METAPHOR IN LEGAL COMMUNICATION

Joanna Osiejewicz,

University of Warsaw, Poland,

Associate Professor

<https://orcid.org/0000-0001-8812-8276>

* j.osiejewicz@uw.edu.pl

Abstract. Even though metaphors might seem inappropriate to legal logical reasoning, they are quite a part of it. Although metaphor is non-literal and non-linear, nevertheless it is the essence of the modality of human thought. The way we think about law depends largely on metaphorical constructions. This means that we understand both the legal system as such and many formative ideas that operate in this system in metaphorical terms. The starting point for considerations is the cognitive theory of metaphor and its assumption of a constitutive nature of metaphor within our analytical framework. The aim of the article is to present the practical implementation of the theory in the field of legal communication. The author focuses on metaphorical construction of legal concepts, visualization of legal information and metaphorical legal reasoning.

Keywords: legal reasoning, visualization of law, cognitive metaphor theory, legal communication, free marketplace of ideas.

INTRODUCTION

Linguist George Lakoff and philosopher Mark Johnson developed the theory of how metaphors work in analyzing the world and what it means to humans (Lakoff, Johnson, 1980). Over the years their work has been widely cited in fields as diverse as clinical psychology, cognitive science, linguistics, literary studies, philosophy, and politics. The cognitive theory of metaphor has also become the subject of interest among legal theorists. Proponents of cognitive metaphor theory argue that metaphors are fundamental to how we understand and experience the world. According to Lakoff and Johnson, our ordinary conceptual system is metaphorical (Lakoff, Johnson, 1980a). Our thinking basically depends on metaphors. Consequently, human cognition is largely determined by the ability to recognize, understand, and use metaphors. This in turn suggests that metaphors define who we are. As a result, we “live” according to metaphors. Metaphorical thinking is therefore not just a linguistic tool, but a metaphysical principle of the highest order (Derrida, 1974). Metaphors are ways of describing or illustrating one concept by comparing it to another (Donlan, 2019). The relationship between the first concept and the second concept is attribution. By assigning the characteristics of the source concept to the target concept, we convey the meaning to the target concept, based on our own understanding of the attributes of the source concept. It is this account that conveys the meaning, not the words used. As a result, when we are faced with understanding a new or difficult concept, we try to cognitively associate an unknown concept with something we already know to make the new or difficult concept more

understandable. Very often, perhaps almost always, this ascriptive relationship takes place without consciously thinking about it (Davidson, 2001). Lakoff and Johnson suggest (1980) that this metaphorical aspect of reasoning is cognitive. This means that metaphors are deeply ingrained in the way our brains work. We are fundamentally beings who understand concepts in metaphorical terms. Therefore, we systematically use inference patterns from one conceptual domain to infer another conceptual domain. Our convincing use of metaphor in analyzing and describing phenomena is because our bodies connect to the world in a way that recognizes and uses metaphorical relationships. From this point of view, these relationships are neurological in nature.

While it has been argued in science that metaphors do not have such a cognitive structure, the explanatory language model proposed by Lakoff and Johnson sounds convincing. According to Steven Winter (2001), following Lakoff and Johnson, a thought is not primarily linguistic and propositional, but embodied and imaginative. Metaphor is thus a natural phenomenon. Conceptual metaphor is a natural part of human thought, and linguistic metaphor is a natural part or feature of human language. In other words, we cannot isolate the metaphor from our conceptual schemas. We are metaphorical beings and everything we do has metaphorical consequences.

PURPOSE, MATERIALS AND METHODS

For the purposes of this discussion, I accept the assertions of Lakoff and Johnson (1980), and Winter (2001) that metaphorical reasoning is a fundamental cognitive aspect of human analytical processes. An interesting part of their claims is the constitutive nature of metaphor within our analytical framework, regardless of its possible neurobiological, social, or phenomenological causes. The relationship between how we analyze and use concepts and metaphorical reasoning seems to be confirmed. It does not appear that the metaphor is simply a linguistic tool used to illustrate complex issues. The ways in which people understand the world and give it meaning are driven by their conceptual systems. In fact, we could not understand the world and the events occurring there without any reference field. This field of reference allows us to deal with the phenomena we confront, giving them meaning. We experience the world in terms of our conceptual frame of reference and literally create our reality by relating phenomena to that field of reference (Lakoff, Johnson, 1980).

The claim that people always understand and experience one kind of thing in terms of another may seem a bit trivial, but it has significant consequences for legal communication. For example, we often conceptualize arguments between people in terms of conflict. The argument is that the metaphor of war is ubiquitous in our culture and probably in every other culture as well. We say, for example, “Your claims are indefensible”, “I demolished his argument”, or “They attacked every point in my argument”. According to Lakoff and Johnson (1987), these are not just convenient and ingenious ways of describing arguments, but conceptual schemas that shape the way we think about arguments. The source concept (war) shapes our understanding of the target concept (argumentation). The construction of human reasoning follows this pattern.

According to Lakoff and Johnson (1987), there are many common metaphors that help us understand the world. They identified structural, orientation, ontological metaphors,

and a whole host of other common metaphorical concepts that relate to realms that can be read to understand the world and our place in it. The common thread between these kinds of metaphors is that they all have consequences that emphasize and make certain aspects of our experience consistent. Metaphors create reality for us, especially social reality. The metaphor can therefore be a guide for future actions. Such actions will, of course, fit the metaphor. This, in turn, will strengthen the metaphor's power to make the experience coherent. In other words, the use of metaphor allows us to understand, but often it also limits our understanding. These limitations often result from culturally shared meanings. The most fundamental values in culture will be consistent with the metaphorical structure of the most fundamental concepts of culture. Since we understand some concepts in terms of other concepts, we are conceptually limited in what we can understand by what we already know in epistemological and cultural terms. These conclusions have important implications. For example, in areas such as law and politics, our reasoning determines metaphors that penetrate very deeply into cultural, economic, historical, and ideological identity and divisions. From a legal point of view, the cognitive metaphor theory enables a more humane and flexible design of law (Osiejewicz, 2020), and a more intelligible legal communication (Gawłowicz, 2018; Duminică, 2012).

RESULTS AND DISCUSSION

1. Free marketplace of ideas

The functioning of the metaphor in law can be extensively explained on the example of the doctrine of free marketplace of ideas, which dates to 1644. To this day this doctrine specifies the concept of freedom of speech and shapes international standards of freedom of expression. John Milton, the author of the first comprehensive defense of the freedom of speech, is considered to be the precursor to the doctrine of the "free market of ideas". In the treatise published on November 3, 1644, entitled "Areopagitica" Milton made the postulates considered today as the foundations of this doctrine: "free marketplace of ideas" and "self-righting process". The first element means allowing different views to be confronted freely, while the second one expresses the assumption that in such conditions the truth can demonstrate its superiority over falsehood (Biłgorajski, 2011). The treaty was a response to an Order passed by the Long Parliament, which included the control of printing: "that no book, pamphlet or newspaper shall be henceforth printed, unless the same be first approved and licensed by such, or at least one of such, as shall be thereto appointed" (United States. Congress, 1917).

Milton, addressing the Parliament, argued (2012) that censorship would not fulfill its task, would not stop scandalous and iconoclastic publications, and could only lead to the cessation of scientific activities, and thus the pursuit of the truth. Milton defined "truth" from the point of view of the course of a discussion. In his opinion, true opinion will remain in the "free market of ideas." All opinions rejected after a full, free investigation are false, bad, and silly. All accepted opinions are true, good and wise. There is no better test of truth than a process in which views are either adopted or rejected. So we are dealing here with an analogy to economic assumptions. Under the concept of a "free market", the value of goods is determined by the market. The truth, then, is only determined by the value that it is given

by ideas and opinions in the intellectual “free market”. The free-market test is thus a fully credible test. The “invisible hand of the market” ensures that the best products as well as the best ideas will win the competition.

More than 200 years after “Aeropagitika” was published, John Stuart Mill produced an essay “On Liberty” (1999), in which he presented the concept of “free marketplace of ideas”. Mill also referred to the “free market of ideas” as a mechanism for seeking truth. The issue of truth is an important reference to freedom of speech. According to Mill, the opinion we conceal – considering its possible falsehood – may turn out to be true, or vice versa – the concealed lie may be partially true. Eliminating concealment can consequently increase the likelihood of converting falsehood into truth. Thus, Mill combined freedom of expression with a gradual rise in knowledge (Biłgorajski, 2011).

The “free market of ideas” doctrine found expression in the speech of US Supreme Court judge Oliver Wendell Holmes in the *Abrams v. USA* case (250 U.S. 616, 1919). This case concerned the application of the Espionage Act (1917) to five foreigners who had been convicted of engaging in unlawful acts designed to undermine the US government during the war. These acts consisted of writing and printing works that were considered disloyal, indecent, and offensive to a form of US government, expressing contempt, and intended to incite, provoke, and encourage resistance against the United States. The defendants contested these allegations. They argued that the First Amendment to the US Constitution allowed them to express their views openly and that the Espionage Act was therefore unconstitutional. In the opinion of Judge Clarke, the majority of the panel rejected this argument, saying that the words of the defendants could harm the US government. Consequently, the panel found that the Espionage Act constituted a constitutional restriction on the freedom of expression. Opposing this opinion, Holmes suggested that the view was downright dangerous (250 U.S. 616, dissent, 1919). He stated that it may seem perfectly logical to prosecute for expressing views. Whoever has no doubts about his/her own righteousness and strength, and wholeheartedly wants to achieve some result, transforms his/her aspirations into a legal form and eliminates all resistance. However, when people realize that the course of events has defeated more than one militant faith, they may come to a belief even stronger than that of the very basis of their conduct, namely that the most valuable good is easier to achieve by free exchange of ideas, that the best criterion of truth is the ability of an idea to be accepted under the conditions of free market competition, and that truth is the only basis on which we can safely pursue our intentions (Frankowski, Goldman & Łętowska, 1998). In this brief discourse, Holmes elaborated what has been called the critical metaphor of the twentieth century (idealized cognitive model) of the First Amendment: the “marketplace of ideas”.

The concept of Holmes’ “free marketplace of ideas” clearly refers to the reflections on this subject formulated by Milton and Mill. However, it is Holmes who should be considered a precursor of using the doctrine in the process of applying the law in cases concerning freedom of expression (Winter, 2001). In the 1920s, the doctrine of the “free market of ideas” and the test of “clear and present danger” had another spokesman among the judges of the US Supreme Court. It was Judge Louis Brandeis. For the first time, the doctrine of the “free market of ideas” found a groundbreaking application in the judgment of the US Supreme

Court in the *New York Times Co. v. Sullivan* (1964). The doctrine of the “free market of ideas”, formulated by Milton and Mill, and then introduced into the jurisprudence by Holmes and Brandeis, also had a significant influence on the shaping of the standards of freedom of expression in Europe. A principle formulated in the judgement *New York Times Co. v. Sullivan* became a model for the judges of the European Court of Human Rights (Sadurski, 1998).

2. Visualization of law

Visualizations can help us understand complex information more easily. Although visualization techniques offer great potential to facilitate the communication of complex issues, visualizations are rarely presented in the legal field. “Text-like” character is a hallmark of the law. When visualizing complex legal issues, lawyers sometimes use simple diagrams to illustrate the legal relationships between different legal entities using letters, arrows, circles, and simple symbols (Burkhardt, 2018). Manuals also contain schematic representations which, for example, graphically depict the structure or functioning of organs or the relationship between different legal norms. However, apart from road traffic law, it is difficult to find illustrations to solve legal problems. Verbal expression dominates in teaching and jurisprudence.

The visualization of texts requires a multi-stage process (Braunschwig, 2001). In successive phases, it is necessary to grasp the subject of the text, research its content and meaning, and look for relevant material that can be associated with it. Especially in the case of abstract texts that dominate legal regulations, for example, it is necessary to clarify the content and meaning. Only when there is an idea of what the image of this text could look like, the actual implementation takes place. These preliminary stages are usually not necessary when it comes to visualizing metaphors that already represent a certain image that only has to be materialized, i.e. fixed on a suitable medium (Brunschwig, 2002). Only in the absence of figurative associations should we consider how a metaphor can be represented by an image, for example the expression “mild judgment”.

Visualizing a legal context is often more difficult. Because examples such as “the law expires” or “pending legal transaction” show that a context such as “law” or “legal transaction” is mostly abstract and therefore does not represent a concrete picture. Although such elements are not treated as part of a metaphor (Kleinhietpaß, 2005), their appearance in a visualization is necessary for two reasons: on the one hand to establish the legal context, on the other hand we are dealing with a metaphor only because it is triggered by the existing context. Since the context mainly consists of abstract terms, the simplest representation option is to include the term itself as a text element in the visualization. Although it is no longer an image in the strict sense, it still falls under the accepted definition of visualization of a metaphor (Brunschwig, 2002).

2.1. Logical picture

Many of the visualizations of metaphors fall under the concept of the logical picture (Araszkiewicz, Pleszka, 2015). Such visualizations are very schematic and rather ignore secondary elements. Their function is to represent real structures and relationships, concepts, theories, and ideas in a simplified way. They are also called arbitrary pictures, as

due to their highly schematic nature they represent in this form something that is not actually visible (Alesandrini, 1984). This distinguishes them from images, which, like photography, are objects of the physical world. An example of a logical picture in the legal field is the visualization of the lineage according to tribes, which illustrates the legal relationships between relatives and by-laws in detail.

An example of a logical picture in the field of law is the visualization of the line of inheritance by tribes, which illustrates in detail the legal relations between family and relatives: the principle of representation in relation to the descendants of the testator – in place of the deceased descendant who is closer to the deceased, his/her descendants inherit, regardless of whether they are the heirs of the descendants in their place. In this context, one can also mention the popular visualizations of the “pyramid of norms” (hierarchy of legal acts) and the visualization of the pillar structure of the European Union (the so-called model of the Greek temple), which was established by the Maastricht Treaty (OJ C 191, 29.7.1992), and which has been the EU’s showpiece and attribute for fifteen years. As these examples show, logical images are used in the legal field mainly to visualize legal theories or organizational structures. The visualized metaphor usually forms only a part of the overall picture.

2.2. Non-visual metaphors

Non-visual metaphors are those that relate to other sense organs than the sense of sight, such as the German expression “stille Gesellschaft” (silent partnership) and “voice” in elections as acoustic metaphors or the Polish word “przybicie” (slam - meaning an adjudication to the highest offer) as a tactile metaphor. The visualization of such metaphors undoubtedly requires artistic competence. It can also be aided using text fragments. There are also metaphors that reflect elements that are not perceived by the sense organ, such as internal properties that are based on the evaluation of certain behavioral patterns. An example of this is the word “gross”, which is used in legal parlance in connection with an infringement (“gross infringement”). One can think of a visualization in the form of a representation of the circumstances under which this property is expressed. It can therefore be assumed that with the use of certain exhibition skills, all metaphors of legal language, also non-visual, can be visualized (Kleinhietspaß, 2005). It is only necessary to consider how this word, which has been transferred to the field of law, can be visualized and how the meaning or background of a metaphorical expression can be captured in the form of an image.

As for the legal context, the use of text is often necessary. However, since non-visual metaphors, unlike visual metaphors, do not provide a specific image, their visualizations cannot translate metaphors literally, but only in a slightly descriptive way, which often leads to only “indirect” visualization. In such a case, it can be assumed that the visualization often does not clearly reflect the expression on which it is based but allows for a multitude of interpretations. Moreover, the visual implementations of these metaphors by different people can differ significantly because, in contrast to visual metaphors, there is no uniform image form here, but a much freer choice of representation. This diversity of interpretability of non-visual metaphors, which is burdened with the risk of misinterpretation by the recipient, can be eliminated through appropriate application of knowledge in the field of the art of picture interpretation (picture hermeneutics). However, knowledge in this area is not yet required

to deal with law and it should be developed. A much easier way to avoid misinterpreting the image is to use visualized metaphors in direct association with the appropriate legal text explaining them (Baker, 2007). This eliminates most misinterpretations. It is of course impossible to completely avoid misinterpretation of the image content. For example, a correctly reconstructed visualization of the “binding effect of a contract” can nevertheless mislead the recipient into the mistaken assumption that it is possible to break free from the bondage without great effort: a vigorous movement is enough to loosen or loosen the shackles. For this reason, the visualization should consider all properties of the metaphorical expression and the legal text next to it should be as comprehensive as possible.

2.3. Similarity of pictures

Sometimes different metaphors can be represented by similar images (Philippopoulos-Mihalopoulos 2016). Such a visualization applies in particular to metaphors that have the same core but express different legal aspects. In the case of the German expressions “Anhörung” (legal hearing at the court) and “Anhörung” (hearing of a law in the Bundestag), for example, both can be reduced to “hören” (hear). A visualization of these two expressions without reference to the image of the “ear” is difficult to imagine. They translate into an image in the same way, even though they relate to different legal realities. Even with expressions with a similar meaning, such as Polish “małoletni” (minor) and “nieletni” (not of age), there is a risk of confusion about the visualized metaphor. Although the Polish Penal Code (1997) uses the term “nieletni” (minor), there is no clear indication of how this term is to be understood. The definition of “małoletni” (minor) is contained in the Polish Civil Code (1964): according to Art. 10: a minor is a person who has not yet reached the age of 18. The term “nieletni” as defined in the Polish Penal Code has a narrower meaning. According to Art. 10, a person who is “not of legal age” is a person who has not yet reached the age of 17 at the time of the commission of a prohibited act, i.e. in principle the age required for criminal liability according to the provisions of the Polish Penal Code. The responsibility of minors for the offenses contained in the Polish Penal Code is regulated in the Polish Juvenile Criminal Procedure Act (1982). Only the representation of the different legal contexts of these expressions can differ from one another and thus lead to a clearer definition of a metaphorical expression. Also, regarding synonymous root phrases such as “complaint” and “vote in elections”, the overlap of the visualizations due to the same root element (mouth, voice) is obvious. Moreover, there are expressions with a complementary representation, for example “employer” and “employee” or its German version “Arbeitnehmer” and “Arbeitgeber”. Their visual representation calls for complementary activity: the giving subject requires the existence of the receiving subject. The combination of the action of “taking” and “giving” is an essential element of both metaphors and their common representation and needs a differentiation in the visualizations, since two different metaphorical expressions are visualized with the same pictorial component.

The easiest way to visualize seems to be simply materializing the image. However, such visualization is not always possible and would not always lead to a proper reconstruction of information. In such cases, it is possible, for example, to present a metaphorical expression in the form of an analogous term, possibly also through the circumstances that justify the

linguistic statement or through the representation of associations with a given metaphor. The visual-verbal rhetorical figure is a combination of two types of signs, the effectiveness of which in communication depends on the tension between their semantic features. The cumulative effect of these signs is not simply summing them up, but rather their determining the relationship to each other.

The doctrine indicates several features of the language of law (Matulewska, 2008) that may have, primarily, a significant impact on the quality of visualization of legal expressions in the international context: archaisms, euphemisms, polysemy and homonymy, vulgarisms, metaphors, faux amis, neologisms, synonyms and quasi-synonyms, vague terms, legal definitions modifying the meaning, differences between colloquial and legal language. In the context of metaphors, cases of apparent unambiguity of a text seem to be of particular importance, as well as evident examples of its ambiguity. At the same time, ambiguity may result from the deliberate action of the author of the text or the legislator. The deliberate and lawful introduction of ambiguities allows for a broader interpretation of a text, e.g. a normative act, usually extending its scope of application. However, ambiguity may also appear unintentionally, as a result of lack of care in the preparation of the text or low competence in the field of the rules of legislative technique. The communication gaps caused by linguistic and cultural diversity can be overcome through visual communication as our minds perceive and comprehend the image and its meaning almost immediately without any visible process. Visual communication crosses borders and fills gaps in verbal language, leading to a better understanding of the information by the audience. However, in international communication, one should bear in mind the difficulties arising from various types of deficits in terms of the communicative potential of individual languages (Grucza, 2010). All languages are defective in many ways and it is not easy to express oneself unambiguously in them, in many cases it is not possible at all. This will cause numerous difficulties in expressing the concepts in individual languages in such a way that they can be properly interpreted by a recipient using a different language.

3. Visual rhetoric

Rhetorical figures are performative. They constitute a paradigm of visual thinking, which in today's image culture appears to be the most common representation of mental content. Visual thinking allows us to achieve a useful result effectively, quickly and intuitively, such as convincing a reader or listener. This communicative power of speech acts is an essential part of the human mind that expands interactively and is certainly possible in law. This materializes not only when a lawyer creates norms by means of drawings or interprets legal provisions as nomograms, but also when a judge devises his/her ruling by presenting oral reasons for a judgment. Visual thinking is a part of legal design as an aspect of information and communication technologies used in law. By adopting argumentation maps and graphical analysis of texts, the project aims to propose digital images and normative representations of a legal text based on visualizations to make the law more understandable and attractive to the public. By extending this perspective of visual law to lawyers, the preparation of legal documents supported by digital images becomes an evident aspect of the lawyers' argumentative technique, such as when composing graphic contracts.

The rhetorical figures that can indicate with the help of an image that cannot be called an appropriate term include: visual-verbal comparison (a comparison that begins with verbal signs and continues with visual signs); visual-verbal analogy (relatum expressed verbally corresponds to a similar relatum expressed visually); visual-verbal metonymy (the relatum indicated by verbal signs is presented visually by signs remaining in some real relationship with it; e.g. cause instead of effect, tool instead of action, producer instead of product; visual synecdoche (relatum expressed verbally and visually is presented by the symbolizing part whole or vice versa); visual replacement (one visual sign replaced by another because of its formal features); visual-verbal parallelism (visual signs and verbal signs represent the same relatum); indirect association (one verbal sign from a sequence is illustrated by a certain sequence of characters which, in turn, lead to a different relatum of given verbal signs (Bonsiepe, 1985). In each case, it is about finding analogies, i.e. similarities between objects (known experience and unknown phenomenon) that share a common meaning.

Visuality not only affects individual utterances, but also manifests itself on the narrative level. Images replace words that would otherwise be required to explain the background, plot or subject matter of the cases under consideration. The power of visual-rhetorical means in legal discourse requires special attention to the ethical and professional responsibility of the author in order not to mislead or overwhelm the recipient (Murray, 2012). Visual effects successfully represent abstract concepts (such as emotions, states of being or mind) with or without accompanying text. Effective communication is possible when images are used to convey information that goes beyond language and cultural experience. Tales of heroism, sacrifice, injustice or corruption can be represented in pictures and used in the communication process. By the way of example, one would consider paintings of Jan Matejko (1878) and of Edward Dwurnik (2010), both entitled “Battle of Grunwald”. Both paintings illustrate the same major international legal event, the Battle of Grunwald (1410), but convey different factual information and different emotional content. Whereas Matejko pictures splendor, great victory, and military strength of a state, in Dwurnik’s painting, the place of the great battle of the Polish and Lithuanian armies with the Teutonic Order is taken by an ordinary brawl, in which the participants hit each other not only with sticks and truncheons, but also with crosses. In the chaotic struggle, it is difficult to identify the sides of the conflict, everyone fights with everyone, there is no military formation at all. The key moment of Matejko’s composition is clearly marked and built around the figure of the deceased Master of the Order and the triumphant Prince Witold. Dwurnik’s painting lacks such a dominant point or even a few highlighted points. Everything is equally important or just as irrelevant. The entire surface of the canvas is evenly and tightly filled with small figures, with no heroes among them. Historical figures are replaced by an anonymous crowd, a chaotic mass. The depiction of the fighting characters, however, speaks through allusions readable through signs, for example the cross. The comparison of these interpretations enables fruitful reflection on the established vision of the Polish history and native myths.

However, not every visualization of legal situation conveys metaphorical reasoning. A well-known example of visual rhetoric in legal proceedings is the letter from Bob Kohn, an American attorney who filed an amicus-curie lawsuit in the case *United States v. Apple, Inc.* (U.S. Appeals Court for the Second District, 2012) in the form of a five-page comic. The comic

short story presented in an ongoing narrative shows the author's resistance to government action on the matter. The author claimed he filed it in lieu of his 25-page amicus curiae letter, which had previously been rejected by the court because it exceeded the page limit imposed by the court rules. It is noteworthy that this writing is essentially a summary of the key elements of the reasoning presented through the cartoon medium, rather than reasoning conveyed through visual rhetorical means. The form of drawing was thus not chosen because it made it possible to represent the most important elements of the argument through symbolic images. The characters in the cartoon – presumably the author himself and the young woman accompanying him – were only speaking aids to express the content of what is written. The drawing appears to express the attorney's desire to grab the court's attention rather than convey the content of the argument more effectively. American doctrine judged the letter to be unconvincing in its execution and unprofessional in its wording, as the party was mocking the court's five-page deadline for commenting on the case (Johansen, Robbins, 2015; Murray, 2016).

CONCLUSIONS

The way we think about law depends largely on metaphorical constructions. This means that we understand both the legal system as such and the many formative ideas that work in this system metaphorically. Although metaphor is non-literal and non-linear, nevertheless it is the quintessence of the modality of human thought. The way we think about law depends largely on metaphorical constructions. This means that we understand both the legal system as such and the many formative ideas that operate in this system in metaphorical terms. For example, the common legal terms "in the light of the law", "fruits of the poisoned tree", "pending legal transaction" and even "citizen of the European Union" are metaphors that are firmly established in the legal system.

Because legal reasoning is based on basic human skills, the cognitive theory of metaphor makes it more "human" and easier to understand. Legal terms are neither "literal, context-free principles" nor "arbitrary or radically subjective social constructs". Legal rules are determined by the history, culture, norms, institutions, and practices of the respective community. However, they are also flexible and therefore can evolve in response to changes in social conditions, and thus facilitate the perception of legal information.

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