

AN INSIGHT INTO PECULIARITIES OF LEGAL ENGLISH METAPHORS

Legal English language is characterized by peculiar terminology, specific sentence structure, unusual style of writing, and metaphors. As this paper is aiming to show, comprehensible figurative expressions have long been part of legal diction, even though they have been underestimated and thus understudied in this field until recently. Our analysis will be based on Conceptual Metaphor Theory, which sees metaphor as a matter of thought, and not a matter of language or words. In the corpus consisted of different legal texts, we will identify linguistic metaphors and then postulate underlying conceptual metaphors motivating them, in order to classify these metaphors into different categories and discuss their interpretations and origins. This paper has an objective to make a contribution in this field by providing clarifications of metaphor usage in Legal English discourse, in order to make them easier to understand, and not that intimidating to learn and use.

Key words: Legal English, metaphor, conceptual, language, peculiarity

1. Introduction

As any other language, English language has many different aspects. Legal English falls under the category of language used by professionals, also known as English for Specific Purposes (ESP). There are many different definitions of English for Specific Purposes, but the one that sums it up straightforwardly is the one by Robinson (1980) who defines it as the teaching of English to the learners who have specific goals and purposes, and the goals might be professional, scientific, academic etc. The “Tree of ELT” (Hutchinson & Waters, 1987) shows the classification of ESP in detail, but to make sure not to stray away from the path this paper is taking, only the main ESP’s branches will be named: English for Science

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and Technology, English for Medical Purposes, English for Management, Finance and Economics, and last, but definitely not the least – English for Legal Purposes, widely recognized by the term *Legal English*.

Legal English, a language mainly used by legal professionals, is predominantly the language of international legal practice (Badea, 2012). In similar manner as many of the previously listed branches of ESP, Legal English language is characterized by very peculiar terminology, form, style of writing, and, of course, metaphors. The fact is that Legal English includes Latin, Anglo-Saxon, French, Old and Middle English words and phrases often very difficult to comprehend (Mellinkoff, 1963). Legal English is known to be full of obscure words, archaisms and Latin abbreviations. When it comes to the question of form, the structure of Legal English is much different than the structure of General English used in everyday speech. One of the major characteristics of Legal English is the use of very long and complex sentences with syntactic discontinuities, lack of punctuation and an unusual word order. When it comes to style, written Legal English style is very conservative and formal (since legal texts consist of contracts, constitutions, law reports, wills, etc.), whereas spoken Legal English is considered to have more freedom and creativity, especially when it comes to lawyer's addressing to the jury (Stanojevic, 2011). Most of the data in metaphor research so far have been collected from the written Legal English sources, which is the case in our analysis as well.

As opposed to many other types of ESP, Legal English is used by not only professionals in the area of law, but laypeople as well (Jumanca, 2013). This type of language is often very difficult to understand, even for legal professionals, needless to say for people who are not lawyers, judges, prosecutors etc. but are involved with this discourse through classes (e.g. law/economy/language students), trials and litigations (e.g. clients, witnesses, defendants), work (e.g. translators and interpreters), all for which the linguists use the term "non-lawyers".

From a point of view of an ESL teacher (thus a non-lawyer as well), who teaches different profiles of students (English department, Law department, Psychology department, Criminology department, Graphic Design department, IT, and Business and Management department), it seemed rather logically to, at some point, tackle and research the topic of Legal English understanding, especially when it comes to the usage

of *metaphors* in Legal English discourse. Unfortunately, metaphors have been underestimated and thus understudied in this field until recently. As a tool of language, metaphors can have a profound impact on our conception of ideas, such is law and its practice, which can be both a good thing and a confusing thing, as this paper will show in the upcoming chapters. Figurative language is essential part of language and it is not unique to legal language – different professionals often resort to metaphors to explain abstract or complicated courses of events (Ebbesson, 2008).

In Serbia, English is taught as a foreign language, and both teaching and studying any type of English for Specific Purposes, especially Legal English, is considered to be a demanding task. The purpose of this paper is to try to provide an insight into different types of metaphors and their characteristics as an inevitable feature of Legal English, in order to make them easier to understand and master, as opposed for them to be seen as a threat and obstacle to learning (or teaching). By using a technique common for conceptual metaphor analysis, where we identify *linguistic metaphors* and then presume underlying *conceptual metaphors* motivating them, we will attempt to prove that metaphors are the important part of legal discourse. Through the theoretical background in the next chapter, we will provide an outline of metaphors (in general and legal terms), clarify the *Conceptual Metaphor Theory* (which is used as a basis of our research), and study the purpose of metaphors in Legal English (where metaphor will be seen in the light of a persuasive device). Research analysis, which includes 120 examples collected from legal texts belonging to different genres within the same subject field, should shed the light onto the most frequent types of metaphors and their interpretations used in legal discourse.

The examples used in this paper are collected from different sources, many of them are taken from Cambridge Legal English textbooks (*CEF Level: B2 Upper Intermediate - C1 Advanced*), laws and statutes, indictments, judgments, agreements and contracts (available on <http://www.legaldocs.com/> and www.superemecourt.gov), and many other examples are collected and organized into different groups based on many research done in this field recently (see Chiu & Chiang, 2011; Jumanca, 2013, Seskauskiene & Stepancuk, 2014)¹. Previously mentioned textbooks abound

¹ Chiu, S. H., & Chiang, W. Y. (2011). FIGHT Metaphors in Legal Discourse: What Is Unsaid in the Story?. *Language and Linguistics*, 12(4), 877-915; Jumanca, R. (2013).

in authentic legal texts, authentic case-studies and up-to-date language informed by the *Cambridge Legal English Corpus*, all of which give this paper a great deal of material. Therefore, this paper has the objective to provide a closer look to recognizing different types of metaphors in Legal English and understanding their usage, as well as the manner they were once created before they became inevitable part of legal discourse.

2. Metaphors: Theoretical Background

“Metaphor is both basic dimension of human reason and an indispensable tool of legal thought” (Winter, 2008: 364).

There are many different definitions of metaphors. It is a term almost everybody is familiar with, but somehow *a metaphor* has always been related to everyday language. For a long time there has been a prejudice that the specialist language and its vocabulary are free of figurative elements. On the one hand, it seems rather logically not to expect to find metaphors in a statute or your contract, but from a different perspective and a closer look, legal discourse can be so confusing that you would hope someone resorted to metaphors in order to make it more logical and understandable. As this paper is aiming to show, comprehensible figurative expressions have long been part of legal diction.

In order to understand the differentiation of metaphors in the upcoming chapters, it is important to make a distinction between *linguistic metaphor* and *conceptual metaphor*. Simply put, a linguistic metaphor is seen as a matter of language, i.e. the use of particular words which have semantic overtones and values, whereas a conceptual metaphor is seen as a cognitive device, a way of making sense of reality (Jumanca, 2013). If you look metaphor up in the *Concise Oxford Dictionary of Literary Terms*, you will find that metaphor is defined as “the application of a name or descriptive term or phrase to an object or action to which it is imaginatively but not literally applicable” (2008:308), while conceptual metaphor refers

Types of metaphors in the English Legal Discourse. *Romanian Journal of English Studies*, 9, 1, pp. 366-372; Seskauskiene, I. & Stepancuk, J. (2014). The evidence speaks for itself: metaphors in courtroom hearings. *Filologija*, 19: 102-120.

to the understanding of one idea in terms of another (Lakoff & Johnson, 1980), meaning that more concrete concepts, coming from people's experiences, are used to structure more abstract ones.

2.1. Conceptual Metaphor Theory

In order to understand the use of *conceptual metaphors* in Legal English, it is necessary to at least briefly summarize the study of *metaphor* and *conceptual metaphor* by Lakoff and Johnson (1980), who saw metaphors as very powerful instruments and did a significant research in the field of *Conceptual (or Cognitive) Metaphor Theory*. According to them, a *metaphor* is a matter of thought (not a matter of language or words), and they see our conceptual system as being metaphorical in nature (ibid.).

“The metaphor is not just a matter of language, but of thought and reason. If metaphors were merely linguistic expressions, we would expect different linguistic expressions to be different metaphors.” (Lakoff & Johnson, 1980: 5)

During the years, *Conceptual Metaphor Theory* has been researched, developed and elaborated, and the general conclusion is that metaphor operates at the level of thinking. Through metaphors, one idea or thing is seen and experienced in terms of another, and our understanding of reality is being shaped in a certain way. Metaphors connect two conceptual domains – *the source domain*, from which we draw the metaphorical expressions, and *the target domain*, which is abstract and therefore takes the structure from the source domain (Lan & MacGregor, 2009: 16). Conceptual or cognitive metaphors, with the use of conceptual domains, are a very powerful tool for conveying emotional connotations, evoking feelings and attitudes against the phenomenon, thing or a person metaphorically referred to.

Conceptual Metaphor Theory “can – and does – have a profound impact on our conception of law and legal practice” (Jumanca, 2013:368), especially because entire legal discourse applies to visuality, which is the criterion by which we have chosen the examples given in this paper. *Conceptual Metaphor Theory* will be used as a basis of this research. Different types of metaphors which will be discussed later show how a person's mind, from the struggle to visualize and in that manner understand a concept or idea, comes up with beautiful metaphors related to more familiar

ideas to it. These metaphors are sometimes in reference to body, objects, senses, and processes people are familiar with.

2.2. The Purpose of Metaphors in Legal English Language

“Metaphor is the rhetorical process by which discourse unleashes the power that certain fictions have to redescribe reality” (Ricoeur, 2003: 5)

There are many motives for metaphor implementation into Legal discourse. Figurative language is now not only found in court decisions, legal literature, statutory texts, legal rhetoric and vocabulary of lawyers, judges, prosecutors etc. but even is found to be an essential part of legal discourse and contexts (Ebbesson, 2008).

Metaphors, as useful analogies they represent, are used in Legal language with many different purposes: enrichment, facilitation of legal communication, a device for persuasion etc. Just like in any other discourse, metaphors add to the beauty of Legal language. They can also help people talk about difficult, emotionally intense or uncommon experiences. Through the embellishment and facilitation, they bring us mentally to another place, which is what the Greek meaning of *metaphora* indicates (Ebbesson, 2008). However, metaphors are much more powerful than that. Yes, they help a person conceptualize and understand the world, but one should be very cautious when using a metaphor (especially in legal discourse), for they can easily blind them and lead them astray.

Metaphors are very useful rhetorical devices and their power to highlight certain aspect of a concept and hide others can influence our perspective and actions. Metaphors in Legal language can be so decisive that they make us associate to an idea positively or often negatively. At times, they can make us accept different analogies without further reflection or critical thinking about the problem. If a metaphor gets accepted, it may influence and even change the outcome of a negotiation, a court procedure or an academic legal debate (Ebbesson, 2008).

The use of metaphors is not characteristic only for Legal discourse. Many different professionals resort to metaphors in order to explain abstract or complicated courses of events. This is of utter importance to understand, because there are differences in metaphor identification processes in different discourses (academic discourse, fiction, news texts etc.).

Legal professionals use metaphors applying to different sources, grammatical form or domains, so as to make their discourse, speech or even their writing, more interesting (Jumanca, 2013). This is not a big revelation, since it is well known that legal language is important not only for the power of lawyers, but for their entity and self-image as well. To communicate in a legal manner does not only mean to understand and interpret statutes, it means also to be able to manage different linguistic fictions and ambiguous expressions and to make certain analogies at the right time. A skillful lawyer will be able to use many metaphors in order to get the attention and present the facts in the right manner and at any time.

Some metaphors are more subtle than others and one should be extremely careful in revealing what is the purpose of using that specific metaphor. When it comes to Legal language and its usage, metaphors are often seen as a method of persuasion. “Metaphor is the traditional device of persuasion. Eliminate metaphor from the law and you have reduced its power to convince and convert”, noticed Fuller back in 1930 (p.380).

New persuasive metaphors may give new meaning to an issue involved, and they may give a new understanding of our own experience as well. They also “add to the justification and legitimation of court decisions as well as legal structures and the legal system at large” (Ebbesson, 2008: 260), which is what makes them even more important to Legal discourse.

3. Research Analysis: Types and Interpretations

Using metaphors as cognitive tools enables a person (in this case a Legal professional) to think more carefully about certain subjects in hand. In the past thirty-five years, *Cognitive or Conceptual Metaphor Theory* shed light on many different types of metaphors, as well as their interpretations and analyses in many fields of human conduct. A typical technique in conceptual metaphor analysis is to first identify the linguistic metaphors used in a discourse, then postulate underlying conceptual metaphors presumed to motivate them, and then recognize which aspects of the target domain are highlighted and which are hidden by a metaphor – which is the technique used in this research.

In this paper different types of metaphors are going to be discussed in accordance with the reference they are used to. Lakoff and Johnson,

researchers who developed the *Conceptual Metaphor Theory* divided the conceptual metaphors into:

1) *structural metaphors* (which are based on structural systematic mapping - one concept is realized through another),

2) *orientational metaphors* (which represent spatially related concepts – they are organized in relation to each other and are based on or cultural and physical experience), and

3) *ontological metaphors* (which have substances, containers and physical objects - such as body, as domains) (1980:5).

Ontological metaphors are very common in Legal discourse and they are “created either by reification or personification” (Charteris-Black, 2005, 15). Reification is a process of treating something abstract as a concrete thing or object, whereas personification represents giving personal or human attributes to something abstract. The great presence of ontological metaphors in Legal language comes as no surprise, because conceptual metaphors are used in Legal discourse as the means of persuasion as well, and association of certain concepts with people and their characteristics and values through personification can leave a strong impression, just like their association with concrete physical objects through reification. Also, legal discourse “applies to visuality” (Jumanca, 2013:369), and by embodiment of abstract concepts through something real and already seen, we make the law more accessible. This is why visual metaphors occur more than tactile or aural ones (ibid.), as this research will prove. Jumanca (2013) categorized conceptual metaphors found in English Legal discourse into *reifying metaphors* (metaphors referring to legal elements as if they were objects), *personifying metaphors* (metaphors used in reference to the body), *process metaphors* (metaphors used in connotation to processes) and *sensory metaphors* (metaphors related to senses). Our analysis will give contribution to these categories and will provide some examples of orientational metaphors as well.

3.1. Reifying metaphors

Law and its elements are often conceptualized as if they were objects, and by objects we mean things that are tangible, that can be located, seen, that can serve as a container, things of a certain shape, material, size, consisting of several parts, etc. The corpus provided a lot of examples which indicated different types of reifying metaphors.

3.1.1. Metaphors referring to Building

Metaphors referring to legal elements as to building are usually expressed by verbs such as *construct*, *collapse*, *build*, and in contexts with foundational elements such as *ground*, *edifice*, *basis*, *support* and *foundation*.

1. *'It is, however, common **ground** that the applicant does not use'*
2. *'a carefully **constructed** legal **edifice** crumbled at the touch of the jury's common sense'*
3. *'Law 248 of 2001 is **the foundation** on which the defense is built'*
4. *'The evidence **supports** a determination...'*
5. *'on **the basis** of the testimony/amendment'*
6. *'while 20th Century Fox sued Rogers for breach of contract, the accusation **collapsed**'*
7. *'**the foundation** of this provision is the concept of 'scienter''*
8. *'the jury **constructed** a verdict in favour of Rizzonelli but against the District'*
9. *'the opinion rests on Federal **ground**'*

3.1.2. Metaphors referring to Container

Metaphors referring to legal elements as to containers of some kind are easily recognizable, as the examples below are about to show:

10. *But **the record also contains** the testimony of the TBI agent (...).*
11. *'**the Penal Code is full** of vaguely worded provisions'*
12. *'the allegations **contained in the first petition** / the absolute grounds for refusal **contained in Article 7**'*
13. *'(inclusive) (which relate to breach of any obligation by a Tenant) **contained in the Housing Act 1988 Schedule 2 apply**'*
14. *'the mark registered **within the Nice Agreement**'*
15. *'the 'Property' **includes** any part or parts of the Property'*

3.1.3. Metaphors referring to Possession

Many metaphors used in Legal English discourse indicate a possession of some kind, and their frequent contextual indicator referring to this object source domain is a verb *to have*.

16. *(...) and at the trial, we [hearing participants] **have a lot of evidence** about the alibi.*
17. *The tribunal **has the power to render decisions** and issue orders in respect of the parties' rights (...)*
18. *(...) we may not have held they [the State] **have a constitutional right** to make that argument (...).*

18. (...) *she [the client] does have a right to claim unfair dismissal.*
19. *If a supplier has a high-value contract (...)*

3.1.4. Metaphors referring to Size

One of the “object-like” characteristics often found in legal texts and speeches is the size, amount, weight of the legal matter. Usually, this is rendered by the adjective *substantial*.

20. *substantial penalty*
21. *substantial evidence*
22. *substantial consensus*

As far as the weight or the bulkiness of legal matter is concerned, the conclusion according to the corpus is that all references to weight suggest heaviness rather than lightness.

23. *The burden of proof (...)*
24. (...) *an argument that could have been made to spare this particular defendant but it need not have been credited or given dispositive weight (...)*
25. *The recent tendency of the courts is to give less or no weight to the subjective intent of the parties.*

When it comes to size of an object, or in this case a legal matter, the vertical dimension is something that is very characteristic. The interesting thing, similar to the use of heaviness rather than lightness, in legal documents adjective *high* prevails in comparison to *low*. Just like in previous case, it is the matter of persuasion.

26. (...) *it would effectively allow jurors, at their discretion, to apply what is a higher standard of proof at capital sentencing (...).*
27. *The burden is... It's quite high and it's high for a reason.*
28. *The stakes are high in this case (...)*

3.1.5. Metaphors referring to Decomposability

Material objects are known to be decomposable into smaller parts. Legal matters are often seen as made up of several parts, and verbs that make this type of metaphors recognizable are *consist* and *divide*. Nouns most frequently used in this type of metaphors are *portion*, *part*, *piece*, *component*, *element*, *entirety*, etc.

29. (...) *did the district court explain that it was rejecting **that element of witnesses' testimonies**?*
30. (...) *the evidence has to be viewed in light of **the entirety of the evidence of the record**.*
31. (...) *the district court order was divided into two distinct parts.*

3.2. Personifying metaphors

Legal matters are often interpretable as cases of personification, i.e. they are thought of in terms of a living being, predominantly a human. Personifying metaphors are metaphors usually used in reference to the body. They represent a collective human experience of the body, meaning that they illustrate the body-mind connection. The metaphor of the human body has been broadly exploited in many different types of discourses, probably because it is easily understandable. The law, legal documents and legal entities are frequently portrayed as either possessing parts similar to those of the human body, its corresponding vital functions, or experiencing human feelings and having human actions. These metaphors are very obvious and almost self-explanatory, so the best way to understand them is to take a closer look to the examples:

3.2.1. Metaphors containing parts of the body

32. *'she doesn't have **a legal leg** to stand on'*
33. *'the petition was dismissed, the two parties being equal in the **eyes of the law**'*
34. *'the crime may be laid at the **feet of the law**'*
35. *'this issue is **at the heart of the judgment** of the Court of Appeal'*
36. *'they shall receive the same treatment **at the hands of the law**'*

3.2.2. Metaphors containing bodily functions

37. *'Article 7 **suffered** two amendments'*
38. *'Provisions (...) stipulating the amount required to compensate **an injured party** in the event of a breach are...'*
39. *'similar cases have been **digested** by the law and lawyers'*
40. *'his law **cries out** for reform'*
41. *'the accused must have felt **the breath of the law** on her neck'*

3.2.3. Metaphors containing moral values

42. *'It's an argument about what the Constitution **prohibits**'*
43. *'The Uniform Commercial Code (...) **permits** liquidated damages clauses...'*

44. '(...) whether the law **precludes** the holding of an election'
45. 'It is possible that the court **will take this into consideration**...'
46. 'the Penal Code **punishes** the violation of intimacy'
47. 'The law in this jurisdiction **requires** an annual election...'
48. 'Courts are usually **reluctant to second-guess** the actions of boards of directors...'
49. 'The courts here **have reasoned** that (...) an unqualified refusal by one side...'
50. 'the legality of the contested decision must be **appraised**'
51. 'a legislature **ought to be evaluating**'
52. 'The primary issue for the court **to decide** is that of reasonableness...'
53. 'The court might (...) **hold that** (...) the election is invalid...'

3.2.4. Metaphors containing human actions

54. 'The court **examined** the credibility of the testimony'
55. 'The statutes **give** wide leeway to board of directors...'
56. 'The BORROWER will **allow** the OWNER **access** to the HORSE'
57. 'The **transferred** capital at the date of the incorporation is of'
58. 'The court shall **instruct** the jury...'
59. 'regulation **do not fall to be examined** as part of the opposition procedure'
60. '**carrying out** such responsibilities as are normally related'
61. 'have all corporate power and authority necessary **to own or hold** their respective properties
62. **and to conduct** their respective businesses'
63. '**enjoy** the Property during the term'
64. 'That provision **confers greater protection**'
65. 'The Board of Appeal was wrong **to dissect** them'
66. 'This Court **has said** that only when the penalty is death do you look at the character of the defendant...'
67. '(...) about this statute that **tells** the jury...'
68. 'I agree with you (...), but we have to look at what the law **says**'

3.3. Process metaphors

Legal English is also characterized by the use of process metaphors. The most recognizable of them all is the war/confrontation metaphor used in court. There are many examples of them, and here are some of the most noticeable:

3.3.1. The war / confrontation metaphor

69. 'It is useful at the present time to look at Japan's experience in **the battle** against air pollution, and it's **a battle** no nation can afford to lose.'

70. 'Lawsuits can certainly affect the value of a company, and firms need **strategies to combat the onslaught** of lawsuits.'
71. 'a point not really **contested** by the applicant in reply to a question from the Court at the hearing'
72. 'Important **battles are being fought** over digital copyright issues.'
73. 'it deliberately **misleads** the public as to the commercial origin of the goods and services in question'
74. - 'This legal battle has **dragged on** for several years'
75. 'Action **brought against** the decision of the First Board...'
76. 'Regulation No 40/94 is not a ground of **opposition** within the meaning of Article 42(1) of that regulation'
77. 'However, since the English Act **came into force**...'
78. '...once you create a third-party right under an IQT, it can be very difficult to amend or **kill it**.'
79. 'In the adversarial system, two or more **opposing parties**...'
80. 'the intervener has pursued a marketing **strategy** aimed at ...'
81. 'He **attacked every weak point** of my argument'
82. 'Your claims are **indefensible**'
83. "We are going to **win** this case"
84. 'He **shot down** all my arguments'
85. 'Only where there is a clear and serious breach of the directors' duty (...) will a court step in and **overturn**.'
86. '(...) that does not mean she is necessarily going to **win** this case'

3.4. Sensory (modal) metaphors

"Language acts as an internal medium of communication among different [sensory] modalities." (Marks, 1978: 24)

Sensory metaphors are articulated in our everyday conversations through metaphorical expressions: the words, phrases, or sentences that are the surface realization of the cross-domain mappings (Baron-Cohen & Harrison, 1997). In the same manner, Legal English (whether in written or spoken discourse) contains metaphors that represent a person's experience of the law and its ambiguous or abstract terms. Sensory metaphors, according to the findings and corpus of this research are mostly related to the sense of sight (*visual metaphors*), hearing (*aural metaphors*) and touching (*tactile metaphors*).

3.4.1. Visual Metaphors

87. 'The courts generally **look** to the time of contract in determining reasonableness of the damages (...)'

88. (...) when we [hearing participants] **look** at the blood evidence in this case, yes, we don't deny that there is evidence which could support conviction.
89. (...) you [participants in the proceedings] **will see** that there are doubts as to whether the man is guilty or not.
90. (...) arguably it's more relevant **to look** at the convictions
91. '**see** paragraph...; **see** Law...; **see** Seaboard Offshore vs. Secretary of State...; **see** clause...'
92. 'to enter and **view** the Property for any proper purpose'
93. 'could **be perceived** as being two marks'
94. '... the court shall, unless it **sees** good reason to the contrary, strike out the cause'
95. 'With **regard** to the first respective elements of the trade marks in question'
96. '**Regarding** the applicant's request...'
97. 'it is **not apparent** from the case'
98. - 'It is **in light of** the foregoing considerations'
99. 'the evidence **shed new light on**....'
100. **in the light of** police reports...'
101. 'In the present case, it is **apparent** from the contested decision that...'

3.4.2. Aural metaphors

102. 'this finding / this conclusion **cannot be called** in question'
103. 'the petitioner should have appealed ... **in the first hearing**' / 'at the hearing on 2 July 2002'
104. 'other questions have incidentally been raised ... which **call** for brief consideration'
105. 'the Board **shall call** an annual meeting ... and may ... **call** a special meeting of shareholders'
106. 'the minutes of **the hearing**'
107. 'in the hypothesis that the relevant public **pronounces** those two syllables'
108. Compared with a **public hearing** in front of a three-member employment tribunal...'

3.4.3. Tactile metaphors

109. 'the Tenant will keep the interior in a good, clean and **tenantable state** and condition and not **damage or injure** the Property'
110. 'the judge **touched** on the ruling / on erroneous findings of fact'
111. 'the jury left the difficulty **untouched**'
112. the intervener maintains that this is **unsubstantiated**'

3.5. Orientational metaphors

Orientational metaphors are important part of conceptual metaphors and they present concepts in spatial relationships. These metaphors are very common in Legal discourse.

113. *'Throughout the rest of an argument he uses terms to reinforce that'*
114. *'... to propel the law in the direction which Mr. Lewis seeks'*
115. *'But under (...) Oregon law, what is not clear is that you want to put the mother on the stand'*
116. *'any notice, cheque or other document directed to such persons'*
117. *'... such a measure must not go beyond what is necessary'*
118. *'the proceedings took a different course'*
119. *'... such course of conduct was in the best interest of the Joint Venture and such course of conduct did not constitute negligence'*
120. *'... intended the course of justice to be obstructed'*

6. Conclusion

This paper aimed to fight the prejudice that a specialist language, such as Legal English, is free of figurative elements. Metaphors are implemented in language not only for their embellishing and facilitating functions, or for making professional discourse more vivid – the examples showed that their role is much more influential. Metaphors are used in legal discourse to simplify certain abstract ideas and to highlight important arguments, however, their persuasive character can also be manipulated to mislead or hide concepts. Through familiarizing with the *Conceptual Metaphor Theory* and the purpose of metaphors in Legal discourse, followed by corpus analysis which contributed to different types of metaphors found in the examples taken from legal texts belonging to different genres in the same subject field, this paper provided an insight into legal metaphors and their origin used in both written and spoken Legal English. Hopefully, this research made Legal English more accessible to non-lawyers and will empower greater deal of professors and students to approach to teaching, studying and perfecting of Legal English.

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Sažetak

UVID U OSOBENOSTI METAFORA U PRAVNOM ENGLESKOM JEZIKU

Pravni engleski jezik karakterističan je po svojoj neobičnoj terminologiji, specifičnoj strukturi rečenice, atipičnom stilu pisanja i, svakako, metaforama. Ovaj rad ima za cilj da dokaže da su razumljivi figurativni izrazi već dugo deo pravne dikcije, iako su do nedavno bili potcenjeni i nedovoljno istraženi. Naša analiza biće zasnovana na Teoriji pojmovnih metafora koja metaforu vidi kao pitanje misli, a ne jezika ili reči. U korpusu koji se sastoji od različitih pravnih tekstova identifikovaćemo jezičke metafore, a potom i predstaviti osnovne konceptualne metafore koji ih motivišu, u svrhu klasifikovanja ovih metafora u različite kategorije i diskutovanja o njihovim tumačenjima i poreklu. Naš rad ima za cilj da doprinese ovoj oblasti pružanjem pojašnjenja o korišćenju metafora u pravnom

engleskom diskursu kako bi one bile lakše za razumevanje, a manje zastrašujuće za učenje i upotrebu.

Ključne reči: pravni engleski, metafora, pojmovna, jezik, osobenost