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Lexicalised or Dead Metaphor and Metonymy in the Specialised Language of Law

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Abstract

Metaphor is a privileged tool in the process of lexical creation, which finds its utility in various linguistic domains, as well as in specialised languages, where it is favoured by linguistic arbitrariness. The phenomenon of metaphorisation involves the establishment of connections between different things, entities, notions or roles based on similar elements, on certain common qualities. Metaphor in specialised language rests on an equivalence relation and is developed through analogical reasoning in the sphere of mental constructs enabling a process of conceptual abstraction. Lexicalised metaphor, which is not the same as lexical metaphor, is also called dead/ frozen metaphor in the literature. The name comes from the fact that, due to frequent, repetitive use, this figure of speech has lost not only its vividness and savour, but also its original meaning. Thus, its earlier metaphorical nature has been obscured by overuse and people are no longer aware of this metaphoricity. In legal language, it comes to function as a standard term, encasing abstract legal notions. Metonymy is another type of figurative language that relies on analogy, but in this case, it is a way of comparing and bringing together concepts, entities or things which do not share similar qualities. A word or term is used as a substitute meant to designate an object or a concept with which it is associated or to which it is somehow related. The purpose of this article is to discuss several lexicalised metaphors and metonymies that pertain to legal language.

Keywords: *linguistic arbitrariness, legal arbitrariness, specialised language of law, lexicalised/ dead metaphor and metonymy*

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1. Linguistic arbitrariness vs. legal arbitrariness and the relationship to metaphor

The intersection between linguistic arbitrariness and legal arbitrariness shows how metaphor works in the language of law. While the former favours the creation of metaphors, allowing the law to borrow words and concepts from the common lexicon just to assign them complex legal significance, the latter freezes the meanings of these metaphors, putting a bridle on the fluidity and unpredictable nature of linguistic arbitrariness.

In translation, as well as in teaching or learning a foreign language, the principle of linguistic arbitrariness is a source of difficulty, reflected in the creation of new terms and in the understanding of existing ones. This explains the partial autonomy of languages and their connection with the culture and experience they express, shaping each other, since each has its unique, specific structure. Whether in everyday language or in specialised languages, the difficulty is the same (Tamine, 2007: 13).

As an adjective, arbitrary designates a quality or characteristic of something opposing to the conventional, "based on chance rather than being planned or based on reason; using unlimited personal power without considering other people's rights or wishes" (*Cambridge Dictionary*). Legally speaking, although the term arbitrary does not have a formal definition, it has been developed by case law and legal practice, where it means "a decision or action taken without a rational basis, relevant reasons or fair process - essentially, one resting on whim or caprice rather than lawful, evidence-based judgment" (*LexisNexis*).

Legal arbitrariness usually signposts illegality for irrationality, lack of proportionality, focus on irrelevant elements, failure to provide reasons, inconsistency (*LexisNexis*) or the discretionary power the legislature gives to the conscience of the judge, rejecting a certain dose of bad faith which might affect the interpretation of legal texts (Guță, 2006: 105).

With this second meaning, the concept has logical and linguistic implications, because the judge performs an interpretation process through a syllogism, the goal being to detect the meaning of the norm, its scope, and the production of legal effects.

Legal arbitrariness is a component of the legal norm/ rule, its functioning is fuelled by the synergistic link between two important elements of the latter, namely the linguistic expression and the logical content, closely related to the authority who seeks to act on and transform the situation that the rule aims to regulate.

Coming back to linguistic arbitrariness – which means that there is no natural connection between what we hear or read, the sounds or written form of a word or sequence of words, on the one hand, and the actual meaning, on the other - an example of the difficulties which this concept entails leads us to metaphor and another figure of speech often discussed with the former, metonymy.

As a privileged and very useful tool in the lexical creation, metaphor is the expression of an essential feature of language, creativity, the power to form new sentences without limits, even if one has never heard them before. Recalling Hockett (1958), Tamine (2007: 13-14) believes that, together with creativity, semanticity - the power to assign meaning to well-constructed combinations which bring together terms having nothing to do with each other – explains the presence of metaphor in various languages and registers, in common as well as specialised and technical language. However, semanticity is challenged at present. Words were considered to have specific meanings, characterised by fixed associations with elements from the surrounding reality, as argued

by Hockett (1960), who proposed a set of 13 'design features' (semanticity among them), distinguishing between the supposed similarities and differences between human (spoken) language, other human signalling systems (e.g. music), and animals' communication systems. On the contrary, linguistic expressions acquire significance through a process of inference in which both linguistic and extralinguistic context plays an essential part. Meanings prove flexible, they are not firm and fixed (Pleyer, Perlman, Lupyan, de Reus, Raviv, 2026: 611-612).

The concept of linguistic arbitrariness still holds true, but it requires in-depth analysis and completion. In contradistinction to Hockett's view that there is no resemblance between word form and word meaning, language containing 'arbitrary' signals, the idea that arbitrary elements combine with motivated ones is widely accepted in current research. Iconicity, in the sense of "motivated resemblance between form and meaning" prevails in spoken and signed languages (Pleyer et al., 2026: 611).

2. Lexicalised metaphor and metonymy in the legal field

2.1. Metaphor plays a crucial part in the process of lexical creation, finding its utility in various linguistic domains. The phenomenon of metaphorisation involves the establishment of connections between different things, entities, notions or roles based on similar elements, on certain common qualities.

For Lakoff and Johnson (1980), metaphor is a fundamental instrument for structuring cognitive systems. They ground their arguments on essentially metaphorical expressions which usage has transformed into common metaphors. Their role is to reconstruct a model of thought, a conceptual correspondence between two distinct domains: the source domain and the target domain. This set of correspondences between metaphorical concepts - mapping - becomes a way of deciphering metaphor.

In specialised language, metaphor rests on an equivalence relation and is developed through analogical reasoning in the sphere of mental constructs enabling a process of conceptual abstraction (Butiurca, 2015: 114). Although there are voices that blame metaphors for rendering legal language cryptic and ambiguous, there are advantages that lawyers can enjoy, i.e. they act as "mnemonic devices" (Richard 2014: 3), which trigger connections with familiar patterns or images easy to remember, this analogical process often having a surprising or symbolic impact.

Lexicalised metaphor, also called dead/ frozen/ fossilized metaphor, derives its name from the fact that, due to frequent, repetitive use, this figure of speech has lost not only its vividness and savour, but also its original meaning. Thus, its earlier metaphorical nature has been obscured by overuse and people are no longer aware of this metaphoricity.

Most metaphors in legal speech, and in specialised languages in general, are "used" or "dead", they "go unnoticed because they belong to the legal lexicon", as distinct from "living" or "live" metaphors (Richard, 2014: 3). Although a lexicalised metaphor is harder to decode and interpret in less revealing contexts, it comes to function as a standard term, encasing abstract legal notions.

It has been noticed that metaphors, as a particular aspect of legal style, are quite frequent in judgments, but not so numerous in contracts or legislative texts (Richard, 2014: 4). Yet, "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" (Šeškauskienė, 2022: ix).

This author notes that the spatial expression *under the law* means 'obeying the law', therefore being subject to the authority and power of the law, which implies a social hierarchy understood as a vertical configuration of items in abstract context.

The preposition *under* is also used with different branches of law, as in *under civil law, under criminal law* (meaning governed by civil or criminal law), specific statutes or paragraphs, as in *under Section 10, under the Mental Health Act, under article 7*, contractual terms, as in *under the contract, under the terms of the lease, under contractual obligations*, case law or doctrines, as in *under recent case law.*

Another preposition which acquires metaphorical values in legal language is the preposition *on.* In ordinary language, one imposes something *to* somebody, but in the legal sphere, a sanction is imposed *on* somebody, a punishment is inflicted *on* an offender. The idea of a controlling authority which lies above all, feeling somehow 'heavy' on those who have to observe the law and are under the law, is always present.

Certain verbs that primarily have a concrete meaning combine with legal terms, creating new images and significances so ingrained in legal terminology that people seem to be hardly aware of their metaphoricity. The verb *to breach* refers to breaking through a physical barrier, making an opening, but in the expression *to breach a contract* it means "to violate contractual terms, obligations". *To break the law, to uphold the law, to uphold a decision, to extinguish a legal duty, to enter into a contract, to bring an action, to weigh the evidence, to cast doubt on evidence, to drop charges* are just a few other examples in which abstract nouns are treated as objects and material manifestations.

Higher courts are superior courts whose decisions are *binding* on *lower* or inferior courts, they are not taller than other buildings. The *Upper House* is not a construction at a higher level than other houses, it refers to the House of Lords in the British Parliament, whose membership is mostly appointed and which includes experts in many fields. If an agreement is *binding*, it creates enforceable obligations, if a decision is *binding*, this does not imply tying someone with ropes, but making a person comply with it. "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" (Šeškauskienė, 2022: ix).

The parts of the human body are a conceptual subsystem developed by the anthropocentric model, representing the source of many conceptual or terminological metaphors, in most specialised languages (Butiurca, 2015: 129).

The organicist metaphors, referring to the body and its organs, agglomerate meanings into a whole that becomes homogeneous as the images are shared. Legal institutions become nerve centres, decisions are made by organs, established bodies are like persons. When the preposition used for comparisons disappears, the bodies become legal persons (Boudot, 2026: 3).

In legal English, in such phrases as *body of law* (often referred to as *corpus juris*, a Latin expression designating a comprehensive collection of legal rules, enactments, regulations, judicial precedents within a jurisdiction or legal field), *body of laws* (set of legal rules), *body of rules/regulations,* nobody thinks of *body* as "trunk of a man or beast; the whole physical structure of a human or animal; material frame, material existence of a human; main or principal part of anything", actually the original meaning of Middle English *bodi*, from Old English *bodig* (OED). The word evolved to denote a human being, then the "main part of a group", of individuals seen as a community, and from 1660s the "main portion of a document" (OED).

The metaphorical expressions that contain the word *body* may denote official entities and organisations (*governing body* – an authoritative, official organisation whose main role is to manage and enforce rules relating to a specific institution or group*, administrative body* – which implements rules, policies, may issue specific regulations*, legislative body* – an organised, official group like parliament or congress, empowered to pass laws*, regulatory body* - a controlling organisation, dealing with aspects of human activity, *public body, public sector body, advisory body, disciplinary body, funding body, corporate/artificial body* meaning "legal person"), as well as documents, texts, writings, acts (*body of law, body of a text/ document/ act/ contract/ agreement, body of a deed, body of an instrument* etc.), or evidence (*body of evidence* – a collection of writings, facts, testimonies meant to support a point in a case).

Body politic is an archaic term, formally used in politics and representing "the nation, the state, whole body of people living under an organized government" (OED), a group organised under a rule of law.

The metaphors of the human body are easy to identify and abound in legal discourse and discourses on the law, creating many 'avatars' in various legal systems, if not all, in both private and public law. Rhetorically, they facilitate the emergence of hypostases (reification), enabling us to bring ideas into a sphere perceived and described by our senses, to internalize abstractions, to grasp virtual realities, and to reach an intellectual understanding of them comparable to a physical, sensory apprehension (Boudot, 2026: 7).

In French private law and not only, metaphors relating to the political content of the norm are most often lexicalised. They become part of legal rules or case law after crossing the lexical fields of other areas of human activity, being transferred from economics, medicine, biology into commercial or public health regulations, environmental legislation, etc. (Boudot, 2026: 3-4). They are not intrinsically legal, but migrate from other domains, acquiring a degree of technicality with the norm containing them.

2.2. Metonymy is another type of figurative language that relies on analogy, but in this case, unlike metaphor, by which it is often eclipsed, metonymy is a way of comparing and bringing together concepts, entities or things which do not share similar qualities. A word or term is used as a substitute meant to designate an object or a concept with which it is associated or to which it is somehow related.

If "with metaphor, correspondences are established between two different domains (or frames, for some linguists), (…) with metonymy, the correspondences are established within the same frame" (Terry, 2020). There are expressions that cannot be described as wholly metaphorical or fully metonymic, therefore metaphor and metonymy do not exclude each other, they can coexist and "should be seen as prototypical categories at the endpoints of a metaphor-metonymy continuum" (Radden, 2000: 93-94, in Terry, 2020).

In this article, we will analyse the following conventionalised or institutionalised metonymies: *the Crown, the Bar, the Bench*.

Metonymically, *the Crown* does not denote an object, on the contrary it is a symbol of authority, making reference to the sovereign, whereas in criminal proceedings, it stands for the prosecuting authority (e.g. *The Crown against Smith*).

As for the word *bar*, its original meaning traces back to late 12th century, meaning "stake or rod of iron used to fasten a door or gate", from Old French *barre* (OED). The legal meaning of *Bar*, "whole body of lawyers, the legal profession" (OED) is from the

16th century and derives from the physical railing or barrier separating the general public, on the one hand, and the judges, jury and lawyers, on the other hand, in the Inns of Court in medieval England. Students who proved to have reached a certain standing, as well as qualified lawyers would earn the privilege of being called to the bar, where they stood to plead and address the court. At present, *the Bar* refers to "lawyers who are allowed to argue a case in a higher court" (UK), or "all lawyers thought of as a group" (US) and the expression *to be called to the Bar* means "to gain a qualification as a lawyer" (CD).

Similarly, with respect to solicitors (UK), *to be admitted to the roll* defines the admission to the legal profession, based on the association of the physical object, i.e. a document containing a list of names, with the abstract concept of membership in that professional group. Historically, a "rolled-up piece of parchment or paper, scroll" (OED), a roll was used to register and archive the names of qualified lawyers.

A *bench* is a long, hard, usually wooden seat for two or more people, but around 1300 it was attested as an item of furniture for the judges in court, hence the metonymical use of the word as "judges collectively, office of a judge" (OED). Even today *to serve on the bench* means "to work as a judge or magistrate" and *to take the bench* in American English means "to become a judge" (CD).

In the legal field, metonymy exploits the association between an institution (the metonym) and its members (*court, jury, Parliament, Congress*), it uses the place for institution (*the House*), the physical document for its content (*the contract*, actually the mutual agreement of the parties and the obligations expressed in it), the symbol for authority (*the Crown, the seal*), the legal role for the person who performs it (*the prosecution, the defence*).

3. Conclusions

Any specialised language exists on account of a corresponding specialised domain, the knowledge of which, especially from a didactic perspective, goes beyond learning specific grammatical structures and vocabulary items. Understanding lexicalised metaphors, which are quite numerous in such languages, is an obstacle, but also a necessity for accessing the domain. Metaphor takes on a role of binder that creates a "profound unity of usages and registers" (Tamine, 2007: 18). An excellent and powerful communicative tool, it contributes to the entrenchment and dissemination of legal concepts more strikingly and "probably more efficiently than a literal description" (Richard, 2014: 7).

One should keep in mind that any dead metaphor was once alive. The vividness of metaphors manifests itself in both legal discourse and meta-legal discourse, before they are shared. The discourse of jurists may be analytical, when describing a concept or an institution and thus avoiding or dominating the use of metaphors, or it may be rhetorical, even polemical, while pronouncing value judgments, making commentaries and construing concepts, prone to "unleash a swarm of metaphors" (Boudot, 2026: 4). Other authors have also noted a more pervasive presence of metaphors in judgments, where they meet rhetorical needs and represent a persuasive and memorable way of expressing judicial opinion and authority, since "a critical component of a judge's toolbox is metaphor" (Berger, 2002: 30).

However, there are no elements or criteria that clearly indicate the existence of metaphor and metonymy only in certain registers or types of discourse. Although metonymy is outshined by metaphor in terms of frequency and impact, these two stylistic devices are inherent to the legal domain, it only takes scientific curiosity, patience and

thorough research to (re)discover them, to add new dimensions to their understanding and knowledge.

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