STRUCTURE OF LEGAL NARRATIVES

This project applies the narrative theory to legal discourse in a comprehensive way. The idea of "a narrative" (*narratio*) has been widely discussed by philosophers, literary critics and historians, less so by legal scholars. Modern reflections on narrativity (in literature and history) are marked by the hermeneutic turn in the 19th century. However, the issue of the structure of narrative has become widely discussed in the 20th century by the structuralist movement in literary theory, according to which a given literary work there is always a universally communicable pattern of codes. These ideas later evolved into post-structuralist theories which argued that to generalize about the nature of narratives requires attentiveness both to the historical, the temporal and spatial particularity of genres and to the difference between the particularity of the part and the generality of the whole. Literary narratologists focused on *fictional* narratives. Their accounts underpinned the discussions within methodology of history where the idea of a *factual* narrative was central. Historian narratologists claimed that narrativity is an essential mode of historical genre, but they perceived a narrative differently (as a type of author-determined type of discourse, as a set of communicative codes, as a poetics of historical expression, as a set of rhetorical tropes and figures that govern historical presentation; or a sequence of meanings in the sense of structural semiotics etc).

The first task in the project is clarificatory: to provide a charitable reading of important modern narrative theories. Despite the disagreement between literary, historical and philosophical theorists as to what counts as narrative**,** certain ways of understanding narratives might be fruitfully applied in legal discourse. Despite the conviction of classical legal scholars, law is not only abstract norms tied by logical reasoning, but has to be understood as a culturally embedded, multi-layer phenomenon. Law has many dimensions, so it can be communicated and discussed by use of language and methods developed in disciplines mentioned above.

Presumably, there are as much different modes of storytelling in law, as possible "legal contexts". Certain modes of storytelling might be more restricted (bound by specific rules) than others (eg. certain procedural rules of a trial, esp. rules of evidence may impose constrains on ordinary ways of storytelling). Sometimes legal stories may precede the law, like the grand, general stories told by legal doctrines through their foundational principles (for instance, the principles of law of contracts may be seen as telling the story of free will and free choice). The project draws on considerations from *Law & Literature* movement and historical sciences (*Law & History)*. But law is not only literature, neither it is just history.

This project aims to analyze ways of storytelling in law and focus on various "legal narratives". Possibly the most prominent way to define a "legal narrative" would rely on "integrative" accounts of a narrative that try to accommodate both the study of written, literary narratives and the analysis of everyday storytelling and which take into account the multi-dimensionality of law (as text, as a social artifact, as legal action, as legal procedure etc.). The aim is to develop a narrative model with discernible structural elements that would not focus obsessively on semantic analysis (like structuralists did), and would satisfy a rather common, non-radical intuition that law has limits, and what follows, legal discourse shall have limits too. The project seeks for a "middle way" notion of a "legal narrative" applicable in continental, or more precisely, Polish, legal culture.