

TRANSLATION OF CONCEPTUAL METAPHOR IN THE LEGAL DISCOURSE OF EU WHITE PAPERS

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Traditionally legal discourse has been perceived as an area of human activity where every attempt is made to speak or write precisely, clearly and unambiguously—i.e. no room is left for figurative language. In this context the use of metaphor is naturally unacceptable. With the change in the approach to metaphor as a mental phenomenon, rather than a language phenomenon or a means of embellishing the text, the study of metaphor in various types of discourse has received a new impetus. This article addresses the issue of conceptual metaphor translation in the legal discourse of EU White Papers. Metaphorical expressions are categorized into cognitive domains such as DEALING WITH A PROBLEM IS WAR, A PROBLEM IS AN ENEMY, RESPONSIBILITY IS A BURDEN, PROGRESS IS A MOTION FORWARD, etc. The analysis confirms the hypothesis that if metaphorical expressions exploit the same cognitive domain both in English and Lithuanian, metaphoricity is fully preserved in translation. Where cognitive domains differ, metaphoricity manifests itself in a different domain or is lost altogether.

INTRODUCTION

For a long time, almost up to 1980s, metaphor was viewed as a rhetorical device or a stylistic means used to make the text more picturesque, dramatic or convincing—i.e. as a special type of language. Recently, however, the idea of metaphor as a mental phenomenon (rather than a language phenomenon) has received popular recognition, especially among cognitive linguists including George Lakoff and Mark Johnson. Their work *Metaphors We Live By*, published in 1980, served as a turning point in the theory of metaphor and can perhaps be rightly termed one of the most influential theories in the turn-of-the-century linguistics.

Their later works and those by other linguists who followed the theory of conceptual metaphor (as it came to be known) helped unravel the cognitive

processes of the mind in metaphorical thinking and the role of these processes in interpreting various relations and associations. They proposed the idea that metaphor was absolutely central to human communication, reasoning and understanding of experience in terms of something more concrete that can be touched, felt, seen or heard.

The array of publications on the theory of conceptual metaphor all over the world, including Lithuania, is hardly possible to review in a short article like this. Different aspects of conceptual metaphor have been studied with reference to areas ranging from language teaching (e.g. Sacristán 2004; Bailey 2003) and the study of literary texts (Lakoff and Turner 1989; Monti 2006) to the analysis of particular concepts (Būdvytytė & Toleikienė 2003; Papaurėlytė 2002; Urbonaitė & Šeškauskienė 2007); from the importance of metaphorical thought to an understanding of culture and society and from the universality and variation of metaphors (Kövecses 2007; Bratož 2004; Goddard 2004) to the analysis of metaphors in political, academic and financial discourse (Lakoff 1995; Eubanks 2000; Charteris-Black & Ennis 2001; Charteris-Black & Musolff 2003; Steen 2004; Boers 1997; see also Lithuanian authors Cibulskienė 2005; Šeškauskienė 2008; Arcimavičienė 2007). Attempts have also been made to investigate the rhetorical aspects of metaphor (Eubanks 2000; Koženiauskienė 2005) and how conceptual metaphors are rendered in translation or their impact on Translation Studies (Schäffner 2004; Tirkkonen-Condit 2001; Marcinkevičienė 2006; Crerar-Bromelow 2008).

Quite a number of works (Alcaras and Hughes 2002; Schane and Shuy 2006; Johnson 2007; Berger 2007; Winter 2007; Smith 2007) have recently appeared which deal with metaphors and their role in legal discourse and argue that metaphors and metaphorical thinking have long been part of the legal language. Even though Lithuanian linguists have shown exceptionally keen interest in cognitive linguistics, they have given little if any attention to conceptual metaphor in either Lithuanian or foreign legal texts. This article aims to fill this gap (at least in part) by analysing metaphors found in a set of English legal documents and their Lithuanian translations with a view to (1) identifying the most frequent metaphorical expressions and grouping them according to the image they convey and (2) examining their translation into Lithuanian, while at the same time comparing the conceptual systems of English and Lithuanian.

SCOPE AND METHODOLOGY

The legal documents chosen for analysis include seven EU White Papers dating from 25 January 2005 to 2 April 2008—i.e. a complete set of EU White Papers published over four years. White Papers can be defined as documents contain-

ing proposals for Community action in specific policy areas that are used as vehicles for their development. They often follow a Green Paper published to launch a consultation process at European level. The total corpus comprises 180 metaphorical expressions in English and the same number of their Lithuanian translations.¹

Within the framework of cognitive linguistics, metaphor is explained as a set of correspondences between two domains of human experience, traditionally referred to as the source domain (more concrete) and the target domain (more abstract). According to Lakoff (1993), these correspondences or mappings may be ontological and epistemic (referring to entities or knowledge about these entities in the two domains). They help categorize metaphorical expressions and determine the images they convey. For the purposes of this article, metaphors are classified according to the source domain.

The extent to which metaphoricity is preserved in Lithuanian translations is also taken into account. The hypothesis is that if metaphorical expressions exploit the same cognitive domain both in the source language (English) and in the target language (Lithuanian) metaphoricity is fully preserved in translation. Where the cognitive domains differ, the metaphoricity of expression manifests itself in a different domain or is lost. Another premise derives from the theory of translation equivalents, which differentiates between context-independent (lexical) equivalents and context-dependent translation equivalents (cf. Marcinkevičienė 2006, 110).

RESULTS OF THE STUDY

The corpus of metaphorical expressions compiled on the basis of seven EU White Papers is classified into ten sets. The first set refers to the way EU institutions perceive various challenges and problems and how they express their reaction to them and readiness to take actions. It has been found that whenever response to problems or difficulties is a question at issue, the documents frequently employ the verbs *fight*, *combat*, *counter* and *tackle* and corresponding nouns *fight*, *combat*, *tackling*. This suggests that the resulting linguistic expressions are based on the conceptual metaphor DEALING WITH A PROBLEM IS WAR. This conceptual metaphor is preserved in the Lithuanian translations of White Papers, cf.:

¹ It must be pointed out that these documents contain considerably more metonymic expressions (365 in all); however their investigation is outside the scope of this article.

Table 1

DEALING WITH A PROBLEM IS WAR	<i>The Commission will [...] encourage the use of the following programmes to contribute to the prevention and fight against violence and racism in sport [...].</i>	<i>Komisija [...] kovojant su smurtu ir rasizmu sporte ir vykdant prevenciją skatins naudotis toliau išvardytomis programomis [...].</i>
	<i>It [the Commission] will combat discrimination in sport through political dialogue with Member States, recommendations, structured dialogue with sport stakeholders, and infringement procedures when appropriate.</i>	<i>Komisija kovos su diskriminacija sporte, plėtos politinį dialogą su valstybėmis narėmis, teiks rekomendacijas, skatins struktūrinį dialogą su suinteresuotomis šalimis ir, prireikus, pradės pažeidimų nagrinėjimo procedūras.</i>
	<i>The Commission will support public-private partnerships representative of sports interests and anti-corruption authorities, which would identify vulnerabilities to corruption in the sport sector and assist in the development of effective preventive and repressive strategies to counter such corruption.</i>	<i>Komisija remis sporto interesus ginančias viešojo bei privataus sektoriaus partnerystes ir kovos su korupcija valdžios institucijas, kurios nustatys sporto sektoriaus pažeidžiamumą korupcijos atžvilgiu ir padės parengti veiksmingas korupcijos prevencijos ir kovos su korupcija strategijas.</i>
	<i>The Commission's preference, at this stage, is to keep the existing voluntary approach at EU level due to the fact that it can potentially act quickly and effectively to tackle rising overweight and obesity rates.</i>	<i>Šiame etape Komisija linkusi išlaikyti savanoriškumu pagrįstą metodą ES lygmeniu, nes taip galima greičiau ir veiksmingiau kovoti su plintančiu antsvoriu ir nutukimu.</i>

Judging from the examples above, it can be suggested that in the Lithuanian translations of the documents challenges and problems, as well as attempts to address them, are also perceived as a confrontation, as evidenced by the use of the verb *kovoti* ‘to fight’ or the noun *kova* ‘fight, battle’. A comparison of the dictionary definitions of these words shows that their primary meaning is that of a fight or a battle, whereas an activity or an attempt to achieve a particular goal is listed as the fourth meaning (DLKŽ). This corresponds to the primary meanings of the English words *fight* and *combat*, while the words *tackle* and *counter* refer primarily to dealing with a problem, the meaning of fighting being of secondary importance. The only difference observed is that the sample of the English version of the White Papers demonstrates a greater variety of the lexemes referring to the solution of problems (i.e. *fight*, *combat*, *tackle*, etc.), whereas their Lithuanian translations seem to prefer only the words *kova* and *kovoti*. It is evident that in Lithuanian the above expressions are part of the same cognitive domain of the conceptual metaphor DEALING WITH A PROBLEM IS WAR.

It should be noted, however, that in a couple of instances translators have chosen contextual rather than lexical equivalents, e.g.

Table 2

DEALING WITH A PROBLEM IS WAR	<i>Supporting healthy ageing means both promoting health throughout the lifespan, aiming to prevent health problems and disabilities from an early age, and tackling inequities in health linked to social, economic and environmental factors.</i>	<i>Sveiko senėjimo rėmimas reiškia sveikatos ugdymą visą gyvenimą siekiant išvengti sveikatos problemų ir neigalumo ankstyvame amžiuje ir sveikatos skirtumų, susijusių su socialiniais, ekonominiais ir aplinkos veiksniais, mažinimą.</i>
	<i>A new focus is needed to tackle health threats within and outside the EU.</i>	<i>Reikalingos naujos priemonės reaguojant į grėsmes sveikatai ES viduje ir už jos ribų.</i>
	<i>With a view to tackling these shortcomings, the Commission is to submit a draft framework decision on the taking-into-account of convictions [...].</i>	<i>Šiems nesklandumams pašalinti Komisija pateiks pamatinio sprendimo dėl ankstesnio teistumo svarbos projektą [...].</i>

It seems that the translations of the English phrases in bold have been determined by neighbouring words, i.e. the context. The translators could have used the same strategy as in the previously discussed instance and translated *tackling* as ‘fight’ (cf.: *kovojant su grėsmėmis sveikatai* or *kovoti su nesklandumais*), but they chose more natural and acceptable Lithuanian variants, which means that Lithuanian does not have an established form for this conceptual metaphor.

The following group of English phrases that also refer to problems has a slightly different perspective. They seem to be based on the conceptual metaphor A PROBLEM IS AN ENEMY because their Lithuanian rendering involve vocabulary with the meaning of ‘harm’ or ‘danger’.

Similar to English, Lithuanian conceptualises problems as something detrimental to an established system, principles or human health. The fact that both in English and Lithuanian linguistic representations of the conceptual metaphors DEALING WITH A PROBLEM IS WAR and A PROBLEM IS AN ENEMY refer to activities that imply confrontation, suggests a very specific way of thinking about problems and challenges on the part of the speakers and a specific way of acting upon them. As a consequence of people conceptualising problems as a harmful or dangerous adversary, the above conceptual metaphors can be seen as the source of political and economic actions taken by the institutions: combating, fighting and tackling.

Table 3

A PROBLEM IS AN ENEMY	<i>However, sport is also confronted with new threats and challenges which have emerged in European society, such as commercial pressure, exploitation of young players, doping, racism, violence, corruption and money laundering.</i>	<i>Vis dėlto sporte taip pat susiduriama su naujais pavojais ir problemomis, kylančiomis Europos visuomenėje, pvz., komerciniu spaudimu, jaunų žaidėjų išnaudojimu, dopingu, rasizmu, smurtu, korupcija ir pinigų plovimu.</i>
	<i>Doping poses a threat to sport worldwide, including European sports.</i>	<i>Dopingas kelia grėsmę sportui visame pasaulyje.</i>
	<i>It [doping] undermines the principle of open and fair competition.</i>	<i>Jis [dopingas] pažeidžia atviros ir sąžiningos konkurencijos principą.</i>
	<i>It [doping] seriously affects the image of sport and poses a serious threat to individual health.</i>	<i>Jis [dopingas] neigiamai veikia sporto įvaizdį ir kelia rimtą pavojų sveikatai.</i>
	<i>Action is also needed on emerging health threats such as those linked to climate change, to address its potential impact on public health and healthcare systems.</i>	<i>Reikia imtis priemonių reaguojant į au-gančias naujas grėsmes sveikatai, tarp jų ir susijusias su klimato kaita, norint atsižvelgti į jų galimą poveikį visuomenės sveikatai ir sveikatos priežiūros sistemoms.</i>

The corpus has also revealed that problems are sometimes conceived as obstacles to movement, progress or barriers that prevent certain actions.

Table 4

A PROBLEM IS A BARRIER	<i>In its 2005 Green Paper, the Commission concluded that this failure is largely due to various legal and procedural hurdles in the Member State's rules governing actions for antitrust damages before national courts.</i>	<i>2005 m. Žaliojoje knygoje Komisija priėjo prie išvados, kad tokia situacija susidaro daugiausia dėl įvairių teisinių ir procedūrinių kliūčių, susijusių su valstybių narių taisyklėmis, reglamentuojančiomis ieškinių atlyginti žalą dėl antimonopolinių taisyklių pažeidimo nagrinėjimą nacionaliniuose teismuose.</i>
	<i>However, economic and legal barriers also exist which prevent mortgage lenders from offering certain products in certain markets or opting for a given funding strategy.</i>	<i>Tačiau taip pat yra ekonominių ir teisinių kliūčių, kuriomis hipotekiniams skolintojams trukdoma tam tikrose rinkose siūlyti tam tikrus produktus arba pasirinkti tam tikrą finansavimo strategiją.</i>
	<i>In particular, in 2008, the Commission will investigate whether [...] some of the national rules which create obstacles to the circulation of credit data, or prevent credit bureaux from providing services, constitute an infringement of the Treaty without prejudice to EU data protection rules.</i>	<i>Komisija ištirs, ar tam tikromis nacionalinėmis taisyklėmis, kuriomis sudaromos kliūtys kreditų duomenims cirkuliuoti arba kuriomis kredito įstaigoms trukdoma teikti paslaugas, pažeidžiama Sutartis nepažeidžiant ES duomenų apsaugos taisyklių.</i>

The Lithuanian translations suggest that conceptualising problems as barriers that prevent certain activities or the successful functioning of a system is characteristic of both English and Lithuanian. The phrases in bold appear to be the linguistic representations of the conceptual metaphor A PROBLEM IS A BARRIER. Nevertheless, a slight difference has been observed in the variety of nouns used to refer to such difficulties. While the English White Papers employ a variety of lexemes (e.g. *hurdle, barrier, obstacle*), in the Lithuanian translations they are reduced to one equivalent: *kliūtis* ‘barrier, obstacle’. Even though the English words *hurdle, barrier* and *obstacle* do have other lexical equivalents in Lithuanian (e.g. *barjeras, tvora, užtvara, užkardas*) which have the primary meaning of a physical object obstructing movement, the translators have chosen a secondary meaning (that of *kliūtis*), which can also be used figuratively. This fact notwithstanding, in the Lithuanian translations of White Papers the metaphorical conceptualisation of problems as hurdles is preserved.

Another large group of English expressions related to institutions, organisations and their activities are based on two conceptual metaphors: ORGANISATION IS AN ACTOR and A FIELD OF ACTIVITY IS A STAGE. These metaphors form the basis for conceptualising institutions as actors and their activities as roles, plays or a stage, cf.:

Table 5

ORGANISATION IS AN ACTOR	<i>Private actors have a major role to play in developing the healthy choice for consumers, and in empowering them to make healthy lifestyle decisions: their actions in this area can complement government policy and legislative initiatives at European and national level.</i>	<i>Privačiojo sektoriaus dalyviai turi lemiamą reikšmę formuojant vartotojų sprendimus rinktis sveikus maisto produktus ir gyventi sveikai – jų veikla šioje srityje gali papildyti valstybės politiką ir teisės aktų leidybos iniciatyvas Europos ir nacionaliniu lygmeniu.</i>
	<i>Success will depend on the involvement of all the key players – the other EU institutions and bodies; the national, regional and local authorities in the Member States; European political parties; civil society.</i>	<i>Sėkmę lems visų suinteresuotųjų šalių – kitų ES institucijų ir įstaigų, valstybių narių nacionalinės, regionų ir vietos valdžios institucijų, Europos politinių partijų ir pilietinės visuomenės dalyvavimas.</i>
	<i>Political parties are important in shaping public opinion on European affairs and they too have a major role to play in raising public awareness of European issues and policy debates, and in encouraging people to take an active part in those debates.</i>	<i>Svarbus politinėms partijoms tenkantis vaidmuo formuojant viešąją nuomonę ES klausimais. Joms taip pat tenka svarbus vaidmuo skatinant viešąją diskusiją ir prisidedant prie Europos viešosios sferos plėtojimo.</i>

Whenever referring to the position, purpose or influence of institutions or organisations, Lithuanian White Papers, like the English originals, demonstrate a rather high frequency of the word *vaidmuo*, a lexical equivalent of the English noun *role*. Nevertheless, the Lithuanian noun *dalyvis*, a lexical equivalent of the English word *actor*, appears to refer to other fields of activity, in addition to theatre. Of course, the English word *actor* also has the meaning of someone participating in a certain activity, but this meaning is secondary. Sometimes it is translated into Lithuanian as *suinteresuotoji šalis* ‘an interested party’ rather than *dalyvis*, thus completely obscuring the semantics of artistic activities. In the majority of cases, however, Lithuanian translations have preserved the conceptual metaphors AN ORGANISATION IS AN ACTOR and A FIELD OF ACTIVITY IS A STAGE; the few exceptions are likely to be context-motivated.

Both English and Lithuanian languages show a similar tendency to conceptualise a set of rules or measures as a machine or mechanism. This gives the conceptual structure A SYSTEM IS A MACHINE, which has the following representations in the Lithuanian translations of the White Papers:

Table 6

<p>A SYSTEM IS A MACHINE</p>	<p><i>This cooperation mechanism will assist the Commission in identifying priorities, defining indicators, producing guidelines and recommendations, fostering exchange of good practice, and ensuring progress.</i></p>	<p>Šis bendradarbiavimo mechanizmas padės Komisijai nustatant prioritetus, apibrėžiant rodiklius, rengiant gaires ir rekomendacijas, skatinant keitimąsi gerąja patirtimi ir vertinant pažangą.</p>
	<p><i>Technically, this solution is similar to tried and tested mechanisms in other European information systems such as SIS or Eurodac.</i></p>	<p>Techniniu požiūriu šis sprendimas panašus į tokius žinomus ir kitose Europos informacinėse sistemose išbandytus mechanizmus kaip SIS ar Eurodac.</p>
	<p><i>Whilst the 1959 Convention constitutes the existing framework for exchanges of information, the machinery it provides for has limited scope.</i></p>	<p>Nors 1959 m. konvencijoje apibrėžtas dabar galiojantis pagrindas dėl keitimosi informacija, joje numatytų priemonių veikimas yra ribotas.</p>

Once again, the conceptual metaphor seems to be preserved in the Lithuanian translations. In most instances the Lithuanian word *mechanizmas* is a lexical equivalent of the English words *mechanism* or *machinery*. It should be noted that in both languages the words retain their secondary, more figurative, meaning of an established system, measures or methods for achieving objectives. The last example in Table 6 shows that in the Lithuanian translations the word

machinery as *mechanizmas* is either omitted or translated as *priemonės* ‘means’ or even *būdai* ‘ways, methods’. As a result, the message has been conveyed but the metaphorical nature of the expression has been lost.

The analysis of English White Papers has highlighted a group of phrases that refer to rules and actions based on the conceptual metaphor A SYSTEM IS A STRUCTURE/BUILDING, cf.:

Table 7

A SYSTEM IS A STRUCTURE/ BUILDING	<i>Health policy, both internal and external, should be founded on clear values.</i>	<i>Vidaus ir išorės sveikatos politika turi būti grindžiama aiškiais vertybėmis.</i>
	<i>The launch of policy actions and enhanced cooperation on sport at EU level needs to be underpinned by a sound knowledge base.</i>	<i>ES lygmens politinės priemonės ir sutiprintas bendradarbiavimas sporto srityje turi turėti tvirtą žinių pagrindą.</i>
	<i>The Commission intends to build on the strong foundations laid by previous research frameworks in the field of nutrition, obesity and the key diseases caused by unhealthy lifestyles such as cancer, diabetes and respiratory disease.</i>	<i>Atsižvelgdama į ankstesnius mokslinius tyrimus mitybos, nutukimo, nesveiko gyvenimo būdo sąlygotų pagrindinių ligų, tokių kaip vėžys, diabetas ir kvėpavimo ligos, srityse, Komisija ketina sukurti tvirtą įrodymų pagrindą.</i>
	<i>And thirdly, in relation to individual projects and programmes given their role as the building blocks for an effective societal response.</i>	<i>Trečia, individualių projektų ir programų lygmeniu, turint omenyje jų svarbų socialinį vaidmenį.</i>

This metaphor seems to be quite regular in both languages. Values, knowledge, previous research or projects are often understood as a *foundation*. Thus policy could be *founded on clear values*, and projects can *create the basis for social dialogue*. Lithuanian also seems to favour the concept of a ‘foundation’ in the development of policies—hence expressions such as *politika turi būti grindžiama, turėti tvirtą žinių pagrindą, pagrindų programa, remtis*, etc. However, the sample of the Lithuanian translation of the White Papers has a number of instances of the translators choosing alternative lexical and grammatical patterns, as a result of which metaphoricity disappears in translation. But even in such cases the adjective *svarbus* ‘important’ is used as a contextual variant to express the idea that something is as fundamental as the foundation of a building (see the last sentence in Table 7; cf. also the last sentence in Table 9).

In addition, English phrases that contain the word *framework* seem to be

problematic for translators, as evidenced by a great variation in their translations. One of the meanings of this word is a structure that supports something, which suggests using the Lithuanian equivalents *griaučiai, rėmai, karkasas, rėminė konstrukcija*. However, they are inappropriate in the context of the EU and policies and actions it implements. Therefore, depending on the context, translators chose such translation variants as *sistema* or *bendroji programa*. Sometimes, though, metaphoricity is retained in Lithuanian translations thanks to such expressions as *pagrindų programa* or even *pagrindas*.

Another set of English linguistic expressions found in EU White Papers has to do with the conceptualisation of responsibility as *a burden*. Some Lithuanian translations of these examples manifest similar instances of conceptualisation, e.g.:

Table 8

RESPONSIBILITY IS A BURDEN	<i>To avoid such scenario, the Commission therefore proposes to lighten the victim's burden and suggests that [...].</i>	<i>Todėl, siekdama išvengti tokio scenarijaus, Komisija siūlo palengvinti nukentėjusių šalių įrodinėjimo našta ir siūlo [...].</i>
	<i>The immunity recipient would have to bear the burden of proving the extent to which his liability would be limited.</i>	<i>Atleista nuo baudų įmonė turėtų prisiimti našta įrodyti, kokia apimtimi atsakomybė turėtų būti apribota.</i>
	<i>Health expenditure can be seen as an economic burden, but the real cost to society are the direct and indirect costs linked to ill-health as well as a lack of sufficient investment in relevant health areas.</i>	<i>Išlaidos sveikatai gali būti vertinamos kaip ekonominė našta, bet realios visuomenės išlaidos yra tiesioginės ir netiesioginės su sveikatos problemomis susijusios išlaidos bei investicijų į atitinkamas sveikatos sistemos sritis trūkumas.</i>
	<i>Schools bear a great responsibility in ensuring that children not only understand the importance of good nutrition and exercise but can actually benefit from both.</i>	<i>Mokykloms tenka didelė atsakomybė užtikrinti, kad vaikai ne tik suvoktų sveikos mitybos ir fizinio aktyvumo svarbą, bet ir galėtų iš tiesų pasinaudoti šiais dalykais.</i>

It seems that the phrases in bold are typical expressions used in legal contexts to refer to the responsibility of demonstrating that something is true in a court of law. In the last sentence metaphoricity has been lost—this is most likely due to intralinguistic factors: the combination of the Lithuanian *atsakomybė* ‘responsibility’ and *nešti* ‘carry’ is treated as calque of the Russian phrase *нести ответственность*, which is an exact equivalent of the English expression *to bear responsibility*. As such, the expression is treated as a barbarism which is to

be avoided in Lithuanian, and the collocation *tenka našta* ‘a burden falls (on somebody)’ is preferred instead. The metaphor is nevertheless implicitly present here in the sense that if a burden (=responsibility) falls on somebody, they are perceived to carry (i.e. bear) it.

The English White Papers contain several instances of guidelines being conceptualised as road signs—hence expressions based on the conceptual metaphor A PRINCIPLE IS A ROAD SIGN, cf.:

Table 9

A PRINCIPLE IS A ROAD SIGN	<i>The Commission followed the further guiding principle that the legal framework for more effective antitrust damages actions should be based on a genuinely European approach.</i>	<i>Komisija taip pat vadovavosi principu, kad teisinė sistema dėl veiksmingesnio ieškinių atlyginti žalą, patirtą dėl antimonopolinių taisyklių pažeidimo, nagrinėjimo turėtų būti grindžiama tikrai europiniu požiūriu.</i>
	<i>National courts may therefore have to be empowered to derogate from this principle, for example by guaranteeing that an unsuccessful claimant will not have to bear the defendant's costs that were unreasonably or vexatiously incurred or are otherwise excessive.</i>	<i>Todėl nacionaliniai teismai turėtų turėti teisę nukrypti nuo šio principo, pavyzdžiui, užtikrinant, kad pralaimėjęs ieškovas neturės padengti atsakovo nepagrįstų, netinkamų ar per didelių išlaidų.</i>
	<i>On the law applicable to the mortgage collateral, the Commission sees no reason to depart from the well established principle that the law of the country in which the property is situated applies.</i>	<i>Hipotekiniam įkaitui taikytinos teisės atžvilgiu Komisija nemato jokių priežasčių nesilaikyti tvirtai nusistovėjusio principo, kad taikoma šalies, kurioje yra nekilnojamasis turtas, teisė.</i>
	<i>Another important guiding principle of the Commission's policy is to preserve strong public enforcement of Articles 81 and 82 by the Commission and the competition authorities of the Member States.</i>	<i>Kitas svarbus Komisijos politikos principas – užtikrinti, kad Komisija ir valstybių narių konkurencijos institucijos užtikrintų griežtą viešąjį 81 ir 82 straipsnių vykdymą.</i>

The guiding principles mentioned in the examples above could be said to be used as reference points or road signs which regulate actions and policies undertaken by various institutions or bodies. They seem to serve as a basis on which all other decisions or actions are built. However, there may be exceptions, particularly when an institution or body has the right or reasonable grounds to take a different course of action—i.e. to make a decision that is different from what is generally accepted. It is also important to note that even though the primary

meaning of the verb *derogate* is ‘to take something away, to detract so as to impair something’, the verb *derogate* in the above example is used in its secondary meaning ‘to deviate from a standard or expectation, to go away from the correct path or correct way of doing something’ (OALD).

Whenever the progress of some activity or further development of a programme or plans is a question at issue, the conceptual metaphor PROGRESS IS A MOTION FORWARD is often resorted to. In English White Papers the accomplishment of a certain goal, the completion of one of the stages in a process or the achievement of one of the levels on a scale is presented in terms of physical movement, cf.:

Table 10

PROGRESS IS A MOTION FORWARD	<i>A school fruit scheme co-financed by the European Union would be a big step in the right direction.</i>	<i>Labai svarbus žingsnis tinkama linkme būtų Europos Sąjungos bendrai finansuojamas projektas, skatinantis vaisių vartojimą mokyklose.</i>
	<i>The EU institutions are taking important steps forward in this respect.</i>	<i>Siekdamos šio tikslo ES institucijos imasi svarbių veiksmų.</i>
	<i>The Hague Programme called on the Commission to put forward proposals with a view to stepping up exchanges of information on the contents of national registers of convictions and disqualifications, particularly on sex offenders, so that the Council could adopt them by the end of 2005.</i>	<i>Europos Vadovų Taryba Hagos progamoje paragino Komisiją pateikti pasiūlymus „dėl keitimosi informacija iš nacionalinių nuosprendžių ir teisių atėmimo, ypač asmenų, padariusių lytinį nusikaltimą, registru stiprinimo, kad Taryba juos priimtų iki 2005 metų pabaigos“.</i>
	<i>The European Commission is therefore proposing a fundamentally new approach – a decisive move away from one-way communication to reinforced dialogue, from an institution-centred to a citizen-centred communication, from a Brussels-based to a more decentralised approach.</i>	<i>Todėl Europos Komisija siūlo iš esmės naują požiūrį – ryžtingą vienaspusę komunikacijos pakeitimą dialogu, ir komunikacijos, orientuotos į institucijas, pakeitimą komunikacija, orientuota į piliečius, komunikacija iš Briuselio grindžiamą metodą pakeičiant labiau decentralizuotu metodu.</i>

The sample of the Lithuanian translations of the White Papers shows that in the majority of cases an English phrase that denotes progress or advancement as a motion forward is rendered through a similar construction which involves an element denoting movement, e.g. *svarbus žingsnis*, *žengė keletą svarbių žingsnių*, *žingsnis į priekį*. This suggests that Lithuanian phrases denoting progress, similar to the English ones, can be seen to derive from the conceptual metaphor PROGRESS IS A MOTION FORWARD.

A few isolated instances of conceptualisation have been found in the English corpus which switch to a different cognitive domain in translation. For instance, certain actions taken by institutions may be understood as firmly established as plants that are firmly rooted in the ground; they are categorized as belonging to the source domain ACTION AS A PLANT, cf.:

Table 11

ACTION AS A PLANT	<i>There is progress towards the agreed goal of a clear and reliable system of monitoring the commitments and an agreed approach to develop the local roots for the actions.</i>	<i>Be to, padaryta pažanga siekiant tikslo kurti aiškia ir patikimą išipareigojimų stebėsenos sistemą, kurios reikalingumą visi pripažino, ir pažanga taikant metodą, kai veiklos pamatai dedami vietos lygmeniu.</i>
	<i>The policy choices proposed in this White Paper therefore consist of balanced measures that are rooted in European legal culture and traditions.</i>	<i>Todėl šioje Baltojoje knygoje siūlomos politikos priemonės yra subalansuotos priemonės, įtvirtintos Europos teisinėje kultūroje ir tradicijose.</i>

The Lithuanian translations, however, show that the cognitive domain of this group of metaphors does not coincide with the English one, as the words *pamatai* ‘base, foundation’, *įtvirtinti* ‘strengthen, fix, embed’ relate to the field of construction rather than plants or their parts. They are closer to the domain A SYSTEM IS A STRUCTURE/BUILDING, which could be paraphrased into AN ACTION IS A STRUCTURE/BUILDING.

One more instance of conceptualisation has to do with the issue of fairness. In English fairness is perceived as a level playing-field, whereas in Lithuanian it is more concrete and no reference is made to playing fields, cf.:

Table 12

	<i>The current ineffectiveness of antitrust damages actions is best addressed by a combination of measures at both Community and national levels, in order to achieve effective minimum protection of the victim’s right to damages under Articles 81 and 82 in every Member State and a more level playing field and a greater legal certainty across the EU.</i>	<i>Geriausias būdas, kaip pagerinti šiuo metu neveiksmingus ieškinius atlyginti žalai, patirtai dėl antimonopolinių taisyklių pažeidimo – priimant bendras priemones Bendrijos ir nacionaliniu lygmenimis, sukuriant veiksmingą minimalią nukentėjusių asmenų teisės į žalos atlyginimą pagal 81 ir 82 straipsnius visose valstybėse narėse apsaugą bei visiems užtikrinant vienos lygmenį sąlygas ir didesnę teisinę aiškumą visoje ES.</i>
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Where the English sentence refers to a fair game, the Lithuanian translation speaks directly about the conditions and no figurative meaning is observed. Obviously, sports and game terminology bears less importance and, eventually, does not serve as a common reference point (the source domain) to Lithuanians. As a result, in the Lithuanian translation metaphoricity is lost.

CONCLUSIONS

The corpus of English metaphorical expressions from seven EU White Papers and their Lithuanian translations confirms that conceptual metaphor is characteristic of legal discourse and is realized in different types of metaphorical expression. The major types of image contained in metaphorical expressions represent diverse instances of conceptual mapping including DEALING WITH A PROBLEM IS WAR, A PROBLEM IS AN ENEMY, A PROBLEM IS A BARRIER, AN ORGANISATION IS AN ACTOR, A SYSTEM IS A MACHINE, A SYSTEM IS A STRUCTURE (BUILDING), RESPONSIBILITY IS A BURDEN, A PRINCIPLE IS A ROAD SIGN, PROGRESS IS A MOTION FORWARD, AN ACTION AS A PLANT and A SITUATION AS A PLAYING FIELD.

As expected, the analysis of the translations of metaphorical English expressions into Lithuanian shows that some conceptual metaphors can be perfectly preserved in translation. In other cases, due to intralinguistic, contextual peculiarities or linguistic and social conventions in the target language, metaphors are circumvented in translation and the resulting lexical gaps are filled by other grammatical and lexical means. As a result, the original metaphoricity is lost and the conceptual metaphors that underlie the linguistic expressions in the source text are not preserved in the target text. The conceptual domains in the target language are prone to give way to intralinguistic means of rendering the message, especially when the languages differ in their cognitive domains.

The findings of this article do not imply that in general the legal discourse of EU White Papers does not encompass conceptual metaphors which are characteristic only of legal discourse. Neither does it argue for conceptual metaphors as universal or culture-specific. Because of the limited scope of the investigation and a relatively small corpus of data (seven English White Papers and their Lithuanian translations), the results of this research are merely indicative of tendencies regarding the use of conceptual metaphors in the legal discourse of EU White Papers and their Lithuanian translations.

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KONCEPTUALIOSIOS METAFOROS EUROPOS SĄJUNGOS BALTOSIOSE KNYGOSE IR JŲ VERTIMAS Į LIETUVIŲ KALBĄ

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S a n t r a u k a

Straipsnyje aptariami konceptualiosios metaforos vartojimo atvejai teisės diskurse, remiantis Europos Sąjungos baltųjų knygų tekstais ir jų vertimais į lietuvių kalbą. Septyniose Baltosiose knygose pavartotos metaforos suskirstytos į dešimt grupių pagal šaltinio sritį: *PROBLEMA YRA KARAS*, *PROBLEMA YRA PRIEŠAS*, *PROBLEMA YRA KLIŪTIS*, *ATSAKOMYBĖ YRA NAŠTA*, *PAŽANGA YRA JUDĖJIMAS Į PRIEKĮ*, *ORGANIZACIJA YRA VEIKĖJAS*, *VEIKLOS VIETA YRA SCENA*, *PRINCIPAS YRA KELIO ŽENKLAS*, *SISTEMA YRA MECHANIZMAS*, *SISTEMA YRA STRUKTŪRA / PASTATAS*. Šių metaforų vertimų į lietuvių kalbą palyginimas patvirtina hipotezę, kad verstiniame tekste konceptualiosios metaforos išlaikomos, kai jos priklauso tai pačiai kognityvinei sričiai ir originalo, ir vertimo kalboje ir kai jas išreiškiantys žodžių junginiai neprieštarauja lietuvių kalbos taisyklėms. Kai vertime metafora perkeliama į kitą kognityvinę sritį, metaforiškumas gali būti išlaikomas iš dalies arba prarandamas. Tada vertėjai renkasi kitas lietuvių kalbai būdingas leksines ir gramatines priemones, kad verčiamas posakis skambėtų natūraliau. Tai reiškia, kad tam tikra konceptualioji metafora neturi nusistovėjusios formos vertimo kalboje arba tiesiog nėra priimtina.