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Metaphor Matters: Teaching Metaphoric Competence

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Metaphor Matters: Teaching Metaphoric Competence

by

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A capstone submitted in partial fulfillment of the requirements for the degree of Master of Arts in Teaching English to Students of Other Languages.

Hamline University

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DEDICATION

To Ken Hola. Through your service and genuine love of fellow lifelong learners, you are my role model.

TABLE OF CONTENTS

CHAPTER ONE **4**

Introduction **4**

Cognitive Metaphor Theory and Metaphoric Competence 5

Rationale for the Capstone: Personal and Professional Significance 7

Legal English 9

Using Figurative Language 11

Ubiquity of Metaphor in English Legal Language 13

Honest teaching 13

Conclusion 15

CHAPTER TWO **17**

Literature Review **17**

Introduction 17

Cognitive Metaphor Theory 18

Metaphoric Competence 22

Communicative Competence Requires Metaphoric Competence 23

Language Learning: Textual 26

Language Learning: Pragmatic 29

Teaching Metaphoric Competence 30

Teaching Approaches 31

Teaching Innovation 32

Conclusion: Clear Consensus Lacking 34
Property is a Bundle of Sticks - Metaphors in Legal Language 35
Legal Language 36
Metaphor is Pervasive in Legal Language 37
Raising Awareness of Metaphor in Legal Language 39
American Legal Language is Structured Metaphorically 41
Metaphor in Legal Language is Culturally Based 44
Conclusion 46
CHAPTER THREE **49**
Project **49**
Chapter Overview 49
Project Description 50
Audience and Setting 53
Rationale 54
Texts 54
Procedure 55
56
Excerpt: Majority Opinion, Justice Samuel Alito 59
Reflection **72**

TABLE OF FIGURES

Figure 1. L1 Metaphor Comparison....39

Figure 2. Source Domain Organizer....65

Figure 3. Greenhouse....66

Figure 4. Greenhouse Effect....66

Figure 5. Greenhouse Effect....67

Figure 6. Settled....79

Figure 7. Stand By....80

Figure 8. Stare Decisis, L1....80

CHAPTER ONE

Introduction

Metaphor structures our thought and permeates everyday language yet it largely goes unnoticed by native speakers of English: this is the heart of the groundbreaking book *Metaphors We Live By* (Lakoff & Johnson, 1980) in which the authors argued for Cognitive Metaphor Theory (CMT). I read parts of this book years ago and was stunned to realize how pervasive metaphor is in my own language. For example, in this paragraph I can identify at least eight words used metaphorically: structures, permeates, largely, native, heart, groundbreaking, argued, and stunned.

The purpose of this capstone is to encourage all teachers of English learners, not only to recognize the ubiquity of metaphoric language in English but to make room in already full curricula for teaching what Littlemore and Low call metaphoric competence (2006a). Toward this goal I will use the guiding research question: *How can some basic insights from cognitive linguistics benefit ESL and legal English learners?* In this chapter, I set out the themes that drive the literature review in Chapter Two, and provide context and rationale for the investigation. I aim to present a topic of limited scope that has broad appeal.

It is well-recognized that English has become the world's dominant lingua franca (Salomone, 2021). And for much of the world, the purpose of learning English is no longer necessarily to communicate with native English speakers. Therefore, this paper is written from the perspective of American legal English and American ESL, not World Englishes.[1]

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[1] A critical assumption of this thesis is that for legal English learners, communicative excellence in American English is a goal. If the American LLM is sought for a different reason, simply as a credential to

Rationale for the Capstone: Personal and Professional Significance

One reason I chose this topic is my belief that teaching students about the prevalence of metaphoric language and how it works (CMT) might be a teaching practice that is a diamond in the rough, overlooked and underappreciated. In preservice and in-service training, with the exception of pragmatics, I do not recall a discussion about how students speak figuratively in their L1 and how they deal with figurative language in the L2. I believe that teaching metaphoric competence could be a top-down strategy (similar to teaching critical thinking skills) that teachers use to develop their students' communicative competence.

I teach adult ESL students. I developed the curriculum I use in an apprenticeship-readiness program. Successful completers earn a high school diploma. Last year, I reformulated two of our most abstract competencies: critical thinking, and lifelong learning. These, it seems to me, are more akin to overarching attitudes that students learn to practice in their efforts to reach proficiency in the other competencies, like math, civics, and digital literacy. These attitudes are also a foundation for autonomous learning, beyond the classroom. Students get comfortable with a critical thinking and lifelong learning mindset as they engage with content. They become attuned to incorporating these attitudes into their approach to learning.

Similar to critical thinking skills, students can develop metaphoric competence in their approach to learning language. Teachers as well as students can learn to recognize metaphoric language and engage with it more deeply, learning not only the metaphor but also additional meanings of a word and a sense of the polysemous nature of many words.

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practice in a country that has a different world English, then communicating in American English may not be a priority.

Further, if CMT is a helpful description of metaphor, then why not glean from it what may be useful and use it in the classroom?

Another reason I chose this topic is simply because I enjoy it. In my experience as an aide and legal counsel for a U.S. Senator, there was nothing as satisfying as finding the right figurative language to deliver a message: in a speech on the Senate floor, in a debate, or in a press release. As much as I liked that part of the job, I did not truly find my calling until I began teaching adult English learners. I hope to show that teaching metaphoric competence is an important part of any adult English program, whether basic education or English for Special Purposes, like legal English.

Legal English

Legal English is one type of English for Specific Purposes (ESP), as are Business English, Medical English, English for Engineering, Aviation, and Hospitality among others. Legal English programs[2] are designed to support international Master of Laws (LLM) students whose first language is not English, and who are about to begin their advanced legal training in the U.S. These students are often lawyers in their home countries, seeking a prestigious U.S. credential, the LLM, in order to further their careers abroad, or possibly to prepare them to sit for a U.S. state's bar exam, allowing them to practice in the U.S. Other students acquire an LLM on a path to academia.

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[2] The American Bar Association lists 72 LLM programs for foreign lawyers or international students. Not only the structure, but the prestige of these programs vary. For instance, UMN Law typically has over 200 applicants for 40 slots, whereas other law schools in Minnesota might only have a handful of applicants and participants each year. Further, any accreditation for a law school in the U.S. pertains only to its J.D. program. Although a law school may offer additional programs, such as the LLM, that law school must merely obtain *acquiescence* prior to offering it. The accrediting body, the American Bar Association, neither approves nor monitors any program a law school might offer, other than the J.D.

Standard 313 of the ABA Standards for Approval of Law Schools states that an ABA-approved law school may not establish a degree program other than its J.D. degree program unless the school is fully approved, and the additional degree program will not detract from a law school's ability to maintain a sound J.D. degree program. The school must obtain acquiescence prior to commencing such a program. The ABA does not formally approve any program other than the first degree in law (J.D.).

There is a monumental language issue for international LLM students whose first language is not English. Some U.S. legal English programs require a minimum English language score from a recognized exam such as the TOEFL (Test of English as a Foreign Language). The minimum score for the University of Minnesota LLM program is 80, which could reflect a "high intermediate" language proficiency rating if divided equally among the four domains tested (reading, listening, speaking, writing), according to the Educational Testing Service. Aside from the English language support provided by a legal English program, international LLM students take classes with their U.S. counterparts. Notably, only 43% of foreign legal educated examinees passed the NY bar in 2022 compared to a 72% pass rate for US educated examinees (The NY State Board of Law Examiners, NY Bar Exam 2022 statistics). Certainly most of these foreign educated examinees have had significantly *more* legal education and experience than their U.S. counterparts.

In a tightly controlled curriculum like legal English, the goal is not only to equip students with language skills to access content but also to begin to train students to think like American lawyers. The language ramifications of thinking in one's L1 while speaking the L2 are not pretty for students who hope to engage with native speakers in an adversarial, language-vocation like the law. Even at high proficiency levels, there can be a "text-book literalness" that marks non-native speakers' absence of metaphor use (Danesi, 1995).

As will be discussed in Chapter Two, American legal language is intensely metaphorical. In fact, it may be more accurate to say that metaphorical language structures legal language (Smith, 2007; Winter, 2001, 2008). The law is a field that has at

its core such abstract notions as rights, harms, remedies, documents that are performative, documents that represent a meeting of minds, intellectual property, as well as routine analogical reasoning. Coupled with the fact that the legal field is practiced by English speakers whose everyday language is permeated with metaphorical language, it seems obvious that explicitly teaching it to legal English learners is important. I suggest that teaching metaphoric competence, or at the very least accounting for students' metaphoric proficiency, should be included in legal English programming. This might include using CMT.

Legal English programs are typically short in duration, usually lasting only a month[3] and are completed in time for international students to take classes with their U.S. counterparts. The purpose of Legal English is to prepare international law students to successfully engage with their studies, alongside their native-English speaking peers. The curriculum is generally similar among programs. For instance, the LEAD[4] program at the University of Minnesota instructs students in the common law system of the U.S. The majority of non-native English-speaking countries have a civil law system as compared to the American common law system. So not only is the language different, the legal system is structured differently. Students are taught the common law system as well as related legal doctrines like precedent and *stare decisis*. Students also practice analogical reasoning skills in mock trials. In addition to reading cases, students practice preparing legal documents.

[3] There are exceptions to the month-long program. Georgetown University, Washington University in St. Louis, Boston University, and USC all offer a year-long Legal English curriculum integrated into a two-year LLM program for international students.

[4] Legal English Advanced Development

Using Figurative Language[5]

Like lawyers, politicians are known for using figurative language, including idioms and metaphors, in interviews and speeches, and especially when speaking to the press. Here is the headline of a 2023 press release from Senate Minority Leader, Mitch McConnell: *President Biden's Flip-Flop on D.C. Crime Bill is Too Little, Too Late.*[6] With the phrase *flip-flop*, McConnell portrays President Biden as someone who may not be reliable or even know his own mind. The alliteration in *flip-flop*, is not only aurally pleasing, but it also conveys a judgment of silliness - even childishness - to President Biden. Saying Biden's actions are *too little, too late* (a double-word alliteration) efficiently conveys McConnell's disdain. The rest of the press release continues:

> Democrats are not getting off the hook this easy. They are not going to be able to duck the heat for the violent crime surge to which their policies, their rhetoric, and their political movement have directly contributed… [N]obody will confuse Washington Democrats' last-minute reversal on this one resolution for a 'road to Damascus moment' on the crime issue. The American people are smarter than that. (Accessed 3-8-2023).

In addition to *flip-flop* and *too little, too late* the figurative language includes:

- Getting off the hook
- This easy
- Duck
- The heat

[5] There is discussion in the literature regarding the precise definitions of figurative language. I am following Littlemore & Low (2006) in using the broad concept of *figurative language* in discussing *metaphoric competence*, the ability to successfully use language including metaphors, metaphorical nouns, verbs, as well phrasal verbs, metonymys, or idiomatic expressions, which are often grounded in metaphor.

[6] Senate.gov/newsroom

- Surge
- Movement
- Directly contributed
- Last-minute
- Reversal
- Road to Damascus moment

While some of these examples of figurative language may be obvious to most native English speakers, they may not be to English learners who may only be familiar with the dictionary definition of the words. "Idioms or 'dead' metaphors (where the non-metaphorical sense of the words cannot be recovered) can be very much alive if you do not know what they mean, and a translation into your L1 does not resolve the incongruity." (Littlemore & Low, 2006a, p. 275). Moreover, some of these examples have been conventionalized to the extent that they go unnoticed by native English speakers (Lakoff & Johnson, 1980), and yet are inaccessible to language learners: *this*[7] *easy, surge, last-minute.* While it is one thing to identify expressions such as *flip-flop* it is quite another to recognize the figurative language that is embedded in English, structuring our ideas, and essentially hiding in plain sight.

Honest teaching

Just as metaphor is pervasive in the speech of politicians and legal language, so it is in print journalism. If we are being honest about the needs of our English learners,

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[7] The press secretary might have achieved a little more rhetorical force had they replaced *this easy* with *that easy*. As Littlemore explains, the choice of demonstrative carries communicative force: *this* connotes more of a connection with the object of the phrase than *that* (Littlemore & Low, 2006a, p. 285). Since McConnell wants to distance himself from what Biden has said or done, *that*, which is used to refer to things that are physically farther away than *this,* would have been a better choice.

including learners in adult ESL, we have to include teaching with real-world resources, including news stories which often rely heavily on figurative language.

Honest teaching (Maye, 2021) asks us to consider to what extent we are teaching for the educational system, rather than our students. In adult ESL, part of our purported job is to prepare learners to not only cope but thrive in the L2 community.

To this end, adult ESL classes often include citizenship testing preparation. While passing the citizenship test is an important milestone in the lives of our students and is rightly celebrated, it is not necessarily sufficient preparation for beginning to participate in civic life. In order to know what is happening in their country and communities, people have to know how to find and understand reliable information, and often the most reliable way to get information is through news and journalistic outlets.

Toward this end, I introduce a model project for ESL and legal English teachers in Chapter Three. For my project, I analyzed portions of two diverse texts for figurative language: an intermediate level newspaper article from the Voice of America, and the U.S. Supreme Court *Dobbs* decision. I chose the VOA article because it is a news article and one of the ultimate goals of teaching ESL students is to create a pathway for learners to become engaged citizens. Also, this is an article written for English learners and thus purportedly uses more basic, straightforward, and accessible language than would be found in a typical news article published by an international media outlet. I chose the *Dobbs* decision because it is timely and has broad interest.

I highlighted the figurative language most relevant to two groups of hypothetical students: Adult English as a Second Language (ESL) students studying Civics and Master of Laws (LLM) students studying Health Law. I then demonstrated how the application

of key insights from applied linguistics, specifically engaging students in considering the figurative language's motivation, can inform language teaching in these different learning contexts resulting in developing learners' metaphoric competence which arguably leads to gains in language proficiency more broadly (Boers & Lindstromberg, 2009).

Conclusion

In this chapter, I presented the case for the ubiquity of metaphoric language in everyday English. I also proposed that metaphor is pervasive in American legal text and discourse. It would seem obvious that metaphoric competence is necessary for English learners at every level, and especially for those whose profession requires English language fluency, like legal English. CMT could be one useful vehicle for teaching metaphoric competence. Some practicing scholars are bridging the gap between theory and classroom practice by explicitly teaching metaphoric competence. But this appears to be the exception to the norm.

CHAPTER TWO

Literature Review

Introduction

In Chapter One, I introduced a layperson's understanding of Cognitive Metaphor Theory (CMT) and suggested that it may have practical applications in the English learner's classroom. Since metaphor is a common part of everyday language, it would seem wise to explicitly engage English learners with figurative language, often grounded in metaphor, in order to build communicative competence. An English learner may know the definition of each word in the idiom *tail wagging the dog*, yet still not be able to access meaning.

In Chapter Two, I explore the authoritative rationale for explicitly teaching metaphoric competence as described by Littlemore & Low (2006a) in EFL and ESL classrooms as well as a special focus on legal English, since American law is a field that is saturated with figurative language. I propose to answer the question: *How can some basic insights from cognitive linguistics benefit ESL, and legal English learners?*

The literature included in this chapter explores CMT and metaphoric competence. Importantly, there is considerable disagreement as to what extent CMT is an accurate description of how we process and use metaphor (Gibbs, 2017; Miller, et.al., 2020; Pinker, 2007; Steen, 2017). However, the thrust of the research in this chapter indicates that teaching metaphor to English learners is worth the effort.[8]

In the first part of this chapter, I connect CMT to Littlemore and Low's (2006a, 2006b) *metaphoric competence*, which Low described in 1988 as the ability not only to

[8] This arguably reflects confirmation bias, as it is most likely that published language studies are conducted by teachers and researchers who are interested in and have had success with teaching metaphor.

recognize and produce metaphor (a narrow sense of the term), but also to use it pragmatically (Low, 1988).

In the next part of this chapter, I highlight lessons learned from those scholars and teachers who indeed are practicing metaphoric competence with their English learners, at various levels of English. I describe how teachers in an EFL setting have taught figurative language, among other things, by elucidating the conceptual metaphors and metonymies in which they are grounded (Gutiérrez Pérez, 2017). I discuss various pedagogical goals, strategies, and attempts to assess learners' metaphoric competence.

In the last section of this chapter, I discuss the ubiquity of metaphor in legal language and observe that metaphoric competence is especially important for L2 law students. I then highlight the relatively few practitioners who have incorporated metaphoric competence prominently in their legal English curriculum. The findings serve as a basis for Chapter Three's project: a text analysis model for teaching metaphoric competence in the legal English classroom.

Cognitive Metaphor Theory

While this thesis is confined to discussing English learners, metaphors are ubiquitous in all languages (Cohen, 2022). In this paper, I use a Charteris-Black and Ennis definition of metaphor: "For the present purposes, we will define metaphor as a linguistic phenomenon in which a word or expression is used in a particular context with a sense other than the one which it normally has in other contexts." (2001, p. 249).

Metaphor enables us to more easily talk about abstract or complex ideas like biology, love, friendship, and money. Metaphor can convey an emotional component and it can connect speaker or writer to listener or reader. For example, to say in a zoom

meeting as a cat walks past someone's camera, *I'm not a cat person* conveys much different emotional information than, *I don't like cats* These phrases may give the exact same information about what the speaker thinks about cats, but the former says the speaker is a gentle person and approachable, while that latter gives the impression of hostility and is off-putting. It would be unimaginably burdensome to only speak literally. Yet as an academic subject, metaphors were commonly understood as mere stylistic, rhetorical devices, figures of speech used to highlight meaning. That understanding changed radically after the publication of *Metaphors We Live By* (Lakoff & Johnson 1980), which popularized Cognitive Metaphor Theory (CMT). The authors posited that rather than being mere rhetorical adjuncts, metaphor is a basic, everyday feature of thought and language. We use metaphors in all registers. They are commonplace and mostly unnoticed and unremarkable.

For example, according to Lakoff and Johnson, a linguistic metaphor like *simmer down* is the expression and consequent of a metaphor-in-thought. This metaphor-in-thought is called conceptual metaphor, and in this case it is: ANGER IS A HOT LIQUID.[9] The conceptual metaphor itself is a "convenient summary description" (Gibbs, 2017 p. 18) of a robust set of connections, where we leverage our understanding of the physical, often embodied, world to conceive of and talk about that which is abstract.

This set of connections is called *concept mapping*. Concept mapping is a speaker's use of one conceptual domain, the *source domain* (again, which is often physical or embodied) to conceive of and talk about another, more abstract conceptual domain, *the target domain* (Kövecses, 2017). In the example above, the source domain, HOT LIQUID, is leveraged to talk about ANGER which is a complex human emotion.

---

[9] I follow the convention of using small caps for conceptual metaphors.

Here is another example. *I'm an early bird* is the linguistic expression that arguably comes as a result of a conceptual metaphor: HUMAN CIRCADIAN RHYTHMS ARE ANIMAL BEHAVIORS. In this example, a concrete idea (animal behavior) is mapped onto a more abstract idea (human circadian rhythms). As explained by Kövecses, (2017),

This conceptual mapping plays an important role in how we perceive, organize, and understand the world (Lakoff & Johnson, 1980). The theory is that in American culture, we use language from the more concrete domain, WAR, in order to think and talk about the more abstract, ARGUMENTATION. The authors demonstrate *concept mapping* with a plethora of examples, including ARGUMENTATION IS WAR. To say *The defense attorney obliterated the witness's testimony* is a linguistic result of this underlying conceptual metaphor, itself the product of conceptual mapping. The linguistic metaphor delivers the meaning in a very efficient, emotionally expressive way. We not only know what happened (the witness's testimony was discredited), there is an evaluative element that accompanies the meaning which carries an emotional charge. We can surmise how the event unfolded: it was a complete discrediting to the extent that it was most likely embarrassing for the witness and possibly also for others listening to the exchange.

While there is considerable debate among linguists and others as to the methods used in demonstrating CMT (Deignan, 2016) and even its overall legitimacy (Gibbs, 2017; Miller, et.al., 2020; Pinker, 2007; Steen, 2017) as well as the trajectory of its evolution (Kövecses, 2020), CMT has generated an abundance of scholarship among academics, proving to be an extremely productive theory.

Historically, metaphors have been understood as rhetorical devices, figures of speech, used intentionally by the speaker or writer, as an optional flourish. That

understanding changed radically after the publication of *Metaphors We Live By* (Lakoff & Johnson, 1980), which popularized Cognitive Metaphor Theory (CMT).

Lakoff and Johnson argued that rather than being stylistic linguistic adjuncts, metaphor is a matter of thought and is ubiquitous in language. It is a basic, everyday feature of language that expresses a largely invisible, foundational cognitive process called concept mapping. (Lakoff & Johnson, 1980).

This concept mapping lets us talk about abstract ideas like love with more concrete, often physical or embodied language. For example, the expression *we've come a long way together* could be said to reflect the underlying conceptual metaphor LOVE IS A JOURNEY. Here, the more concrete idea of a journey, which is said to be from a "source domain" is "mapped" onto the more abstract idea of love, which is the "target domain." The result is *we've come a long way together*. In this way, CMT represents both a process: (1) thinking (conceptual metaphor) and a resulting product (2) linguistic expression (linguistic metaphor). The conceptual metaphor lets speakers reflect their understanding of the abstract in terms of the concrete (Kövecses, 2017).

As another example, we often use the language of sight or seeing to talk about understanding or comprehending.

- *Now I see what you mean,*
- *I don't see it that way,*
- *I can't see why,*
- *That looks right,*
- *Look, what I have to say is,*
- *That's illuminating,*

- *Your strategy is unfocused,*
- *I discovered something*

In these expressions, the language of seeing is mapped onto the concept of understanding and we use the more primary meaning of seeing, that is, to see something with our eyes, in order to talk about something abstract, understanding something.

Lakoff and Johnson (1980) produced a plethora of pedestrian, conventionalized linguistic metaphors, such as those mentioned above, and their accompanying antecedent conceptual metaphors. Here are a few examples of conceptual metaphors which are prevalent in contemporary American English, yet mostly fly under the radar:

- TIME IS A PHYSICAL ENTITY (*I had to find the time, I don't have the time*),
- ANGER IS A HOT LIQUID UNDER PRESSURE (*she erupted, exploded*), and
- ARGUMENTATION IS WAR (*she attacked my argument*).

As explained by Kövecses (2020), these conceptual metaphors reflect a native speaker's mental lexicon and are themselves evidence of the high degree of polysemy and idiomaticity of words as well as language structure in the mental lexicon (p. 2). This concept mapping has a fundamental role in how we perceive, organize, and understand the world (as cited in Littlemore, 2001, p. 462). Arguably, metaphor is largely a matter of the mind (Hoang, 2014).

As an issue of mind, Harbus contended that metaphors marshal our social experiences and behavior as well as our inner lives. Since metaphors govern how we think, they influence what we do (Harbus, 2008, p. 9). While the philosophical questions of linguistic determinism are beyond the scope of this paper, it is roundly recognized that

CMT has been interpreted to reveal an important feature of language and therefore also of human existence (Zhou, et al., 2022).

Hendricks and colleagues' (Hendricks, Bergen & Marghetis, 2018) work supports the CMT description of metaphor as a cognitive phenomenon resulting in a linguistic product. They studied a particular discourse community, U.S. military personnel who use lexicalized metaphor to talk about time as if it were a lateral timeline, moving from left (the past) to right (the future). The authors posit that while it is common for English speakers to think about time in this fashion (as a timeline moving from left to right), it is not generally expressed metaphorically in English in this way, as in "can we move our meeting to the right?" After documenting that civilians *do not* talk about time this way, the authors concluded that since the military personnel *do* in fact use these types of expressions[10] the military personnel had indeed adopted these metaphors. Their research purported to show that the metaphoric language adopted by a particular community of speakers reflects a shared way of thinking.

And yet CMT has been widely criticized for its cherry-picking methodology, and the legitimacy of the entire enterprise has been called into question (Deingan, 2016; Gibbs, 2017; Steen, 2017). Yet CMT has generated an abundance of scholarship among academics and has evolved since its beginning, proving to be an extremely productive theory, even though it remains controversial. Regardless of how concept mapping comes into play, the ubiquity of metaphoric language in everyday English is obvious and therefore the importance of learners' ability to learn to use it in typical communication is undeniable (Kövecses & Benczes, 2010; Littlemore & Low, 2009).

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[10] The authors note that expressions to move something to the right, as in, "let's move our appointment to the right," are far more common among military personnel than moving them to the left, presumably because scheduled things are more typically delayed than advanced.

Metaphoric Competence

Metaphoric competence in L2 (Littlemore & Low, 2006a) includes the ability to recognize, understand, and use metaphors and figurative language appropriately. This includes metonymy, idiomatic expressions, and phrasal verbs which often are metaphorically grounded (Harbus, 2004; Kövecses, 2020; Labarta Postigo, 2021). Littlemore and Low argue that metaphoric competence is necessary for communicative competence in the L2 (Littlemore & Low, 2006a). Besides the language itself, metaphoric competence builds knowledge of the culture and values that underlie figurative expressions (Littlemore & Low, 2006a).

Although metaphor instruction in adult English language classrooms is gaining recognition, there remains a gap between theory and practice: Metaphor is generally not in the ESL or legal English teaching curriculum (Saaty, 2016). "While linguists frequently claim that language instructors need knowledge of applied linguistics theories and research, teachers often fail to transfer this knowledge to their L2 teaching." (Bartels, 2005 as cited by Hillard, 2017 p. 60). Teachers, however, may frame the issue differently. Research should be informed by teaching, not vice versa (Alotaibi, 2021).

When words are used to express meaning other than their basic meaning, that language is generally considered to be metaphorical in nature (Littlemore & Low, 2006b, p.10). Consider phrasal verbs, which are notoriously difficult for English learners. While the individual words comprising the phrases *sit down*, *stand up, hold on,* and *take out* all have meaning, when used as phrases they are used metaphorically. Meaning depends on context (Charteris-Black, 2004, p. 21 as cited in Hilliard, 2017, p. 5). So *take out* has a different meaning if we are talking about dinner rather than trash.

Metaphor is said to underlie much figurative language, including phrasal verbs as discussed above, most idioms (Harbus, 2008; Kövecses, 2020; Labarta Postigo, 2021, p. 3) and even collocations (Patekar, 2022). Littlemore and Low have described *metaphoric competence* as the ability not only to recognize and produce figurative language but also the skills necessary to extract its full communicative value in the L2 (Low, 1988 as cited in Littlemore & Low, 2006a). This includes awareness of when the context is appropriate, as well as the ability to specify the figurative language which is appropriate for the speaker's purpose. Essentially, it is the ability and willingness to use figurative language appropriately (2006a).

This includes, for example, skills beyond being able to recognize metaphors in the basic form of *A is B*, *My little brother is a pig* as well as the flags for the metaphoric language used in similes such as *A is as B, I'm as hungry as a horse*. Metaphoric competence also includes the willingness to use metaphoric language in the L2 (Littlemore & Low, 2006a).

Communicative Competence Requires Metaphoric Competence

Most of the world's English learners acquire English through formal education (Badwan 2020, as cited in Alotaibi 2022 p. 258). The formality of doing school with its predetermined curriculum and discrete lessons can artificially preclude the real-world messiness (Alotaibi, 2022) of using language in authentic ways. Arguably, this important insight extends beyond the EFL classroom. In any classroom, it is one thing to study English as an object of study; it is another to be able to communicate effectively in a language world of people trying to persuade, evoke emotion, and jockey for attention.

For instance, if one of the main goals of ESL adult education is to prepare students to participate in civic life, then they have to be able to access information from popular media sources and be prepared to deal with figurative language. Journalism, written and video, is replete with figurative language. Consider the first 30 seconds of a recent public radio news program interview with an official discussing interest rates. The bold is added.

INSKEEP: Welcome to the program.

RAPHAEL BOSTIC: Hi, Steve. Good to be here.

INSKEEP: How much debate was there when you met?

BOSTIC: There was a lot of debate. **Look**, this wasn't a **straightforward** decision. But **at the end of the day**, what we decided was that there were **clear signs** that the banking **system is sound and resilient** and that the **efforts** that the Fed took with Treasury and the FDIC to **deal with** the difficulties of those banks seemed to be working. And with that as a **backdrop**, inflation is still **too high**. You know, we're at 6%, **somewhere in that area**. Our **target** is 2%. And so we needed to make sure that we stayed **focused** on that job because **inflation is hurting** pretty much all Americans.

INSKEEP: I'm thinking of the phrase **'tune out the noise.'** In your **view**, **in the end,** was the various issues that Silicon Valley Bank and other banks - the **anxiety** about the banking **system,** was that just **noise** then? (National Public Radio, 2023, March, 24).

Granted, this particular news story may not necessarily be an appropriate vehicle for teaching economics or finance to beginning levels of English learners. The news

media, such as NPR, and the government official who was interviewed, have packaged this information in metaphoric language, at least in part, because the topic of finance is abstract. The metaphoric language makes the topic (seemingly) more accessible to people without a background in finance. Through another lens, the interview is fundamentally political. In this regard, it is an important topic for everyone who lives and works in the U.S. Arguably, it is most important for those who earn the least. This often includes our adult ESL students, the same students who are working hard toward taking their citizenship exam which enables them to vote.

Simply trying to avoid metaphoric language in news media would not be possible. An often-cited study (Steen, et al., 2010) demonstrated the prevalence of metaphoric language in English. The corpus analysis suggested that when the researchers included borderline cases, roughly one in every 7.5 words (13.33%) is related to metaphor (p. 780). The findings of the prevalence of metaphor in the specific registers they studied (academic, news, fiction, and conversation) were counterintuitive at the time of publication. Metaphoric words appeared most often in academic texts (18.5%), then news (16.4%), then fiction (11.7%), and finally conversation (7.7%) (p. 780).

The issue of metaphoric competence as a communicative skill goes beyond learning figurative language and idioms used in typical ways. Creative metaphors are novel, invented by the speaker or writer. Here is an example from Joan Didion as she uses the proverbial phrase to *turn lemons into lemonade* metaphorically in an original way, to pithily describe the political life of Dick Cheney. “He reached public life with every reason to believe that he would continue to both court failure and overcome it, take the

lemons he seemed determined to pick for himself and make the lemonade, then spill it, let someone else clean up."

Danesi (2003) referred to Pollio and colleagues who quantified the prevalence of creative metaphors. Incredibly, this research demonstrated that the average English speaker uses roughly 3000 novel metaphors per week (Danesi p. 343 citing Pollio, et al., 1977). Hilliard recounts Low and colleagues' demonstration of this phenomenon in an academic (university) setting. The researchers analyzed three lectures and found that metaphoric language constituted 10% - 13% of the lecture (Hilliard, 2017 p. 37). Among these were a large number of "one-off" metaphors and idioms.

These results have obvious implications for teachers: if students do not understand or do not use metaphoric language, communicative competence would seemingly be unattainable. And while fluency may not be an immediate goal of an EFL learner, the stakes may be much higher for ESL learners as well as legal English learners, some of whom aspire to achieve fluency within a particular context, American law.

International LLM students need to develop metaphoric competence in order to thoroughly engage with the challenging content they will encounter in their legal studies. Further, they are presumably obtaining the degree in order to better communicate as lawyers, in English. For these students, learning communicative competence as well as linguistic competence is crucial. Key insights in teaching metaphoric competence are developed in the next and final sections of this chapter.

Language Learning

Metaphoric competence plays an important role in language learning (Kövecses & Benczes, 2010; Littlemore & Low, 2006a; O'Reilly & Marsden, 2021).

The question is whether and to what extent teaching metaphoric competence leads to language competence. Much research has been devoted to exploring the relationship between metaphoric competence and language competence. The results have been mixed in terms of what specifically has been studied (for example, success in eliciting metaphoric competence as opposed to capturing naturally occurring, unprompted data from things like written assignments) and what those results have been (O'Reilly & Marsden, 2021).

Vocabulary. Research has shown that English learners can profit from metaphor awareness-raising activities (Kövecses & Benczes, 2010). A widely cited triple-study by Boers (2000) found that EFL students who received explicit instruction in the source domain of figurative language improved the comprehension of those metaphors. Further, deeper processing by investigating motivation led to better lexical retention in three studies of Dutch and French college English learners, languages noted by the author to be closely related to English. (Boers, 2000).

The elaboration techniques, including dual-coding (invoking imagery) involved in teaching figurative language, are known to aid in learning vocabulary by deepening learners' language processing (Boers & Lindstromberg, 2009; Kövecses, 2010 p. 239). These work-extending techniques are not limited to teaching figurative language of course, but are often cited as reasons which support the relationship between metaphoric competence and language learning.

O'Reilly and Marsden's (2021) research results were said to extend the work of previous researchers who found associations between metaphoric competence, vocabulary knowledge (specifically, productive vocabulary depth). Yet the authors

stopped short of offering a pedagogy or claiming a causal relationship. Instead of drawing conclusions, the authors presented concluding "pedagogical reflections" (p. 10) on their study of elicited metaphoric competence in L1 Mandarin L2 English learners at a UK university. They boldly observed that the associative thinking skills at play in a learner's metaphoric competence are central to language learning.

Importantly, the authors found that metaphoric competence is not to be understood as a hallmark only of advanced learners. They reported metaphoric competence demonstrated at the CEFR A2 level and above.[11] As Littlemore and Low stated, "Metaphor is thus highly relevant to second language learning, teaching and testing, from the earliest to the most advanced stages of learning" (2006a abstract).

Reading Comprehension and Rhetorical Organization. Yet metaphoric competence is associated with language proficiency.[12] For example, researchers found that receptive metaphoric competence is linked to reading comprehension and an important factor in Chinese speaking students' English reading comprehension in an EFL classroom (Zhao, 2014).

Littlemore and Low (2006a) used the Bachman model of communicative competence (Bachman, 1990) to demonstrate that metaphoric competence is prevalent in all areas of communicative competence: grammatical, textual, illocutionary, and sociolinguistic. Littlemore and Low focused on the overtly pragmatic competencies (illocutionary and sociolinguistic) as well as the pragmatic aspects of grammatical and

[11] The CEFR is the Common European Framework of Reference for Languages, and is one of the world's leading language ranking systems. It is designed to apply to any European language, including English. The CEFR has six levels, from beginning A1 to advanced C2. (CITE)

[12] Perhaps this is nothing more than a reflection of the Matthew effect: successful students are more willing and able to learn and use figurative language.

textual competence. These include rhetorical organization and language conventions in discourse.

One example of rhetorical organization is the ability to understand the overall structure of language or text and to use appropriate language conventions to terminate a conversation. Littlemore and Low demonstrate the importance of metaphor control in the situation of a speaker who wishes to establish the boundary or "edge" of a discourse unit The authors cite Drew and Holt (1998) who showed that speakers invoke figurative language to end the speaking encounter or to change the topic (p. 16).

Ten lines of dialogue explaining a procedure:

Hugh Yeah I will do. Yeah. That's great. Mm.

Liz Uh… Yeah. *Takes a bit of digesting*

Hugh It will do. Yes.

Liz /Still try it/ Hehehe!

Hugh You got it, Hehehe

Littlemore and Low identify Liz's *Takes a bit of digesting* as a signal to Hugh as a signal that she is ready to move on, conversationally.

Illocutionary Competence. Illocutionary competence is a pragmatic feature of communicative competence. It refers to the ability to understand additional meaning(s) that are conveyed along with words' meanings. In other words, it is the ability to convey pragmatic meaning along with core meaning (Littlemore & Low, 2006a). Metaphor often has an evaluative component that accompanies its core meaning. For example, the directive *tune out the noise,* has both a core directive, i.e. attend to what is relevant, as well as an evaluative component, i.e., that which is not relevant is distracting and it

should be ignored. Littlemore and Low contended that with metaphoric language, the listener's ability to understand and convey the evaluative aspect of metaphor is of great significance. (Littlemore & Low, 2006b, p. 113).

Considerations in teaching Metaphoric Competence

The best general advice for leveraging the most enduring educational effects from teaching metaphor (with the aim of metaphoric competence) may be summed up by Farias and Lima (pp. 461-462, 2010). Citing Lakoff (1987), the researchers note what we all know to be true: motivated knowledge is easier to retain. In teaching metaphoric language then, teachers can teach new language's basic sense and extended meanings to elicit students' connection of new concepts to basic senses. By raising awareness of how language systems work, teachers can encourage students to make language connections which may facilitate, for example, vocabulary acquisition (p. 461).

Several teaching considerations are important, including the student's L1. Developing metaphoric competence involves developing the figurative thinking that underlies figurative language (Littlemore & Low, 2006a). Yet the ease with which a typical learner can achieve metaphoric competence will depend on a number of factors, including her L1. An important consideration is to what extent the L1 and L2 share the same conceptual metaphors and whether they are expressed similarly. (Charteris-Black & Ennis, 2001; Trim as cited in Hilliard, 2007 p. 25).

Another important consideration is cultural distance. Obviously, cultural dissimilarities can impact language learning, as cross-linguistic transfer may either be straightforward or non-existent. A language's cultural distance from English will directly impact the similarity and number of similar metaphors. Further, even when two cultures

share the same or similar metaphorical concepts, there can be a lot of variation as to how they are conceptualized and expressed as the mapping process can vary significantly (Kövecses, 2005 as cited by Hilliard, 2007 p. 28).

Idiosyncratic Factors. General cognitive ability is most likely implicated in a student's ability to achieve metaphoric competence. Metaphoric competence draws on multiple cognitive areas including memory, processing speed, emotional and interpersonal awareness, as well as the ability to use mental imagery and analogical reasoning skills. Notably, Boers and Littmore (2000) showed that learners process conceptual metaphors in different ways and hypothesize that various *cognitive styles* may drive students' ability to explain metaphors.

Relatedly, a 2019 study established a correlation between learners' emotional intelligence and metaphoric competence (Hashemian, 2019). Hence, metaphoric competence will be achieved more easily by some than others, just as learning a second language is easier for some.

The learning context is also significant in L2 learning beyond vocabulary and grammar. An EFL learner may be at a disadvantage as far as speed of acquiring metaphoric competence in that she is not immersed in the L2 and regularly exposed to figurative language in varied authentic contexts, as would be an ESL learner.

Motivation. Regarding idioms, another factor is the connection between the figurative language's form and meaning. The connection between understanding the phrase in its original context and how it is used metaphorically is its *motivation*. The transparency of this connection between language form (what the words mean, or the original meaning of the phrase) and its metaphorical meaning can influence the

accessibility of figurative language and how learners process the learning. For example, many idioms are fairly transparent in motivation. Boers and Lindstromberg (2009) give the example of *jump the gun* as an idiom whose meaning can be revealed by demonstrating the context in which it was originally used (in foot races commenced with a shot fired into the air). If a runner started before the shot, that runner *jumped the gun* and was probably disqualified from the race (a negative consequence resulted). Interestingly, in this example the original meaning of the phrase is metaphorical since it does not refer to actual jumping. Used as an idiom, if someone *jumps the gun* in a verbal exchange, they have had something of a false start (perhaps by making a mistaken assumption) that will lead to a negative consequence.

Further, visualization can be helpful in explicitly teaching the motivation of idioms, since many idioms lend themselves to visualization. Visualization can have a positive impact on retention, as an *elaboration* technique. As discussed above, learning motivation leads to deeper processing (Boers, 2000) and better language outcomes (Boers & Lindstromberg 2006, 2009).

Overall Effectiveness. Zhou et al. (2022) used a meta-analysis to investigate the effectiveness of teacher instruction in metaphoric competence. Their findings suggested that instruction is generally effective in improving learners' communicative competence. One study included in their meta-analysis was that of Liu and Hsieh, which involved students studying Chinese as a foreign language (2019). Their study indicated that instruction was effective regardless of learners' language proficiency levels. On the other hand, both Shokouhi et al. (2009) and Aleshtar et al. (2014) found that the success of teaching metaphoric competence was linked to learners' language proficiency. This is in

line with a number of research articles cited by Hoang (2014), demonstrating that language proficiency and metaphoric competence are linked.

Kövecses and Benczes (2010) maintain that small interventions in the learning process such as having students explore motivation and engage in elaboration, including dual coding (visualization) can have a big impact on retention (p. 240). Boers explains that “very brief interventions” can lead to vocabulary retention (Boers, 2013 p. 213). Kövecses gives an adaptation of one of Boers’ categorizations of conceptual metaphor exercises for ESP students (p. 241) as a way to foster deep learning of metaphoric language.

Teaching Innovation

In the EFL context, an important problem is the paucity of explicit metaphor instruction in EFL materials and the lack of teacher preparation. Veliz and Smith (2021) studied the teaching of figurative language in Chilean EFL classrooms. They found that teachers recognized the importance of teaching metaphoric competence, however, this recognition did not influence teaching practices. The authors cited multiple obstacles including an educational framework that serves itself above students and the resulting lack of metaphoric instruction in teaching curricula and teacher preparation (Veliz & Smith, 2021).

Gutiérrez Pérez (2018) demonstrated how teachers took the lead in an effort to bridge the void between language theory and teaching. This study was part of the Plan of Innovation and Teaching Development project. The intention was to develop new teaching and assessment methods. The focus of the study was on applying cognitive metaphor theory to teaching metaphoric competence to L1 Spanish speakers in an ESP

university setting. The students were earning the Degree of Translation and Interpreting (p. 1).

The overall strategy was to first impart a basic understanding of cognitive metaphor theory to students and then incorporate systematic analysis into practicing the figurative language, with the ultimate goal of autonomous learning. The author's teaching team illuminated the prevalence of metaphoric language and gave a student-friendly account of conceptual metaphor and mapping. They used the *Macmillian English Dictionary for Advanced Learners* (Rundell, 2002), a widely available resource, for information about and examples of common figurative language. The researchers began with multiple dictionary examples.

Students were then taught to analyze particular metaphors and figurative expressions. Specifically, students were taught motivation and practiced identifying and categorizing the expressions through numerous activities. Students were also asked to compare and classify corresponding metaphors in the L1. Once the initial group of metaphoric language was mastered, students practiced identifying and producing more advanced metaphoric language (Gutiérrez Pérez, 2018). The researchers created materials to complement traditional vocabulary teaching to facilitate autonomous learning. Importantly, the author reiterated throughout the publication that one of the main achievements was the demonstration of how learners were prepared for their own future self-directed learning.

Gutiérrez Pérez, 2018 described the in-class activities and final assessments as evidence that the intervention was successful. Further, students also found the instruction beneficial and worthwhile, as indicated by the post-class survey.

An English for Special Purposes (ESP) context may allow more freedom of innovation in teaching, including metaphoric competence. Perhaps this is the most likely learning context for the implementation of a teaching strategy informed by theory; where progressive teaching endeavors are not held back by bureaucratic administrative limitations as faced by EFL teachers in the Veliz study. This insight cuts in favor of looking to ESP, including legal English, to lead language teaching in terms of responsiveness to theory and innovative teaching practices.

And yet, in the Gutiérrez Pérez, 2018 study the main limitation recognized by the author (p. 9) was due to an administrative factor that may have influenced performance. While the overall project was deemed a success and evidence that all L2 teachers should include explicit instruction in figurative language because of its important role in the development of communicative competence (p. 9), the students in this study did not do as well on the post-test as would have been expected from their in-class assessments and final test performance. The fact that the post-test (measuring ability at six months) was not part of an official exam with attending official grades was presumed to have affected student motivation.

On a related note, Boers and Lindstromberg (2009) discussed the trials and tribulations of teaching “chunking” (chunks of language are often metaphorical) to language learners and raise serious concerns about whether students’ autonomous learning is a realistic goal.

Clear Consensus Lacking

In this section of Chapter Two, I discussed the meaning of metaphoric competence and reviewed literature that advocated including it as a regular part of

teaching EFL, ESL, and ESP students. I reviewed teachers' approaches to teaching metaphoric competence in various language settings. Essentially, the literature appears to say that metaphoric competence is necessary for communicative competence and that it should be taught. As Zhou et al. stated: "The importance of developing learners' metaphorical competence is self-evident, given the crucial role of metaphorical competence in many aspects of language teaching and learning" (2022, p. 2).

The devil, however, is in the details. Given that there is wide disagreement about what metaphors are (Gibbs, 2017), what exactly metaphoric competence is (Hoang, 2014) as well as how to identify the conceptual metaphors which are supposedly mapped onto target metaphors (Hilliard, 2017) it is a big ask of teachers to incorporate figurative language competence into their teaching. Further, deciding which figurative language to teach acontextually may not be best left to intuition. Assumptions made about which figurative language is common, useful, or important might be outdated or simply inaccurate (Hoang, 2014).

However, teachers should take heart from research which has shown that modest interventions like illuminating motivation and elaborating the uptake process can have a significant effect on learners' overall language competence (Boers, 2013: Kövecses & Benczes, 2010). For now, the best advice seems to be that teaching metaphoric competence will be most effective when the language targets are contextually based on particular communicative tasks (Hilliard, 2017). In the next section, I discuss applying this in a legal English learning context.

Property is a Bundle of Sticks - Metaphors in Legal Language

In the remainder of this chapter, I highlight the pervasiveness of metaphor in American jurisprudence and legal discourse. I then review scholarship which discusses teaching figurative language to international law students. While some scholars appreciate that legal metaphors can have common ground cross linguistically and use this as an impetus for teaching metaphor, others cite cultural remoteness as reason for its inclusion in instruction (Campos-Pardillos, 2017). Yet for all the recognition of the pervasiveness of figurative language in American law (Johnson, 2007; Smith, 2007; Winter, 2001, 2008) teaching it to international law students does not appear to be a priority, or even on the radar of most legal English programs.

Consider that first year American law students are introduced to the notion that property is a bundle of sticks (di Robilant, 2013). As a bundle would be made up of multiple individual sticks, property rights concern a variety of oftentimes discrete ownership prerogatives and privileges. For example, I have the right to exercise dominion over my house until I lease it to someone else. At that point I have the right to income from the lease. When the lease expires, I have the right to possess the house. If there is a lien against the house, my rights may be limited. All of these rights may be subject to limits from local rules or laws. Also, the state may take the land, including the house on which it sits, although in that case I would have the right to compensation (Johnson, 2007).

The bundle of sticks metaphor (also known as the bundle of rights) enables students to get a big picture glimpse of property law as they are learning its complexities and details. It shows students the “forest” of an idea so they do not get lost in the “trees.”

Metaphor in law is an extremely helpful and widely used tool that may be under-recognized in teaching contexts.

Legal Language

Lawyers have long been derided for their use of language which can seem to be deliberately obfuscating. The Plain Language Movement began in the 1970s. Its purported goal was to make legal language more accessible to more people. The Plain Writing Act of 2010 codifies this goal as it pertains to government employees.[13] The jury is out as to whether the plain language movement has been successful. While authority agrees that clarity in legal writing is essential, many resist what is perceived as a prescriptivist movement with a subjective basis.

Additionally, a profession's technical use of language is a good way to keep insiders in and outsiders out. This is especially true for legal language. "This may explain why lawyers are one of few professional groups that define the rest of the world through a negation, i.e. as 'non-lawyers.' Ever heard of 'non-plumbers,' 'non-taxi drivers,' 'non-nurses' or 'non-teachers'?" (Ebbesson, 2008).

Language is the lawyer's singular tool of trade and a person's skill in lawyering is most likely commensurate with her linguistic prowess. But in legal writing and discourse, it can be hard to distill substance from filler and lawyers are often disparaged for their use of jargon. Yet oftentimes technical language and jargon are appropriate. As a shorthand, legalese can be a marker of a complex process or situation and using it might reduce vagueness. Lawyers are known for covering their bases, aiming to ensure their words are interpreted with specificity. Using language peculiar to lawyering can establish analogous

[13] https://www.plainlanguage.gov/law/

interpretations and predictability. If technical legal is customary in a particular context, then not using it could appear as “marked” or a signal unwanted scrutiny.

Metaphor in Legal Language

Rhetorical skills are crucial to taking effective depositions, writing cease and desist letters, and winning lawsuits. Yet one person’s straightforward description of facts is another’s collection of euphemisms and exaggerations. Traditionally, metaphor has been recognized as belonging to the realm of rhetoric. This conventional view was that metaphor, as something invoked to persuade, was merely ornamental, used for rhetorical purposes, and thus superfluous. Further, it was regarded as potentially threatening to clarity and accuracy. Wisdom said that metaphor was to be generally avoided, as ironically encapsulated in this famous quote from the eminent Justice Benjamin Cardozo. “Metaphors in law are to be narrowly watched, for starting as devices to liberate thought, they end often by enslaving it." (*Berkey v. Third Avenue Ry. Co.*, 155 N.E. 58, 61 (N.Y.1926, cited in Smith, 2007).

Since Justice Cardozo, the appreciation of metaphor has warmed in U.S. jurisprudence. However, as a preface to the remainder of this paper it is important to remember that a metaphor cannot possibly encompass the nuance, complexity, and history of a legal concept (Smith, 2002 as cited in Smith, 2007). The following studies are two glimpses at the prevalence of metaphor in legal language: the first at the discourse level, the second at the level of entrenched societal norms.

Kucheruk and colleagues’ study provided “empirical confirmation of CMT” in modern legal English texts (2013, p. 261). The authors’ position was that linguistic

metaphors reflect thinking metaphorically, and that this is evident in specialized legal language.

Kucheruk and her team created the Corpus of Legal English (COLE), from a variety of U.S. legal texts and articles, containing nearly 1.7 million words. They extracted metaphorical expressions and identified the four main conceptual domains to which they belonged: WAR, SPORT, MEDICINE, CONSTRUCTION. Searching the corpus was not a straightforward endeavor and required a combined quantitative and qualitative approach. For example, the team made a decision to exclude lexicalized metaphors in legal English, for example, *immunity,* as in, *in exchange, the witness received absolute immunity.* Although the word is used metaphorically as derived from its original meaning having to do with disease, it has attained a fixed secondary meaning in legal language, referring to special or extraordinary exception from what is normally required by law. Thus their findings as to what constitutes metaphoric language might be considered to be conservative from a legal English teaching perspective.

The goal was to analyze the conceptual mappings of the linguistic expressions in order to reveal the structure of conceptual metaphors in legal English. The study revealed the four conceptual metaphors were pervasive and shaped legal discourse. Also, novel metaphors are created using established cross-domain mapping. Interestingly, nearly half of the legal English metaphors identified were related to war. (p. 221). Idiosyncratic variations were noted as an area for further research.

Berger (2009) analyzed metaphor which operates at a broader, societal level: conventional yet powerful narratives because of their deep ties to the U.S.'s Judeo-Christian history. She found judges' use of metaphor revealed linguistic patterns of

reinforcing societal norms which helped to ensure the status quo remained entrenched. This was largely to the detriment of those who did not fit the dominant societal image (in this case male, middle class, anglo-saxon, protestant). Berger argued these language patterns pointed to prejudices (for example, that *single mother* is pejorative p. 276) and reinforced conventional norms at the expense of individual litigants.

Raising Awareness of Metaphor in Legal English

Remarkably, there is scant literature devoted to explicitly teaching metaphor to English learners in American training programs. An exception is Campos-Pardillos (2016), who argued for the inclusion of teaching metaphoric competence in the legal English context. In this pilot study, the learners were 13 experienced judges and prosecutors from across Europe who attended an intensive ESP course with the curious name, *English for Criminal Cooperation* organized by the European Judicial Training Network.

Campos-Pardillos first demonstrated the importance of raising awareness of metaphoric language in participants' own languages and leveraged the fact that Western European countries share many of the same legal linguistic metaphors. Consider for example the following metaphoric language:

burden of proof:

German	*Beweislast*
Flemish/Dutch	*bewijslast*
Italian	*onere della prova*
Portuguese	*ónus de prova*

beyond any[14] reasonable doubt:

Italian	*oltri ogni ragionevole dubbio*
Flemish/Dutch	*zonder enige redelijke twijfel*
Portuguese	*além da dúvida razoável*
Spanish	*más allá de cualquier duda razonable*

Campos-Pardillos argued that finding many legal metaphoric similarities among native languages was reason to explicitly teach them to learners, as they could then see that they had linguistic "familiar ground" with legal English, making learners more confident and comfortable in engaging with practicing English (p. 169). Where there were differences, the author contended that explicit instruction was helpful to guard against negative transfer from participants' L1 (p. 179).

The initial step was to identify legal metaphors in participants' L1. Although these participants were seasoned legal professionals and presumably intimately familiar with their own native language, the author contended that metaphor awareness was not a given and invoked Larsson's study (2014) as evidence that metaphoric language goes unnoticed when it has become lexicalized or conventionalized.

Because Campos-Pardillos viewed metaphor use as "a cognitive event" his instruction had a planned progression (p. 171), presumably as opposed to teaching metaphor as encountered. Participants practiced with metaphors beginning with the identification of metaphors in the L1, compared them to English, then examined source domains, and finally learned specific wording.

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[14] In English, "beyond a reasonable doubt"

Although the teaching in this project had a sequence, if not a scope, and raising metaphor awareness was identified as a first step, the title of the paper as well as the entire project was aptly named "raising metaphor awareness." The activities served to reinforce this awareness which ideally results in autonomous learning where participants are attuned to the prevalence of metaphor and hone their skills in engaging with metaphor. Campos-Pardillos also noted that an appreciation of cross-linguistic metaphors supported the purpose of the intensive ESP course with *Cooperation* in the title.

The literature which discusses the prevalence of metaphor in legal language illuminates the figurative language which lawyers and judges may take for granted. This could be a call to action for many working in a field where precision and accuracy are mandatory. Certainly, if practitioners are using English as a lingua franca (Anesa, 2019), understanding how to interpret and use metaphors will be necessary as a basic skill.[15]

American Legal Language is Structured Metaphorically

A pioneering article on using metaphors in legal writing underscores the "sheer prevalence" of metaphoric language in legal discourse (Smith, 2007 p. 920-921) by categorizing metaphors by function and type into four "levels."

Level 1 - Doctrinal Metaphors (legal principles)

Level 2 - Legal Method Metaphors (metaphors used in legal analysis)

Level 3 - Stylistic Metaphors (rhetoric)

Level 4 - Inherent Metaphors (conventionalized metaphors)

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[15] One key characteristic of metaphors is their logic function, providing an analogy. The other functions of metaphor are to establish writer credibility, evoke emotion and ensure reader engagement (Mercer Symposium Discussion, 2007 p. 1022). The logic function is akin to analogical reasoning, which is standard in a common law country like the U.S. In common law, judicial decisions are binding within a jurisdiction. Much legal argumentation is of the form *A is B.* So one of the characteristics of any metaphor is that it has a parallel in the analogical reasoning which is prevalent in the U. S. legal system.

Level 1 Doctrinal Metaphors. These are the most significant in the decision making process. They refer to features of doctrinal law expressed metaphorically and include the language of legal rules and principles (p. 921). One example of a doctrinal metaphor is the *overbreadth* doctrine in constitutional law. Laws which are written too broadly lack sufficient specificity and result in a *chilling effect* on speech. The *chilling effect* doctrine is a companion doctrinal metaphor.

An example of how the *overbroad* metaphor shaped and continues to shape legal understanding due to its binding precedent is *R.A.V. vs. St. Paul* (1992).[16] In this case, the defendant juvenile was charged with violating a bias-motivated city ordinance in St. Paul, MN. The juvenile burned a crudely crafted cross in the yard of a black family. The relevant ordinance made this a criminal offense, as it was an attempt to arouse anger or alarm on the basis of race, creed, or religion.

The trial court threw out the charge because the ordinance was both *overbroad* and *viewpoint biased*. The case worked its way up to the MN Supreme Court, which reversed the trial court's decision on the motion to dismiss. A unanimous U.S. Supreme Court reversed the MN Supreme Court, and the original trial court decision prevailed. Writing for the Court, Justice Scalia explained that the ordinance was unconstitutional due to its content-based *viewpoint bias* (the ordinance only mentioned race, gender, and religion and not, for instance, disability). *Viewpoint bias* is also a doctrinal metaphor in constitutional law, in fact it is a companion metaphor to *overbroad*.

However, three concurring justices found that it was not the content-based viewpoint that made the ordinance unconstitutional, rather it was the ordinance's overbreadth, its lack of specificity which made it a violation of the constitutional right to

[16] *R.A.V. v. St. Paul* 505 U.S. 377 (1992)

free speech. The holding in this case was that the St. Paul ordinance was unconstitutional *on its face*, in other words, as written.

Level 2 Legal Method Metaphors. These are the metaphorical tools or methods used in legal analysis. Smith gives the following examples among others:

- An abstract rule can be *broken* or *separated* into *parts* or *elements*
- A legal issue can be analyzed through the schema of *balancing* or *weighing* interests or *factors*
- The *spirit* of a legal rule can be invoked (p. 929).

For example, in *Connick vs. Meyers* (1983) then district attorney for New Orleans, Harry Connick, fired an assistant district attorney Sheila Meyers for a questionnaire she circulated to co-workers asking them about morale and their confidence in leadership, among other things. The U.S. Supreme Court held that the assistant district attorney's first amendment rights to free speech were not violated. The Court cited *Pickering v. Board of Education* as precedent, which held that reviewing courts need to *balance* an employee's right to speech *against* an employer's right to a workplace free of interference with its functioning.

Level 3 Stylistic Metaphors. While doctrinal and methodological metaphors can be thought of as substantive (conjuring the substantive content of an argument or theory), the stylistic metaphor concerns how one talks about that argument or theory. Still, these metaphors are not to be considered discretionary or decorative, rather they can be powerful rhetorical strategies used by lawyers and judges. These types of metaphors include thematic metaphors. An attorney might structure various points in a legal argument around a theme that is metaphoric. For example, an attorney defending against

a charge of copyright infringement might pepper her argument in terms of a David and Goliath theme, her client being David, by referring to her client as *the little guy, the underdog, lacking armor*.

Point specific metaphors are metaphors used to underscore a single, particular point in a legal argument. Smith identifies this type of metaphor as the most common by far. It is what textbooks and legal writing instructors have in mind when discussing the persuasive power of metaphor in rhetoric (p. 936). These metaphors can take the form of lengthy analogies or single words. Among the single word examples Smith gives is from *State v. Devore* (2000): "Drug dealing is particularly *corrosive* to the well-being of Idaho communities." Other examples include *corrupting* a witness, *infecting* trial process with error, and *igniting* violence (p. 937).

Finally, there are extended stylistic metaphors like the one Judge Goldberg used in *Shanley v. Northeast Indiana School District* (1972) when he compared the U.S. Supreme Court decision in *Tinker v. Des Moines Independent Community School District* (1969) to a dam. "*Tinker's* dam to school board absolutism does not leave dry the fields of school discipline…*Tinker* simply irrigates, rather than floods, the fields of school discipline. It sets canals and channels through which school discipline might flow with the least possible damage to the nation's priceless topsoil of the First Amendment." (Smith, 2005 cited by Smith, 2007 p. 940).

Level 4 Inherent Metaphors. These are lexicalized or conventional, everyday metaphors we live by (Lakoff & Johnson, 1980). Smith advises legal practitioners to study the literature of cognitive metaphor theory to gain a better understanding of how metaphors function and how to harness their rhetorical power. Easier said than done.

For legal English learners, the role of metaphor, although perhaps unacknowledged, is central to competent discourse. Metaphors in law serve multiple functions including the naming and conceptualization of central doctrines, methodological analytic tools, rhetorical persuasion and explanatory power (Smith, 2007).

Legal English programs vary in duration and presumably, quality. Some programs are "summer intensives" which are completed in a month or two, such as the University of Minnesota's program (four weeks) or the University of Colorado, Boulder (eight weeks), or Vanderbilt University's 80-hour program. Other legal English programs are much longer such as Georgetown University's Two Year L.L.M. with Certificate in Legal English for Foreign Trained Lawyers program. Here, students spend the first year taking only required legal English courses. During the second year, students are free to choose their own L.L.M. classes.

The legal English programs are essentially preparation for international speakers of other languages to fully engage at the very high level of law school discourse among their native English speaking J.D. peers. Further, some students' goals include passing a U.S. bar exam and gaining employment as an attorney in the U.S. Whether the shorter legal English programs are able to incorporate metaphoric competence into student preparation might seem to require a luxury of time that is simply unavailable.

Conclusion

The goal of this paper was to answer the question: *How can some basic insights from cognitive linguistics benefit ESL, and legal English learners?* In this chapter I explored the authoritative rationale for explicitly teaching metaphoric competence as

described by Littlemore & Low (2006a) in EFL and ESL classrooms and concluded that teaching metaphoric competence should be included as a complement to regular language instruction. I also considered metaphoric competence in the context of American legal text and discourse since this is a field that is saturated with figurative language. Although legal English instructors may be less likely to include metaphoric competence in a syllabus due to difficult time constraints, explicit instruction following the framework set out in this chapter could be an efficacious use of class time if it can provide students with an organizational framework to approach legal text and discourse.

In Chapter Three, I model a text analysis of portions of the U.S. Supreme Court *Dobbs* decision. This analysis highlights the centrality of the figurative language used. I chose the *Dobbs* decision because it is timely and has broad appeal as a subject of discussion. I also analyze a newspaper article for its figurative language. The source is Voice of America and its Intermediate language level is designed for English learners. I chose the VOA article because it is a news article. One of the ultimate goals of teaching ESL is to create a pathway for learners to become engaged citizens. Also, this is an article written for English learners and thus purportedly uses more basic, straightforward, and accessible language than would be found in a typical news article published by an international media outlet.

I highlighted the figurative language most relevant to two groups of hypothetical students: Adult English as a Second Language (ESL) students studying Civics and Master of Laws (LLM) students studying Health Law. I then demonstrated how the application of key insights from applied linguistics, specifically engaging students in considering the figurative language's level of transparency as well as elaboration including dual coding,

can inform language teaching in these different learning contexts resulting in developing learners' metaphoric competence which arguably leads to gains in language proficiency more broadly (Boers & Lindstromberg, 2009).

CHAPTER THREE

Project

Chapter Overview

In Chapter Three, I suggest ways in which teachers can help students develop metaphoric competence. According to Cognitive Metaphor Theory (CMT) linguistic metaphor is an integral part of English and is the linguistic expression of a conceptual metaphor. Yet throughout the evolution of CMT, scholars remain divided on multiple issues.

For example, the Deliberate Metaphor Theorists posit that regarding the production of lexicalized or conventional metaphor, conscious awareness is not involved since those sorts of metaphors are not deviant or difficult. This runs counter to the basic tenet of CMT which is built on the assumption of online mapping between source and target domains. Still, some metaphors are deviant, difficult, and "overtly in your face" (Steen, 2017 p. 7) and require attention, even conscious attention. Regardless of who wins the "metaphor wars" (Gibbs, 2017), two things are clear: metaphoric language is fundamental to English and it is pervasive.

Since metaphoric language is fundamental and pervasive, developing metaphoric competence is a critical part of learning English in ESL and legal English settings. This is challenging for English learners. Students can acquire high levels of syntax and semantics and still be stymied by the everyday meaning and pragmatic use of metaphoric language.

Consequently, the research question in this paper was *How can some basic insights from cognitive linguistics benefit ESL, and legal English learners?* This question

was meant to organize the literature review around the practical application of key insights for teachers. Regardless of precisely how metaphor functions in English, metaphoric competence is a hallmark of language fluency. For those students for whom English fluency is indeed a goal, metaphoric competence is necessary.

Project Description

For my project, I analyzed portions of two diverse texts for figurative language: an intermediate level newspaper article from Voice of America, and the U.S. Supreme Court *Dobbs* decision. I highlighted the figurative language most relevant to two groups of hypothetical students: Adult ESL students studying Civics and LLM students studying Health Law. I then demonstrated how the application of key insights from cognitive linguistics, specifically engaging students in considering the figurative language's motivation as well as elaboration including dual coding (Kövecses and Benczes, 2010) can inform language teaching in these different learning contexts (ESL, and legal English) resulting in developing learners' metaphoric competence (Tsai, 2020) which arguably leads to gains in language proficiency more broadly (Mardsen & O'R) .

As discussed in Chapter Two, linguists are not of one mind when it comes to teaching or even classifying figurative language (Low, 2008). It would be unrealistic to expect teachers to analyze all texts and speech for its figurative language in an effort to build a repertoire, similar to building vocabulary. Additionally, novel or original metaphoric language in speech or text is simply unpredictable. As it comprises a significant amount of metaphorical language in discourse (Danesi, 2003), it may be the elephant in the room. Arguably then, teaching students to be attuned to metaphor may be

more important than teaching them the meaning of particular conventionalized metaphors or idioms.

A practical and perhaps enduring approach is to teach the student first and foremost, to be aware of the pervasiveness of figurative language in English. Then, it is a matter of (1) noticing in context and (2) analyzing the language. For example, a beginning English for Business class would most likely read and discuss nations' rules and regulations as they pertain to their subjects of study. Consider an Al Jazeera headline from 5/2023 which reads: *Governments race to regulate artificial intelligence tools*.

- Students might be asked to first give an explanation of the title or to rephrase it. Students can compare others' translations.
- Students can identify which words do not translate literally.
- If (some) student(s) have an accurate translation, they could give an equivalent phrase in their L1 for *race* as used in this context.
- Then an elicitation of the most basic sense of race would be in order, as well as a visual showing the polysemous nature of this word (running "against" a competitor, action "under time pressure," a political contest, the physical characteristics used to to "classify" individuals and groups.
- A similar approach could be taken for *tools*

Students practice identifying figurative language in context and practice making choices as to the type and extent of analysis particular metaphoric language warrants. Idioms and slang might be relatively easy to recognize in certain contexts. Likewise, similes with their particular formal features are often somewhat obvious, if not clear.

Far more insidious are things like modifiers that act in metaphorical ways: *soft money, soft spot, soft voice, gone soft, soft touch*. Similarly, there is a metaphorical component to many phrasal verbs: *look out, get out, stand out.* These are examples of metaphorically grounded language which may fly under the radar of a teacher yet impede understanding for language learners.

Audience and Setting

The audience for this project are ESL and legal English teachers in a hypothetical teaching situation. It is intended to serve as a simple model for teaching figurative language to English learners. Key insights gleaned from the literature review in Chapter Two organize the approach to teaching figurative language and building students' metaphoric competence. The hope is that the project inspires teachers to embrace figurative language as a means to understanding not only the metaphor, idiom, or simile at issue but the entire text.

The setting is an intermediate Civics ESL class and an LLM Health Law class. But, the analytic process could easily be reformulated for different contexts. For example, a legal English student might benefit from an analysis of the figurative language used in a brief, or in a deposition. A beginning ESL learner might benefit from learning the figurative language she can expect to encounter in preparation for the citizenship exam.

Rationale

It is important to keep in mind that while metaphoric competence is necessary for communicative competence and challenging for English learners (Littlemore & Low, 2006a), teaching it to English learners is approached in a variety of ways and there is no clear winning strategy for learner success. (Low, 2008, p. 218). The overall rationale for

teaching metaphoric competence is that metaphoric language is ubiquitous in English. The rationale for providing two models is that teaching figurative language could be incorporated into a variety of units, modules, or lessons and that it can support the primary learning goals.

Texts

The goals of this project were to demonstrate that teachers can be attuned to identifying figurative language beyond the obvious idioms and aphorisms and also to encourage teachers to teach figurative language. The project was an analysis of portions of two diverse texts for metaphoric language: a recently published news article from Voice of America, and excerpts of the *Dobbs* opinion from the U.S. Supreme Court.

An analysis does not need to follow a rigid formula. What gets taught will depend on what the teacher believes is important in facilitating understanding of the text as well as simply building the lexicon. The process should not be intimidating for teachers or students, but instead, an engaging way to make textual meaning accessible to English learners.

Procedure

The first step in this project was to raise awareness of the prevalence of metaphor in an everyday text as well as a specialized one. The second was to demonstrate an approach that language teachers can take to unpack figurative language and include it as a regular part of teaching. Although the analyses have a quantitative element in that metaphors are identified in text, the method of analysis is primarily qualitative in nature. The choice of method is driven by the nature of the research problem (Creswell, 2018), The goal was not primarily to define a list of most important metaphors or to specifically

quantify their prevalence. Rather in this hypothetical exercise, a teacher can look at two examples of incorporating teaching metaphoric competence into typical learning goals.

The first setting was an ESL Civics class reading a news story from a major publisher. See Appendix Part 1. The reason for choosing the news is its critical importance to civic engagement. The method consisted of the following steps:

- Step 1: Raise awareness by identifying metaphoric language in context.
- Step 2: Teach the metaphoric language.
    - Determine if there is a counterpart in the L1
    - Discuss the literal language
    - Assess the degree of opacity and provide clines if appropriate
    - Discuss cultural significance
    - Discuss author's choice of metaphor to serve a textual function
    - Provide a visual representation if appropriate
- Step 3: With minimal focus on metalanguage, categorize the type of metaphoric language by the function it serves.
- Step 4: Provide an opportunity for students to practice using the metaphor in other contexts.

The second setting was a Health Law class. See Appendix 2. The reason for choosing a U.S. Supreme Court opinion is because these are written by the ultimate interpreters and explainers of the law. In order to write for decision makers, it is necessary to know how decision makers write. The method consisted of the following steps:

- Step 1: Raise awareness by asking students to identify metaphorically grounded language in context.

- Step 2: Based on the hierarchy described in Chapter Two (Smith, 2007) identify doctrinal language (appears as legal rules, doctrines, and principles), analytic (used in methods and reasoning), rhetorical (including novel metaphors), or conventional (marked or unmarked).
- Step 3: Provide a text analysis.

Conclusion

In this chapter, I set out the objectives of the project and the research rationale. The texts used and project description were given. In Chapter Four I produce a detailed model of text analysis in two diverse texts, appropriate for ESL and legal English contexts. I also reflect on the research and writing experience and make suggestions for further research.

CHAPTER FOUR

Reflection

In light of the abundant research in applied linguistics since 1980, I began this paper aiming to answer the question: *How can some basic insights from cognitive linguistics benefit ESL, and legal English learners?* Over the course of my research, I learned that CMT has evolved considerably since Lakoff and Johnson's seminal work (Kövecses, 2020) and that it is far more complex and controversial (Gibbs, 2017) than I imagined. I did not find the slam dunk I was expecting.

The scholarly journey

I enjoy doing academic research. Most of the jobs I have had in my life have required it. One reason that researching this paper was challenging was because so much of what I found was absorbing to read. And nowadays it is easy to do research, since a lot of literature is easily accessible. When I worked as a biomedical researcher in the early 1990s, I had to go to the University library to use the school's online subscriptions. I also often searched in the stacks. When my legs started to ache from hours of squatting or sitting on the concrete floor, I knew it was time to stop letting myself wander, led by my own personal interests, and focus on the task. Doing research for this paper, on the other hand, had no built-in portion control.

At the same time, I found that researching in preparation for writing, in an area where I was simply a curious novice, was taxing on many fronts. The literature was often exceedingly technical. The concepts were new and it took many readings from a variety of sources before I finally began to understand it. Understanding also required multiple attempts writing about it, trying to explain it. This is a crucial part of writing that is easy

to discount: writing to learn and to clarify. Since writing can be draining, my inclination is to want to finish the writing. But good writing happens in drafts.

Critical pillars of knowledge

I began with the assumption that CMT was doctrine, and initially found an abundance of literature which seemed to support that assumption. That is confirmation bias. Looking back, it is obvious that the research that demonstrates success is the most likely to be published. As I continued, I began to recognize more of a variety of viewpoints around CMT, and was coming around to the idea that CMT was not written in stone. I learned that it has evolved considerably since Lakoff and Johnson's seminal work (Kövecses, 2020).

I learned that metaphor is far more complex and controversial (Gibbs, 2017) than I imagined. I was expecting a pedagogical slam dunk, but that is not what I found. In my research, the most comprehensive criticisms came primarily from these prolific writers who have been publishing in linguistics and related fields for decades. Specifically, R. Gibbs, G. Steen, and Z. Kovecses.

J. Littlemore and G. Low are linguist educators who published many articles and books together and individually, in an effort to make teaching metaphoric competence a priority for educators of language learners. I relied heavily on *Metaphoric Competence* (2006a) and *Figurative Thinking and Foreign Language Learning* (2006b) to understand why metaphor is worthy of instruction in English learner classrooms and how it is a part of all four areas of one esteemed and well recognized model of language competence.

I have also relied on another major researcher in applied linguistics, F. Boers. His message in his many publications over the years encapsulates my major take-away:

metaphor competence is important for communicative competence. Teaching it using a simplified, student-friendly, cognitive linguistics approach can be integrated into and complement other language teaching. These can be very brief interventions (Boers, 2013). When students notice and unpack metaphor, they are engaging with language and this can serve as means to language learning and retention.

Application and dissemination of knowledge

I have already begun putting my research into practice. I used my project's Voice Of America newspaper article in my beginning EFL class for media professionals, which met twice weekly over Zoom for three months. This text has an accompanying listening feature, where the text is read intentionally more slowly and in a clearly articulated manner. The text is constructed to be accessible to English learners at the intermediate level. I modified it in two ways to use in my beginning English classroom, by rewriting and recording it at the A1 level. And for those who wanted the challenge, they could choose to listen to and read the first 60 seconds of the story (somewhat beyond the lede).

Before students read and listened to the story they were asked about their reactions to the headline: *US Sets New Pollution Limit to Push Electric Vehicle Sales.* Here is where teaching metaphoric competence begins. Anticipating the story lets students predict its purpose and tone. Students connected with the vocabulary word *pollution* because it is a significant concern in cities around the world. Next, they were introduced to *set a limit*. Students offered a similar expression in their L1 (положить предел) and used the expression to talk about limiting alcohol, sweets, and the benefits of limiting pollution from cars. Next students discussed the literal and metaphorical language uses of *push*, giving examples of literally pushing cars, pushy salespeople, as

well as their L1 equivalent of pushy people. As students approached the text, they were primed by the power of the figurative language to evoke sentiment and connect to each reader in a fundamental, personal way. Further, they were now in the process of developing awareness of how English-language news publishers attempt to attract and hold their attention, in part through the strategic use of figurative language.

Importantly, identifying the figurative language worth studying is not straightforward (Gibbs, 2017). What I hoped to achieve in the project was a demonstration that while landing on the appropriate figurative language to teach and how to teach it is a subjective determination, it is worth teachers' consideration. As ESL teachers know, deciding which academic language to teach generally is often a trade-off. It depends on the students, the learning objectives, and the time available for the task. Likewise, the value of figurative language may vary from a pedagogical perspective.

Teaching metaphoric competence might be best approached similarly to teaching critical thinking skills. When we prepare students for reading texts, we want them to know who published the text, the writer's anticipated audience, and to anticipate any motivations on the part of the writer. We want students to read to understand not only what the words mean, but we might also encourage them to choose a lens for making meaning. For instance, the U.S. federal government makes an astonishing amount of specialized knowledge and information available to readers through a variety of media: print, audio, and video. The U.S. Department of Energy publishes information on its website that informs readers about technology. But at the same time, it is meant to solicit interest and engagement from industry, convey credibility and strength, and promote the values of the administration all in the same document (Department of Energy press

release, 2023). We teach students to recognize these sometimes covert and conflicting motivations in order to enrich their meaning making.

Similarly, we can teach students to be aware of the ubiquity of metaphoric language and to recognize the important work that metaphors do toward achieving the particular goals of a writer or speaker. This builds a student's metaphoric competence, supports her self-expression in English, and prepares her for autonomous learning. Which view of metaphor a teacher has will influence how it is taught. If one subscribes to the CMT, then "source" and "target" domains are appropriate to teach. On the other hand, a teacher might forgo teaching the cognitive theory altogether if it seems too cumbersome for the learning goal.

Implications

This project demonstrates just how prevalent metaphorically grounded language is in both ordinary and specialized text. One important implication is that teaching metaphor awareness should be included in teacher preparation programs. This could be addressed as a complement to, or in connection with pragmatics.

Limitations

It would be easy to dismiss metaphoric competence at any level of language teaching because its use is often novel and discretionary. However, figurative language (often grounded in metaphor), is pervasive in English. And yet it is also frequently invisible to us as speakers, readers, and teachers. The main limitation of this project is its requirement that a teacher recognize the power and ubiquity of metaphor. We do not learn about metaphoric competence in teacher preparation courses and this project is not a lesson or a curriculum. This project is just an example, both at a beginning intermediate

level as well as an advanced, specialized level. Implementing something similar requires awareness, interest, and creativity from the teacher. At first, this might seem taxing, as if it is an additional ball to juggle. However, teaching metaphoric competence can be approached as an attitude toward language teaching and a crucial part of communicative competence, that is, more than vocabulary and grammar rules. I hope to leave a reader with a sense of awareness, curiosity, and enthusiasm.

Future research

I would like to see a project that examines the intersection of pragmatics and metaphor in spoken English, in U.S. legal or political contexts such as opinions, depositions, interviews, trials, motions, city council, and school board meetings. I am interested in the pragmatic contexts in which metaphors are used, how often and how they are used. I am especially interested in whether and how the use of metaphors is connected to power within a given situation, and whether these findings could be generalizable. How, in these formal proceedings, do people use metaphor to establish or reflect a power dynamic.

My first advice, based on my experience writing this paper, would be to learn how to identify figurative language, including how to categorize it beyond metaphor, metonymy, idiom, etc. This is something I would have liked to delve into more deeply. This would require another thorough literature review. The researcher would also need a deep understanding of pragmatics, and pragmatic analysis in discourse. A researcher would also need to know how to conduct various corpora searches and then a methodology for choosing specific corpora to include in the research. The methodology would have to be very clear as to how the identification procedure works. Perhaps in

learning more about how and why we use metaphor, conventionalized or novel, we can reveal hidden patterns that underlie communication.

Professional contribution

I am part of a group of law professors and linguists who have begun volunteering with Ukrainian law professors.[17] As of this writing, we will be working with about 20 law professors from multiple Ukrainian law schools through weekly video conferences during the Fall semester. I am offering a mini course on using figurative language in legal writing. I feel extremely fortunate to participate and look forward to sharing and honing my skills. I am especially motivated to support this group. As law professors who are somehow managing to persevere through the ongoing war, they have an immediate practical need to improve their own legal English as Ukraine endeavors to strengthen its political and economic connection to the EU. They are among the leaders of their nation and I feel privileged to support them.

Conclusion

This thesis and project point to the reality that learning English involves much more than vocabulary and grammar and that honest teaching requires that we think seriously about how to teach metaphoric competence, even at non-advanced language levels. It is easy for teachers to be overwhelmed by administrative demands and tasks. As ESL teachers, our job is to ensure that learners can access content. If we can be bold and consider underappreciated avenues for doing that, as time-crunched as we might be, our students can become better communicators.

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[17] Although I am not a law professor, I once briefly taught *Statutory Interpretation and the Legislative Process* to law school students as an adjunct professor.

The purposes of my project were to (1) raise awareness among teachers of metaphoric language in everyday and specialized language, (2) inspire teachers to embrace the power of metaphoric language, and (3) to practice unpacking metaphoric language with students with a goal toward using it. This is not a teaching prescription, but an attitude toward language. There is no single right way to do it.

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