

NARRATIVE THINKING AND STORYTELLING IN LEGAL COMMUNICATION

Emilia Michalska

Fourth Year Student of Applied Linguistics,
The Institute of Specialised and Intercultural Communication, University of Warsaw,
26/28 Krakowskie Przedmieście, Warsaw, Poland, 00927
e.michalska12@student.uw.edu.pl

Wiktoria Własiuk

Fourth Year Student of Administration,
Faculty of Law and Administration, University of Warsaw
26/28 Krakowskie Przedmieście, Warsaw, Poland, 00927
w.wlasiuk@student.uw.edu.pl

Mentor: Joanna Osiejewicz

University of Warsaw,
26/28 Krakowskie Przedmieście, Warsaw, Poland, 00927
j.osiejewicz@uw.edu.pl

Abstract. The interdisciplinary approach in legal studies is very popular at foreign universities, though in Poland the awareness of the need to expand lawyer's skills combined with those of other disciplines is just beginning to advance. This article considers the potential of applying linguistic knowledge, notably the that in the field of narrative construction and the selection of appropriate linguistic means in the lawyer's everyday practice. The authors of the article have made an attempt to demonstrate that the combination of paradigmatic thinking of lawyers with the narrative mindset rather typical of linguists is able to positively affect the comprehension of stories in the courtroom. This paper reveals that rhetorical skills could be acquired through well-known literary works, as they may help construct the client's story in a persuasive manner. Furthermore, the issue of the appropriate choice of the linguistic means when constructing a speech is addressed, insofar as such a measure also determines how the audience evaluates the credibility of the story.

Keywords: narrative thinking, paradigmatic thinking, lawyers, speech, storytelling, communication, law

INTRODUCTION

More and more people see the need for an interdisciplinary approach in law studies in Poland, which is being introduced at foreign universities. Law students, in order to perform well in their future profession, should draw knowledge from various fields and be able to use it in a practical manner. It turns out that, unfortunately, the amount of information acquired during studies is not sufficient to work effectively as a lawyer. While the development of logical skills is rightly given importance during education, the issue of persuasive storytelling

is addressed either residually or ignored. The resulting deficiencies can have a decisive impact on the destiny of an individual who is asserting his rights.

In this paper, through the analysis of works on narrative thinking and the appropriate use of language during storytelling, we will formulate proposals for their possible use in legal profession. Thus, we will demonstrate that linguistics offers lawyers a number of solutions that will take them beyond being mere guardians of the law.

Materials and methods

In order to reveal how to combine linguistic knowledge with legal practice, we will first cite several works by researchers in the humanities whose observations have shown the importance of paradigmatic thinking and the ability to select appropriate linguistic means in storytelling. We will also try to indicate the strong connections linking the law and narrative, which can be inspiring in the process of developing a lawyer's linguistic skills. To undertake this work, it is necessary to define the concept of narrative thinking at the outset.

According to Jerzy Trzebiński, narrative is the way people understand the world – through events and problems caused by them, we see the entire story (Trzebiński, 2002). Therefore, narrative thinking allows us to perceive facts in a way that enables us to construct from them a story that carries a specific message. This message is determined by the values, beliefs or individual preferences of the storyteller, so there is no clear answer to the problem posed in the story. Its interpretation also depends on the approach of the listeners, who, while listening to the story, superimpose their own feelings on it. Hence, the goal of the narrative thinking should be to convince the audience of one's point by structuring the story well, and ensuring that the facts presented in the narrative and their interpretations connect into a coherent chain of events.

Paradigmatic thinking is very different from narrative thinking: it is based on logic and identifies the only right solution to a problem. This type of thinking is best used to describe regularities occurring in the external world, and primarily refers to the rational part of ourselves. It is mainly relied upon by lawyers in their search for legal rules that could lead to the uncovering the only truth. While paradigmatic thinking clearly distinguishes between good and evil, in narrative thinking reality is perceived more ambiguously. In a good story, after all, those values cannot be pure, because the solution would appear obvious. As a way to interpret the characters' intentions well, one must assume that evil is mixed with good. In the world of paradigmatic thinking there is no room for such nuances.

Narrative thinking is typical for linguists and philologists, while paradigmatic thinking characterizes lawyers. The daily work with language of the former makes them look at the world in a more complex way. This manifests itself, for example, in their word choices – linguists know very well that while some terms are synonymous, they cannot be always used in the same sentence. Noticing the differences in the vocabulary and grammar leads them to skeptical perception of the reality and makes them look for details or contexts that will allow them to understand the situation correctly. Narrative thinking, however, is sometimes fatal to them, as using it exclusively results in logical inaccuracies in their statements and a disruption of the sequence of events. Lawyers, on the other hand, are characterized by paradigmatic thinking, because they find it very helpful on a daily basis. After listening to a client, they are able to find in memory the exact regulation that would enable them to find a logical answer to the question asked. Nevertheless, paradigmatic thinking alone is not

enough to succeed in this profession. This can be seen in court hearings, where the better story always wins. Facts alone, even if they are indisputable truth, are not enough to make a convincing case. What is needed is emotion, involvement of the listener and proving that the opponent's story is less realistic.

But how can we tell a story with the use of narrative thinking? According to Trzebiński, first of all, it should be noted that narratives base events on human intentions and the problems that arise from them (Trzebiński, 2002). Finding the right intention of the protagonist and recognizing the problem is crucial for the further development of the story – it is actually an attempt to explain the hypothesis we set at the very beginning. Narrative structure is also of the high importance here, as it helps us to organize and interpret events in chronological order. Furthermore, narrative structure conditions our perception of the characters and the values that guide them: owing to those elements we can explain the intentions of the characters and recognize the way in which they will try to pursue their goals. It is worth noting here that every event depicted in a story must show this process, otherwise it has no relevance to the story, because it adds nothing to it. Using narrative structure also allows us to recognize the problems that await the characters on their way to achieving their goals and to assess the chances of overcoming them (Trzebiński, 2002). In addition, structure is a tool which we use to organize the information, as it enables us to revisit it later on.

When we take a closer look at the narrative thinking, we immediately see that the story always consists of three parts. At the very beginning of the story, the protagonist encounters difficulties (stage one), then tries to overcome them (stage two) and finally solves the problem or gives up (stage three). This process was described in more detail by Joseph Campbell in his book “The Hero with a Thousand Faces”, in which, referring to dozens of myths and legends from every corner of the world, he noted that each of the stories cited contains recurring themes and the stages mentioned earlier (Campbell, 1968). Campbell compared the hero's story to a journey, and his story pattern is still used today by writers, screenwriters and various researchers. It could also be a work worthy of interest to any lawyer: based on narrative thinking, the story structure proposed by Campbell will certainly be useful to them whenever they try to recreate a story they have to deal with.

It is worth noting that we can look for the sources of law in the stories and myths passed down from generation to generation. Describing the virtues of the ancient heroes and condemning the unworthy acts of their enemies became the basis of rules in primitive societies, as it allowed to distinguish between good and evil. Some of these moral norms, on which the law is based, remain valid to this day; the changes that have occurred are due to subsequent stories, which have allowed the value system to be updated. Legal maxims share a similar origin – they derive from speeches made in ancient Rome that referred to a specific story. Thus, the law was created through denarrativization, that is, stripping the text of its narrative elements in order to isolate the very pattern of behavior (Cichocki, 2016).

As Cichocki notes, narratives are the basis for the statements of both the parties to the proceedings and their lawyers (Cichocki, 2016). The various versions and interpretations of the events of the opposing parties in a trial compete with each other and seek to undermine and cast doubt on the opponent's narrative. This, of course, is intended to convince the judges or the members of the jury of their story. The verdict is also a narrative that is the product of the opposing stories.

It should be also noted that narratives presented in court hearings must be adapted to the specifics of the legal language and the rules of the law. The stories should refer to legal norms and be based on evidence. If they are beyond the bounds of evidence which the court has accepted and are not consistent with the rest of the statements, they will not be credible to the court and will be omitted. Unfortunately, testimonies from victims of traumatic experiences are also often considered unreliable. Stories that are too emotional, chaotic and non-linear are viewed negatively at trial.

Nevertheless, this is not the only difficulty. Narratives in almost every judicial proceeding are subject to various restrictions. In the Polish criminal lawsuit, evidence presented during the trial must have a specific order. The judge has also the right to reject a request for the taking of evidence if it is only intended to further prolong the case. However, narratives can affect the outcome of the taking of evidence in a criminal lawsuit. A rivalry between the parties is a rivalry between the stories, and the resolution of this conflict is decided on the basis of similarity to model stories. Here, narratives address, among other things, the established image of the offender or refer to forms of social knowledge that are forced into a framework. In appeal proceedings, on the other hand, narratives are used to find gaps and mistakes made in the proceedings at first instance. In these proceedings, a single story is recreated, which is made up of the most likely episodes taken from the stories of both parties.

The great advantage of narrative thinking is that it has the ability to strongly influence the audience due to the tension built through the story. By appealing to emotions and generally accepted values, we can achieve a better effect than if we only recall the events. As Campbell has remarked, it is necessary to see in the story a clear factor that prompted the hero to act, thereby causing the story to begin (Campbell, 1968). In paradigmatic thinking, we would focus on the mere fact of the occurrence of such an action, while narrative thinking makes us consider the hero's behavior not only in terms of the intention itself, but also draws attention to the very situation that motivated the hero to be active. In addition, narrative thinking is helpful in maintaining the coherence of the story – only a story in which the protagonist's motives are in harmony with his actions will succeed in convincing the audience to believe in its authenticity.

We also want to bring focus to the language of the story we are telling. A well-planned structure is not enough to engage the audience, since skillful choice of words and awareness of their power are crucial for any storyteller. First of all, special attention should always be paid to dynamic verbs – they are the ones that make the viewer reproduce the story pictorially in his mind. They are the ones that give the story movement and energy, which makes it more real, keeps it suspenseful and arouses curiosity. Linguists are well aware of the importance of a well-chosen verb, which is, after all, the basis of a sentence and the carrier of a story. Verbs make the speech clearer and more direct. They are the most important part of the sentence and make it livelier.

A major mistake when formulating the speech is the use of excessive nominalizations, notably the use of nouns (for example, verbal nouns) in places where another part of speech can be used. Nominalizations often destroy the order in a sentence and lead to ambiguity, such as hiding the subject. Another important rule is to avoid the passive voice. As noted by Joanna Wrycza-Bekier, when we know the performer of an action, we should use the

active voice. Since nominalizations and passive voice make the speech less clear, it is worth rephrasing the sentence to eliminate the excessive number of nominalizations and insert verbs in their place, or to divide the sentence into several smaller units. Such a story will become clearer to the audience and will allow them to focus on the mentioned facts (Wrycz-Bekier, 2018).

The first sentence also plays an important role in the story, so it must be carefully thought through, by choosing the best one among many possibilities. If we get the audience interested at the very beginning, they will certainly keep following the story attentively. Thus, the first sentence of a story must be constructed in such a way that the audience can guess what kind of story they are dealing with (which, of course, does not mean that we uncover the ending). The best examples of this are the traditional opening formulas of folktales, which automatically transport the audience to the specific world and its issues.

Finally, the story is also adversely affected by complicated words. If we have a good equivalent of Gallicism or Latinism, we should refrain from using a loanword and choose a native word. Recipients may not be familiar with exotic-sounding words, often due to unfamiliarity with the language from which they originate. However, when using native words, one must remember not to overuse archaisms (namely, old word or expression that is no longer used with its original meaning or is only used in specific studies or areas). They can disrupt the message and make the language of our speech overly flowery.

RESULTS AND DISCUSSION

From the works cited and the thoughts derived from them, we can clearly see that the combination of paradigmatic and narrative thinking is the key to being an effective lawyer. Since our work focuses on improving the competence of lawyers through linguistics, it is the results of applying narrative thinking in law that will interest us in the following paragraphs of the text.

It must be remembered that this is not a completely new approach. Some legal theorists have noted the universality of well-known stories and have begun to deal with law in literature. After all, through the analysis of literary works, one can study law and its public perception. This approach is particularly popular in American universities, where students are introduced to the canon of literature and analyze the issues raised in a given work (Cichocki, 2016). On the basis of the potential problems presented by the writers, one can learn to look for possible solutions, and also try to see what reactions a lawyer's proposal will meet with in society. Each story contains at least one motif which recurs in other stories and which addresses moral problems that have troubled us for centuries. Hence, it is worthwhile to study literary works also in other universities, so that we can evaluate from the perspective of a man of our age the legal rules that have guided or still guide us.

Although the influence of narrative on the law is often not apparent at first sight, it can be observed, for example, in the law-making process, especially in the United States, where new laws are often named after the victims. An example of this situation is the so-called Megan's Law (Cichocki, 2016). It was introduced into American law after the death of a seven-year-old-girl, Megan Kanka, who was raped and murdered by a pedophile living in the neighborhood. Influenced by her story, people began to demand universal access to information about pedophiles living nearby (Motyka, 2002). The goal was achieved, as this

tragedy pointed out a significant problem and made it possible to fight it preemptively with a new law. This shows the enormous impact of stories reported by the media, which lawyers can use in the process of naming new laws. This would certainly make it easier for citizens to learn about these new regulations, as it would affect them more strongly than abstract terms.

Another advantage of the development of narrative thinking is that it could be very useful in trying to fill in missing data in a story. By analyzing the course of events, lawyers would be able to find details that they might not have initially noticed. Thanks to narrative structure, they could assess the internal consistency of the facts, reconstruct the most likely events and consider their different course. Paradigmatic thinking would force lawyers to leave gaps in the story, making it difficult to determine the true course of events.

It should be also noted that the lawyer's goal must be to create a human image of his client, the hero of the story. Narrative thinking, by pointing out the links between motivations and action, can help us in this task. People don't like to listen to stories about flawless heroes; it's important to evoke minor flaws (but which do not significantly affect the hero's image in a negative way) and appropriate emotions that will make the story more plausible. By doing so, the listeners will be more inclined to believe it. We must remember, though, that emotions should not overshadow the story itself, as this negatively affects its reception.

From the above considerations it is also apparent that lawyers should focus on the moment of informing the audience about the protagonist's motives – by doing so at the beginning, the story will be more comprehensible, but by revealing such information at a later point, it will affect the audience's emotions and engage them more. We must remember that the intentions of the protagonists are the most memorable for the audience (Trzebiński, 2002). Lawyers can also benefit from narrative thinking when ensuring the coherence of their client's story. They could use this method in the other direction as well – by noting the inconsistency of their opponent's story, they will increase the credibility of their own story.

The story presented in the courtroom must be told in such a way that it interests the audience and makes it easy for them to imagine the events recounted. Respecting the rules of logic while influencing the senses and emotions with language are essential elements of any good story. Lawyers must remember that generally, they should expose the hero when telling the story, so that he is the center of it, and thus a visible participant of the events. If they do not do this, they will take the responsibility off the performer of the incident, which, naturally, can at times be their goal. Using the passive voice also has a purpose when we want to make it clear that someone is someone else's victim (Wrycza-Bekier, 2018). This shows the relationship of one person to another and emphasizes the passivity imposed on the victim by the abuser.

When it comes to the importance of the first sentence, lawyers can pose a question at the beginning of their speech, and provide an answer to it once the story is over. Listeners will wonder from the start how the story will end. The first sentence should be powerful and surprising, so that it will be memorable.

Lastly, the stories a lawyer tells do not just reach legal practitioners – they also reach lay people. Because of that, it is important to limit the use of specialized language and legalese. Extended, somewhat archaic sentences are certainly beloved by lawyers, as they expose their knowledge and skill in using the language. Nevertheless, it is worth noting that not everyone is

familiar with complex and ambiguous terminology. As a rule, it disrupts communication and makes the story less clear. The audience is lost in an incomprehensible story and, by making communication difficult, is unable to concentrate on the events recounted. This means that lawyers should use more general language that is understandable to all audiences.

CONCLUSIONS

We think that narrative thinking and pictorial storytelling are essential tools to be used by any good lawyer. Cooperation with linguists would certainly help them improve their communication and rhetorical skills. Synthesis of considerations concerning the use of narrative thinking and the selection of appropriate linguistic means enabled us to formulate universal conclusions about effective storytelling. We assume that they can also be used in lawyer's activities, which is proven in the aforementioned potential of their use, notably naming new laws, ensuring the coherence of a story or raising the credibility of the client. By using narrative thinking in combination with paradigmatic one, lawyers could gain a broader perspective on a story and encourage the audience to support "the hero" who is the lawyer's client.

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