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Larsson, Stefan

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Justice 'Under' Law: The Bodily Incarnation of Legal Conceptions Over Time

Stefan Larsson

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Abstract The article uses embodiment and the experiential basis of conceptual metaphor to argue for the metaphorical essence of abstract legal thought. Abstract concepts like 'law' and 'justice' need to borrow from a spatial, bodily, or physical prototype in order to be conceptualised, seen, for example, in the fact that justice preferably is found 'under' law. Three conceptual categories of how law is conceptualised is examined: *law as an object*, *law as a vertical relation*, and *law as an area*. The Google Ngram Viewer, based on the massive library of books that Google has scanned, has been used to study legally relevant conceptions over time within each of these three categories, from 1800 to 2000. In addition, the article suggests a type of analytical method of 'metaphor triangulation,' that is, the replacement of prevailing metaphors with unusual ones in order to increase the level of awareness of what conceptual content the prevailing metaphors involve.

Keywords Embodiment · Conceptual metaphor · Law and justice · Law and embodiment · Law and metaphor

For sin shall not have dominion over you: for ye are not under the law, but under grace.
Romans 6:14—King James Bible (Cambridge ed.).

1 Introduction

The intertwined status of law, language and meaning is often stated but not always in detail clarified [1]. If you consider the implications of time in relation to law and

S. Larsson (✉)
Lund University Internet Institute (LUii), Lund, Sweden
e-mail: Stefan.Larsson@soclaw.lu.se

S. Larsson
Sociology of Law Department, Lund University, Lund, Sweden

legal meaning, you have to consider the implications of change in the interpretation of the explicit concepts. This may indicate that the way we conceptualise law is a culturally bound pattern that shifts in the same sense society shifts and its different institutions to some parts remain rather stable and to some extent undergoes change. Larsson [2] has for example shown how the meaning of property is facing a tremendous re-interpretation in a digital context, analysed through a theoretical combination of the socio-legal classic Karl Renner and the more modern findings regarding conceptual metaphor theory. This would assert that even when the form, the explicit wording, in law is constant, it's meaning and interpretation may still be under radical change. Hutton [3] demonstrates the connection between meaning, time and the law, and discusses the "plain language" movement in law that is very much criticized from the aspects of conceptual and temporal transition. The notion of plain language is premised on the existence of a "stable set of signifier-signified relations" [3, p. 280], which "represents a claim that law can be a self-sustaining, self-justifying and self-explanatory form of reasoning, that law can exhibit fully its own mechanisms and rationale" [3, p. 280]. A time—and culturally dependent view on conceptions of law would refute this 'plain language' understanding of law. Seeing the conceptualisation of law as something embodied, in the sense that conceptual metaphor theorists speak of embodiment, would be one such platform for critique.

To be more obvious: We can *break* the law. Law can be enforced *upon* us. Some may seem *above* the law. The borrowing—often referred to as embodiment—seems important for how we understand and talk about law. Are the conceptualisations of law changing throughout history? If so, how can we measure or study it? By drawing on a growing literature on conceptual metaphor theory and embodiment [4–13] and what this means for law [14–31], this article focuses the metaphoricity of how we generally conceptualize justice and law. This means that this article traces a development within cognitive linguistics that regards conceptual metaphor theory, categorisation and—which is of key relevance here—embodiment, and comments on some of the consequences this has to law, legal processes, and legal analysis. For example, Lakoff and Johnson regard spatial relations to be "the heart" of our conceptual system [11, pp. 30–31]. And we use spatial-relations concepts unconsciously as we impose them via our perceptual and conceptual systems: '[w]e just automatically and unconsciously 'perceive' one entity as *in*, *on* or *across from* another entity' [11, p. 31; cf 32]. These spatial-relations can either be rather universal and in some cases culture-specific. For example, the Hawaiian language offers a distinct concept of spatial-relations that completely makes sense in relation to the particular topography of the mountainous Hawaiian Islands: *Mauka,* which means towards the mountains. On an island that is pretty much circular and always has a mountain in the middle, the direction creates a meaningful concept. This concept would not be meaningful in Southern Sweden, for example, because there are no mountains there. In this sense, many concepts are directly dependent on the embodiment of a surrounding context. The main point here is that we rather inevitably borrow conceptualizations from physical and spatial phenomena in order to understand abstract concepts, such as 'law' and 'justice', and they can be both (near) universal or culture-specific [see 33].

As mentioned, the central analysis of this article revolves around how we conceptualise justice and how we conceptualise law. *The main argument for the article*, in brief, is this: we cannot think of justice without embodiment; we cannot understand law without metaphor. This would then likely mean that there is no 'pure' comprehension of, for example, 'justice' and 'law'; there is no true objectivity to speak of. These abstract concepts need to borrow from a spatial, bodily, or physical prototype in order to be conceptualized, which may have a temporal and cultural dependency. This article addresses this fact and discusses what it means in terms of freedom of tampering with the conceptualizations, to what extent it really is a freedom or just the clarification of other patterns of meaning-making than traditionally put forward in an objectivist paradigm, etcetera. May we, for example, understand more of a given abstract concept if we consciously use uncommon metaphors to conceptualise it—as a type of 'metaphor triangulation'? A few examples have been identified here, to elaborate on the main argument more clearly: the conceptual binding of law and justice to a notion of spatial relations such as (1) *law as verticality* (under/above), (2) *law as an object* (and body), and (3) *law as an area*. These are studied through an analysis enabled by the Google Ngram Viewer, which is a database consisting of over 5 million books, scanned and indexed by Google. The time span chosen for this study regards books published in English between 1800 and 2000.

A more specific take on already determined conceptual metaphors would be to compare or replace 'law as verticality' to 'control is up', compare or replace 'law as object or body' to 'law is a person' and finally 'law as area' to 'law is a path'. Much of the relationships between these specific conceptual metaphors are outlined by Winter [12]. However, what is won in terms of consistency and systematicity may be lost in curiosity and openness towards catching and detecting expressions of embodied conceptions for law over time, given the method further outlined below. The perspective in this article being probing and tentative would not necessarily benefit from being too theoretically pre-defined in terms of explicitly outlining the underlying conceptual metaphors.

2 Embodiment and the Creation of Meaning

A key point in the development of conceptual metaphor theory set off by Lakoff and Johnson when publishing *Metaphors We Live By* in 1980 [10] is that that we constantly borrow from more original concepts in order to make sense of abstract thought. Lakoff and Johnson later described this in terms of "abstract concepts are largely metaphorical" [11, p. 3]. They, and several followers, connect this closely to the processes of embodiment, that is, that these metaphors often have an origin in an understanding of physical entities of spatial relations [4, 17, 34]. The term 'embodiment' does not only mean the borrowing from the notion of physical bodies to describe abstract thought but also space and spatial relations. That being said, it is rather common to focus the bodily aspects; not the least, the title to the article includes 'bodily incarnation', in which the Latin word 'carne' for 'meat' is the etymological origin to 'incarnation.' Also, Lakoff and Johnson choose to entitle

their seminal work 'Philosophy in *the flesh*' [11]. Significant for embodiment is that a metaphor can serve as "a vehicle for understanding a concept only by virtue of its experiential basis" [10, p. 18]. There needs to be some kind of experience that guides the way in this abstraction, which means that embodiment comes quite naturally as filling a need we have (even this very point, in being abstract, needs metaphors to be expressed—"metaphors as vehicles"). In fact, the vehicle metaphor—for metaphors—is also well suited considering its Greek origin, *meta pherein,* literally means 'to carry over' or 'to transfer.' Steven Winter expresses the experiential basis in terms of recognizing patterns:

> The very capacity of the brain to recognize patterns and form concepts depends on these structures of bodily experience. These basic structures or image-schemas—such as BALANCE, PART-WHOLE, OBJECT, SOURCE-PATH-GOAL, FORCE-BARRIER, and CONTAINER—provide structure to human thought and a measure of apparent unity and determinacy in our interaction with the world [12, p. 15].

Winter explains that these 'image-schemas' are "neither representations nor literal 'pictures'" but "schematics that emerge from cross-modal linkages in neural processes that transcend any specific sensory modality" [12, p. 15]. So, there are some sorts of linkages between the experiences from the body that aid in sorting amongst the abstract. Both Winter as well as Lakoff and Johnson stresses the fact that embodied metaphors are neurally structured. That is, that the neurological system is wired to form meaning-making patterns from emergent spatio-temporal and kinaesthetic experience. I will further outline and discuss the implications of this below, including the complexity this forms when compared to the social and cultural impact on conceptual metaphors.

It is in this "experiential" focus that Lakoff and Johnson continued much of their pursuit to understand the conceptual and cognitive processes of the mind in relation to language. After *Metaphors We Live By*, Lakoff has developed the issues of how the metaphor is not only a figure of speech but also "a figure of thought" [6], and focused the practices of categorisation [7], inspired by Eleanor Rosch [35, 36]. Johnson has addressed the bodily basis for meaning-making in language and what this means for reason [17], and the practices of how moral functions in imaginative patterns [18]. The key reference of their joint work on what embodiment means for meaning and rationality is the mentioned *Philosophy in the Flesh: the embodied mind and its challenge to Western thought* [11]. A central claim in *Philosophy in the Flesh* is that reason is, in practice, differently grounded to what traditional western thought has assumed. This has bearing not only on law and legal reasoning but also on moral: According to Johnson, the Western moral tradition states that we make ethical decisions by applying universal laws to concrete situations. Contrary to this conception, Johnson argues for how research in cognitive science undermines this view of normatively controlled and enlightened behaviour and reveals that imagination has an essential role in ethical deliberation [18] (with regards to social norms, cf [22, 26]).

With embodiment follows an acknowledgement of the dependence on context for how concepts receive meaning. This opens up for inquiring to what extent there may

be more universally functional meanings and to what extent this process for an explicit conception is culture-specific. For an in debt account on differences between universal and culturally based variation in metaphor, see Kövecses [33]. Kövecses addresses how the variations occur, and state that "universal physiological features provide only a potential basis for metaphorical conceptualization" [33, p. 248]. Winter also acknowledges the cultural dimension in terms of that "[m]eaning is a shared social phenomenon that constrains how we as embodied and culturally situated humans understand our world" [12, p. 315]. Another way to express this is from the opposing angle, in the sense that "the particular human embodiment we bring to bear on the creation of metaphors does not mechanically and automatically lead to the emergence of universal or conceptual metaphors" [33, p. 287]. Metaphor researcher Ning Yu argues in line with this argument that there is a dual connection of metaphor to both body and culture. Yu shows how an analysis of the distinction between primary and complex metaphors allows us to determine which aspects of metaphor are bodily or culturally based. This allows Yu to set up a hypothesis that primary metaphors, derived from bodily experience, are likely to be widespread and universal, while complex metaphors, based on conceptual mappings and cultural beliefs, are likely to be more culturally specific [13]. The cognitive linguist Kövecses develops this argument in terms of a contrast between 'the universal' and the 'culture-specific':

> Some conceptual metaphors may be universal because the bodily experiences on which they are based are universal. Many of the same conceptual metaphors may reflect certain culture-specific features at a more specific level of conceptualization. Other conceptual metaphors may be entirely based on unique cultural phenomena [33, p. 177].

This would arguably be relevant not only for comparisons between cultures but also be of interest to study over time. For example, if our 'reality' changes, that is, the context in which we spend our lives, socialize and work, is it then likely that the meanings of some of our key concepts will also change, expand, or shift as well, particularly those that are 'culture-specific'? Will we then, to some extent, understand reality differently from before? This would mean that embodiment plays some part in a meaning-making process where metaphors will be used and meanings fluctuate as reality fluctuates.

The culture-specific meaning of concepts is likely also a potential source for confusion and even possible conflict. The same concepts may, in fact, mean different things in different cultural contexts, especially in different languages. Take for example the English word 'browse' and the expanded (and embodied) use of the concept in terms of 'browsers' with which you access the Internet. The 'browser' may very likely give a number of extended associations to the English-speaking user that is accustomed to the meanings also relating to aspects other than accessing the Internet, namely inspecting something or reading something superficially by selecting passages at a random. For the non-fluent English speaker in language-areas that have imported the concept, such as Sweden and Denmark, the connotations to the concept 'browser', in the meaning of a tool for accessing the Internet, are likely much more narrow and specific. It simply just means accessing the Internet. For the

actions of reading something superficially, these languages already have existing concepts such as 'gennemse' (Danish) and 'bläddra' (Swedish). This means that a metaphor can mean different things in different cultures. Another example is the concept of 'forest.' In a comparative study on the meaning of the concept 'forest' in Sweden and in the eastern Canadian province New Brunswick, Andersson showed how the conceptions of 'the forest' and the role that it ought to have were different in the two areas [37]. For example, in Sweden the distinction between *natural* and *cultural forest* has become more prominent over the last years. In Canada, the rural values of forest were much less stressed than in Sweden, Andersson argues, which partly explained why the conflicts between the forest industry and the environmental groups were, in fact, much stronger in Canada and the opposition "between cultural and natural forest" more emphasised [37, p. 86]. This means that 'forest' does not share any exact meaning in Sweden related to New Brunswick in Canada.

3 Seeing the Embodiment: Justice *Under* Law

Legal scholars such as Steven L Winter, heavily inspired by George Lakoff and Mark Johnson, have spent significant effort in displaying the need for embodiment for law. That is, they claim that law needs to be talked and thought of as an object for us to be able to speak and think about it. For law and legal reasoning, this is a relatively new and contemporary development when related to this specific development in cognitive theory. Mark Johnson commented upon Winter's *A clearing in the Forest* in terms of that Winter "explores the way recent empirical research from the sciences of mind gives us a new understanding of legal reasoning as embodied, situated and imaginative" [19, p. 951]. According to Johnson, a key issue in relation to the embodiment of law becomes, then:

> …how embodied organisms like us, interacting continually with our physical, social, and cultural environments, come up with laws and legal institutions that are at once constrained by our embodiment and at the same time are imaginative, creative, and flexible in their application to our ever-changing experience [19, p. 951].

This means that the conundrum or challenge is to understand how such a formally fixed entity as law, in its lingual expressions and principal content, relates in its meaning-making to a fluctuating context consisting both of social relations as well as human bodies and physical infrastructure, in its widest sense. Winter, for one, argues that law is an abstract social phenomenon, and in its state of being an abstract, the need for metaphors is immense. Winter claims that law can constantly be found in a dependent position, which requires object-making, reification, in which we talk about law as something physical [12, 30].

When we conceptualize understanding in terms of seeing, which is commonplace, this also follows a series of other closely linked expressions or associations that have to do with the condition *to see* [10, 11, 34]. For example, light, brightness, transparency, and clarity. Arguments can be *obscure* and difficult to understand; with the *Enlightenment* followed a more scientifically grounded view of life; what

long-term consequences an event can have can be *hard to see,* and sometimes we need to *look* at a problem in a different *light*. We can speak of *illumination* in theological terms, as someone reaching spiritual wisdom. In line with this, it is commonplace to speak of 'observing the law', which can mean to be orderly, in control, act correctly, etcetera. When it comes to EU law and its relation to the member states, a common conceptualization is that the national law should be 'seen in the light of EU law', as in *Welfare Integration through EU Law: The Overall Picture in the Light of the Lisbon Treaty* [38]. So, we have one orientational metaphor, or at least the notion of spatial relation ("under"), as well as the conceptual metaphor 'understanding is seeing' relating to light and transparency that helps us conceptualize law and justice. Let us continue with investigating a few more examples over time.

As mentioned, a way to see an indication of the changes over time in the use of particular phrases is to use Google Books Ngram Viewer.[1] Google has indexed much of the printed books and made the texts searchable (for over 5.2 million books until 2008). The Ngram Viewer is based on books written between 1500 and 2008 in American English, British English, French, German, Spanish, Russian, or Chinese. When you enter phrases into the Google Books Ngram Viewer, it displays a graph showing how those phrases have occurred in a corpus of books (e.g., 'British English', 'English Fiction', 'French') over the selected years. As an adjustment for more books having been published during some years, the data is normalised, as a relative level, by the number of books published in each year.

The clear benefits of this method lies in the capabilities that the Google book-scanning project offers in terms of quantitative analysis of published texts [cf [48], pp. 83–86]. While the benefits are many, the potential drawbacks has to be seriously considered too. The Ngram view only tracks words and phrases, which not necessarily are identical to the existence of an underlying conception. For example, one might find the absence of a phrase and conclude that the usage or meaning changed (or became more or less prevalent); but what appear as changes in usage or prevalence may be an artefact of particular expressions and lead to a false conclusion that the underlying concepts have changed when they have not. Nevertheless, the existence and popularity of a particular phrase or wording likely indicates its existence and popularity on a wider scale than merely regarding the selection that the Google book-scanning project offers and may thereby be indicating on how an underlying conception is expressed over time. At least arguably, this may indicate how law is conceptualised differently over time in the English speaking parts of the world.

3.1 Law as Verticality

When the Swedish Constitution states that '[p]ublic power is exercised under the laws' (Regeringsformen 1974:152, Sect. 1), it cannot do this without a spatial reference, ('under'), which demands some kind of contextual understanding from its

[1] For more on the details of Ngram Viewer, see http://books.google.com/ngrams/info [last visited 18 November 2013].

interpretation. When scanning conceptualisations of law in a wider field, both historically as well as geographically over different jurisdictions, it becomes evident that law often is seen as something that is *uplifted*, and that we, the people, the public, or even justice itself, is 'under' it. This notion or conceptualisation of law as something vertically above justice, may be seen as a specific case of the conceptual metaphor 'control is up', and one that likely has had a long presence in human culture. One example of the expression 'equal justice under law' can be found as a phrase engraved on the front of the United States Supreme Court building in Washington D.C. This phrase was first written in 1932 by the architectural firm that designed the building, according to one commentator to paraphrase an earlier expression coined by Chief Justice Melville Fuller [39]. Even if the embodiment of 'control' as something that is above, has its clear spatial roots in how human body orientation and its entailments are mapped onto more abstract experiences of control [12, p. 73], there is a cultural element to the conceptualization of justice as an entity placed 'under' law, where this borrowed concept from a spatial relation could be conceptualized differently; it could arguably be 'in', 'on', or any other relation, and we would probably not be aware of this particular embodiment. If we look at the indexed English books in Google scholar between 1800 and 2000, we see that 'justice under law' is a not very common phrase that albeit has increased somewhat during the twentieth century, with a peak in the 1960s, see the blue line in Fig. 1.

What does it mean if we were to understand it in terms of another specific relationship? When targeting the 'under' law, one can notice the meaning of the opposite, of being 'above' the law, just as Al Capone for a while seemed to be 'above the law.' 'Above the law' seems to have a steady usage, with a somewhat small peak in the 1850s, but a continuous application, see the red line in Fig. 1.[2] I return to the 'legal boundaries' and 'within the law' under the section about 'law as area' below.

3.2 Law as Object or Body

The bodily representation of abstract legal thought is likely very old. For example, when Roman law was assembled in what became the influential *Corpus Iuris Civilis*, issued from 529 to 534 by order of Justinian I, Eastern Roman Emperor, it displayed the conception of law *as a body*, [cf 40, p. 276; 12, p. 335; for a more specific account on 'law as a person' see 12, 333f.]. Further, 'body of law' is a common concept today, too. It seems as though the conceptualisation of "law as a body" is long-term, albeit with the application of the specific terminology of 'body of law' steadily increasing from the second half of the nineteenth century with a corresponding decline of 'corpus juris' during the same time (see the red and the yellow line in Fig. 2 below). Interestingly enough, there was some kind of outburst in popularity during the 1870s regarding both of these terms, of which I have no explanation for (the 'outburst' is seen in both American as well as British English).

[2] An even stronger claim, although not referring to a spatial relation, would be the one Judge Dread, the fictional 'enforcer' in a dystopian future played by Sylvester Stallone, does when arresting an entire block: "I am the law", *Judge Dredd*, 1995 [41].

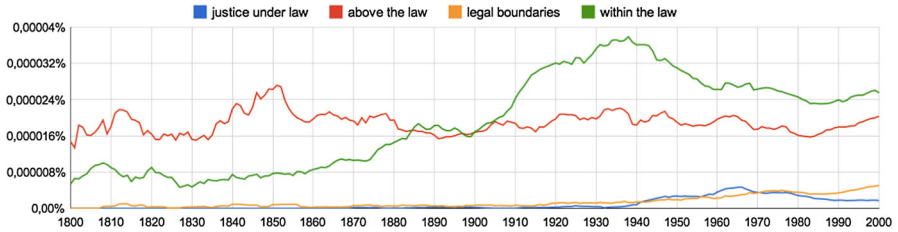

Fig. 1 Google Ngram View of 'justice under law', 'above the law', 'legal boundaries' and 'within the law' from 1800 to 2000. (Color figure online)

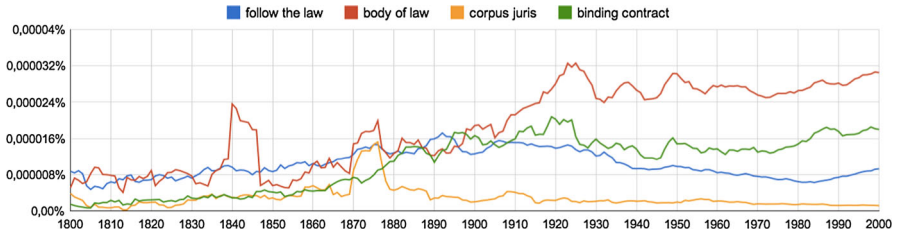

Fig. 2 Google Ngram View of 'follow the law', 'body of law', 'corpus juris' and 'binding contract' from 1800 to 2000. (Color figure online)

I have already discussed the 'object' of law, that is, how law can be conceptualised as an object in order to be thought of, taught, and talked about. There are several applications for this, of which 'body' can be seen as one, and the fact that it can be 'broken' is another one. I would like to discuss yet an additional example addressing specific laws or agreements that are of particular strength and hard to break or 'get out of': those that are *'iron-clad.'* On 26 December 1902, *The Florence Times* (original name of the Alabama newspaper *Times Daily*) reported that the "City Council enact an iron-clad law" on the subject of the prohibition. The expression of 'iron-clad law', perhaps more common as an 'iron-clad agreement' or 'oath', with the meaning of a strong and definitive commitment, was a debated issue during the American Civil War. It was an oath promoted by Radical Republicans and opposed by President Abraham Lincoln to limit the political activity of ex-Confederate soldiers and supporters [42]. This can be compared to the *'binding' contract*, as yet another embodied legal concept that, notably, has nothing to do with actual ropes or other physical measures of attaching someone to an agreement of some sort. The understanding of 'binding contracts' seems to have grown in the English speaking world during the nineteenth century to be established and steadily used thereafter, see the green line in Fig. 2 above.

When it comes to expressions like 'following a rule' or 'following the law', it means some version of embodiment that refers to a spatial relation but also 'law as an object' that exists in this spatial 'room.' In the Ngram View, we see that 'follow the law' is steadily used in literature from 1800 to 2000, see the blue line in Fig. 2 (see also [12, pp. 206–216]). Although not so common in overall English literature, legal thinkers throughout the years somewhat regularly refer to law in terms of a

'path.' For example, the classic text *The Path of the Law*, by Oliver Wendell Holmes [43], is often referred to when debating the inertia of legal reform [44] or the 'path dependence' of legal development [45]. The practice of using paths as metaphors for something else is common, for example, leading to that they can be either 'straight' or 'narrow', and metaphorically projecting the constraints of the source domain onto the target domain, in this case the law.

3.3 Law as Area

Finally, there seem to be a commonplace understanding of moral or normative content in terms of an area delineated in a way that you can 'cross the line.' Law is here conceptualised as some kind of geographical entity with a spatial dispersion. That something is 'within the law' indicates that it is allowed, authorized, and lawful. The phrase 'within the law' is also commonly used from 1800 to 2000 with a steady increase, particularly during the four first decades in the nineteenth century. It is highly uncertain to what extent the expression was more commonplace in public culture, but it was, at least, during this time that the 1923 silent film drama with the same name was released (directed by Frank Lloyd and starring Norma Talmadge). The expression can be compared to the Swedish expression of being 'within the bounds of law' [inom lagens råmärken]. Additionally, if we look at the indexed English books in Google scholar between 1800 and 2000 in Fig. 1 above, we see that the use of 'legal boundaries' is increasing, particularly during the late twentieth century, to something that looks like a potential future increase. Are we increasingly conceptualising law as something with boundaries?

4 Discussion

It has been stated that the conceptualisation of law as a body across time and (legal) cultures is strong and common, signifying a metaphorical and human *body* that incorporates into one body a variety of law—codes, statutes and case law [40]. An interesting part of Murrow and Murrow's account is the claimed link between this conceptualisation and the fact that it is not "solely" a metaphor, that it "emerges from and reveals the nature of nonconscious mechanisms of empathy in the brain that create a neurally simulated sense of sharing the feelings of others and thereby of being one-in-body with or virtually 'equal' to them" [40, p. 276]. Also Lakoff and Johnson's notion of embodiment is that the neurological system is wired to form meaning-making patterns from emergent spatio-temporal and kinaesthetic experience. Winter, for one, has in detail presented the theoretical background in this claim [12, cf chapter 2]. The notion of equal justice under law is a central part of the rule of law ideal that has been part of the Anglo-American system and others for centuries. The Greek expression of "under law" (hypo nomon) is for example used by Paul in Galatians 4:21 and Romans 6:15. However, in the words of Kövecses, it is "simplistic to suggest that universal aspects of the body necessarily lead to universal conceptualization" [33, p. 294]. In this case it means that even if there is no way around embodied conceptualization, which likely has lead to vertical

conceptualizations such as "control is up", it can not be safely assumed that law in all cultures is understood as an instrument of control, and even less be assumed that justice is by necessity subordinate.

This means that the neurological connection to how we embody reality does not refute the fact that there is a clear cultural component to the conceptualisation of law—which my study clearly indicates in the sense that it seems to be a fluctuation over time in its use—but it suggests that there may be something more to it. This is also indicated by Lakoff and Johnson in terms of a co-dependence between the body, context and the sensorimotor system, with the result that it also contributes to shape how we reason [11, pp. 42–42]. The 'biosemiotic' perspective of Murrow and Murrow implies that there is a neural explanation to be found why this particular metaphor is intertwined with our conceptualisation of law—that it has something to do with how the brain co-opts the body as a 'sign' for self, other, society, and law [40, p. 294–302]. By flipping this suggestion, one could perhaps interpret these results as having a link to that how we conceptualise law can to some extent reveal how we understand the society we are part of. It may to some extent help us to understand how we conceptualize the relationship between the individual and the society, by studying the expressions of the conception of 'law as a body'. This is an interesting topic of discussion that would require much further attention to be fully investigated.

Even if we are neurologically wired to embody abstract concepts, such as 'control is up', this embodiment will to higher or lower extent be determined in each and every of its specific use by the culture in which it is used. So, if 'control is up' is a near or even absolutely universal embodiment shared by all earthly cultures, the fact that this vertical conception tied to control is connected to 'justice' as being subordinate to 'law' is a cultural construct. Or, differently put, the conceptions of law and justice may be different in different cultures; the concepts themselves may be translatable or not, the relation between them may be similar or not, between cultures. It seems as if the relationship is common and widely disseminated over place and time, but that is not necessarily the same thing as that these conceptions and their complex relationship is universal. Again, remember the duality stressed by Kövecses:

> The human body, including its physiological, structural, motor, perceptual, and so on, makeup, is essentially universal (which is not to say that interpretations of the body and its workings or even many actual physical activities of the body are universal, as anthropologists have taught us) [33, p. 285].

In line with the fact that metaphors tend to highlight some specific aspects and hide others, a raised awareness of what it means to *triangulate* metaphors in order to reveal conceptual bonds is here argued for. This can be seen as a type of method that may be of use. For example, speaking of the body of law is in a sense an embodied way of speaking of the legal abstraction. However, the conventionalism of a particular use may hinder us from seeing the projection from one domain of meaning to another. We tend to become unaware of many or even most metaphorical concepts, which means that we tend to be unaware of the steering

capabilities of the particular metaphors, the political side of its ontological claims, so to speak [26, pp. 133–134]. By testing the conceptualisation with uncommon metaphors one may unlock this conventionalism and become aware of the inherent meaning-steering aspects of a particular metaphor. This type of 'metaphor triangulation' may unlock hidden values or parts of the concepts that we commonly are not aware of when using the established metaphors. A socio-legal researcher that is quite known for his creative use of new metaphors to discuss and analyse law is Boaventura de Sousa Santos. He has used the Nietzschean three-step metamorphosis of the human spirit to display how law has developed in the modern era, from 'the spirit', to 'the camel' and finally 'the child' [46, p. 279]. What interests de Sousa Santos is the process of legal change and what these steps mean for legal development. He is even more clearly debating the inherent conceptions of law in *Three Metaphors for a New Conception of Law: The Frontier, the Baroque, and the South* [47] where he argues for that we are in the midst of a paradigmatic transition where "the paradigm of modernity is undergoing a deep and irreversible crisis" [47, p. 571].

In line with this, the method of testing conceptions by replacing the metaphors it is most commonly reproduced by can be used in order to reveal how we understand a particular phenomenon. Such as law itself. Such as a particular part of law. Similarly, the effect that this 'triangulation' brings is sometimes used in order to make a specific point, along with penning a punchy expression. For example, in a speech on 11 February 1851, the UK Prime Minister Benjamin Disraeli claimed justice to be 'truth in action', and thereby stressed that justice is not a passive quality. In that sense one can test the conceptualisation of abstract concepts, those that require embodiment. If justice often is conceptualised as being 'under' law, some light could be shed what this means for our understanding of the relationship between law and justice by conceptualising the relationship differently. What if justice were to be found 'next to' law? Or, to avoid the spatial relationship, and think of justice as being 'open to' law (justice is a container)? Perhaps justice should be understood in the 'light of' law (seeing is understanding)?

5 Conclusions

From the conceptual metaphor perspective thus drawn, particularly bearing the embodiment in mind, it is *not* hard to 'think about law and justice as a physical as well as a social environment.' In fact—the case is rather the opposite—it is probably impossible to think of such abstract concepts as law and justice without borrowing concepts based in a physical, spatial, and relational environment. In short, what we see is interpreted through cultural and social breaks to be used to bring order to an abstract 'inner' world. At the same time—which is an important point—in our instant interpretation and association, we do not sort out what is metaphorical from what is not. This means that literal meaning has no priority [32]. This is also the reason I argue for the benefits of 'metaphor triangulation', that is, the replacement of prevailing metaphors with unusual ones in order to increase the level of awareness of what conceptual content the prevailing metaphors involve. How we

conceptualise law seems to take a number of conceptual forms, embodied from the physical and spatial, and here the following three are addressed; Law as *a vertical relation*, law as *an object*, and law as *an area*. Central for the conception of law, especially in relation to justice, is its vertical position in being uplifted, 'under' which justice—preferably—operate. It is not far-fetched to acknowledge the bodily representation of law—the *corpus juris*—as expressing the same inevitable need for concepts to express the abstract.

References

1. Engberg, Jan, and Kirsten Wølch Rasmussen. 2010. Cognition, meaning making, and legal communication. *International Journal for the Semiotics of Law* 23: 367–371.
2. Larsson, Stefan. 2014. Karl Renner and (Intellectual) Property—How cognitive theory can enrich a sociolegal analysis of contemporary copyright. *Law & Society Review* 48(1).
3. Hutton, Christopher. 2009. Meaning, time and the law: Ex post and ex ante perspectives. *International Journal for the Semiotics of Law* 22: 279–292.
4. Gibbs, Raymond W. 2005. *Embodiment and cognitive science*. Cambridge: Cambridge University Press.
5. Kövecses, Zoltan. 2008. Conceptual metaphor theory. Some criticisms and alternative proposals. *Annual Review of Cognitive Linguistics* 6(1): 168–184.
6. Lakoff, George. 1986. A figure of thought. *Metaphor and symbol* 1: 215.
7. Lakoff, George. 1987. *Women, fire and dangerous things: What categories reveal about mind*. Chicago: University of Chicago Press.
8. Lakoff, George. 1993. The contemporary theory of metaphor. In *Metaphor and thought*, 2nd ed, ed. A. Ortony, 202. Cambridge: Cambridge University Press.
9. Lakoff, George. 2005. *Don't think of an elephant: Know your values and reframe the debate*. White River Junction, VT: Chelsea Green Publishing.
10. Lakoff, George, and Mark Johnson. 1980. *Metaphors we live by*. Chicago: University of Chicago Press.
11. Lakoff, George, and Mark Johnson. 1999. *Philosophy in the flesh: The embodied mind and its challenge to Western thought*. New York: Basic Books.
12. Winter, Steven L. 2001. *A clearing in the forest: Law, life, and mind*. Chicago and London: University of Chicago Press.
13. Yu, Ning. 2008. Metaphor from body and culture. In *The Cambridge handbook of metaphor and thought*, ed. R.W. Gibbs, 247. Cambridge: Cambridge University Press.
14. Berger, Linda L. 2004. What is the sound of a corporation speaking? How the cognitive theory of metaphor can help lawyers shape the law. 2 J. *Ass'n Legal Writing Directors* 169.
15. Berger, Linda L, 2007. Of metaphor, metonymy, and corporate money: rhetorical choices in Supreme Court decisions on campaign finance regulation. 58 *Mercer Law Review* 949.
16. Berger, Linda L. 2009. How embedded knowledge structures affect judicial decision making: A rhetorical analysis of metaphor, narrative, and imagination in child custody disputes. 18 S. *Cal. Interdisc. L.J*. 259.
17. Johnson, Mark L. 1987. *The body of the mind: The bodily basis of meaning, imagination, and reason*. Chicago: University of Chicago Press.
18. Johnson, Mark L. 1993. *Moral imagination: Implications of cognitive science for ethics*. Chicago: University of Chicago Press.
19. Johnson Mark L. 2002. Law incarnate. 67 *Brooklyn Law Review* 950.
20. Johnson, Mark L. 2007. Mind, metaphor, law. *Mercer Law Review* 58: 845–868.
21. Joo, Thomas W. 2001. *Contract, property and the role of metaphor in corporations law*. UC Davis Daniel J. Dykstra Memorial Corporate Governance Symposium.
22. Larsson, Stefan. 2011. *Metaphors and norms. Understanding copyright law in a digital society*. PhD Thesis, Lund Studies in Sociology of Law, Lund University.

23. Larsson, Stefan. 2012. Conceptions in the code: What 'the copyright wars' tells about creativity, social change and normative conflicts in the digital society. *Societal Studies* 4(3): 1009–1030.
24. Larsson, Stefan. 2013. Copy me happy—The metaphoric expansion of copyright in a digital society. *International Journal for the Semiotics of Law* 26(3): 615–634.
25. Larsson, Stefan. 2012. Metaforerna och Rätten. *Retfærd Nordic Journal of Law and Justice* 2(137): 69–93.
26. Larsson, Stefan. 2013. Conceptions, categories, and embodiment—Why metaphors are of fundamental importance for understanding norms. In *Social and legal norms*, ed. Matthias Baier. Towards a socio-legal understanding of normativity: Ashgate Publishing.
27. Larsson, Stefan. 2013. Metaphors, law and digital phenomena: The Swedish pirate bay court case. *International Journal of Law and Information Technology.* 21(4): 329–353.
28. Tsai, Robert L. 2004. Fire, metaphor, and constitutional myth-making. 93 *Georgetown Law Journal* 181.
29. Winter, Steven L. 2007. Re-embodying law. 58 *Mercer Law Review*.
30. Winter, Steven L. 2008. What is the "color" of law? In *The Cambridge handbook of metaphor and thought*, ed. R.W. Gibbs. Cambridge: Cambridge University Press.
31. Winter, Steven L. 2013. Frame semantics and the "internal point of view". In *Current legal issues colloquium: Law and language*, ed. Michael Freeman, and Fiona Smith. Oxford: Oxford University Press.
32. Glucksberg, S. 2008. How metaphors create categories—Quickly. In *The Cambridge handbook of metaphor and thought*, ed. R.W. Gibbs. Cambridge: Cambridge University Press.
33. Kövecses, Zoltán. 2005. *Metaphor in culture. Universality and variation Cambridge*. Cambridge: Cambridge University Press.
34. Larsson, Stefan. 2013. Rätten som Rum, Kropp och Kontext: Det Konceptuella Förtingligandets Rättsvetenskapliga Relevans. *Tidsskrift for Rettsvitenskap* 126(3): 343–363.
35. Rosch, Eleanor. 1975. Cognitive representation of semantic categories. 104 *J Experimental Psychology* 192.
36. Rosch, Eleanor. 1978. Principles of categorisation. In *Cognition and categorization*, ed. Eleanor Rosch, and Barbara B. Lloyds. Hillsdale NJ: Lawrence Erlbaum.
37. Andersson, Tom. 1994. *Conceptual polemics*. Dialectic Studies of Concept Formation: Lund University Cognitive Studies.
38. Damjanović and De Witte. 2008. *Welfare Integration through EU law: The Overall picture in the light of the Lisbon treaty.* European University Institute EUI LAW 2008/34.
39. Peccarelli, Anthony M. 2000. The meaning of justice. 12 *The Journal of the DuPage County Bar Association*.
40. Murrow, Gail Bruner, and Richard W. Murrow. 2012. A biosemiotic body of law: The neurobiology of justice. *International Journal for the Semiotics of Law* 26: 275–314.
41. *Judge Dredd*, 1995, movie, directed by Danny Cannon.
42. Russ Jr. William A. 1934. Radical Disfranchisement in Texas, 1867–70. 38 *The Southwestern Historical Quarterly* 40.
43. Burton, S.J. (ed.). 2000. *The path of the law and its influence: The legacy of Oliver Wendell Holmes Jr*. Cambridge: Cambridge University Press.
44. Gillette, C. P. 1998. Lock-in effects in law and norms. 78 *Boston University Law Review* 813.
45. Larsson, Stefan. 2011. The path dependence of European copyright. 8 *SCRIPT:ed. A Journal of Law, Technology & Society* 8.
46. De Sousa Santos, Boaventura. 1987. Law: A map of misreading. toward a postmodern conception of law. *Journal of Law and Society* 14(3): 279–302.
47. De Sousa Santos, Boaventura. 1995. Three metaphors for a new conception of law: The frontier, the Baroque, and the South. *Law & Society Review* 29(4): 569–584.
48. Mayer-Schönberger, Viktor, and Kenneth Cukier. 2013. *Big data—A revolution that will transform how we live, work, and think*. Boston och New York: Eamon Dolan/Houghton Mifflin Harcourt.