

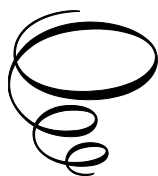
Metaphor in Legal Discourse

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Edited by

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**Cambridge
Scholars
Publishing**



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This book first published 2022

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

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ISBN (10): 1-5275-7849-6

ISBN (13): 978-1-5275-7849-4

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ACKNOWLEDGEMENTS

I would like to express my gratitude to the staff of the Cambridge Scholars Publishing, especially to Rebecca Gladders and Amanda Millar, for their professional assistance and continuous support in the course of the preparation of the book. I am also grateful to the authors of the chapters for their contributions and their thorough reviews of their colleagues' papers. My students in the study programme of Language for Specific (Legal) Purposes at Vilnius University deserve a big thank you for inspiring me to look at legal discourse through the lenses of metaphor. Any errors that remain are my own responsibility.

Inesa Šeškauskienė

INTRODUCTION

INESA ŠEŠKAUSKIENĖ

In this volume, metaphor is discussed as it is employed in legal discourse where law is tightly interwoven with linguistic expression. Written or oral, laws are produced following established verbal patterns; a change of a single word may change the meaning of an entire paragraph; laws are interpreted using language; legal proceedings can hardly be thought of as expressed by means other than language; people in the legal profession spend a lot of time arguing for or against a particular wording of a legal norm or rule. Apparently, language is the main (or the sole?) instrument in the legal profession.

As claimed by cognitive linguists (Boroditsky 2011), language influences our thought by imposing a certain framework on our ideas. It is therefore important to study language to understand how our mind works, how it moulds our reasoning, including our reasoning about legal matters. As pointed out by Solan and Tiersma (2012, 3),

through language we establish societal institutions, including legal ones. These institutions, like the languages through which they are created, differ from one another in salient ways, but also share a great deal of underlying structure. The more we know about the use of language in institutional settings, the better we can study particular institutions—legal ones in particular—and learn about their structure and the relationships among them.

Language is an important medium to express ideas; it is inevitably linked to culture, which includes patterns of behaviour, tradition, history, memory, and many more. It is therefore not surprising that law and legal systems, intertwined with language, are also culture-specific. The specificity is, first of all, reflected in two legal traditions: common law and civil law. The divide is an important guideline when studying linguistic expression; however, the specificity of culture is much more than the above dichotomy of legal systems. It is reflected, for example, in the complexity of legal terms in European law where new legal terms coexist with traditional terms, mostly derived from legal French, or in the terms of some social systems

like Soviet Russia (Mattila 2012, 29). Legal texts, as pointed out by Šarčević (2012, 193), do not have an agreed meaning independent of local context and are a challenge across languages and cultures. Legal texts may also pose a challenge within a single language and culture.

Language, culture, and law make up an interesting area of research when it comes to studying them through the lenses of metaphor, which during the last four decades, following a firmly established cognitive trend, has been understood as a matter of thought rather than just language. As is now widely acknowledged, metaphor is one experiential domain, usually more abstract, called ‘target’, thought of in terms of another, more concrete, experiential domain called ‘source’ (Lakoff and Johnson 1980/2003; Winter 2001). Metaphor is primarily employed to better understand and explain abstract concepts through more tangible, concrete elements of the source domain. The elements may be parts of the human body or in other ways closely linked to the human body, human reasoning, and the functioning of humans in the surrounding world; in other words, metaphors are embodied (Johnson 2007; Winter 2008). Language is one of many, and very important, manifestations of metaphor.

Due to its abstract nature, law could be treated as a target domain which people aim to understand; metaphor is an instrument of such understanding. Legal discourse, be it expressed through formal written language of legal acts, the language of legal proceedings at the court of law or police statements of spoken interactions with victims of abuse or violators, inevitably employs metaphor and discusses abstract notions in terms of concrete. Thus we know that the spatial expression *under the law* means ‘obeying the law’, because we understand that the vertical arrangement of items (signalled by *under*) in abstract contexts is systematically linked to our understanding of social hierarchy; the expression *evidence is obtained* is so deeply entrenched in legal discourse that we are hardly aware of its metaphoricity; the verb *obtain* in its primary meaning is associated with getting or purchasing material items, and evidence in this case is thought of as if it were some property or a concrete item; the expression is a manifestation of the object metaphor. We also know that *higher courts* are not buildings taller than some other buildings in the area but rather the ones that have more authority and power; if the *decision is binding*, it does not tie a person with ropes; it is the one that must be obeyed. All of these expressions are motivated by metaphor: abstract entities are understood in terms of more concrete, of those closer to the human body, and humans as social beings, members of society.

This book deals with different aspects of metaphoricity in legal discourse. Nine chapters authored by eleven scholars, linguists and law professionals,

discuss the nature and role of metaphor in court proceedings, in written institutionalised texts, in the judges' argumentation, in spoken records, and other texts. Metaphor, the key topic of the book, during the last decades has carved itself an important place in the humanities and social sciences. It is now mostly investigated as a conceptual phenomenon accessible through language and actual linguistic contexts of use. The contributors of the book adhere to methodologically rather diverse approaches. Linguists tend to rely on large widely accessible corpora like BNC or COCA, sometimes on (self-collected) specialised corpora of spoken or written language. Law professionals give preference to more interpretative methodologies, to the identification of metaphor in more extended (narrative) texts or research of legal terminology in a synchronic or diachronic perspective.

Most chapters in this book are based on English data, collected from language corpora or from less accessible sources, such as police recordings or court transcripts. One chapter deals solely with the Lithuanian data. There are two chapters that focus on contrastive aspects between two languages and cultures: one of the chapters deals with texts translated from English into Lithuanian and the other raises a question of the universality of metaphor in human rights related contexts in Mandarin Chinese and British English. Further I will briefly overview each contribution.

In chapter one *The Metaphoricity of the Noun Law*, **Piotr Twardzisz** problematises the discussion of metaphoricity of professional contexts focusing on legal texts. As is well known, legal language is claimed to be unambiguous and therefore avoiding any figurativity. However, figurative language, and metaphor in particular, seems to be more deeply entrenched than one may initially think. Piotr Twardzisz aims at exploring the metaphoricity of the word *law* in a general sense and in senses derived from multiple genre-specific contexts. The research is based on the study of dictionary definitions and on COCA, an established *Corpus of Contemporary American English*, which is the author's major resource to study collocations with the word *law*. The majority of the collocations recur across different genres, for which the author provides his own account touching upon, among other things, the conventional, and hence debatable, metaphoricity of some pervasive collocations such as *break the law*. The author also discusses some methodological aspects of metaphor research, such as the (lack of) methodological rigour of Conceptual Metaphor Theory and the importance of more consistent methodology in further accounts of metaphor (Steen 2009; Steen, Dorst, Herrmann, Kaal et al. 2010). His analysis, as pointed out by the author, has implications for practitioners of English for legal purposes, for EFL learners and translators often struggling with the

idiomaticity of English. The contribution may be also important in further discussion about the role of metaphor in legal discourse.

Chapter two by **Michele Mannoni** *On the Universality of Rights through Their Metaphors* raises a very important question of human rights. The question of their universality, as pointed by the author, is of ‘Western’ nature and can mean very different things. Investigated in the framework of contemporary metaphor research and adhering to linguistic contexts, rights seem to have a universal bodily foundation across many languages and cultures. The author tries to answer a question whether rights metaphors in different cultures may be universally based on the same foundation.

The study is based on three large corpora: one of British English and two of Mandarin Chinese. The collocation analysis has revealed that the metaphoricity of rights is identifiable in both cultures, even though in Mandarin Chinese to a much lesser extent than in British English. However, the universal foundation of the concept of rights is very questionable. Apparently, such result is not concerned solely with the difference in the legal systems in the two countries, with China being a civil law country and the United Kingdom a common law country. There should be more deeply rooted, culture-specific, causes.

The chapter also touches upon some debatable aspects of Conceptual Metaphor Theory, which may have important repercussions in further development of metaphor theories and methodologies of their investigation. Those aspects may be of utmost importance in cross-cultural studies.

Chapter three by **Dalia Gedzevičienė** *Metaphorical Terms Denoting Intellectual Disability in Lithuanian Official Documents: Social implications* is concerned with the study of some selected legal terms. The author focuses on Lithuanian education and healthcare documents and legal acts where the terms related to intellectual disability are amply used. Her analysis of their metaphoricity has revealed that even in national legal acts some of the terms have preserved their degrading social evaluation traceable through the underlying metaphor: the constituents of compound terms refer to *backwardness, someone who is at the back, lagging behind, intellectually feeble and ineffective* and thus have a strongly negative implication stigmatising and marginalising some members of society. The analysis contributes to the social argument about the exclusion of some groups of people, with public (and legal) discourse playing a major role in the process. The chapter strongly argues for the revision of such terms so that negative social implications be removed, especially in legal acts, which by default should be socially neutral.

Chapter four by **Justina Urbonaitė** *Direct Metaphor in Selected TED Talks on Crime and Criminal Justice* is written in the framework of three

dimensional model of metaphor and MIPVU, a metaphor identification procedure developed by a group of scholars in the University of Amsterdam (Steen 2008; Steen, Dorst, Herrmann, Kaal et al. 2010) and the understanding of metaphor as a matter of thought, language, and communication (Steen 2017). The data has been collected from TED talks focusing on crime and criminal justice where legal knowledge is communicated to general audiences. Direct metaphors signalled by such expressions as *like*, *as if*, *metaphorically speaking* turned out to be frequently employed by legal experts to explain legal notions, to express criticism towards legal practices, and to support arguments. Direct metaphors are also employed to engage and/ or amuse the audience. The study confirmed previous studies demonstrating that the function of metaphor is not confined to rhetoric or explanation; it often serves several functions, which are not so easy to tease apart.

Chapter five by **Inesa Šeškauskienė** *Metaphor in Legal Translation: Space as a source domain in English and Lithuanian* focuses on the metaphoricality of spatial expressions of verticality and horizontality in the opinions of advocates general of the Court of Justice of the European Union and the translation of spatial metaphors into Lithuanian. Verticality, the main prerequisite for the deeply entrenched metaphor POWER/ CONTROL IS UP, is more relevant for English than Lithuanian, hence the well-established expression *under the law*. In Lithuanian, the above metaphor is only preserved in some cases, more often it is rendered through horizontal terms; the understanding of law as power and control over people in Lithuanian apparently features less prominently. Some other metaphors in English adhering to the horizontal dimension are realised through verticality markers in Lithuanian. Further implications of such spatial ‘confusion’ are also touched upon in the paper; however, to arrive at more definite conclusions as to why in one language spatial metaphors in legal discourse are based on vertical arrangement of items and in another on horizontal, more research is needed.

Chapter six by **Miguel Ángel Campos-Pardillos** *Metaphor as a Foundation for Judges’ Reasoning and Narratives in Sentencing Remarks* focuses on metaphor in orally delivered judges’ sentence in English courts. As is usual in a common law country, in England judges do not only deliver ‘hard’ facts; they also offer some interpretation and are engaged in persuasion. The researcher identifies several types of metaphors: those characterising the perpetrator and the victim, argumentative metaphors usually giving more importance to the judge’s ‘story’, (mostly spatial) metaphors characteristic of the sentencing part, such as *length of the sentence* or *uplifting the sentence*. Metaphor thus becomes not only an

instrument clarifying more abstract notions, but also an instrument moulding the desired message and sending it to the people in the courtroom and, through traditional media and online coverage, to the society at large. Thus ideological and educational points of the sentence are very important, and the judge should be very careful when delivering it and choosing (deliberate) metaphors that ‘colour’ his/her speech.

Chapter seven by **Linda Berger** *Metaphors of Kairos* deals with metaphor in judicial opinions in the federal appellate courts in the United States. The term *kairos* comes from Greek rhetoric and refers, alongside ethos, pathos, and logos, to a mode of persuasion. *Kairos* is related to specific moments in time when important claims have to be made. The claims are usually rendered through metaphor. The author adheres to the understanding of metaphor as an explanatory tool when an abstract notion is clarified by referring to something more familiar and concrete, and discloses evaluative implications of specific metaphors and their role in a narrative. The analysis focuses on concrete cases of metaphor occurring in the speeches of judges. Some cases are extended systematic metaphors permeating longer texts; some are image-based. Kairic metaphors help the legal author render the story in the most effective way.

Chapter eight by **Lucia Morra** and **Barbara Pasa** *Ordre Public: Research into the origin and the evolution of legal metaphor* analyses the metaphorical concept of *ordre public* ‘public order’ and its evolution from a cognitive perspective. Tracing back the origin of the locution to a speech by Montesquieu, the chapter follows its development as it was used in a number of legal texts, mostly by French authors and in French legal acts before the 20th century. The authors demonstrate the evolution of the content of the phrase until the 20th–21st century when a European notion *ordre public* emerged; eventually, national exceptions were coined in the light of the principle of human dignity. The development of the notion is closely linked to the development of the society and tied to the system of values, as is evident in the rulings of the European Court of Justice.

Chapter nine by **Michelle Aldridge** and **Kate Steel** *The Role of Metaphor in Police First Response Call-outs in Cases of Suspected Domestic Abuse* touches upon the role of metaphor in police–victim interactions. The analysis includes two types of metaphors: 1) those used by victims to describe the abuse, usually linked to size, strength, volatility, and invasiveness, and 2) those employed by police officers. The first type of metaphor is mainly employed to enhance the emotional weight to their narrative and increase the impact of the narrative on police officers (POs); the second type, usually the journey metaphor, is employed to better structure the victim’s narrative into a statement, to put some order into the

victim's description. The police usually try to neutralise the account of the incident, which is probably the reason why POs use much fewer metaphors than the victims. The authors argue that these contrastive styles re-inforce the power asymmetries in the call-outs and potentially contribute to the victims reporting that their voice is not heard.

Legal discourse, despite its persistent attempt at clarity, is notoriously problematic and sometimes called obscure (see Wagner and Cacciaguidi-Fahy 2006). As can be seen in the chapters of this book, legal discourse, like many other discourses, is not immune to metaphor. In legal discourse metaphor helps understand more complex ideas through more tangible, concrete things; its realisation may be culture-specific. In addition, metaphor is often also evaluative, even in legal discourse. Sometimes the evaluation is so deeply entrenched that people may be hardly aware of it; the reasons and origin of the evaluative load are not always obvious. Metaphors also play an important role in constructing arguments and is often employed for rhetorical purposes.

The chapters in the book are very different in their foci and methodological approaches. However, the problems raised and solutions offered often cross the boundary of a single community or culture. The book may be of interest to lawyers, linguists, metaphor scholars and other readers with an inquisitive mind. The volume may be of use to educators and students engaged in studying such type of discourse, often posing problems related to the specificity of a particular branch of law (contract, criminal, intellectual property, etc.) and the intricacies of legal language and culture. Understanding how metaphor works in legal discourse may help all engaged in legal discourse understand the underlying intentions, patterns of behaviour and reasoning, and provide guidance to constructing their texts.

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CHAPTER 1

THE METAPHORICITY OF THE NOUN *LAW*

PIOTR TWARDZISZ

Abstract

The chapter explores the metaphoricity of the noun *law*, as it is used across different genres. Metaphor originates in the verb, therefore we seek where and how the noun *law*, as a syntactic object, inherits metaphorical senses from its preceding verbs. Genre-based corpora are used as data sources. This analysis has two aims, which are only partially fulfilled: to determine the metaphoricity of *law* in a fairly general sense, with its amount and quality across different genres, and then to establish the metaphoricity of *law* with its forms of linguistic expression. The latter would have practical implications for practitioners of English for legal purposes, especially in their writing tasks where the key noun *law* appears. Overall, the analysis provides us with a more abstract understanding of the noun *law* and organises our knowledge of how *law* combines with preceding verbs.

Key words: law, metaphor, collocate, collocation, pattern.

1. Introduction

The language used in legal contexts—and especially English legal language—has been analysed extensively in its specific lexical, syntactic or pragmatic aspects (e.g. Groot de 1998; Tiersma 1999; Mellinkoff 2004/1963; Kocbek 2006). As an example of language for specific purposes, the (sub)language used for legal purposes has been distinctly branded as either *legal language* or *language of (the) law*. Any potential referential differences implied by these two labels will be overlooked, here. Legal language, especially in its written form, has been accorded some autonomy from language for general purposes. As opposed to general language, legal language has been seen as free of figurative expressions and

other similar devices (Tiersma 1999, 128). The seriousness of topics covered by legal writing requires that legal language be unambiguous. Thus, authors of legal texts are cautioned to keep their writing free of all varieties of literary devices.

Nevertheless, over the last few decades, new trends have appeared in legal linguistics. The (English) language used in legal contexts has been extensively analysed for its potential metaphoricity. Researchers have focused on various aspects of legal language and discourse in search of metaphorical expressions or metaphorical concepts; it has often been claimed that metaphors pervade legal language despite its alleged literalness and avoidance of ambiguity (Bosmajian 1992; Cohen and Blavin 2002; Morra, Piercarlo, and Bazzanella 2006; Twardzisz 2013). Moreover, legal thinking is claimed to be fundamentally based on *conceptual* metaphor, as introduced and developed in Conceptual Metaphor Theory (CMT) (Lakoff and Johnson 1980; Lakoff and Turner 1989; Lakoff 1993; Kövecses 2002). In opposition to the classical view of metaphor as a rhetorical device, conceptual metaphor constitutes a complex mental phenomenon. The exclusively decorative and rhetorical character is rejected in the light of the fact that metaphor is argued to permeate speech and thought. Under this view, language serves as an outlet—a physical representation of the otherwise mental construct of the metaphor.

According to the researchers who have focused on the metaphorical aspects of legal language, a shift from “visually-oriented” to “aurally-oriented” figures of speech has been taking place in American legal language (Hibbitts 1994). This shift concerns metaphors focusing on vision (e.g. *judicial review*, *observing the law*) to metaphors highlighting hearing (e.g. *law as dialogue*, *conversation*, etc.). The recognition of the reconfiguration of legal language in terms of its altered metaphoricity means acknowledging its metaphoricity in the first place. The figurativeness of legal language has been amplified by the capacious concept of “legal fiction” (Fuller 1967; Schane 2006). Rather than mere personification, descriptive representation is achieved through the “corporation as a person” fiction. In legal discourse, companies and other legal entities are depicted as *possessing* property, *entering* into contracts, or *acting* in ways characteristic of humans. Therefore, it has become natural in legal texts to render non-human entities as if they were human, or human-like (Twardzisz 2013). Legal language in the EU context provides a backdrop for research on grammatical metaphor and metonymy, as opposed to semantic metaphor (Stålhammar 2006). Neither type of metaphor relates to conceptual metaphor in the narrow sense. While conceptual metaphor is a mental construct, both semantic metaphor and grammatical metaphor are linguistic

phenomena: semantic metaphor is about substituting one word for another and grammatical metaphor is about substituting one grammatical structure for another (Halliday and Martin 1993, 79). Grammatical metaphor is also typical of specialist texts where the reification of processes into objects takes place regularly; in academic writing, for instance, the high frequency of nouns (and nominalisations), as opposed to verbs, has been confirmed by contemporary research (Biber 2006; Biber and Gray 2010). Similarly, legal documents are amenable to the condensation of information and economy of form provided by grammatical metaphor (Stålhammar 2006, 100).

Legal language has been researched for metaphor—of all stripes—and there are certain indications that such discourse abounds in figurative expressions. There are also good reasons to believe that the rigorous discourse of legal matters includes elements which dilute this formality. In the main part of this chapter, the metaphoricity of the key noun *law* will be examined. This noun is used both in specialist texts and in popular texts about law and legal matters. Determining the metaphoricity of *law*, its exact amount and quality, would be valuable to all those who write, speak and think about the law. This is one goal which will only be touched upon in the course of this analysis. There is also another goal: establishing the metaphoricity of *law*, with its forms of linguistic expression, which would be beneficial to all those who invoke the noun *law* in their professional discourse. The practical results of this analysis can be seen as guidelines for academic and specialist writing, where the key noun *law* appears. The results show a more abstract understanding of the noun *law* and organise our knowledge of how *law* combines with preceding verbs.

Before moving on to the next section, let us summarise the meanings of the noun *law* based on its comprehensive definitions from the *Oxford English Dictionary* (OED). According to the OED, the noun *law* is a borrowing from early Scandinavian. It was used in Late Old English (ca. 1000) as *lagu*, which functioned as a strong feminine noun. The entry *law* in the OED is divided into 4 major groups of senses: (i) a rule of conduct imposed by authority; (ii) without reference to an external commanding authority; (iii) scientific and philosophical uses and (iv) senses relating to allowance or indulgence.

Naturally, the general group of senses under (i) clusters the most prototypical and frequently used sub-senses, which are summarised below (disregarding the obsolete cases).

1. The body of rules, whether proceeding from formal enactment or from custom, which a particular state or community recognises as binding on its members or subjects. In this sense usually *the law*.

Often viewed, with more or less of personification, as an agent uttering or enforcing the rules of which it consists.

2. One of the individual rules which constitute the ‘law’ (sub-sense 1) of a state or polity.
3. Laws regarded as obeyed or enforced; controlling influence of laws; the condition of society characterised by the observance of the laws.
4. With a defining word, indicating one of the branches into which law, as an object of study or exposition, may be divided (e.g. *commercial law*, *ecclesiastical law*, *international law*, etc., *the law of banking*, *the law of nations*, etc.).
5. Applied in a restricted sense to the Statute and Common Law, in contradistinction to ‘equity’.
6. Applied predicatively to decisions or opinions on legal questions to denote that they are correct.
7. The profession which is concerned with the exposition of the law, with pleading in the courts, and with the transaction of business requiring skilled knowledge of law; the profession of a lawyer.
8. The action of the courts of law, as a means of procuring redress of grievances or enforcing claims; judicial remedy.
9. The body of commandments which express the will of God with regard to the conduct of His intelligent creatures. Also (with *a*, *the* and *plural*) a particular commandment.
10. The system of moral and ceremonial precepts contained in the Pentateuch; also in a narrower sense applied to the ceremonial portion of the system considered separately.

The second group of senses under (ii) focus on the following issues:

11. Custom, customary rule or usage; habit, practice, ‘ways’; *law of (the) land*: custom of the country.
12. A rule of action or procedure; one of the rules defining correct procedure in an art or department of action, or in a game (e.g. *law of the jungle*).

In the “scientific and philosophical uses” group of senses (iii), there are the following sub-senses:

13. A theoretical principle deduced from particular facts, applicable to a defined group or class of phenomena, and expressible by the statement that a particular phenomenon always occurs if certain conditions be present.

14. The order and regularity in Nature of which laws are the expression.

Finally, the most restricted group of senses (iv) “relating to allowance or indulgence” focus on:

15. An allowance in time or distance made to an animal that is to be hunted, or to one of the competitors in a race, in order to ensure equal conditions; a start; in phrases *to get, give, have (fair) law (of)*.

Having introduced the noun *law* as defined in the OED, let us proceed to the presentation of the methods used in our analysis of its metaphoricity. In the following section, the details of our corpus-based search and analysis are laid out. The data obtained from a large corpus enable sufficient representativeness of various uses of the noun *law*. It is important that despite unfathomable usages of this noun, this limited analysis has produced balanced results, obtained fairly automatically from diverse sources.

2. Methods

The source of the data is the *Corpus of Contemporary American English* (COCA) (Davies 2020–). At the time of conducting the search (June–July 2020), COCA supported eight sub-corpora based on distinct genres: TV/MOVIES, BLOG, WEB-GENL, SPOKEN, FICTION, MAGAZINE, NEWSPAPER and ACADEMIC. In the first instance, we have also approached the entire corpus, which we label here as ALL-GENRES.

Our analysis places focus on the noun *law*, namely concrete realisations of the general sequence [[verb][*the*][*law*]]. We examine the influence of the preceding verb on *law*, and vice versa. As we want to reconstruct the metaphor that accompanies *law*, it is necessary to test this particular sequence of elements. Let us briefly explain why a sequence involving a verb is crucial. Without doubt, there are differing opinions about how and where metaphor originates (see, for example, Gibbs 1999; Stefanowitsch 2004). It is possible to detect metaphor(icity) in, for example, a complex noun phrase, or any expression for that matter. Yet, in order to demonstrate where exactly this metaphor resides, one needs to resort to a clausal paraphrase, which involves an inflected verb. Moreover, metaphor is sometimes conflated with metonymy as basically the same kinds of effects. Numerous authors have pointed out that metaphor and metonymy are too difficult to distinguish from each other (Lakoff and Turner 1989, 103; Radden 2000, 93; Radden 2002, 408; Barcelona 2002, 232; Ruiz de Mendoza Ibáñez and Díez Velasco 2002, 489). Thus, in order to keep metaphor and

metonymy apart, one needs to acknowledge the fact that the former is more of a verbal issue, while the latter is more a nominal phenomenon. In this analysis, we adopt the position that metaphor originates primarily in verbs and a neighbouring noun receives its imprint; therefore, we want to examine how *law*, as a post-verbal noun, combines with a preceding verb. The string `[[the][law]]` may be part of a larger noun phrase, in which case the word *law* may function as a pre-modifying element for another noun. However, in our analysis, we limit ourselves to the clipped sequence `[[verb][the][law]]`, assuming that *law* functions as a syntactic object of its preceding verb. Even if *law* is not strictly the syntactic object of its preceding verb, it is semantically related to it.

The data obtained constitute strings of three items, including the definite article *the*, thus our corpus-based search undertakes a collocational analysis of the sequence `[[verb][the][law]]`. These three-item sequences were retrieved using the search query “the law_v*” in the COCA “collocates” search window. The search item “the law” (without asterisks) was aligned with the “verb.ALL” option, selected in the part-of-speech drop-down menu. The hit limit was set at #1000 in the options menu, with up to two collocates immediately to the left of the search item. The option “find collocates” was activated. The same parameters were set in all the searches carried out in the study. Altogether, eight genre-based frequency lists (i.e. TV/MOVIES, BLOG, WEB-GENL, SPOKEN, FICTION, MAGAZINE, NEWSPAPER and ACADEMIC) were obtained, topped with one collective list (ALL-GENRES), which collated all the previously-retrieved data.

As argued in Ackermann and Chen (2013, 236), it seems necessary to resort to human intervention once the relevant collocation lists have been established. The raw data obtained in the form of frequency lists were manually post-edited. It was noted that a widespread phenomenon characterising raw frequency lists—the proliferation of different inflectional verb forms of the same stem—was also applicable in our data set. The nine frequency lists under examination have included different inflectional verb forms of the same stem (e.g. *break*, *breaking*, *broke*, *breaks*). These forms have been collapsed under one-word type (*break*). The frequencies of these inflected forms have been summed up, and the totals have been listed next to the basic forms. Only the basic forms have been considered in our collocational analysis. Different derivational forms (e.g. *disobey*) of the same base have also been put under one basic word type (*obey*). Moreover, some archaic forms littering the lists were removed manually, for example, *serveth*, *sayeth*, *maketh*, *keepeth*, etc.

The cleaned frequency lists are ordered in terms of word types (left-side verb collocates of *the law*), with the most frequently occurring ones at the

top and the least frequently occurring ones at the bottom. The latter constitute once-only occurrences (*hapax legomena*). In order to keep our analysis manageable, we trim all the frequency lists, retaining only these word types with frequencies of 5 and above. The word types with frequencies of 4 and less are quite numerous across all genres examined. Due to their low frequencies, these word types are less significant to our statistical analysis or conclusions concerning semantics.

The results of our corpus searches provide us with quantitative information about which verb collocates combine with the noun *law*. Such frequency lists inform us of the statistical significance of particular verbs as collocates of *law* across all genres, and then within particular genres. Subsequently, traditional manual examination of these collocates helps us to understand which semantic categories of verbs prevail on the frequency lists.

The qualitative part of this study resembles conventional phraseological research (Cowie 1981; Cowie 1994; Howarth 1998), in which collocations are understood as phrase continua with varying degrees of fixedness. High token numbers of particular verb types collocating with *law* demonstrate combinatorial restrictions between such verbs and the key noun (e.g. *break the law* vs. *twist the law*). The absence of certain semantically related verb collocates (e.g. **sprain the law*) signals arbitrary gaps in the semantic system, especially in its metaphorical layer. The vast and diverse statistical middle of the frequency lists is full of apparently free collocations (e.g. *understand the law*, *support the law*, *disregard the law*, etc.). However, even such innocuous-looking collocations may display some sort of semantic fixedness. While *understand* is capacious, in terms of possible objects that can be understood, this verb can collocate with abstracts which can function as targets of this mental process. For Ackermann and Chen (2013, 236), such apparently loose units are “still very much restricted by their semantic and/or syntactic environment”. Two lexical items frequently appearing together in a collocation are claimed to be “lexically primed” for each other (Hoey 2005). The lexical priming of some words to be used with other items is the effect of our repeated encounters with them. The issues of “semantic restrictiveness” and “lexical priming” remain largely unrefined, though they are indicative of certain tendencies among words to select their neighbours. In our analysis, we will seek those collocational patterns which cluster semantically related verb collocates.

3. Results and analysis

First, let us present the results of the search of the entire corpus, without distinguishing its individual genres. The results of this search are collected under the ALL-GENRES label.

The frequency list for ALL-GENRES obtained in this search has been limited to the first thousand word types. These word types include 18,408 word tokens. The distribution of the word types according to their token numbers is as follows: 1–400: word types with 5 tokens or more, 401–495: 4 tokens, 496–621: 3 tokens, 622–906: 2 tokens and 907–1,000: 1 token (*hapax legomena*). This means that the word types from the most frequent one (the first one on the list) to the one in the 400th position are word types which have 5 or more tokens. In our analysis, we will be interested in such word types only.

The eight genre-based searches understandably result in lower numbers of word types and tokens. Below is a summary of the basic statistics obtained in each of the eight genre-based searches.

- 1) COCA ACAD: 606 word types and 1,678 word tokens; 1–67: word types with 5 tokens or more; 68–87: 4 tokens; 88–130: 3 tokens; 131–240: 2 tokens; 241–606: 1 token.
- 2) COCA BLOG: 602 word types and 2,841 word tokens; 1–90: word types with 5 tokens or more; 91–114: 4 tokens; 115–152: 3 tokens; 153–247: 2 tokens; 248–602: 1 token.
- 3) COCA FICT: 236 word types and 779 word tokens; 1–29: word types with 5 tokens or more; 30–39: 4 tokens; 40–53: 3 tokens; 54–84: 2 tokens; 85–236: 1 token.
- 4) COCA MAG: 434 word types and 1,400 word tokens; 1–55: word types with 5 tokens or more; 56–72: 4 tokens; 73–102: 3 tokens; 103–162: 2 tokens; 163–434: 1 token.
- 5) COCA MOV: 282 word types and 1,967 word tokens; 1–56: word types with 5 tokens or more; 57–64: 4 tokens; 65–86: 3 tokens; 87–116: 2 tokens; 117–282: 1 token.
- 6) COCA NEWS: 626 word types and 3,229 word tokens; 1–107: word types with 5 tokens or more; 108–136: 4 tokens; 137–177: 3 tokens; 178–266: 2 tokens; 267–619: 1 token.
- 7) COCA SPOK: 554 word types and 4,226 word tokens; 1–111: word types with 5 tokens or more; 112–136: 4 tokens; 137–171: 3 tokens; 172–250: 2 tokens; 251–554: 1 token.

- 8) COCA WEB GEN: 602 word types and 2,841 word tokens; 1–90: word types with 5 tokens or more; 91–114: 4 tokens; 115–152: 3 tokens; 153–247: 2 tokens; 248–602: 1 token.

As we are interested in the word types with 5 and more tokens, the genre-based sub-corpora display the following decreasing order in this respect: ALL-GENRES (400), COCA SPOK (111), COCA NEWS (107), COCA BLOG (90), COCA WEB GEN (90), COCA ACAD (67), COCA MOV (56), COCA MAG (55), COCA FICT (29).

These numbers are lowered by removing several word types from all lists which unduly clutter the results, such as the verbs *appear*, *be*, *become*, *have*, *remain* and *seem*. These are typical linking and existential verbs, which do not contribute much semantic content. Subsequently, further reduction of several verb types was conducted, in view of the fact that verbs with very general meanings do not contribute substantially to our analysis. Therefore, the following verb types have been removed from all frequency lists: *assume*, *consider*, *decide*, *get*, *give*, *include*, *know*, *make*, *mention*, *say*, *take*, *think*, *use* and *want*. The remaining verbs have constituted the bulk of our analysis, which is described below.

Let us first consider verb collocates which are directly related to the topic of law. The dictionary definitions (OED) of the following verbs retrieved from the ALL-GENRES list explicitly mark them, in the first or second sense, as related to the area of rules, regulations, principles, etc.: *abolish*, *codify*, *contravene*, *defy*, *enact*, *enforce*, *flout*, *nullify*, *(dis)obey*, *observe*, *overturn*, *repeal*, *revoke*, *transgress*, *uphold*, *veto* and *violate*. On the other hand, the noun *law* is attracted to such verbs which expectedly introduce this noun in legal contexts with more refined senses. What may take place here is mutual “lexical priming” between the two items (Hoey 2005). A verb such as *abolish* is somehow prepared to usher in the noun *law*, as the former is semantically geared towards the latter. Conversely, the noun *law* is also conditioned through frequent use to be introduced by a verb such as *abolish* and so on. The repeated use of such primed collocations naturally raises their attraction to each other, as opposed to other potential collocates. The above verb collocates are represented across the genres with the following numbers of tokens:

Table 1. Collocates directly related to the topic of law

	ALL	SPOK	NEWS	BLOG	WEB	ACAD	MOV	MAG	FICT
violate	907	264	198	107	109	100	28	84	9
enforce	843	304	147	97	95	84	42	56	20
(dis)obey	518	112	61	82	90	68	36	41	22
uphold	344	96	46	51	26	20	64	10	10
repeal	179	34	53	27	27	25	—	8	—
defy	63	15	9	9	9	10	—	9	—
observe	33	—	6	—	4	12	—	6	—
enact	29	—	7	—	—	15	—	4	—
abolish	27	5	—	9	9	—	—	—	—
overturn	21	—	11	9	—	—	—	—	—
transgress	16	—	4	2	—	3	—	5	—
veto	7	—	—	—	—	5	—	—	—
flout	6	—	—	—	—	6	—	—	—
codify	5	—	—	—	—	—	—	—	—
contravene	5	—	—	—	—	5	—	—	—
nullify	5	—	—	—	—	—	—	—	—
revoke	5	—	—	—	—	—	—	—	—

The absence of a given collocate (—) across all eight genre-based lists means that there are no tokens of this verb type recorded with frequencies of 5 and above. Numerous occurrences below 5 have been seen on the lists, resulting in tokens recorded on the ALL-GENRES list.

By far, the most frequent verb collocate of *law* is *break*. It appears as number one or two on all the frequency lists. Table 2 summarises the numerical results for the collocate *break* obtained in all searches.

Table 2. Frequencies of *break* across all frequency lists (above 4 tokens)

	ALL	SPOK	NEWS	BLOG	WEB	ACAD	MOV	MAG	FICT
break	3,315	916	327 (2)	544	544	84 (2)	520	223	132

The collocation *break the law* has been lexicalised. Given this, the verb *break* can be argued to be directly related to the topic of law. Without denying its relatedness to the key theme, the verb *break* is not included in Table 1, as its dictionary definitions initially list several senses related to the physical activity of disintegrating the totality or solidity of a fragile object. The “legal” sense appears later in combination with *law*, *rules*, etc. However, the collocation *break the law* is a very strong one, which makes

it an uncertain case. According to COCA (23 July 2020), the noun *law* (5,896) is the second most frequent collocate of *break* (after *heart*—7,292), followed by *news* (5,437), *rule* (3,830), *record* (3,336), *leg* (2,346), *ground* (1,864), *silence* (1,794), *barrier* (1,794), *neck* (1,403), *bone* (1,377), *glass* (1,204) and *promise* (1,097) (to list only the most frequent ones). On the one hand, *break the law* may fit in with “literal” and direct (only) legal collocates (Table 1). On the other, *break the law* is intertwined with non-legal senses, which also display high frequencies of use. Additionally, it is not only the collocational legal/non-legal divide for the verb *break*. There seems to be an important physical/non-physical division of collocates that are primed for *break*. The verb *break* clearly attracts nouns which designate either solid objects (e.g. *bone*, *glass*, *leg*, *neck*, etc.) or abstracts (e.g. *law*, *news*, *record*, *silence*, etc.). The collocation *break one’s heart* is an interesting case spanning both kinds of nouns. In the first instance, *heart* designates a solid object. But in the phrase *break one’s heart*, the noun re-directs our attention to its other designation of an emotional sphere associated with its physical function. This apparent semantic duality of the verb *break* deserves a closer analysis and a more convincing account.

One explanation is that a collocation such as *break the law* is a case of language convention, where a once-arbitrarily composed phrase becomes solidified through frequent use. Subsequently, it is accepted by language users as a natural way of communicating a given process or event. Another account, without completely rejecting the first one, may be to assume some de-metaphorisation of the metaphorical phrase *break the law*. Before the phrase *break the law* becomes metaphorical, it is essentially literal. In its initial stage, it must designate a physical effect on something solid which is a carrier of the law (e.g. *a slate*, *board*, *surface*, etc.) when the right circumstances are met. Later, the non-literal sense, which designates the rejection of the actual legal concept, may be assumed as primary. This non-literal sense seems most appropriate in modern usage, when the actual carrier of legal ideas is less and less physical (i.e. a book > electronic storage). Also, the activity of breaking departs from its original physical designation, which was required of physical carriers of the law. Both, the activity of breaking and its object *law* become non-physical. This, in turn, makes the sense of the phrase *break the law* less tangible or completely non-physical. This is a convenient view for metaphor researchers, and in particular, conceptual metaphor researchers. However, when applied to cases such as *break the law*, the CMT view may be problematic. Nowadays, language users, lawyers or otherwise, do not conceive of the law as a fragile object that can be smashed or disintegrated. Thus, the expression *break the law* is probably better perceived as a dead metaphor, or as a metaphor which

has become de-metaphorised. Insistence on the expression's metaphoricity is far-fetched as it would imply that the collocation should be felt somewhat inconsistent. Yet, the expression sounds perfectly consistent semantically. Indeed, the law can be thought of as something that is occasionally broken without thinking of the actual process as metaphorical.

In what follows, the remaining verb types are categorised into semantic classes under overarching collocational patterns. Capitalised characters will be used for all the patterns established. These collocational patterns are convenient shortcuts for conceptual clusters in semantically related verb types. The verb types in italics enumerated under each pattern appear to instantiate these overarching patterns. The figures given in parentheses are taken from the ALL-GENRES list. The apparently de-metaphorised expression *break the law* fits in with other instantiations that can be handled by the more general concept THE LAW IS SOMETHING TO BE DESTROYED, for example, *weaken* (14), *subvert* (9), *destroy* (8), *eliminate* (8), *scrap* (7). The following patterns have been tentatively established:

THE LAW IS SOMETHING THAT CAN BE CHANGED:

change (681), *amend* (79), *revise* (24), *reform* (20), *extend* (19), *affect* (16), *modify* (16), *bend* (15), *stretch* (14), *alter* (13), *manipulate* (13), *expand* (12), *shape* (10), *twist* (7)

THE LAW IS SOMETHING TO BE DEALT WITH:

(*mis*)*apply* (216), *implement* (107), *keep* (100), *fulfil* (77), *find* (49), *execute* (30), *bring* (29), *leave* (29), *block* (28), *replace* (20), *adopt* (19), *push* (19), *select* (19), *suspend* (15), *discover* (14), *compare* (10), *choose* (9), *control* (9), *flaunt* (9), *receive* (9), *test* (9), *administer* (8), *check* (8), *cover* (8), *move* (6), *retain* (6), *sustain* (6), *turn* (6), *exploit* (5), *show* (5)

THE LAW IS A CONCEPT/IDEA:

understand (132), *challenge* (118), *call* (110), *defend* (68), *believe* (66), *argue* (28), *create* (28), *declare* (21), *reject* (21), *invoke* (20), *learn* (19), *represent* (19), *study* (18), *undermine* (17), *approve* (16), *explain* (16), *remember* (15), *research* (15), *claim* (12), *protest* (12), *criticize* (11), *discuss* (11), *analyse* (10), *suggest* (10), *champion* (6), *favour* (6), *justify* (6), *teach* (6), *define* (5), *identify* (5), *prevent* (5), *realize* (5), *regard* (5)

THE LAW IS A HUMAN BEING:

satisfy (311), *respect* (91), *oppose* (82), *fight* (58), *meet* (20), *abuse* (15), *attack* (14), *fear* (13), *honor* (13), *protect* (11), *fuck* (10), *hate* (10), *love* (9),

serve (9), *beat* (6), *blame* (6), *hear* (6), *hit* (6), *kill* (6), *liberalize* (6), *contact* (5), *reauthorize* (5), *rule* (5)

THE LAW IS SOMETHING TO BE AVOIDED:

ignore (152), *skirt* (49), *circumvent* (43), *disregard* (36), *evade* (31), *escape* (19), *avoid* (19), *dodge* (12), *bypass* (5), *flee* (5)

THE LAW IS SOMETHING THAT IS WRITTEN:

(*mis*)*interpret* (216), (*re*)*write* (176), (*mis*)*read* (120), *sign* (68), *draft* (15), *cite* (12), *quote* (9)

THE LAW IS SOMETHING THAT CAN BE MADE BETTER:

support (91), *clarify* (23), *strengthen* (13), *fix* (8), *improve* (8), *fit* (6), *maintain* (5), *overhaul* (5)

THE LAW IS SOMETHING TO BE REACHED:

follow (686), *pass* (118), *approach* (8), *reach* (5)

THE LAW IS SOMETHING TO BE LOOKED AT:

see (51), (*re*)*view* (22).

Verb types whose semantic category is elusive may be sanctioned by more than one collocational pattern, for example: *determine* (24), *establish* (24), *describe* (21), *join* (21), *stop* (15), *allow* (9), *judge* (8), *elude* (6), *influence* (6), *involve* (6), *undercut* (6). There is an inevitable element of personification, but at the same time, this feature can be superseded by other senses, which makes it hard to compartmentalise some of these verbs.

4. Discussion

Let us now try to accommodate the above observations within the context of metaphor research. The collocational patterns listed above have the form of conceptual metaphors, as proposed in CMT. This notation is tentative; by adopting the CMT notation, we introspectively assume some metaphoricity of *law*. The question is whether the noun's metaphoricity can be also verified independently, and if so, how?

Metaphor has been debatable and may mean different things to different scholars (Twardzisz 2013a, 63). The ubiquity of conceptual metaphor in specialist language (or discourse), as proposed in CMT, is even more debatable. Thus, the proposal that the noun *law* is thoroughly metaphorised due to frequent and versatile use with the above discussed verb types is

tentative. What is beyond doubt is that the English language, when used in legal contexts, employs numerous concepts designating abstract referents. Therefore, it is tempting to argue that legal language increasingly resorts to metaphor as a handy tool for facilitating the comprehension of otherwise incomprehensible intangibles (Twardzisz 2013). Metaphor is believed, among other things, to simplify complex concepts as “[t]he essence of metaphor is understanding and experiencing one kind of thing in terms of another” (Lakoff and Johnson 1980, 5). It would be odd to assume that legal language is somehow immune to metaphor or metaphorical thinking. If metaphor permeates language per se and thinking in general, then it must also pervade legal language and thinking about legal matters.

Different levels of legal discourse need to be distinguished. There are those at which legal matters are discussed by means of concrete terms and concepts. However, there are also levels where legal discourse can become very abstract, and it seems that the noun *law* is exemplary of these. If it is, then the language which surrounds the noun *law* is full of abstract terms, and it makes sense to assume that metaphor reduces excessive abstractness. Metaphor does so by guiding the conceptualiser through the source domain, which provides concrete referents. Concrete elements of the source domain correspond with (are mapped onto) abstract elements of the target domain (Lakoff and Johnson 1980, 52; Lakoff 1993, 203; Kövecses 2002, 4). That is why conceiving of an abstract company as if it were a concrete person decidedly helps one process company discourse. As a result of metaphorical thinking, company discourse is processed as if it were human-like.

In the author’s earlier account of legal discourse (Twardzisz 2013), reference was made to the CMT dictum that “most concepts are partially understood in terms of other concepts” (Lakoff and Johnson 1980, 56). As a consequence, several metaphors were proposed based on expressions formulated in commercial contracts, for example: A COMPANY IS A PERSON, AN ENTITY IS A PERSON, A COMPANY IS A TEMPORAL BEING, etc. The reconstruction of these metaphors was carried out inductively, as a result of the identification and analysis of concrete language expressions. However, CMT theorists are not much concerned with linguistic metaphor identification, as most of our conceptual system is believed to be thoroughly metaphorical. Nevertheless, metaphor identification has become a valid research issue (for a summary, see Twardzisz 2013a, 3.4). Lakoff and Johnson’s introspective approach has been questioned in favour of data-based metaphor identification procedures (Steen 2009; Steen, Dorst, Herrmann, Kaal et al. 2010; Steen 2011). The counterclaim to CMT is that metaphor is not ubiquitous and needs to be identified using objective criteria. Metaphor, with its varied types, can and should be differentiated