

MOVEMENTS and DIRECTIONS, CONSTRUCTIONS and FORCES: Prevalent Metaphorical Source Domains in Hungarian Legal Texts

JUDÉJIMAS ir KRYPTYS, KONSTRUKCIJOS ir JĖGOS:
Vengrijos teisės tekstuose vyraujančios metaforų
šaltinio sritys

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ABSTRACT

By employing a functional cognitive frame, this paper focuses on the semantics of metaphorical technical terms in the Hungarian legal language. Although the importance of unambiguous terms in such language use is often emphasised, conceptual metaphors foster understanding of technical texts. The present research concentrates on three types of frequently occurring metaphors in the Hungarian technical texts of quality management and Hungarian laws. These metaphors and metaphorical expressions contain the source domains MOVEMENTS and DIRECTIONS, CONSTRUCTIONS and FORCES. The analysis characterises these prototypical metaphors and their functions in legal texts, employing examples from the Hungarian texts of two important laws, namely the Fundamental Law of Hungary, and Act C of 2012 the Criminal Code of Hungary.

KEYWORDS: conceptual metaphor, metaphorical expressions, legal texts, Hungarian laws, technical terms.

ANOTACIJA

Straipsnyje pagrindinis dėmesys skiriamas metaforinių terminų semantikai vengrų teisės kalboje, taikant funkcinę kognityvinę freimą. Nors dažnai yra akcentuojama terminų vienareikšmiškumo svarba teisės kalboje, konceptualiosios metaforos pailgvina specialiųjų tekstų supratimą. Šiame tyrime daugiausia dėmesio skiriama trijų tipų metaforoms, kurios dažnai pasitaiko Vengrijos specialiuosiuose kokybės

vadybos tekstuose ir Vengrijos įstatymuose. Šioms metaforoms ir metaforiniams posakiams būdingos tokios šaltinio sritys: JUDĖJIMAS ir KRYPTYS, KONSTRUKCIJOS ir JĖGOS. Apibūdinamos šios prototipinės metaforos ir jų funkcijos teisiniuose tekstuose, panaudojant dviejų svarbių vengrų įstatymų tekstų pavyzdžius – pagrindinį Vengrijos įstatymą ir 2012 m. Vengrijos baudžiamojo kodekso C aktą.

ESMINIAI ŽODŽIAI: konceptualioji metafora, metaforiniai posakiai, teisiniai tekstai, vengrų teisė, terminai.

1. INTRODUCTION

This paper focuses on the semantics of metaphorical technical terms in two Hungarian laws: in the Fundamental Law of Hungary, and in Act C of 2012 the Criminal Code of Hungary. By employing a functional cognitive frame, based on the theory of Conceptual Metaphors (Lakoff, Johnson 1980; Kövecses 2005, 2015), the analysis focuses on three types of metaphorical expression, namely those that contain the source domains of MOVEMENTS & DIRECTIONS, CONSTRUCTIONS, and FORCES. The reason for the analysis of these types of metaphors is that in previous research regarding Hungarian texts on quality management and law, the author found that these types of metaphors are widespread (cf. Sólyom 2020a, 2022). In fact, these source domains have proven to be the most common types in the Hungarian text of the Fundamental Law of Hungary (Sólyom 2023).

The aim of the investigation is twofold. First, it reveals and presents metaphorical expressions that are related to the three source domains. Second, this analysis shows prototypical examples of such metaphorical expressions, e.g., “*előmozdítja együttműködésüket*” (‘shall *promote* their cooperation’, literally ‘shall *move forward* their cooperation’); “*az emberi lét alapja*” (‘human existence is *based on* <...>’, literally ‘*the basis* of human existence’); “*elháríthatatlan akadályba ütközik*” (‘impossible by *insurmountable obstacles*’, literally: ‘*bumps into* insurmountable *obstacles*’), which belong to the conceptual metaphors with these three types of source domain.

2. THEORETICAL BACKGROUND, FORMER RESEARCH, AND HYPOTHESIS

As Rita Temmerman highlighted, unambiguous terms are important in ideal scientific communication (Temmerman 2002: 211). It is true that “A consistent and unified terminology is a fundamental component in efficient technical communication” (Bölcskei 2021: 88). However, it has become clear that meaning construal processes, such as metaphor and

metonymy, can foster the process of understanding in the case of scientific languages (cf. Temmerman 2007, Ureña, Faber, Buendía 2013 in the fields of medical language and marine biology). Clearly, “conceptual pathways” (Kövecses 2021), such as metaphor, actually help us understand technical terms (cf. Fóris, Faludi 2021).

In the case of a functional cognitive analysis, it is important to study the role of cognition and the presence of linguistic creativity. As Temmerman and Van Campenhoudt emphasise: “Renewed interest in both the dynamics of cognition and the creative potential of language has shifted the perspectives of terminology studies to the creation of neologisms in special languages, the monosemy versus polysemy debate, research concerning ambiguity, synonymy, metaphor, phraseology, etc.” (Temmerman, Van Campenhoudt 2014: 1).

Semantic and stylistic research of Hungarian technical terms in quality management has revealed that many types of metaphors occur, with various source domains. For instance, in the Hungarian technical texts of standards, in European Union regulations, and in user manuals (cf. Sólyom 2020a, 2022). Studies on the neologisms in these texts revealed that metaphorical meaning can significantly impact the process of understanding, so metaphors play an important role in spreading a novel term. Research has shown that those source domains, which are common in everyday language use and literary texts, are common in scientific language. Source domains, including CONSTRUCTIONS (e.g., BUILDINGS), JOURNEY, FORCES, MOVEMENTS, DIRECTIONS, MUSIC, and MARKET occurred frequently in the case of Hungarian texts about quality management, and many of them can be detected in the text of the Fundamental Law of Hungary (Sólyom 2023).

The framework of the present analysis is (as in the analysis of the terms in quality management) the classical cognitive theory of conceptual metaphors, based on Lakoff and Johnson’s book, *Metaphors We Live By* (1980). In their book, Lakoff and Johnson pointed out that “metaphor is pervasive in everyday life, not just in language but in thought and action. Our ordinary conceptual system, in terms of which we both think and act, is fundamentally metaphorical in nature” (Lakoff, Johnson 1980: 3).

During the analysis, three prevalent metaphorical source domains, which have proven to be the most frequent in former analyses, will be studied in the case of the two Hungarian legal texts. These source domains are MOVEMENTS and DIRECTIONS, CONSTRUCTIONS and FORCES. In the case of

these legal texts, the hypothesis of the paper is that these domains both occur alone and in combination, constituting “clear” and “mixed” types of source domains in such expressions.

Since Lakoff and Johnson’s research, we have known that: “The two domains that participate in conceptual metaphor have special names. The conceptual domain from which we draw metaphorical expressions to understand another conceptual domain is called the source domain, while the conceptual domain that is understood this way is the target domain. <...> The target domain is the domain that we try to understand through the use of the source domain” (Kövecses 2010: 4).

Everyday metaphors play an important role in the meaning construal processes of “ordinary” people. We often use them in daily conversation to help elaborate novel meanings and neologisms. The latter is also true in the case of scientific and technical languages, as metaphors and metaphorical expressions aid the precise understanding of neologisms (cf. Sólyom 2020b).

In the case of legal texts, with the analysis of the source domains in the metaphorical expressions revealed, examples of the metaphors with the three most frequent source domains can be presented. In this analysis, 136 metaphorical expressions from the Fundamental Law of Hungary, and 470 metaphorical expressions from the Criminal Code of Hungary were collected. Altogether 606 metaphorical expressions were collected and entered into a database, but the present paper focuses only on the most frequent types. It became clear that there were overlaps among the three main types of metaphorical expressions: mixed types of e.g., MOVEMENTS and DIRECTIONS + FORCES, OR MOVEMENTS and DIRECTIONS + CONSTRUCTIONS. As these types often overlap (or, at least, occur together within the same source domain), mixed categories of metaphor types were devised during this process.

3. TYPES OF PREVALENT SOURCE DOMAINS OF METAPHORS IN THE TWO ANALYSED LEGAL TEXTS: GROUPING, OVERLAPS, QUESTIONS OF CATEGORIZATION

During the analysis, it became clear that not only were there “clear” types of source domain in the case of the metaphorical expressions in the texts of the two laws analysed but also the MOVEMENT and DIRECTIONS source domain was frequently combined with the FORCE and sometimes with the

CONSTRUCTIONS source domains. Similarly, the source domain CONSTRUCTIONS frequently occur with the source domain CONSTRUCTIONS or with FORCES. This phenomenon gave birth to overlapping categories, but not all of them could be detected in the texts of both laws.

The number of metaphorical expressions in the case of the two laws can be seen in Figures 1 and 2.

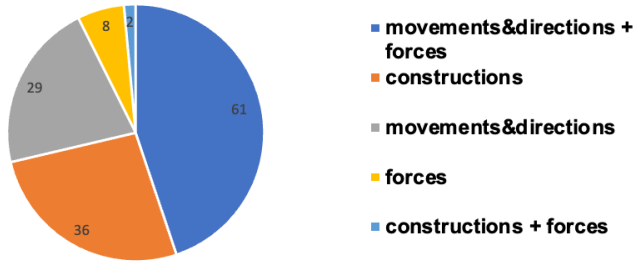


Figure 1. A typology of the most frequent metaphorical source domains in the Hungarian text of the Fundamental Law of Hungary

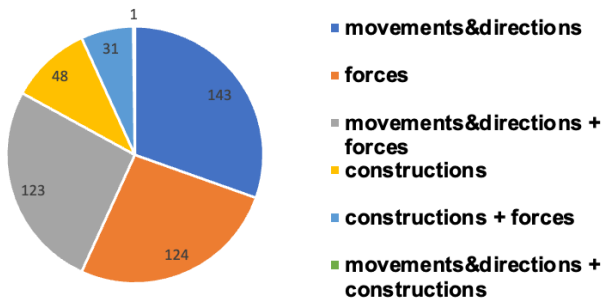


Figure 2. A typology of the most frequent metaphorical source domains in the Hungarian text of the Act C of 2012 the Criminal Code of Hungary

As Figures 1 and 2 show, in the case of the Fundamental Law of Hungary, the most common type of conceptual metaphor was the one with MOVEMENTS and DIRECTIONS + CONSTRUCTIONS (a mixed type with 61 metaphorical expressions), whereas in the case of the Criminal Code of Hungary, the most frequent type was the MOVEMENTS and DIRECTIONS (with 143 examples). CONSTRUCTIONS source domain played an important role in the case of both laws (with 36 examples in the Fundamental Law and 48 examples in the Criminal Code). MOVEMENTS and DIRECTIONS type was the third biggest

group in the case of the Fundamental Law (29 examples), and that was the case in the Criminal Code, but here this source domain was combined with FORCES (123 examples). The “pure” FORCES source domain proved to be more important in the case of the Criminal Code: it was the second biggest group with 124 metaphorical expressions, whereas in the case of the Fundamental Law it proved to be the fourth biggest category, with only 8 examples. CONSTRUCTIONS AND FORCES were combined, however, in both texts: 31 examples occurred for it in the Criminal Code, and only 8 examples in the Fundamental Law.

It is worth noting that, on the one hand, in the text of the Fundamental Law, according to its name and function, the proportion of metaphorical expressions with the source domain CONSTRUCTIONS was higher (26,47 %) than in the text of the Criminal Code (10,21 %). On the other hand, according to the topics and the function of the text, the type of force occurred in higher proportion in the text of the Criminal Code (26,38 %) than in the text of the Fundamental Law (5,88 %). These results underpin the phenomenon that the topics of the technical texts can have an impact on the source domains of the metaphors and metaphorical expressions, which occur in them. This way, metaphors can help foster the process of elaborating and understanding the meanings of the technical terms.

4. ANALYSIS

Since there are 606 metaphorical expressions in the whole corpus (in the texts of the two laws), it is not possible to list and discuss all of them. Therefore, the present paper discusses the main groups of the metaphors, before discussing prototypical examples for the subgroups from the corpus. The analysis starts with examples from the Fundamental Law of Hungary and then discusses examples from the Criminal Code in detail. In the case of both legislations, the paper discusses the “clear” groups of metaphorical expressions at first (viz. those types, in which no contamination of the source domains can be found), and then the “mixed” types of the metaphorical expressions (viz. those types, in which more source domains occur) are going to be analysed. After each term, the English meanings from the translated version of the laws are given, but as the questions of translation are not the topics of this paper, I will only refer to the meaning of the Hungarian terms in English to highlight the metaphorical language in the Hungarian legal texts, but I will not elaborate on the questions of

translation or equivalence. However, if similar metaphors can be found in the English equivalents, I will mention them.

5. METAPHORICAL EXPRESSIONS FROM THE FUNDAMENTAL LAW OF HUNGARY: SUBGROUPS AND EXAMPLES

5.1. “Clear” types of metaphorical expressions

CONSTRUCTIONS (36 terms)

In the text of the Fundamental Law of Hungary, 36 terms belong to this category. In the case of these metaphorical expressions, the source domain of the conceptual metaphor is CONSTRUCTIONS. Different parts of constructions are used in the metaphorical expressions to highlight the legal terms. As in the title of this law (*fundamental*), the *base* (i.e., a foundation) of a construction (e.g., building, house) is usually referred to in the Hungarian text. In the case of the English translation, the same source domain is normally elaborated. For example:

az emberi lét *alapja* (p. 2) – human existence *is based on* (literally: ‘the basis of human existence’),
alapvető értékei (p. 2) – our *fundamental* <...> values,
alapvető jogai (p. 7) – (their) *fundamental* rights.

MOVEMENTS and DIRECTIONS (29 terms)

In the case of this source domain, the notions of *movement* and *directions* occur together, as if there is an entity, which is in motion, the direction of that motion is always included. The process of motion can refer to an action, or to the result of the action of motion (viz. the state or the place of an entity can be seen as the result of a movement in the metaphorical expression). For example:

előmozdítja együttműködésüket egymással és Magyarországgal (p. 3) – shall *promote* their cooperation with each other and with Hungary (where the verb *előmozdítja* literally means ‘it moves forward’),
legfőbb ügyész (p. 15) – the Prosecutor *General* (where the adjective *legfőbb* literally means ‘the highest’),
feladat- és hatáskör (p. 24) – functions and powers (where the noun *kör* literally means ‘circle’).

FORCES (8 terms)

In the case of these metaphorical expressions, *forces* are involved in the Hungarian terms. The types of the forces can either refer to gross (e.g. *terhel* ‘encumber’), or to violent actions (e.g. *megdönt* ‘demolish’). For example:

terhelik azok a kötelezettségek (p. 7) – obligations, which <...> shall be guaranteed (where the verb *terhel* literally means ‘encumber’), nemzetközi szerződésbe *ütköző* jogszabály (p. 20) – a law which conflicts with an international treaty (where the participle *ütköző* literally means ‘bumping’), az alkotmányos rend *megdöntésére* <...> irányuló (p. 27) – aimed at overthrowing the constitutional order (where the noun *megdöntés* literally means ‘beating down, demolishing’).

5.2. “Mixed” types of metaphorical expressions

MOVEMENTS and DIRECTIONS + FORCES (61 terms)

This category contains the most numerous technical terms, 61 expressions in the case of the law analysed. In this type of metaphorical expression, two main groups, MOVEMENTS and DIRECTIONS and FORCES are combined. The combination of these source domains is logical, as forces can affect distinct directions, making objects or people move or change their places – in the case of these expressions, many times in a dynamic way. For example:

felfüggesztheti (p. 28) – *may be suspended* (where the verb *felfüggeszt* means ‘may be hung’),

Az Alaptörvény *hatálybalépése* <...> (p. 30) – *The entry into force* of the Fundamental Law

hatálybalépés (p. 6) – *entry into force*.

CONSTRUCTIONS + FORCES (2 terms)

Only 2 examples fall into this category in the Fundamental Law of Hungary. In the case of this subgroup, the source domain CONSTRUCTIONS and FORCES are combined. The terms, which can be regarded as examples for this group, are linked to the Hungarian noun *korlát*, which means ‘fence, barrier’ in English. It can either be associated with the notion of a construction or its restrictive function refers to the force, which does not let something happen or be done. For example:

jogok gyakorlása <...> *korlátozható* (p. 30) – a <...> right *may only be restricted* (where *korlátozható* means ‘blocked by a barrier’),

az Alkotmánybíróság működése *nem korlátozható* (p. 30) – the operation of the Constitutional Court *may not be restricted* (*nem korlátozható*, which literally means ‘cannot be blocked by a barrier’).

6. METAPHORICAL EXPRESSIONS FROM THE CRIMINAL CODE OF HUNGARY: SUBGROUPS AND EXAMPLES

6.1. “Clear” types of metaphorical expressions

MOVEMENTS and DIRECTIONS (143 terms)

In the case of the Criminal Code of Hungary, the group of metaphorical terms, which contains the most examples, altogether 143 terms, is the MOVEMENTS and DIRECTIONS type. As in the case of the Fundamental Law of Hungary, a movement and its directions are combined in the metaphorical expressions, which belong to this category. For example:

- a végszükség (p. 4) – *necessity* (where the noun *végszükség* means ‘terminal necessity’)
- az elkobzott dolog tulajdonjoga (...) az államra száll (p. 18) – The ownership of a confiscated thing shall *pass* to the State (where the verb *száll* literally means ‘flies’)
- az engedély kereteit túllépve (p. 43) – *exceeding* the limits of a licence (where the verb *túllép* literally means ‘step past sg’)

FORCES (124 terms)

The second group, where one metaphorical source domain can be witnessed is the FORCES type in the case of the Criminal Code of Hungary. Here, 124 terms occur, for example:

- a büntetés korlátlanul *enyhíthető* (p. 4) – The punishment may be *reduced* without limitation (where the participle *enyhíthető* literally means ‘it can be moderated’)
- a szabadlábbon lévő *terhelt* (p. 6) – the *defendant* at liberty (where the participle *terhelt* literally means ‘loaded’)
- a fizetési kötelezettség *erejéig* (p. 18) – *to the extent* of a payment obligation (where *erejéig* means ‘until/within the force of sg’, and contains the word *erő* ‘force’ as the root of the Hungarian word)

CONSTRUCTIONS (48 terms)

The third “clear” metaphorical type is metaphorical expressions with the source domain CONSTRUCTIONS, to which 48 terms belong in the case of the Criminal Code of Hungary. This subgroup usually contains either part of constructions or activities connected to constructions in the source domain of the metaphors. For example:

- erre a feltevésre *alapos* oka van (p. 4) – he has a *reasonable* ground for this assumption (where the adjective *alapos* means ‘profound’)

kizáró ok (p. 22) – a ground for *exclusion* (where the participle *kizáró* means ‘locking out’)

az *alapügy* befejezése előtt (p. 71) – before the *main case* is finished (where the noun *alapügy* literally means ‘basic case’)

6.2. “Mixed” types of metaphorical expressions

Just like in the case of the Fundamental Law of Hungary, “mixed” types of metaphorical expressions are found in the Criminal Code’s text. In these terms, combined source domains of the metaphors help elaborate the meaning.

MOVEMENTS and DIRECTIONS + FORCES (123 terms)

The MOVEMENTS and DIRECTIONS source domain combined with the FORCES contains the most examples in this text, as in the Fundamental Law of Hungary. 123 terms represent this type in the corpus. The technical terms, which belong to this category in the Criminal Code of Hungary, usually refer to a process, which involves a movement and a direction (e.g., *rise*, *fall*), but the meaning involves reference to a process caused of characterised by forces. For example:

többszörös *visszaeső* (p. 8) – multiple *recidivist* (where the noun *visszaeső* literally means ‘falling back’),

az ügydöntő határozat jogerőre *emelkedése* (p. 13) – the conclusive decision *became final and binding* (where the noun *emelkedés* literally means ‘rising’),

ha ennek feltételei <...> *fennállnak* (p. 21) – If the <...> conditions *are met* regarding <...>, (where the verb *fennáll* literally means ‘outstand’).

CONSTRUCTIONS + FORCES (31 terms)

The other “mixed” group here, just like in the case of the Fundamental Law of Hungary, is the CONSTRUCTIONS + FORCES type, to which 31 terms belong. The terms in this category refer to something connected to construction or the process of building, and this meaning is combined with some force. For example:

az elkövető büntetethetőségét <...> *korlátozza* (p. 3) – The perpetrator’s liability to punishment or the punishability of an act shall be <...> *limited* (where the verb *korlátoz* means ‘block by a barrier’),

a büntetés *korlátlanul* enyhíthető (p. 4) – may be reduced *without limitation* (where the adverb *korlátlanul* literally means ‘in the way that it cannot be blocked by a barrier’).

MOVEMENTS and DIRECTIONS + CONSTRUCTIONS (1 term)

Only one term could be detected for this type of combination in the case of the Criminal Code of Hungary. Here, the noun *belépés* (which is processed from the verb *belép* ‘enter’ by affixation) can be found:

az információs rendszerbe <...> való *belépés* (p. 118) – enabling *access* to an information system (where the noun *belépés* literally means ‘entry’).

7. CONCLUSION

The paper focused on the most frequent types of metaphorical terms of the Fundamental Law of Hungary, and the Act C of 2012 the Criminal Code of Hungary. A semantic analysis of the source domains of these metaphors was conducted in a functional cognitive frame. The analysis showed that the most prevalent metaphorical source domains in the case of these two laws were MOVEMENTS AND DIRECTIONS, CONSTRUCTIONS and FORCES, and their combinations.

Based on these metaphorical source domains, different types of sub-groups were detected in the texts: there were “clear” types of metaphorical expressions, which contained one typical source domain in the conceptual metaphor, which was their basis, and some “mixed” types, in which a combination of the three metaphorical domains helped elaborate the meaning of the metaphorical terms. Thus, the hypothesis of the research has been proven, and examples for each type were presented. In the future, the collection of Hungarian legal terms could be broadened, and more grammatical and semantic analyses could be conducted, in order to reveal more prototypical groups and examples, with special regard to the role of metaphors in meaning construal processes.

Final note: This paper was supported by the research project of Lőrincz Lajos Research Centre for Public Law of Károli Gáspár University of the Reformed Church in Hungary entitled “Is there a need for legal-administrative language reform in Hungary? Developing a strategy for legal-administrative terminology”.

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JUDÉJIMAS IR KRYPTYS, KONSTRUKCIJOS IR JĖGOS: VENGRIJOS TEISĖS TEKSTUOSE VYRAUJANČIOS METAFORINIŲ ŠALTINIŲ SRITYS

Santrauka

Taikant funkcinį kognityvinį freimą (plg. Lakoff, Johnson 1980, Kövecses 2015), šiame straipsnyje pagrindinis dėmesys skiriamas metaforinių terminų semantikai vengrų teisės kalbos vartosenoje. Jame analizuojami dviejų Vengrijos įstatymų tekstai – Pagrindinis Vengrijos įstatymas ir 2012 m. Vengrijos Baudžiamojo kodekso C aktas.

Konceptualiosios metaforos ir metaforiniai posakiai gali padėti suprasti specialiųjų tekstus. Tyrimas parodė, kad šiuose tekstuose dažnai pasitaiko metaforų tipų,

kurių šaltinio sritys yra JUDĖJIMAS ir KRYPTYS, KONSTRUKCIJOS ir JĖGOS. Straipsnyje keliami hipotezė, kad šios sritys ne tik atsiranda atskirai, bet ir yra derinamos tarpusavyje, o tekстыne jos gali sudaryti mišrius pogrupius. Siekiant įrodyti hipotezę pirmiausia apibūdinamos šios prototipinės metaforos pagal jų šaltinio sritis, o tada pateikiami dviejų įstatymų pavyzdžiai pagal jų metaforų šaltinių grupes.

Šio tyrimo tikslas yra dvejopas. Viena vertus, atskleisti ir pristatyti tuos vengriškus metaforinius posakius, kurie yra susiję su trimis šaltinio sritimis ir jų deriniais analizuojamuose vengrų teisiniuose tekstuose. Kita vertus, pateikti prototipinių metaforinių posakių pavyzdžių su analizuotomis šaltinio sritimis, suskirstyti tuos posakius į pogrupius (pvz.: JUDĖJIMAS ir KRYPTYS + JĖGOS, KONSTRUKCIJOS + JĖGOS, JUDĖJIMAS ir KRYPTYS + KONSTRUKCIJOS) ir išanalizuoti jų pasiskirstymą tekстыne, siekiant patvirtinti straipsnio hipotezę.

Gauta 2024-04-30

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