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*Figures of Speech and Legal Style.  
The Visual Shape of Law*

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*Abstract:* Elocution is a fundamental feature of Legal Rhetoric and this formal style represents a crucial element in the evaluation of the case by the judge. Legal writing requires above all incisiveness, which is the defining characteristic of an excellent judicial style and it is the evidence of accuracy, required in the vagueness of the disputed case, based on natural language.

The cultural tradition has handed down the idea that rhetorical style is shown mainly in the figures of speech, used in elocution to distinguish and improve persuasiveness. Hence, the most authentic origin of visual thinking in Legal Rhetoric is the use of figurative language in the dialogue of parties before a judge.

The figures have a couple of functions in legal style, such as ornament and analogy, and are able to indicate with an image what cannot be designated with a proper term. They have the function of illustrating and drawing notions, unknown or difficult to understand, through known phenomena of human experience.

Rhetorical figures are not a formal expedient of legal writing or public speaking, but they constitute the foundation of dialogue and a singular way to search for truth, especially in the adversarial system of legal experience.

*Keywords:* Figures of speech – Visual Language – Legal Rhetoric – Legal Elocution – Legal Writing

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## 1. Legal Rhetoric and elocution

The winning argument in a legal proceeding obeys to the dialogic nature of trial and it must above all overcome the opposing objections, but this happens if the language is persuasive. Only an adequate, correct and perspicuous style of writing and speaking may reach the real persuasion of the listener and can be defined as eloquent.

Indeed, the formal step of Legal Rhetoric, which is not a flattery technique, is elocution (in Greek *léxis* and in Latin *elocutio*). The ancient tradition of humanities proposes elocution in the context of other activities that must be carried out

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for the complete construction of the best speech: the research of topics selected (*heúresis* or *inventio*), the logical disposition of the arguments (*táxis* or *dispositio*) and the performance of defensive writing (*práxis* or *actio*).

Punctually and inexorably, every lawyer of our time is called to take into account the imperishable message of masters of Classical Rhetoric, including Aristotle, according to whom “written speeches owe their efficacy more to style than to thought”<sup>1</sup>.

Even in today’s legal practice, the choice of lexicon, the combination of words and propositions between them, syntactic clarity, spelling correctness and fluency of exposure are some of the most relevant aspects that classical Rhetoric suggests to the lawyer (but also to the judge) in drafting every judicial document<sup>2</sup>.

The attention to the formal style in law is not eristic, but decisive in reaching the winning arguments: it appears to have been a predominant element in legal training in the ancient era and in the middle age and nowadays returns in the contemporary judicial experience, where arid and repetitive technique dominates, rightly opposed by those who, like the classics, consider the care of expression a attestation of the credibility and authoritativeness of the judicial discourse.

In fact, the importance of the formal style in legal drafting is undeniable and it represents a crucial element in the evaluation of the case by the judge: the experience of adversarial system in the trial confirms that an eloquent style of communication of the arguments validates the defense activity and strengthens its persuasive power.

## 2. Incisive style. Accuracy and vagueness

Legal writing requires above all incisiveness, which is the defining character of an excellent judicial style.

As the etymological meaning of the term warns, the legal style is persuasive when it is incisive: in fact, *stýlos* was the tool used by the ancient amanuensis to engrave writing on wax tablets.

Incisiveness is first and foremost correctness and property of lexicon, which must be used rigorously in the legal proceeding, above all to avoid ambiguity in the use of certain terms that often have a technical significance.

Therefore, especially in the drafting of judicial documents, the legal elocution presupposes the mastery of technical language and needs accuracy and attention: in fact, in its *Rhetoric*, Aristotle recalls that in the written exposition “the judicial style requires greater precision (*akríbeia*), and even more before a single judge”<sup>3</sup>.

Accuracy must be distinguished from clarity, which implies the possibility of easily accessing the understanding of a set of knowledge, preserving a vision of

1 Aristotle 1959, 1404 a.

2 Frost 2005.

3 Aristotle 1959, 1414 a.

the mutual relationships that characterize the individual elements illustrated. Accuracy is also different from exactness, which is the fulfillment of a procedure calculation and which does not concern the linguistic property in the presentation of a concept.

Thus, the term accuracy in law alludes to the possibility of uniquely determining the implications of each legal case, without resorting to further information and indicating the specific and instantaneous context of the discussion. The word indicates the determination, that is to say the reduction of vagueness, although inherent in legal language, and the elimination of what is generic and approximate (the Latin word *praecisio* indicates the cutting).

This need for precision is intrinsic to the controversial debate which, in the trial, by its nature demands an overcoming and, at the same time, a simplification, entrusted to the judge: on the one hand, the strategic importance of the defender's accuracy is evident on the occasion of the clarification of lawsuit conclusions; on the other hand, the synthesis activity of the magistrate is expressed specifically in the accuracy of the verdict motivation, in which the judge notes and expels the contradictory and unsustainable theses, formulated by the parties.

Yet, as we have already stated, there is no doubt that the vagueness of natural language is constitutive of legal discourse and is frequent in judicial writing, in which uncertainty and unpredictability of the controversial case are evident.

This situation seems apparently contrasting with the need for precision and is attested in contemporary philosophy by studies about fuzzy logic. Hence, fuzzy logic shares an important assumption with the methodologies of argumentation, including Dialectics and Rhetoric: the knowledge cannot be formalized according to a language in which each term has a unique meaning, because in legal interpretation it is impossible to eliminate the polysemy of many linguistic expressions<sup>4</sup>.

The contrast between precision and vagueness, which is necessary element of legal style, find a mediation in the use of figures of speech. They appear in law in an original shape and are not an artificial product of technical language, but they are created in order to add an aesthetic ornament to the discourse or to fill the natural language gaps.

Therefore, the rhetorical figures do not take a secondary role in the trial, which is structurally dialogical and is based on uncertain and opposite understandings of facts or of norms: even better, the visual language of figures of speech constitutes the essence of judicial debate, since they attempt to express what is inexpressible by its nature.

In particular, the figures of speech help to achieve a fundamental purpose of the communicative style, which is clarity. As Aristotle says, "to speak in one way rather than another makes some difference in regard to clarity"<sup>5</sup>. Hence, according to the Stagirite, the questions of style (*léxis*) may have an impact on clarity, which is im-

4 Luzzati 1990.

5 Aristotle 1959, 1404 a.

portant for comprehension and contributes to persuasiveness<sup>6</sup>. Every legal speech is not banal and it often requires formal dignity to become persuasive, but it must be overall comprehensible.

Coming up with the right wording is therefore a matter of being clear, neither too banal nor too dignified, but appropriate<sup>7</sup>. According to the Stagirite, figures of speech, and especially metaphor, play an important role in style, since they contribute clarity and surprising effect that avoids banality.

### 3. Visual language and figures of speech

The cultural tradition has handed down the idea that rhetorical style is shown mainly in the figures, which are expressive shapes, used in elocution to distinguish and improve persuasiveness of speech.

These logical schemes come from the common use of natural language and are frequently found in everyday experience, but they exhibit particular forms not so much in literary, philosophical or historical work, as especially in legal discourse, where rhetorical figures assume specific functions in explaining the persuasive activity of lawyers who elaborate their defensive thesis in the adversarial system of trial.

Indeed, the figures constitute the thoughtful product of visual logic which develops with specific characteristics in Legal Rhetoric, arising in human language probably from its origins. This use of image represents and illustrates concepts in order to increase the persuasiveness of an argument that, having to be supported in the judicial opposition, cannot be purely endowed with formal beauty in itself, but must show its aesthetic structure, because it has to be refuted in the procedural hearing.

Aristotle evokes the power of visual language in Chapter 11 of the third book of *Rhetoric*, dedicated to how the orator can create brilliant expressions and “set things before the eyes”, whose meaning is “words in action”<sup>8</sup>.

This perspective finds its most obvious sign in Legal Topics, the art of finding (*topiké téchne* in Greek or *ars inveniendi* in Latin) a repertoire of argumentative places (*tópoi* or *loci*), such as legal norms or judicial sentences, which lawyers and judges are called to use as premises of their discourse<sup>9</sup>. Topics is the introductory part of rhetorical action because it is aimed at finding the premises every discourse and it shows its meaning in the metaphor of “places” of arguments, so called for the ease of remembering it<sup>10</sup>.

In the classical genesis of Topics, the use of figures instead of natural language does not appear to be merely a stylistic gimmick or an illusory misdirection: the symbolic representation of a concept through an image constitutes the result of

6 Rapp 2010.

7 Aristotle 1959, 1404 b.

8 Aristotle 1959, 1411 b.

9 Cavalla 1992.

10 Yates 1966.

a choice (more precisely, of a “discovery”) that aims to accentuate the persuasive force of an existing topic and which represents the combination of natural elements of speech<sup>11</sup>.

This is also the case today in the linguistic structure of legal writing (the lawyer’s memory or the judge’s ruling), where rhetorical figures show their specific topical value when they are synthetically reflected in the Latin brocard, which possesses the ability to resolve the disputed issue with an evocative expression of legally relevant arguments (such as the same positive norm) through the use of effective images taken from daily experience<sup>12</sup>. For example, some typical brocards in the common law system, such as *ex facto oritur ius* or *res ipsa loquitur*, are metaphors which indicate solutions to legal problems through visual language: for this reason, they are more communicative and convincing.

Figures of speech allow us to do things with words and are performatives<sup>13</sup>. They constitute the paradigm of visual thinking, which appears in today’s image culture the most widespread representation of mental content. Indeed, in post-modern culture, visual thinking presents a purpose not only meaningful, but also and above all effective, and it produces quickly and intuitively a useful result, such as the persuasion of reader or listener<sup>14</sup>.

This communicative power of speech acts is an essential part of the human mind which expands into the interactive way and is certainly possible in law<sup>15</sup>. It is realized not only when the jurist makes norms with drawings<sup>16</sup> or interprets the legal rules as nomograms<sup>17</sup> but also when the judge deliberates his decision, which is – as John Searle says – a declaration “that makes something the case by representing it as being the case”<sup>18</sup>.

In contemporary times, visual thinking emerges in legal design, which is the most interesting aspect of information and communication technologies applied to law.

Through the adoption of argumentative maps and graphic analysis of texts, legal design intends to propose digital images and normative depictions of legal text based on visual language, generally with the aim of making the legislation more understandable and attractive to the recipients, as happens in Europe in privacy protection established by the General Data Protection Regulation<sup>19</sup>. By extending this perspective of visual law to legal professionals, drafting of legal documents supported by digital images becomes an evident aspect of argumentative technique of lawyers, as for example in the composition of graphic contracts<sup>20</sup>.

11 Barthes 1970.

12 Velo Dalbrenta 2007.

13 Austin 1962.

14 Arnheim 1969.

15 Maynard 2005.

16 Lorini – Moroni 2020.

17 Heritier 2014.

18 Searle 2020.

19 Palmirani – Rossi – Martoni – Hagan 2018.

20 Passera – Haapio 2013.

#### 4. The order of figures. Ornament and analogy

In the Middle ages and in the Modern era, the pretense of ordering and classifying rhetorical figures has become an authentic “taxonomic fury”<sup>21</sup>. This attempt to encode the unpredictable and elusive figures of speech stemmed from a rationalist and illusory presumption of giving an artificial order to the changing reality of argumentation, trying to reduce it to a formal network.

The creation of a grid of conceptual schemes was born from the systematic need to control what is uncontrollable and to immobilize what is changeable: as we can also see in the evolution of Legal Topics, classifying means enclosing the shapes of the figured speech in a predetermined table to make them coherent with each other, by virtue of postulate that only analytical and deductive reasoning is valid.

On the contrary, the ideas of order and ornamentation, which in rhetorical thinking correspond to the concepts of classification and elocution, are closely related to each other: the Greek term *kósmos*, used by Pythagoras to define “world”, alludes to dynamic “ordering” proper to first principle of everything (*arché*), but also means “ornament” because it comes from the verb *kosméin*, which indicates the concrete and almost magical act of adorning, equipping, rendering efficient<sup>22</sup>.

This semantic meaning, which overshadows the possibility of making the otherwise inexpressible foundation of every rational and communicable discourse in allusive shapes, is originally expressed by the Latin verb *ornare*<sup>23</sup>. Maybe, the most authentic origin of visual thinking is the use of figurative language in the dialogue: in fact, in the history of Rhetoric, the Greek term *schèma* indicates the habit of reasoning and, therefore, the image of speech, finding itself, in fact, in the Latin word *figura*<sup>24</sup>, which also alludes to the mask or costume of the actor<sup>25</sup> and thus recalls the classical notion of *persona*.

Therefore, the ambivalence of the term remains in the word “figure”, which on the one hand appears to be a way to bring order into the discourse, embellishing it, but on the other it designates a linguistic scheme that alludes to what cannot be expressed by translation of the proper meaning and by the use of an image or symbol. It is the double meaning, which is at the same time both formal and substantial, of the word “style”, which is what makes what you write or say incisive, since it is elegance and character, beauty and distinction, finesse and imprint.

Figures of speech are able to indicate with an image what cannot be designated with a proper term: this is an analogy that is similarity between objects (a known phenomenon of experience and an unknown concept) which present a common meaning.

Hence, rhetorical figures certainly perform an ornamental function, which is also a sort of speech, but they also serve to better explain and, therefore, to com-

21 Barthes 1970.

22 Moro 2014a.

23 Zolla 1996.

24 Barthes 1970.

25 Perelman – Olbrechts-Tyteca 2001, 178.

municate more effectively (through analogy or similitude) a concept that, otherwise, is not understood and which, therefore, escapes any classification.

Furthermore, analogy is the most common way of reasoning in law because it allows a defeasible approach in judicial argumentation, in which the premises are simply endoxical or acceptable and the reasoning is grounded on patterns called maxims<sup>26</sup>.

Analogical thinking, which still has its roots in classical Greek culture<sup>27</sup>, constitutes a typical explication of Rhetoric, that takes place in the linguistic structure of the figures, which have the function of illustrating notions, unknown or difficult to understand, with known phenomena of human experience.

This figurative language is part of a specific rhetorical technique, defined by ancient Greeks with the term *ἐκφρασις* (“description”), which refers to the verbal description of an image and consists in reproducing a visual experience with words. Therefore, with the phrase “ecfrastic technique” we refer to the procedure originally developed from Classical Rhetoric whereby the writer tries his hand at describing works, stories or concepts until they are almost “visible in words”<sup>28</sup>. A famous excerpt from the archaic Greek culture is found in Homer, in the description of the shield of Achilles<sup>29</sup>.

Any schematism in the analysis of figures of speech is insufficient to define their nature<sup>30</sup>. Nevertheless, following a purely didactic order, four examples are indicated in the next part of this paper, worthy of greater attention in legal writing and corresponding to the traditional tetralogy of the main canons of Rhetoric, which are invention, arrangement, style and delivery.

In fact, rhetorical figures are used in legal language for at least four functions:

- a) the figures of invention or research, which allow to discover and choose the most valid arguments, also and above all, to critically provoke the opponent;
- b) the figures of arrangement or disposition, which concern the formal order of the linguistic construction elaborated in the drafting of a legal document;
- c) the figures of style or elocution, which refer to lexicon and the meaning of terms used in building the speech;
- d) the figures of delivery or drafting, which concern the way of expressing the legal concepts or arguments.

## 5. Four examples in law

### a) Prolepsis

Prolepsis is the preventive refutation of a possible objection by the opponent. The word comes from the Greek term *πρόληψις*, or anticipation, and derives from

26 Walton 2006.

27 Lloyd 1966.

28 Moro 2014b.

29 Homer 1990.

30 Perelman – Olbrechts-Tyteca 2001, 181.

the verb *prolambánein*, whose meaning is “to take earlier”. The image that this verb evokes is the action of the one who grabs something before someone else can take it.

It is one of the most important rhetorical figures of legal argumentation, which is used by the orator who speaks first and who intends to anticipate the critique of the theses that presumably could expose the opponent in the subsequent reply.

Prolepsis is a research figure, because it represents the concrete attempt that the rhetorician proposes to anticipate the competitive dialogue in the trial and to immediately elicit the possible answers of the opponent to the questions asked. This figure shows the logical need to find the different arguments that both parties can put forward in the judicial debate.

Aristotle considers prolepsis an important stratagem in the speech preparation phase, when he observes that: “Space must therefore be created in the listener’s mind for the speech that is ready to be pronounced”<sup>31</sup>.

In legal writing, it is also frequent today that, after having illustrated the legal precedents favourable to his thesis, the lawyer goes on to expressly contest contrary decisions because they are minor or less convincing, stating that a legal precedent is not ignored, but it cannot be approved.

Similar to prolepsis is the figure of speech called *hýsteron próteron* (from the Greek phrase that means “anterior posterior”) and which takes place in anticipation of what should follow.

A common example in legal practice is the anticipation of the ruling with respect to the motivation in the judgment, in which the inversion between decision and justification is not illogical, because the sentence is not a deduction, but a reasoned decision.

## b) Chiasmus

Chiasmus is a figure of speech in which the order of words is inverted in the corresponding expressions (in) of a sentence so as to obtain a cross-arrangement of terms. Through the Latin *chiasmus*, the phrase derives from the ancient Greek *chiasmós*, which indicates a composition in the shape of  $\chi$  (the Greek letter X).

A famous example of literary chiasmus is the *incipit* of *Orlando Furioso* by the Italian poet Ludovico Ariosto: “Le donne, i cavallier, l’arme, gli amori (Women, knights, weapons, loves”.

The drawn form of chiasmus, which is an order figure, is represented in the symbolic scheme ABCBA, where C is the weak argument which is placed in the middle, while A and B are the most solid reasoning, which are placed at the extremes of the exposition, creating an evident syntactic symmetry.

This parallelism in the phrase-making is also found today in legal writing when lawyers apply Classical Rhetoric and use a typical arrangement of argumentation, recommended since ancient times: the Nestorian order, which derives its name from the military deployment of Nestor, mythical king of Pilo remembered by

31 Aristotle 1959, 1418 b.



Homer, who puts his weaker troops in the middle of the army. According to this order, the arguments considered more solid must be placed by the orator at the beginning and at the end of the speech, leaving the more fragile ones in the middle<sup>32</sup>.

### c) Metaphor

Metaphor (from the Greek *metaphorá*, which properly means translation) is a translation or transfer of meaning used to connect different concepts which have however common aspects.

The metaphorical translation consists in using a word to understand a different concept from what it usually expresses, like “the heart of the question” to allude to the essence of a problem or “the dawn of philosophy” to indicate the philosophers before Plato.

Metaphor is a figure of style and it is the most important and widespread in legal discourse. Its relevance is evident in the judge’s reasoning<sup>33</sup> and is essential for the analysis and interpretation of the legal “sources”, term which is indeed a metaphor<sup>34</sup>.

This figure is used in rhetorical argumentation for both ornamentation and analogy.

On the one hand, metaphor represents the typical stylistic and ornamental figure of Legal Rhetoric and its measured and targeted use enriches the speech and makes it elegant and effective. Especially in the adversarial debate, metaphor becomes an act of technical language and can reinforce the persuasiveness of argumentation.

On the other hand, the analogical and allusive use of metaphor constitutes the means to express the inexpressible reality: through this figure of speech, the orator is a philosopher and he tries to indicate a further and original meaning of concepts or thoughts that, also because of its vagueness, appear indefinable with proper terms.

Metaphor is an important way of approximation to truth and it is an appropriate means of expression of the multiplicity of being by analogy<sup>35</sup>. It undoubtedly belongs to the perspective of Classical Rhetoric and is fully found in Aristotle’s thinking, in which this figure of speech assumes a meaning, not only stylistic but also theoretical and, therefore, authentically cognitive<sup>36</sup>.

The use of metaphors is frequent in legal discourse and is easily traceable in many Latin brocards who express fundamental principles regarding procedural law which, by organizing the methodology of the controversy, is a natural sign of Rhetoric.

For example, with the expression *in limine litis* (“on the threshold of controversy”) we refer to the burden – established in various ways by the procedural law – of opposing exceptions or making claims in the introductory acts of the trial, when the dispute is still in the entrance of legal debate.

32 Cicero 2000, 533.

33 Hibbits 1994.

34 Sarra 2010.

35 Berti 2016.

36 Eco 2004.

Furthermore, the phrase *vigilantibus non dormientibus iura succurrunt* (“the law helps those who remain awake not those who sleep”) indicates the burden of the parties to avoid forfeiture of rights or deadline for the completion of procedural documents.

Finally, with the proposition *pro domo sua* (“for his house”), deriving from the oration *De domo sua* by Cicero, who pronounced it to defend his house from confiscation, we designate the lawyer or the judge who in the trial carries out considerations which, implicitly or explicitly, are arguments without impartiality and that, therefore, obey the instinct to protect himself.

#### d) Irony

Irony (which derives from the Greek *eironeía*, dissimulation) is a figure of expression and is generally accomplished “when you say things other than what you think”<sup>37</sup>.

A particular form of irony is antiphrasis, which consists in concealing one’s thought using a word that means the opposite of what is meant, as in common language, when blame is put in the form of praise, saying of someone incompetent “what genius!”.

The use of irony is widespread in judicial discourse and is frequently manifested in the dialectical shape of critical argumentation, when it aims to highlight a thesis so inconsistent as to be ridiculous.

Irony is a typical figure of the defense reasoning and requires a prior knowledge of the position by the accuser or by who supports the attack<sup>38</sup>. Sometimes, it appears to be a manifestation of “Rhetoric of silence”, in which the border between saying something and not saying it remains deliberately nuanced to confer greater persuasive efficacy to the reasoning.

In classical sources, the irony of Socrates is very famous. Diogenes Laertius tells the following episode: “Often in the investigation his conversation took on a rather vehement tone: then his interlocutors hit him with punches or tore his hair; in most cases he was despised and mocked, but he endured everything with a resigned spirit. So much so that once, enduring the kicks he had received from someone, to those who marveled at his patient attitude, he replied: ‘If he had kicked a donkey, would I have led him to trial?’”<sup>39</sup>.

In *De Oratore*, Cicero rightly recalls the dialectical effectiveness of irony in the judicial debate, observing that the ridicule, which is a typical manifestation of irony, “brings the opponent to his knees, creates difficulties for him, weakens him, intimidates him, confuses him”<sup>40</sup>.

37 Cicero 2000, 501.

38 Perelman – Olbrechts-Tyteca 2001, 219.

39 Diogenes Laertius 1993, 55-56.

40 Cicero 2000, 471.

## 6. Conclusion. Figures of truth

Thinking in images through figures of speech is a necessary action in legal communication.

Hence, figural Rhetoric makes it possible to achieve a double purpose in legal experience: on a practical level, it constitutes a form of protection of freedom of speech from the arbitrariness of power; theoretically, it opens the original way of appearance of truth in the trial.

Indeed, the search for truth is the most important practical task of the lawyer who also challenges arbitrary and indifferent opinion to serve freedom in law, documenting the rhetorician's inexhaustible and daily commitment and his aspiration to rigorous argumentation.

The use of rhetorical figures, such as metaphor, allows the lawyer to conceal his argumentative ability and defend it from the arbitrariness of the power that the judge exercises in the trial and that the legislator holds in political life.

Rhetoric is not a mask of power, but a mask against power<sup>41</sup>.

*Ars est celare artem.* The expedient of concealing Rhetoric art, pretending to ignore one's argumentative ability by adapting to the disposition and condition of the audience, is perhaps the most relevant sign of the possession of method.

Hiding one's skill is a great ability and shows the closeness of style to natural language, which is aimed at arousing also the emotional approval of the audience. Therefore, since the linguistic style has not only an ornamental but also an analogical function, the rhetorical figures are a metaphor of philosophy and attest to the presence of truth, which appears in language but, at the same time, tends to hide.

The primary truth is revealed by subtracting and is defined by the ancient philosophers with the Greek name *alétheia*, whose etymological meaning does not allude only to a *revelation*, which is what is non-hiding (*alpha privativum*), but also to a condition of illatence, which is a greater accentuation of hiding (*alpha intensivum*).

The original and dynamic aspect of truth is also "re-velation" (in Latin *revelatio*), which is a disclosure that hides again, and indicates the activity of the Principle (*archè*) which, in Greek thinking, is synthesis to manifest and hide<sup>42</sup>.

Interpreting the essence of Greek philosophy with a metaphorical image, Heidegger defines this area by secretly illuminating the truth with the German term *Lichtung*, which indicates "clearing", that is the space that thins out in the forest from the thick of the trees (*Waldlichtung*), so that the dynamic opening of the original truth is "presence that hides itself", "shelter which by hiding preserves itself"<sup>43</sup>.

41 Raimondi 2002, 24.

42 Cavalla 1996, 163.

43 Heidegger 1980, 179.

Rhetorical figures are not a formal expedient of legal writing or public speaking, but they constitute the foundation of dialogue and a singular way to search for truth, especially in the adversarial system of legal experience. They are the inexhaustible attempt of human beings to build, through images, the communication of truth in enigmatic tension between visible and invisible.

## References

- Aristotle (1959), *Ars Rhetorica*, edited by W. D. Ross, Clarendon Press, Oxford, Perseus Digital Library, <http://www.perseus.tufts.edu/hopper/text?doc=urn:cts:greekLit:tlg0086.tlg038.perseus-grc1:1354a>.
- Arnheim, R. (1969), *Visual Thinking*, University of California Press, Berkeley.
- Austin, J.L. (1962), *How to Do Things with Words*, Clarendon Press, Oxford.
- Barthes, R. (1970), "L'ancienne rhétorique", *Communications*, 16, 172-223.
- Berti, E. (2016), "Aristotele: analogia dell'essere o dei principi?", *Archivio di Filosofia*, LXXXIV, 3, 65-73.
- Cavalla, F. (1992), "Topica giuridica", *Enciclopedia del Diritto*, Giuffrè, Milano, 720-739.
- Cavalla, F. (1996), *La verità dimenticata. Attualità dei presocratici dopo la secolarizzazione*, Cedam, Padova.
- Cicero (2000), *De Oratore*, Italian edition, *Dell'oratore*, Rizzoli, Milano.
- Diogenes Laertius (1993), *Lives of Eminent Philosophers*, II, V, 21, edited by T. Dorandi, Cambridge University Press, Cambridge, 2013, Italian edition, *Vite dei filosofi*, a cura di M. Gigante, TEA, Milano, 1993.
- Eco, U. (2004), "Aspetti conoscitivi della metafora in Aristotele", *Doctor Virtualis*, 3, 5-7.
- Frost, M.H. (2005), *Introduction to Classical Legal Rhetoric: A Lost Heritage*, Ashgate, Aldershot.
- Heidegger, M. (1980), *Sein und Zeit*, Niemeyer Verlag, Halle, 1927, Italian edition, *Tempo ed essere*, Guida, Napoli.
- Heritier, P. (2014), "Law and Image. Towards a Theory of Nomograms", in A. Wagner, R. Sherwin (eds), *Law, Culture and Visual Studies*, Springer, Dordrecht.
- Hibbits, B.J. (1994), "Making Sense of Metaphors. Visuality, Aurality, and the Reconfiguration of American Legal Discourse", *Cardozo Law Review*, 16, 229-356.
- Homer (1990), *Iliad*, Italian edition, *Iliade*, Einaudi, Torino.
- Lloyd, G.E.R. (1966), *Two Types of Argumentation in Early Greek Thought*, Cambridge University Press, Cambridge.
- Lorini, G. – Moroni, S. (2020), "How to Make Norms with Drawings. An Investigation of Normativity beyond the Realm of Words", *Semiotica*, 233, 55-76.
- Luzzati, C. (1990), *La vaghezza delle norme: un'analisi del linguaggio giuridico*, Giuffrè, Milano.
- Maynard, P. (2005), *Drawing Distinctions. The Varieties of Graphic Expression*, Cornell University Press, Ithaca and London.
- Moro, P. (2014a), *Alle origini del nómos nella Grecia classica. Una prospettiva della legge per il presente*, FrancoAngeli, Milano.
- Moro, P. (2014b), "Forme del processo e figure della verità. Interpretazione retorica del dipinto La Calunnia di Sandro Botticelli", *Isll Papers*, 7.
- Palmirani, M. – Rossi, A. – Martoni, M. – Hagan, M. (2018), "A Methodological Framework to Design a Machine-Readable Privacy Icon Set", *Data Protection. LegalTech Proceed-*

- ings of the 21st International Legal Informatics Symposium IRIS*, <https://ssrn.com/abstract=3195937>
- Passera, S. – Haapio, H. (2013), “Transforming Contracts from Legal Rules to User-Centered Communication Tool: A Human-Information Interaction Challenge”, *Communication Design Quarterly*, April 2013, 38-45.
- Perelman, C. – Olbrechts-Tyteca, L. (2001), *Traité de l'argumentation. La Nouvelle Rhétorique*, Presses Universitaires de France, Paris, 1958, Italian edition, *Trattato dell'argomentazione. La nuova retorica*, Einaudi, Torino.
- Raimondi, E. (2002), *La retorica d'oggi*, Il Mulino, Bologna.
- Rapp, C. (2010), “Aristotle’s Rhetoric”, *The Stanford Encyclopedia of Philosophy* (Spring 2010 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2010/entries/aristotle-rhetoric/>.
- Sarra, C. (2010), *Lo scudo di Dioniso. Contributo allo studio della metafora giuridica*, FrancoAngeli, Milano.
- Searle, J.R. (2020), “Semiotics as a Theory of Representation”, *Teoria e Critica della Regolazione Sociale*, 20, vol. 1, pp. 49-57.
- Velo Dalbrenta, D. (2007), *Brocardica. Un'introduzione allo studio e all'uso dei brocardi*, FrancoAngeli, Milano.
- Walton, D. (2006), *Fundamentals of Critical Argumentation*, Cambridge University Press, Cambridge.
- Yates, F.A. (1966), *The Art of Memory*, Routledge & Kegan Paul, London.
- Zolla, E. (1996), *La nube del telaio. Ragione e irrazionalità tra Oriente e Occidente*, Mondadori, Milano.

