METAPHORICAL EXTENSIONS OF PREPOSITIONS IN LEGAL TEXTS: THE PREPOSITION ON

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Abstract: One of the characteristics of legal language is the specific use of prepositions, most often in set-phrases, as sometimes a preposition can make a term move from the general English area to that of legal English. In this framework, our paper analyzes the contributions of cognitive semantics to the study of language as far as prepositions are concerned. Abstract aspects of experience can be conceptualized in terms of the concrete, starting from the basic level of the familiar physical domain. This transfer mechanism is carried out by means of metaphor, the main conceptual mechanism leading to the comprehension of abstract concepts and performance of abstract reasoning. As for prepositions, they express a wide variety of meanings, most of them are either spatial or figuratively derive from notions pertaining to physical space. This paper attempts to present some uses and values of the preposition ***on*** *with emphasis on the metaphorical extensions of the spatial meaning of this preposition in legal texts.*

Keywords: preposition ***on****, legal text, metaphor, spatial meaning, figurative meaning*

1. Legal language becomes distinct, among others, by the specific use of prepositions, most often in certain expressions or set-phrases. Sometimes a preposition can make a term move from the general English area to that of legal English and, as a consequence, there are many translation errors occurring under the influence of the source language (Beaudoin, 2007:175-176).

In this framework, our paper analyzes the contributions of cognitive semantics to the study of language, and more specifically to the study of prepositions. Thus, abstract aspects of experience can be conceptualized in terms of the concrete, starting from the basic level of the familiar physical domain. This transfer mechanism is carried out by means of metaphorwhich, according to Lakoff & Johnson (1980), represents the main

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conceptual mechanism leading to the comprehension of abstract concepts and performance of abstract reasoning.

As for prepositions, they express a wide variety of meanings; "most of them are either spatial or figuratively derived from notions of physical space" (Greenbaum &Quirk, 1990:191). The use of figurative meanings of prepositions relies on a metaphorical mapping from physical space onto conceptual space.

This paper also attempts to present some uses and values of the preposition **on** with emphasis on the metaphorical extensions of the spatial meaning of this preposition in legal texts.

2. Metaphorical extensions of the spatial meaning of the preposition *on* in legal texts

The preposition **on** is basically spatial, its prototypical meaning[1] referring to space as "contact with an upper surface" (I. Murar, 2006:189). Yet, the most frequent uses of this preposition in legal texts do not fall within the spatial scope of its semantic content.

2.1. The 'Time is space metaphor'

In English and in other languages as well, most prepositions expressing spatial relationships are also used to denote temporal ones, a fact which suggests a metaphorical mapping between the domains of space and time.

The temporal value of **on** is reflected in the relationship between the trajector and the period of time, namely that of contact. It holds on as long as that period lasts. The process referred to as taking place **on**a period of time may occur at the beginning, at the end or at any time within that period or at that period when it is viewed as one unit, as a whole.

Unlike **at**for instance, which explores only the stative sense of the 'Time is space' metaphor, in such a way that it implies coincidence with the whole period, the preposition **on** allows for the choice of locating the event at any point during the period expressed.

The events, actions which play the role of trajector may also be in contact with a succession of moments of the period referred to.

In legal texts, the most frequent temporal syntagms in which the preposition **on** occurs are those expressing the date. Law reports, court judgments and other legal writings are precisely dated for the sake of clarity, authenticity and accuracy.

[1] *S. Lindstromberg (1996:225) notes – with regard to prepositions - that "each one is likely to have a relatively small number of related literal meanings, among which the tendency is for one to be psychologically 'prototypical', that is to be a 'best example' (...)".*

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e.g. *The European Court of Human Rights (First Section), sitting as a Chamber composed of (...),*

Having deliberated in private ***on 29 November 2007****,*

Delivers the following judgment, which was adopted ***on that date****: (...)*

(c. Aleksandr Zhukov *v*. Russia)

THE COURT (Grand Chamber),

composed of (...)

having regard to the written procedure and further to the hearing ***on 1 July 2014****,*

after hearing the Opinion of the Advocate General at the sitting ***on 18 November 2014****,*

gives the following

Judgment (...)

(c. Spain *v*. Parliament and Council)

When delivering a judgment, the account of the facts of the case implies specifying the date every time a fact is presented:

e.g. THE FACTS

*The judgment became final****on 4 September 2000*** (…).

(c. Aleksandr Zhukov *v*. Russia)

Usually, the prepositional groups expressing the date (by a numeral + the month of the year, by *on*+ the nouns *date*or *day*,either determined or not) imply the location of the process at any point of the period denoted by the landmark. Thus, *on 4 September*in the sentence *The judgment became final on 4 September 2000*means at any time as long as the day of 4 September is on, as long as it lasts. The judgment became final on that day, on that date, but it does not matter when exactly, as long as it is at the beginning or at the end of the period of time stated, along with its whole duration.

While analyzing legal texts, it is obvious that, of all the uses of prepositions in such texts, the temporal ones are pervasive.

On a hierarchical scale, prepositional expressions of time evolve from the explicit, plain level up to the reduction of temporal clauses and other prepositional groups with several values incorporated in their meaning.

For instance, *on death*(of the testator, of the victim etc), with the variant *upon death*, stands for the reduction of the temporal clause “when (the testator, the victim etc.) died”.

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2.2. Reasons/ causes are support

A syntagm typical of legal language is *on the ground of/ that,*with the variants *on the grounds of, on ground(s) of, on any ground, on any other ground,*etc.

e.g. *They also argued that the Act subjected them to adverse treatment,* ***on the grounds of*** *their 'other' status under art.14 (...).* (*Law Gazette*, 13 December 2007, Law Reports – Human Rights)

It further notes that it is not inadmissible ***on any other grounds.*** (c. Aleksandr Zhukov *v.* Russia)

The Court of Appeal, Criminal Division, so held in a reserved judgment, dismissing an application by the Crown, (...) for an order that the acquittal of Richard Miell (...) be quashed and a new trial held ***on the ground that*** *there was new and compelling evidence that he was guilty of that murder.* (*The Times*, January 4, 2008, Whether perjury admission is compelling evidence of murder)

In this kind of expressions, reasons ('grounds') stand for support for different actions, attitudes, decisions, etc. In such a sentence as *They also argued that the Act subjected them to adverse treatment,* ***on the grounds of*** *their 'other' status under art. 14,* the grounds, namely 'other' status, are perceived as a reason causing the applicants to be subjected to adverse treatment, conceptualized as a burden.

Sometimes, *on the ground of/ that* is a synonym of *on the basis that*:

e.g. *Proceedings by L against the excess layer insurers were settled* ***on the basis that*** *they refunded the premium.* (*Law Gazette*, 13 December 2007, Law Reports – Civil Procedure)

Again, the action of settling proceedings is supported by the fact that they refunded the premium.

A special case is that of **on** + the indefinite article **a** + adjective (of the type *regular, periodical, daily,* etc.) + **basis** (with the meaning 'an underlying circumstance or condition') which introduces the main criterion that guides action, attitudes, policies:

e.g. *The commissioner found that the loan repayments were 'Any other payments or other amounts received* ***on a periodical basis'*** *under schedule 1, paragraph 15 of the Child Support (...) Regulations 1992 (...).*(*Law Gazette*, 13 December 2007, Law Reports –Family)

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The regular succession of periods of time, corroborated with certain circumstances, represents a support for the regular occurrence of an action.

Reason as support is also expressed by the prepositional group *on account of*:

e.g. *No one shall be held guilty of any criminal offence* ***on account of*** *any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed.* (ECHR, art. 7, par. 1)

2.3. Facts are support

Facts can appear as support for different actions, they have consequences.

e.g. *(…) section 74 of the 1984 Act would,* ***on the facts*** *of the present case, appear at any retrial effectively to shift the burden of proof on to the acquitted person.* (*The Times*, January 4, 2008, Whether perjury admission is compelling evidence of murder)

When delivering a judgment, the facts represent a basis for the argumentation of the case, of the court's decision, which is built up on these facts.

2.4. Negative mental or physical experience is burden

People are affected in many ways, either physically or mentally, negative experiences of this kind being a burden on them. This justifies the use of the preposition **on** after the verb *to inflict*:

e.g. *Torture is the offence committed by a public official (or someone with the official's acquiescence) of intentionally inflicting severe physical or mental suffering* ***on any person*** *anywhere in the world.* (*Oxford Dictionary of Law,* 1997:467-468)

2.5. Penalties/ punishments/ restrictions are burdens

Judicial penalties and other kinds of sanctions are perceived as if they were burdens imposed on people. The verb *to inflict* is again used with the preposition **on**, but this time the burden is not negative mental or physical experience, but punishment:

e.g. *Thus, disparate impact doctrine, which is supposed to help minority groups, will, once again, inflict punishment* ***on minority students*** *(…).*(http://legal-dictionary.thefreedictionary.com/inflict+punishment)

2.6. Knowledge, opinions, views, ideas are buildings

This metaphor is based on the conceptualization of knowledge, of opinions, of views as something that is gradually built, formed on facts, arguments, achievements, as in the following example:

e.g. *Were their Lordships not required to form their own view* ***on the confession,*** *they would have held it contrary to the interests of justice to order the acquitted person to*

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stand trial again (...). (*The Times*, January 4, 2008, Whether perjury admission is compelling evidence of murder)

In legal language, most of the verbs denoting or implying compulsion, order, threat, harm, punishment, decision-making power or authority are followed by the preposition **on**: *to impose on, to inform on, to attempt on (somebody's life), to inflict (a punishment or suffering) on a person, to decide/rule on (a case),* etc.

3. Conclusions

The examples above certainly do not cover all the metaphorical extensions of the prototypical, spatial use of the preposition **on** in legal texts**.** They only illustrate a metaphor which relies on two perspectives: that of the trajector, the landmark being conceived as a support, and that of the landmark, the trajector being conceptualized as a burden. This is the profile that triggers a network of metaphorical relationships without which the expression of many concepts, ideas, facts either in everyday language or in professional, specialized language would be impossible.

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