

From the Symposium Editor

The “Pedagogy of Narrative” issue of the *Journal of Legal Education* celebrates storytelling and narrative in legal education. Lawyers are, by profession, storytellers: we relish a good tale and tell stories as a fundamental and functional part of our craft. Lawyers are enmeshed in stories, first as an audience for the stories of our clients and then as storytellers ourselves. We listen to clients’ stories and retell them to judges and juries and to other lawyers. We tell stories in legal briefs and the cases we litigate. We relish tales of other lawyers, stories of the impossible accomplished and the awesome mastered, stories of skill demonstrated, and stories of dilemmas confronted and subdued. Lawyers are knee-deep in stories.

Law and legal education surround us with stories: stories of how one takes up the practice of law as a life’s work, stories that judges tell in their opinions, stories we tell in the writing we do as law professors, and stories that explore what happens to people with problems when they find themselves in the midst of lawyers and judges.

Law, like every discipline and profession, is constituted by its stories. Some of the stories we tell about law are stories designed to keep law in its place, to articulate its limits, to show how it is “bound,” and how, in its exuberance, it makes claims for a place in our culture that it does not deserve. Other stories speak of how we might, by taking the stories of law more seriously, make a more decent and humane world. Some stories imagine law as the bulwark of tradition and, miraculously, the means by which we can free ourselves from the shackles of history. Other stories, particularly those of women, people of color, and those for whom the American Dream has been a cynical lie, are also implicated in stories of law.

In the shadow of these culture stories, lawyers practice their craft, listening to the stories of clients, refashioning and refitting the stories they hear (or the stories they imagine they hear) to fit the language of the law and to accommodate what might be called the “law culture” story. It would be far too simplistic to imagine law as one story, or to assume that lawyers, in the lives they live and the stories they tell with their lives, are confined to a prototypical “lawyer” story.

But it is more than the telling or listening aspect of the craft of lawyering that makes narrative (and the perspective it affords us) of interest to lawyers. When we think of law as narrative we think of law differently than we do when we conceive of law as a system of rules or as an adversarial contest or game. Law may indeed be a system of rules, a means of conflict resolution, a game, a form of rhetoric and argument, or a discourse, but it is also a vast reservoir of stories—stories about how we use law and how we come to believe in its necessity. (One mythic story of law speaks of law as fundamental to a social and ordered life.)

Law is both phantasy (appearance, surface, image, ideal) and reality (tangible, immediate, direct, mappable). One phantasy of law is our

assumption that law saves us from chaos and from each other. The reality of law is seen in the effects it has on our lives. If law were a rope it would be twisted of reality and phantasy, past and future, a world that is given and a world that is to be created. Our ambivalence about law—and our fear of it—comes from the materials out of which it is twisted. Law conjures images of an ordered, just, decent, social world, even as it witnesses the particularized and real suffering that follows when reality does not justify our faith in law. Legal stories help us to see—and they sometimes make understandable and bearable—the consequences of our living in a world that is more understandable than it is just.

Law holds out the promise that we can shape, carefully and incrementally, a world that works, a world in which there is more caring and a more expansive sense of community than exist today. The personal and cultural stories that examine this promise constitute narrative jurisprudence.

The central motif of the law story is the struggle to locate ourselves in an already existing world with the knowledge that the world in which we find ourselves does not work and is not good enough. Law is one of the crafted fictions of modern life that helps us navigate the perilous movement from the reality of the world we have made with law to an imagined world that law makes possible.

Law is a compendium of stories about how we use and abuse rules to manage our social relations and resolve both our differences and commonality. Legal narratives constitute one strand (and a very “thick” one) in the long-standing conversation about order and disorder in our social and legal existence. Narrative jurisprudence is an account of the ordered and disordered ways we have found to live.

In narratives of law the struggle to prescribe and control social existence is made literal and given a human face. Put concretely and politically: in stories of law we work out the realness of government and the many ways we find it possible to stand in opposition to government (and law). In stories we give meaning to abstractions such as government and justice, reason and passion, families and communities.

It is the story of law (as it is set alongside other stories) that locates us in relation to others: to family, community, work. We use legal narratives, as we use other stories, to give meaning to social existence, to ourselves as women and men, as people of color, as persons the culture welcomes or fears. In legal stories we work out our relatedness to one another and to the world. In legal stories we see how difficult it is keep a community together, and we see the shame of what we do in the absence of community.

Law has become an increasingly active feature in any story that we might try to tell or live. So it is fitting that legal academics should rediscover the narrative perspective and recommence the telling of stories.

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