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Narrative identity and human beings' legal subjectivity

ROME, 25. 05. 2023

Stanisław Lem and Olga Tokarczuk

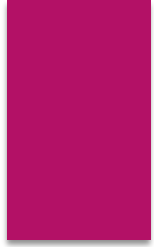


The identity perspective, particularly regarding a specific story about human life, can be found in the works of two eminent Polish writers – Stanisław Lem and Olga Tokarczuk, although it is approached differently in each case.




Human beings and their identity

- ▶ Understanding a person's authentic legal subjectivity is not possible without an understanding of the connection between this person and their identity, understood as that which makes us one and the same person at different moments in life. For when we ask about personal identity, we are asking about what is essential to the individual as an individual, that is, the factor that enables the individual to be themselves despite the numerous changes they experience as an empirical individual functioning over time – as one who ages, changes their appearance or even their gender. This is crucial when we consider the legal recognition of the subject, because it concerns the individual form of subjectivity, and more specifically what makes a particular individual different from others.




Narrative identity

- ▶ The notion of narrative identity entails treating the life of an individual as a biographical story and viewing it from a philosophical perspective. Narrative identity is important for the proper definition of legal subjectivity, which is defined as such a conception of personality whose „a concept of a self whose unity resides in the unity of a narrative which links birth to life to death as narrative beginning to middle to end” (Alisdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press 2007), 205. We are thus dealing with a kind of empirical subjectivity. The empirical subject is by definition open to external sensations that are constitutive of its identity. Consequently, the subject exists as a substance dependent on and derived from sensory impressions, and thus as a kind of secondary impression formed on the basis of primary, empirical experiences.




In the theory of narrative identity, the unity of the self is understood as the unity and continuity of one's own (auto)biographical story. In other words, narrative identity is a kind of Kantian empirical self, i.e. a self that presents itself to itself over time, in the successive events that make up an individual's life story. The empirical or authentic subject is thus one that is not only or primarily defined and shaped by a universalistically conceived capacity for reflective thought, action and rational choice: it is also defined by the events and content that are significant for that individual's biography, i.e. contexts and features that are concrete and phenomenal in nature, hence reflecting reality. As a result, elements such as time, processuality, and concrete social, economic, cultural or historical conditions, will be constitutive for the given subject that is undergoing constant work and transformation. (Anna De Fina, "Narrative and Identities" in *The Handbook of Narrative Analysis*, A. De Fina, A. Georgakopoulou, eds. (Malden-Oxford: John Wiley & Sons, Inc. Blackwell Publishers Inc., 2015); Marya Schechtman, *The Constitution of Selves* (Ithaca-London: Cornell University Press, 2007).




Narrativity is an aspect of human functioning in general, so we can talk about the narrativity of knowledge, of communication, of the perception and understanding of the world, and of the narrativity of language. Words are powerful elements of our environment; we weave them into narrative threads that provide us with protection. Daniel Dennett points out that our primary self-defence tactic, involving the use of self-monitoring and self-definition, is to tell stories about who we are. These narrative threads interact with their surroundings, foster the constitution of a real acting subject to whom the words belong, to whom they relate, and thus help ground a centre of narrative gravity. (Daniel Dennett, *Consciousness Explained* (Boston-New York: Little, Brown and Company, 1991).

The story of one's own life as part of the unity of narrative form

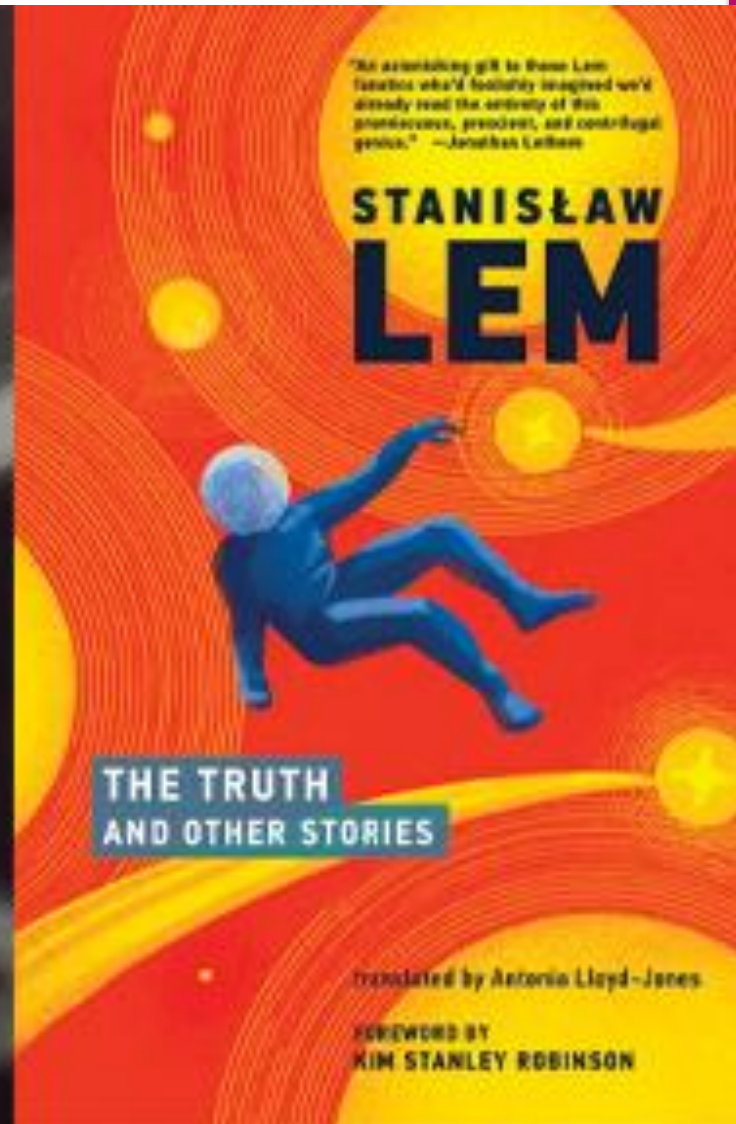
- ▶ The understanding of the subject presented here entails that the unity of substance is replaced by the unity of narrative form, the autobiographical story, and the person of the narrator (the first-person perspective that is taken in such a narrative). When listening to the narrative of one's own life, the listener learns what has happened in the life of the storyteller. Here the subject is understood as an acting subject, i.e. someone who acts, an agent who does something and takes control of events.



David Carr emphasises that human experience and action is narrative regardless of whether or not it is actually narrated (a similar position is taken by Barbara Hardy and Alisdair MacIntyre, among others). The story of one's life helps a person to discover the truth about themselves, because a narrative is not – and cannot be reduced solely to – a series of facts. In the act of communication, such a story is therefore intended to convey information about events and to reveal the truth about the actions and decisions it recounts. In law, this will help to establish the facts and enable the established state of affairs to be correctly subsumed under the normative description of the facts (the applicable legal norm). It may also be the case that storytelling provides an avenue for investigating the truth about oneself, because when I speak, I am also listening. This eventuality arises from the fact that a significant part of the surrounding world is closely intertwined with us, with the very essence of our lives. (David Carr, *Time, Narrative and History* (Bloomington: University Indiana Press, 1986).




Forging a narrative identity and weaving a true story about one's life becomes impossible if it is not grounded in real social or community relations, so the storyteller and the listener must have some shared reality. The proper interpretation of others is learned, with the teachers being not only parents or guardians, but also fairy tales, legends, myths, set books and other books. When it comes to the law, the ability to interpret also develops from learning experiences, sometimes even from negative experiences of interacting with others. This is necessary in order to learn to interpret contexts and identify connections. It is also necessary in order to be able to understand and appreciate the importance of belonging in an intergenerational perspective, the people closest to each other, values, social roles and responsibilities. When learning to interpret the world, we must learn to take into account real moral dilemmas and all the sources of moral feelings – duty, connection, freedom and mutual responsibility. It is also about taking life, interpersonal relationships and commitments (giving one's word) seriously and responsibly.



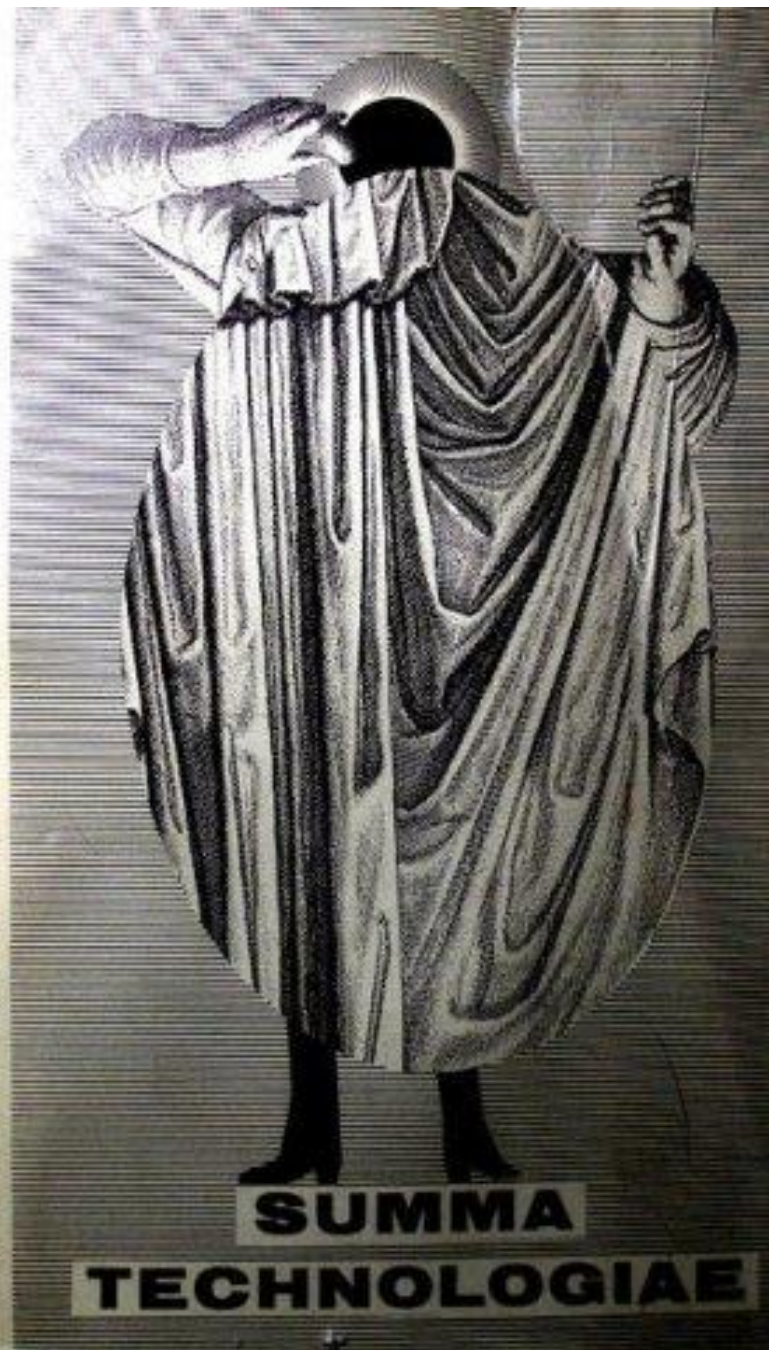
Summa technologiae and Dialogues by Lem

It will be good to begin by considering how Lem recognizes the importance of social relations to the question of mind and consciousness. In the contemporary philosophy of language and mind, there are two main positions that put forward rival positions on the power of using symbols (concepts). One stance emphasizes the function of systematizing the experience of the subject and is rooted in the philosophies of Kant and Husserl. The other emphasizes the communicative function (Wittgenstein, Habermas). Lem declaratively situates his conception closer to the latter position, since he emphasizes that certain linguistic symbols and experiences primarily serve a communicative function.



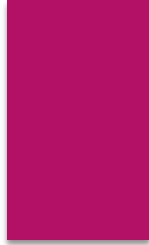
In *Summa Technologiae*, Lem suggests that this problem could be solved by cerebromatics. This technology would involve implanting users with complete epistemological packages – consisting of beliefs, impressions and skills. Hence it would play an extremely important role in the creation of the subject’s narrative identity. This vision may resonate with contemporary readers thanks to *The Matrix*, a film in which the characters can instantaneously become experts in any field by uploading the appropriate software to their minds. Lem points out that such technology would allow Mr. Smith to become Napoleon, Newton or Beethoven, or even Casanova. But will he still be Mr. Smith? Will he not lose what should matter most to him, namely his own self?

STANISŁAW LEM



SUMMA

TECHNOLOGIAE





The Tender Narrator by Tokarczuk

This belief in the power of stories is particularly evident in the words of the Nobel Prize winner Olga Tokarczuk, who believes “that our life is not just the sum of events, but the complex tangle of meanings that we attribute to these events. These meanings form a wonderful fabric of stories, concepts and ideas, and they can be considered one of the elements – like air, earth, fire and water – that physically determine our existence and shape us as organisms. **Story, then, is the fifth element** (emphasis mine) that makes us see the world in this way and not that way, understand its infinite variety and complexity, and order our experience and transmit it from generation to generation, from one existence to another”.


Kairos

Tokarczuk alludes to the transformation associated with gender identity in her latest novel, *Empuzjon*. Since we accept the idea of human temporality as an ontological property of subjective structure, we assign special significance to certain events that have occurred in the past, or that we hope will happen in the near future. In this context, Olga Tokarczuk's use of the allegory of Kairos, the Greek god, is extremely insightful. Our failure to perceive Kairos results in us missing an opportunity for transformation, *metanoia*, which is not the outcome of a long process, but is instead a moment of critical importance.

καὶ εἰς ἅπαντας ἄριστος.



A N D. C R A T A N D E R.



For Tokarczuk, Kairos is the god of eccentricity, and by eccentricity she means “abandoning the ‘centric’ point of view, the trodden paths of thought and action, going beyond the familiar areas entrenched in the community’s habits of thought, rituals, stabilized worldviews. [...] Eccentricity means a spontaneous and at the same time joyful contestation of what already exists and is considered normal and obvious – it is a challenge thrown to conformism and hypocrisy, a kairotic act of courage, seizing the moment and changing the trajectory of fate”.

Empuzjon


In *Empuzjon*, such a moment arrives with the main hero/heroine's encounter with the eponymous witches, who become, through magic, fear and uncertainty, an opportunity for transformation, for finding one's true self, through which Mieczysław becomes – or perhaps rather discovers – Klara within himself.

Hekate and Empuses

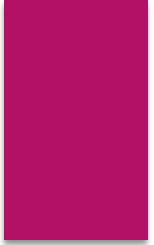


Narrative identity as an identifying category of human legal subjectivity


- ▶ Seeing the subject as one who is not defined as a substance, but instead in the way they manifest themselves in the successive events which make up the individual's life and form their own life story – and thus as an autobiographical narrative, leads to a particular reconstruction of the subject's legal subjectivity. This is justified insofar as human beings are by their very nature social beings and, in a legally regulated way, should create their patterns as a social being. They are also responsible for the stimulation of the world, as they are part of it, but the legal rules they produce should indicate their responsibility for the world and at the same time their dependence on the world around them.




In the discovery (and assertion) of our own authentic legal subjectivity, it is important that we construct it around our own story, through our sensibility, feelings, perception of the world, thoughts, actions and decisions – hence in a multi-layered and very complex way. In turn, most words spoken in the context of one’s own subjectivity are embedded in a whole network of words that refer to images from one’s life, thoughts, feelings, behaviour and decisions. Words and the ways in which they are used draw on stories about a society, community, or a family, and express an individual’s relationship with the world around them. This is often not the result of conscious reflection, rather of immersion in a given culture, the person’s upbringing, and similar experiences – all of which create different layers of context. When such immersion is accepted by the interlocutor, the latter may read certain content in a similar way if he or she is given information about which context is involved.



A human life can be read as a story, with its beginning, development and end. For the legal subject, this will most often be birth (or, under certain conditions, conception), behaviour during life, and death; perhaps even certain events after death. However, it can follow the opposite pattern, where a legal relationship begins with the death of a particular subject, which commences the whole story (e.g. the death of the doyen of a family and the subsequent succession story). Always, however, the source of the unity of life is a narrative whose pattern is relevant to the life of the individual in question.




The narrative identity of the legal subject is authentic insofar as it relates to the real behaviour that contributes to the sequence of legal facts. In the context of an individual's identity and its embeddedness in legal relationships, it is important to observe that our professional or social roles are not separate from ourselves. When we narrate the circumstances of the legal relationships that we enter into, we show what is important to us at any given time, what we do, and what we bring to the relationships close to us. After all, these relationships pertain to many diverse and key aspects of our lives: marriage, education, family, work, holidays and lifestyle. In the story reflecting our narrative identity, reference is made to such fundamental aspects of life as goals, values, interests, commitments and decisions made.



In this context, individual words become “micro-narratives” or “coiled narratives” because they refer back to a story. The characters and their events are combined to create a coherent and compelling story. This is crucial for law and legal subjectivity. We perceive a coherent story in a complex multi-threaded tale because we are experiencing a life in which events are complex, multi-layered and interconnected, even though they do not proceed in a linear order. In legal relationships, a story can usually be read in a conventional narrative order: beginning, complications, turning point, resolution. Not every story is told in this way, because sometimes they are separated by other life stories that have only an indirect effect on the assessment of the situation, but according to the storyteller it is impossible to present the whole sequence of events without these fragments. The biographical story as an account of life is, after all, characterised by free construction and often does not follow chronological order.

Narrative identity as a condition for self-respect and legal recognition


- ▶ The desire to be recognised is a fundamental part of human life, beginning with the identification and recognition of oneself, and culminating in a dialectic that expresses the reciprocal relationship of the need to constantly struggle for recognition and its institutionalisation. In the most general terms, it is primarily a question of granting equal and mutual recognition in human relations to different subjects from diverse cultures and social groups – who belong to national, racial or ethnic minorities, who profess a different religion, or who occupy lower positions in society due to their material situation. It is therefore fair and just to arrange relations of mutual recognition in such a way that each subject in interpersonal relations can be recognised as an equal and free interlocutor, in order that humiliation and discrimination are prevented, and so that there is redistribution in the field of economic relations. In the moments before and during recognition, self-esteem is manifested in the consolidation of one's own authentic identity. The recognition in question is characterised by reciprocity, but not mutual reciprocity, i.e. as a participant in a merely binary relationship.



This means that identity and our order of life derive from belonging and consenting to dependence. In this context, Charles Taylor believes that identity does not imply isolation, but is rather the result of negotiation through a partly open, partly closed dialogue with others; it hinges on the ability to engage in dialogue with others and consequently depends on society itself, constituting as such a social derivative. Recognition, on the other hand, derives from narrative identity by virtue of being based on social categories that everyone takes for granted. Taylor's views correspond, in this respect, with the position of Karl Jaspers, for whom "being-itself and being-in-communication are inseparably linked". In Jaspers' view, it is from communication with another subject (another "being-self") that we derive the fundamental basis of the will to be oneself. Similarly, Habermas argues that we learn who we are as autonomous subjects from our relations with others, and that the fundamental relation is the act of communication.

Conclusions

- ▶ The analysis of the story of one's own life should be immersed in the knowledge gained over generations. The inability to read one's own life story, or the possibility of misreading it, makes it difficult or impossible for a person to understand who they are meant to be. According to Taylor, human beings, in the process of gaining self-awareness and engaging in self-interpretation, must refer to the concept of goodness contained in the linguistic pattern of the community of which they are a member. It should also be pointed out that the sense of belonging to this or that community is not only limited to the recognition of relationships, but also encompasses values and views, for which language is the primary source of discovery and identification.



In all the philosophical currents of narrative identity – thus both the more naturalistic and analytical approaches (Schechtman, DeGrazia, Dennett, Carr) as well as the more hermeneutically oriented positions (MacIntyre, Taylor, Ricoeur) – identity is inscribed in the wider social structure, but also by various narrative patterns or cultural scenarios, without which a person would not be able to say who they are. A certain conventionally shared belief of this current is pointed out by Vittorio Possenti, who writes: “*Being is neither objectively knowable nor definable: it is rather interpretable.* The knowledge of being available to man is interpretative, not theoretical/revelatory. The hermeneutical character of being is ultimately based on human existence as fundamentally related to being—a human existence with the capacity to interpret being in a personal, incomplete way, always with the capacity to penetrate being more deeply”.