

### Creating legal terms with metaphor

**Создание юридических терминов путем метафоризации.** Статья посвящена особенностям использования метафоры в юридической терминологии. Отмечено, что метафора и метонимия не подходят для юридической терминологии. Однако некоторые метафорические термины все-таки появляются в монгольских юридических документах, что вызывает определенные проблемы в юридической науке.

Many creative methods like phoneme substitution, suffixation, word abbreviation, word combination, adopting foreign words are used for creating terms of the law. In addition to this method of semantic transformation is used widely.

The scientific language is developed to perfection in modern time. So it is a vital to take a direct meaning for defining the terms of the law. But it is a matter to minimize the artistic meaning, semantic transformation for defining legal term.

There are many words in our terminology database that are created by two types of semantic transformation

1. Metaphor
2. Metonymy

Semantic transformation is structure of sign for naming phenomenon and action. The term is a sign of language, so it can include all characters of language phenomenon.

For example human face is the one of the direct semantics but face of a book or furniture are transformed semantics. There through: In Mongolian we use «to hold a horse rein» instead of «to drive». Anciently we use this term to express to rein a horse. In modern we use «to drive» instead.

This phenomenon of language is related to the period of language formation. The Mongols who are with the traditional folklore using of unique features and phrases in the field of nomadic farming, as well as the rich history of inheritance and oral representation. The generic term for the whole of the branch is common, and it is characteristic of the nature of the science. The terms created by transformed semantic transformation all branches have same characters and features.

It is named «similar meaning» «figurative meaning», «metaphor-figurative meaning».

The name of the term «metaphor» is still disputed among the researchers.

The reasons are as following:

1. It is caused by origin word and translations from the research works of foreign researchers.
2. It is not enough to study concept of metaphor in one field but logic, anthropology, study of cultures, philosophy, psychology, linguistics, ethnology, history.

The concept of metaphor includes concept, source domain, target domain and their definitions.

The terms are in vital position to form concept of metaphors below. These are named like this.

- **tenor** and **vehicle** (I. A. Richards ); *The Philosophy of Rhetoric* (1936),
- **ground** and the **tension** (I. A. Richards)
- **target** and **source** (George Lakoff)

The target and source terms are the most suitable for cognitive linguistics. We translated this term into several variants such as «сурвалж, оноосон өгөгдөл», «сурвалжийн хүрээ, зорилтот хүрээ» etc.

Every word has its own first meaning. These words are combined to create metaphor and form a new concept. For example: «Cattle is a resource» from this we can see that meanings of two separated words. But metaphorically these individual words are combined to form one concept and one compound term. This concept comes out from the nomadic mentality of the Mongols that refer their cattle as a capital. Thus this word had come out (Мал тэжээвэл ам тосдоно- In English it means if you feed a cattle your mouth will be full) through the term cattle which means resource, capital, wealth.

#### Terms created by semantic transformation

S.A. Kozin said «We guess that politics, sciences are not poetic. But in Mongolian literature these are as a poetical. Happens in every Mongolian history a scripture «/ S.A.Козин. Jangariada.М. 1940. 26-27 /.

The words of this researcher are not only relevant to the formal documents, but also the so-called

description of the former. This is a popular way of expressing the art of expressing the artistic expression of our oral tradition to our people. Today, some researchers are using this method.

Nowadays science and technology are developing rapidly, the concept of overlapping, replicating the same thing with others can not be a good indicator of the significance of the subject. So if the terms are defined with direct meaning the discrepancy does not occur. But for literature it is different. Scientific language the key to proving evidence, so they do not need to use artistic methods.

One is need to be proved, another one is imagined. One is logical and another one is poetic. All the possibilities in the language also exist in terms. It shows only the possibility of the expression. It does not mean the terms must be formed as the words.

In other words, it is possible to create an emotionally stimulating expressions with the words but it is limited with the terms.

Therefore, it is noteworthy that there is a difference between forming words and terms.

There are some cases where legal terminology is used in the context of semantic transformation.

### 1. Use of metaphors in other fields for texts of legal sector

There are terms which are named «Охин компани– it means daughter company «,»Толгой компани-parent company». It is suitable according to the principle of equivalent to name the company as a branch company in case of if parent company is called «Толгой компани-head company». In the other hand if a head office is called «parent company» the branch company should be called as a «daughter company». But these terms were already taken to legal terms by the use of business activities.

**Company Law of Mongolia:**»Охин компани– it means daughter company «,»Толгой компани-parent company».

**Railway law of Mongolia:**»Төмөр замын гарам»/it means the crossing of railroads/

Law for care of baby: Хүүхэдхарагч – babysitter

**Transport And Maritime Law:**Замын хөвөө – border of road

**Supporting the processing of law in Mongolia:** Ногоон хөгжил-green development

These terms are formed with the figurative methods of semantic transformation above.

- For example: **Охин компани: daughter company /noun/**

a company that is completely or partly owned by another company:

**subsidiary**

n. subsidiary company, company that is owned or controlled by another company\

**толгой компани: parent company**

Company which controls one or more secondary companies (secondary companies are called daughter companies)

It express of variety of meaning in Mongolian: Толгой баян, толгой мал, толгой үсэг, толгой чүдэнз, толгой лаа, толгой хоргой, оюу толгой, таван толгой, зайсан толгой, холбоо толгой, майхан толгой, том толгой, усан толгой гэх мэтээр олон утга илэрхийлнэ.

Therefore the term head company or leading company is suitable in using language.

### 2. Use of terms which are formed with the metaphors in legal sector

**Law of glass account /Шилэн дансны тухай хууль тогтоомж/:** Шилэн данс-glass account

**Law of anti terrorism and money laundering: Мөнгө угаах- money laundering**

/The rule of transportation of passenger luggage through the custom: Ногоон гарц– green exit

Учруулсан:**Law of amends** for damage of nature: Учруулсан-damaged

There are many terms that are formed with figurative method of semantic transformation such as glass accounting, money laundering, green exit, budget freeze, damage in forest, double coat.

**Мөнгө угаах: Money laundering- Отмывание денег** /turning money acquired illegally to legal money via illegal methods, legitimizing money that was either acquired illegally or that taxes were never paid on it/

**Money laundering** is the process of transforming the proceeds of crime and corruption into ostensibly legitimate assets.

**Төсөв царцах: budget freeze / A budget freeze** is a term for when a budget for an aspect of government or business is fixed- or frozen- at a specific level.

As a result of this, it tells us the terms that are formed with figurative methods of semantic transformation is not suitable for the legal sector.

Laws are more clear and understandable if we use this method as few as possible.

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