

METAPHORS IN ENGLISH LAW LANGUAGE AND THEIR LINGUISTIC REALIZATION IN MACEDONIAN AND ALBANIAN

Agim Ibraimi

PhD Candidate, University "Ss Cyril and Methodius"- Skopje

DOI: 10.46609/IJSSER.2023.v08i02.006 URL: <https://doi.org/10.46609/IJSSER.2023.v08i02.006>

Received: 30 Jan. 2022 / Accepted: 23 Feb. 2023 / Published: 28 Feb. 2023

ABSTRACT

Legal language is a specific language thought to be characterized of various linguistic means. The one linguistic feature this paper focuses on is metaphor. Metaphors are to be found in every genre including the legal discourse. This paper aims at exploring and unveiling the conceptual/cognitive metaphors in legal discourse and what impact they exercise on the reader. It also elucidates the concept of metaphors based on the Conceptual/Cognitive Metaphor Theory. An attempt has been made to give a brief review of most frequently used legal metaphors and the last part of the paper includes a list of metaphors taken from the corpus of 700 documents of the field of Administrative Law and compares these metaphors in Macedonian and Albanian language and whether culture and metaphors are interlinked.

Key words: metaphor, conceptual metaphor, legal discourse, culture.

DATA ANALYSIS

Translation has always been very challenging for me as I have, even as an undergraduate student, given a lot of thought and time to translation. Back then at that time and today I still have the same stand regarding translation, that it is not just a simple word-transfer, but much more than that. The following metaphors have been taken from the documents that I have translated from Macedonian into Albanian and English. These documents come from the field of Administrative Law, but they are not restricted only to Administrative Law. The corpus of the translated documents in these languages is 700 documents more or less. The way I have picked them up is that during my time working as a translator at the Inspectorate for the Use of Languages I have also created a trilingual dictionary with expressions, metaphors, idioms, legal words which I continuously enrich every day. Having in mind that the number of linguistic expressions is spacious, I have singled out only a few, the most interesting and the most culturally bound one. It

is of paramount importance to point out that the frequency of these expressions is not the same in all three languages; it varies depending on what source language we are using.

Metaphors and law language

As noted in the introduction, law language is very tightly connected to the culture of a particular society; in other words, it is society-centred, regulating the social and economic behaviour of the people of a particular society. The law has a normative existence that is embodied in the ideals and principles that people cherish, the purposes and aspirations they pursue, and the notions they hold (Jenkins, 1980). Due to this link between law and culture, metaphors, which are embodied in culture, are of paramount importance in legal language. Language is inextricably linked to the legal culture where language has been cherished. Being conscious that law is an abstract notion, human beings have resorted to metaphors in an attempt to grasp the essence of law. Metaphors are used as shortcuts to express abstract legal concepts in a more efficient and economical way.

For example, the spatial expression *under the law* means ‘*obeying the law*’, because we understand that the vertical arrangement of items, being under something means it has to act in compliance of something above, or *evidence is obtained* we manage to understand it in legal discourse not being conscious that it is an metaphor; 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. When we refer to *higher courts*, we do not refer to 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 is the one that must be obeyed based on binding concept. All the above-mentioned examples are comprehensible with the assistance of metaphors: abstract entities are understood in terms of more concrete ones, of those closer to the human body and humans as social beings, belonging to a common culture. Legal discourse has been and still is pervaded by metaphoricity, despite its alleged literalness and avoidance of ambiguity. Legal thinking is claimed to be fundamentally based on conceptual metaphor, as introduced and developed in Conceptual Metaphor Theory. In other words, metaphors are used in legal discourse to help ease understanding one concept (Domain 2) by using words belonging to Domain 1, by relying on perceived similarity. Metaphors can work as efficient mnemonic devices that help lawyers themselves get a grasp of, and memorise, the gist of a notion (Richard, 2014).

Metaphor and Culture

Metaphor has been in use for centuries in different disciplines and it has been defined differently in different disciplines like rhetoric, literature.... Unlike these disciplines, Cognitive Linguistics deals with metaphor from a conceptual perspective. Lakoff and Johnson, 2003 identify metaphor through brain and thought. According to the Conceptual Metaphor Theory our conceptual system

is **metaphorical in nature**. Being unable to comprehend some concepts, especially the abstract ones, human beings turn to metaphors to grasp them, so we use metaphors to understand those things. We understand concepts by means of other concepts that we understand in clearer terms (Richard, 2014). Since our conceptual system is metaphorical in nature and concepts are shaped differently in different cultures and subcultures, then I can take the liberty to say that metaphors, besides being linguistic expressions, represent the way we think, the way we understand the world and metaphors represent our conceptual system. What concepts we hold, how they form and how we act based on them is very much contingent on the culture we grew up, our experiences and our society. Culture can be seen as a shared understanding of the world. This shared understanding reflects the mental representation (imagination) structured by cultural models and frames (Kovecses, 2005). Conceptual metaphors mirror the “common conceptual apparatus” co-shared by the members of a certain culture. One example that proves this common conceptual apparatus is seating arrangements of judges, who occupy the highest seat in the court due to their power. According to Kovecses 2005, this social phenomenon is associated with the metaphorical structure of the conceptual metaphor SIGNIFICANT/IMPORTANT IS HIGHER/CENTRAL and LESS SIGNIFICANT /LESS IMPORTANT IS LOWER / PERIPHERIAL. Metaphor is thought to constitute the cultural model or how we understand intangible, social, legal or emotional concepts. We use metaphors to conceptualize and build the non-physical and abstract world, but this conceptualization may be done through the embodied experience which correlates with cultural background. This cultural background may be universal like the one AFFECTION IS WARMTH due to unconscious bodily experience. But we may also have different metaphorical conceptualizations of important concepts on which the subculture is based according to Kovecses, 2005.

Conceptual/Cognitive Metaphor Theory

Though so far metaphors have been considered only as a device for poetic imagination and rhetorical use, recent research has given a new insight on metaphor. George Lakoff and Mark Johnson, 1980, in their book *Metaphors We Live By*, adopt the approach that metaphors are more than just linguistic expressions. According to them our ordinary conceptual system, in terms of which we both act and think, is fundamentally metaphorical in nature. This has been illustrated by the metaphor ARGUMENT IS A WAR (including here are the words/expression associated with war indefensible, attack, on target, bull’s eye, while out, demolish...) so whenever we are involved in argument in an legal trial, we refer to it as if we are at war. This is so because in our culture we see arguments as “war”, a familiar war concept used to understand the more intangible concept of argument.

As I mentioned above, concepts are formed differently in different cultures. So hypothetically, if we are arguing with someone whose cultural background does not perceive of argument as a war,

their approach towards the argument may be completely different (he may not use the words win, indefensible, defensible, attack, demolish...). The concept of ARGUMENT is metaphorically built based on the concept of WAR. Metaphor is not merely in the words we use – it is in our very concept of an argument (Richard, 2014). We talk of argument that way because we conceive of them that way- we act as we perceive of things. Put it differently, metaphors, according to the Conceptual Metaphor Theory, are not just words or linguistic expressions, but human *thought processes are largely metaphorical*, namely we form new concepts based on other previously known concepts.

Metaphors help us grasp abstract ideas, notion in terms of more concrete one by means of reification (break the law) or of personification (eyes of the law, arm of the law, mouth of the law, body of evidence). The vocabulary (metaphors) they use brings two benefits to the attorneys: firstly, it is familiar, and secondly, it often triggers images. These images help us, by analogy, understand new experiences.

Legal Metaphors

Metaphors are very important to human understanding in all fields of communication. Metaphors represent subconscious choices of the speaker whose choice of language is partially constrained by the conceptual structures shared by members of the community. Cognitive/conceptual theory has an impact on how we conceptualize law and legal practice. Legal practitioners use metaphors to make their discourse/speech more interesting, especially for emotionally intense experiences. Having in mind that at the core of the law lies witnessing (visuality), as a consequence visual metaphors occur more frequently than aural (auditory) and tactile ones. In the following, briefly we will look at some more frequent metaphors used in law.

Legal discourse has been permeated with metaphors in attempt to have better and faster communication amid legal professionals. These metaphors are of different nature expressing the way we map reality, “the way we see our reality structured by that metaphor and base our perceptions and actions upon that structuring of reality” (Richard, 2014). In the following I have briefly summarized the most frequent used legal metaphors:

- Latin legal metaphors:
 - Provides – pro-videre, -vidi, -visum – to foresee (Now *to take measures in preparation for something to happen*, ex. law provides the standards (foresees ones) for the
 - concerning - concerno, -ere– to distinguish, to discern (Now *to discern something from the rest/ relevant to*)

- In support of - supporto, -are – to carry from below, to bring (Now *we carry something forward, support*)
- Err - erro, -are – to astray (Now *fallacy, wrong conduct and judgment*)
- Personifying metaphors to express body and mind experiences and these are usually universal:
 - feet of the law
 - eyes of the law
 - hands of the law
 - at the heart of the judgment
 - the breath of the law
 - by the law
 - cries out for
 - suffered
- Reifying metaphors refer to elements that belong to the legal system as if they are objects:
 - the foundation of this provision
 - the accusation collapsed
 - constructed
 - constructed legal edifice
 - ground
- The war / confrontation metaphor
 - brought against
 - legal battle
 - undisputed
 - submits
- Sensory metaphors
 - the view that
 - in the light of
 - with regard to
 - perceived as
 - shall call
 - cannot be called

- in the first hearing’/ ‘at the hearing
- pronounces

These and many other metaphors not included in this paper are of paramount importance for understanding and making a legal text accessible to everyone. As has been stated several times so far, metaphors are used to ease communication and understanding by using our D1 experience to understand our D2 experience.

Linguistic realization of metaphors in Albanian and Macedonian

English language	Macedonian language	Albanian language
Under the law	согласно законот	nëbazëteligjit
to break the law	повреда на закон/кршење на закон	Shkel/thyejligjin
saw the light in	Видов светло во/надеж во	pashë dritën (shpresën) në
Indefensible	Неоправдан, неодржлив, неодбранлив	E paarsyeshme, e paqëndrueshme, e pa mbrojtshme
attacked every weak point	нападна секоја слаба точка	Sulmoi çdo pikë tëdobët
right on target	точно на целта	Mu në shënjestër (bull’s eye)
sweat of the brow (copyright law)	Закон за авторски права (Закон за личниот труд)	Ligji i të Drejtave të Autorit (Ligji i Djersës së Ballit)
blue ribbon jury	највисока порота	Juria profesionale
clean and neat conditions	Јасни/чисти услови	Kushte të qarta
Ministry of Economy as a legal entity has been / is being noticed	Се опоменува Министерството за економија како правен субјект.....	Ministrisë së Ekonomisë, si subjekt juridik... i tërhiqet vërejtja
civil death	граѓанска смрт	vdekje civile
dead pledge	Залог	Hipotekë/peng
..that come out from the authority of.....	произлегуваат од надлежноста	të cilat dalin nga kompetenca e
personal information protection	заштита на личните податоци	mbrojtjen e të dhënave personale
clean hands	чисти раце	duar të pastra
makes my blood boil	ми врие крвта	Më vlon gjaku
Language law is full of	Законот за јазици е полн (врие од)...	Ligji i gjuhës është plot me (i mbushur me)
Find yourself in a dock	се наоѓаш во обвинителна клупа	gjendesh në bankën e të pandehurit

It's generally accepted that metaphors are needed in everyday language to express more abstract ideas based on those more concrete ones we hold from our experience. The above-mentioned metaphors taken from administrative documents, at least most of them are universal. The universal metaphors (*clean hands, find yourself in the dock, blood boil, indefensible, attack...*) have a common concept in all these three cultures; *clean hands/чисту раце/duar të pastra, find yourself in the dock/се наоѓаш во обвинителската клупа/gjendesh në dok/gjendesh në bankën e të paditurit, my blood boils/крвта ми врве/më vlon gjaku, indefensible/неоправдан, неodrжлив/ i pa mbrojtur, attack/напад/sulm* – still these concepts may have some individual differences among these languages as these are different cultures and may conceptualise reality in different terms and ways. These metaphors are the same, meaning these three cultures share the same concepts about law. Having in mind that metaphors present a process of mapping between two different conceptual domains: the target domain (the concept to be described by the metaphor), and the source domain (the concept drawn upon, or used to create the metaphorical construction) (Marugina, 2014). We can say that these expressions are grounded on the same metaphors: **Law is conceived as human body function**- based on these conceptual metaphor we have the expressions such as *clean hands/чистураце/duartëpastra, arm of the law/ракатана законом/dora e ligjit, sweat of the brow (copyright law)/правотона трудот (законза авторски права)/djersa e ballit* (alluding to the sweat of the labourer)... **Law is conceived as a container**- *find yourself in a dock/ gjendesh në dok (bankën e të pandehurit)/се наоѓаш во обвинителска клупа, law is full of/законот е полн со/ligji është plotë me...* **Law (trial) is a war** – *Indefensible/ неоправдан (неodrжлив)/i paarsyeshëm, attacked every weak point/нападна секоја слаба точка/sulmoi çdo pikë të dobët, right on target/токму на целта/pikërisht në shënjestër.* These metaphors are to be found in Macedonian and in Albanian too due to their universality, due to their similar mapping.

But, some of the metaphors are culture-bound, like the following: *a blue-ribbon jury*. This metaphor, when used in Macedonian or in Albanian, does not incur any linguistic or cultural or lexical meaning. This is probably due to the fact that in our culture, be Macedonian and Albanian, the blue colour is not associated with professionalism, quality and this is why we have to refer to it by paraphrasing or by finding an equivalent not grounded in colour. In English-speaking societies, blue-ribbon is associated to outstanding quality, but not in Macedonian or Albanian culture. Some of the metaphors, metaphors like one mentioned above, cannot be realised linguistically as metaphors in Macedonian/Albanian language, but they have to be replaced.

A metaphor does not levitate conceptual complexities, but it offers a partial feature that people of similar linguistic and cultural background share. If this cultural and linguistic background maps

the reality differently or if speakers do not share the same metaphorical background, then the metaphor may not be understood properly or may be meaningless.

Conclusion

From the research paper above, it may be concluded that metaphors have permeated everyday language in depth and the reason why metaphors have taken a serious place in research is that they are used by people and by each civilisation and culture to grasp the most abstract ideas based on the previous experience.

Besides as a linguistic means, metaphors have come to gain an important amount of researchers' attention. Studies (Lakoff and Johnson, 2003) have shown that the way human beings conceptualise ideas is in a metaphorical way. This gives way to the idea that if our conceptual system is metaphorical, so we learn/store/remember and understand concepts in analogy with other previous concepts, with our experience, with our culture. Conceptual metaphors mirror the "common conceptual apparatus" co-shared by the members of a certain culture.

Another outcome that may be observed in this research is that legal practitioners use metaphors to make their discourse/speech more interesting, especially for emotionally intense experiences. Metaphors make the communication in legal discourse better and faster amid legal professionals.

References

- Ebbesson, J. (1999-2012). *Law, Power and Language*. Scandinavian Studies In Law © 1999-2012.
- James R. Hurford, B. H. (2007). *Semantics a Coursebook*. Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo: Cambridge University Press.
- Jenkins, I. (1980). *Social Order and the Limits of Law: A Theoretical Essay*. Princeton, New Jersey: Princeton University Press.
- Jumanca, R. (n.d.). Types of metaphors in the English Legal Discourse. *Versita* , 369-372.
- Kovecses, Z. (2005). *Metaphor in Culture: Universality and Variation*. Cambridge, UK: Cambridge University Press.
- Marugina, E. A. (2014). *Cognitive Approach to Metaphor Translation in Literary Discourse*. *Procedia -The XXV Annual International Academic Conference, Language and* , 527-533.

Osiejewicz, J. (2021). Metaphor in Legal Communication. *JILC (Journal of International Legal Communication)* 2, 97-108. , 97-108.

Richard, I. (2014). Metaphors in English for Law: Let Us Keep Them! *Lexis Journal in English Lexicology* .

Venovska-Antevska, S. (30.11. 2014). The Metaphor in Public (Political) Discourse in the Macedonian Language at the Time of Elections. *Politeja.11* .

Ѓуркова, А. (n.d.). *Текстот и концептуалната метафора (со примери од македонскиот јазик)*. Институт за македонски јазик „Крсте Мисирков“.