rules of the constitution. The rules of the constitutions are normally general i.e., it puts guidelines for law makers to put details in derived documents such as laws, bylaws and regulations.

Lexical means

ST Uses simple, comprehensible words and cliché collocations pinpoint the field (legal) and sub-ideas in the articles. These lexical items address the public and unlikely to be jargon. Tokens of concession granting



are mentioned (e.g. Art. 18: 'contracting', 'concessions', 'exploiting', 'resources', 'wealth', 'natural resources'; Art. 36: Other expressions of *forming security and armed forces*: 'establish', 'armed forces', 'police', 'people', 'mission', 'protect', 'safety of its lands', 'its security', 'founding forces', 'military or paramilitary'. Religious terms (e.g., art. 3: 'shari'ah'). The lexical items show strictness and absoluteness even if it gives limited exceptions. ST uses authority mandating expressions (e.g., Art. 18: 'does not complete unless with law', 'clarifies the law', 'according to...', 'regulates the law...'; article 36: 'the state it who establishes', 'its mission is...', 'not it allows...'). Moreover, a high frequency of common and legal words and collocations (e.g., art.18: 'resources [the] wealth [the] natural', 'according to rules and procedures', 'organization political', 'forces armed', 'safety and security'). Article (18) presents general rules of the granting concessions to exploit natural resource of the state. Article (36) pinpoints general limits of ownership, formation and missions of military and police forces.

Lexical fields

State system, constitution, authorities, duties and rights, shari'ah (Islamic legislation).

Processes

Among Halliday's processes (2004), although, relational process has taken the lion's share (e.g., 'Shari'ah Islamic is...', 'the state is...', 'it's mission is...', 'granting...', 'ceding...', 'dealing with...'), the material process can be found as well (e.g., 'does not complete unless', 'establishes the law', 'allows the law'). Besides, the verbal process is signaled, especially when mandating the law to (e.g., 'regulates', 'clarifies', and 'according to...'). Remarkably, the other processes such as mental, existential, behavioral are rarely found in ST.

Tenor

Author's Provenance and Stance

The constitution of the Republic of Yemen (ST) was written by a group of legal experts and academicians who were mandated by the Unity Government after the unification of Yemen in 1990.

Author's temporal, social and geographical provenance.

The ST writers used unmarked contemporary standard legal Arabic. This is due to the nature of mission the writers had received (writing a constitution).

Author's personal (emotional and intellectual) stance

The ST is not meant to convince the addressees. The role relationship is asymmetrical, i.e., when addressing the addressee, there are no connotations to feelings and intimacy to the reader. Strictness and formality explain absence of emotive parts of speech such as: nouns, adjectives and adverbs. Pronouns of addressors and addressees are not found to show intimacy. Although the text may look descriptive and declarative that is present-simple-structured, it is purely performative. Due to the absence of their pronouns,



addressees are, indirectly, addressed with description of their limits of allowed-and-not-allowed clauses so that addressees are held responsible for what they are/have/do accordingly.

As it is clear in the text, the committee of the constitution writers present a final draft as a formal assignment from the state authority after all the agreed series of meetings, seminars, conferences and conventions. The text is impersonal, generic, authoritative and formal. The writers, then, do not address the addressees directly, nor, do they project emotions or evocative connotations to the addressees.

Social Role Relationship

The remarkable distribution of impersonal, imperative and authoritative lexical items along with pervasive nature and nominalization and absence of pronouns in ST, significantly, manifests the abstract relations between the state and the people. It is a text that is less focused on concrete acts of doing by human beings. This relationship between the writer and the reader in this text is referred to as 'asymmetrical' that proves consistently negative authorial stance.

Lexical means

The frequency of impersonal words in ST is high through the overwhelming use of nominalization (e.g., art. 18: 'contracting', 'exploiting', 'granting', 'dealing', 'ceding'; art. 36: 'protecting', 'founding'.) to the extent that action verbs in the text are remarkably limited. It is important to give a remark that impersonal use of passive voice is significantly less frequent in Arabic text. The use of nominalization, thus, gives words generality and passivity to action doers without using the passive form. Besides, as a convention in legal texts, the text rarely includes personal pronouns that refer to both addressers and/or addressees.

Syntactic means

Moreover, the prevalent use of present-tense with indicative mood clauses that suggest authoritativeness and imperativeness in the positive form. Thematisation in Arabic is unmarked. That is, the Arabic statement typically starts with the theme that is usually represented by the verb. Then the rheme, usually the subject, comes later. This rheme-theme order is clear in this legal discourse (e.g., art. 18: 'clarifies the law{subj.}', 'regulates the law {subj.}'; art. 36: 'founds', 'clarifies the law {subj.}'). It is remarkable the use of the phrase '*not allowed*' to prevent doing something.

Social attitude

The style of the text is ordinary formal English which is appropriate for a text that is meant to be written to the people of Republic of Yemen and comprehended by the its average citizens.

Lexical means

Choice of formal words and collocations that belong to formal (but not jargon) English which can be understood by non-specialists.



Syntactic means

Complex, but paratactic structures throughout, which are expanded by simple additive conjunctions like 'and' are therefore easily tackled.

Participation

The text is simple. It is a monologue since it does not get addressees involved directly. The text is overwhelmingly informative and declarative in structure, and imperative in function. There are no switches to other functions such as appellative, formative and interrogative patterns. The addressees are addressed in either the nominalized or the absent generic form. They are the people of the Republic of Yemen (individuals and groups) who are addressed and meant because it draws the boundaries of their duties and rights (e.g., art 18: nominalized words are mentioned earlier; art 36: 'the people', 'the state', 'the forces the armed and the police', 'any individual or group or organization or party political')

Mode

Mode varies according to the type of text and the medium used for the message between the sender and the receiver. The mode of subtitling, for instance, is different to the normal written mode (Al-Mizgagi, Constraints Yemeni Undergraduates Face in Subtitling Audiovisual Materials, 2020).

Medium and Connectivity

The medium is simple. The text is written appropriately to be read either privately or to the public through the media. Being an official document, the ST is featured as more informational than involved, more explicit and elaborated than situation-dependent, more abstract than non-abstract (Biber, DIMENSIONS OF REGISTER VARIATION: A Cross-linguistic Comparison, 2006).

Connectivity is remarkable despite the absence of pronouns and conjuncts that make the text more cohesive. Coherence is noticeably available since every article exclusively tackles one (sub)idea.

Textual means

There is a remarkable frequent use of lexical repetition and grammatical parallelism of typical structures in ST. Strong formality of the text causes de-automatization and foregrounding to rare. This helps of the text rhetorically more effective and emotionally objective, as well as strongly cohesive:

-The absence of interjections and subjectivity markers is concrete evidence that the text was written to read, not to be heard.

- Conjuncts (e.g., moreover..., consequently...), down-toners (e.g., barely, nearly, slightly), hedges (e.g., about, something like, almost) amplifiers (e.g., absolutely, extremely, perfectly) and emphatics (e.g., a lot, for sure, really) are remarkably not found in ST.

- repetition of lexical items (e.g., art.18: 'law', 'concessions', 'resources'; art. 63: 'people', 'state', 'armed forces', 'security')

Syntactic evidence that the ST is written to be read, not heard, is the absence of the spoken language troops and mechanisms such as ellipsis, contractions, contact and comment parenthesis, gambits and modal articles.

- A remarkable presence of syntactic parallelism of nominal clauses. (mentioned earlier).

-As an Arabic text, ST has very long complex sentences that often make up one whole article, due to use of the punctuation mark '*fasilah*' followed with a remarkably-used transition signal '*and*' to continue with the next clause that makes the whole article so elaborative and additive paratactic constructions that can be divided into short simple sentences. Besides, despite the use of general statements that deal with generic issues and cases, the text commonly refers the reader to the respective law(s) for the specifics, exceptions and explanations.

- absence of passivized statements in ST that was clearly substituted by nominalized statements.

Genre

The source text is the most important official document in the Republic of Yemen, namely the constitution of the country that puts general rules that organize the relationship between the ruler and the ruled in terms of duties and rights.

Statement of Function

Being a constitution, the function of this text is, overwhelmingly, ideational. The impersonal, imperative and directive element is strongly marked in the text within declarative statements throughout all the three register dimensions: field, tenor and mode.

Along the dimension of field, the ideational functional component is strongly reinforced by the many words and phrases

The tenor checks out the interpersonal functional component that is markedly weak in the text due to the technical nature of the text that is a monologue and does not use emotional expressions. The pronouns, especially first '*I*' and '*we*', and second '*you*', to prove reciprocity are seemingly absent. The weak interpersonal element exists when the writer of the text indirectly addresses the concerned parties, *individual, groups and organizations*, in a third absent context.

The mode reinforces the ideational element, the medium is characterized as simple, i.e. the information is written to be read and as abstract rather than involved or situation-dependent that reinforces the interpersonal functional component.

Comparison of original and translation

The following is content analysis of the Target Text (TT) which is the English translation of the Constitution of Republic of Yemen (constituteproject, 2021) with reference to the previous analysis section of the source text (ST) which is the original official text. It is worth reminding the reader of this study that ST is in Arabic language which is the native and official language of Republic of Yemen. The analysis is based on House's revised assessment model.

The following table displays a lot of similarities between ST and TT in terms of discursive and functional features. The earlier discussion of these elements in ST is enough for the similar features. The table is followed by a discussion that gives a clearer account to these differences.

Table1

General Layout of the Main Areas of House's Model for ST and TT

Main	Sub		ST (Arabic)	TT (English)
Register	Field	Subject Matter	Legal	Legal
		Social Action	General and Popular	General and Popular
	Tenor	Author's Provenance and Stance	Legal experts	Legal & Translation expert
		Social Role Relationship	Asymmetrical	Asymmetrical
		Social Attitude	Formal	formal
		Participation	Simple: Monologue	Simple: Monologue
	Mode	Medium & Connectivity	Simple	Simple
Genre			Constitution	A Translation of Constitution
Function			Ideational	Ideational

Register

Field

Subject Matter and Social Action

The target text is an English translation of a legal text, the constitution of the Republic of Yemen. The translation is a legal text. Like ST, the translation is prescriptive that is meant to give general legislations to the ruler and the ruled.

Lexical differences

-Islamic connotations in the English text is seemingly less allusive than the ones in ST since Islam was primarily revealed in Arabic language that most of Islamic terminology is Arabic which does not have English equivalent that might cause misunderstanding to non-Arabs or non-Muslim readership (e.g., art. 1: 'Islamic' vs. 'إسلامية' [Islami], art. 1 and 3: 'shari'ah' vs. [شريعة]), The English text in other articles tried to avoid

misunderstanding through the use of the word with explanation between brackets. (e.g., art. 21. 'Zakat (shari'ah tax)' vs. 'زكاة'). The translators in some other cases tried to define words without mentioning the equivalent (e.g., art. 56: 'killed in war' vs. 'الشهداء' [martyrs])

- The English text seems to be less emphatic in some contexts (e.g., art 18: 'according to the law') than the Arabic text that uses excessive exclusive exception (e.g., art 18: 'does not complete unless with law'), and more affirmative that recalls the implicit to become explicit in some other contexts (e.g., 'collective responsibility of the state and the community' vs. 'مسؤولية الدولة والمجتمع' [responsibility of the state and the community])

- Obligation in English is, sometimes, mentioned more explicitly through the use of obligatory modal *shall*, whereas the function of obligation in Arabic is not stated directly. It is rather mentioned indirectly through the use of *imperative* present simple verb preceded with conditional exception modality to denote exclusiveness and strictness (e.g., art. 18: 'should be' vs. 'لا يتم إلا' [does not complete unless], 'shall define' vs. 'يُبين' [defines], and 'shall regulate' vs. 'ينظم' [regulates]).

- The English text seems to be less generic and more elaborative in some phrases, compromising (e.g., art. 18: 'resources the wealth the natural' vs. 'الثروة الطبيعية' [the natural resources, art. 54: 'do its best to' vs. 'تعمل' [work on]) whereas in some other phrases, it is more economic and generic (e.g., art 18: 'granting certain immobile and mobile property' vs. 'التصرف مجاناً في العقارات المملوكة للدولة والتنازل عن أموالها المنقولة' [freely dealing with estates owned by the state and ceding its mobile funds], art. 60 'national service' vs. 'خدمة' [service of national defense])

- The English text, unexpectedly, does not exclude Latinate expressions since English celebrates such expressions in its legalese. The only expression that was noticed was '*in lieu*'.

Processes

Like ST, the English translation features more relational processes. The equivalents of ST are clearly found in TT. The material process is present as well. It is worth noting to the transfer of the material process in ST '*does not complete unless with law*' to relational in TT '*according to the law*'.

Tenor

Author's personal stance

Unlike the Arabic text that was written by official committees of legislators and technocrats, the English translation is written and revised by a number of legislation officials, academicians and a high-profile translator. The language of both texts is not sentimental or emotional.

Lexical differences

- Unlike Arabic text which, basically, addresses the people of Yemen, the English translation is globally oriented (e.g., art. 4: 'people of Yemen' in TT vs. الشعب [the people] in ST, art. 5 and 6: 'the Republic of Yemen' in ST vs. الدولة/الجمهورية [the republic/ the state] TT).

- The English text includes slight changes that occurred during the translation in some lexical items (e.g., art 6: the verb 'confirms' instead of 'affirms or reaffirms' in ST vs. يؤكد [affirms] in TT, art 7 (B): 'just treatment' in TT which is less collocational vs. عادلة [fair treatment]; art. 8: 'assure' vs. تكفل [guarantees, sponsors]; art. 60: 'national service' vs. خدمة الدفاع الوطني [national defense service]).

- the English text includes some less conventional lexical items (art. 6. 'International' vs. العالمي [Universal]).

- Some lexical items are rendered semantically different in some contexts that may cause lexical ambiguity. It is remarkable that most of these inconsistencies are in beginning the first part of the constitution (e.g., مواطن [citizen] is rendered to 'consumer' (art. 10), 'citizen' (arts. 12, 24, 29), 'individual' (art. 35), 'people' (art. 39))

- Lexical consistency are not achieved successfully in some contexts in TT the word يُحظر [is prohibited] has several lexical equivalents (e.g., art. 48 (b): three equivalents are used for this word; 'is prohibited', 'is forbidden', and 'no one may' vs. يُحظر [is prohibited]).

Syntactic differences

- The English text is less emphatic and that the Arabic that is strictly imperative. Rhetorical clichés are less to those in Arabic as well. (e.g., art.1: 'whose integrity is inviolable' vs. وهي وحدة لا تتجزأ [and it is a unit than cannot be divided]; art. 13: 'The imposition, adjustment and Revocation of taxes shall only be authorized by Law' vs. انشاء الضرائب العامة وتعديلها والغاؤها لا يكون الا بقانون [imposition, adjustment and revocation of public tax cannot happen unless with law]). It's worth noting that Arabic used in this example the absolute negation followed with the exception particle 'unless' that demonstrate exacting exclusiveness. It is worth noting to the use of the verb (to be) as imperative in rare contexts in TT (e.g., 'shall have a religious and national duty' vs. وهي واجب ديني ووطني [it is a religious and national duty])

- Despite being one of the prominent features in the English legal text, doublets and triplets are less common the English translation (e.g., art. 9: 'promotion' vs. تنمية وتطوير [development and promotion]; art. 14: 'sponsor' vs. تكفل وترعى وتشجع [ensure, sponsor and encourage])

- The English text includes some poorly formed syntactic structures (e.g., 'in lieu of fair consideration' vs. بتعويض عادل [fair compensation in lieu of thereof]). This phenomenon, however, is rare in the TT.



- Syntactic parallelism of the initial position of the English sentence is more consistent than that in Arabic since the verbalized Arabic sentence sometimes starts with the verb '*jumlah fe'liyyah*' [verbalized sentence], and sometimes it starts with the noun '*jumlah ismeyyah*' [nominalized sentence].

- The modality of obligation was not used consistently in the English text. Despite the use '*shall*' in the text, the translator(s) uses a less legally conventional modal 'should' in some articles (7, 12, and 18).

- The English text usually takes the plural form to address the community and the people collectively even if the Arabic text uses the singular in some contexts, especially when it comes with the collective determiner 'كل' [every] that may precede singular. (e.g., art. 19: 'those who violate' vs. 'كل من ينتهك' [everyone violates], art. 34: 'those who abuse' vs. 'كل من ينتهكها' [everyone who abuse them]; art. 47e: 'All those who practice' vs. 'كل من يمارسها' [everyone who practices it]), or collective nouns such as 'people' that is morpho-syntactically in Arabic language in Article (4).

- The English text tends to shift to passivation from nominalization or active verbalization. The use of either agentless or by-passive is widely conventional in legal English (e.g., art. 8: 'owned by the state' vs. ملك الدولة [own of the state]; art 9: 'The state's economic policy shall be based on scientific planning' vs. تقوم السياسة الاقتصادية للدولة على اساس التخطيط الاقتصادي العلمي [the economic policy of the state stand on the basis of scientific economic planning]; art 13 a and b: 'dictated by law' إلا بقانون [except with a law]; art. 31: 'guaranteed and assigned by Shari'ah and stipulated by law' vs. ما تكفله وتوجيه الشريعة وينص عليه القانون [what Shari'ah guarantees and law stipulates]).

Social role relationship

Due to the nature of the English Translation is more asymmetrical, imperative, and authoritative since the target readership of TT is not that of ST.

Lexical differences

- The English translation uses less coordinators and subordinators and transitional signals as they are in the Arabic text which overwhelmingly uses the coordinator 'و' [and] between sentences (e.g., art 1: 'the people of Yemen' vs. 'والشعب اليمني' [and the Yemeni people']

Syntactic differences

- The English text tends to have global structures and well known clichés of legal texts in general and more specifically of constitutions. Nominalization, in the one hand, is used in the Arabic Text (ST) more pervasively than in the English Text (TT). Passivization, on the other hand, is rarely used in the Arabic legal (ST) texts whereas it widely used in the English legal texts (TT).

- The English translation uses the genitives with 'if', not the possessive 's'. (art. 1: 'The people of Yemen' vs. 'the Yemeni people'; art. 2: 'the religion of the state' vs. 'دين الدولة' [state's religion])



- passivization, especially the agentless passives, is remarkably present in the English translation in comparison to seldom use of passive in the Arabic text. (e.g., art. 5, 7, etc.: 'is based on' vs. 'يقوم' {active}; art. 5, 16, 20, and 48: 'prohibited' / 'not authorized' / 'is restricted' / 'is not entitled' vs. 'لا يجوز'; arts 23, 31, and 49: 'is guaranteed' vs. 'مكفول' *Social attitude*

There is a stronger directness, formality and explicitness in the global discursive elements used in TT since it addresses the international community, whereas ST addresses the average Yemeni citizen with less global discourse i.e. the English Translation is more formal, globally-addressed and thus less cultural and religious-oriented. Moreover, unlike ST which addresses both the elite and the public, the English translation does not address the English-speaking public. It does address special individuals and groups such as politicians, economists, legislators, human rights advocates, NGO(s), etc... This makes the international component in the text strongly marked.

Lexical differences

- Globally oriented expressions (e.g., art. 1: 'whose integrity is inviolable' vs. 'وهي وحدة لا تتجزأ').
- The global discourse of the English translation tried to explain to its global readership words that are not globally conventional (e.g., art. 21. 'Zakat (shari'ah tax)' vs. 'زكاة'). This technique, however, was violated with some other terms such as 'shariah'.

Syntactic differences

- Nominalized global structure of the English clause in TT that is followed with the static *verb to be* followed with past participle to give a quasi-description statement is remarkably marked in comparison to the Arabic text which typically uses the action verb (e.g., arts. 5, 7, 9, : 'is based on' vs. 'يقوم... على' [sets up... on])

Participation

Simple: monologue with only indirect addressee participation

Mode

Medium and Connectivity

The medium of TT I simple, i.e., it is written to be read privately but less in in public because the readership of TT is not the English public like ST. Along Biber's dimensions (2006), being an official document that is neutral and objective, TT is featured much more informative than involved, more explicit and elaborated than situation-dependent, more abstract than non-abstract.

Like ST, the connectivity of TT is high as technically legal text. Due to the nature of the text, the absence of the previously mentioned parts of speech (pronouns, coordinators and subordinators) makes the text apparently less cohesive. The translation is less anaphoric that the original which makes the connectivity

of ST stronger. However, hidden meaning tropes and techniques such as metaphors, presuppositions and implicature that may hinder cohesion are unlikely to be salient in ST and, then, TT.

Lexical differences

- The is a greater frequency of global business terminology in the English translation, since English the official language of a wider number of legal documents whereas the Arabic text sometimes uses culture-oriented terms. (e.g., art. 3: 'Islamic Shari'ah' vs. 'الشريعة الإسلامية' [Islamic law]; art. 22. 'Endowment' vs. 'الأوقاف' [endowment]; art. 31: 'sisters' vs. 'شقائق' [paternal and maternal sister])

- TT, on the other hand, used unconventional legal (art. 6; 'International Declaration of Human Rights') term for a conventional term ('Universal Declaration of Human Rights') of an international document.

- The term (religion) in the English text with its secular teste is not perfectly equivalent to the term ([*deen*][religion]) in Arabic which means a comprehensive strict ideology of the state.

- The term (Islamic tax) in the English text which has an economic sense is not as the same as the original word ([*zakat*]) that means an obligatory charity to be given to perform one of the fundamental foundations of Islam.

Syntactic differences

- Syntactic parallelism of the use of the definite article ('the') in the English translation is not consistent as definitiveness is in Arabic text especially in the beginning of the articles of the document.

- unlike the Arabic text that uses the imperative present simple to show obligation, the English translation is not consistent with one style; it uses *imperative* present simple (arts. 2, 3, 4, 5, 6, 7), the modal '*shall*' (arts. 9, 10, 11, 13, 14, 17) which is more pervasive, and the modal '*should*' (arts. 7, 12, 18).

Textual differences

- Lexical consistency ensures coherence of the text that makes it an essential mechanism in the legal text to avoid ambiguity. Some inconsistencies were found in the English text though (e.g., art. 19: 'inviolable / sacrosanctity' vs. محرمه / حرمتها [sacrosanct / its sacrosanctity; art. 36: 'forces or paramilitary' vs. تشكيلات عسكرية أو شبه عسكرية [military or paramilitary groups])

Genre

Unlike ST, the English text is a *TRANSLATION* of the constitution of The Republic of Yemen. Accordingly, the *illocutionary* and *perlocutionary* effect of the text is not as marked as those in ST. Sarcevic (1997) and Berteloot (1999) subscribe to this idea that, authenticated translation that is vested with the force of law enables the mechanism of the law to function in more than one language. They emphasize that Translations of treaties and legislation conventions, and judicial decisions and contracts are authoritative only if they have been approved and/or adopted in the manner prescribed by law. According to with the theory of the original



texts, all authenticated translations are just as inviolate as the original texts. Hence, they are not regarded as "mere translation" but as originals and are not referred to as translations (Sarcevic, 2000). It rather enjoys the status of the original as 'a *second original*' (House, Translation Quality Assessment; Past and Present, 2015). Accordingly, unlike ST, TT which is written in English is considered as "translation" since it is *not* authenticated by the concerned legislative bodies (House of Representatives and presidency in our case). Therefore, the translation does not enjoy the same authoritativeness of the source text.

Statement of Quality

The translation of the constitution of the Republic of Yemen is ideational. However, the ideational functional components of ST to *impose and dictate* authoritative and *prescriptive* statements to the readership is *not*, generally, the same case with the English translation that is both *descriptive* (Sarcevic, 1997, p. 11) that is, rather, aimed at *informing* its readership, who are not the ruled, about the constitutional duties and rights that ST readership has. This explains elaborating some terms to be explicitly explained and clear out the cultural-component that may cause ambiguity to TT. The Due to the nature of the text that is legal in nature, the translation, however, is overt since it is not a *second original*/In *overt* translation the original is tied in a specific manner to the source language community and its culture, and is often specifically directed at source culture addressees but at the same time points beyond the source language community because it is, independent of its source language origin (House, 2015, p. 54).

Findings of the study

With respect to the translation of Yemeni constitution from Arabic into English in the light of House's (2015) model of TQA, this study concluded the followings:

- Although the translators managed to translate this document, they faced challenges. These subtleties are lexical, syntactic and textual which might refer to source language nuances and resulted from linguistic and cultural intricacies. This comes in conformity with Al-fattah (2024) and Cao (2007).
- House's revised model of assessment has, successfully, managed to give a clear account to the challenges that were faced by the translators. This TQA tools can be deemed an acid test tool to legal texts. Besides, due to the nature of the study and the model which is qualitative, the model could fail to draw a clear-cut line of distinction between equivalents. Varmazyari (2016) subscribed to this finding as well.
- The second question of the research was more feasible and was already answered in the quality section that mainly referred to the translation as overt due to the nature of the legal text that is



source-centered translation and culturally-bounded despite the universality of the legal discourse to which Šarčević (2000) and Munday (2016) contribute.

Conclusion

Generally speaking, in the light of House's revised model of translation quality assessment, the English translation of the constitution of the republic of Yemen (amendments, 1997) has gone through ups and downs. That is, the translators have, successfully, managed to transfer the text into the target language in several problematic areas. They, on the other hand, have, likely, faced several subtleties to reflect the potential linguistic and cultural tropes and tokens in the source Arabic text. Further studies are recommended to criticize translation that uses critical discourse analysis and cogno-physiological dimensions with a functional taste to legal texts and other genres to yield deep understanding to the process of translation of legal texts. House's model, therefore, has proved to be successful in investigating the mismatches between the Arabic original Text (ST) of the constitution of the Republic of Yemen and its English translation (TT). The study recommends trying this tool to assess other text types due to its flexibility and comprehensiveness.

References

- Abdullah, F. (2020). The politics of translation: Analyzing power dynamics in the English translation of the Yemeni constitution. *Critical Middle Eastern Studies*, 34(4), 523-540.
- AlFattah, M. H. (2024). Translating Yemeni constitution: Insights into Difficulties of Translating Legal Terminology from Arabic to English. *Al-Andalus journal for Humanities & Social Sciences*, 240-279.
- Al-Mizgagi, E. H. (2020, March). Constraints Yemeni Undergraduates Face in Subtitling Audiovisual Materials. *Journal of Social Studies*, 26(1), 109 - 128.
- Al-Mizgagi, E. H., & Al-Rawhani, N. (2019). The Acceptability of Euphemisms Translation Done by Yemeni Undergraduates (IJCLTS). *International Journal of Comparative Literature & Translation Studies*, 8(1), 29-37.
- Baker, M. (2018). *In Other Words: A Coursebook on Translation* (3rd ed.). Oxon: Routledge.
- Biber, D. (1995). *Variation across speech and writing*. New York: Cambridge University Press.
- Biber, D. (2006). *DIMENSIONS OF REGISTER VARIATION: A Cross-linguistic Comparison*. Cambridge: Cambridge University Press.
- Cao, D. (2007). *Translating Law* (Vol. 33). Multilingual Matters.
- constituteproject. (2021, April 28). https://www.constituteproject.org/constitution/Yemen_2015.pdf?lang=ar. Retrieved from constituteproject: https://www.constituteproject.org/constitution/Yemen_2015.pdf?lang=ar
- Constitutionnet. (2020, July 13). Retrieved from National Dialogue Conference Document NDC: <http://constitutionnet.org/vl/item/alymn-wthyqt-alhwar-alwtnty-alshaml>
- Doyle, M. S. (2003, November/December 2003). Translation Pedagogy and Assessment: Adopting ATA's Framework for Standard Error Marking. *The ATA Chronicle*, 32(11), pp. 21-28.
- El-Farahaty, H. (2015). *Arabic-English-Arabic Legal Translation*. Routledge.



- Halliday, M. (1978). *Language as Social Semiotic: The Social Interpretation of Language and Meaning*. London: Edward Arnold.
- Halliday, M., & Matthiessen, C. (2004). *An introduction to functional grammar* (2nd ed.). London: Arnold.
- Hönig, H. (1997). Positions, Power and Practice: Functionalist Approaches and Translation Quality Assessment. *Current Issues in Language and Society*, 1, pp. 6-34.
- House, J. (1977). *A Model for Translation Quality Assessment*. Narr: Tübingen.
- House, J. (1997). *Translation Quality Assessment: A Model Revisited*. Narr: Tübingen.
- House, J. (2015). *Translation Quality Assessment: Past and Present*. New York: Routledge.
- Hu, P.-C., & Cheng, L. (2016). A study of legal translation from the perspective of error analysis. *International Journal of Legal Discourse*, 1(1), pp. 235-252.
- Martínez-Mateo, R. (2014). A deeper look into metrics for Translation Quality Assessment (Tqa).... *miscelánea: a journal of english and american studies*, 49, pp. 73-94.
- Munday, J. (2016). *Introducing Translation Studies: Theories and applications*. New York: Routledge.
- Newmark, P. (1988). *A Textbook of Translation* (Vol. 1). York: Prentice Hall New.
- Nida, E. (1964). *Toward a Science of Translating*. Leiden: E. J. Brill.
- Sager, J. C. (1997). *Text types and translation*. Benjamins Translation Library.
- Sarcevic, S. (1997). *New Approach to Legal Translation*. The Hague/ London/ Boston: Kluwer Law International.
- Sarcevic, S. (2000, February). Legal Translation and Translation Theory : A Receiver-oriented Approach. *International Colloquium*, 17(19), 1-7.
- Varmazyari, H., & Anari, S. (2016). House's Newly Revised Translation Quality Assessment Model in Practice: A Case Study. *JOUR*, 13, pp. 27-46.
- Vinay, J.-P., & Darbelnet, J. (1995). Comparative Stylistics of French and English. *A Methodology for Translation*.
- Williams, M. (1989). *The assessment of professional translation quality: Creating credibility out of chaos*. Department of the Secretary of State of Canada.

