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Parallel Presence and the Dialectical Complexity of Media Trials

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Abstract

High-profile court cases involving public figures increasingly unfold beyond the institutional boundaries of the courtroom, generating interconnected argumentative processes across legal, media, and public arenas. These *media trials* challenge traditional approaches to legal argumentation, as the same argumentative moves may address different audiences, pursue different goals, and acquire different relevance across multiple arenas simultaneously.

This article examines how different theoretical frameworks illuminate this complexity. Pragma-dialectics and strategic manoeuvring provide normative and rhetorical perspectives on argumentative conduct, while Walton's dialogue theory accounts for different dialogue types, goals, and dialogue shifts. Polylogue theory further expands the analytical perspective by capturing the plurality of participants, standpoints, and interconnected discussions.

Building on the complementary strengths and limitations of these approaches, we introduce the concept of *parallel presence* to capture the simultaneous participation of the same actors and argumentative moves across interconnected arenas governed by different goals and criteria of relevance. This perspective shifts analytical attention from the adjudicator alone to the litigating parties and their argumentative activities across legal and public arenas as well as the public, contributing to the dispute as a secondary 'third-party' audience.

Keywords: media trials; legal argumentation; pragma-dialectics; dialogue types; polylogue; parallel presence.

1 Introduction

Over the past three decades, high-profile court cases involving public figures have become a distinctive and increasingly significant phenomenon in legal argumentation. In the scholarly literature, court proceedings that receive widespread public attention are most often described using the term *media trial* (Surette, 1989). The 1995 criminal trial of O. J. Simpson – dubbed the 'Trial of the Century' – marked a milestone as the first court case to evolve into a continuous, global media event. In the following decades, this phenomenon expanded across diverse legal contexts. High-profile proceedings – ranging from prominent criminal trials (e.g., Michael Jackson, Harvey Weinstein, Sean 'Diddy' Combs) to civil disputes (e.g., the Johnny Depp – Amber Heard defamation suit) and family law matters (e.g., Britney Spears' conservatorship) – demonstrate how legal argumentation is increasingly exposed to the public sphere. Although the legal nature, as well as the level of publicity, of these cases varies significantly, they share a crucial feature: in parallel with the judicial proceedings, intense media, public, and online discourses unfold, often taking on a life of their own independent of the courtroom. This spillover into the public arena transforms the litigation into a form of public argumentation, where the communicative goals shift toward collective opinion formation, democratic accountability, and socio-political legitimacy (Zenker, van Laar et al. 2019).

This phenomenon poses a serious challenge for the theoretical analysis of legal reasoning. While the available models of argumentation theory are capable of capturing important aspects of the phenomenon, none of them fully accounts for this specific argumentative situation. As a normative model of critical debate, pragma-dialectics assumes a two-sided argumentative situation in which the parties' primary goal is the rational resolution of their differences of opinion (van Eemeren & Grootendorst, 2004). The theory of strategic manoeuvring

complements this model by incorporating rhetorical goals, examining how debaters seek to gain acceptance for their own positions without violating the norms of critical debate (van Eemeren, 2010). Applied to legal contexts, Feteris (1999, 2017) extends the framework to three-party situations, where the third party, the jury functions as an audience to be convinced. Walton's theory of dialogue treats the various types of dialogue and their differing goals and allows for the analysis of shifts in dialogue; however, it continues to interpret the argumentative process primarily within the logic of a single dialogic situation (Walton 1998; Walton 2006). Polylogue theories already account for the simultaneous presence of multiple, intertwined debates and interpret argumentation not as isolated dialogues but as a network of debates involving multiple participants and multiple, mutually influencing positions (Lewiński & Aakhus, 2014; Lewiński & Aakhus, 2023).

Media trials, however, present a more complex phenomenon. They do not simply involve more participants or more debates; rather, the same actors attempt to succeed simultaneously in several different arenas of argumentation. While the goal in court is to persuade the judge or the jury, in the media it is to gain public support; on social media, it is to shape the narrative; and in the economic and cultural spheres, preserving reputation and market position becomes paramount. These processes influence one another: arguments presented in the courtroom become media content, while narratives that emerge in the media also shape the interpretation of the legal proceedings.

However, the unique nature of media litigation is not limited to the fact that multiple debates arise around the same event. The litigants present the same arguments simultaneously to different audiences, each with distinct objectives and differing criteria for evaluation. For the judge and the jury, the legal relevance of the arguments is decisive, whereas for the media, the public, fans, or even potential business partners, the same arguments gain significance in terms of credibility, moral judgment, or reputation. The function of an argument is therefore not fixed but varies depending on the argumentative context and the audience for and by which it is interpreted. It is precisely this multiplicity of functions and structures of relevance that poses the analytical problem which current models of argumentation theory are only partially able to capture.

Based on the problem statement above, the central question of this study is not which theory of argumentation is most applicable to media trials, but rather which specific aspects of the various frameworks are capable of capturing the argumentative dynamics of contemporary media lawsuits. We assume that each framework we investigate can provide serious contributions to the picture that would be missed if only one particular theory were applied.

This study therefore argues that analysing media trials requires an integrative theoretical framework capable of simultaneously accounting for the dialectical characteristics of legal proceedings, the transitions between distinct types of disputes, and the interaction of dialectical spaces. To capture this, we introduce the concept of *parallel presence*, which does not simply refer to the simultaneous existence of multiple disputes, but rather to the strategic participation of the same disputants in multiple argumentative spaces governed by different rules. The concept focuses not on the number of debates, but on the simultaneous presence of the participants and the strategic imperative that they must remain persuasive to different audiences, each with its own criteria for success, whereas they are also required to follow the dialectical and institutional rules of the main debate in the courtroom.

Accordingly, the research seeks to determine what distinct analytical tools pragma-dialectics and strategic manoeuvring, Walton's theory of dialogue, and the theory of polylogue offer for the analysis of high-profile media trials, and which phenomena they are unable to explain adequately without the support of the others or further extensions.

Rather than treating these theories as mutually exclusive alternatives, this paper adopts a comparative and integrative perspective. The aim is to identify the specific analytical strengths of each framework, the phenomena they illuminate particularly well, and the aspects of media trials that remain insufficiently explained. Through this comparison, we seek to determine which theoretical tools are most suitable for analysing certain aspects of contemporary media trials and whether a combination of these approaches provides a more comprehensive account than any single framework alone.

The paper proceeds in three analytical steps based on three analytical levels: micro-, macro-, and meta-level, at which theories of argumentation can be applied to media trials. This distinction is not intended as a taxonomy of argumentation theories themselves, but rather as an analytical framework that helps to identify the different dimensions of legal argumentation illuminated by each theoretical approach. At the micro-level, pragma-dialectics and the theory of strategic manoeuvring provide a detailed framework for analysing the internal dynamics of legal argumentation. At the macro-level, Walton's dialogue theory shifts the analytical focus from individual argumentative moves to the communicative context in which argumentation takes place. At the meta-level, polylogue theory extends the analytical perspective beyond individual dialogues altogether.

First, we examine how pragma-dialectics and the theory of strategic manoeuvring conceptualise legal argumentation in media trials, paying particular attention to the normative notion of relevance and the relationship between dialectical reasonableness and rhetorical effectiveness. Second, we analyse the same cases through Walton's dialogue theory, focusing on dialogue types, dialogue shifts, and the contextual relevance of argumentative moves. Finally, we consider whether the remaining explanatory gaps can be addressed by the polylogue perspective, which extends the analysis beyond individual dialogues to interconnected argumentative interactions.

The Micro-Level Dynamics: Pragma-Dialectics and Strategic Manoeuvring in the Courtroom

Pragma-dialectics emerged as a normative theory of argumentation centred on the ideal of the critical discussion. This model provides an analytically reconstructed and idealised framework that demonstrates how a difference of opinion can be resolved through rational argumentation (van Eemeren & Grootendorst, 2004). Its aim, therefore, is not to map the full empirical complexity of real-world argumentative practices, but rather to establish a normative model that can be used to reconstruct and evaluate the argumentative structure of debates.

Since its inception, the normative model of pragma-dialectics has been applied to the analysis of arguments in a wide variety of communicative and institutional contexts. One significant area of application is legal argumentation, where a pragma-dialectical examination aims, among other things, to determine how the argumentative structure of legal discourse can be reconstructed and evaluated using the model of critical debate. A significant portion of the pragma-dialectics literature on legal argumentation is directed toward the rational reconstruction and justification of legal decisions; therefore, the analysis primarily focuses on the judge and the argumentative process leading to a legally justifiable decision. This is not an accident: the novelty of analysing legal contexts in pragma-dialectics is precisely that court proceedings require more than two parties, so the traditional bilateral model needed to be

expanded (Feteris 1999, 2017). This study, however, adopts a different analytical perspective. Our investigation centres not primarily on the evaluation of the reasoning leading to a legal decision or on the judicial ruling, but rather on the dialectical space of the argumentative activities of the litigants: how they construct and present their positions, what arguments they choose, how they respond to counterarguments, how they interact with their multiple audiences, and what dialectical and rhetorical strategies they employ during the trial.

To examine media lawsuits, it is therefore advisable to draw on the more general theoretical toolkit of pragma-dialectics, as well as the theory of strategic manoeuvring, which complements it with a rhetorical dimension. The four-stage model of critical debate allows for the reconstruction of the unfolding argumentative process and the parties' argumentative activities, while strategic manoeuvring – through the examination of topical potential, adaptation to audience expectations, and an examination of presentational tools – enables an analysis of how the parties align their dialectical and rhetorical goals (self-reference removed). This is particularly important in media litigation, where argumentative strategies cannot be interpreted exclusively within the framework of the legal dispute: the same argumentative moves may simultaneously gain significance in multiple, parallel debates, serving different goals and targeting different audiences.

The ideal model of a pragma-dialectical critical debate distinguishes four consecutive stages: the confrontation stage, in which the difference of opinion comes to the surface; the opening stage, in which the starting points of the debate, the roles of the participants, and the applicable procedural rules are established; the argumentation stage, in which the parties present arguments and criticisms in defence of their positions; and the concluding stage, in which it can be determined whether the disagreement has been resolved (van Eemeren and Grootendorst 2004). Distinguishing these stages is particularly relevant in the analysis of media disputes because the function and normative status of an argumentative move depend on the stage of the debate in which it occurs. The opening phase is particularly important from this perspective, as the starting points, roles, and procedural conditions are to be accepted here (whether explicitly or implicitly). These conditions define the framework for subsequent argumentation and, thereby, what kinds of argumentative moves are considered acceptable.
Pragma-dialectics further developed the classical protagonist–antagonist conceptualisation of roles –to capture the argumentative relationships actually observed in legal proceedings. The classical model of critical debate is fundamentally based on the argumentative interaction between two parties, the normative goal of which is the rational resolution of the difference of opinion between them. In a pragma-dialectical reconstruction of legal argumentation, this bilateral structure can be preserved by breaking the proceedings down into distinct argumentative relationships: one party defends its own position before the judge, while the other party, in a separate argumentative relationship, likewise justifies its opposing position before the judge (Feteris, 1999). In this reconstruction, the judge, as a specific, institutionally authorised actor – "an institutional antagonist" – subjects the parties' claims and arguments to critical scrutiny, and the debate reaches an institutional conclusion with the rendering of the judgment (Feteris, 1993, 2000).

Feteris (1999, 2017) argues that legal argumentation should first be reconstructed before it can be evaluated. Reconstruction involves identifying the legal standpoint, the explicit and implicit premises supporting it, and the inferential relations connecting the available evidence to the legal claim. Rather than merely summarising the parties' statements, this analytical reconstruction makes explicit the argumentative structure underlying judicial reasoning. However, this linear order of 'reconstruction before evaluation' has been theoretically problematised. Identifying argument structure (such as distinguishing between linked and

convergent premises) is not a purely preparatory analytical task; it inherently relies on prior evaluative judgments of argument strength (Yu & Zenker 2022).

Nevertheless, Feteris' reconstruction approach is particularly valuable for analysing media trials because it allows individual argumentative episodes to be examined independently of the final judicial decision. At the micro level, the unit of analysis is therefore not the trial as a whole but a concrete legal argument—for example, a particular evidential claim, an objection, or a counterargument. Reconstructing these argumentative episodes provides the analytical baseline from which it becomes possible to investigate how the same arguments subsequently circulate beyond the courtroom.

The following example illustrates the reconstruction of a short argumentative episode from a media trial based on Feteris' analytical approach. In the O. J. Simpson murder trial, one of the central evidential disputes concerned whether a pair of bloodstained leather gloves linked Simpson to the murders. The prosecution relied on the gloves and the associated DNA evidence, whereas the defence argued that the gloves could not have been worn by Simpson, culminating in the well-known courtroom glove demonstration.

Within the pragma-dialectical model, the confrontation stage concerns the difference of opinion over whether the gloves support the prosecution's claim; the opening stage establishes the evidential status of the gloves and the procedural framework governing their examination; the argumentation stage consists of the prosecution's forensic argument and the defence's counterargument culminating in the courtroom demonstration; and the concluding stage concerns the jury's assessment of whether the prosecution's argument has successfully met the required burden of proof. Following Feteris, the micro-level analysis reconstructs the individual arguments advanced at the argumentation stage by identifying the standpoint, the supporting premises, the implicit inferential steps, and the legal conclusion before evaluating their acceptability.

Standpoint: O. J. Simpson wore the gloves during the murders.

Argument:

The gloves recovered from the crime scene and Simpson's residence formed a matching pair.

DNA analysis linked the gloves to the victims and to Simpson.

Therefore, the gloves were worn by Simpson during the commission of the murders.

The defence accepted neither the standpoint nor the inferential connection. Instead, it reconstructed the dispute around a different critical issue: whether the gloves could actually have been worn by Simpson. This led to the well-known courtroom demonstration in which Simpson tried on the gloves before the jury. Following Feteris, the legal disagreement can therefore be reconstructed as a conflict not about the factual existence of the gloves or the DNA evidence, but about the acceptability of the inference connecting those facts to the prosecution's legal claim.[1]

[1] For an analysis of the O.J. Simpson trial, see also Walton (2002, pp. 276-278) and van Eemeren (2010, p. 131.)

Whereas Feteris' reconstruction approach focuses on identifying the internal structure of individual legal arguments, the theory of strategic manoeuvring shifts the analytical attention to the strategic choices parties make while advancing those arguments. Thus, within the micro-level analysis, the reconstruction of argumentative structure is complemented by an examination of how litigants strategically select, adapt, and present their arguments in pursuit of both dialectical and rhetorical objectives. Pragma-dialectics itself recognises that argumentative practices take place within different communicative activity types, each characterised by its own institutional goals, procedural constraints, participant roles, and standards of evaluation (van Eemeren, 2010, pp. 129–162). Courtroom proceedings therefore cannot be understood merely as instantiations of an ideal critical discussion with fully rational participants objectively discussing ontologically established facts (Xiong & Zenker 2018). As a distinct communicative activity type, legal proceedings are governed by procedural rules, evidential standards, burdens of proof, and institutional roles that shape both the opportunities and the limits of argumentative manoeuvring.

It is precisely the tension between dialectical reasonableness and rhetorical effectiveness that strategic manoeuvring seeks to capture. Strategic manoeuvring captures this dual pursuit along three interrelated aspects: topical potential refers to the strategic choice among the argumentative options available to the arguer, adaptation to audience demands involves strategically aligning with the views, preferences, and expectations of a given audience, while presentational devices refer to the selection of the most effective ways to present and deliver arguments (van Eemeren, 2010).

At the same time, topical potential cannot be regarded as a fixed set of arguments that is given from the outset of the debate. The strategic moves of the parties can reshape the very dialectical space that determines which arguments will subsequently become available and relevant. At the micro level, argument selection is itself a form of strategic manoeuvring. From the topical potential available in the discussion, litigants select those arguments that offer the best opportunity to reconcile their dialectical obligations with their rhetorical aims. Consequently, the choice of arguments is guided not only by their legal or logical relevance but also by their expected persuasive force for the intended audience.

Adapting to audience demand refers to the way in which debaters tailor their argumentative choices to the expectations of the audience they seek to persuade. This is particularly significant in types of debates where the primary target of persuasion is a third party not directly involved in the conflict between the parties. In legal proceedings, such an audience may be the jury; in media litigation, however, this may be accompanied by a secondary, heterogeneous audience – the media and the broader public. The parties must therefore make argumentative choices that simultaneously align with the expectations of these different audiences (van Eemeren, 2010).

Presentational devices, on the other hand, refer to the verbal and nonverbal forms in which the arguer presents their chosen arguments. Since no single step in an argument can be considered stylistically neutral, different formulations, framings, or visual and performative representations of the same or similar argumentative content can elicit different rhetorical effects (van Eemeren, 2010). The manner of presenting evidence, linguistic framing, and the verbal and nonverbal behaviour of the parties could all function as such strategic presentation tools. These rhetorical techniques are particularly well-suited for reaching secondary audiences, since (normally) they do not violate the formal rules of court proceedings, while their impact on the general public can often be greater than that of legal jargon.

Examining these three aspects together is thus particularly well-suited to exploring how the litigants attempt to make their arguments both dialectically defensible and rhetorically effective. Taken together, pragma-dialectics and strategic manoeuvring provide a fine-grained framework for reconstructing how litigants shape their argumentative strategies within legal proceedings. The four stages make it possible to trace changes in the structure of the disagreement, while the

three aspects of strategic manoeuvring illuminate how argumentative choices are selected, adapted, and presented strategically.

While pragma-dialectics provides a robust normative framework for reconstructing and evaluating argumentation, its analytical scope is fundamentally tethered to a single, idealised model: the *critical discussion* (van Eemeren & Grootendorst, 2004). This bilateral model assumes that both parties are cooperatively committed to the rational resolution of a difference of opinion. In the high-profile arena of contemporary media trials, however, this strict dialectical focus reveals significant limitations. Litigation is rarely, if ever, a pure critical discussion. Litigants operate in extraordinarily complex, multi-layered communicative environments where they must simultaneously address different audiences with divergent standards of evaluation.

Pragma-dialectics of course acknowledges the specific characteristics of court proceedings in relation to *communicative activity types* (van Eemeren, 2010, pp. 129-162). However, it does not highlight that courtroom situations differ significantly from ideal critical discussions. The parties' objectives – and thus their scope for dialectical manoeuvring – differ from what is customary in rational debates. For their idealised focus, Pragma-dialectics is often criticised (most notably, Walton 1998). While keeping in mind the strengths of the approach discussed above, it may be worthwhile to supplement pragma-dialectical analysis, which assumes idealised sets of conditions, with more descriptive forms of analysis. The aim is not to contribute to the old debate which approach is preferable and on what grounds but whether and how they can be combined in order to get a more complex picture of an anyway complex set of phenomena as found in the courtroom.

While these micro-level approaches provide a fine-grained account of the internal structure and strategic development of legal argumentation, they are less well equipped to explain how the same argumentative activity simultaneously operates across multiple communicative arenas. For this reason, it is worthwhile to supplement pragma-dialectical analysis, which assumes idealised sets of conditions, with more descriptive forms of analysis.

4 The Macro-Level Context: Walton's Dialogue Theory and Dialectical Shifts

Douglas Walton's dialogue theory (1989, 1998) offers the necessary conceptual expansion by shifting the focus from a monolithic, idealised discussion to a network of distinct *dialogue types*, each governed by its own rules and pragmatic goals. While Walton outlines several basic dialogue types in his classifications slightly differing via their improvement – such as persuasion, inquiry, negotiation, information-seeking, deliberation, debates, and eristic dialogues –, no single type has been attributed to judicial trials in his general framework. The analysis of legal disputes requires a closer examination of more than one specific context (Walton 1989, 2002).

Douglas Walton's framework defines a dialogue as a coherent, turn-taking sequence of speech acts between two partners aiming to achieve a collective goal. Within this cooperative framework, each participant has individual objectives, mutual obligations, and a *"commitment set"* – a running record of propositions they have asserted, conceded, or accepted. The rules governing how these commitments are incurred, maintained, or retracted depend entirely on the specific context of the dialogue. Hence, (il)legitimate argumentative movements in a dialogue are always defined by specific circumstances, most notably, the type of the dialogue in question.

As said, there is no specific dialogue type for legal argumentation in Walton's framework. The reason is not that he did not deal with it extensively but on the contrary: he takes judicial

trials too complex to place them into a single dialogue type. Hence, they are explained as complex institutional *frameworks* for dialogues rather than individual dialogues wherein, as we shall see, different dialogue types can occur in a sequence.

In his early classification, Walton refers to legal trials as *forensic debates,* representing a highly regulated, adversarial context of dialogue where the immediate goal is not to resolve a difference of opinion between the disputants, but to win a verbal victory before a third-party judge, jury, or referee (Walton 1989, p. 4). Unlike a cooperative critical discussion, the rules of a forensic debate are designed to manage competition rather than foster consensus.

Walton (2002) changes his terminology from *forensic debate* to *legal disputation* in order to prevent the conflation of competitive, low-commitment academic contests with the extraordinarily complex, rule-bound, and high-stakes institutional framework of actual courtroom proceedings. This even further emphasises the complexity of legal disputes. For Walton, legal disputation – paradigmatically exemplified by the legal trial – is not a context-free sequence of formal deductive or inductive proofs, but a highly structured, interactive, and goal-directed dialectical framework of argument use. At the level of the individual litigants and their attorneys, legal disputation exhibits a highly adversarial or eristic dynamic characterised by a subjective goal to win. However, Walton's normative model posits that the systemic, overarching purpose of this process is to provide a rational, cooperative forum for resolving a conflict of opinions through the provision of due process. However we characterise the conflict as that of interest rather than of opinion. This conflict of opinion, in order to fit to the argumentative framework, is of course transformed into a conflict of dialectically opposing commitments. But *opinion* is an epistemically loaded term – for example, a defence attorney's opinion is irrelevant from the perspective of defending their client, but their dialectical commitments are essential for their scope of further possible dialectical movements.

Consequently, legal disputation is normatively best modelled as a *critical discussion*, i.e., a subtype of *persuasion dialogue* (Walton 2002, p. 170; p. 336), wherein the rules prevent the adversarial struggle from degenerating into a purely quarrelsome exchange, thereby enabling a neutral trier of fact (a judge or jury) to systematically test and evaluate the relevance, defeasibility, and cumulative probative weight of the arguments advanced by both sides. At the same time, courtroom interaction is not limited to persuasion dialogue alone. Adversarial exchanges, including aggressive cross-examination aimed at challenging the credibility or psychological stability of witnesses, frequently introduce elements characteristic of eristic dialogue. Witness examination can be modelled as an information-seeking sub-dialogue nested within the overarching persuasion dialogue of the trial (Walton 2007). Likewise, negotiation dialogue may emerge alongside the trial itself, most notably in plea bargaining, settlement negotiations, or other procedural agreements between the parties.

To explain the relations these elements Walton introduces the notion of dialectical shift, that is a "change of context from one type of dialogue to another during the same sequence of argumentation" (Walton 2002, p. 174). A dialectical shift occurs when the participants transition from one dialogue type to another within the same continuous stream of discourse. This means that although the speakers are discussing the same overall subject, the underlying conversational goal, expectations, and rules have changed. These shifts are often indicated by subtle linguistic clues in the text.

By a dialectical shift, the arguer can change the dialogue type, and, hence, the dialectical goals and means for them, without abandoning the original debate or breaking its rules. In this sense, dialogues always have multiple goals. The general goal of the dialogue in a legal dispute is resolving a conflict by reaching a valid conclusion in a legally disputed matter on the ground of the parties' arguments and evidence. But as dialectical shifts happen, this goal is partly modified in accordance with the dialogue type parties are currently in. Legal disputes are prime examples for *mixed dialogues* – i.e., dialogues that *typically* aim at more than one aims and

hence legitimise more than one set of dialectical and argumentative means in different phases of the dialogue. An important reason why Walton (2002) distinguishes legal disputation from forensic debates (and, hence, college debates) is precisely because the latter is a "mixture of persuasion dialogue and eristic dialogue, organised as a contest, with rules and judges" (Walton 2002, 174). While mixed dialogues are allowed, letting eristic debates into the courtroom in normative terms would be a huge disadvantage of the theoretical framework.

Walton introduces two kinds of dialectical shift: licit and illicit, depending on whether the shift is beneficial or obstructive to the progress of the dialogue's goal (Walton 2002, p. 309). Once parties arrive at a certain dialogue type, its rules are applicable to them, and the rules legitimise all possible dialectical and argumentative moves. But whether the shift to that particular set of rules were legitimate or not is also subject to validation. Illicit dialectical shifts (e.g., in normal cases, leaving a critical discussion for a quarrel) can be penalised without ruling out the possibility of dialectical shifts that could advance the dialogue as a whole.

The operation of licit dialectical shifts can be illustrated by several well-known media trials. In the O. J. Simpson case, the persuasion dialogue temporarily shifted into an inquiry-oriented dialogue when the defence requested that Simpson try on the gloves allegedly worn during the murders. Rather than merely debating the evidential value of the gloves, the parties tested a factual issue through a courtroom demonstration, which subsequently became part of the persuasive argument, culminating in Johnnie Cochran's famous statement: *"If it doesn't fit, you must acquit."* A similar shift occurred in the Oscar Pistorius trial. Pistorius claimed that he had mistakenly shot his girlfriend through a locked bathroom door after believing an intruder was inside. To evaluate this account, the trial temporarily moved from persuasion to inquiry as forensic experts reconstructed the shooting, demonstrated how the bathroom door had been broken open with a cricket bat, and compared the reconstructed movements with the physical traces found at the scene. Once these demonstrations had been completed, the dialogue returned to persuasion, where the reconstruction served as evidence supporting or challenging Pistorius' version of events. Finally, in the Depp–Heard trial, cross-examination repeatedly shifted from the legal issue of defamation to the credibility of Amber Heard as a witness. For example, the question for Depp's lawyer, *"Ms. Heard, that's not your donation receipt, is it?"*, temporarily transformed the dialogue into an eristic confrontation over truthfulness. This move directly instantiates Walton's 'peirastic' level of witness examination, where the primary function is to test the witness' trustworthiness and plausibility against hard evidence (Walton 2002; 2007). In each of these cases, however, the shift remained licit because the newly introduced issue preserved a direct thematic and argumentative connection to the original legal dispute while employing the argumentative means characteristic of a different dialogue type.

Ideally, a series of dialectical shifts resulting in a pre-ordered sequence of dialogue types relevant to legal disputation can be arranged that are temporarily, or at least logically, distinct from each other but each serves the general goals of the dispute, namely, resolving the conflict via a judicial decision. A licit dialectical shift is possible only when the parties establish a sufficient thematic and argumentative connection between two dialogue types. That is, the issue introduced in the new dialogue must remain relevant to the subject matter of the original dialogue, even though it may subsequently be supported by different argumentative standards, institutional rules, or dialogue-specific moves. In such cases, the arguer does not abandon the original dispute but strategically continues it within a different dialogue type while preserving thematic continuity.

Walton's framework demonstrates that dialectical relevance is fundamentally contextual and dialogue-relative, determined entirely by an argument's capacity to contribute to the goal of the active dialogue type (Walton 2002, pp. 181-182). This contextual nature of relevance explains the strategic friction within the *parallel presence* we'll discuss below: while strict legal exclusionary rules render character-based arguments legally inadmissible inside the courtroom

(Walton 2002, p. 22, p. 312), those very same arguments remain highly relevant and potent within the eristic and deliberative dialogues taking place simultaneously in the public sphere. By executing strategic dialectical shifts, litigants can manoeuvre arguments that are irrelevant in one dialogue phase into parallel arenas where they carry decisive weight (Walton 2002, pp. 180-181). Strategic shifts in this respect are not necessarily sequential: if parties take part in several parallel debates, they can develop their argumentation simultaneously, and the very same propositions will imply different dialectical commitments and have different argumentative functions, depending on the context of the particular dialogue and the rules of the relevant dialogue type.

To understand how these different commitments operate in a parallel presence, first it is important to examine Walton's conceptualisation of dialectical commitment. Distinct from epistemic opinion, psychological belief or a purely subjective mental state, a commitment in dialogue represents a strictly pragmatic category – namely, what an arguer has gone on record as accepting, based on how they have argued and what the rules of the dialogue require as logical consequences of their concessions (Walton 2002, p. 167). This distinction highlights a fundamental procedural tension in media trials. Inside the courtroom, the litigation represents a highly formal disputation, where committing to a proposition on the witness under oath is a speech act that sets up rigid barriers against subsequent retraction (Walton 2002, p. 46). Here, an attempt to retract or contradict prior commitments immediately triggers severe dialectical and legal consequences, such as rigorous cross-examination or even charges of lying under oath (Walton 2002, p. 46). In the parallel public sphere, however, there are no formal, legally binding codes of evidence. The rules of retraction and consistency in public discourse are governed not by strict legal protocols, but by the looser, yet highly volatile, expectations of public opinion and narrative plausibility.

Crucial to this contextual asymmetry is Walton's distinction between the *light* and *dark* sides of an arguer's commitment set (Walton 1993, p. 97; Walton 2002, p. 189). While light-side commitments consist of overt, expressed, and explicit assertions that are on full view to all participants in a dialogue, dark-side commitments represent implicit, hidden, or tacit presumptions that must be inferred contextually from what was said, what was omitted, or how the arguer has historically behaved (Walton 2002, p. 189). In the formal structure of a trial, the legal dialogue primarily operates on light-side commitments – explicit pleadings, written statutes, and formal testimonies admitted into the record under strict exclusionary rules (Walton 2002, p. 22, p. 189). In the parallel public sphere, however, the strategic focus shifts dramatically toward the dark side. In this unregulated arena, litigants and public critics actively deploy what Walton (1993) describes as a *commitment extractor* – a dialectical mechanism designed to pull hidden or unacknowledged commitments from the dark side of a participant's profile by aligning them with, or contrasting them against, their explicit light-side assertions (Walton 1993, p. 98). By digging into the opponent's past conduct, private communications, or old social media posts, litigants reconstruct a web of dark-side commitments to expose latent hypocrisy or character flaws. The 2022 Depp–Heard trial provides a clear illustration of how a dark-side commitment can be transformed into a light-side commitment with significant dialectical consequences. Prior to Amber Heard's testimony, the widely circulated rumour that Johnny Depp had pushed Kate Moss down a staircase remained outside the formal scope of the legal proceedings. Although this allegation functioned as a dark commitment within the broader public narrative surrounding Depp, it had no procedural status in the courtroom. However, when Heard testified that she had "instantly thought of Kate Moss and stairs", she made this previously implicit commitment explicit. By verbalising the allegation, she transformed a dark commitment into a light-side commitment recorded in the proceedings. This, in turn, rendered the issue procedurally relevant and enabled Depp's legal team to call Kate Moss as a rebuttal witness. Moss' testimony directly contradicted the implied allegation, illustrating how making

an implicit commitment explicit may fundamentally alter the dialectical obligations and evidential possibilities within a legal dialogue. This strategic extraction, while often inadmissible as evidence inside the courtroom, becomes a highly persuasive weapon in the court of public opinion, where narrative coherence and consistency are evaluated globally.

In Walton's theory, the complexity of a trial is handled through temporal *dialectical shifts* or locally embedded *mixed dialogues* where the rules and goals change from one phase of the trial to another (Walton 2002, p. 174). However, the strategic reality of contemporary media trials is defined by a condition of parallel presence – a state in which the litigants do not navigate dialogues sequentially, but rather participate *simultaneously* in multiple, separate, and competing communicative spaces. In this parallel presence, the concept of a single, shared commitment store breaks down (Walton 1993, p. 97). Litigants must manage *multiple distinct, often contradictory commitment stores* at the exact same moment: a strategic concession (light-side commitment) made inside the courtroom to satisfy a strict legal standard of proof may trigger highly damaging, presumed (dark-side) commitments to the public, the fans, or business partners outside. Because Walton's dialogue theory is built upon trial-centric sequential interactions, it lacks the formal resources to model this simultaneous, multi-arena network of conflicting goals and audiences. This problem will be addressed in the next section.

The debate in legal argumentation theory features a constructive tension between the normative, highly structured pragma-dialectical approach and the pragmatic, pluralistic perspective of dialogue-type theories. On one hand, the pragma-dialectical framework, exemplified by Eveline Feteris' work, provides a stable normative model by reconstructing legal adjudication as a critical discussion aimed at resolving a difference of opinion. This approach ensures a unified standard of rationality necessary for evaluating the reasonableness of judicial decisions. While classical theories of legal justification anchor this rationality in formal legal discourse and universalisability, the pragma-dialectical framework reconstructs it as a rule-governed critical discussion. On the other hand, a more descriptively oriented perspective, influenced by Douglas Walton's dialogue-type theory, highlights the dynamic, interest-driven interactions between the parties, who navigate mixed dialogues and execute strategic manoeuvres like topical shifts in response to procedural and rhetorical challenges.

A constructive, bridge-building solution lies in integrating these two perspectives to incorporate the descriptive advantages of dialogue shifts into the normative rigour of pragma-dialectics. Rather than viewing these models as competing, the pluralistic dynamics of a trial – including transitions between information-seeking, inquiry, and persuasion – can be understood as institutionalised forms of strategic manoeuvring. By utilising the pragma-dialectical concept of communicative activity types, we can model these shifting dialectical goals as regulated phases within the overarching critical discussion. This unified framework respects the strategic autonomy and practical constraints of the parties, while retaining the clear evaluative benchmarks required to assess the procedural validity of the legal process.

This integrated approach allows for a more nuanced, context-dependent evaluation of legal arguments. For instance, instead of declaring certain moves, such as character attacks (*ad hominem*) or dialectical shifts, as universally fallacious or universally acceptable, their legitimacy can be assessed relative to the specific dialectical sub-goals of the active phase of the trial. In this manner, the stable, normative evaluation of the judicial decision coexists harmoniously with a sensitive, pluralistic analysis of the parties' strategic interactions. Ultimately, this constructive synthesis preserves the ideal of rationality as a guiding principle while offering legal scholars a more versatile and realistic set of tools for analysis.

5 The Meta-Level Configuration: Polylogue Theory and Parallel Presence

The pragma-dialectical analytical framework essentially reconstructs the resolution of a difference of opinion as a dialectical relationship between a protagonist and an antagonist. As discussed in the previous chapter, this bilateral structure can be preserved analytically even in legal proceedings involving multiple participants. In Feteris' (1999) reconstruction, criminal proceedings are modelled as two distinct argumentative relationships: one between the prosecution and the decision-maker, and another between the defence and the decision-maker. In this way, an apparently multi-party dispute is analytically reduced to a set of bilateral protagonist–antagonist relationships. While this reconstruction provides a clear normative framework for analysing legal argumentation, it inevitably simplifies the actual dynamics of courtroom interaction. As Lewiński and Aakhus (2014, p. 173) argue, legal trials are inherently complex, multi-party polylogues in which the argumentative space is continuously shaped by the interactions of litigants, judges, witnesses, experts, and other participants. Consequently, the participants cannot always be divided into two stable opposing camps. The same participant may support one standpoint while challenging another, and alliances may emerge, shift, or dissolve throughout the proceedings. Auxiliary standpoints, expert opinions, and credibility assessments therefore interact within a single argumentative network that cannot always be reduced, without analytical loss, to separate bilateral disputes.

This perspective represents a significant shift in the scope of the analysis. The question is no longer solely who the protagonist and the antagonist are in each disagreement, but also how the individual participants, positions, and argumentative relationships are connected to one another within a broader argumentative configuration (Lewiński & Aakhus 2014). The distinctive feature of a polylogue lies not merely in the number of participants, but in the complexity of the argumentative structure (Lewiński & Aakhus 2014).

Lewiński & Aakhus demonstrates the complexity of legal disputes via discussing Feteris' framework. Feteris recognises that judicial disputes are three-party discussions but she still analyses the role of participants in the classical, bipolar protagonist–antagonist framework, explaining the three-party debate as "two simultaneous single non-mixed disputes" between the prosecutor and the judge/jury on the one hand, and between the defence and the judge/jury on the other (Lewiński & Aakhus 2014, p. 173). The double bipolar explanation seems to work only because the subject of the debate is in fact binary (guilty/not guilty), and the legal and institutional framework, along with the question's predetermined nature, enforces the solution. But if there are two separate debates, litigants are in no dialectical relation with one another. What they offer instead is a genuinely three-party account that also reflects on litigant-litigant interaction and also can be further extended to explain multi-party debates with any number of participants.

Analytically, Feteris' approach of separating the prosecutor-adjudicator and defense-adjudicator interactions into distinct bilateral relations highlights a deeper structural reality of media trials: despite their radically different dialogue types and institutional rules, each active arena – the legal, the media, and the public – ultimately functions as a *forensic debate* in the broader Waltonian sense, as they all involve competitive argumentation directed at a third-party judge. This structural alignment strengthens the theoretical framework of parallel polylogues. Unlike Lewiński's classical model, which typically conceptualises a polylogue as a multi-party debate unfolding within a single, loosely interconnected discursive network, our model of parallel presence demonstrates that polylogues can operate simultaneously across structurally distinct, parallel communicative spaces. While the courtroom remains a strictly codified *legal*

disputation, it shares a basic forensic architecture with the public sphere. This parallel operation is illustrated by the analogy of a *trial by media* (where the public and the media pass moral judgment) running in tandem with the *media trial* (where legal arguments circulate); in both spaces, a secondary "third-party" audience continuously acts as an adjudicator. Within this public forensic space, however, traditional institutional roles collapse: public commentators, influencers, and online crowds frequently conflate the roles of advocate and judge, simultaneously defending/attacking a litigant's standpoint while delivering their own popular verdicts.

Before exploring further the possibilities offered by the concept of parallel discussion arenas, let us see some important theoretical commitments of the polylogue framework relevant for legal argumentation.

Plurality of participants. Courtroom proceedings require multiple legal and non-legal agents with different institutional roles. For example, in criminal proceedings, parties involved include the prosecution and the defence, the judge, and, where applicable, the jury, but also witnesses, forensic and medical experts etc. One may argue that some of these participants are affected by, but not involved in, the dispute – but consider what would happen if the prosecutor presented his arguments without calling on experts or witnesses. These agents are actively involved in the debate, as their *ethos* can be decisive, even if the standpoint they represent connects only partially to the initial conflict. They are dialectically much less involved than the main parties but can be taken as *occasional contributors* in polylogue theoretical terms (Lewiński & Aakhus 2014, p. 167).

Plurality of standpoints or *commitments.* In addition to the institutionally defined central issue of the legal dispute, additional viewpoints and points of contention – which may partially overlap, support one another, or compete with one another – may arise, and these cannot necessarily be organised around a single bipolar difference of opinion (Lewiński & Aakhus 2014, 2023), especially given that many of the participants have possibly no intention to convince any of the parties but only to serve as information resource for a fair judicial decision, whereas their arguments may be decisive in the debate. Our claim that extra-bipolar parties represent standpoints dialectically independent from both litigants is supported by the possibility that a witness statement or an expert opinion may contradict the position of either party, either in part or in full.

Multiple interconnected discussions. In media litigation, this structure becomes even more complex, as the arguments presented in court proceedings do not necessarily remain within the institutional framework of the legal forum. The claims, arguments, and evidence presented during the trial may become part of further argumentative processes in the media and in public discourse. These debates may be related to the original legal dispute, though they are not necessarily identical to its central issue, purpose, or criteria of relevance. An argumentative move made in the courtroom can thus be used in other debates, supporting or challenging new positions, and fulfilling a different argumentative function. The polylogical perspective allows us to examine these not as completely independent dialogues, but as interconnected argumentative processes that are not simply parts of a unified dispute either (Lewiński & Aakhus 2014, 2023).

Distributed communication. Furthermore, polylogical argumentation can be distributed across space, time, and different communication venues. Participants do not need to be present in the same forum or at the same time for their argumentative activity to form part of the same broader debate. In the case of media lawsuits, this means that a statement made in a courtroom may appear in the press, be reinterpreted in other public forums, and later become part of the discourse surrounding the lawsuit once again (Lewiński & Aakhus 2014, 2023).

Dynamic participation. Participation is, accordingly, dynamic: in addition to the institutionally defined participants in the legal proceedings, other participants – such as experts,

journalists, advocacy representatives, or other public commentators – may become involved in the broader argumentative process. Through their involvement, they can introduce new positions, arguments, and interpretive frameworks, while the argumentative relationships and potential coalitions among individual participants may also change (Lewiński & Aakhus 2014, 2023).

No single closure. The question of closure also takes on particular significance in a legal context. Court proceedings themselves have an institutionally defined closure: a judgment, settlement, or other procedural decision may bring the legal dispute to a close. However, this does not necessarily mean the closure of all related argumentative processes. Following the institutional closure of the legal dispute, debates regarding related social, moral, or reputational issues may continue and may be supplemented by new participants and new arguments. At the level of the broader polylogical configuration, therefore, it is not necessarily possible to identify a single point of closure that applies to all related debates (Lewiński & Aakhus 2014, 2023).

Interaction between discussions. Individual argumentative processes do not take place in isolation from one another but can influence one another. Arguments, positions, or evidence appearing in one discussion may be transferred to other discussions, where they may take on different argumentative functions and significance. In the case of media lawsuits, an argument presented in legal proceedings may simultaneously or subsequently play a role in other debates within public discourse, while its relevance may vary across these different debates (Lewiński & Aakhus 2014, 2023).

The Depp–Heard defamation trial illustrates each of the defining characteristics of polylogical argumentation. First, the case involved a *plurality of participants* extending far beyond the two litigants. In addition to Depp and Heard, expert witnesses, psychologists, medical professionals, the judge, the jury, journalists, legal commentators, YouTubers, and social media influencers all became active contributors to the broader argumentative process. Second, the trial generated a *plurality of standpoints*. Besides the legally defined question of whether Heard's statements were defamatory, parallel standpoints emerged concerning whether Depp had abused Heard, whether Heard herself had been abusive, whether men can be victims of intimate partner violence, and whether the parties were credible witnesses. Third, the proceedings evolved into *multiple interconnected discussions*. The same pieces of evidence – for example, the audio recordings, photographs, witness testimony, and expert reports –were repeatedly transferred from the courtroom into public debates, where they supported different conclusions and argumentative goals. Fourth, the communication became *distributed* across multiple communicative arenas. Courtroom testimony was simultaneously broadcast live, analysed by legal experts, reframed by journalists, clipped by content creators, and debated on social media, allowing the same arguments to circulate across different venues and at different times. Fifth, participation remained *dynamic* throughout the proceedings. New actors continuously entered the debate, including behavioural analysts, domestic violence organisations, celebrities, and online communities, each introducing additional interpretations and argumentative perspectives. Finally, the trial clearly demonstrated the absence of *a single closure*. Although the legal proceedings formally concluded with the jury's verdict, public disputes concerning the credibility of the parties, domestic abuse, media bias, and gender stereotypes continued long after the judgment, illustrating that the broader argumentative configuration remained open despite the institutional closure of the legal case.

In media trials, the polylogical structure expands beyond the institutional boundaries of the court, generating parallel, structurally distinct polylogues across mainstream news and social media. Rather than navigating a series of sequential dialogue shifts, litigants in this multi-arena landscape are governed by *parallel presence* – the simultaneous strategic participation of the same disputants across structurally conflicting communicative spaces.

A defining feature of *parallel presence* is that arguments do not remain confined to the communicative arena in which they originate. Argumentative moves introduced in the courtroom continuously migrate across interconnected arenas, where they are reinterpreted, reframed, and incorporated into new argumentative contexts. As they move between the legal forum, traditional media, social media, and broader public discourse, they preserve a degree of continuity with the original legal dispute while simultaneously acquiring new argumentative functions. The same argumentative move may therefore serve different purposes at the same time: it may function as legally relevant evidence before the court, as a dialectically acceptable move within the procedural framework of the trial, as a rhetorically persuasive message for public audiences, and as a reputational instrument shaping the social standing of the litigants. These functions are not mutually exclusive but coexist across the parallel arenas in which the argument circulates. Consequently, *parallel presence* concerns not merely the coexistence of multiple discussions, but the simultaneous operation of the same arguments under different goals, standards of relevance, and criteria of evaluation.

A dual management of dialectical rules committing parties to different parallel debates generates severe strategic friction due to the radically different rules governing commitment retraction and consistency across arenas. Inside the courtroom, the litigation constitutes a highly formalised legal disputation, where committing to a proposition under oath establishes rigid barriers against retraction. Any attempt to contradict or retract prior commitments triggers immediate legal and dialectical penalties, such as devastating impeachment during cross-examinacharges of lying under oath charges.

In the public and social media polylogues, there are no formal, legally binding rules of evidence or retraction. Instead, the public opinion arena is governed by narrative plausibility, emotional coherence, and volatile expectations of sincerity. Consequently, a strategic concession or retraction made inside the courtroom to satisfy a strict legal standard of proof can be instantly extracted by public critics, triggering highly damaging commitments in the public eye. Litigants must therefore continuously navigate this friction, balancing the strict, rule-bound consistency of their legal commitment store with the volatile, narrative-driven demands of their public audience.

The concept of *parallel presence* also changes the task of the argumentation analyst. Traditional analyses typically reconstruct and evaluate argumentative moves within a single dialogue, communicative activity type, or institutional setting. From the perspective of Parallel Presence, however, no argumentative move can be analysed exclusively within the arena in which it is produced. The analyst must reconstruct how the same argumentative move simultaneously functions across multiple communicative arenas, identify the different audiences it addresses, and determine the distinct goals and standards of relevance that govern its evaluation in each of them. This requires tracing not only the internal structure of arguments but also their migration across arenas, the transformation of their argumentative functions, and the interaction between the different commitment sets they generate. Consequently, the unit of analysis is no longer a single dialogue or argumentative exchange, but the coordinated operation of the same argumentative move across parallel argumentative spaces. Different audiences apply divergent standards of evaluation and relevance. Hence, the very of the argument also becomes dynamic and arena-dependent, as structural identification is methodologically grounded in prior evaluative judgments (cf. Yu & Zenker 2022). *Parallel presence* therefore complements existing theories not by replacing their analytical tools, but by extending the scope of analysis from isolated argumentative contexts to the interconnected ecology of contemporary media trials.

6 Conclusion

The theoretical synthesis developed in this study demonstrates that pragma-dialectics, Walton's dialogue theory, and polylogue theory should not be viewed as mutually exclusive paradigms, but rather as complementary analytical lenses. Each framework addresses a distinct level of legal argumentation in contemporary media trials. Pragma-dialectics, with its focus on strategic manoeuvring, provides the micro-level tools necessary to evaluate the normative reasonableness and rhetorical efficacy of individual courtroom moves. Walton's dialogue theory operates at the macro-level, explaining how contextual commitments and dialogue types define the boundaries of reasonableness in different stages of a trial in terms of dialectical shifts between dialogue types. Finally, polylogue theory provides the meta-level configuration, mapping the distributed, multi-party network of interconnected discussions across different public and institutional arenas and thereby explaining how media trials are able to open the courtroom dispute to the wider public, generating multiple parallel debates on the same topic with multiple participants.

By treating these communicative contexts as sequentially insulated spaces, existing models of argumentation suffer from a profound structural blind spot. They fail to capture the reality that in mediatised disputes, the legal and public spheres are not separate, self-contained boxes, but rather form a single, structurally open, and deeply integrated dialectical ecosystem. Consequently, evaluating a courtroom move solely through its conformity to formal institutional rules ignores the fact that the very same move is often strategically designed to exploit the looser commitment rules of the public arena. To resolve this blind spot, a shift from sequential dialogue transitions to a model of parallel presence is theoretically mandatory.

By introducing the concept of *parallel presence*, this paper bridges these three analytical levels. In contemporary media trials, litigants do not navigate structurally distinct dialogues sequentially; rather, they inhabit them simultaneously. This parallel presence forces them to manage separate, parallel commitment stores under severe strategic friction, where the rhetorical pursuit of moral credibility in the public polylogue frequently collides with the strict standards of consistency required by the court polylogue. In interacting parallel polylogues, relevance is not a static property but a dynamic, arena-dependent relation that links various debates centred on the same topics.

Successful navigation in modern, highly mediated legal cases requires a dual competence: litigants must satisfy both the rational-dialectical standards of the courtroom and the narrative-persuasive demands of the public sphere. For argumentation theory, this implies that legal reasoning can no longer be evaluated solely through a trial-centric, bilateral lens. Future research should apply this integrated framework of parallel presence to other highly mediatised, multi-arena controversies, such as political debates and public health crises, where the boundaries between institutional decision-making and public persuasion are increasingly blurred.

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