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Using Metaphor in Legal Analysis and Communication

A Symposium of the Mercer Law Review

Friday, November 10, 2006

Question and Answer Period

PROFESSOR RITCHIE: We have left some time this afternoon for people to ask questions of any of our panelists. If you do have questions, please identify which person you would like to answer your question.

AUDIENCE: I would particularly direct my question to Professor Smith, but also ask all of the panelists to respond. Is there such a thing as a separate category for metaphors that are purely stylistic as opposed to metaphors that would also fit in some of the other categories that Professor Smith has identified? It seems to me that all metaphors are more than stylistic, and that the examples in category, is it four, Professor Smith, that you have identified are, in fact, doing meaning making for us? They happen to be lovely stylistic devices as well, but they are, in fact, constraining, structuring our thought about those topics.

PROFESSOR SMITH: It may have been a poor choice of words to call it stylistic because in my presentation I tried to allude to the fact that they are serving many functions. They are serving a logos function, or

a logic function, by providing an analogy. They serve ethos functions by establishing credibility on behalf of the writer. They are serving pathos functions by evoking substantive emotion, as well as emotion about the writing. And, so, I only mean it is stylistic in the sense that it did not exist before the writer wrote it as opposed to doctrinal metaphors, which may start out as stylistic metaphors but have been adopted as the rule for that area.

I think absolutely metaphors make meaning. The only difference between, for example, a doctrinal metaphor is someone made that meaning previously and now it is being used as the rule that lawyers are asked to argue under. And a stylistic metaphor can become a doctrinal metaphor if the court agrees with that metaphor and decides that it is going to empower the metaphor with the power of the state and make that the rule that attorneys are going to argue under. So, by stylistic, I do not mean merely stylistic. I meant creative.

Professor Winter pointed out to me that some of the examples were not necessarily original to those authors, but someone originated them; and, so, it may be a problem with the examples, not the problem with the concept. I know in my advanced persuasion class my students have to create original metaphors in a piece of persuasive writing. And, so, what I mean by that category is not arguing within an existing metaphor, but being the one who creates that connection between two dissimilar things and offering it up as a metaphor to serve all the functions that are served. But unless the court adopts the metaphor as a representation of a doctrinal rule, it is not a doctrinal metaphor. It was more of a rhetorical device that was used by an advocate that could become a doctrinal metaphor.

PROFESSOR WINTER: The great comedian Lenny Bruce said, "I'm not original. The only guy who is original is the guy who invented the English language." I think Wittgenstein made the same point about the impossibility of a private language.

There probably is no such thing as an original metaphor because, if there really were, you would not understand it. It has to refer to something you understand for it to work. As Stanley Fish says: "The gun at your head is your head." The thing that is compelling would not be compelling unless there were something inside you that experienced it as compelling. I will just give you one example. I mean they are all great metaphors, and I think they are creative. But I would not call them original. This one I think was the last one of Michael's examples: "Each oppressive practice is one wire in a birdcage." It comes from an article that talks about equality. I presume it is an article about equality. But that is a reference to a metaphor we all know. It is very

conventional, the “bird in the gilded cage” metaphor. It is an important metaphor in feminist theory: that you can be imprisoned by nice, by good treatment, as well as by bad. I mean that is part of the power of that metaphor, even that phrase. It refers to another metaphor that is antecedent and carries a lot with it.

Part of what I was trying to show with the marketplace of ideas metaphor is that it works precisely because it is not free form. It is referring to and drawing together things, understandings, that you already have.

So, I think the short answer to your question is, yes, I agree with the premise of your question. I think that, from a practical standpoint—and given the tenor of my talk and most of my work, you probably do not think of me as a practical person; but I was a practicing lawyer for almost ten years and I tried a lot of cases—the important points are, and these have been made by others on the panel, the role that these devices can play in persuasion, in getting the decisionmaker, whether it is the jury or the judge, to think about the case in a way that you want.

I think that the most powerful are framing effects, which you can do lots of ways. First, a metaphor can be used to build a frame. Second, a story can be used. A frontier metaphor can be used to build a frame that already starts you thinking about things in certain terms. Good rhetoricians know this. Almost any Stanley Fish piece will have them. I do not know why I am talking about Stanley Fish so much today. One of the reasons is because he is brilliant. I have learned a lot from him.

When I wrote an article criticizing Stanley Fish, I did Fish to him. You tell a story first that seems to have nothing to do with what you’re talking about. He starts an article about jurisprudence with a story about baseball in *Dennis Martinez and The Uses of Theory*. But the point is that his point is already in the story. The story has already created a schema for thinking about the point he is trying to make and he already has your brain processing things and filing them, to use an incorrect but conventional metaphor, in precisely the space he wants.

I will give you one concrete story. The most brilliant brief I ever read—and it was not by me—was written by Jay Topkis who was a partner at the Paul Weiss litigation firm in New York. This was back when I was at the Legal Defense Fund, where I worked for many years. There was a point in the late 1970s when the NAACP sued the NAACP Legal Defense Fund to get their name back. The NAACP Legal Defense Fund, as many of you know or may not recognize, was Thurgood Marshall’s organization that argued *Brown v. Board of Education*. It goes back to 1939. It was an offshoot of the NAACP, mostly for tax purposes. But by the late 1970s, I won’t go into the political details, they trademarked the letters NAACP and they sued us for infringement

of their trademark. We lost in the District Court in D.C. and won in the D.C. Circuit. And this is how the brief actually started. This is almost verbatim. "Once upon a time there was a parent and the parent had a child, and the parent was very proud of the child and gave the child its name. Then there came a time when the child grew up and exceeded the parent in wealth and fame and good fortune and deeds, and the parent got jealous and sued to take its name back."

The case is over at this point, right? It does not matter what the rest of the facts are. It does not matter what the law is, right? Once you see the dispute as that kind of internecine warfare, right, unfairly by a parent against his or her own child, the case is over. But it was brilliant. So, that is an example of framing by a story.

The third is by using a prototype effect. If you want people to think about birds, you do not name an Emu, you name a Robin or a Sparrow. And the same thing is true with legal arguments in legal categories. I have other war stories, but I will not tell that because I do not want to dominate the discussion. But by using the right kind of prototype it makes—and we know this from Rips—it actually activates the entire category. So, that is another way to build a frame. It works because there is something already there.

PROFESSOR JOHNSON: You just said what I was going to say—it is very popular to have what I call the miracle theory of creativity. It just happens, and there is no explaining it. Some people just do this. But for the most part, what you are doing concerns something that Mark Turner and Gilles Fauconnier have argued extensively in their book, *The Way We Think*, which is about conceptual blending. They show you a number of different patterns by which people routinely can create creative conceptual blends. And you do make use of these cognitive resources you have. I want to urge that it is not that you can predict when something creative will come about, but it is an appropriation of something and seeing how it, or some certain structures, can apply to some other domain.

That is not an explanation of how to be creative, but at least it suggests that it's not a miracle. It is not this act is, like Richard Rorty would say, just a radical rupture. I mean we move from one language game or one vocabulary to another. No, it is done with something that was there before. And if it didn't, it, as you started your comment with, it would not make sense to us. It would be so alien, it would truly be infinitely other, but it's not. We can relate to it.

PROFESSOR WINTER: I just want to say one thing about enhancing creativity because I think it is particularly apt for law students. There

was a time when to be a good lawyer, you had to know history, and you had to know literature. In the nineteenth century, great lawyers were generalists. I think one of the costs of a conventional legal education is it focuses in exactly the wrong direction: We're going to define things more and more precisely, a more and more narrow focus. A part of being creative as lawyers is learning to see the connections across things that should not be connected. For me, the eye opener was when I was a first year student. One of my friends in the upper class and I were talking about what courses I should take, and I said, "I guess I'll take corporations. It seems to me that I should take that, but I understand it's a hard course." He said, "It's an easy course. Corporations is just torts all over again." I thought he was a little nuts at the time. But then I took corporations and, damn, if he wasn't right. It is just another version of the reasonable man standard, right? Half the course was 10(b)(5). He was absolutely right. That taught me a very important lesson. You learn the separate doctrinal areas but then start to see that they are really all the same. I think there are only about seven moves, and the law just repeats them infinitely in different ways. There is the balancing test and the multi-factor test which are basically the same. There is means-ends analysis and objective versus subjective. There is really only a handful of them, and they just repeat endlessly. So, seeing those connections and looking for those connections rather than thinking that torts has to be different than corporations or contracts, suddenly you can start to draw those cross-domains connections within the law.

Of course, the same is true outside law. So the other thing is: Read broadly. It is very hard. I started *The Brothers Karamazov* at the beginning of law school, and I finished it four years later. It is hard to read when you are in law school, but read more broadly because it's in the interconnections that the creativity happens. If you create the opportunities for your brain to draw connections, you will make more connections and do more interesting, creative and persuasive work.

PROFESSOR SMITH: The creativity in creating an original metaphor is not creating both sides of the equation but creating that connection and expressing that connection.

PROFESSOR RITCHIE: Any more questions?

PROFESSOR WINTER: Actually, I want to get this on the table. Most of what Michael and Linda said I absolutely agree with, and much of it strongly. But there's one thing: There is a problem when you talk about these things in terms of the old categories of truth and style, and that is probably what I think created some of the problem. So, this is

not by way of disagreeing with Linda at all, but just to point something out which I think is important to the students particularly. The little mnemonic about the truth, the whole truth and nothing but the truth-metaphor tells more than the truth. If you think about it, rules are worse. Rules don't tell the truth; they don't tell the whole truth; and they certainly don't tell nothing but the truth. So, any rule is . . . one of the problems is when you contrast an old strategy of attacking a metaphor, the Cardozo strategy, it presupposes there's some other truth outside the metaphor. But the point of the earlier examples is that there are no other truths. There's not some truth of planethood. That was Plato's idea. There are ways we understand things, and we understand things for purposes. And, so, the whole discourse of truth is problematic.

Take just about any rule. But, for example, one of my favorites is, "No animals on the bus." It's a lie, right? It can't be true because I can get on the bus, right? I am an animal. Maybe a rational animal, at least I like to think I am rational. But we are all mammals, right? And by the same token, no one thinks that it would apply to paramecia, which are single-cell organisms that I studied in high school, which are technically animals. Nobody thinks the rule is about that, right? And you can pick any rule. No vehicles in the park. It doesn't matter what it is; any rule is going to be that way because the categories at that high level of abstraction are too broad to deal with the real meanings. So, the rule tells more untruth than any metaphor or metonymy. Which isn't to say that the metaphor is always better. It is just simply to say that truth is not what we presuppose. We are presupposing that rules could be literal and propositional and say precisely what they mean, and that is not true even for propositional rules.

PROFESSOR BERGER: I want to respond because the only reason I used it is because I think it makes a nice distinction between the two things. But I also think that the problem is that when you use metaphor and metonymy in this surface way, it obscures any ability to get below what is there because all the baggage that goes along with the metaphor is accepted; whereas, if I actually said to you this is a statement of the truth, you could challenge it. But with the metaphor, you don't even know what I am taking along.

PROFESSOR WINTER: I don't know. The facts could challenge it.

PROFESSOR BERGER: You could at least have an argument about it. With the metaphor you don't even have the argument.

PROFESSOR WINTER: Sure I can. I can say that is a bad metaphor because it picks out these things which do not really apply.

PROFESSOR BERGER: To do that, you must first recognize the metaphor.

PROFESSOR WINTER: Yes, but the same could be said about the propositional statement.

PROFESSOR BERGER: But, back to your original point, I am not in favor of “the” truth. Let me just go on the record, I am against the concept that “the” truth is out there waiting to be discovered.

PROFESSOR WINTER: So, we agree actually more than we disagree.

PROFESSOR BERGER: We do.

PROFESSOR WINTER: I think it is about unpacking it. Because people make the same argument about narrative as a mode of legal argument. They attack people like Patricia Williams. You tell a narrative about being excluded from a store and how can I attack it, it is just a statement? But that is not true. You can ask all sorts of things about it, unpack the story: What are the assumptions that it makes? What are the normative points that it is including? And the truth is we tend to do that more with stories and let people like Ronald Dworkin get away with much worse stuff, right? They make assertions and nobody asks them to unpack it. And their assertions are much less reality grounded.

PROFESSOR SMITH: If we take as an assumption that rules cannot reflect the truth, the ultimate truth, from the standpoint from an advocate, the desire to attack a metaphor, a rule expressed as a metaphor, is not necessarily to replace it with the truth but to replace it with a more favorable rule.

PROFESSOR WINTER: Right. I’m just saying the rule form, which is not necessarily metaphorical isn’t more accurate —

PROFESSOR SMITH: — with a more favorable metaphor.

PROFESSOR RITCHIE: I think Michael Goldberg wants to get in on this.

PROFESSOR GOLDBERG: Yes. I guess, I mean except at the trivial level, there is the old Aquinas thing, there is no such thing as the truth, do you hold that statement to be true, so it is a self-refuting statement and that does not get you very far. But I think it is really important in law school not to train students to be nihilists, that there is no such thing out there except however you want to argue. By the way, the argument itself is something that is free of context. So, I hope you at least somewhere in your reptilian brains get that. And there we go with the metaphor.

The other thing I want to say is I have to ask a question about what is a category mistake. See, I think you made one. Dumb ass is not a metonym.

PROFESSOR BERGER: A metonym?

PROFESSOR GOLDBERG: Yes, a metonym. Thank you. I was going to do —

PROFESSOR BERGER: Ass would be though.

PROFESSOR GOLDBERG: Yes. But dumb ass, that is exactly it. Dumb ass isn't. But on the other hand, what I want to ask is, and I'll ask Mark this since this is his stuff. What does a category mistake look like in the theory that you've developed? Is there such a thing?

PROFESSOR JOHNSON: It is sort of what Steve was saying earlier. What is categorization? It is a way of making discrimination; we are discriminatory animals. If we didn't discriminate, we would be dead. Categories are ways of cutting what is a process, a flow of experience. And how do we cut or how do we select? We select relative to our interests, our values, our goals, our history. And, so, these categories are always relative—like whether Pluto is a planet. It's relative to practices, narratives, histories; and, so, what constitutes a category mistake depends upon what values you have.

PROFESSOR GOLDBERG: I agree. It is fact uncontextualized. But let me give you this: I like the way you guys do stuff because I find it as wit. Law review articles are interesting. The stuff that I used to read in religious studies, in philosophy, just bored the hell out of me. So, I want to say how much I admire what you do.

Did you hear about the Templeton experiment? Templeton has mutual funds and makes a lot of money, I guess, that's a good thing. But he uses this to show the relationships between science and religion.

He funded an experiment at the Harvard Medical School, which is interesting about what medical researchers on what medical schools will take to do their funding, on whether people who pray for other people would get better. And the fact is some of them got worse. This is a category mistake. It makes the point that prayer works like a physical cause instead of what it is generally associated as, some kind of petitionary reason.

So, when we argue here, it would be a mistake for someone to say, you've come over to my position. I caused you to do that. I mean in a sense I've given you reasons. So, this is what I am trying to get at with metaphor. I mean does anything go? So, the Templeton guys, well, they blew five hundred thousand dollars on an idiotic experiment.

PROFESSOR WINTER: I actually have two responses. They are related, and it won't take too long to tie them together nicely. I do not think it is the case that any metaphor goes. There are category mistakes, although not to the degree or as many as is consistent with the practice of professional philosophical argument where there are category mistakes everywhere. But that is because they are using relatively rigid categories that get smaller and smaller. So, Mark's point remains true. Category mistakes are relative to the categories and the values and the purposes we hold.

If my purpose is to survive, right, and my categories are things that will kill me and things that won't harm me, and if I think sticking my finger in a socket is an okay thing, that is going to be a category mistake, right? That is an easy choice. But Pluto is not on that order, right? Okay.

PROFESSOR GOLDBERG: Right.

PROFESSOR WINTER: So, the answer is, Mark's answer is absolutely correct. It is relative to the categories and the values we hold. And for certain kinds of categories there can be obvious category mistakes. For metaphors, there are better and worse ones. You know, one of my critical legal studies colleagues at a former institution, we had this argument because the CLS assumption is that everything is indeterminate, you know. Take, and this was his example, "life is like a pencil." It's not a very good metaphor. I could work at it and make some sense out of it. It has a point, it has an eraser, right? The eraser is like, I wish, I did lots of things I could erase. But life is not like a pencil.

So, it is not the case that any metaphor is going to work. Because metaphors have entailments, they obscure some things, they carry over

others. The mappings ought to be equally good, right, which is separate from being equally persuasive.

So, no, I mean that is the lead-in back to the nihilism point. First of all, it is not nihilistic. But, really, on the nihilism and truth question, on that I think I stand with Nietzsche. Nietzsche made the point. Nietzsche has not been really understood well except by a few scholars. But Nietzsche's point was it is the belief in truth that is nihilistic. It is the belief in truth external to us as human beings that denies the meaning making that humans do. And what's more nihilistic than that?

That's a profound point. I mean, to say it another way and in a simpler way is to say if you believe there is a truth out there, and it turns out that there isn't, and if you need God for truth and it turns out there isn't God, and if you need Plato's ideal forms and the forms don't exist, then that is what gives you nihilism because then you're left with nothing. But I think cognitive science proves that it is more profound than that. Cognitive science shows that truth and meaning are things that we as human beings make, both as embodied human beings and as human beings as a community. To put truth "out there" is to deny the truths that we really have.

I mean we have science and medicine. And they do wonderful things, not because they are objective truths but because they are things that were developed by human beings over centuries through lots of error. We wouldn't have those truths but for the kinds of human processes that are very much like the case of Pluto. There was a long debate for a while whether AIDS was caused by a retrovirus or something else, right? For a long time, because of the way the community was constructed, they were looking at the wrong thing. But it is about the human processes and practices that create these truths, and some of these truths are marvelous ones. That doesn't make them any less true. They are not any less true because we made them.

PROFESSOR RITCHIE: Another question?

AUDIENCE: Okay. I am for truth, but I guess I want to postulate that the fact that we cannot accurately capture it or characterize it and the fact that we cannot come up with a metaphor that is big enough to include it all, or that does not get it wrong in some way does not tell us anything about whether there is, in fact, truth out there. Those are really different questions it seems to me, and that, therefore, we can do better sometimes, or worse sometimes, at glimpsing what truth is, and we can never really know for sure. But the fact that we, as human beings with language and other forms of perception cannot, if there are other forms of perception, cannot get at it does not mean that it is not

there. And, so, I guess I want to take Professor Johnson's point and maybe change it a little bit, and he will probably disavow it now because I have done something inaccurate to it, but he said that where do our values come from? The fact that if they do not come down from above that they come from, the instantiated in us, they are embodied within us.

PROFESSOR JOHNSON: Our relationship to environments.

AUDIENCE: Precisely; yes. That does not deflate them you said.

PROFESSOR JOHNSON: No.

AUDIENCE: In fact, it shows how beautiful they are. I think I would say that the fact that we cannot capture truth by any one metaphor or any series of metaphors, and that we cannot get it quite right ever really does not disavow truth's existence but simply shows us how beautiful it is.

PROFESSOR JOHNSON: You know what I am going to say. First off, which metaphor for truth do you mean? There is truth as correspondence, there is the coherence theory of truth, there is the pragmatist's view of truth, and one of the most robust developments in the history of Western philosophy over the past two hundred years has been a sustained critique of the correspondence theory of truth from a number of different perspectives. The idea that there is truth out there and independent of us and we come to discover it, I think, has been shown, by many traditions, phenomenologists, analytic philosophers, pragmatist philosophers, to be founded on a set of assumptions which do not hold up under scrutiny, so I will not get in that argument. But it (i.e., the idea of truth "out there") does not follow. I mean as Steve said, if you make claims; for example, what if you think you are a utilitarian and you think that we can calculate the good that will accrue in a situation. It turns out that is just empirically not correct. Human beings do not work that way. The mind does not work that way. And there are lots of both empirical and more straightforward and philosophical arguments against that. There are concrete consequences in terms of what metaphors we take, but I would deny that there is something called the truth that is out there, and we need to rethink that notion. And it does not follow, that does not lead you to a kind of disgusting cultural relativism.

I want to say one more thing which is when you start looking at metaphors, say, for human flourishing, there aren't two hundred of

them, there aren't even twenty of them. Around the world you keep seeing these patterns through human history of things that have been taken to be valuable. And a certain set of metaphors grow up around them, and then they get articulated in these complex narratives in terms of which we get our sense of what virtue is, of what the good life is, of what it means to be a human being and of what dignity is. I mean, and I think you illustrated that.

So, I am not a fan of The Truth. I think that is a hypostatization of something, and I would see truth as having to do with our engagement in the world and what sorts of entailments there are and do they actually, how do they cash out? But they cash out relative to what, some values we happen to have, and we can never get around, I don't think you can ever get away from that. And you're going to say, well, those are the absolute values. Well, relative to what?

PROFESSOR RITCHIE: Any other questions? Okay. I have a few remarks, and I will go through them quickly. At the beginning of the sessions today, I asked this question: "Are metaphors really just literary devices, or are they something more profound?" I am not sure we actually answered that question, but we made a significant start. Maybe we will never answer it, but at least the question has been raised in your mind.

There are undoubtedly reasons why people like Lord Mansfield and Benjamin Cardozo were suspicious of metaphors. These reasons, however, I believe relate to a fixed and reductive notion of mind and reasoning. That is what Mark Johnson was just talking about.

Today our panelists have suggested that such a notion of mind and reasoning is inadequate to account for how we think. Applied to legal reasoning, this more robust conception of human thought means that we, as lawyers and law students, utilize complex cognitive and embodied processes when we think through legal problems. Our panelists have further suggested that one of these fundamental processes is the use of metaphor.

Metaphor, then, is not merely a device of rhetoric or literary acumen but is instead a fundamental aspect of our legal analysis and communication. As Mark Johnson put it earlier today, metaphors are *necessary* to our understanding. Steve Winter then took that and further developed this notion, showing how the fundamental concepts we use to understand law—concepts that literally, not metaphorically, embody the law—are conceived of and employed by us in metaphorical terms. His discussions of the metaphors used in the stream of commerce and the free speech cases (which were picked up by Professor Berger later on)

amply illustrate, I think, how pervasive and fundamental cognitive metaphors are to our understanding of the law.

You might go so far as to say that our conception of law is rooted in the cognitive processes of metaphoric reason. In this view, law and legal reasoning is impossible without the use of metaphor. As such, an accounting of cognitive metaphors, an accounting such as we received today from our panelists, should help us all better understand how to engage in the tasks we undertake as professionals in the legal domain. Michael Smith did a really good job of bringing it home to us in very practical terms towards the end of today's session.

If this view is correct, and I will refrain from restating the details of the case made by Professors Johnson and Winter and let you make this assessment on your own when you read all the papers that are going to be published in Volume 58 of the *Mercer Law Review*, we need not understand the specifics of cognitive science to understand the fundamental role of metaphor in our reasoning. In short, we need not all become cognitive scientists in order to be good lawyers. We simply need to employ our faculties of reason, faculties formed by our experiences (our cultural experiences, our personal experiences, our educational experiences, and so on). In point of fact, to the best of my knowledge, none of the people we've discussed here today, Lord Mansfield, Oliver Wendell Holmes and Benjamin Cardozo, to name the lawyers, were cognitive scientists. As such, this theory is, as Mark Johnson puts it, a democratic theory of reasoning available to all of us in our lives and in our work.

I would like to end by discussing briefly something about the cognitive theory of metaphor that didn't really come out directly or explicitly this morning, although it was touched on by Michael Goldberg this afternoon. That is the idea that how we frame our reasoning in terms of dominant metaphors has a direct effect on other ways of thinking about concepts. Pervasive use of certain metaphors has the effect of covering over certain concepts and concealing them. Lakoff and Johnson recognize, in *Metaphors We Live By*, that this move to capture concepts metaphorically, which is admittedly difficult, if not impossible, to check conceals or covers over other possible conceptions of important ideas. Consequently, dominant metaphors have a profound effect not only on the experience in our lives, as both Martin Heidegger and Jacques Derrida seemed to recognize, but also on our ability to imagine the possible. Our mental imagination, then, needs to be just that, imaginative, and I think this program illustrated this important point many times today.

Law school and legal training can, it is thought, have a negative effect on imaginations. In fact, I see many of my first year law students sitting here today, and I am sure that about now you are starting to

think that this may very well be the case. One of my desires, though, in helping to put together this program was to illustrate how within the context of law we can continue to express our mental imagination, express it in a way that helps us and our clients imagine possibilities, not close them off. Far from being a stricture on our mental abilities, law can and should be seen as a perfect example of the art of the possible. Thanks to Linda Berger for bringing this up in her presentation. Thinking like a lawyer may feel like a constraint. As one of the students in my advanced writing group told me the other day, there are some good metaphors that convey how analytically restrictive "thinking like a lawyer" can be (i.e., law is a suit that fits too tight for informal situations). Such metaphors probably hit closer to home for some of us. But this metaphor, the constraint metaphor, covers over the liberating aspect of how we do what we do. This program and the important and intriguing ideas expressed by our panelists today should show us how using metaphor in legal analysis and communication can be, and is, essential to our identities as thinkers and professionals.

Thank you very much for attending, and thanks again to our panelists.