

Everybody uses metaphors in everyday life, even unconsciously. These metaphors are not literary and not served to just enrich the language. There are all cognitive conceptual metaphors, helping to reason in concrete terms about abstract concepts. Justice is the central concept of criminal law. As an ambiguous term, it could be understood in many ways, referring to different patterns and models. The meaning of the term *justice* has changed over the centuries of legal history. Nevertheless, every person - including professionals like judges or mediators – *prima facie* understands the justice concept intuitively through the prism of conceptual metaphor. Justice is like balancing the scales of Themis. Justice – for supporters of the theory of retributive justice - is like *levelling the score* in the game with the violator and society. According to the theory of restorative justice, it will be *restoring the original order, the primary social balance*. Around these two prototypes – just like two opposite scales of the typology of justice - a whole system of conceptual metaphors is arranged. It consists of various legal concepts, not only the term *justice*.

There is an interesting area for the research on criminal law metaphors – the mediation. I will try to detect the full contrast between different conceptualizations of the most important concepts of criminal law, analysing the language used by non-lawyer mediators and language-based mediation techniques. Mediators are obliged to apply criminal law *like professionals* without any professional legal background needed, such as legal studies, which are accessorial. And they work in a completely different social context than judges. Thus, the model of justice for mediators may be different from the judicial, classical one. Furthermore, mediators use metaphors as a mediation technique to transform the language of conflict. This technique is called *reframing the conflict*. I would like to check how useful conceptual metaphors can be in this technique.

The aim of the project is to establish the system of conceptual metaphors of criminal law used by judges and mediators, and then test how the use of specific metaphors affects the process and result of criminal mediation. I will examine if a non-lawyer mediator conceptualizes criminal law terms differently than a lawyer (e.g. judge) and how much these differences depend on language, which influences the decisions of the mediator. To resolve this issue, I will conduct research with two main objectives. The aim of the first part will be to catalogue the criminal law metaphors used by mediators and judges. Then, I will abstract different conceptual metaphors from the system, not just those used typically by mediators but also by judges, and check their transformative effect in the mediation simulation. I will check whether the system of metaphors is coherent and if it has an impact on real mediation. Thereby, I will check what is the impact of metaphors on the mediation process and what is the main pattern of justice in mediation in comparison to the court trial and if this pattern is marked in the language of the mediator and the parties.

The sense of the examination, mentioned above, comes up in the scope of its interdisciplinary character because the research combines various fields of science such as: criminal law, cognitive science, theory and philosophy of law and research on mediation techniques. Only this broader perspective lets me to say that there is one coherent area between these various disciplines and it is worth to supplement it with my research. Findings will affect all of these disciplines jointly and separately. For the dogmatics of criminal law, the conceptual metaphor of justice will be an instrument to organize the discourse of various theories of justice. For mediation techniques, the conceptual metaphor analysis will help to understand the cognitive basis of the technique of using conflict-transforming metaphors. For the theory and philosophy of law, conceptual metaphor is still a new method, opening the philosophy of law to cognitive sciences, which is interesting - primarily in the context of studies on legal reasoning background models versus mediator's conceptualizing. Similarly, criminal mediation as a subject of the sociology of law is an attractive field for examining the real operation of criminal law in mediation *living law*. When judges refer cases to mediators, they still treat it as a *black box*, in which the conflict is resolved in an unknown way. The analysis of conceptual metaphors of criminal law, the communication and conceptualization of terms of criminal law used by mediators and judges and finally examining the real impact of conceptual metaphors on the process and result of mediation will fill this *black box* with empirical findings.