Metaphors we judge by: a corpus-based study of metaphor use in English legal discourse

Metáforas por las que juzgamos: un estudio basado en corpus del uso de metáforas en el discurso jurídico en inglés

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Abstract

Metaphors are an all-pervasive feature of legal language that reflects and shapes the perception, interpretation, and application of the law across jurisdictions. This study aims to map and enhance the understanding of the cognitive structure and overall usage of metaphors in legal discourse, focusing specifically on the genre of judgments of the European Court of Justice. To this end, the Eur-Lex judgments corpus has been scrutinized by using the corpus-based methods and the Sketch Engine corpus query tool for determining the most frequently used conceptual metaphors for five target domains: LAW, COURT, RIGHTS, DISCRIMINATION, and COMPANY. Along with unearthing the most typically used metaphoric conceptualizations for the target domains, the data suggest that the analyzed metaphors are not incidental, isolated, mental conceptualizations, but rather part of a conceptual cluster forming a variety of relations. Additionally, some implications have been drawn for teaching legal English by advocating the introduction of metaphors while illustrating the use of the corpus-based methodology for the development of effective evidence-based authentic ESP teaching materials to foster metaphoric competence, an area surprisingly neglected in legal English textbooks.

Keywords: legal metaphors, legal English, European Court of Justice, judgments, English for Specific Purposes

Resumen

Las metáforas constituyen una herramienta omnipresente del lenguaje legal que reflejan y moldean la percepción, interpretación y aplicación de la normativa legal en las respectivas jurisdicciones. Este estudio tiene por objetivo analizar y ayudar a comprender mejor la estructura cognitiva y el uso en general de la metáfora en el

discurso legal con un enfoque específico en las sentencias de la Corte de Justicia Europea. Para estos fines, el cuerpo de sentencias de Eur-Lex ha sido examinado empleando métodos basados en el corpus y utilizando también el motor de búsqueda Sketch Engine para determinar las conceptualizaciones metafóricas más frecuentemente usadas en cinco acepciones-objeto: LEYES, TRIBUNAL, DERECHOS, DISCRIMINACIÓN y COMPAÑÍA. A la par de revelar las conceptualizaciones metafóricas más empleadas para las acepciones-objeto, los datos obtenidos reflejan que las metáforas analizadas no son conceptualizaciones mentales incidentales o aisladas, sino más bien parte de un conjunto conceptual integrado en una variedad de relaciones. Adicionalmente, algunas implicaciones han sido derivadas para la enseñanza del inglés legal al promoverse el uso de las metáforas mientras se emplea la metodología sustentada en el corpus para el desarrollo de un auténtico y efectivo material de enseñanza ESP basado en la evidencia, de forma que se fomente la competencia metafórica, área esta que ha quedado sorprendentemente descuidada en los textos legales en inglés.

Palabras clave: metáforas jurídicas, inglés jurídico, Tribunal de Justicia de la Unión Europea, sentencias, inglés para propósitos específicos

INTRODUCTION

Metaphors are an all-pervasive feature of spoken and written language across registers. Whether we are 'defending' an argument, 'fueling' anger, or 'building' a theory, linguistic metaphors which are part of the native speakers' mental lexicon are being employed. Especially since the landmark study on conceptual metaphors by Lakoff and Johnson published under the title "Metaphors We Live By" in 1980 which offered a theoretical framework to investigate metaphorical language and thoughts, there have been numerous studies analyzing everyday use of metaphors uncovering, thus, the cognitive structures that serve as the internal architecture of the reasoning process and conceptualizations (Jones, 2002; Lakoff & Johnson, 1980). As the law is "an imaginative product of the human cognitive capacity", metaphor use in legal discourse is a salient feature as well (Winter, 1989, p. 1222). This is especially clear in obvious linguistic metaphors such as "the long arm of the law" as well as in those less obvious such as "to break the law".

The presence of metaphors in legal discourse is seen as 'jurisgenerative', which means that it is "not simply a rhetorical or persuasive device but a juridical means of creating legal meaning and concepts" with significant legal consequences and implications (Golder, 2019, p. 1). Hence, as narratives and metaphors influence the cognition and reasoning about abstract concepts, which is a significant part of jurists' and lawyers' work, it is no wonder that there is a growing interest in the study of conceptual metaphors in legal language (Larsson, 2017). Moreover, since they comprise a wide area of study, there have been calls for greater narrative awareness of the issues involved as a lot of work still needs to be done (Cloutier, 2019).

Being an important aspect of communicative competence, the ability to understand, interpret, and use metaphors should play an important role in teaching

languages for specific purposes (LSP) (Littlemore et al., 2012; Littlemore, 2016). Several studies have suggested that the instructional approach to language teaching which includes explanations related to metaphoric use enhances, at least partially, language learning. For example, Kövecses and Szabó's (1996) study showed that giving the explanation of the orientational metaphors motivating phrasal verbs with 'up' and 'down' (e.g., "look up" and "break down") increased the performance of students who were engaged in the experiment of learning targeted phrasal verbs (both previously encountered and unencountered). Boers (2000) conducted a similar study to explore the same instructional approach to phrasal verb teaching in which the experimental group of students, that were given 26 phrasal verbs grouped under various conceptual metaphors, significantly outperformed the control group of students, who were given the phrasal verbs in alphabetic order when given an immediate follow-up test. However, despite the research results, the pedagogical applications of metaphor research and metaphorical competence are still rather marginal and not reflected in language teaching materials and major models of syllabus design, such as the CEFR (Boers, 2004). So far, most of the attention has been given to the study and use of metaphors in business English textbooks, while significantly less attention has been paid to the study and use of metaphors in legal English teaching (Boers & Demecheleer, 1997; Henderson, 2000). Moreover, they are hardly ever found in legal English textbooks, which is quite surprising having in mind the importance that metaphors play in legal reasoning and the overall legal discourse.

Taking into account the abovementioned, this paper aims to determine and understand better the cognitive structure and general use of metaphors in legal discourse with a special focus on the genre of judgments of the European Court of Justice by using corpus-based methods for mapping the most frequently used conceptual metaphors for five target domains: LAW, COURT, RIGHTS, DISCRIMINATION, and COMPANY. Additionally, the paper aims to draw some implications for teaching legal English by advocating the introduction of metaphors while illustrating the use of the corpus-based methodology for the development of effective evidence-based authentic ESP teaching materials to foster metaphoric competence. After a brief discussion of the theoretical background and the use of metaphors in legal discourse, this paper describes the research methodology of the present study followed by the results and discussion, and finally a conclusion.

1. Theoretical framework

Although the central ideas were not new, Lakoff and Johnson (1980) are acclaimed for having introduced a groundbreaking theory that caused a paradigm shift in the way metaphors are studied. This theory came to be known as Conceptual Metaphor Theory (CMT) which focused on metaphor primarily as a cognitive phenomenon central to thought. Thus, conceptual metaphor is defined as understanding one domain of experience in terms of another. Lakoff and Johnson held that our cognition

relies on such systematic sets of correspondences between concrete ("source") domains (e.g., journey) and abstract ("target") domains (e.g., life) (Demjén & Semino, 2016). Hence, metaphoric expressions such as "I am taking a new direction in life" are perceived as a linguistic realization of a conceptual metaphor we think by; namely, LIFE IS A JOURNEY. Another illustration closer to the legal language involves the conceptualization that POWER IS UP and SUBJECTION IS DOWN which is reflected in the way of speaking about judicial control exercised by 'higher' courts over decisions of 'lower' courts. Since the publication of Lakoff and Johnson's work, a wealth of research was conducted confirming or modifying their theory.

1.1 Metaphors in legal discourse

Traditionally, it was thought that metaphors do not have an important role in legal language. This misconception was based on the notion that legal language is rigid and as such devoid of anything that might influence its accuracy, such as figurative language. At this point, the observation of the renowned American jurist Benjamin Cardozo is often cited. He claimed that "metaphors in law are to be narrowly watched, for though starting as devices to liberate thought, they end often by enslaving it" (Berger, 2004, p. 204). As it has wittily been pointed out, ironically, in this statement alone Cardozo used two metaphors—liberation and slavery (Loughlan, 2006).

Research conducted especially since the 1980s relying on the theoretical framework proposed by Lakoff and Johnson proved that the traditional position on metaphors in legal discourse was not supported by empirical evidence. Not only did they prove the pervasiveness of metaphors, but they also showed that metaphoric thinking can have a significant influence on legal realities, i.e., how we think, argue, and make decisions about the law. For instance, Cloutier (2019) observes that the Canadian constitutional law is shaped by two main competing types of metaphors, namely, the 'living tree' and 'constitutional architecture' metaphor, each conveying a different conception of the Constitution. The former suggests a dynamic view of the Constitution suggesting, among other things, that constitutional interpretation should be evolutive to accommodate the realities of modern life but at the same time be rooted in tradition. The latter metaphor suggests a static view of the Constitution as an immovable foundation upon which Canada is built often associated with a rather literal interpretation of the Constitution. As Cloutier (2019) further notes, these different conceptualizations further play an important role in a lawyer's task of persuasion and the justificatory discourse of Canadian courts, all of which can be used to frame legal disputes. Another interesting case has recently been pointed out by Fischer-Lescano (2020) in which he argues that expanding the metaphoric concept of the natural person to include non-humans (such as nature) and expanding the concept of juridical person for that same purpose are functionally equivalent. In either case, non-humans become legal persons who, in association with individual plaintiffs or collectives, can enforce their autonomous rights in court, which has been seen as an urgent ecological

necessity with legal actions that have been brought by non-human persons in German, European, and international law. It comes as no surprise that legal scholars point out that:

> [f]igurative language is essential in legal discourse […] The use of metaphors reveals how lawyers perceive different situations and contexts. Thus, they shape the legal discourses and, in some cases, determine which arguments are valid in legal reasoning when legal issues are resolved. (Ebbesson, 2008, p. 260)

An additional reason for the importance of awareness and critical analysis of the figurative language in legal discourse used both in the source and target text is that "metaphors can also blind us and lead us astray" (Ebbesson, 2008, p. 260).

Most of the metaphor studies in legal discourse focus either on various aspects of multiple metaphor use in specific legal genres or zoomed in on single conceptual metaphors. It goes without saying that due to space limitations, any endeavor to give a comprehensive overview of such studies is due to fail which is why only a few illustrative examples pinpointing some of the main current trends in the study of metaphors will be given here. For instance, Berger (2009, 2007, 2004) focused on metaphor use in the U.S. Supreme Court decisions on campaign finance regulation and judicial decision-making in custody disputes, concluding that lawmakers cannot avoid being influenced by metaphors, myths, and symbols in their decision-making. She analyzed the cases that involved determining which parent is best suited to be given custody over children when there is often no rational basis as to why one parent should be given an advantage over the other. The 'embedded knowledge structures', she argues, influence judicial decision-making negatively and unconsciously, sometimes to the disadvantage of some families that do not conform to a traditional picture of what a family 'should' look like (Berger, 2009). Joo (2001) focused on the use of conceptual metaphor CORPORATION IS CONTRACTARIAN as used in company law, while Ming (2015) focused on metaphor-related lexical units in five Chinese courtroom discourses. Smith (2007) classified four categories of metaphors found in legal writing: 1) metaphors being employed in the judicial principles; 2) metaphors being used in the process of legal reasoning in specific legal issues; 3) metaphors being applied by legal authors; 4) metaphors existing inherent to the language. It should not be overlooked the scarce, but still important work on the translation of legal metaphors across the jurisdictions, especially important for international law relations and the EU-accessing process for the aspiring candidate

countries whose obligation is the transposition of the EU Acquis Communautaire into the national legal system (Božović, 2022; Fabregat, 2015).

To our knowledge, there has not been a study of conceptual metaphors in the genre of the judgments of the European Court of Justice. In the remainder of our investigation, we will focus our attention on the methodology, data, and results obtained from our study.

2. Methodological framework

2.1 Corpus

This study was based on the scrutiny of the Eur-Lex judgments corpus (Baisa et al., 2016). This is a multilingual corpus in all official languages of the European Union focusing on judgments of the Court of Justice. As such, it is a subset of the EUR-Lex corpus which consists of the Official Journal of the European Union, EU law (EU treaties, directives, regulations, decisions, consolidated legislation, etc.), preparatory acts (legislative proposals, reports, green and white papers, etc.), EU case law (judgments, orders, etc.), international agreements, EFTA documents, and other public documents dating back to 1950s in 24 official EU languages.

As for the Eur-Lex judgments corpus, it consists of 10,089 documents dating back from the 1950s. Regarding the counts, it consists of 51,499,120 tokens, 42,339,337 words, and 1,665,884 sentences. We analyzed the English language section of the corpus. The present corpus is mounted on the Sketch Engine platform which was used for the analysis (Kilgarriff et al., 2014). It should be noted that officially judgments are drafted and deliberated on in French and translated into English and the languages of the Member States (24 authentic versions). This means that some source metaphors might have been translated literally via image transfer. Lawyer-linguists often point out that the specific wording of a particular phrase may be very important and that for this reason it is sometimes important to produce a very literal rendering and preserve source language ambiguity (McAuliffe, 2012). The available evidence for English and some language pairs suggests that most of the metaphors in similar legal genres are transcultural, lexicalized metaphors which are, indeed, in most cases rendered literally via image transfer (Božović, 2022). Still, the jurisprudence of the European Court of Justice shapes the distinctive nature of legal English.

2.2 Method

We used the Word Sketch tool for querying the collocates and other linguistic items in the surroundings of the target domain lemmas for the metaphor in focus. The goal was to map their source domains, as previous corpus-based research shows that collocates primarily represent metaphorical meanings (Deignan, 2005; Reining & Lönneker-Rodman, 2007; Stefanowitsch, 2006). The Word Sketch output gives a

summary of the word's grammatical and collocational behavior. The results are organized into categories, called grammatical relations, such as words that serve as an object of the verb, words that serve as a subject of the verb, words that modify the word, etc., based on the frequency lists of collocates. Then, the collocated were evaluated to see which lemmas could be used metaphorically. As expected, 'the verb with X as subject' and 'the verb with X as object' proved to be among the most productive collocation patterns for identifying metaphoric behavior and metaphor harvesting. For instance, the verb 'require' normally takes an animate subject capable of expressing need, necessity, order, or demand. Hence, 'require' taking the law as a subject is anomalous in the sense that it may indicate a metaphoric use (cf. Pragglejaz Group, 2007; Shutova et al., 2010). Granted, it is not always the case that verbs indicate a metaphor, but rather the complements associated with the verb (e.g., "examined in the light of the law", "take the law into one's own hands"). The method used for the extraction of the metaphors from the material was exactly the same applied in Lindqvist's (2005) and later in Pedersen's study (2017). Namely, two key criteria were used for the identification of metaphors: a) the "lie" criterion which means that the figurative rather than literal meaning of a figure of speech is true, and b) the divergence criterion which implies that the semantics of the concerned figure of speech diverges from typical language use. The collocates that pointed to the potential metaphoric use were then analyzed in the context using the concordancer by random sampling. For visualization, we used the Visualize option that shows the distributional graph with each collocate-size circle corresponding to the frequency and score of co-occurrences, a feature whose practical application to ESP will be mentioned below.

3. Results and discussion

The present section will outline some of the key findings regarding the metaphoric conceptualization of five target domains: LAW, COURT, RIGHTS, DISCRIMINATION, and COMPANY. A table with the ten most common verb collocations based on frequency lists along with the Sketch Engine visualization will be given and each conceptualization will be illustrated with examples taken from the corpus followed by a brief discussion which will be given in this section for each target domain to facilitate reading and referencing back to corpus examples. For each illustrative example, the reference to the specific case is given in brackets. Due to space limitations, one illustrative example will be given for each conceptualization. For more examples, the reader is referred to the corpus itself which is available online. The section will conclude with some teaching implications for ESP.

3.1 Target domain: LAW

Corpus search has given 124,917 hits of the LAW lemma; 2,425.61 hits per million tokens which makes 0.243% percent of the whole corpus. As mentioned earlier, the most productive collocations for metaphor identification proved to be verbs with

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LAW as subject and verbs as object relations. Granted, this is not to say that metaphors were mapped through this relation only. Keeping it simple, we will illustrate these relations in Table 1 below which shows the frequencies and score for the top ten collocations followed by the visualization in Figure 1 as an easier way to navigate the collocates which can be a useful aid in ESP, as it will be discussed later.

Table 1. Top ten verb collocations for LAW lemma

| Grammar relation	Collocation	Freq.	Score
verbs with LAW as object		8417	6.740
	approximate	539	10.930
	interpret	431	10.260
	infringe	472	10.060
	apply	658	9.990
	amend	385	9.740
	adopt	638	9.530
	implement	347	9.260
	rely	180	9.150
	put	196	8.990
	settle	165	8.740
verbs with LAW as subject		20640	16.520
	govern	3462	11.830
	do	1400	9.560
	require	636	9.470
	confer	554	9.470
	provide	877	9.430
	preclude	475	9.340
	amend	539	9.140
	establish	406	8.860
	allege	350	8.860
	impose	348	8.810
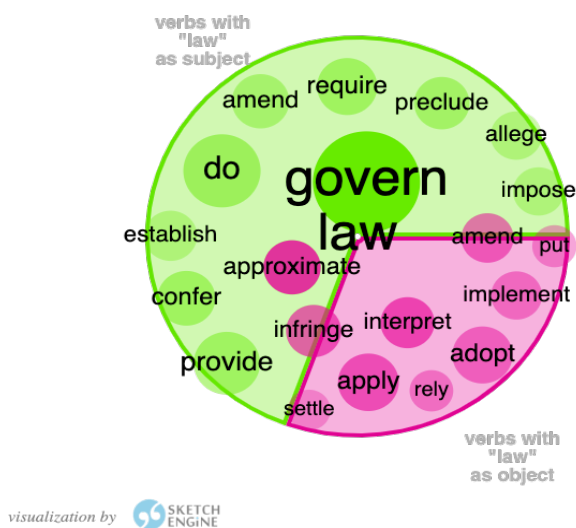
Figure 1. LAW lemma verb collocations

The analysis shows that, most typically, LAW is conceptualized with the following source domains (illustrative examples are given below).

a) LAW IS A PERSON:

(1) None the less, no provision of Community law requires social benefits actually to be paid in non-Member States.

(Case C-331/06)

b) LAW IS A SACRED PLACE:

(2) The principle of non bis in idem, which is a fundamental principle of Community law also enshrined in Article 4(1) of Protocol No 7 to the European Convention on Human Rights.

(Case T-24/07)

c) LAW IS A SOURCE OF LIGHT:

(3) That question must be examined in the light of the procedural law applicable in the Court of Justice.

(Case C-294/02)

d) LAW IS A STRUCTURE:

(4) As that article makes no reference to national rights, the scope of that immunity must be established on the basis of Community law alone.

(Joined Cases C-200/07 and C-201/07)

e) LAW IS A TREE:

(5) The effectiveness of Community law cannot vary according to the various branches of national law which it may affect.

(Case C-20/92)

f) LAW IS A WEAPON:

(6) Therefore, except where otherwise expressly provided, the basic concept of the treaty requires that the Member States shall not take the law into their own hands.

(Joined cases 90/63 and 91/63)

The personification of law seems to be the most dominant way of conceptualization in the given corpus as shown in the results presented in Table 1 and Figure 1. This legal personhood is widely shared among languages and cultures. For a citizen, the law can be perceived as faithful, deserving of obedience, requiring certain behavior, specifying certain things, ruling, etc. Furthermore, for a citizen, it can have human physiology and thus a body ('corpus juris'), principles are embodied in statutes, and criminals are warned that they cannot escape "the long arm of the law" which is used to enforce its provisions. Finally, it comes as no surprise that for a citizen, the law has reproductive capacities and, hence, we can talk about seminal cases and their progeny (Winter, 1989).

Additionally, the results show that law is also perceived as a sacred place, a sanctuary, in which such sacred things as rights and principles are 'enshrined', and as a

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result, kept and protected. Similar to this, is the conceptualization of law as a source of light that enlightens and enables correct interpretation of its provisions and rules which are, further on, a source of light for legally defined behavior or paths to follow in line with the provisions 'marked out' or 'laid down' by the law. The previous conceptualization is akin to seeing LAW as a stable structure that has its 'grounds', 'basis' and it can be 'established'. Somewhat dissimilar to the previous conceptualization, LAW is also seen as a tree, a simple yet powerful image that dates back to biblical antiquity (Newman, 2015). It suggests that lawmaking is a dynamic process and that laws grow gradually and develop different branches, all 'stemming' from the common principles and provisions. Finally, the law can be 'taken into one's own hands' and used as a weapon. This is reminiscent of the doctrine of estoppel which can be used 'as a shield, not a sword' and Western iconography of Justice (the goddess Justitia), the blind-folded woman who holds aloft the scales of justice in her left hand and carries a sword in her right hand. This suggests that conceptual legal metaphors are not incidental mental conceptualizations, but rather part of a conceptual cluster forming a variety of relations which some of the examples given below will also illustrate.

3.2 Target domain: COURT

Corpus search has given 279,643 hits of the COURT lemma; 5,430.05 hits per million tokens which makes 0.5430% percent of the whole corpus. Table 2 below shows the frequencies and scores for the top ten collocations followed by the visualization in Figure 2 as an easier way to navigate the collocations.

Table 2. Top ten verb collocations for COURT lemma

| Grammar relation	Collocation	Freq.	Score
verbs with COURT as object		8.780	
	refer	13518	13.200
	ask	1568	10.890
	request	932	10.020
	enable	891	9.880
	seise	608	9.610
	criticise	431	9.120
	require	788	9.090
	provide	719	8.570
	bind	247	8.280
	lead	222	8.160
verbs with COURT as subject		28.890	
	hold	9568	11.690
	report	5644	11.060
	ask	5702	11.050
	have	13393	11.040
	find	2162	9.680
	consider	1878	9.450
	state	1874	9.420
	do	2524	9.420
	seek	1646	9.230
	make	1401	8.900
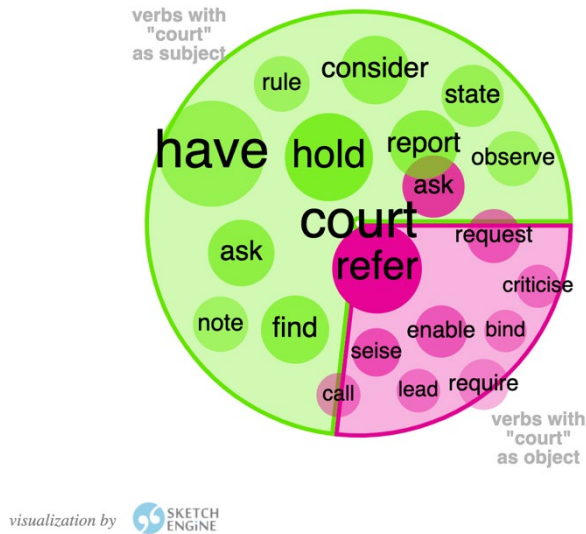
Figure 2. COURT lemma verb collocations

The analysis shows that, most typically, COURT is conceptualized with the following source domains (illustrative examples are given below).

a) COURT IS A PERSON:

    (7) The General Court then examined the admissibility of the action before it.

<div align="right">(Case C-583/11 P)</div>

b) COURT IS A BODY:

    (8) In order to determine whether a body is a court or tribunal within the meaning of Article 234 EC, (…), it is necessary to take account of a number of factors.

<div align="right">(Case C-259/04)</div>

Court of law is frequently metaphorically conceptualized as a verbal battlefield with parties 'attacking' or 'defending' an argument. When personifying a court, the data shows that the court may act as a teacher who instructs, examines, evaluates, and provides similar guidance. This has a significant implication regarding balancing interests suggesting that a court is able to objectively and precisely balance one interest over another which helps legitimize the work of a court. This is, again, reminiscent of Lady Justice (Iustitia). The court is, therefore, conceptualized as an interlocutor with whom it is possible to communicate, listen to, and be heard. This is in line with the most typical collocation in legal discourse, especially with 'hear' and 'listen' and

technical terms (such as 'court hearing'). As for the 'body' metaphors, similar to the law, they signal that the court can act.

3.3 Target domain: RIGHTS

Corpus search has given 5,312 hits of the RIGHTS lemma; 103.15 hits per million tokens which makes 0.01% percent of the whole corpus. Table 3 below shows the frequencies and scores for the top ten collocations followed by the visualization in Figure 3 as an easier way to navigate the collocations.

Table 3. Top ten verb collocations for RIGHTS lemma

Grammar relation	Collocation	Freq.	Score
verbs with RIGHTS as object	20750	34.890	
	exercise	2052	11.270
	confer	1632	11.060
	acquire	923	10.240
	have	2843	9.970
	enjoy	605	9.690
	infringe	600	9.520
	grant	732	9.400
	protect	484	9.260
	safeguard	392	9.170
	guarantee	424	9.100
	derive	347	9.000
verbs with RIGHTS as subject	4364	7.340	
	confer	961	11.720
	attach	82	9.130
	arise	145	8.820
	derive	68	8.650
	protect	61	8.520
	acquire	56	8.310
	form	51	8.190
	pertain	32	7.830
	relate	236	7.800
	exist	40	7.580

Figure 3. RIGHTS lemma verb collocations

The analysis shows that, most typically, RIGHTS are conceptualized with the following source domains (illustrative examples are given below).

RIGHTS ARE PERSONS:
   (9) [F]undamental rights enjoy equivalent protection within the organisation concerned, as is the situation in the present case.

(Case C-146/13)

RIGHTS ARE PLANTS:
   (10) [T]hat right stems directly from the provisions of that directive.

(Case C-151/02)

RIGHTS ARE POSSESSIONS:
   (11) Rights acquired or in the process of being acquired by the worker on the date on which parental leave starts shall be maintained as they stand until the end of parental leave.

(Case C-116/08)

RIGHTS ARE PATHS:
   (12) Accordingly, Article 2(4) of Regulation No 4045/89 cannot, in particular, be construed as conferring upon the operators concerned a right enabling them to oppose checks other or broader than those envisaged by that provision.

(Joined Cases C-671/11 to C-676/11)

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Being conceptualized as persons and possessions rights are entitled to protection under the law. The polysemous nature of 'right' or 'rights' shows a cognitive relationship between the LAW IS A PERSON or LAW IS A BODY metaphor. Law as a body can have 'a long arm', in the 'right' hand of the Iustitia is the sword used for enforcing commands. As Winter (1989) notices it is no surprise that this metaphoric relation is reflected in some European languages as is the case with *derecho* in Spanish, or *droit* in French. In English, 'right' is derivative of the German *recht* itself stemming from 'rectus' meaning straight. This is reflected in some Slavic terms for these legal concepts such as 'pravo' in Montenegrin, Bosnian, Serbian, Croatian, and other languages. The imagery dates back to the Bible in which the notion of following the correct path in life is referred to as following the 'straight' path (Matthew 7:14, Deuteronomy 28:14, Leviticus 26:3). Hence, legal rights are seen as legally defined paths of behavior the boundaries of which are marked by the law (hence, the one crossing the boundary is seen as an outlaw). This is cognitively related to the metaphor LIFE IS A JOURNEY. This correlates with the metaphor RIGHTS ARE PATHS as seen in the examples given from the corpus. They suggest that rights are conceptualized as proper procedural paths during the 'course' of a trial. If these rights are not acknowledged and respected by national courts, these deviations are seen as 'departures' from the law, and it is up to the law and courts to make sure that such rights are not 'undermined'. As such, rights point to the direction in which individuals, groups, or corporations will go from point A to point B.

3.4 Target domain: DISCRIMINATION

Corpus search has given 10,154 hits of the DISCRIMINATION lemma; 197.17 hits per million tokens which makes 0.02% percent of the whole corpus. Table 4 below shows the frequencies and scores for the top ten collocations followed by the visualization in Figure 4 as an easier way to navigate the collocations.

Table 4. Top ten verb collocations for DISCRIMINATION lemma

Grammar relation	Collocation	Freq.	Score
verbs with DISCRIMINATION as object	3565	35.110	
	prohibit	565	10.860
	base	567	10.320
	constitute	723	9.970
	combat	111	9.600
	suffer	108	9.380
	eliminate	55	8.610
	avoid	68	8.580
	entail	53	8.250
	involve	76	8.110
	create	44	7.750
verbs with DISCRIMINATION as subject	643	6.330	
	disadvantage	11	9.060
	wrong	6	8.160
	arise	48	7.860
	regard	56	7.800
	exist	20	7.710
	occur	12	7.560
	affect	24	7.340
	result	18	7.120
	entail	6	7.100
	consist	10	6.780
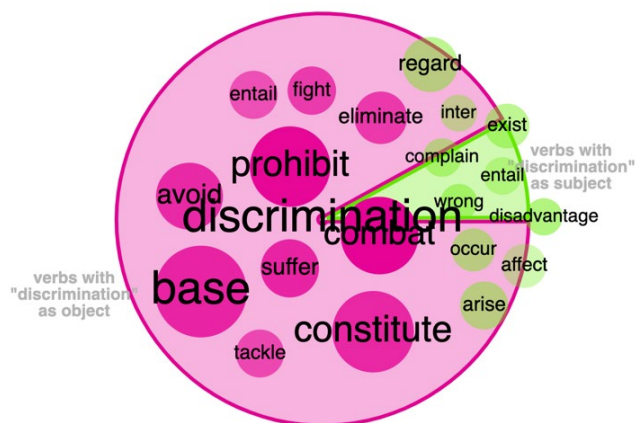
visualization by SKETCH ENGINE

Figure 4. DISCRIMINATION lemma verb collocations

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The analysis shows that, most typically, DISCRIMINATION is conceptualized with the following source domains (illustrative examples are given below).

DISCRIMINATION IS A STRUCTURE:

(13) Whether such legislation contravenes Article 7 of the Treaty of Rome as providing for discrimination on grounds of nationality.

(Case 223/86)

DISCRIMINATION IS AN ENEMY:

(14) The provision of measures to accommodate the needs of disabled people at the workplace plays an important role in combating discrimination on grounds of disability.

(Case C-270/16)

DISCRIMINATION IS AN ILLNESS:

(15) As a result, the importer did not suffer discrimination at the time when the vehicle was imported.

(Case C-343/90)

Being perceived as a structure, discrimination can be 'established', 'created' has its 'grounds', it can 'arise' or be 'based on' various concepts and it has its 'constitutive' elements. Thus, it is perceived as a construct and, of course, as such can be deconstructed or reconstructed. Being unjustified, it is seen as an enemy that needs to be 'avoided', 'prohibited', 'forbidden', 'combated', and even 'eliminated'. Along the same lines, it is seen as a societal illness potentially 'caused' by various factors, including the system. Individuals or entities can 'suffer' if 'affected' and that should be 'prevented', and the court procedures and the law are seen as potential remedies.

3.5 Target domain: COMPANY

Corpus search has given 37,204 hits of the COMPANY lemma; 722.42 hits per million tokens which makes 0.072% percent of the whole corpus. Table 5 below shows the frequencies and scores for the top ten collocations followed by the visualization in Figure 5 as an easier way to navigate the collocations.

Table 5. Top ten verb collocations for COMPANY lemma

| Grammar relation	Collocation	Freq.	Score
verbs with COMPANY as object	8486	22.810	
	incorporate	738	11.260
	establish	2072	10.990
	acquire	260	9.370
	limit	234	9.220
	govern	323	9.150
	distribute	123	8.650
	form	156	8.540
	own	96	8.400
	transfer	106	8.310
	control	86	8.250
verbs with COMPANY as subject	8831	23.740	
	receive	546	10.430
	pay	490	10.240
	distribute	287	9.980
	belong	168	9.050
	make	368	8.990
	own	128	8.810
	operate	125	8.580
	exercise	103	8.350
	hold	186	8.080
	acquire	73	7.860
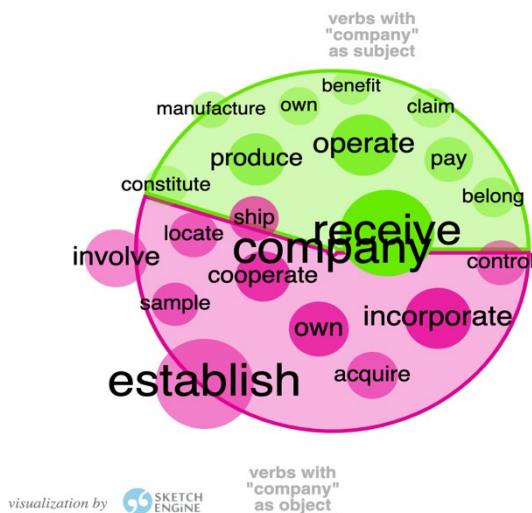
Figure 5. COMPANY lemma verb collocations

The analysis shows that, most typically, COMPANY is conceptualized with the following source domain (illustrative examples are given below).

COMPANY IS A PERSON:

(16) In both cases, the dividends received by the parent company are, in reality, exempt from tax.

(Case C-471/04)

(17) The company exercised that right on 11 July 2003.

(Case C-349/07)

The corpus scrutiny shows the pervasiveness of the metaphor COMPANY IS A PERSON. Companies can 'pay', 'receive', 'refuse', 'feel', and 'want', to name a few collocations. This metaphor is deeply enshrined in legal acts across the legal systems. For instance, in US Code (2018 edition):

> The word "person", or "persons", wherever used in sections 1 to 7 of
>
> this title shall be deemed to include corporations and associations
>
> existing under or authorized by the laws of either the United States, the
>
> laws of any of the Territories, the laws of any State, or the laws of any
>
> foreign country. (Congress, 2018: 15: 10)

This signals the tendency of treating companies on similar grounds as human beings. Personifying corporations plays an important role in industrial society, although, as Stibbe (2013, p. 116) reports, one of the central questions explored by criminologists is "whether corporations are moral agents or moral persons". This conceptualization gives companies several attributes and enables them to own property, sign contracts, to be held accountable, and even enjoy human rights. This enables corporations and corporate lawyers to use metaphorical reasoning such as invoking human rights, such as the right to privacy (Lakoff, 2002). This conceptualization extends even further to personifying brands characterized by 'integrity', 'professionalism', 'creativity', 'transparency', 'growth', and deserving 'respect'. Perhaps not surprisingly, there have been several initiatives to re-assess the use of this metaphor in legal discourse.

3.6 Some ESP implications

Metaphors are among the key principles governing polysemy or meaning extension and as such quite relevant for foreign language teaching. Improving one's command of the language enhances not only the range of vocabulary but also deepens understanding of semantic and pragmatic potential, along with the intentional utilization of rhetorical skills, which are crucial for achieving communicative competence in English (McCarthy, 2007). Furthermore, they foster an understanding of abstract concepts, and subject matter, the ability to memorize the key concepts as

well as have a motivational impact (Mayer et al., 1995; Petrie & Oshlag, 2002; Williams, 2005). It should not be overlooked the potential that metaphor knowledge may have for finding a useful framework for developing critique, especially for learners at higher proficiency levels (Littlemore, 2016). To enhance metaphoric competence, it is important to design syllabus that define learning outcomes including metaphoric competence as a crucial element. Additionally, the development of teaching materials should focus on implementing easily-doable classroom activities. These efforts should aim to raise the level of metaphoric competence in terms of comprehension, production, and critical analysis, as these skills are especially vital for interpreting legal texts and legal reasoning across different jurisdictions.

For ESP, it is especially important to base the teaching materials, in our case, metaphor examples on authentic texts, as studies suggest due to variation in metaphor use across the different genres, students might not be exposed to the authentic LSP. For instance, unlike the texts produced by the experts in the field with which students will have to work both academically and professionally (e.g., legal acts, case law, etc.), the texts written by non-experts (such as the ones published in popular magazines), while perhaps being more easily accessible and 'fun' to students, may contain more sensationalist metaphors, and other language forms, closer to general and not LSP and, consequently, do not provide the training that students need to meet the requirements of the academia, profession, and the labor market (Henderson, 2000). This pinpoints the importance of corpus-based studies based on authentic language data, such as the one presented above.

Taking into consideration that metaphors can be realized as single lexical items, but more frequently as collocations, or metaphoremes, of varying degrees of strength, the frequency-based visualizations using corpus data, as the ones presented in the previous section, can be a useful tool for prioritizing collocation teaching and material development (Cameron & Deignan, 2006). To meet the goal of meeting metaphoric competence, several tasks and activities might be employed, such as group discussions involving the analysis and debates based on specific examples, gap filling, matching and association exercises, listening, use of illustrations, the further elaboration of which would go beyond the scope of this paper (Božović, 2023; Lazar, 1996, 2003; Pardillos, 2016).

CONCLUSION

This paper has mapped some of the most typical ways of metaphoric conceptualizations of the target domains: LAW, COURT, RIGHTS, DISCRIMINATION, RESPONSIBILITY, and COMPANY based on the data found in the Eur-lex judgments corpus consisting of judgments of the European Court of Justice. The results suggest that metaphors are a salient feature of this legal genre. Moreover, they describe the underlying structure of how we think about law and some

of the related concepts and their encoded social structure. Also they lay bare cognitive structures and their impact on legal reasoning can sometimes have significant legal implications. The data also suggest that the analyzed conceptual legal metaphors are not incidental, isolated, mental conceptualizations, but rather part of a conceptual cluster forming a variety of relations.

Given the significance of comprehending the profound cognitive meaning of the law for legal practitioners, there is a clear imperative to incorporate metaphoric competence into the curriculum of student training syllabus. Moreover, acknowledging these cognitive structures allows us to explore methodological considerations pertaining to the acquisition, teaching, and design of materials for LSP. Unfortunately, this aspect is frequently overlooked in the majority of legal English textbooks. The results of our study support the case for the inclusion of metaphors in legal English ESP courses. The corpus-based approach and tools as the ones used in this study proved to be efficient in corpus scrutiny and useful for visualizations that can significantly facilitate the process of prioritizing the metaphoremes to teach. As studies referred to in this paper show, metaphoric knowledge facilitates vocabulary acquisition, but also has an important role to play in every aspect of communicative competence and as such should be reflected in the current models of language teaching and assessment (Littlemore & Low, 2006). Additionally, metaphoric competence based on authentic legal texts can be used as a vehicle for promoting critical thinking skills which are essential both for students' academic and occupational needs and generally speaking foster a better understanding of the opaque language.

Granted, as it is the case with most inquiries focusing on metaphors, the findings of the present study are restricted to a limited number of domains, namely five. It has also concentrated on a single specific legal genre. As a way forward, the study could be extended to other domains and indeed other legal genres to get more comprehensive empirical evidence of metaphor use across legal genres. Furthermore, more research on metaphoric competence acquisition using more robust and rigorous research methods would be welcome. The insights gained through such studies could enhance even further the understanding of deep cognitive structures of legal reasoning and improve the overall LSP teaching for the legal profession, both areas for which a lot of empirical research still needs to be done.

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