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THE RECONSTRUCTION OF MULTI-MODAL ARGUMENTATION IN JUDICIAL PROCEEDINGS

Multi-modal argumentation is a relatively new approach in argumentation theory. In Gilbert's approach to multi-modality, it focusses not only on the logical mode of argumentation but also on the emotional, the kisceral, and the visceral, the so-called 'alternate' modes. Based on Jung's psychological type theory, I have retained the logical and emotional modes, while translating the kisceral and visceral into the intuitive and sensory modes respectively. Due to the formal institutional constraints in law, the logical mode (in its dialectical variant) predominates. Nevertheless, (1) examples of 'genuine multi-modal argumentation' (i.e. alternate arguments) can be found: in the domain of lawyers' briefs addressing judges (professional and lay – juries) but there are also (rare) court decisions which rely upon them. If genuine alternate multi-modal arguments are generally non-verbal, then the other type of multi-modality at play in courts, being linguistic analogues of genuine alternate arguments, may be designated as *quasi* multi-modality (or 'arguments about multi-modality'). Some of these arguments may have a dialectical value, however, in a number of lawyers' briefs and motions as well as judges' opinions, (2) multi-modal arguments are used as rhetorical devices to steer the legal discussion in a certain direction.

THE RHETORIC OF VISUAL ARGUMENTS IN THE JUDICIAL CONTEXT

Visual arguments are considered one type of multi-modal arguments. Their "multi-modality" refers to their reasons/premises being in the visual, non-verbal, form. As such, visuals cannot be (fully) translated verbally since in terms of their visual content they are often much richer in comparison with their verbal description. In the context of law, they are important as legal evidence, to help establish the legal facts of a legal case at the level of the minor premise of legal deductive syllogism. In order to arrive at a legal decision, from the brute facts of a case legal facts, determined by the relevant legal provision, need to be selected at a specific level of certainty, which is epistemologically ensured by evidence (reaching a certain standard of proof).

Despite the fact that visuals are often semantically thicker than their verbal descriptions, in the legal context they need to be transformed into words which are the semiotic resources of legal provisions as the most important legal institutional constraints. In such a manner (genuine) multi-modal arguments become arguments about multi-modality. Still, visuals embedded in legal arguments with a thick semantic dimension open quite a few possibilities for strategic maneuvering by legal arguers in such unclear cases. One such case, *Grims v. Mladina*, in which the photograph of a prominent Slovene politician's family was portrayed next to the photograph of Goebbels' family in a political satire magazine, is then analyzed in light of the above-mentioned.