The Goal of Narrative Persuasion: Knowledge Rather Than Love

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What is the appropriate goal of narrative in persuasive legal argument?

• Not merely telling “what happened”
• Present client’s perspective

Articulated:
• Get audience to like client
• At least, agreeing/understanding client goals

“Likeability”: why?
• Decision-maker will route for client
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Is likeability the right goal?

Adrian Lim murders: Singapore, 1981
• Lim claimed medium, persuaded women had supernatural powers
• Victims offered money/sexual services exchange cures, beauty, good fortune
• Two women became his assistants: Tan Mui Choo married him, and Hoe Kah Hong became one of his "holy wives"
• When Lim investigated for an alleged rape of one of his victims, he threatened to derail the investigation by killing children.
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Is likeability the right goal?
Adrian Lim murders: Singapore, 1981

• 24 January 1981, at Lim’s direction, Kah Hong saw nine-year-old Agnes in a church playground and got her to Lim’s flat
• Agnes drugged, then Lim sexually abused the child before asphyxiating and drowning her; Lim applied electric shock to ‘make doubly sure she was dead’
• On 6 February 1981, Ghazali, a 10 year old boy, was brought to the flat where he was drugged, gagged, tied, and drowned.
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Is likeability the right goal?

Adrian Lim murders: likeability does not work for some clients – period

Likeability is not the right goal for narrative in persuasive legal argument:

1. At odds with narrative theory:
   • Character and emotion; student mistakes

2. Encourages unethical practices
1. Likeability: at odds with narrative theory

**Narrative techniques**: (character, plot, scene, etc.)

**Balance complexity and simplicity**

**Simplify**:  
Narrative is inherently selective: it portrays a perspective  
Choose narrative theme  
• Utilise societal paradigms, e.g., hero  
• Fit within stock stories or challenges stock story

**Complicate**:  
Client normally needs to be a”character”: fully developed person, with strengths and foibles  
Secondary persons can be portrayed as caricatures/flat characters: select that aspect relevant to client’s story
1. Likeability: at odds with narrative theory

Narrative technique: balances complexity and simplicity

If accept advice client = character
• Goal of likeability is out of place
• Client will be “mixed bag”

Understanding the contradictions of the character, hopefully leading to empathy, is better goal articulation
1. Likeability: at odds with narrative theory

Narrative technique: portrays and evokes emotions

People are emotional beings, characters have emotions. Emotions help explain why a party acted in a way did. Client emotions are complex, as are emotional response of audience.

Example: trial strategy may elicit decision-maker to –

• Be somewhat afraid of client, but persuaded telling truth.
• Pity the client, thereby help them.
• Be disgusted by client’s preferences, but thereby persuaded that out of character for client commit alleged acts.
1. Likeability: at odds with narrative theory

**Narrative technique:** portrays and evokes emotions

Likeability goal unnecessarily restricts emotional potential of narrative
Sets direction not relevant in many cases

Even where likeability is appropriate: does it do justice to the facts?
1. Likeability: at odds with narrative theory

Narrative technique: what mistakes do students make?

1. Students try to make client likeable:
   Pull out facts not that relevant to the story/legal issue
   Facts disconnected to narrative, seem “tacked on”
   Resulting story not an authentic rendering works hand in hand with trial strategy

2. Demonising the other side:
   Very few people qualify as demon
   As narrative strategy, “falls flat”: opposing party portraying character
   Logical extension of likeability: equal and opposite effect
2. Likeability: encourages unethical practices

What is available ethical guidance on narrative?
• Professional regulation: do not misrepresent, introduce perjury
• Little guidance regarding ethical questions in narrative

What effect does likeability have?
To make unlikeable client (Adrian Lim) likeable, either:
1. Ignore “bad facts” – incompetent and unethical omission?
2. Actively manipulate facts – simply unethical
3. Likeability: are nasty clients the exception that proves the likeability rule?

Is likeability an appropriate goal for the majority of clients?
Unsavory client/criminal defendant – use different technique?

Distinction: trial strategy and narrative goals

**Question of trial strategy:** facts so poor, do not submit client narrative? E.g., criminal cases, defence challenges prosecution’s evidence

**Separate question: narrative goal**
Once client narrative is incorporated into trial strategy, need coherent narrative goal
- Authentically portray character, warts and all
Conclusion

Likeability: not the narrative goal

Goal of Narrative Persuasion:
Understanding client, in manner creates empathy, consistent with theory of the trial
• Utilises full spectrum of narrative potential: character, emotion
• Gives better ethical direction, avoids creating pressure engage unethical practices regarding facts

Knowledge Rather Than Love

Reject simplistic notion of narrative goal
Integrate subtleties of narrative theory: allow lawyers truly represent client