2024 International Conference on Science and Technology, Modern Education and Management (TMEM 2024)

Corpus-based Conceptual Metaphor Recognition in Legal Discourse: A Case study of Cambridge Legal Corpus

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Abstract

Metaphor is a universal feature of legal language, which not only reflects the human cognitive structure in the legislation, but also shapes the application of law. This research aims to conduct an in-depth analysis of case decisions in English and Welsh judgements from 2010 onwards, in order to deepen the recognition and understanding of metaphors in legal discourse. To this end, the research adopts a corpus-based approach and carefully analyzes the contents of the Cambridge Legal Corpus through the Word Sketch to identify the most common conceptual metaphors in the three target domains of COURT, LAW and COMPANY. Data analysis shows that these metaphors not only have their own background and meaning, but also serve as a part of the conceptual group of law, demonstrating the systematization and relevance of metaphors in legal discourse.

Keywords

legal discourse, conceptual metaphor, Cambridge Legal Corpus, Word Sketch

1. Introduction

Metaphor is a phenomenon pervasively existed in both spoken and written language. When we "defend" an argument and "construct" a theory, we are using metaphors consciously or unconsciously. In 1980, Lakoff and Johnson wrote the masterpiece *Metaphors We Live By*, in which they proposed the Conceptual Metaphor Theory (CMT), a challenge to the traditional linguistic view of metaphor. Lakoff and Johnson (Lakoff & Johnson, 1980) argued that metaphor is a cognitive device that relates abstract concepts to concrete things, thus helping people better understand the world. Since the proposition of CMT, many researchers have stepped on the way to analyze the function of metaphors in our daily lives and explain the cognitive process of human-beings. As law is the "imaginative production of our cognitive capability", conceptual metaphor serves as an obvious feature of legal discourse (Winter, 1989). This point is shown in obvious metaphors like "the long arm of law" and concealed metaphors like "break the law".

Metaphor both appears in daily conversations and academic fields including law (Liu, 2019). In legal

field, legal discourse not only prescribes people's behavior, but also carries the human's ideology, culture and history. Metaphor in legal discourse is in essence another kind of expression of legal concepts, playing a vital role in their development. It can enhance the understanding of legal spirit and principles, and provide a brand new viewpoint to law. In Anglo-American law system, judges often apply various metaphors to illustrate the core of law, hence the articles become more vivid and readable. The existence of metaphor in legal discourse is an intersection between cognitive linguistics and legal linguistics, which means that it is "a legal method to create meaning and concept, instead of a literary modifier" (Golder, 2019). Therefore, metaphor in legal discourse gradually receives more and more attention from scholars (Deng, 2023).

Therefore, two problems are proposed: (1) how can legal metaphors be extracted and identifed in corpus? And (2) what are those legal metaphors? Based on the abovementioned situations, this research focus particularly on the legal discourse in British courts. The top three common target domains (COURT, LAW and COMPANY) are extracted and analyzed with corpus tool to identify their source domain. After giving a brief introduction of examples of conceptual metaphor in legal discourse, we will narrate a method that can extract and identify the metaphor. The output of corpus will be analyzed and discussed to get the final conclusion.

2. Metaphor in Legal Discourse

Even though metaphor is not a new concept because, in the ancient Greek, Aristotle started to conduct research on it, CMT breaks new ground. CMT signals the shift of metaphor research from traditional linguistics to cognitive philosophy. Based on this theory, conceptual metaphor is defined as a process, or a tool, to construct one domain by mapping the characteristics of another domain into it. Lakoff and Johnson (Lakoff & Johnson, 1980) believed that our recognition is built on the systematic correspondence between concrete source domain like "JOURNEY" and abstract target domain like "LIFE". In this situation, the sentence "my life starts on a new direction" is the linguistic embodiment of the conceptual metaphor "LIFE IS JOURNEY". Another example we can see usually in legal discourse is an orientation metaphor "supremacy of power, supremacy of obedience". This phrase is often cited when superior court reviews the judgement of inferior court, which exemplifies the hierarchy in legal process.

Sometimes, the importance of metaphor in legal process is ignored. The omission originates from the idea that legal language is prescribed and formal, so any figurative methods will decrease the accuracy of law. To illustrate that legal discourse is metaphorically incapable, Benjamin Cardozo, a famous American jurist, said, "People should be very cautious about the metaphor in legal text and communication, because metaphor starts as the tool to liberate mind but ends as a fetter." However, the argument itself uses metaphors, "liberate" and "fetter".

Based on the theoretical framework proposed by Lakoff and Johnson, many researches have proven the existence and characteristics of metaphor in legal discourse. Wang (Wang, 2015) distinguished legal

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metaphor from common metaphor. The most obvious feature of legal metaphor is that noumenon is legal concept created by humans and legal behavior implemented by humans. Also, its structure is unique with "metaphorical object plus noumenon" as the most commonly seen kind. For example, "sky blue amendment" is agreed in U.S. council to impose restrictions on the transaction of securities. The "sky blue" is metaphorical object while the "amendment" is noumenon.

The number of legal metaphors is huge and their application scope is wide. There is a large number of metaphors related to law, like mother law and child law, big law and small law, new law and old law, dead law and live law, the birth and death of law, and the transplantation and inheritance of law (Liu, 2016). At the same time, legal metaphors can be seen in all links of law, from its establishment to enforcement. In the research on American legal practice, Zhang and Wang (Zhang & Wang, 2019) found that the conceptual metaphor "LAW IS EYE" is in American law. Therefore, in the judgement of Plessy v. Ferguson in 1896, Mr. Justice Harlan said, "Our Constitution is color-blind". Here "color-blind" doesn't refer literally to "incapability of distinguishing two kinds of colors", but means that "law shouldn't be discriminate to the black". In the same research, "LAW IS KNIFE" was found in Chinese legal practice. Its connotation has changed with time flying by, influencing legal personnel and common people (Zhang & Wang, 2019). Legal scholar has pointed out:

"Figurative language is essential in legal discourse and contexts. … Metaphors take a particular position in this regard, as found in statutory texts, court decisions, legal literature and legal rhetoric. The use of metaphors reveals how lawyers perceive different situations and contexts. Thus, they shape the legal discourses and, in some sense, determine which arguments are valid in legal reasoning and when legal issues are resolved" (Ebbesson, 2008).

What's more, the understanding and analysis of legal metaphors can help avoid the fact that "metaphors can also blind us and lead us astray (Ebbesson, 2008)." Therefore, we should deeply understand metaphors in legal discourse and master the mapping relationship between source domain and target domain. The accuracy and consistency of legal conceptual should be focused to prevent any diverge from the real meaning of law.

In the following research, we will use corpus tool to explore the conceptual metaphors in Cambridge Legal Corpus(CLC) and analyze their meanings and backgrounds.

3. CLC and Metaphor Recognition

3.1 Cambridge Legal Corpus

U.K. doesn't have a unified legal system. On the opposite, it holds three judicial districts: England and Welsh are included in the same one while Scotland and North Ireland have separated ones. Of course, there are exception to the distinction. Some supreme court or intersected court can be responsible for the judgement from different districts. The common law of England and Welsh is one of the oldest and most traditional laws in the world, which is learnt and adopted by many global entities. CLC is constructed by researchers in Cambridge University and Uppsala University as the result of a

three-year program which ended in January, 2023. CLC involves cases from England and Welsh judicial district but not Scotland and North Ireland. It contains 258,146 cases in 53 courts, most of which occurred from 20th and 21st centuries while part of which dated back to 16th century, such as Walsingham's Case in 1573. Every case has metainformation, such as a title indicating the judge, plaintiff, defendant and judgement date. Apart from the title, the corpus contains the summary of cases, judgement process and court verdict. Due to the variety of dates and courts, the information in the corpus is not written in the same fixed structure.

The total number of tokens in CLC reaches to 800 million. Considering that such a large volume can increase the workload of metaphor identification and decrease the accuracy, we only limit our research on the part of cases in and after 2010. The number of tokens here is about 3 million.

3.2 Word Sketch and Metaphor Recognition

At present, cognitive linguists haven't yet developed a program that can directly extract metaphor from complicated text. What's more, the metaphor recognition is also influenced by the individual knowledge of researchers. Even those who are very familiar with metaphors can't achieve the consensus to a certain metaphor in a short time.

Therefore, we use Word Sketch to search for the collocation of target domain, aiming to find its source domain. The previous metaphor research conducted on the basis of corpus shows that the unusual collocation mainly represents metaphorical meaning (Deignan, 2005; Reining & Lönneker-Rodman, 2007; Stefanowitsch, 2006). Word Sketch can categorize the grammatical usage of a word, which means that if you want to search "word A" and its collocations, it can automatically divides the situations when "word A" serves as subject, object, adverbial modifier and etc. With this, it can also provide a frequency list in which collocations are ranked based on their co-occurrence with key word. Then we can examine those collocations and decide whether they carries the function of metaphor. Obviously, "verbs with X as subject" and "verbs with X as object" are two effective collocations to recognize metaphors. For example, "require" always need a subject that is an alive entity which can render order and need. Therefore, when "law" serves as the subject of "require", this might represent a metaphor (Pragglejaz Group, 2007).

However, the similar collocation doesn't always render a metaphorical meaning. Sometimes, it's just a kind of usually observed collocation. Thus to those collocations that may carry the meaning of metaphor, extracted by Word Sketch, we need to adopt the MIPVU process (Steen et al., 2010) to make them clear. The concrete steps are following: (1) read all the context where collocation lie and understand the main content near it; (2) conduct human annotation to those collocations to get primary knowledge whether they have metaphorical meaning and classify them; (3) conduct the second round of check to decide the connotations of every collocation; and (4) make the final decision whether collocation represents metaphor by comparing the source domain and target domain and ensuring their mapping relationship. When finishing the MIPVU process, we analyze and discuss the type and frequency of metaphors. With this process, we can improve the accuracy and comprehensiveness of

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metaphor recognition by rounds of human check and annotation.

4. Analysis and Discussion

This section will narrate conceptual metaphors related to three target domains(COURT, LAW and COMPANY) in CLC. Based on the collocation and frequency list, we can get 20 verbs that related very closely with target domain, including ten verbs with target domain as subject and ten with source domain as object. Capital words represent the target domain, while lower-case words are used for specific entity. Sentences in CLC will be shown to explain how conceptual metaphors shape followed by a short discussion. Regarding the word limitedness, every conceptual metaphor can only be given on or two examples. If you need more, please find in the corpus.

4.1 Target Domain: COURT

Table 1. The Verb Collocation and Frequency List of COURT

Grammatical Relationship	Collocation	Frequency	Scoring
Verbs with COURT as subject	hold	6224	11.900
	report	3672	11.420
	ask	3709	11.230
	do	8712	11.040
	make	1406	9.790
	have	1221	9.570
	state	1219	9.400
	seek	1642	9.360
	consider	1071	9.050
	find	911	8.690
Verbs with COURT as object	refer	8794	13.570
	request	1020	10.280
	ask	606	10.040
	order	580	9.980
	seize	395	9.570
	enable	280	9.150
	lead	513	9.100
	require	468	8.890
	provide	161	8.530
	criticize	145	8.160

Table 1 shows us the verbs used with COURT and how often they occur. Next, we will analyze the

conceptual metaphor of COURT.

(a) COURT IS WAR

Example 1: The court asked the parties to resolve their claims through formal legal discourse and present their respective arguments and evidence for consideration.

COURT is often conceptualized as an oral battleground where two parties attack and defend. In this metaphor, COURT is not only a place where judgment is conducted, but also an environment full of competition. Plaintiff and defendant are against each other just like they fight in the battlefield. Two parties conduct the competition in their words on the basis of their own arguments, evidence and strategies, so as to win the victory in law. The metaphor symbolizes COURT as the place where two parties contest fiercely to get the advantageous judgement . It has a constant influence to all entities in the court.

(b) COURT IS PERSON

Example 2: The court then examined the validity of the action before it.

The data in corpus show that when "COURT IS PERSON" is shaped, the court can play the role of teacher who have the right and responsibility of guiding, checking and evaluating cases and parties. The metaphor has an important meaning to balance interests of all parties and pushes the legal work conducted restrictedly based on law. In this situation, COURT is defined as an entity to which everyone can talk with; it also has the ability of hearing and pouring out. The metaphor is fit for the typical collocation in legal discourse, for instance, "court hearing", a professional legal term.

(c) COURT IS PATH

Example 3: The court sought to establish a clear and authoritative course for future interpretations of the law by providing guidance through its rulings and legal reasoning in the present case.

"COURT IS PATH" is related to "LIFE IS JOURNEY" in cognization. The example shows us that in the process of judgement, COURT is a legal and necessary path. If verdicts and behaviors of COURT are not authorized or respected by legislative institutes, then those will be thought as a divorce to law. Therefore, COURT is a path where an individual, an organization and a company have to step on form Point A to Point B.

At the same time, in the British case law, "COURT IS PATH" also refers to the role of a court in developing and directing the law itself. Through the verdicts, the court not only end the disputation in a specific case, but also provide clear reference for future argument in similar cases. For example, in Donoghue v. Stevenson case, the court established the principle of "neighborhood obligation", which has become the directing path for following tort law.

4.2 Target Domain: LAW

Table 2. The Verb Collocation and Frequency List of LAW

Grammatical Relationship	Collocation	Frequency	Scoring
Verbs with LAW as subject	govern	539	11.040
	do	431	10.580
	require	472	10.130
	establish	658	9.850
	provide	385	9.610
	confer	638	9.330
	allege	347	9.190
	impose	180	9.150
	amend	196	8.780
	preclude	165	8.640
Verbs with LAW as object	interpret	2320	11.530
	approximate	938	9.670
	apply	426	9.590
	put	371	9.490
	infringe	588	9.460
	adopt	318	9.430
	amend	361	9.240
	rely	272	8.770
	settle	235	8.650
	implement	233	8.400

Table 2 shows us the verbs used with LAW and how often they occur. Next, we will analyze the conceptual metaphor of LAW.

(a) LAW IS TREE

Example 4: The uniformity of law must remain consistent across the different branches of national legislation it influences.

Example 5: The decision in R v. The Prime Minister demonstrated how constitutional principles are deeply rooted in the UK's law.

LAW is often seen as a tree, which demonstrates its growth and change. Just like a tree growing from a sapling to a towering tree with luxuriant foliage, law transforms from some primaries principles to a mature system with concrete articles. Root symbolizes the basic principle and core value of law, underpinning the solid foundation for the overall legal system. Trunk represents the main structure of law, which is constitution. Branches from it embodies different laws, articles and amendments in various fields, like criminal law, civil law and administrative law. All branches originate from the

common principle but expand and grow based on certain needs. What's more, leaves can be seen as concrete cases and judgements. Flickering in the wind, they reflect the dynamic conditions and changes of law in practice.

The metaphor depicts the growth and change of law and narrate the inter relationship between different laws, so that it can enhance people's awareness of the complicate state of law.

(b) LAW IS PERSON

Example 6: The law required that all judicial decisions be rendered in strict compliance with established procedural norms and principles, ensuring that the adjudicative process adheres to the highest standards of legal accuracy and fairness.

Personalized metaphor of LAW is extensively existed in all languages and culture. LAW proposes requirements and makes stipulations as a righteous entity. LAW also has personal function, so we have "corpus juris", a systematic writings and recordings of law. Many legal principles are proposed in LAW, so it has "the long arm jurisdiction". LAW also has function of breeding, therefore, we can talk about the ancestor law and its descents (Winter, 1989).

(c) LAW IS BALANCE

Example 7: In R v. Dyson, the law balanced individual rights and public safety to determine the limits of the use of public power in criminal cases.

The output of corpus shows that "LAW IS BALANCE". Balance embodies fairness, representing the technique and program ensuring the juristic justice. On the one hand, judicial institutes use LAW to evaluate the severity of crimes to ensure the punishment and crime well comparable. On the other hand, judicial institutes use LAW to compare the difference between cases to guarantee the fairness and reason of punishment. The metaphor emphasized the balancing and directing role of LAW, referring to its core position in protecting justice and stipulating behavior.

(d) LAW IS WEAPON

Example 8: The principle that individuals must not take the law into their own hands ensures that legal disputes are resolved through the judicial system rather than personal retribution.

LAW shouldn't be mastered in an individual "hand" and used as a weapon for "personal retribution". The metaphor makes us think about the estoppel principle "as a shield, not a sword", and Themis, the goddess of justice in the Western judicial system. Themis, with her eyes covered, holds a balance in one hand and a sword in another. The conceptual metaphor related to LAW is not an occasional psychological relationship but an organic part that consists of the whole juristic system.

4.3 Target Domain: COMPANY

Table 3. Verb Collocation and Frequency list of COMPANY

Grammatical Relationship	Collocation	Frequency	Scoring
Verbs with COMPANY as subject	distribute	355	11.760
	receive	319	11.250
	operate	187	9.750
	pay	109	9.060
	belong	239	8.870
	exercise	83	8.820
	own	81	8.630
	acquire	67	8.360
	make	121	8.090
	hold	48	7.980
Verbs with COMPANY as object	incorporate	480	12.140
	establish	1348	11.240
	acquire	169	10.470
	transfer	152	9.810
	control	210	9.260
	issue	80	8.680
	form	101	8.550
	distribute	62	8.400
	own	69	8.270
	govern	56	8.230

Table 3 shows us the verbs used with COMPANY and how often they occur. Next, we will analyze the conceptual metaphor of COMPANY.

COMPANY IS PERSON

Example 9:The parent company, in its capacity as the primary shareholder, received dividends from its subsidiaries, which were distributed in accordance with the respective dividend policies and financial performance of each subsidiary, and these payments were duly recorded and reported in the parent company's consolidated financial statements.

Example 10: The company exercised that right on 29 September, 2014.

Conceptual metaphor related to COMPANY is "COMPANY IS PERSON". The feature, behavior and motivation of COMPANY are all personalized. To a natural person, his legal identity starts when he is born and ends when he is dead. The situation is same to a company, which holds the unique legal identity since its establishment with the right to use name, address and business credit. COMPANY can

execute the right with the decision of board. Interestingly, COMPANY is endowed with personal relationship. For example, parent company can start up subsidiary company.

Data in corpus show that "COMPANY IS PERSON" is very pervasive. COMPANY can pay, receive, acquire and own, which is usually collocated with person. Personalized COMPANY plays a vital role in industrial society. The metaphor renders COMPANY many attributes like owning property, signing contract, calling to account and even enjoy human rights. Law department of a company can use metaphors to defend interests. For example, they can invoke human rights like privacy[15]. The conceptual metaphor can be extended to personalized brand with the feature of incredibility, professionalism, creativity and growth. Now it's no wonder that so many researchers call for reevaluating metaphors in legal discourse since it's so important.

5. Conclusion

This research describes typical conceptual metaphors related closely to target domains like COURT, LAW and COMPANY. The statistics in corpus proves that corpus tool can be used effectively in recognizing metaphors in legal discourse. Metaphor is a significant feature of legal discourse and the explanation of many legal keywords depends on metaphors. Those metaphors are closely related to those alive entity like PERSON and TREE. At the same time, legal metaphors can help us contemplate the fundamental structure of legal discourse and society, revealing the cognitive activities when human establish a law. The result of analysis also shows that although different conceptual metaphors have different meaning and background, they are a part of the conceptual group of law instead of a sudden, occasional appearance.

As many researches, the conclusion of our research can be only used in certain target domains, which comes from a single corpus. Metaphors in future can expand the metaphor recognition based on corpus tool onto other texts, to reap more comprehensive and reliable evidence. What's more, deep discussion can also be conducted on how conceptual metaphor influence the knowledge structure of legal personnel and how they use this structure in practice. Similarly, metaphor in legal discourse and its construction should be taught in classrooms and applied in translation, to help people understand better the information conveyed by legal language.

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