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# Narration as a threshold in the search for meaning<sup>1</sup>

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## ABSTRACT

How can a narration that has been moved by an artistic sensibility contribute to the understanding of the work of the jurist? The chosen narrative in response to the question is from literature and revolves around a page by Musil from *The Man Without Qualities*, in which Musil talks

about man's need to give a narrative order to his life. As we shall see, this order is made up of a quality crossing Aesthetics. By making dialogue from this page by Musil with two works by Kiefer, we will try to show as the artistic way can be useful for the jurist to extend his/her sensibility and imagination.

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## KEYWORDS

Narration; Musil; Kiefer; Aesthetics; Threshold; Sense; Sensibility; Feeling; Legal Education; Measure

1. I would like to start with a fairly, simple, question, at least in its formulation: how can a narration that has been moved by an artistic sensibility contribute to the *understanding ...* to the *search for sense* in the work of the jurist?

This question is valid for any work of art, in the fields of literature, music, figurative art or cinema. What is important is to point out that every work of art is a form, and every form contains a sense that we can assume through

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<sup>1</sup> This short article re-proposes my speech on the occasion of the conference "Justice as Translation and Counter-storytelling" held in Coimbra March 31st to April 2nd, 2022. I would like to thank the Law Institute of the University of Coimbra, and particularly Prof. José Manuel Aroso Linhares for his exquisite hospitality. In these few pages I wanted to maintain the colloquial tone that characterized that important experience.

a narrative. In the present contribute, the narrative I chose in response to this question is from literature and it revolves around a page by Musil from *The Man Without Qualities*, in which Musil thinks about man's need to give a narrative order to his life.

As we shall see, this order is made up of a very special quality...

Allow me to anticipate this quality referring to a picture by Anselm Kiefer named *Die Deutsche Heilslinie* (*The German line of salvation*).<sup>2</sup>

In that picture a man stands in front of an endless space, full of shadows. Everything is fluid, not very defined. Everything is in motion. There is no path, no certainty... but the man doesn't look back and slowly walks into this landscape.

The size of the painting and the proportion between the work and people who approach it are also important. It almost seems that there is a chance for people to get into the picture and follow the man painted by Kiefer. The impact of this work is very strong indeed.<sup>3</sup>

After our reading of Musil, at the end of these few pages, I will come back to Kiefer to comment another work of him and that complete why I proposed this picture.

## 2. But let's begin by reading three passages from Musil's page:

As one of the apparently detached and abstract thoughts, which so often in his life acquired an immediate value, it occurred to him that the law of this life, to which oppressed people aspire by dreaming of simplicity, is none other than that of the narrative order, that normal order which consists in being able to say: "After this happened something else occurred". What reassures us is the simple succession, the reducing to one dimension - as a mathematician would say - the oppressive variety of life; picking up the thread, that famous thread of the story of which the thread of life is also made, through everything that has happened in time and space!

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<sup>2</sup> *Die Deutsche Heilslinie* by Kiefer is a work completed in 2013. The dimensions of the painting are 380 x 1100 cm. Conceived as a part of the permanent installation *The Seven Heavenly Palaces*, this work is visible in Pirelli HangarBicocca, Milan (<https://pirellihangarbicocca.org>). To see an image of it visit <https://artsandculture.google.com/asset/die-deutsche-heilslinie-anselm-kiefer/OAHW-sbM-M7vGBA?hl=it>.

<sup>3</sup> Just by way of example, see the photo available online at <https://www.flickr.com/photos/tabomago/49242265157>.

Blessed is he who can say “when”, “before” and “after that”! He may have experienced sad events, he may have writhed with pain, but as soon as he is able to report the events in their order of succession, he feels so good as if the sun were warming his body.

[...]

In the fundamental relationship with themselves, almost all people are storytellers.<sup>4</sup>

We can start from this point. Musil writes “Almost all people are storytellers”, but what kind of storytellers and stories is he referring to? Musil says that narration is used by man to give a “complete” meaning to his experience, to “give order to his existence”.

Ricoeur seems to echo him when he says that the narrative serves to re-configure our lived time, which otherwise would be elusive and incomprehensible. First, therefore, we can say that people are storytellers because they give meaning and form to their lives through the formulation of stories.

Narration however is not a process that concerns only the individual sphere, and this leads to a second consideration, namely that narration cannot disregard a relational dimension and/or its reference to a social context.

The cultural psychologists who have dealt with storytelling in the last thirty years explain it very well, distinguishing between paradigmatic thinking, which is assigned to scientific reasoning, and narrative thinking, which emerges, not only in the early stages of cognitive development, but which comes from the interaction with each other along the entire life and is completely addressed to the social. Telling and sharing stories about themselves and others is, for these scholars, the most natural way in which people organize knowledge and build – formulate – life in common. In this sense Jerome Bruner (2002) says that he doubts that collective life would be possible were it not for the human ability to organize and communicate experience in a narrative form.

On their part, the sociologists who deal with narration reinforce this reasoning by arguing that the community itself is “in itself” “storytelling” and it is narrative because it comes about thanks to the “sharing” of individual stories that are able to merge into a “shareable” story.

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<sup>4</sup> The English translation of this page is mine. See the original text in Musil (1930, I, 650).

However, it doesn't mean that we are talking about an irenic community. As Jedlowski (2000, 2009) warns, even if the social bond is based on sharing the story, it is also exposed to crisis, which can break out at any moment. The story, for this scholar, is like the gift in the meaning that Marcel Mauss elaborated: a "gift that binds" and, precisely because it is characterized "by a mutual obligation", the story maintains an ambiguous nature, because while it is free, at the same time it imposes the exchange. In short, we can say that narrative is the gift that works for the life in common, or it is also the *munus of communitas* – (*communitas*, in Latin, we remember, is made up of *munus* and *cum*). Therefore, this gift doesn't save, can't protect from conflict in an absolute way, and it's obvious: each individual, each group, culture or subculture ... "each" owns and claims their own story ... inevitably the fracture of the social bond is always ready to emerge ...

The point that interests us, in any case, is that narrative, as long as it is shared, is a "form" through which storytellers can mediate their meanings and contain excess of each individual giving form to an understandable and sustainable "limit". In other words, we can say that narrative becomes a space in which the otherness can find its balance, and it is always ready to be rewritten, reformulated, when it ceases to make sense or to exercise its ordering function.

Through the lens of the category of narrative, therefore, we can but observe our life in common as a context that continually breaks down and recomposes itself, through narrative combinations, forms, of which we are at times storytellers and at other characters, but in which – and it is the most important – we find our reference to a common – shareable - sense.

By this way we come to a third consideration. If this is the dimension of our social existence, the juridical dimension cannot be alien to it and Robert Cover is still the scholar who expressed this idea best of all. In his well-known *Nomos and Narration*, Cover writes:

We constantly create and maintain a world of right and wrong, of lawful and unlawful, of valid and void. The world we inhabit is a *nomos*, that is, a normative universe. No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning. For every Constitution there is an epic, for each Decalogue a scripture. Once understood in the context of the narratives that give it meaning, the law becomes not merely a system of rules to be observed, but a world in which we live. (Cover 1983, 4)

The basic thesis by Cover is that this universe, this *nomos*, is formed by the narratives that constitute the context of reality of our experience, and that the “sense” that these stories retain is useful as an “orientation”, a “direction”, a “guide” to behaviour. The idea is that this *nomos* is “order”, in meanings and values, which translates into rules.

Once established that the law is also part of a narrative context, the real problem is then to understand how a legal story can be that narrative – that form able to configure that limit: that understandable and sustainable “limit” we were talking about. In other words: How a legal form can mediate a useful narrative to life in common, to *communitas*, how a legal form can be that *munus* of life in common!

So, let’s go back to our literary page and see how Musil’s “narration” can help us.

3. Describing the narrative order that “almost all people” yearn for, Musil specifies that the narration, starting from the epic, is more often than not “an experienced perspective shortening of thought”. Man’s ability to reduce to one dimension the oppressive variety of life... through an ordered narrative is not, probably, the kind of narrative that interests him. Let’s read:

The traveller can have a pleasant walk, along the main road in torrential rain, or can moan with his feet in the snow, at twenty degrees below zero: the reader gets nothing but a feeling of well-being, and it would be difficult to understand if the eternal trick of epic, with which even the nannies calm their little ones, this experienced perspective shortening of intelligence, was not already part of life. [...]

They like the ordered series of facts because it is like a necessity, and thanks to the impression that life has “a course” they feel somehow protected in the midst of chaos.

The novel has benefited from this.<sup>5</sup>

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<sup>5</sup> The English translation of this page is mine. See the original text in Musil (1930, I, 650).

Here, it becomes clear that Musil wants to criticize the novel because it is the perfect model of an ordered narrative and proof of this is people's disaffection towards poetry, that he notices:

They don't like lyrics, or only from time to time, and if in the thread of life some "why" or "in order that" becomes entangled in it, they execrate any reflection that goes beyond that.

We can imagine that, for Musil, people don't like poetry for the obvious reasons that poetry is mysterious, cryptic, stretched to infinity... because it doesn't give certainty!

By this way, using an *a contrario* argument in his considerations, Musil introduces poetry to approach what cannot be ordered or foreseen. But not only. He specifies the need to move away from a narrative characterized by a "short thought", to tap into a different thought which, like that of poetry, is capable of conceiving "long thoughts"<sup>6</sup>: longer than the ordered meaning of a concluded, paradigmatic narrative.

And he saves us in that "almost" all people ... because, although Musil says that the shortening of thought is part of human life, in the sense that it is something "experienced" and in a certain way "necessary", he's advancing the idea too that people can also use this other thought – the long thought – to search also for a different sense and narrative that "go further".

But for what kind of search?

If this is like that of the poetic search, Musil is suggesting approaching a different way of conceiving knowledge: a search for sense that goes beyond the Positivism of traditional scientific thought and in which the Aesthetics approach consists...

He seems to tell us that the "sense" is not only the product of an interpretation of conventional codes of signification, but also depends on "feeling" – "sensation" and "sentiment", even if the results of this understanding cannot be made explicit or ordered. Therefore, if, on the one hand, we must not stop using our rational resources, our scientific categories, on the other hand, adopting the Aesthetics approach, we could learn to push knowledge also into the sphere of the "sensitive" and "affective" understanding.

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<sup>6</sup> "Long thoughts" is an expression coined by Bauman to introduce an ethical way of thinking (Bauman & Donskis 2013).

In brief, if we allow our thought to expand itself, to be also a “thought that feels”, we could access what remains also in the shadow of the sense and accept this shadow as a constitutive dimension of our possibility to understanding. In this way we could avoid abstracting ourselves from that “chaos” we fear, which, in the end, is merely the reality of human life, and give a sense and a form also to the living which we are unable to dominate and foresee.

But not only. We could access, through the Aesthetics approach, that is like the poetic approach, what remains in the silence of the word, and of the form.

Jean-Luc Nancy (1997) says that if we understand, if somehow we have access to a “threshold” of meaning, this happens poetically.

The most important is to have the awareness that our narratives, these forms, are just “thresholds”: that the meaning we can find in them can be ordered just in part.

Most of all, thanks to this sensibility, we can assume that we stay always in a condition of limit.

#### 4. Let’s read now how Musil concludes his page:

And Ulrich realized that he had lost that primitive epic to which private life still holds firm, although publicly everything has already become non-narrative and no longer follows a “thread” but extends itself to an endless surface.<sup>7</sup>

Perception of a vast, infinite world beyond ordered forms, beyond known habits; sense of bewilderment; awareness of the need for a limit, knowing that a closed narrative is completely fictitious... Musil gives us an example of a “search for meaning” which finds a complete artistic expression. It includes everything: reasoning, feeling, sensation. We can say that it’s a perfect example of Aesthetics approach. But it’s not so surprising. Like every artist, Musil “poetically accesses a threshold of sense”.

The point for us is to understand if living this threshold can be of great value for the jurist too!

So then. How to answer our initial question restarting from here?

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<sup>7</sup> The English translation of this page is mine. See the original text in Musil (1930, I, 650).

### **First.**

As we have seen, suggesting other ways of understanding, artistic narration can show the jurist how to find, “in a wider exposition of himself”, the “common – shareable – sense” also through sensibility.

In this perspective, the Aesthetics approach allow the jurist to learn: that there is always a part of the sense in the forms beyond conventional codes; that legal rules, legal decisions also contain some shadows, and not always these are negatives; that in the legal word the silence can be an instrument of power working to exclude different voices, but, at the same time it can offer a possibility to listen to excluded voices from law or public speech.

*Justice is shrouded in the silence*, recites a fragment by Solon (Noussia 2010, 108)<sup>8</sup>

### **Second.**

Adopting the Aesthetics approach, we can learn to stay in the “space of the threshold”, with the awareness of inhabiting a limit, because we know that we can understand this part of meaning only by feeling without pretending to get certainty, but at the same time without giving up the possibility of understanding in the widest way.

This means for a capable jurist to proceed in the hard search for measure, which is the first aim of law and justice.

The capable jurist – in assonance with the notion of “homme capable” by Ricoeur – should elaborate legal forms that can accomplish that tale – that useful narrative to the life in common which ultimately law obeys – including reasoning, feeling, sensation: legal forms that can truly be like works of art, when they flow from the same awareness and confidence with the limit that artists have.

### **Third.**

Our work consists of helping the jurist to integrate “with art” his scientific approach in order to learn to “feel” and to “tell” the most appropriate

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<sup>8</sup> Solon’s texts have traditionally been analysed as sources for investigations in history and political philosophy. Only recently have they been studied from the standpoint of their poetics. See M. Noussia-Fantuzzi (2010). On the original relationship between law and poetry in protohistoric Greek culture, see Mittica (2015).



measure. At this end artistic and humanistic education are fundamental, starting from our programs at Law schools.

I think, and this convention is an important example, that we are doing many things, but a further effort in my opinion should be go in the sign of the Legal Aesthetics.

An Aesthetics approach doesn't consist of studying history of art, or in the analytic exam of a work to discover canons, special codes, symbols or languages, or the intentions of its author: Aesthetics pertains to sensitive knowledge. Certainly, knowing the history of a work can be useful, but most of all we must established a direct, personal relationship with the work, that moves from an affective tension. If we enter into a real relationship with it, something happens: the work happens because it comes back to life thanks to our perception of it, and at the same time also we happen, in a new way, thanks to this movement.

We happen because we “feel” and understand something we have not conceived before, because we can see something we have not seen before. And thanks to this spontaneous approach we can extend our sensibility and imagination. I mean that the jurist, through this kind of experience, can train his comprehension at something unconceived, perhaps unusual, or also subversive: something that offers him a possibility to understand that part of sense in the forms that remains in the shadow... and by this way – I repeat – he can elaborate the most right measure.

More than a theory, the Aesthetics approach consists of an experience that gives to the jurist a possibility to elaborate new sense, new forms. But it cannot be improvised. We must learn to prepare ourselves for the aesthetic experience. The Aesthetics approach needs “attention”, “time”, “silence”, an open posture to allow the sense to emerge.

5. I would like to conclude by introducing to you another work by Kiefer that seems to me a good exercise to make explicit what I intend. Its title is *Alchemie*.<sup>9</sup>

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<sup>9</sup> *Alchemie* is a painting by Kiefer completed in 2012. The dimensions of the painting are 660 x 1140 x 40 cm. The work consists of two side-by-side canvases. The element that connects the canvases is external and is a scale. Like *Die Deutsche Heilslinie* it is a part of the permanent installation *The Seven Heavenly Palaces* in Pirelli Hangar Bicocca, Milan. To see an image of it visit <https://artsandculture.google.com/asset/alchemie-anselm-kiefer/fAGSqJ3vxWqhAA?hl=it>.

Which narrative emerges in *Alchemie*? Is there a sense that remains in its shadow, and we can feel, establishing a relationship with this work?

Our exercise consists of understanding if we can go further the immediate sense that this image by Kiefer gives us.

Let's make a preliminary consideration. We are jurists, not art historians or critics. So, we can or cannot know Kiefer and his works. It's not a problem. We must approach the picture just as we are. But we know that our education leads us to point out all that refers to law and justice. It's normal: it's what we can expect from us, but this is also fine.

Let's look at what might be a first impression. Our attention is focused entirely on the scales. The scales are the most original metaphor of justice, in its most original meaning of measure. It seems to us that the composition of the scene makes it essential. Its sense seems concluded in a concept of justice as fundamental, original, dimension of life, even before men. Something supernatural in close connection with nature.

But let's take the time we need, and let's go back to looking at the work. In staying in front of the work another dimension becomes prevailing. It is that of the silence. The work is full of silence, and it's the silence that is also within us because our attention is becoming wider.

Looking again we notice that the scales, certainly the metaphor of justice in our perception dictated by legal culture, are detached from the canvas. Maybe a threshold?

It's just a sensation, but let's stay here, in this threshold, let's have the perception of this opening working, to give us tension... Probably we need time, but in the end, we could see more: we could happen and then the form could reveal us something wider.

I can tell only what I have seen, just my experience. The scales seem to me to open a threshold allowing me to conceive a land to be sown, as a metaphor of the world that men must continually build. In this land, the possibility of measure is an alchemy of various elements: what is measurable – the seeds in the scales, and what is immeasurable – the seeds that fall from the sky.

This *alchemy* is the secret of law and justice “shrouded in the silence” – in what remains silent of the word. The possibility of measure is in the perfect balance that this form could inspire in a jurist.

But I see also the great human work of ploughing the fields. In the grand scheme of things, fields are completely ploughed, in an ordered way. This means to me that a lot of hard work is needed to do justice: a work that

contemplates all human abilities and resources: rationality, technique, but also sensitivity and imagination.

I think, and I really conclude, that the work of capable jurist consists of this hard ploughing and our charge is to continue to nourish the humanistic component of legal education.

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