

Metaphor and Other Persuasive Techniques

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Rhetorical figures

What they are: authors' and orators' stylistically skillful use of word order (syntax, schemes) and word choice (diction, tropes), usually on a sentence level.

What they do: delight, give pleasure, make statements easier to remember, shape how we think. According to George W. Kuney, "Lawyers are word people" (*The Elements of Contract Drafting*, 21). It behooves word people to know what resources are available on the sentence level so as to make the best use of those resources (words). Rhetorical figures are the flip side of streamlined, unwordy prose; if unwordy prose is a Spartan meal of salad without dressing, then rhetorical figures are the memorable dessert Death by Chocolate; having put one's prose on a diet, one may splurge on a memorable rhetorical dessert once in a while.

Overview of workshop/handout:

- A. Schemes (syntax, word order, juxtaposition)
 1. Repetition
 - a. Alliteration and assonance
 - b. Parallelism
 - c. Anaphora, antistrophe (epistrophe), anadiplosis
 - d. Antimetabole and chiasmus
 - e. Rhyme
 2. Inverted word order—anastrophe or hyperbaton
 3. Construction—antithesis
 4. Addition and omission—asyndeton and polysyndeton
- B. Tropes (diction, word choice)
 1. Onomatopoeia
 2. Antanaclasis or paronomasia
 3. Simile and metaphor
 4. Metaphor and law
 5. Metaphor and mediation
 6. Analogy
 7. Personification (also known as prosopopeia)
 8. Synechdoche and metonymy
 9. Irony
- C. Exercise: Multiple models
- D. Extensive list of reference works for further study of metaphor and other rhetorical devices; many of these sources are available online

A. SCHEMES (SYNTAX, WORD ORDER, JUXTAPOSITION)

1. Repetition

What it is: intentionally writing or saying words over again

Examples: “My love [beloved] is like a **red, red** rose” (Robert Burns, “A Red, Red Rose”)

“**You alone can deliver us from the body of this death**, oh, wretched men that we are; **you alone can deliver us from the body of this death**” (Edgar T. Brackett, Summation for the Managers in the Sulzer Impeachment Trial, collected in Hicks, *Famous American Jury Speeches*, 724)

Question/fill in: What does repetition do?

a. Alliteration and assonance (ASS own ence)

What they are: repetition of initial consonants (alliteration) or of vowel sounds (assonance)

Examples: “**Donate a dollar; save a baby**” (March of Dimes slogan)

“**P**edants and **p**urveyors of **p**ettifoggery might object that lawyers’ ethical obligations and the Rules of Professional Conduct (the rules) prohibit them from representing both sides” (Blair Hoffman, “Splitting the Difference,” *California Lawyer Magazine*, Sept., 2003)

Question/fill in: What do alliteration and assonance do?

b. Parallelism

What it is: repeating similar grammatical units

Example: “He tried to make the law **clear, precise, and equitable**” (Corbett and Connors, *Classical Rhetoric*, 381)

Question/fill in: What does parallelism do?

c. Anaphora (a NAF or a), antistrophe (an TIS trof ee), epistrophe (eh PIS tro fee), anadiplosis (a na da PLO sis)

What they are: repeating words at beginning of lines, sentences, or clauses (anaphora), picking up the last word and repeating it in the middle of a line, sentence, or clause (anadiplosis, dovetailing), or repeating words at the ends of lines, sentences, or clauses (antistrophe, epistrophe). Based on my sampling of collections of legal speeches, I believe anaphora is one of the most frequently used schemes.

Examples: “**To** be accurate, **write; to** remember, **write; to** know thine own mind, **write**” (Tupper, qtd. in Douglas, *Forty Thousand Sublime and Beautiful Thoughts*, 1991)

Terry Nichols was trying to build a life, **not a bomb**. Terry Nichols was trying to build a family, **not a bomb**. Terry Nichols was trying to build a

future, **not a bomb**. (Robert Hirschhorn, “Voir Dire,” Texas Criminal Defense Lawyers Association 2005 Seminar, Jan. 7, 2005)

Question/fill in: What do anaphora, antistrophe/epistrophe, anadiplosis do?

d. Antimetabole (an tie met AB oh lee) and chiasmus (kaigh AZ mus)

What they are: repeating words but changing their order (antimetabole) or repeating grammatical units but changing their order (chiasmus)

Examples of antimetabole: “Ask not what your **country** can do for **you**, ask what **you** can do for your **country**” (President Kennedy/Ted Sorenson)

“We don’t **love** people because they are **beautiful**; they seem **beautiful** to us because we **love** them” (proverb)

“Do you **know** what you **see** or do you **see** [only] what you **know**?” (proverb)

“No tasting earth’s true food for men, / Its **sweet** in **sad**, its **sad** in **sweet**?” (Robert Browning, “D’is Aliter Visum; or, Le Byron de Nos Jours”)

“The **Echo** of **Trauma** and the **Trauma** of **Echo**” (title of article by Judith Greenberg, *American Imago* 55.3 (1998): 319-347, available from the Project Muse database)

“He could make a **hell** out of **heaven**, and a **heaven** out of **hell**” (Milton, *PL*)

“**You** may be in **Angola** [Prison], but **Angola** [Prison] doesn’t have to be in **you**” (NPR, “Broncos and Boudin: The Angola Prison Rodeo” Apr. 20, 2008).

“Never let a **fool** **kiss** you, or a **kiss** **fool** you”

Note that scholars disagree about some of these terms; I follow those who call the repetition with reversal of exact words “antimetabole,” but others call this figure “chiasmus,” a term that I use for repetition with reversal of parts of speech, not exact words)

Example of chiasmus: **they [books] do not chide** if you make mistakes; if you are ignorant, **they do not laugh at you**. (Richard de Bury, qtd. in Harris, *A Handbook of Rhetorical Devices*, 7)

Question/fill in: What do antimetabole and chiasmus do?

e. Note—rhyme also is a kind of repetition

What it is: repetition of accented vowel and all the sounds that follow it

Example: “If the glove doesn’t **fit**, you must **acquit**” (Johnnie Cochran/Gerald F.

Uelmen, O.J. Simpson Trial; see “From the Editor,” by Peter Allen, *California Lawyer* June 2005)

Question/fill in: What does rhyme do?

2. Inverted word order—anastrophe (an AS tro phee) or hyperbaton (hi PER ba ton)

What they are: changing the usual subject-verb-object order

What they do: make the reader/listener pay closer attention

Example: “Rules we must have” (Jerome Frank, qtd. in Garner, *The Elements of Legal Style*, 160)

3. Construction—antithesis (an TIH the sis)

What it is: oppositions, sometimes in the same sentence

Example: justice/injustice

Model of antithesis by Benjamin R. Curtis, defending President Johnson against impeachment in 1868 (Veeder, *Legal Masterpieces*, v. II, 683):

It must be apparent to every one in any way connected with or concerned in this trial that this is and will be the most conspicuous instance which every has been or ever can be expected to be found of **American justice or American injustice,--of that justice** which Mr. Burke says is the great standing policy of all civilized states, or **of that injustice** which is sure to be discovered, and which makes even the wise man mad, and which, in the fixed and immutable order of God’s providence, is certain to return to plague its inventors.

Question/fill in: What does antithesis do?

What else antithesis can accomplish in legal situations: Lawyers sometimes choose a theme to develop during “voir dire, opening statement, and closing argument” so as to reach jurors effectively. These themes often take the form of antitheses, such as “**loyalty v. betrayal**” or “**honesty v. deceit**.” See “Using Themes to Succeed at Trial,” by Daniel J. Callahan, *California Lawyer* Sept. 2004.

4. Addition and omission—polysyndeton (poly SIN deh ton) and asyndeton (AY sin deh ton)

What they are: adding words (polysyndeton) or leaving words out (asyndeton)

Examples:

Art is long, **life short, judgment difficult, opportunity fleeting**. (Goethe, *Wilhelm Meister*, VII.9, qtd. in Ramage, *Beautiful Thoughts from German and Spanish Authors*, 110) [asyndeton]

They read **and** studied **and** wrote **and** drilled. I laughed **and** played **and** talked **and** flunked. (Harris, *A Handbook of Rhetorical Devices*, 7) [polysyndeton]

Question/fill in: What does polysyndeton do? What does asyndeton do?

B. TROPES (DICTION, WORD CHOICE)

1. Onomatopoeia (on oh mat ah PEE ya)

What it is: using words, often verbs, that sound like what they mean

Example: “The flies **buzzing** and **whizzing** around their ears kept them from finishing the experiment at the swamp” (Harris, *A Handbook of Rhetorical Devices*, 30)

Question/fill in: What does onomatopoeia do?

2. Antanaclasis (an tan a KLAY sis) or paronomasia (par o no MAS ee ya)

What it is: punning or using similar-sounding words

Examples: At first glance, Shirley Polykoff's slogan—"If I've only one **life**, let me **live** it as a blonde!"—seems like merely another example of a superficial and irritating rhetorical trope (antanaclasis) that now happens to be fashionable among advertising copy writers. (Tom Wolfe, "The Me Decade and the Third Great Awakening," *Mauve Gloves & Madmen, Clutter & Vine*, 165).

"Love rocks"—a current commercial for a national jewelry store chain

Say **not** the struggle **naught** availeth (Arthur Hugh Clough, "Say not the struggle naught availeth")

Question/fill in: What does antanaclasis/paronomasia/punning do?

3. Simile and metaphor

What they are: comparisons between unlike things, either with words such as "like" or "as" (simile) or without them (metaphor)

What they do: explain a mysterious tenor (sometimes called "target") by means of a more familiar vehicle (sometimes called "source") on the basis of the grounds they share; can be such compelling comparisons that they also persuade

Examples: "My love [tenor] is **like a red, red rose** [vehicle]"

"Laws, **like houses**, lean on one another. (Edmund Burke, *Tract on the Popery Laws*, III.1, qtd. in *Magill's Quotations in Context, Second Series*)

"you are **elected** into love **by a secret ballot** against which there is no appeal" (Julian Barnes, "Louise Colet's Version," *Flaubert's Parrot*)

Warm-up exercise in creating metaphors:

I decide to have them write something. "You haven't had much time to get to know each other yet; but there's someone you've gotten to know a little, during the long journey. I'd like you to describe him or her, but without using physical description, just metaphors. For instance, if he were a tree, what kind of tree would he be? Focus your mind on this person. Jot down a phrase as I give you the metaphor" . . . I murmur, at intervals of half a minute: Tree . . . animal . . . musical instrument . . . article of furniture . . . drink . . . city . . . article of clothing . . . vehicle . . . Greek god or hero. Now I ask them to take ten minutes to try to pull their phrases together. (D.M. Thomas, *Lady with a Laptop*)

Metaphors are used not only by poets and novelists, but by lawyers and scientists, as well. As John Haynes wrote about mediators, "It is not a question of whether we use metaphors. The question is, which ones we use" ("Metaphors and Mediation," Part I, <http://www.mediate.com/articles/metaphor.cfm>)

4. Metaphor and law

What else metaphors/similes do: connotations of the vehicle “bleed” or wash back into the tenor, so the choice of vehicle can be a subtle way of sneaking something in
Example:

There is but one thing left for you to do and that is to render your verdict of guilty. It is ours by right, by law, and by justice. We ask it as a matter of duty. We ask it as a matter of right. We ask it in the name of the law, in the name of the people of the State of California. You will be but doing your solemn duty. Do it **as quickly, as surely, and as certainly as Durrant with his fingers strangled and stifled that young girl.** (Remarks of Mr. Peixotto, in the Durrant Murder Case, collected in Sellers, *Classics of the Bar*, 86)

George Lakoff and Mark Johnson’s *Metaphors We Live By* is an important study of metaphor. Lakoff and Johnson describe categories of metaphor and propose theories about them. Lakoff and Johnson begin with the metaphor “argument is war.” Lakoff and Johnson theorize that such a metaphor not only helps explain argument, it actually structures the way we go about having an argument. Other basic metaphors include “time is money.” Lakoff and Johnson propose that at least one way to be less antagonistic in an argument is to remember that the other side could be thanked for sharing the time that it is taking to reach a resolution.

Michael R. Smith has identified “Five Levels of Metaphor in Persuasive Legal Writing”: doctrinal metaphors, legal method metaphors, metaphoric themes, point-specific stylistic metaphors, and metaphors inherent in legal language; Smith also identifies specific strategies for using metaphors in legal argument and/or overturning these metaphors when the opposition uses them.

Similarly, Bonnie Sunstein and Philip M. Anderson have developed teaching methods in which “as students learn to think metaphorically about a scientific topic, they move from expressive through transactional to poetic discourse,” a movement that helps the reader/spectator understand the process that is being analyzed. Sunstein and Anderson rely on matching traits of the physical phenomenon with traits of the metaphor with which the student writer is comparing the physical phenomenon. The goal of Sunstein and Anderson is for student writers to move beyond one-sentence metaphors to metaphoric verbs that extend throughout a written document.

5. Metaphor and mediation

Metaphors can be important in mediation, too: Christopher Crocker (“The Social Functions of Rhetorical Forms” 43) and Raymond Gozzi (“The Power of Metaphor in the Age of Electronic Media” 17) suggest that other people’s metaphors can be “shifted”—we can suggest alternate metaphors. “Shift participants from **battle** metaphor to a **journey** metaphor”

In addition to the “mediation is a journey” metaphor, Norm Page proposes “mediation as a garden / mediator as gardener” and “mediation is a table,” as in “everyone comes to the table.” See “Metaphors in Mediation,” <https://www.adrr.com/adr4/metaphor.htm> And “Metaphors and Mediation,” [Metaphors and Mediation - Part One - Mediate.com](https://www.adrr.com/adr4/metaphor.htm)

What can metaphors do in mediation?

6. Analogy

What it is: an extended comparison

What it does: explain, also can persuade/argue

Example: “I have combined the scattered **strands** of evidence; I have finished the **cable** which I promised; and now challenge the opposing counsel to try their strength upon it. They may pick it into **oakum** [loose jute fiber used for packing pipes]; but I defy them to break it.” (Speech of Seargent S. Prentiss, in defense of Hon. Edward C. Wilkinson, collected in Snyder, *A Collection of Arguments and Speeches before Courts and Juries by Eminent Lawyers*, 111)

Another example:

“Engaging in ethical decision making is much more difficult in practice than in the classroom. I illustrate that point with the example of mountain climbers, who decide while still at base camp the precise minute they will turn around from their attempt to reach the summit and head back down. Mountain climbers understand that they will not engage in their best decision making at high altitudes; the thin air, the apparent closeness of the summit, and the pressures of success will compromise their judgment. The best climbers have done all their good thinking at base camp, and they carry it right up the mountain with them. **The analogy to the practice of law is obvious.** I teach some of the brightest young people in the country. They will become heads of law firms, business leaders, in-house counsel to major corporations and organizations, attorneys general, judges, legislators, prosecutors, and—perhaps most challenging of all—small-town, solo practitioners. **They will find themselves at high altitudes. Summits, many of them false, will tempt them to keep climbing after the point of no return. My job is to help my students build their ethical base camps.**” (Leonard M. Niehoff, “The Lessons of Legal Ethics,” *The Chronicle of Higher Education*, May 12, 2006)

7. Personification (also known as prosopopeia, pro zoh POH pee ah)

What it is: attributing human characteristics to concepts or objects

Examples: time and justice are two often-personified concepts

If this jury under their oaths and in the face of the law and testimony in this case permit this defendant to go unpunished, and by a verdict you place the seal of your approval upon a crime like this, then we ought to take from the dome of the courthouse the classic form of **the goddess of justice** and place in her stead the fierce features of **some hideous hag from hell**. If this change should not be made, then **the goddess** who hovers above us **ought to tear the bandage from her eyes, throw the**

scales she holds in her hands into the streets of our city and wing her flight to some other clime. (Speech of Mr. Pat M. Neff, prosecuting attorney, in *The Trial of Alex Johnson*, collected in Sellers, *Classics of the Bar*, v. 5, 173)

Time will discover [reveal] everything to posterity: it is a babbler, and speaks even when no question is put. (Euripides, qtd. in Ramage, *Beautiful Thoughts from Greek Authors*, 198)

Question/fill in: What does personification do?

8. Synechdoche (sin EK dough key) and metonymy (meh TON o me)

What they are: substitution of part for whole (synechdoche) or related term for whole (metonymy). Common examples of synechdoche are substituting “**hand**” or “**hands**” for “**person**” or substituting “**wheels**” for “**vehicle**”; a common (or used to be common) example of metonymy is substituting “**bread**” for “**money**.”

What they do: make institutions or situations concrete, simplifying them. According to Pierre Schlag, metonymy and synechdoche have special importance in understanding law; for example, “the writtenness of the Constitution” has been used by Justice Marshall as a synechdochal quality that infuses the whole Constitution, while Justice Stewart reduced “the Constitution itself to one of its parts—its writtenness.” See “Hiding the Ball,” 71 NYU L. Review (1996).

Examples: crown for monarchy, sword for war (metonymies)

Where did he get those twenties? I cannot tell. That money did not come from the bank on my check, and there is no way on earth to figure that it did, and if I didn’t furnish the money, where did it come from? **Whose hand** working out here in the darkness, unknown to me and unknown to the other attorneys—**whose hand** was it that stretched out in the night and was working my ruin? I don’t know. (Clarence Darrow, *The Trial of Clarence Darrow*, collected in Sellers, *Classics of the Bar*, v. 8, 168)
[synechdoche]

9. Irony

What it is: *Irony* is a verbal device that implies an attitude quite different from (and often opposite to) that which is literally expressed (Abrams, *Glossary of Literary Terms* 2845). A danger exists in using irony, the danger that perhaps not all readers or listeners will “get it,” for the writer or speaker, after all, is saying one thing but meaning another. Perhaps this danger is the reason that few non-creative writers risk being ironic, unless they are very, very sure of their audience.

What it does: using the trope of irony is one way of making life meaningful by helping readers recognize the ironies in their own lives

Examples: Irony can be a matter of fate or can be spoken (dramatic irony), as well as other variations. In Anthony Trollope’s novel *The Way We Live Now*, a female novelist who throughout the novel stated her dislike of marriage ends up getting married at the end of the novel, and a young man who is a gambler ends up being sent to live with a strict minister; these are examples of irony of fate or outcome. In the opening of Ernest Hemingway’s novel *A Farewell to Arms*, the reader learns something that the character Catherine doesn’t know: that she is going to

die in childbirth. Thus, when Catherine talks about how the rain will be good for the flowers she has planted, flowers that she wants to see bloom next year, her words have dramatic irony because Catherine does not know how things are going to turn out, but the readers do.

Caution: Irony is the least-used trope in legal discourse because of the danger of listeners/readers/juries taking the speaker/writer seriously/literally

Example (of what not to do): “Yeah, right, sure, like my client really went home and murdered his wife because of the way she cooked the spaghetti.”

C. Models of two or more figures in close succession (try to identify; start by looking for Repetition; not every figure in the handout appears in this exercise):

1. Like love we don't know where or why, / Like love we can't compel or fly, / Like love we often weep, / Like love we seldom keep. (W.H. Auden, "Law Like Love," http://www.legalaffairs.org/issues/July-August-2002/exhibit_julaug2002.html)
2. If fanaticism and the testimony of this vile murderer, conducted to the witness stand with such pomp, instead of the calm analysis of the evidence is to govern you, then tell your artists to take down from the domes of your courthouses that angel of justice, and to put in her place the diseased form of a hag from hell. Let her blink behind the bandage, only put on to dupe the public (W.W. Irwin in the Harry Hayward Murder Trial, collected in Sellers, *Classics of the Bar*, 147)
3. But the poverty of these 30 million Americans is not to be measured in dollar terms alone. It must be measured in hopelessness and helplessness, in resentment and rejection, in despair and distrust, in loss to our Nation of valuable human resources (Hubert H. Humphrey, speech on the anniversary of the War on Poverty, collected in Capp, *The Great Society: A Sourcebook of Speeches*, 176).
4. The life or liberty of a man is no trifling matter. Liberty, like time, once lost, can never, never be regained. To find this defendant guilty is to condemn him upon speculations, surmises and conjectures. To acquit him is to base your judgment upon facts. (Speech of Mr. Nat Schmulowitz, The Trial of Roscoe Arbuckle, collected in Sellers, *Classics of the Bar*, v. 8, 62)
5. United we stand, divided we fall. (Aesop's Fables, qtd. in *Magill's Quotations in Context*)
6. Pen, wax, and parchment govern the world. (Unknown Latin author, qtd. in Ramage, *Beautiful Thoughts from Latin Authors*, 793, which states, "The line is quoted in Howell's 'Letters,' bk. ii, let.2")
7. [W]hile there is a lower class, I am in it; while there is a criminal element, I am of it; while there is a soul in prison, I am not free. (Eugene V. Debs, a speech in court on Sept. 11, 1918)
8. [The Church during the Abolition movement was] "not merely a thermometer that recorded the ideas and principles of popular opinion [but] . . . a thermostat that transformed the mores of society" (Rev. Martin Luther King, Jr., "Letter from Birmingham Jail," 1963)

D. Good general and legal sources of explanation and examples, including Web sites, some of which already were mentioned earlier in this handout. A good starting point is the sources by Lakoff (format below is neither MLA nor APA)

Owen Barfield, "Metaphor."

http://owenbarfield.org/BARFIELD/Encyclopedia_Barfieldiana/Ideas_Concepts/Metaphor.html

Christine Brooke-Rose, *A Grammar of Metaphor*

Stephen J. Brown, S.J., *The World of Imagery: Metaphor and Kindred Imagery*

David Caplan, "The Function of Rhyme Today," presentation at 121st Modern Language Association Annual Convention, Washington, D.C., November 2005. Presentation about rhyme in judicial opinions.

---. "Reduced to Rhyme: On Contemporary Doggerel." *The Antioch Review*, Winter, 2009, vol. 67, no. 2, pp. 164-180.

Edward P.J. Corbett and Robert J. Connors, *Classical Rhetoric for the Modern Student Dictionary of the History of Ideas*, entries for "Irony," (Vol. II, 626); "Metaphor in Philosophy," (Vol. III, 196); and "Metaphor in Religious Discourse" (Vol. III, 201)

John Dolan, "'Today the Mind is Not Part of the Weather': Cognitive and Rhetorical Perspectives on the Construction of Poetic Metaphor." *Qui Parle* 7.2 (Spr./Summer 1994): 57-79.

Mark Doty, "Souls on Ice." <https://poets.org/text/souls-ice>

Suzette Haden Elgin, "Metaphor in Mediation: Mediation is a _What_?"

<https://www.adrr.com/adr4/metaphor.htm>

Michael H. Frost, *Introduction to Classical Legal Rhetoric: A Lost Heritage*

Bryan A. Garner, *The Elements of Legal Style*

Raymond Gozzi, Jr., "The Chinese Wall Metaphor," *ETC* 60.2 (Summer 2003): 171-174. Available from Wilson Select Plus database.

"The Power of Metaphor in the Age of Electronic Media," *ETC* 56.4 (Winter 1999-2000): 380-404.

Available from Wilson Select Plus database.

Mardy Grothe, *Never Let a Fool Kiss You or a Kiss Fool You*,

<https://www.drmary.com/chiasmus/book>

Liselotte Gumpel, *Metaphor Reexamined: A Non-Aristotelian Perspective*

John Haynes, Metaphor and Mediation, [Metaphors and Mediation - Part One - Mediate.com](http://www.mediators.com),

Robert Harris, *A Handbook of Rhetorical Devices*, retrieved from

www.virtualsalt.com/rhetoric.htm

Charles O. Hartman, "Cognitive Metaphor," *New Literary History* 13.2 (Winter 1982): 327-339. Available from JStorDatabase.

Bernard J. Hibbitts, "Making Sense of Metaphors: Visuality, Aurality, and the Reconfiguration of American Legal Discourse," *16 Cardozo Law Review* 229 (1994).

Maurice Hunt, "Antimetabolic King John," *Style* 34.3 (Fall 2000): 380-401.

Retrieved from Wilson Select Plus database

Roman Jakobson, "Two Aspects of Language and Two Types of Aphasic Disturbances (The Metaphoric and Metonymic Poles)," reprinted in *The Norton Anthology of Theory and Criticism*, edited by Vincent B. Leitch

Martha Kollin, *Rhetorical Grammar*

George Lakoff, *Metaphors We Live By*

Berel Lang, "The Limits of Irony," *New Literary History* 27.3 (1996): 571-588.

Retrieved from the Project Muse database

Richard A. Lanham, *A Handlist of Rhetorical Terms*

(continued on next page)

Reference sources, continued

- Alfred H. Lloyd, "The Logic of Antithesis," *The Journal of Philosophy, Psychology, and Scientific Methods* VIII.11 (May 25, 1911): 281-289.
Retrieved from the JStor database
- Edward F. McQuarrie and David Glen Mick, "Figures of Rhetoric in Advertising Language," *The Journal of Consumer Research* 22.4 (Mar. 1996): 424-538. Available from the JStor database.
- Metasites: *<http://mason.gmu.edu/~montecin/metasites.htm>
- Marjorie Perloff, *Rhyme and Meaning in the Poetry of Yeats*
- Michael Riffaterre, "Prosopopeia," *Yale French Studies* 69 (1985): 107-125.
Retrieved from the JStor database
- David J. Sapir and J. Christopher Crocker, *The Social Use of Metaphor: Essays on the Anthropology of Rhetoric*
- Yeshayahu Shen, "Metaphorical Comparisons and Principles of Categorization," *Empirical Approaches to Literature*, edited by Gebhard Rusch
- Michael R. Smith, (2006). "The Five Levels of Metaphor in Persuasive Legal Writing," presented at the 2006 Legal Writing Institute Conference, Atlanta, Georgia, June 9, 2006.
- . "Levels of Metaphor in Persuasive Legal Writing," *Mercer Law Review*, vol. 58, 2006, pp. 919-947.
- . *Advanced Legal Writing: Theories and Strategies in Persuasive Writing*.
- Elyse Sommer and Mike Sommer, . . . *As One Mad with Wine and Other Similes: Say it with a simile—more than 8,000 ways!*
- Gerard Steen, "Cognitive and Emotive Properties of Metaphor," *Empirical Approaches to Literature*, edited by Gebhard Rusch
"A Rhetoric of Metaphor: Conceptual and Linguistic Metaphor and the Psychology of Literature," *The Psychology and Sociology of Literature*, edited by Dick Schram and Gerard Steen
- Bonnie Sunstein and Philip M. Anderson, "Metaphor, Science, and the Spectator Role: An Approach for Non-Scientists." *TETYC [Teaching English in the Two-Year College]* (Feb. 1989): 9-16.
- Reuven Tsur, "Rhyme and Cognitive Poetics," *Poetics Today* 17.1 (Spring 1996): 55-87.
Available from the JStor database.
- Brett Zimmerman, "A Catalogue of Rhetorical and Other Literary Terms from American Literature and Oratory," *Style* 31.4 (Winter 1997): 730-759.
Retrieved from the MLA database (choose "full text")

I. Rhetoric in a Classical Education

Trivium

Grammar

Logic

Rhetoric

Quadrivium

Geometry

Arithmetic

Astronomy

Music

II. Canons of Rhetoric: invention, arrangement, style, delivery, and memory

III. Medieval view of style (e.g., metaphor): ornament, delight

Still expected in poetry, advertisements, sermons, legal arguments

IV. Current view: Metaphor is not just ornamental or delightful but is intrinsic to human understanding in all disciplines

V. Uses in legal writing and mediation

Michael R. Smith has identified “Five Levels of Metaphor in Persuasive Legal Writing”: doctrinal metaphors, legal method metaphors, metaphoric themes, point-specific stylistic metaphors, and metaphors inherent in legal language; Smith also identifies specific strategies for using metaphors in legal argument and/or overturning these metaphors when the opposition uses them. Mediators also can find it helpful to shift metaphors from legal-argument-as-battle to mediation-as-journey-or-table.

VI. Connection to AI and by extension why ChatGPT lacks analogies or does them poorly:

David Gelernter, *Computers and the Pursuit of Happiness, Commentary*, Jan. 2001

For many years, the biggest challenge in cognitive science and philosophy has been to understand how we discover analogies, where we get our amazing capacity to notice that two things—objects, situations events—that *seem* completely unrelated in fact have deep, hidden similarities. This capacity to draw analogies underlies human creativity, and our useful knack of discovering and inventing new things. How does it work?

The evidence suggests, it seems to me, that analogy is driven by emotion. The remarkable thing about human emotion is that two wholly different-*seeming* scenes or memories or circumstances can make us *feel* exactly the same way. Emotion lets us make spectacularly non-obvious connections; in so doing, it lets us discover new analogies, lets us create.

Now, human emotions obviously depend not only on the mind but on the body. You don't think them, you feel them. So: we cannot hope to simulate thought on a computer unless we can simulate the discovery of analogies. We cannot hope to do *that* unless we can simulate emotions on a machine. And we cannot hope to do *that* unless we can simulate not merely abstract mental processes but the complex, nuanced physical reality of the human body.

Eventually, this will be done. Certainly not soon (and certainly not by me)—but it will be done. But even at the end of this enormously difficult, complex task, when humanity has achieved the technological marvel of a machine that can accurately fake human emotions and (therefore) can realistically fake human thought, where exactly will we be?

The human body and its brain have the “emergent property”—or “ensemble property”—of consciousness. When you put exactly the right pieces together in exactly the right way . . . consciousness emerges.

There is no reason, in principle, why computers and software could not have this property as well, and thus lead us to a deeper appreciation of what consciousness means and what it represents. It could be that we will wind up with a “thinking machine” that does not merely talk about daffodils, identify them, draw pictures of them; we might in principle end up with a machine that actually knows what a daffodil *is*. That actually experiences fragrance as we do, color as we do, form as we do—or at least experiences fragrance, color, and form in *some way*; or at least experiences *something* in some way. In other words, that is actually conscious.

All this could be. But we have no good reason to think it ever will be. It could be that consciousness will emerge from exactly the right combination of electronics and software; it could be that consciousness will emerge from exactly the right combination of mozzarella and tomato sauce, or bricks and mortar, or cardboard and rubber cement. None of these things is (in principle) impossible, but none of them is terribly likely, either.

Sources

Elena Demino, Zsofia Demjen, *The Routledge Handbook of Metaphor and Language*, 2017.

John Haynes, *Metaphor and Mediation*, [Metaphors and Mediation - Part One - Mediate.com](#), 1999.

Dorothy Sayers, *The Lost Tools of Learning*, Oxford, 1947.

Michael R. Smith, (2006). "The Five Levels of Metaphor in Persuasive Legal Writing," presented at the 2006 Legal Writing Institute Conference, Atlanta, Georgia, June 9, 2006.

---. "Levels of Metaphor in Persuasive Legal Writing," *Mercer Law Review*, vol. 58, 2006, pp. 919-947.

---. *Advanced Legal Writing: Theories and Strategies in Persuasive Writing*.

Tom Wolfe, "The Me Decade and the Third Great Awakening," *New York Magazine*, Aug. 23, 1976.

Reprinted in *Mauve Gloves and Madmen, Clutter and Vine*. Farrar, Straus, and Giroux, 1988.