How Dirty is Dirty Money in English and Lithuanian? Metaphors in EU Directives on Some Criminal Matters: a Cross-linguistic Analysis

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Abstract. The paper sets out to examine metaphors in some EU documents on criminal activities. Drawing on contemporary understanding of metaphor, the investigation attempts to identify the main source domains for conceptualising a broadly understood abstract concept of law and to identify linguistic metaphors realising such conceptualisation. It also tackles the problem of translating metaphors into Lithuanian. The results of the study demonstrate preference given to object and person metaphors, which confirms previously identified tendencies of metaphoricity in legal discourse. In addition, the metaphor law/control is up features rather prominently. The latter is also the one that is not preserved in translation: differently from the above metaphors, in Lithuanian it is either rendered non-metaphorically or employing another metaphor.

Keywords: metaphor, legal discourse, translation, English, Lithuanian.
Legal Discourse: Complexity, Formulaicity and Metaphor

Legal discourse, whether English or Lithuanian, has often been described as notoriously complex and opaque despite everlasting attempts of many lawyers and non-lawyers at precision and clarity. It is also sometimes referred to as insular (Schane, 2006) stressing its specificity, lack of audience- and reader-friendliness, and a marked difference from other, less impenetrable, discourses such as political or economic discourse. Apparently, such understanding of legal discourse, several decades ago limited to legal language, led to the plain language movement, requiring more clarity. It seems that plain language in law was very difficult to attain since those who are engaged in legal discourse inevitably deal with numerous quotations from laws and statutes, and they do not change fast. Moreover, some researchers admit that the over-complexity and obscurity attributed to legal language and discourse are myths, or false beliefs (Tiersma, 2006).

Leaving aside the discussion whether legal language and discourse is (too) complex or not, it could hardly be argued that language employed in legal matters is extremely formulaic. Formulaicity, as claimed by many scholars (Danet, 1980; Tiersma, 1999; Goźdź-Roszkowski, 2012; Biel, Engberg, 2013), is at the core of this discourse. The notion of formulaicity is understood in the way proposed by Wray (2002): words and word-strings are understood as formulaic if they are processed “without recourse to their lowest level of composition” (ibid., p. 4). The notion is closely linked to collocability and collocations, clustering, the combining power of words and many others. As demonstrated by many studies, clustering of words is gradable (ibid., p. 7) and includes different combinations ranging from most formulaic utterances, or idioms, to semi-preconstructed to free combinations.

The specificity of legal discourse is not confined to a high degree of formulaicity. The nature of this discourse as reflected in its study and the study of law during the last decades has been very interdisciplinary. Nowadays practitioners and researchers would be unable to deal with the field without recourse to economics, psychology, information technologies and certainly, multi-faceted language studies. As noted by Solan and Tiersma (2012, 3), “through language we establish societal institutions, including legal ones”; the study of language gives us access to the understanding of those institutions. The understanding is demonstrated in studies focusing on author identification, where language is paramount (Chaski, 2012), on strategies of manipulation in spoken discourse, such as talking to victims of rape (Luchjenbroers, Aldridge, 2007) on ways to detect plagiarism (Woolls, 2012) on the study of trademarks (Shuy, 2012) and many more (see Tiersma, Solan, 2012). Presumably, metaphors, in their contemporary understanding, which evolved and has been developed by adherents to the cognitive linguistic trend (see Lakoff, Johnson, 1980/2003; Deignan, 2005; Grady, 2007; Semino, 2008, among others), treating metaphor as a manifestation of reasoning rather than of merely embellishing the text, could also help account for the specificity of legal reasoning.
Metaphor in Legal Discourse

Metaphoricity of legal discourse has been researched from different points of view. The very idea that legal discourse is metaphorical and that metaphors help understand it was consistently discussed by Winter (2001) and Johnson (2002). The latter in his review of Winter’s book claimed that legal reasoning should be understood “as embodied, situated and imaginative” (ibid., p. 951), that legal concepts emerge as a result of our functioning in “historically and culturally situated communal practices and institutions” and are “constrained by communally embedded understandings and practices” (Johnson, 2002, 952). Winter’s book (2001) was among the first to discuss legal concepts and reasoning in the framework of the cognitive approach to metaphor. In response to the book, many papers on metaphors in law followed. For example, specific metaphors employed in judicial opinions were studied by Sirico, a professional lawyer (2011). Taking a diachronic perspective, the author examined two extended metaphors employed by lawyers: wall and penumbra. During the last centuries, the first has been used in reference to the relationship between the state and the church, a rather sensitive issue persisting for a long time. The metaphor of wall has so far been interpreted as a barrier pointing at separating the state from the church and as protection of the church from the state or the state from the church. At some point in time, the metaphor of wall was replaced by that of a line, evoking the image of greater flexibility. The second metaphor, penumbra, refers to sundry legal notions and aspects of legal interpretation such as indeterminacy of law, lack of legal interest, periphery and fringe or, in other sources, as a protected area. Both metaphors, due to their vivid imagery, are deeply rooted, which is why they are frequently employed in judicial opinions for the purposes of clarification. However, as pointed out by the author, the first metaphor tends to support only one side of a controversial issue and the second is contradictory due to its multiple usages; therefore, they both fail to clarify debatable legal issues. As claimed by the author, such (poor) metaphors inhibit law’s progress (Sirico, 2011, 489) rather than giving impetus to its further development.

Another lawyer from Sweden discusses the metaphoricity of law and the persuasive power of those metaphors in shaping the understanding of law and lawyers in society through them (Ebbesson, 2008). Of particular interest are his insights into the metaphors of person, deeply rooted in company law and giving more prominence to companies, or the metaphor of seeking and finding the right decision, of particular relevance in courts, as well as weighing and balancing. The latter, especially reinforced with the image of Lady Justice, contributes to a belief that law is very precise.

Many papers on the metaphoricity of legal discourse inevitably focus on specific branches of law, demonstrating branch-specific tendencies of metaphoricity, often reflecting language- and culture-specificity and having consequences for human behaviour. Thus, Imamović (2013) discusses metaphors in the legal acts on education;
Loughlan (2006) deals with metaphors of intellectual property; Larsson (2013) tackles metaphors of copyright law. As a result of such studies, we can see that EU legal regulation in education relies on the source domains of object, container and physical structure as well as on the metaphor control is up. In our digital society the understanding of intellectual property seems to be undergoing some shifts, especially in terms of evaluation, which is demonstrated by its prevailing conceptualisation in the framework of pirate-predator-parasite metaphor. It carries rather negative evaluation. The prevailing conceptualisation of copyright as an unconstrained flow is unlikely to help understand and obey the copyright law.

Metaphors in fields that traditionally fall within the broad area of civil law, such as company law and family and social security law, do not seem to differ drastically from such general fields as education. For example, Twardzisz (2013) identifies that metaphors of object and person permeate company law to a very large extent. In family and social security law, as pointed out by Gedzevičienė (2015), the source domain of an object prevails. More specifically, in expressing limitations, lawyers tend to rely on the metaphors of ceiling and threshold in Lithuanian.

Not surprisingly, in criminal law legal regulation sometimes employs the metaphor of fight. This metaphor was analysed by Chiu and Chiang (2011) in reference to Taiwan statutes and judgements. However, spoken judicial discourse on criminal matters mainly adheres to the metaphors of person and object rather than fight, as confirmed by Šeškauskiienė and Stepančuk (2014), who investigated the metaphoricity of courtroom hearings of criminal cases of the US Supreme Court. The same tendency was identified in academic legal discourse focusing on criminal law and criminal justice (Urbonaitė, 2015). What seems to be promising is that most studies have relied heavily on empirical research and naturally occurring discourse. The normative aspect still persisting in Lithuanian linguistics (see Gedzevičienė, 2015) is less appealing and in metaphor studies is unlikely to bring more reliable results.

**Metaphor in Cross-linguistic Studies and Translation**

Metaphor in contrastive studies, and especially in translation, has been unanimously described as a very problematic area, since it often involves not only language but also background knowledge in the system of law and the source and target cultures. However, there have been several rather successful attempts at contrastive analyses of metaphors in legal discourse by analysing several languages. For example, Imamović (2013) analysed metaphors and metonymies in the US, UK, Bosnia and Herzegovina; Urbonaitė (2015) focused on English and Lithuanian academic papers on crime and criminal justice in English and Lithuanian.
Translating metaphor is often bound to cause field-specific and language-specific problems. This has been demonstrated by Tirkkonen-Condit (2001), who proved that metaphors shared between two or more cultures are easier to translate and take less time. Gražytė and Maskaliūnienė (2009) analysed EU White Papers and their translation into Lithuanian. They identified a number of overlapping conceptualisations; some of them, however, were worded in rather different ways highlighting culture-specific elements of the source domain of the target culture, which were often different from those in the source language. Vegara Fabregat (2015) attempted to analyse metaphors in US court opinions and their translations into Spanish. The author identified that the strategy of maintaining the same underlying metaphor prevailed. However, in most cases the wording differed considerably from the original version.

The Scope of the Present Investigation

This paper aims at identifying the main source domains employed in conceptualising law in EU directives focusing on some criminal activities. The investigation is an attempt to verify the hypothesis that the person and object metaphors prevail. Presumably, the topic, or a narrower field of law, such as money laundering or human trafficking rather than broadly formulated criminal law, might influence the conceptualisation of certain activities described as illegal as well as punishment or other legal measures taken. Also an attempt is made to identify the strategy of translation of metaphors into Lithuanian to verify if the underlying metaphor was preserved or lost; in case of metaphor preservation, to verify if the same wording was kept. A more detailed analysis focuses on utterances related to the image of liquid and dirtiness and the scenario of washing and cleaning.

Materials and Methods

For the present investigation, two lengthy EU directives dealing with criminal activities were selected, namely, Directives 2005/60/EC and 2011/36/EU of the European Parliament and of the Council on the prevention and use of the financial system for the purpose of money laundering and terrorist financing and on preventing and combating trafficking in human beings and protecting its victims. The corpus also includes the official translation of the Directives into Lithuanian. The full titles of the above Directives in English and Lithuanian are given in the list of sources at the end of the paper. The whole parallel corpus consists of 40,569 words in both languages. The English and Lithuanian versions were taken from the EUR-Lex database; the alignment between metaphorical expressions was done manually.
After collecting the data, the English sub-corpus was analyzed by identifying its keywords. The main parameter was the frequency of words. For that purpose, the AntConc software (Anthony, 2014) was employed. Grammatical words, such as articles and prepositions, which naturally take top positions in the list of frequency, were discarded further focusing on potentially legal words in the context of the Directives. Based on the results, keywords with the frequency of no less than 25 were selected for the analysis of their immediate context in order to identify metaphorical expressions. The procedure was manual and based on the Metaphor Identification Procedure (MIP) and the metaphorical pattern analysis. The MIP principles are provided below:

1. Read the entire text–discourse to establish a general understanding of the meaning.
2. Determine the lexical units in the text–discourse.
3. (a) For each lexical unit in the text, establish its meaning in context, that is, how it applies to an entity, relation, or attribute in the situation evoked by the text (contextual meaning). Take into account what comes before and after the lexical unit.
   (b) For each lexical unit, determine if it has a more basic contemporary meaning in other contexts than the one in the given context. For our purposes, basic meanings tend to be
   - more concrete [what they evoke is easier to imagine, see, hear, feel, smell, and taste];
   - Related to bodily action;
   - More precise (as opposed to vague);
   - Historically older;
   Basic meanings are not necessarily the most frequent meanings of the lexical unit.
   (c) If the lexical unit has a more basic current–contemporary meaning in other contexts than the given context, decide whether the contextual meaning contrasts with the basic meaning but can be understood in comparison with it.
4. If yes, mark the lexical unit as metaphorical. (Pragglejaz Group, 2007, 3)

Also, according to MIP, it is important to consider the concreteness of a lexical unit as well as etymology when identifying its basic meaning. Therefore, four monolingual English and Lithuanian dictionaries have been used in the study: the Oxford Advanced Learner’s Dictionary of English (OALDE), the Oxford English Dictionary (OED), Lietuvių kalbos žodynas (LKŽ, Dictionary of Lithuanian) and Dabartinės lietuvių kalbos žodynas (DLKŽ, Dictionary of Contemporary Lithuanian).

The identification also involved the metaphorical pattern analysis (Stefanowitsch, 2006), according to which linguistic metaphor is identified when a word from amore concrete source domain is combined with a word from a more abstract target domain to produce a metaphorical pattern. For example, in the sentence let’s take this idea and discuss it the word idea is abstract and taking is primarily associated with concrete actions, such as grasping items like books or cups. This meaning of to take is also given as a
primary meaning in English dictionaries (OALDE and OED). The word combination *to take an idea* is considered metaphorical. The procedure is in line with the cognitive approach to metaphor, whereby metaphor is a trans-domain phenomenon at the level of thought and reasoning, whereas the text manifests linguistic realisation of metaphor, in this paper referred to as either metaphorical expression or linguistic metaphor. The terms *collocations* and *utterances*, as synonyms to the above, will also be used in the paper.

The identification of linguistic metaphors was manual by verifying each word from the frequency list to confirm if it was used metaphorically or not. Bearing in mind that due to the nature of the texts, the words on the frequency list were mainly from the target domain of law; therefore, the identification of metaphor focused on identifying the source domains.

After identifying the main trends in metaphoricity in the English data, the main strategies of translation were identified. In the paper, the model suggested by Abdullah and Shuttleworth (2013) is applied. According to it, in translation metaphors are either preserved in both source and target texts or they are only retained in the source but not in the target text. When they are preserved, they either keep the same or similar wording or choose a different wording, which, presumably, often reflects different conceptualisation.

### Overall Results. Word Frequency

The count of the frequency of the notional law-related words in the English texts resulted in identifying an extensive list of 68 words, with the most frequent occurring almost 400 times and the least frequent found in 25 cases. The first ten most frequent words and their raw frequencies are given in Table 1 below. Their frequencies exceed 100; those of the other words, which are not given in the Table, are below that figure.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Keyword</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>article/s</td>
<td>397</td>
</tr>
<tr>
<td>2</td>
<td>state/s</td>
<td>223</td>
</tr>
<tr>
<td>3</td>
<td>directive</td>
<td>222</td>
</tr>
<tr>
<td>4</td>
<td>member</td>
<td>215</td>
</tr>
<tr>
<td>5</td>
<td>person/s</td>
<td>206</td>
</tr>
<tr>
<td>6</td>
<td>institution/s</td>
<td>130</td>
</tr>
<tr>
<td>7</td>
<td>victim/s</td>
<td>126</td>
</tr>
<tr>
<td>8</td>
<td>measure/s</td>
<td>116</td>
</tr>
<tr>
<td>9</td>
<td>trafficking</td>
<td>110</td>
</tr>
<tr>
<td>10</td>
<td>legal</td>
<td>108</td>
</tr>
</tbody>
</table>
Interestingly, the words used in the titles of the Directives, such as *trafficking* or *money*, only appear on the frequency list in the 9th (110 hits) and 11th position (94 hits), respectively. The top positions are taken by the vocabulary signalling the codified and institutionalised nature of the EU law, such as *articles, states, directives* and *institutions*.

A manual analysis of the keywords in context revealed that of about 4,000 utterances containing 68 keywords in the English corpus, only 415 cases turned out to be metaphorical. Further we will discuss the main source domains identified in those cases.

### The Main Source Domains

As expected, the key source domains to conceptualise legal issues in the EU Directives on some criminal activities *object/substance* and *person* turned out to be most frequently employed. Interestingly, the orientational metaphor (Lakoff, Johnson, 1980/2003) *law/control is up* was the third conceptual metaphor according to frequency in our data, while the source domain of war was not very productive. All source domains of conceptual metaphors and the number of linguistic metaphors realising them are given in Table 2 below.

**Table 2. The main source domains in the English corpus**

<table>
<thead>
<tr>
<th>Source domain</th>
<th>Number of MEs</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>OBJECT/SUBSTANCE</td>
<td>171</td>
<td>41.2</td>
</tr>
<tr>
<td>PERSON</td>
<td>156</td>
<td>37.6</td>
</tr>
<tr>
<td>UP</td>
<td>52</td>
<td>12.5</td>
</tr>
<tr>
<td>WAR</td>
<td>21</td>
<td>5.1</td>
</tr>
<tr>
<td>OTHER (parent, plant, treasure, etc.)</td>
<td>15</td>
<td>3.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>415</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

The most numerously represented source domain of an *object* in our data is manifested in the text as words referring to objects that can be taken, given or physically manipulated, that are given characteristics such as physical properties of size or texture. The domain of an *object* also includes containers which hardly ever have a precisely identifiable shape or refer to a concrete object such as a vase or a cup.

The source domain of a *person* is usually signalled by the words pertaining to human physical characteristics such as agentivity, or ability to act in various ways, also ability to communicate. Laws, rules and regulations sometimes prohibit or recognise; approach or meet (the requirements), etc. Agentivity in English is often grammatically

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1 Small caps used in the metaphors are in line with the theory and will be adhered to throughout this paper.
determined, since it adheres to the word order with the subject (often also an agent) taking the initial position in a sentence.

The orientational metaphor control/law is up in this type of discourse is hardly surprising, either. However, its realisation through prepositional phrases and the notion of covering is very interesting. Their translation, presumably, poses a number of problems. We will return to it further in the paper.

The metaphor of war is mainly realised through such sub-metaphors as crime is an enemy and law is a weapon. Though not numerously represented, they both are rather predictable in the context of criminal activity, particularly when realised by employing the words fight, combat or (safe)guard, clearly linked to the domain of war or fight. Further the paper focuses on each of the main source domains highlighting the most interesting cases of realisation.

**LAW IS AN OBJECT. Dirty Money and its Fluidity**

As noted above, the most typical metaphorical patterns are made by combining words referring to abstract notions such as rules, rights, procedures or obligations with concrete words such as the verbs lay down, hold, give or take, for example:

1. Disclosure of information (...) should be in accordance with the rules (...) as laid down in Directive 95/46/EC of the European Parliament and of the Council (...) [Dir_1]
2. The necessary measures should be taken to ensure that, where appropriate, a guardian and/or a representative are appointed in order to safeguard the minor’s best interests. [Dir_2]

As may be observed, the phrasal verb lay down implies physical movement in space and a certain directionality of it; it has the meaning of putting an object down, usually on the floor, ready to be used (OED). Thus rules and measures are understood in terms of concrete spatial objects that are manipulated in space. In the following example, priority is conceptualised as an object which is given; moreover, the giver is a programme, an abstract notion, conceptualised as a human being or any other living being capable of giving:

3. (..) the Stockholm Programme (...) gives a clear priority to the fight against trafficking in human beings. [Dir_2]

The two Directives focus on rather specific criminal activities: money laundering and trafficking in human beings. The foci are reflected in the vocabulary and (field-specific) metaphors. Not surprisingly, the word money in the corpus was mentioned 94 times; in most cases it was combined with laundering to produce a metaphorical term money laundering and its varieties anti-money laundering, money launderers, laundering the proceeds of criminal activity. The concept of laundering in English dictionaries is defined as washing, drying and ironing clothes or linen (OALDE; OED). In legal contexts
and in combination with money the word refers to attempts to conceal the origins of illegally obtained money by transfers involving banks and legitimate businesses (OED). The collocation *dirty money* refers to money obtained in illegal ways. Numerous metaphorical expressions help realise the scenario of washing and cleaning. Many of them carry evaluative implications and are closely linked to the metaphor of moral purity strongly rooted in our understanding. As claimed by Lakoff and Johnson (1999, 308), the metaphor of moral purity is contrasted with impurity which gives rise to expressions employing the words *impure, dirty, stained* or *soiled*, hence the term *dirty money*. However, despite the potential of the words *stained* or *soiled* to refer to (morally and legally) in appropriate activities, they are not used in reference to illegally obtained money. Similarly, the expression *clean money* rather than *pure* or *clear money* is used in legal contexts. The terms are also retained in other, less specific, discourses, such as public, or news discourse, where *clean money* very obviously carries positive and *dirty money*—negative evaluation. For example:

(4) California and the whole country needs “*clean money*”—publicly financed public elections rather than privately financed public elections—and for all the obvious reasons. (BYU-COCA)

(5) *I need clean money in my life. I don’t want to be a criminal.* (NOW Corpus)

(6) (...) a great majority of our employees shun the temptation of *dirty money*, preferring instead to live within their means. (NOW Corpus)

The inverted commas in sentence (4) signal that the author is aware of the metaphoricity of the collocation. A brief search through several English corpora (BYU-COCA; NOW Corpus; Leipzig Corpus) has confirmed that *dirty money* is much more frequent than *clean money*. Presumably, it might be accounted for by a general tendency to have richer vocabulary carrying negative connotations.

Another topic-specific metaphor in the English sub-corpus is related to liquid as a source domain within the larger domain of an object/substance. It is signalled by such words as *flow* and *channel*, for example:

(7) *Furthermore, the misuse of the financial system to channel criminal or even clean money to terrorist purposes poses a clear risk to the integrity, proper functioning, reputation and stability of the financial system.* [D_1]

(8) *Massive flows of dirty money can damage the stability and reputation of the financial sector and threaten the single market* (...) [D_1]

The verb *to channel* in its primary meaning refers to carrying water through a passage (OED; OALDE); the utterance *flows of dirty money* in (7) is understood as a large amount of illegal money. Presumably, fluidity in this context carries the implication of slipping away, of something difficult to grasp and hold. The usage of the word *flows* in reference to money thus highlights the problem of illegal sources of money and difficulties dealing with it. The enormity of the problem is reinforced by the word *massive*, which further exploits the scenario of fluidity.
The source domain of fluid is detailed by making use of the element of freezing, directly linked to liquid substances. Whenever frozen, the liquid becomes hard and immobile and hence inactive and possibly (metaphorically) ineffective. The most frequent collocates with freezing include assets, funds, proceeds and property, for example:

(9) This provision is of particular importance in the context of procedures leading to measures such as freezing or seizing of assets (...) [Dir_1]

Interestingly, no thawing of assets or funds is ever discussed. It may be related to the fact that in default situations in finance funds are ‘not frozen’ and there is no need to discuss them as such. Whenever the situation changes so that it might lead to dire consequences, it is conceptualised in terms of the metaphor of freezing.

In a more general object metaphor, a specific, container, metaphor should be singled out. It is traditionally signalled by the prepositions in and into; the adverbs inside and outside, also the verb introduce in all of its forms. Most of these textual indicators presuppose the existence of the interior and exterior of some object, hence its interpretation as a container. For example:

(10) (...) the principle should be introduced into Community legislation that simplified customer due diligence is allowed in appropriate cases [Dir_1]

(11) (...) Credit Institutions having their head offices inside or outside the Community [Dir_1]

In the above examples, the legislation and the Community are perceived as containers with the interior and, in the case of the Community, also the exterior. They are objects that are, presumably, fairly large in size, like rooms or houses, since entering them is possible. No other details of these specific objects are given.

**Law is a person**

The metaphor in our data was mainly realised through abstract notions such as states, organisations or companies as having bodies, capable of taking, bringing, thinking and deciding, communicating with others. All of these attributes in their primary meaning are used in reference to humans or living beings. Moreover, legal documents such as treaty, law, legislation, article(s) or directive(s) are also perceived as humans, who (do not) interfere or prohibit, or require that something be done; they also define, enter (into force), or simply go beyond a certain border, for example:

(12) In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective. [Dir_2]

Going beyond is understood in terms of application; the Directive is not applied unless some previously mentioned objective should be attained.

Other personified entities include organisations, authorities, states, which by some authors are treated as rather indeterminate cases falling “on a scale of metaphoricity-
metonymicity” (Croft, Cruse, 2004, 220). Despite their possible interpretation as metonymies, referring to people, arguably, they all subsume more than just part-whole relationship often found under the umbrella term of metonymy. In our view, they are more likely candidates for metaphor and interpretable as manifestations of trans-domain mappings.

Other entities interpreted as humans in our data include risk, measures, data, conditions, criteria and other abstractions. They are combined with vocabulary indicative of humans or living beings, such as character, sensitive, meet(ing), free, freedom and the like. These findings are in line with numerous other papers showing a tendency to personify such abstract entities as companies or organisations, or laws and other legal acts and the abstract vocabulary discussed in those legal acts (see, for example, Ebbesson, 2008; Twardzisz, 2013; Šeškauskienė, Stepančuk, 2014). For reasons of space, in this paper they will not be discussed in more detail.

**LAW/CONTROL IS UP**

The metaphor law/control is up is rather well-established in English (Lakoff, Johnson, 1980/2003, 15; Lakoff, 1987, 435–438). It is based on a vertical relationship between two entities with one of them placed higher than the other and perceived as exerting power or control. Typically, the relationship is expressed by means of the preposition or prefix over, as in: he has strange power over me (Lakoff, 1987, 435) or someone will oversee the operation (ibid., p. 437). The same means of expression have been identified in our data, e.g.:

(13) Member States shall take necessary measures to establish their jurisdiction over the offences referred to in Articles 2 and 3 (...). [Dir_2]

Logically, whatever/whoever exerts power is higher, or over, and what/who has to obey is lower, or under; hence the preposition under in some utterances such as under the law/this Directive, to put someone under an obligation, to fall under the legal responsibility, to act under a contract, etc. For example:

(14) Persons who merely convert paper documents into electronic data and are acting under a contract with a credit institution or a financial institution do not fall within the scope of this Directive [Dir_1]

In the example above, a contract is perceived as an entity, a legal instrument regulating the relationships of the people or organisations who are parties to the contract or fall into the area of its regulation. In other words, contractual obligations are imposing, powerful and the people have to obey them. A similar relationship can be identified in the examples below:

(15) Such further criminalisation could cover the behaviour of employers of legally staying third-country nationals and Union citizens (...)[Dir_2]
Arguably, the notion of covering still preserves the relationship of physical verticality, when the entity that is covered is below and the coverage itself is higher. In example (15), covering implies imposition, regulatory power on the entities covered. The most frequent pattern with the verb *cover* was *persons covered by this Directive*, identified in more than 30 cases in our data. Another verb presupposing such a relationship would be *to impose*, as in the expression *to impose requirements/regulations* (on someone). Interestingly, the relationship of power is preserved in the adverbs *hereunder* and *thereunder* as well, as illustrated in the following example:

(16) *This Directive should also apply to those activities of the institutions and persons covered thereunder which are performed on the Internet.* [Dir_1]

Metaphors are notoriously difficult to analyse due to their rather “mixed” source domains (on mixing metaphors see Gibbs 2016). In the discourse of EU legislation, horizontal relationships, or the relationships of inclusion, tend to construct power hierarchy as well. This is demonstrated in example (17) below, where the utterances *falling within the scope of this Directive* and *included within the category of* point at the more powerful “territory” of a legal instrument:

(17) *Entities already falling under the legal responsibility of an insurance undertaking, and therefore falling within the scope of this Directive, should not be included within the category of insurance intermediary.* [Dir_1]

In the above example, presumably, two axes, vertical and horizontal, are employed to render the metaphor of power relationships: *falling under the responsibility* is a means to construct verticality and *falling within* is an indication of horizontal rendering. The latter could also be interpreted as a container metaphor.

As demonstrated by numerous examples, the metaphor *law/control is up* is a means of rendering power relationships, which is paramount in legal discourse. At the same time, this metaphor is a means of raising awareness in citizens who nurture the ideal of a law-abiding state; the metaphor, possibly, could serve as a means of persuading people to obey the law.

**Translation: Retaining or Losing the Metaphor**

This part of our investigation was designed to measure to what extent the metaphors identified in the English data were preserved in the Lithuanian translations. We have examined all metaphorical expressions according to the source domains following a fairly simple model. According to it, we manually identified the translation of each metaphorical expression and established if the original metaphor was preserved. The overall results are given in Table 3 below.
Table 3. Metaphors in English and their Lithuanian translations

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<thead>
<tr>
<th>Source domain</th>
<th>Number of MEs</th>
<th>MEs preserving the same metaphors</th>
<th>MEs preserving the same metaphors, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>OBJECT/SUBSTANCE</td>
<td>171</td>
<td>158</td>
<td>92.4</td>
</tr>
<tr>
<td>PERSON</td>
<td>156</td>
<td>128</td>
<td>82.05</td>
</tr>
<tr>
<td>UP</td>
<td>52</td>
<td>1</td>
<td>1.92</td>
</tr>
<tr>
<td>WAR</td>
<td>21</td>
<td>19</td>
<td>90.5</td>
</tr>
<tr>
<td>OTHER</td>
<td>15</td>
<td>3</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total number</strong></td>
<td><strong>415</strong></td>
<td><strong>309</strong></td>
<td><strong>74.45</strong></td>
</tr>
</tbody>
</table>

The results in Table 3 demonstrate that virtually all major metaphors are preserved in translation, which suggests that both English and Lithuanian tend to share OBJECT, PERSON and WAR metaphors in legal discourse. However, the metaphor LAW/CONTROL is UP is not retained in Lithuanian. Further we will analyse each metaphor in more detail focusing on incongruous cases, i.e. when the metaphor has not been preserved. Also we will deal with some field-specific cases of linguistic metaphors of money fluidity and trafficking in human beings within the OBJECT metaphor, since they demonstrate an interesting culture-specific choice of realisation.

**War and Person Metaphors in Translation**

It is hardly surprising that in the majority of cases the few WAR metaphors employed in the EU documents under study have been preserved. It seems that the notions of fight and combat are easily transferred to Lithuanian as the noun kova (‘fight’) or the verb kovoti ‘to fight’ in their multiple forms. The notion of guarding was rendered as apsauga ‘protection, guarding’. What is not preserved in Lithuanian is mostly concerned with aiming, which in the primary meaning in English is linked to shooting. In Lithuanian, the lexeme siekti ‘seek, search, aim’ and its passive participle form siekiama in particular was chosen, for example:

(18) **This Directive aims to amend and expand the provisions of Framework Decision 2002/629/JHA.** [Dir_2]

(18a) Šia direktyva (directive SG.INSTR) siekiama iš dalies pakeisti ir praploti Pamatinio sprendimo 2002/629/TVR nuostatas. [Dir_2a] Lit. ‘By this directive it is attempted to amend and expand the provisions of the Framework Decision 2002/629/JHA’

The two examples above demonstrate that Lithuanian does not choose to render the WAR metaphor in the scenario of shooting; rather, it realises the expression in terms of seeking and searching. A closer examination of the word siekti (DLKŽ, LKŽ) results in identifying a diachronically motivated and still preserved physical meaning of the
word *siekti* ‘to stretch out one’s arm and reach’ (DLKŽ), which would be compatible with the **object** metaphor.

Interestingly, the two examples above also point out that Lithuanian tends to avoid inanimate subjects, and chooses to conceptualise the *Directive* in the Instrumental case, whereby it loses its agentivity and can hardly be interpreted within the **person** metaphor. In another case, the **person** metaphor in English is rendered as the Locative case in Lithuanian, again, discarding the personification of an inanimate abstract noun, for example:

(19) *Equally, Community legislation should recognise that* (...) [Dir_1]

(19a) *Lygiai taip pat Bendrijos teisės aktuose turi būti pripažinta* (...) [Dir_1a] Lit. ‘Equally, in Community legislation it should be recognised that (...)’

This and other cases, mainly employing such abstract nouns as *directive, conditions or legislation*, are not rendered as a person/living being in Lithuanian and point at a slightly different conceptualisation of legal matters. On the other hand, in many cases in Lithuanian the **person** metaphor is preserved, especially with such (metonymy-like) subjects as *community, organisations, authorities, commission, parliament, council and member states*. There are also some personified entities like *article*, where Lithuanian tends to adhere to the English version of seeing legal matters, for example:

(20) *Moreover, Article 28 cannot interfere with national data protection and professional secrecy legislation.* [Dir_1]

(20a) *Be to, 28 straipsnis neturi varžyti nacionalinių aktų dėl duomenų apsaugos ir profesinės paslapties.* [Dir_1a]

In papers focusing on academic discourse, the findings unequivocally point at a clear tendency to use inanimate subjects with active verbs in both English and Lithuanian (Šeškauskienė, 2010). This may be due to a highly international academic discourse with Lithuanian fast adopting English patterns. In the translations of EU documents, however, the findings are rather mixed, with no clear tendencies, probably requiring more data.

**LAW/CONTROL IS UP in Translation**

As seen in Table 3, in translation, this metaphor looks very different from the others. As already mentioned, the metaphor is rendered through the prepositions *over* and *under* pointing at the underlying vertical axis of spatial organisation and the notion of covering, frequently collocating with the word *Directive*. In our data, the items that are covered by the directive include *persons, customer, activities* and *trafficking*, thus mainly people or their activities. The most frequent way of rendering such utterances in Lithuanian is concerned with *taikyti* ‘to apply’ or *patekti į taikymo sritį* ‘find oneself in the area of application’, for example:
‘Business relationship’ means a business, professional or commercial relationship which is connected with the professional activities of the institutions and persons covered by this Directive (...) [Dir_1]

(21a) „Verslo santykiai“ yra verslo, profesiniai arba komerciniai santykiai, kurie susiję su įstaigų ir asmenų, kuriems taikoma ši direktyva, profesine veikla (...) [Dir_1a] Lit. ‘Business relationship means a business, professional or commercial relationship which is connected with the professional activities of the institutions and persons to whom this Directive is applied.’

(22) All these requirements are to be met by each of the institutions and persons covered by this Directive(...) [Dir_1]

(22a) Visos įstaigos ir asmenys, patenkantys į šios direktyvos taikymo sritį, privalės laikytis šių reikalavimų (...) [Dir_1] Lit. ‘All institutions and persons, getting into the area of application of this Directive, shall have to adhere to these requirements’.

In case (21a), the non-metaphorical strategy of translation was chosen by indicating the subordinate members in the vertical power relationship by the Dative case of the relative pronoun kurie ‘who’ referring to asmenys ‘persons’. Thus the notion of experiencer, one of the key notions used to describe the central meanings of the Dative case might be employed here (see Luraghi, 2008).

In case (22a), the vertical relationship and the idea of covering are lost; it is replaced by the horizontal relationship, indicated by the preposition į ‘into, to’ and the collocation į (taikymo) sritį ‘into the area (of application)’. Such structures are normally interpreted in the framework of the container metaphor, which means that in translation another metaphor was chosen.

A similar interpretation seems plausible in cases where the control metaphor is rendered by the verb impose on. Thus a frequent expression obligations imposed on them is translated into Lithuanian as joms nustatytos pareigos ‘obligations assigned to them’. It seems to be indicative of a different metaphor in Lithuanian, presumably, that of an object, since nustatyti in its primary meaning is concerned with putting up or building, even though it is apparently much less frequent than in the abstract meaning of setting or establishing a norm.

When the original version directly points at the vertical relations by employing the prepositions over or under, Lithuanian chooses prepositional phrases as well. However, they have nothing to do with verticality. If we take sentence (13), where the preposition over is employed (jurisdiction over the offences) and look at its translation, we will see that the metaphoricity of the expression is lost. The expression is rendered into Lithuanian non-metaphorically as jurisdikcija del nusikalstamų veikų ‘jurisdiction concerning the offences’. Sentence (14) and the expression acting under a contract is translated into Lithuanian as veikia pagal sutartį ‘act(ing) according to a contract’. The preposition pagal in Lithuanian is mainly used in reference to written information; its primary physical
meaning ‘along some object, beside, near an object’, though included into dictionaries of Lithuanian (DLKŽ, LKŽ), seems to be lost, at least not used in standard Lithuanian.

**OBJECT Metaphor in Translation. Dirty Money and Fluidity**

Most object metaphors preserve the same conceptualisation in Lithuanian. Many abstract notions, such as law, regulations, practices are rendered as objects that can be taken, given, raised, shared etc. in Lithuanian. For example, a rather common notion of sharing or exchange, in its primary meaning referring to physical sharing or exchange of tangible objects, is transferred to the abstract sphere and is used in reference to information or practices. In Lithuanian the same image is preserved by choosing the verb keistis ‘to exchange’; however, the verb dalytis ‘to share’ is not used.

In a number of cases when the metaphor is preserved, the wording might be different. For example, the Directives have numerous cases referring to articles, rules, obligations, requirements, procedures laid down in some article, paragraph or directive. This expression is indicative of a container metaphor, presumably, within the metaphor of an object. In Lithuanian the laying down is rendered in a different way, by employing the verb nustatyti ‘set, establish’, which in its primary meaning refers to putting something up, building. This interpretation is compatible with the conceptualisation of abstract notions such as articles or rules as concrete objects, for example:

(23) Member States shall not be obliged to apply the obligations laid down in Article 22(1) to notaries, independent professionals, auditors (…) [Dir_1]

(23a) Valstybės narės neprivalo 22 straipsnio 1 dalyje nustatytytų reikalavimų taikyti notarams, nepriklausomiams teisininkams, auditoriams (…) [Dir_1a]

Several metaphorical terms from the field of the Directives are worth discussing in more detail. The first is concerned with trafficking in human beings and its Lithuanian equivalent prekyba žmonėmis. Both of them could be interpreted within the object metaphor, since trafficking is related to the English word to traffic concerned with buying and selling something illegally (also to traffic in the meaning of transport) and the Lithuanian prekyba is a regular word to refer in its primary meaning to any trade or selling and buying, with no implications of illegality. However, the English term has an additional element of transportation, whereas the Lithuanian word has no such implication. Also, to traffic has a fairly firmly established negative evaluation and the Lithuanian prekyba, unless it is used in collocation with people, is neutral.

The second term money laundering and its Lithuanian equivalent piningų plovimas both realise the scenario of washing something dirty. However, as already mentioned, the English term seems to subsume a number of operations such as ‘washing, drying and ironing clothes or linen’ (OALDE, OED). The Lithuanian term is derived from the verb
plauti ‘to wash’ and only refers to washing as part of laundering; the same Lithuanian verb is used in reference to washing the floor or hands. The vocabulary of washing and cleaning in Lithuanian is very rich, with different lexemes used when different objects of washing are chosen: one verb is used to wash one’s face and another when washing the clothes. However, there is no verb in Lithuanian covering all operations subsumed under the English *laundering*.

There are several more details within the same washing and cleaning scenario in English and Lithuanian which seem to be worth discussing. Illegal money in English is referred to as *dirty money*. Its Lithuanian equivalent is *nešvarūs pinigai*, literally ‘unclean money’. Apparently, an indirect way of referring to something dirty and hence of dubious value in Lithuanian looks more appropriate, though no less metaphorical. More studies are needed to verify this, especially considering the fact that the lexeme *purvinas* ‘dirty’ exists. Interestingly, the English term *clean money*, much less frequently used in legal discourse, in the Lithuanian translation of Directive 2005/60/EC is rendered non-metaphorically, as *teisėtai įgyti pinigai* ‘legally obtained money’ rather than *švarūs pinigai* ‘clean money’. The metaphorical phrase *to channel money* in the Lithuanian translation is also rendered non-metaphorically, as *skirti lėšas/pinigus* ‘allocate funds/money’, which loses the implication of large quantities and the uncontrolled process. The term *to freeze money* in Lithuanian preserves the same metaphor of a frozen object *įšaldyti pinigus*; however, Lithuanian chooses a much less frequent prefix *į*- rather than *su-* (as in *sušaldyti*) or *už-* (as in *užšaldyti*) employed with this verb in Lithuanian. Both *su-* and *už-* indicate the completion of the process of freezing. The form *įšaldyti* indirectly refers to the depth of freezing, like in a fairy tale, where a fox got its tail frozen in the lake. In everyday usage in reference to low temperatures the verb is not so frequently used.

Overall, the Lithuanian translation has preserved the metaphor of fluidity. However, the scenario of washing is much less detailed than in English.

**Conclusions**

The analysis of some selected EU directives on criminal matters and their translation into Lithuanian has confirmed the overall tendencies of conceptualisation identified in other papers. The main source domains of metaphors are object and person. In personifications identifiable in our data numerous documents tend to be perceived as humans capable to assign, regulate, prohibit, etc. Such abstractions as measures are naturally conceptualised as objects which can be taken; rules are normally laid down, etc. The war metaphor is very scarce despite the overall focus on criminal activities in the directives under study. However, in some cases laws are perceived as weapons
and crimes as enemies. The metaphor of control rendered through the parameter of verticality is very productive and very systematic: what is higher is more powerful.

To be able to understand the specific fields of legal discourse concerned with money laundering and trafficking in human beings, more specific cases of metaphoricity were studied. In English, the scenario of washing is much more detailed than that of trafficking. The first seems to be deeply rooted in numerous expressions related to money laundering, dirty money, clean money and the like. The metaphor of fluidity is also persistent; it is realised by such elements as flows, channelling and freezing.

When studying translation, a tendency to preserve the object and person metaphors was noticed. However, the control metaphor was hardly retained at all. Rather, in its translation the strategy of non-metaphoricity or of another metaphor was chosen.

Cases where the metaphor was preserved but the wording, hence the elements in the source domain, were different, demonstrated culture-specificity. In the translation of some terms, such as dirty money or money laundering, even if the metaphor was preserved, its realisation was rather culture specific, selecting only the element of washing, which is part of the scenario of laundering. The selection of some lexemes such as nešvarūs pinigai ‘unclean money’ rather than purvini pinigai ‘dirty money’ is indicative of a slightly different conceptualisation. The English term trafficking in human beings preserves the element of transportation, which is non-existent in the Lithuanian term prekyba žmonėmis.

The above discussion on the cognitive roots of (non-)equivalence might be very important to professional translators and specialists in cognitive science attempting to uncover some reasoning behind one or another wording. This research, even though limited in terms of data, might be also relevant to lexicographers and terminologists.

**Sources**


References


Angliškai pinigai purvini, o lietuviškai tik nešvarūs? Metaforos ES direktyvose dėl kai kurių baudžiamųjų veikų: gretinamoji analizė

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Santrauka

Šiame straipsnyje analizuojamos metaforos ES direktyvose dėl kai kurių baudžiamųjų veikų, konkrečiai, dėl pinigų plovimo ir prekybos žmonėmis. Tyrimas grindžiamas šioloalikine metaforos samprata, kai abstraktesnė sritis aiškinama konkretesne ir tas turinys reiškiamas kalba, konkrečiai, kalbos metaforomis. Šio tyrimo tikslinė sritis – teisė. Tyrimu siekta nustatyti pagrindines ištakų sritis, pasitelkiamas teisei konceptualizuoti. Be to, siekta nustatyti, ar tos pačios metaforos išlaikomos direktyvų vertimuose į lietuvių kalbą.

Tyrimui pasitelkta programinė įranga AntConc leido atrinkti pagrindinius žodžius pagal dažnį. Vėliau analizuoti metaforiniai junginiai.

Tyrimo rezultatai parodė, kad objekto metafora ir personifikacija vartojama dažniausiai. Šie rezultatai atitinka ankstesnių tyrimų tendencijas. Kiek netikėta, kad karo metafora buvo itin reta, tačiau gana dažnai direktvyvose buvo vartojama metafora galia / kontrolė yra aukšta.

Vertime dažniausiai išlaikytos pagrindinės metaforos – objekto metafora ir personifikacija. Įdomu, kad metafora galia / kontrolė yra aukšta vertime į lietuvių kalbą beveik visais atvejais buvo reiškiama kita metafora arba verčiama nemetaforiniu būdu. Atidžiai panagrinėjus metaforas, susijusius su pinigų plovimo ir prekybos žmonėmis sritimis, paaškėjo, kad anglų kalboje labai nuosekliai laikomasi pinigų plovimo scenarijuose, lietuvių kalboje jis gerokai fragmentiškesnis. Angliškas terminas trafficking in human beings ir jo lietuviškas atitikmuo prekyba žmonėmis grindžiami skirtingomis ištakų sritimis.

Esminiai žodžiai: metafora, teisės diskursas, vertimas, lietuvių kalba, anglų kalba.