

Metaphors Lawyers Live by

Abstract The usage of metaphor in languages for specific purposes has been in the focus of interest of cognitive linguistics for years, especially after Lakoff and Johnson published their famous book “Metaphors We Live by” in 1980. Inspired by that book, the author strives to prove that metaphor was not only intensely present in the history of law but also that it pervades the language of contemporary legal theory and practice. Terms like *injury of law*, *the burden of evidence*, *soft laws*, *hard laws*, etc. are so often used by lawyers in their professional communication that they are hardly recognizable as metaphors. In the theoretical part, the terms *conceptual metaphor* and *lexical metaphor*, as well as *the source domain* and *the target domain of the metaphor* are defined. Accordingly, conceptual metaphor and lexical metaphor are interpreted from the perspective of the language of law. As an introduction to the discussion on metaphoric terms in the field of law, a number of metaphors is presented and discussed from the point of view of legal history, as the metaphoric and other poetic expressions were recognized as the features of legalese back in the early 17th century. In the main part, the author presents and discusses the most common conceptual metaphors in connection with the terms *law*, *justice*, *court*, and the types of metaphors typically used in specific branches of law as criminal law, company law, and contract law. The empirical part of the paper is focused on two research tasks. Firstly, metaphors occurring in selected Legal English textbooks are explored and discussed by using a qualitative and a quantitative approach, and secondly, metaphoric terms and phrases of the EU Law are excerpted from the Treaty Establishing the European Community (Consolidated version 2002), the main task being to establish the frequency of metaphors in this relatively young branch of law and the types of conceptual metaphors they belong to. In the closing part, conclusions on the use of metaphor in the field of law are drawn with specific reference to the typology of metaphors present in the EU Law.

Keywords metaphor, the language of law, cognitive linguistics, conceptual metaphors

1 Introduction¹

Metaphor became an object of intensive research in the last decade of the 20th century. It was launched by Lakoff and Johnson in 1980 in their widely known book “Metaphors We Live by”, in which metaphor is seen as a basic process pervading all our speaking, thinking, and acting as well as “a basic means to understand the world around us” [6, p. 7]. As laws regulate every aspect of human reality, metaphor is also observable as an essential part of the language of the law. Linguists had recognized the presence of this phenomenon in the language of law back in 1816, when one of the brothers Grimm, Jacob, probably the first lawyer-linguists in Europe, published the paper “On the Poetry of the Language of Law” [Von der Poesie im Recht] in the Journal *Zeitschrift für geschichtliche Rechtswissenschaft* dedicated to the history of law [2].

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The aim of this paper is to prove that the language of the law is inclined to the usage of metaphor from its early beginnings and that metaphors pervade communication in the field of law. Linguistic analysis of legal texts that is focused on metaphors in legal communication sheds quite a different light on the language of law than that usually attached to the legalese, which is generally perceived as a special technical sociolect characterized by a neutral, exact, and precise style. The foundation of this approach is a revolutionary idea by Lakoff and Johnson that not only human language, but also our conceptual systems are metaphorical in nature. They introduced a dichotomy between a conceptual and a linguistic metaphor and constructed their original approach within cognitive linguistics known as a Conceptual Metaphor Theory or a Cognitive Metaphor Theory [6]. Conceptual metaphor is understood as “a neural mechanism that enables networks used in sensorimotor activity to be also used for abstract reasons” [6, p. 7]. The term *conceptual metaphor* is widened by Kövecses who defined it as “understanding one conceptual domain in terms of another conceptual domain” [7, p. 4]. These two domains are determined as the source domain and the target domain. The source domain represents the domain from which we draw metaphorical expressions to be able to understand a target domain. According to Li and MacGregor, target domains express relationships between entities, attributes, and processes that mirror those relationships stemming from the source domain [8]. Lakoff and Johnson divided conceptual metaphors into three basic types: structural metaphors (based on structural systematic mapping, e.g. *justice is blind*), orientational metaphors (related to spatial concepts, e.g. *the wind of freedom*), and ontological metaphors (related to objects, substances, and containers as basic conceptual domains, e.g. *the wheel of justice*). Kövecses [5] has widened the domains of conceptual metaphors to the fourth group - complex systems within the great chain framework. A metaphor of that type can be illustrated by the example *to win the case*, which is founded on a conceptual source domain *a court case is a battle*. This chain framework according to Kövecses includes domains such as machines (complex systems), buildings (complex objects), plants, and humans as complex system metaphors in the conceptual domain [5].

2 Metaphors in Law from Historical Perspective

Metaphors played an important role in ancient times when the rules of customary law were formulated by using rhetoric and poetic figures to help ordinary people memorize them. Poetic and rhetoric figures in customary laws stem from Roman law. That is confirmed by the following statements by Susan Šarčević [16]:

“Much of what is currently western Europe, including parts of England, had been romanized for some 400 years. After the shattering of the western Roman Empire by German tribes, the surviving elements of Roman law persisted mainly in memory or a custom and habit.” [16, p. 26]

According to Šarčević, between the 5th and 9th centuries, the laws of German tribes that were formulated orally in vernacular German were recorded ad hoc in Latin by clerics by a literal translation. Latin had become the dominant written language for statutes, charters, and writs in England after the Norman conquest (1066). “Even with the rise of law French (...) some Latin

could be found in the statutes until 1461“, while the English language entered into the field of law after Latin and French had been outlawed during the Commonwealth language reform 1649-1660 [16, p. 28]. Due to literal translations, the language of English law remained obscure and retained the elements of Latin (archaic legal terms and legal maxims) and the French language of the law.

The obscurity of the legal languages and the influence of Latin are even more present in Continental legal systems (Germany, France, Croatia...), mostly due to the tradition of the literal translations of metaphorical expressions stemming from Roman culture. The terms and phrases of metaphorical character stemming from the Latin are present not only in the Continental court proceedings but also in that of the common law systems. The proof of that is the fact that specific metaphorical expressions are equally present in both legal circles and there are exactly the same metaphorical terms and phrases expressed by the same lexical forms in the Latin, German, Croatian, and English language of the law:

open the procedure /das Verfahren eröffnen/ otvoriti postupak

weigh up the evidence / Beweise gewichten/ odvagnuti dokaze (činjenice)

burden of evidence (proof)/ Beweislast/ teret dokazivanja.

Of course, there are cases that the same legal institute or legal phenomenon is expressed in different legal systems and languages by a different conceptual metaphor. The reason for that are different cultural backgrounds they belong to. For example, the metaphorical expression *reach a verdict* is expressed in the German language by a conceptual metaphor *Urteil fällen* (literally: to cut a verdict), while its Croatian equivalent is *donijeti presudu* (literally: to bring a verdict).

In ancient times, the metaphor was used to help ordinary people memorize the content of customary laws in Western Europe. An illustrative example by Mattila [9] represents The Pagan Law of Sweden on Insult (11th century): “(...), for insulting words are the worst of things, and the tongue is the slayer of the head”. In this provision, “the dramatic and metaphorical character of the expression helped the law to be engraved in the mind of ancient Swedes” [9, p. 40].

Another means of memorizing legal rules and provisions of ancient laws were rhythmic maxims that stemmed from Roman law and were developed “in line with the style of Latin poetry” [9, p. 40]. From the 11th century onwards, law students in France (Sorbonne) and Italy (Bologna) learned the rules and propositions of Roman law in the form of legal maxims. They had to be learned by hard, but were easy to memorize due to the number of syllables and rhyme, rhythm and stress, and simple metaphorical images. Here are several examples of the Latin legal maxims of metaphorical character:

Dura lex, sed lex;

testis unus, testis nullus;

cursus curie est lex curie;

ubi ius, ibi remedium,

injuria non excusat injuriam.

Ancient laws of Germanic tribes were also expressed "through magical formulas, whose melodious character affirmed in listeners a depth of feeling that ensured respect for legal rules." [9, p. 47] Many of those rhythmic formulas were of metaphorical character. The fact that metaphorical expressions were used in Germanic customary law instead of legal terms is confirmed by examples listed in Jacob Grimm's paper of 1816. The examples below are metaphorical sentences from this paper quoted by Günther [2] that define movables, immovables, unlimited rights, corpus delicti, denial of property rights, a married woman's property, and the punishment proscribed for theft in the Germanic customary law:

Movables: das, was der Wind beweht und die Sonne bescheint /what the wind has blown and the sun has shone/

Immovables: was die Egge bestrichen und die Hecke bedeckt hat /what the harrow smashed and the hedge covered/

Unlimited rights: So lange der Wind weht, der Hahn kräht und die Sonne scheint /As long as the wind blows, the rooster crows and the sun shines/

Limited property: So weit der Hahn schreitet, soweit die Katze springt, soweit der Hammer geworfen wird /As far as the rooster steps, as far as the cat jumps, as far as the hammer is thrown/.

Corpus delicti: Wo sich der Esel wälzt, da muss er Haare lassen. /Where the donkey rolls, he leaves the hair/

Married woman's possession: Eine Frau hat während der Ehe nichts als den blauen Himmel und den Spinnrocken. /A married woman's possession is nothing but a blue sky and a loom/

Punishment for theft: Mäuse soll man fangen, Diebe soll man hangen. /Mice should be caught, thieves should be hanged/.

According to Grimm, some methods of punishing perpetrators at the time of Charle de Magne have been transferred into German proverbs of metaphorical character:

die Hand ins Feuer setzen (put your hand in the fire for someone/something)

für jemanden durchs Feuer gehen (go through fire for someone)

glühendes Eisen tragen (to hold a red-hot iron)

auf glühenden Kohlen sitzen (to sit on glowing coals).

These examples confirm the claim by Lakoff and Johnson [6] that „a metaphor can [...] only describe pre-existing similarities. It cannot create similarities“ [6, p. 154]. As it was shown, ancient laws were formulated in metaphors that reflected human reality. On the other hand, as the laws reflect all the changes in human reality, the logical presumption is that lawgivers, while creating laws, and judges while passing their rulings have also created new metaphors. This will be the object of discussion in the following part of the paper. That analysis is not

challenging the fact claimed by Lakoff and Johnson that newly created metaphors reflect the similarities already existing in reality [6].

3 Metaphors in Contemporary Legal Discourse

Metaphor is intensely present in the modern language of the law. For example, in civil law, we often meet legal terms and phrases like a *will*, a *prayer for relief* or verb phrases like *lodge an appeal*, *suffer damage*, etc. In criminal law, there are metaphorical terms like *blackmail*, *white-collar crime*, etc. The branch of law that is especially inclined to metaphorical terms is commercial law, including contract law. In this branch of law, lawyers have created new conceptual metaphors reflecting phenomena resulting from new developments in commercial relations, especially from the perspective of the transition countries. The following metaphorical examples from the field of commercial law illustrate this phenomenon: *the silent partners*, *hedge funds*, *collusion*, *piracy*, *shell-company*; *competition watchdogs*, *predatory pricing*, *whistleblowing/whistleblowers*, *freezing order*, *the corporate veil*, *opening bankruptcy procedure*, *entering into a contract*, *to satisfy a debt*, *to wind up a company*, etc. Some metaphors have been introduced by rulings in specific court cases. As court rulings function as precedents in the common law system, some metaphorical expressions are often used in later cases and accepted as commonly used terms. Smith [14] calls those metaphors „doctrinal metaphors” and illustrates them by well-known examples like *piercing the corporate veil* from the field of the Corporate Liability Law, and *the wall of separation* from the Establishing Clause within the US legislation [14, p. 928]. Introducing metaphorical expressions in the language of law is subject to alternations caused by the changes in human reality. This is illustrated by the two previous examples that mirror new circumstances governing corporate life that have influenced changes in social and economic norms in specific states.

Smith [14] has also analyzed metaphors used in American court judgments. That those metaphors are often very colorful and imaginative can be well illustrated by several examples that have been used as a means of the judges' persuasive strategy:

“Conspiracy . . . [is the] darling of the modern prosecutor’s nursery;” (The quotation stems from *Harrison v. United States*, 7 F.2d 259, 263 - 2d Cir. 1925).

“The work of the Alabama Legislature in the area of medical liability is a mule—the bastard offspring of intercourse among lawyers, legislators, and lobbyists, having no pride of ancestry and no hope of posterity.” (The quotation stems from *Houghtaling v. Superior Court*, 21 Cal. Rptr. 2d 855, 860, Cal. Ct. App. 1993).

„If, however, the parties have agreed upon all material terms, it may be inferred that the purpose of a final document which the parties agree to execute is to serve as a polished memorandum of an already binding contract. Ibid. Although the parties exchanged slogans of agreement in the *Rosenfield* case such as, ‘that is all settled’ and ‘the deal was closed’, it was apparent that the negotiations were imperfect on points which were material and, indeed, weighty in the context of the transaction”. (Massachusetts Supreme Judicial Court: *Richard A. Goren & others vs. Royal Investments Incorporated & others*).

“Parties to a preliminary agreement may not provide that they do not intend to be bound until the transaction is buttoned up by a more detailed and formal agreement.” (Quoted from: *Goren v. Royal Invs., Inc.*, 516 N.E.2d 173, 176; Mass. App. Ct. 1987).

“[Evidence] should not be admitted (. . .) where the minute peg of relevancy will be entirely obscured by the dirty linen hung upon it.” (from: *State v. Goebel*, 218 P.2d 300, 306 (Wash. 1950)). [14, p. 938]

To illustrate the presence of metaphor in contemporary courtroom discourse in the UK, here several quotes from the judgements of esteemed British judges available in the Internet [22]:

It seems to me that the argument of the defendant's counsel blows hot and cold at the same time. (Sir Francis Buller, 1st Baronet)

One cannot look too closely at and weigh in too golden scales the acts of men hot in their political excitement. (Henry Hawkins, 1st Baron Brampton)

This contract is so one-sided that I am surprised to find it written on both sides of the paper. (Raymond Evershed, 1st Baron Evershed)

Postal voting on demand, however many safeguards you build into it, is wide open to fraud. It's open to fraud on a scale that will make election rigging a possibility and indeed in some areas a probability. (Richard Mawrey)

Loss of freedom seldom happens overnight. Oppression doesn't stand on the doorstep with toothbrush moustache and swastika armband – it creeps up insidiously... step by step, and all of a sudden the unfortunate citizen realizes that it is gone. (Geoffrey Lane, Baron Lane)

Books delight us when prosperity smiles upon us; they comfort us inseparably when stormy fortune frowns on us. (Richard de Bury)

4 Research: Conceptual Metaphors in the Field of Law

4.1. Theoretical Background

Metaphors are continuously present in the language of the law. Some legal expressions of metaphoric character are used so often that they are not perceived as metaphors anymore – especially by lawyers who use them on a daily basis, like *hard laws*, *soft laws*; *burden of evidence*, *injury/violation of the law*.

There are several definitions of metaphor. Here we shall point out that by Mihaljević and Šarić [11] as most relevant for this paper: “Metaphor is a stylistic figure denoting a thing or item different from that which it originally was attached to, its purpose being to draw attention to a perceived resemblance.” [11, p. 437]

Metaphor is culturally determined. This is especially highlighted in the field of law, which always derives from a specific legal system and culture. Because metaphors are as a rule culture-bound, they can cause difficulties in translation [16]. Metaphorical images and expressions (linguistic metaphor) stemming from different cultures often express different conceptual domains in law. This can lead to wrong translation, and legal translation always produces legal consequences. This is nicely expressed by Šarčević in her frequently quoted statement: „Legal translation (...) leads to legal effects and may induce peace or a prompt war” [17]. According to Reiss and Vermeer [12], the translation practice in the field of law has developed the awareness that the knowledge of cultural differences represented one of the essential competencies required in translators dealing with legal texts. Founding her ideas on the same conviction, Martha Chroma introduced the phrase “Cross-cultural traps in legal translation” relating to cultural differences as an important factor in legal translation, which inevitably includes metaphors constituting a cultural heritage of a specific nation and its language [1]. Accordingly, Susan Šarčević included into her list of the essential factors of translation in the field of law the following types of knowledge: a) the knowledge of Language 1 and Language 2, b) the knowledge of the legal systems of Language 1 and Language 2, c) the knowledge of the differences between the legal concepts of the

two systems, d) logical thinking, and e) the knowledge of cultural differences between Language 1 and Language 2 [17].

According to Lakoff and Johnson [6], metaphors exist on conceptual and linguistic levels. Conceptual metaphor is a connection of two semantic domains on the level of thought. A linguistic metaphor is a spoken or written realization of a conceptual metaphor. Linguistic metaphors can be illustrated by the examples *to win a case* and *the defendant*. Their pair on the level of thought is a conceptual metaphor *court case is a battle*.

Many legal expressions of metaphorical character are lexical metaphors in the form of collocations. Their metaphoric character derives from attaching human characteristics to things or abstract phenomena: *soft laws, hard laws; breach of laws, violation of laws; a burden of evidence, material facts, material truth...*

Company law and commercial law are especially inclined to use metaphorical expressions: *hedge funds, silent partnership, winding-up of the company, black market*.

In criminal law there is also a number of interesting metaphors: *reasonable doubt, guilty intent; blackmail, money laundering, white-collar crime*.

In the field of international law many metaphors are related to peace, usually with the underlying conceptual metaphor „peace is a human being” and “peace is fragile”: *to infringe peace, to strengthen the peace, to endanger peace, to threaten the peace (threat to the peace)*.

As already mentioned in the introduction, Lakoff and Johnson differentiate between three basic types of conceptual metaphor: structural metaphors, based on structural systematic mapping, orientational metaphors related to spatial concepts, and ontological metaphors related to objects, things, and containers. Kövecses [5] expands conceptual metaphors to the fourth type - abstract complex system metaphors including machines, buildings, events, plants, and humans.

The analysis of the collected examples will show which types of conceptual metaphors are most frequent in the field of law and whether the fourth group added by Kövecses in 2002 - *complex system metaphors* – can be seen as relevant for the language of the law.

4.2. The Research of Conceptual Metaphors in Legal English Textbooks

The empirical part of the paper is founded on the research of metaphors conducted on two different corpora, so it is divided into two parts. In the first, the analysis of metaphorical expressions in the English language of the law is conducted on examples excerpted from three Legal English textbooks. In the second part of the research, the types and frequency of metaphors in the contemporary EU Law is explored on the corpus of the Treaty Establishing the European Community - Consolidated version [19].

The following Legal English textbooks served as the source of the first empirical analysis:

McKay, W. R., Charlton, H. E., Barsoum, G. 2011. *Legal English-how to understand and master the language of Law*. Harlow, England: Longman-Pearson [10],

Wiebalck, A., von Zedtwitz, C., Norman, R., Weston Walsh, K. 2013. *The Legal English Manual. Handbook of Legal Terms and Practical Scenarios for Written and Spoken Legal Language*. Basel: Manz, Beck, Helbig Lichtenhahn [18],

Sočanac, L. et al. 2018. *English for the Legal Professionals*. Zagreb: Narodne novine [15].

The goal of the research is to find and analyze conceptual metaphors in connection with the terms *law, justice, and court case*:

The results of the analysis indicate that there are two prevailing types of conceptual metaphors for those terms:

- a) ontological metaphors (relating to objects), and
- b) complex system metaphors (relating to humans, events, and buildings).

Ontological conceptual metaphors of the type “law is an object” have their correspondents in the following linguistic metaphors: *hard laws; soft laws; burden of evidence; breach of the law;*

Interestingly, in different legal systems, the same conceptual domain is usually expressed by different linguistic metaphors. It can be illustrated by comparing some examples in the English language with those from the German and the Croatian languages:

English: *bring/press charges; lodge an appeal*

German: *Klage erheben* /literally: *lift charges*; *Berufung einlegen* /literally: *insert an appeal*/

In Croatian: identical conceptual and lexical domains with the German language: *podići tužbu = Klage erheben; uložiti žalbu = Berufung einlegen.*

The analysis of the excerpted examples has revealed that complex system metaphors are manifested in five conceptual types: X is a machine, X is a building, X is an event, X is a plant, X is a human

Four types of complex system metaphors prevail in metaphors related to the word “law”:

- 1) “law is a human”/ “law is a human body”:

the injury of law

the violation of law

in the eyes of the law

at the hands of the law

at the heart of the Court

the body of law

the long arm of law

to be digested by the law

the law cries out for reform

legal provisions suffer amendments

the law permits

law forbids.

- 2) “law is a building”:

a provision has its foundation in legal concepts

the defense is built on the facts

the defense is constructed on beliefs

the accusation collapsed

the jury constructed a verdict based on...

3) “law (court) is a force/ a power”:

come into force

be in force

press charges

the rule of law

court order

inflict punishment

impose punishment

to be imposed by law, to subject to special rules

4) “law is a tree”/ “law is a landscape”:

the branches of law; the fields of law.

Metaphors relating to the word “justice” are of two types:

1) Ontological conceptual metaphors of the type “justice is an object”

the wheel of justice (in German: *die Mühle der Gerichtsbarkeit*)

bring someone to justice (this metaphor can belong to both types: “justice is a building” and “justice is an authority”).

2) Complex system metaphors of the type “justice is a human”

justice is blind

justice is slow

justice knows no friendship

The saying by Marcus Tullius Cicero *Justice is the crowning glory of all virtues* can also be seen as an example of the abstract complex system metaphor.

Conceptual metaphors relating to a court case are mostly the complex system metaphors related to events, usually of the type “court case is a conflict/ a battle”:

legal dispute

the affected party

defend the claim

defense/ the defendant/ the defending lawyer

win the case

fight the case

take action against (...)

the injured party

the adversely affected party

legal remedy.

4.3. Research into the Metaphors of EU Legislation

The metaphor is present both in national laws, in international bills and conventions, as well as in supranational laws of the EU. The occurrence of metaphors in national law can be illustrated by the following examples:

“The Republic of Croatia shall safeguard the rights and interests of its citizens living or residing abroad” (Art. 10 of The Constitution of the Republic of Croatia) [18].

In this example, we can recognize the conceptual metaphor of the type „the Republic of Croatia is a human being“.

Metaphors of the same type („a member state is a human being“) are also intensely present in the EU Law, which can be illustrated by the following example:

“Member States should protect young people against any specific risks arising from their lack of experience...” (Directive 94/33/EC, June 22. 1994). [21]

The presence of metaphors and the prevailing types of conceptual metaphors in the EU law will be explored here based on the research of examples excerpted by a detailed reading of the Treaty Establishing the European Community - Consolidated version [19] available online at the <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=celex%3A12012E%2FTXT>.

In the research and the analysis of the gathered examples, qualitative and quantitative methods have been applied by excerpting metaphorical examples from the Titles I, II, III, IV, V which represent 60% of the whole extensive text of the Treaty. The presumption of the research was that there will be a wide diversity of linguistic metaphors. One of the reasons for this assumption was the fact that after Croatia has entered into the EU, some new metaphorical terms from the field of law have been used in Croatian public media in their original English version (without being translated into the Croatian language): *soft laws, hard laws, white paper, green book, white book*, etc.

Examples were excerpted by detailed reading the texts of Titles 1 to 5 of the Treaty. It was taken as a representative sample as it covered more than 60% of the whole text of the Treaty.

In Common Provisions (Title 1, Titles II-IV) different metaphorical expressions have been excerpted covering two types of conceptual metaphors:

1) Complex system conceptual metaphors and 2) Ontological metaphors.

1) The examples of complex system metaphors are mostly the metaphors of the type “X is human” referring to the EU, the EU Commission, the EU Parliament, the Council of the EU, the Member States. Those examples can also be observed as personifications of political and legal bodies:

Heads of the states;

Treaty makes a new stage in the process of...

the Union has decided to cease exercising its competence

The Union shall share competence with...

The Union shall take measures to ensure ...

The European Council shall take no action...

The Commission shall submit proposals...

The Council shall do all in its power to...

the Member States shall exercise their competence ...

Member State may ask the Commission to examine the situation

the Union has decided to cease exercising its competence

The Union shall share competence with...

The Union shall take measures to ensure ...

The European Council shall take no action...

The Commission shall submit proposals...

The Council shall do all in its power to...

the Member States shall exercise their competence ...

Member State may ask the Commission to examine the situation

Member States consult each other.

The collocations *movement of capital* and *Heads of the States* can also be seen as metaphors of the type „X is human“.

2) Ontological metaphors of the type ”rights are fragile” /”health is fragile” are represented by three examples only:

rights shall be protected;

protection of the rights;

protecting health.

The other types of metaphors in the Titles II-V are represented by the examples

the Treaty enters into force and

provisions/ regulations laid down by the law

strengthening the rights and

the protection of interests.

The metaphors *the Treaty enters into force* and *provisions/ regulations laid down by the law* are complex system metaphors of the type “the Treaty is a power”/ “provisions are an object/building”. The metaphors present in the phrases *strengthening the rights* and *the protection of interests* can be interpreted as conceptual metaphors of the type “rights/interests are fragile/vulnerable”.

The excerpted examples lead to the conclusion that in the Treaty of the EU complex system conceptual metaphors prevail. The results indicate that the prevailing types of metaphoric expression used in the explored EU Law corpus do not differ from the results of the research of metaphors used in legal textbooks that were presented in the introductory part of this chapter. The findings also imply that the fourth type of conceptual metaphor – complex system metaphors - introduced by Kövecses [5] is of utmost importance for the field of law, as the metaphors of that type are most intensely represented in both corpora.

5 Conclusion

Figurative speech is an integral part of the cultural identity of every nation, and the usage of metaphors represents a distinctive feature of the language of the law. Metaphors are recognized as a stylistic feature in the language of the law at an early stage of the development of interdisciplinary research in linguistics. The metaphor was seen as a challenge to a translator because it is always closely connected with the culture it stems from. These features make metaphors an interesting object of translation studies as they, according to Marta Chroma, represent a part of “cross-cultural traps in legal translation” [1].

The analysis has shown that metaphor has been present in the law since ancient times. Often it has been used by lawyers as a part of their persuasive strategy. This fact is confirmed by the often quoted statement by Richard [13]: “The point [of the metaphor] is not to make legal concepts accessible to everybody (though some do). It is to make them strike the mind” [13, p. 63].

Numerous examples that were analyzed in the empirical part of the paper were excerpted from two different sources: the three Legal English textbooks and the *Treaty Establishing the European Community - Consolidated version 2002*. The findings imply that linguistic metaphors are intensely used in modern laws as well, particularly in criminal law, company law, and contract law. The part dedicated to the exploration of metaphors in the language of the EU law has not confirmed the hypothesis that different types of conceptual metaphors are strongly present in this relatively young branch of law. The findings reveal that in the explored text of the EU Law complex system metaphors of the type “X is human” prevail, which implies that complex system metaphors introduced by Kövecses into contemporary cognitive linguistic theory are of utmost importance for the field of law, as the metaphors of that type are most intensely represented in both corpora.

Finally, possible shortcomings and limitations of the research of metaphors in the EU Law should be mentioned. Those limitations are primarily caused by the limited corpus of the research. Maybe the research into different types of legal texts within the complex EU legislation might lead to different conclusions from those resulting from the research presented in this paper. In any case, the results based on this limited corpus can be seen as indicative for the EU Law as the text of the EU Treaty relates to general issues of the EU legal system. On the other hand, the scientific reliability of the findings is confirmed by similar results deriving from the analysis of metaphors occurring in the three recently published Legal English textbooks.

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