CHAPTER 3

Fictive interaction blends in everyday life and courtroom settings[1]

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This chapter deals with 'fictive interaction blends' (Pascual 2002), namely simplex blends structured by the frame of the ordinary face-to-face conversation. Fictive interaction is presented as the unifying pattern underlying blends previously analyzed separately. A parallel is drawn between these and blending examples from legal settings, representing the different trial phases. These involve the conceptualization and presentation of: (i) attorneys' serial monologues as simultaneous turn-taking; (ii) legal evidence as speaking; and (iii) the verdict as an audible message. The examples discussed appear at the levels of the discourse structure and content, the sentence and the grammatical constituent. I conclude that the conversation frame as well as the subframe of the fictive trialogue constitute fundamental structures of thought, language, and discourse.

Keywords: Fictive interaction, conversation frame, conceptual blending, legal argumentation

Introduction

This chapter analyzes instances of mental space mapping and conceptual blending in everyday life and institutional discourse. The focus is on what could be called 'fictive interaction blends' (Pascual 2002, see also Brandt this volume). These are

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simplex blends resulting from the conceptual integration of a mental space with the frame of the face-to-face conversation. Fictive interaction blends are structured by the cultural model of speech as informational, such that in the default case what one says is regarded as entailing what one believes and also what is objectively true (Sweetser 1987: 47–48). The peculiarity of these blends is that their conceptual configuration shows an interactional structure which more often than not does not directly mirror the observable communicative situation in which they are set up or some sort of Reality or Fiction Space for that matter.

Fictive interaction is presented as the unifying pattern underlying blends previously analyzed separately, namely Fauconnier and Turner's (1996, 1998, 2002) "Debate With Kant" (see also Brandt this volume); Turner's (2002) "The Dream of the Root;" and Coulson and Oakley's (2006) "Voting as Speaking." A parallel is drawn between these and different blending examples from American criminal court cases. The legal examples to be analyzed in most detail involve: (i) the conceptualization of a sequence of communicative performances of attorneys at trial as simultaneous turn-taking for the sake of the jury; (ii) the introduction of material evidence – or the lack thereof – as the deceased victim testifying in open court; and (iii) the presentation of the final verdict as the jury's audible message to the defendant and the community at large. It will be sustained that the basic underlying configuration of the courtroom examples reflects the conceptualization of the trial event itself as a sequence of overt as well as covert interactional turns with an underlying trialogic structure. The examples discussed appear at the levels of the discourse, the sentence and the grammatical constituent.

The legal examples selected for detailed analysis come from official court transcripts, televised material, and ethnographic notes from three recent high-profile murder trials in the United States. All italics and underlining in the data transcripts are mine. For privacy reasons, all names have been changed.

Courtroom interaction

Language-in-interaction plays a crucial role in the courtroom. In the adversarial Anglo-American system, the presentation of evidence occurs through the questioning of witnesses by the prosecution and the defense, and the institution's suggestion for its interpretation occurs in the discourses of the attorneys to the jury. The importance of verbal interaction in court is translated in a set of preestablished and highly regulated communicative structures (cf. Atkinson & Drew 1979; Adelswärd et al. 1987). At trial, conversational roles are strictly allocated and turns are extremely constrained. The prosecution and the defense cannot address each other during the trial, nor can the judge or jury make their feelings about the case explicit, pose questions directly to attorneys or witnesses, or interrupt the

discourse of the legal professionals. The court's fixed interactional pattern motivates the emergence of what I have characterized as '*fictive interaction*' (Pascual 2002, 2006a). This constitutes an invisible – although equally present and critical – channel of communication between fictive participants, who may or may not correspond to those in the actual situation of communication. Such interaction is not imaginary or fictitious, since it is not conceptualized as occurring in a fantasy world or even in a hypothetical or counterfactual scenario. Instead, it is *fictive* as opposed to *factive*, in the sense of Talmy (2000 [1996]), as it is entirely conceptual in nature, even though it may be motivated by the actual interaction in the situation of communication. Indeed, most communicative exchanges in court do not occur for their own sake, but as 'display talk' for a third party (Goffman 1981: 137). A clear example of this is the witness testimony phase. This appears to be a dyadic interaction, but is in effect a 'multi-party' one (Cotterill 2003: Ch. 4). Since the members of the jury are the ultimate trial adjudicators, they constitute the primary intended recipients at whom the whole interaction between attorney and witness is aimed, even though (in American law) they are not verbally involved in the questioning process. Also, in the default case, the words of an attorney at trial – even when addressed at a witness – are produced in order to challenge or counterargue the (anticipated or previously expressed) views of the opposite team (Pascual 2006a). Thus, a good attorney will formulate questions and head for answers that map the types of questions and answers that would satisfy the jury on the one hand and hurt the opposite team on the other hand. Therefore, the examination of witnesses involves an unvoiced *fictive* communicative channel between the attorney and witness *factively* exchanging turns, and the silent jury and opposite team 'overhearing' the exchange.

In this paper I discuss fragments of legal argumentation in which a fictive interaction structure is set up in discourse in order to introduce, make mental contact with or say something about apparent non-interactional realities. These are proposed to reproduce the fundamental conceptualization of the main trial stages, that is, the presentation of evidence, its evaluation, and the subsequent decision-making towards a verdict. The cases discussed occur at different levels, namely the discourse content, the sentence, the clause, the phrase and the lexical item. I try to show that the skeletal conversational structure of the examples discussed remains the same regardless of the level at which they appear. Before each courtroom blend is discussed, I will first deal with what I assume are their everyday versions, as studied in the literature on conceptual blending.

Many communicative events as one

This section focuses on the common presentation of serial monologues as different turns in simultaneous dialogue. This involves the conceptualization of communicative events objectively occurring at different times as compressed into one sole simultaneous conversation or debate in the blend. The examples to the discussed are the celebrated "Debate with Kant" blend and the closing arguments of attorneys at trial.

Debate with Kant

One of the earliest and most well-known examples in the conceptual blending literature is the "Debate with Kant" blend (Fauconnier & Turner 1994, 1996, 1998, 2002, see also Brandt this volume). Imagine a modern-day philosopher saying in a seminar:

(1) I claim that reason is a self-developing capacity. Kant disagrees with me on this point. He says it's innate, but I answer that that's begging the question, to which he counters, in *Critique of Pure Reason*, that only innate ideas have powers. But I say to that, *what about neuronal group selection?* And he gives no answer.

Two mental spaces containing the work of the two philosophers appear integrated in a Blended Space. In that space, the claims that the long-deceased German philosopher made in his books are construed as arguments and counterarguments to the modern professor's. Also, the claims that the modern professor made centuries later become counterclaims of and questions to Kant's propositions.

Since we come to know about Kant's ideas through his writings, this blend is first allowed by the conventional blend in which reading is conceptualized as the writer speaking to the reader(s) directly (Herman 1999; Fauconnier & Turner 2002: 210–211). The blend is further structured by the debate frame, and more schematically by "the *cultural frame* of a conversation" (Fauconnier & Turner 1998: 145). It is also important to bear in mind that the fictive debate between the two philosophers does not occur for its own sake. The different ideas are presented in order to convince or at least instruct a particular audience, namely the students of the modern-day professor's. It is by 'overhearing' the fictive argument between the two philosophers that students are to get an idea of what their opposed philosophical positions are. Thus, in the objective situation of communication, we have the lecturer (i.e. factive addresser) telling students (i.e. factive addressees) about his own work as well as that of Kant's, which was addressed at a German-reading audience. In the blend, however, we have the lecturer (i.e. fictive addresser and addressee) discussing with Kant (i.e. fictive addressee and addresser) for the sake of the lecturer's students (i.e. fictive overhearers). At the same time, since the lec-

ture is primarily meant to instruct the students, one would expect the lecturer to make mental contact with the students' common ground, thus providing answers to questions they may have. Hence, it seems safe to say that the lecturer is also involved in a fictive conversation with the silent students. This is consistent with the classical idea of monologue as dialogue (Bakhtin1981 [1975]). In short, I suggest that in the blend, the professor's presentation of his views and those of Kant in what objectively is a monologue to his students in fact underlies a trialogue between the modern philosopher, Kant, and the students. This is a common structure of philosophical as well as political (Lakoff 2004, 2006) and academic debates (Latour 1987) in general.

Legal monologues as fictive trialogues

Contrary to the case of the two philosophers from different centuries, the main 'arguers' in the adversarial trial, i.e. the prosecution and the defense, are not only invariably contemporaries, but are also to present their side of the case at the same trial event. This notwithstanding, the strict interactional rules of the Western court procedure make it impossible for them to debate the relevant issues in an ordinary face-to-face discussion in which they exchange turns. As pointed out before, in the Anglo-American system the prosecution and the defense cannot address each other during the trial. Their views on the case are to be presented through separate speeches to the jury, what are called 'opening statements' and 'closing arguments,' which may not be interrupted. First, the prosecution team presents their view on the case to the jury, then the defense does so, and (in the closing argument phase) the (American) prosecutor may subsequently deliver a final speech. Even though in the Normative Space – and in the Reality Space of any Western trial – opening statements and closing arguments are presented in the form of a monologue, I suggest that they are not conceptualized by participants as serial monologues. Rather, they seem to be construed as different conversational turns in an ongoing discussion. Take for instance the following extract from an on-line forum:

(2) A man is standing trial for murder. The prosecutor says to the defense, "*The defendant committed the crime. Now, go and prove to me that he did not.*" [...] But then the defense replies, "*I have evidence that he did not commit the crime. Now, prove that my evidence does not exist.*" To which the prosecutor promptly replies, "*But I have evidence that counters your evidence. Prove that my evidence does not exist.*"

In this example, the two attorneys are presented as exchanging turns, which licenses the use of imperatives and the second person pronoun to refer to their opponent (rather than the jury). The arguments of attorneys to the jury appear as a simultaneous debate between the two sides, with the jury as audience, in much the same way as in Debate With Kant.

I believe that this is the case regardless of the length of each discourse and the amount of conversational contributions involved. By way of illustration, consider the choice of words in the following explanation of what a closing argument rebuttal is, which one of the plaintiff lawyers gave to the jury in the popular O.J. Simpson trial (Los Angeles 1996: Vol. 49):

(3) Right now, what I'm getting up here for is to take part in what we call rebuttal; that is, I just want to touch on some of the arguments that [the defense counsel] has made over the course of a couple days here. And after I touch on these certain things in a more general sense, [the prosecution team] will be getting up and responding in kind to the comments he made, and responding in some detail to things he put out to you during the course o- out to you during the course of his argument.

Note that in the O.J. Simpson trial, the closing arguments of the prosecution and the defense, and the prosecution's rebuttal lasted one day and a half each, in which different lawyers took turns to speak for the plaintiffs and the defendant, objections and side bars occurred, and the judge interrupted on numerous occasions to instruct the jury on how to interpret the argument phase. Still, the interaction frame seems to prevail as the basic underlying structure of the entire closing argument phase. In the blend, different speech events which occurred during different days – each being objectively addressed to the jury – appear compressed in one sole conversation between the attorneys for the sake of the jury.

The understanding of the closing argument phase as a fictive conversation or debate between the two sides as display talk for the jury also seems to be present when there is no possibility of rebuttal, as in the Spanish system. Take the following piece of discourse extracted from a prosecutor's closing argument to the jury in a murder trial I observed in the Barcelona county court in 1997 (my translation):

(4) The prosecutor is the first one to speak because the law says that the prosecutor is the first one to speak, because the law wants him to speak first. If the prosecutor does not speak after the defense attorney has spoken, this is *not because he does not want to or because he has been convinced by the defense attorney*, but because he cannot.[2]

In (4), the prosecutor in this extract seems to anticipate that the Spanish jury may conceptually integrate the attorneys' serial monologues with the ordinary conversation frame and wants to make sure that they do not project too much into the

2. Spanish original: "el fiscal habla el primero porque la ley dice que el fiscal hable el primero, porque la ley quiere que hable primero. Si después del abogado defensor el fiscal no habla no es porque no quiera o porque el abogado defensor le haya convencido, sino porque no puede."

blend. Indeed, in an ordinary debate, it is commonly accepted that the interactant who 'has the last word' wins the argument.

Interestingly, the fictive interaction blend does not only seem to become manifest in the attorneys' vocabulary and fictive quotations when speaking about the argument phase, but also in their syntactic choices. Consider for instance the discourse fragment below from a prosecutor's closing argument rebuttal in a high-profile murder trial which I did fieldwork on in California in 2000 (Pascual 2006a: 391–393):

(5) Now, Mr. Loeber [defense attorney] questions, Well, *how could the blood get on the end of the poker, because the poker is not hitting her in the head?*' [...] The reason why blood gets on the end of the poker [...] is centrifugal force.

Here, the prosecutor presents and subsequently answers a question that appears to have been previously raised by his adversary. However, the defense attorney actually never produced such a question. In fact, he used no interrogatives in his attempt to cast doubt upon the accuracy of the prosecutor's argument. The attorney's exact words were:

(6) And we know from dr. Stone's [forensic expert] testimony and from our own common sense, when we look at these unfortunate, sad photographs of Rachel [victim] from the coroner, that there were *no wounds* there that correspond to the end of a fire poker. They're linear wounds. That's why we have linear, linear, linear. But to get that castoff spatter *we have to have blood on the end of the poker*, and that would get there most likely – we've had *no other explanation* – by the end of the poker hitting Rachel's head.

In (6), the defense attorney is pointing out an apparent paradox arising from two supposed states of affairs: (i) the victim's wounds do not correspond to the end of a fire poker, and (ii) there must have been blood from the victim's head at the end of a fire poker. By presenting these two contradictory scenarios, the defense attorney challenges the prosecution's interpretation of the facts. According to the prosecution, the fireplace poker that is missing from the couple's home corresponds to the murder weapon, which was never found. What is most striking about (5) is naturally the re-presentation of the defense attorney's entire argument in (6), which consists of a set of assertions addressed at the jury, in a single sentence, namely a question that he then proceeds to answer. Significantly, when I asked him to comment on this extract, the prosecutor used the question-answer pattern again and characterized his counterargument as a response: 'Albert [defense attorney] was saying that, you know, if it was a poker, *why aren't there poker marks in her head?* [...] so, I was just *responding*' (Int.2-DA: 10).

In the Reality Space of the actual trial we have the two opposed attorneys arguing their case in serial monologues addressed to the jury. First, the prosecutor

delivers his argument to the jury at time 1, then the defense attorney presents his alternative argument to the jury at time 2 (extract 6), and subsequently the prosecutor addresses the jury one more time at time 3 (extract 5). In the fictive interaction blend, the defense attorney is arguing with the prosecutor in a simultaneous debate in which the prosecutor's first argument raises a challenging question by the defense, which the prosecutor subsequently responds to, with the jury as overhearer. Also, the long discourse of the defense in (6) becomes compressed into one utterance, namely an interrogative. This choice of sentence type is particularly fortuitous, since it allows the prosecutor to use it both as a concise paraphrase of the defense's previous challenging argument (since rhetorical questions are understood as negative assertions) and subsequently reframe it as a challenging information-seeking question, which he can then proceed to answer. Thus, the overall configuration is not only structured by the frame of the ordinary conversation, but more specifically by the question-answer pattern. In the blend, the answer to the question represents the last word in the fictive debate, and thus the indication that the prosecutor has won.

It should be noted at this point that legal monologues are also generally conceptualized as involving an inaudible 'two-way communication' or 'dyadic conversation' between the attorney speaking and the judge/jury counterpointing the attorney's words with an inner discourse of their own (Harré 1985; Walter 1988; Stygall 1994). Indeed, the fictive argument set up between prosecutor and defense attorney occurs for the sake of the jury, as the ultimate evaluator. Since the jury cannot make their feelings about the case explicit or pose questions directly to attorneys or witnesses, attorneys need to anticipate the questions they may have and make sure to provide satisfactory answers to all of them. Thus, the prosecutor in this case was not only taking the voice of the opposite attorney and responding to him in a fictive interaction blend. He was simultaneously also posing questions the jury might have (and which they might have asked him about, were that allowed). Hence, the rhetorical question posed and subsequently answered by the prosecutor is not only mapped onto the negative assertions previously produced by the defense attorney. It also represents doubts or questions the prosecutor believes may be in the minds of skeptic jurors.[3] This complex network is schematically represented in Figure 1 (where the prosecutor is P, the defense attorney is D, and the jury is J).

3. This is very much how the prosecutor explained his use of interrogatives in his closing argument in my interview with him:

(i) I understand the defense will bring up those questions in their closing argument, so I bring them up myself, and I defeat them. So when the defense brings them up, they've

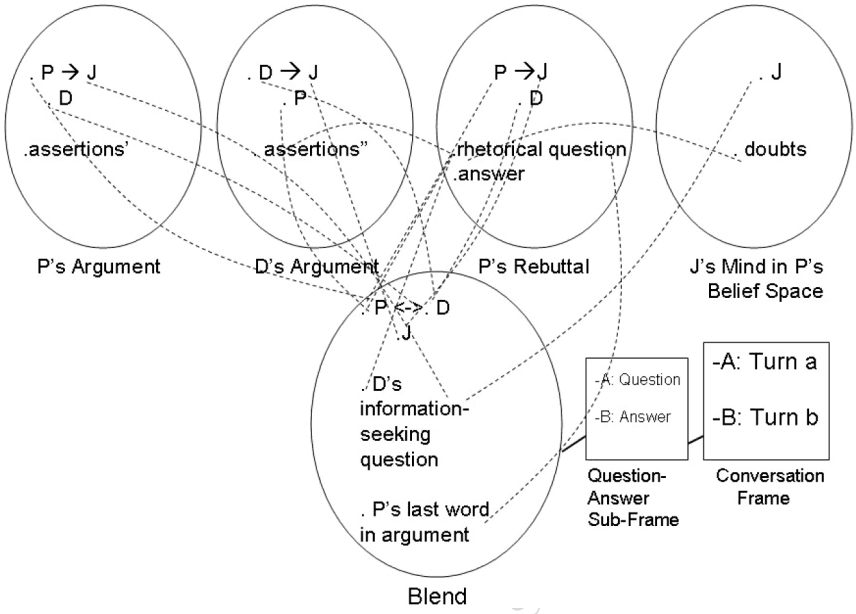

Figure 1. The prosecutor's fictive trialogic question

Presenting a constructed rhetorical question ascribed to one's adversary and subsequently responding to it – having therefore reframed it as an information-seeking one – is an effective argumentative strategy, since it simultaneously serves to: (i) present the opponent's challenging argument in a concise manner; (ii) ask a question the jury may ask themselves; and (iii) set up cognitive and discursive grounds for a counterattack. Furthermore, I believe that the use of this question-answer structure is not only conceptualized and used as an ordinary adjacency pair so that the former merely prepares the addressees and overhearers for the latter. It also seems to reflect a conceptualization of the trial event itself as a sequence of conversational turns, in which what has been said earlier or what is anticipated to come later are commonly explicitly or implicitly either questioned or answered by legal professionals for the sake of the judge/jury.

already heard it! They, th-the jury knows what my response is the defense argues [for]. (Int.2-DA: 12)

(ii) I'm answering questions that I think the jury will be asking in, in the jury room, [...] I'm just anticipating! I'm asking what a logical person might ask. Now, 'what about this, mister Geisberg?' 'What about this?' I wanna answer all the questions! (Int.2-DA: 13)

Such a conceptualization may also be reproduced in instances of fictive interaction within the sentence (Pascual 2006b), what Brandt (this volume) calls 'embedded metonymic enunciation.' Consider for instance the examples below from the prosecutor's discourse in the same murder trial (Pascual 2006a: 394, 396):

(7) a. Express malice means, simply, *was it an intentional killing[?]*, okay? *Did the person who killed think about it? Did they have a choice?*
b. Now, was there an attempt to kill? This is kind of a *'who's buried in Grant's tomb[?]'* argument, but [sly smile] you have to think about this.

In (7a), the definition of a legal term is presented as a set of interrogatives. This involves a conceptual integration of the Law Space, with its rules and definitions, and the Deliberation Space, in which these rules and definitions are to be used in the evaluation of the facts. By using questions for the definitions of a legal term in the Law Space, the prosecutor succeeds in presenting the meaning of the term through the expected reasoning process that the actual jury in the Deliberation Space will have to go through when trying to decide whether or not this term applies to the facts in the case at issue. Thus, the questions presented by the prosecutor as definitions are mapped onto hypothetical questions jurors may ask themselves and each other in the jury room in the Prosecutor's Belief Space. Note too that these questions correspond to the issues the defense has *questioned* in the Trial Space. Presenting this definition in terms of a question also prepares the cognitive and discursive grounds for answering it in a way favorable to the prosecutor speaking. Indeed, the extract in (7a) was followed by: "Well, let's apply this. If you apply it to this case, *was there planning?* Of course there was planning."

In (7b) an interrogative at the lexical level is used to characterize the prosecutor's own argument. The question 'Who's buried in Grant's tomb?,' which comes from American children games (to be blended here with the courtroom situation), is peculiar since its answer is presupposed in the question itself: Grant is the person who is buried in Grant's tomb. The prosecutor indirectly warns the jury that even though his argument may state the obvious, he still needs to make his point, since the defense had previously cast doubt upon – or *questioned* – his theory of the case, obvious though it might seem to anyone who had followed the case. Thus, the absurd question from the children's game is mapped onto the defense's entire critical argument as a challenging question to the prosecutor, which skeptical members of the jury might also want to ask. In his argumentation to follow, which would correspond to the answering of the self-answered question in the game, the prosecutor is fictively *responding* to the defense's prior and anticipated future challenges as well as to the jury's possible doubts. Thus, even though in these examples only one fictive utterance is overtly expressed, I suggest that this one 'utterance' needs to be understood as a fictive conversation turn in the fictive trialogue which

is assumed to characterize the participants' conceptualization of the most relevant communicative events in Western courts.

I hope to have shown that the rhetorical effectiveness of questions in legal monologues is due to the attorneys' ability for compression and blending, the resulting network being structured by the frame of the ordinary face-to-face conversation. This involves taking the perspective of the final evaluators as well as that of the opposite team. More specifically, questions in legal monologues generally show an underlying triadic structure, as they serve a double persuasive function, namely: (i) turning silent addressees into co-constructors of discourse and (ii) challenging the version of the facts proposed by the opposite team.

The inferable as speaking

This section deals with the presentation of the source(s) of a particular inference as speaking to the one(s) to draw this inference. This blend is extremely common in everyday thought and language. We talk about an event as being very *telling*, an object as *saying something about its owner*, or a thunder *announcing* a coming storm. The examples discussed in this section are the image of a cross speaking to a sinner and the presentation of legal evidence as 'speaking for itself.'

The speaking Cross

Consider the old Anglo-Saxon poem "The Dream of the Rood." This literary work has been analyzed by Turner (2002) as an example of a complex conceptual integration network, involving various interesting blends. The one that is relevant to the present discussion involves the presentation of the Rood, the Holy Cross, as appearing to a sinner in a dream, and speaking to him of his experiences. The Cross' verbal behavior is presented as real in the poem's Dream Space. As Turner points out, this image is a vivid exploitation of the conventional blend in which an observer's inference on the history of a physical object appears as that object actually speaking to the observer. It is not unusual for archaeologists to speak of what a mummy or an ancient vase tells them, for instance. Similarly, Oakley and Coulson (this volume) show how the interpretation of different events as being related to one another can be construed and presented in discourse as dots *screaming* at the ones that should connect them and draw the relevant inferences.

It should be noted that this blend also seems to be allowed by the general blend in which non-human animals and objects become personified and speak, regardless what one may inference from their appearance. The characters speaking in fairy tales and children's games are not always human. Also, we adults often talk to plants or machines, and speak of an appetizing piece of pie, for instance, as "saying *eat me*," thereby projecting intentionality in the blend. In "The Dream of

the Rood" blend, the Cross appears as the addresser, the sinner as the addressee, and the reader of the poem, as the overhearer of the conversation between Cross and sinner.[4]

The speaking evidence

Since legal discourse is not significantly different from literary discourse (Pascual in press), or ordinary conversation for that matter, one should expect to find fictive interaction metaphors in legal or law-related discourse. Indeed, this seems to be the case. The first example of this kind is from a brainstorming session among three prosecutors from a prosecution's office in California, broadcast by the American NBC television channel in July of 2002. In this case, the prosecution accused the defendant of sexually assaulting a 23-year-old woman. The defense argued that the sexual contact between defendant and victim was entirely consented by both parties. At a point in the discussion among the three prosecutors, one of them said:

(8) He left *all* kinds of evidence that he won't tell us out of his mouth! The broken jaw, the semen... I assume there's physical findings... [...] So, basically, her *body* is telling us what he won't!

In this case, the statements of the victim and the defendant as to the nature of their sexual contact were contradictory. Since both statements had the same legal value, the prosecution's accusation in this case relied almost exclusively on physical evidence from forensic doctors, who would be called to testify in court and show the jury pictures of the victim's bodily injuries. This involves an EFFECT FOR CAUSE metonymy (Panther & Thornburg 2000). It is through having found injuries on the victim's body (i.e. effect) that one can conclude that she was sexually abused by him (i.e. cause).

By so doing, the victim's battered body can 'tell' the story. The presentation of the physical evidence on the victim's body as the body telling its observers about its violent past allows for the setting up of an identity mapping between the confession that is conspicuous by its absence in the police interrogation of the defendant (structured by a negation network) and the inference that can be drawn from the victim's injuries after the attack. This makes comparison of the one with the other easier, and thus helps draw the inference that the defendant is lying, that the victim is telling the truth, and consequently that their sexual contact was not consensual. Note that this comparison would be rhetorically less straight-forward if the SEEING IS KNOWING metaphor (Lakoff & Johnson 1980) had been used instead,

4. This conceptual network fits with Tobin's (2006) work, which shows that readers are mostly construed as overhearers.

as in the alternative formulation "her body is *showing* us."[5] Just as was the case for Turner's speaking cross blend discussed previously, the configuration of the speaking body is based on a conventional blend in which an interpretation or inference is conceptualized in interactional terms as the source of that interpretation or inference speaking to the one that draws it. In English and other languages this culturally meaningful blend is reflected in the polysemous meaning of verbs of speech (e.g. "see what it's telling you," approximately paraphraseable as "see what it's inviting you to infer," Baynham 1996: 74). Hence, it should not be surprising that in (8) the body is presented as using this same verb of communication ("her *body* is telling us..."). [6] Finally, note that the body can only tell the story to those who want to listen, that is, to those who have been looking for answers in her body. Indeed, when asked the right 'questions,' legal evidence can be presented as speaking in a similar manner as a witness may.

Consider now an example from the same murder case from which examples (5)–(7) come. The defendant in this case was a financial manager accused of brutally killing his wife in the couple's home. No clear evidence or alibi was provided to prove the defendant not guilty and he was the only witness for the defense. This notwithstanding, the defendant insisted on his innocence and testified under oath that he was at work at the time of the crime. The example to be discussed, which is from the district attorney's closing argument rebuttal, is (cf. Pascual 2002, forth.):[7]

(9) But interestingly enough, Rachel did, in a way, testify through circumstantial evidence, and that is this: the defendant readily *admits* on the August the 26th interview that Rachel had no enemies. Everybody loved her. There wasn't one person who came into this courtroom over the last three weeks and *said*, "Boy, Rachel's a bad person." There isn't one person who has a motive to kill Rachel Coff. There isn't one person who was stalking Rachel or *saying* anything bad about Rachel or that Rachel had a boyfriend on the side or anything like that.

5. Thanks to Jannis Papalexandris for this observation.

6. Consider also the pieces of discourse below, from a prosecutor's discourse in murder trials occurred in New York and California (Pascual 2002: 161–162):

(i) That's not what the bullet is telling me.

(ii) ... there is an absence of spatter on those pills that tells you that the pills had to be deposited after her injuries, [...] which is what tells you the killer had time.

(iii) I actually prefer it when no big coverage is given [of a verdict] because it tells the defendant *we don't care about you any more, you don't get to be in the first row, we don't have to hear what you have to say. Goodbye! Go live in a cell!*

7. For a more detailed analysis of this example, examined through the eyes of the participants' knowledge of the embedding discourse and trial as well as their conceptualizations and depictions of what a trial is, see Pascual (to appear).

> Rachel had no enemies. People *describe* her as articulate, witty, assertive. She was a career woman. But because of that, she speaks out, because with no enemies, there's nobody who's gonna break into that home, and there's no signs of forced entry in the home and there's nothing stolen from the home. So it points to the defendant.

In (9), different bits of circumstantial evidence, which were presented to the jury through the attorneys' examination of over thirty witnesses for two weeks, appear "in a way" compressed into one sole testimony, namely the testimony of the victim's in the trial for her own murder. This image succeeds in presenting various pieces of diffuse evidence in a compressed and culturally meaningful human scale scene. Various conventional blends are involved in this image. An identity mapping is first established between the circumstantial evidence presented by the prosecution team in the Present Reality Space of the ongoing trial and the victim's lifestyle in the Past Reality Space prior to the crime. This evidence is mostly in the negative. The prosecutor's case is primarily based on the *lack* of evidence that would support a different hypothesis from the one he is arguing for. Hence, the conceptualization of the accusatory evidence itself involves conceptual integration in a negation network (cf. Fauconnier & Turner 2002: 241). It is through the sum of these missing pieces of evidence for an alternative theory of the case that the victim's fictive voice can be heard. In its turn, the negative evidence from the victim's life attains its legal value by being conceptually mapped onto elements in the prosecutor's interrogation of various witnesses in the Under-Oath Communicative Space of Past Witness Testimony: the defendant '*admit[ted]*' that the victim had no enemies; nobody '*said*' that she was a bad person; all witnesses '*describe[d]*' her as articulate, etc.

Critically, since the inference that "there's nobody who's gonna break into that home" comes from consideration of the victim's life, the image of the victim speaking up involves the conventional blend in which a source of inference speaks to those who draw it. At the same time, since jurors are the final evaluators, it may also be accurate to postulate that the victim is "in a way" speaking directly to them, as they are invited to look for the *answers* to their *questions* on the case in the victim's life. As it is, were the victim still alive, she would have been called to testify. In that case, the jury would mainly come to know about the circumstantial evidence in the case through her answers to the attorneys' questions in witness testimony. Critically, it is not uncommon for attorneys and the jury to understand and talk about the attorney-witness exchange as the witness speaking to the jury. In fact, attorneys often overtly ask witnesses to address the jury directly when answering the attorney's questions. Hence, just as was the case for the examples discussed previously, the overall conceptual network set up by the image in (9) is structured by the frame of the ordinary face-to-face conversation. This frame is in its turn being fur-

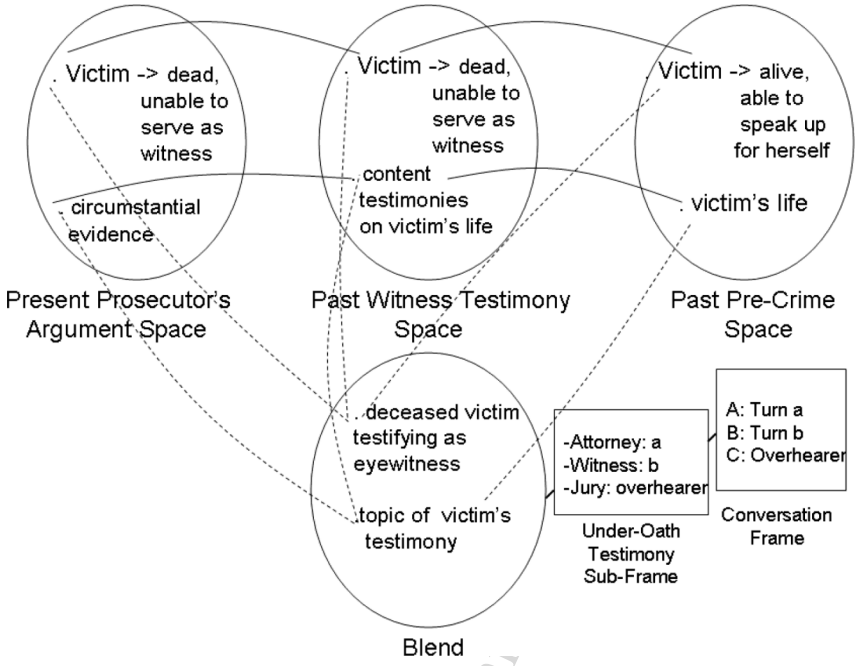

Figure 2. The testimony of the deceased

ther structured by the law-specific frame of under-oath testimony (see Figure 2), since the victim not only "speaks out," but is actually presented as "testifying."

This is crucial, since in the American system a direct identity relationship is established between the content of under-oath testimony – with no contradictions or proven lies – and the truth. Also, since sworn testimony is technically the only means for the jury to gain access to the facts to be evaluated, the jury is instructed to consider only that which they have heard through testimony. Note too that given the law's assumption of equivalence between sworn testimony and the 'truth,' that which is heard through testimony constitutes direct evidence. Thus, the presentation of the murder victim 'testifying' in (9) actually involves the construal of circumstantial evidence as direct evidence of guilt. This is non-trivial since, although circumstantial evidence against the defendant seemed rather compelling in this case, no direct accusatory evidence could be provided by the prosecution. The crime was committed in the seclusion of the couple's bedroom and there were no eyewitnesses. Moreover, the defendant's sworn testimony in self-defense technically constituted direct evidence of his innocence.

Bearing this in mind, I believe that the victim's *fictive* testimony in the Current Discourse Space of the prosecutor's argument needs to be construed within the light of the defendant's *factive* testimony in the Post-Crime Reality Space of the

actual trial. Indeed, the victim's testimony embodies the evidence that "points to the defendant," and without that testimony, it actually does not make sense. The victim's exemplary life seems to be implicitly presented as a *counterargument* of or a *response* to the defendant's testimony in self-defense. If the victim had been alive, able and willing to testify, her testimony would have been weighted against the equally direct evidence of the defendant's testimony, which was the only evidence of his innocence. Hence, in (9) the fictive argument between the prosecution and the defense for the sake of the jury appears as an implicit verbal confrontation between those from whom evidence for the one and the other version of the facts was obtained: the victim (through her life, described by witnesses) and the defendant (through his testimony under oath). This configuration is consistent with the common understanding of the (often long) sequences of attorney-witness exchanges as simultaneous turn-taking among witnesses. Take for instance the way in which an attendee at the trial at issue explained how the daughter-in-law of the victim and the defendant was purposely called to be questioned immediately after her husband's testimony (Int.8-Nov: 11):

(10) of course Tracy [daughter-in-law] followed Tom [son], but they couldn't speak between each other's testimonies, and Don [prosecutor] used her to *contradict* her husband.

Even though these two witnesses did not engage in any verbal exchange during their testimonies, the various interactional sequences between the prosecutor and the second witness are presented as the witness's fictive response or counterargument to what the previous witness has told the prosecutor as addressee and the jury and court as overhearers. Significantly, in this particular trial the cross-examination of the defendant served the prosecutor's case particularly well, since it resulted in a long set of incongruous allegations and transparent contradictions, which revealed the defendant as an untruthful witness. Therefore, it seems that, when running the blend, the jury should easily agree on which testimony to believe.

In (9), reframing lose pieces of (negative) circumstantial evidence as one concrete testimony of the best eyewitness succeeds in presenting the evidence against the defendant in the same form and in the same conceptual domain as the evidence in favor of him. Also, presenting the victim and the defendant – rather than the attorneys – as the ones implicitly debating the opposed versions of the facts is argumentatively effective, since it uses the individuals the case is actually about with no intermediaries or representatives in between.[8] In sum, the overall config-

8. The rhetorical choice of having the defendant implicitly 'arguing' the victim's fictive testimony fits well with the characteristics of the case at hand, in which, counter to what is customary, the defendant – rather than the defense team – seemed to be the one to be most clearly counter-

uration successfully brings together: (i) the crime and subsequent trial on it; (ii) the presentation of evidence through testimony; and (iii) its subsequent evaluation compressed in the same Blended Space. The compression is as human-scale as can be.

The image of a deceased person being conceptually called for a posthumous testimony is often used in modern (American) litigation and was even recommended by Quintilian (see 1921 translation). On occasions a murder victim is explicitly called upon to answer questions one can answer oneself by considering the evidence on the case. An example is the prosecutor who ends his closing argument by presenting the counterfactual scenario of a "miracle," in which the murder victim is brought back to life and tells the jury that she has already told them who her killer was (Coulson & Pascual 2006: 171–175).

Finally, since the blend of the source of inference as speaking is culturally meaningful, a piece of evidence can be presented as "crying out for an explanation" or "shouting out to someone" for instance. What the evidence is fictively telling the ones who understand it can also be overtly expressed through a string in the direct speech. Consider for instance the examples of embedded fictive verbal interaction in (11) below. These examples come from a personal weblog, a defense attorney's conversation with the judge in a criminal case, and an online forum on the aftermath of the September 11th attack:

(11) a. ....if you can find definite solid evidence that screams to you *"yes! Jesus is real!"*, then...
b. we don't really know because there's some physical evidence that says, *hey, we got this injury...*
c. all those people who were told to shut up about their disagreement have so much *"I told you so"* evidence, that some serious re-alignment has to occur.

In (11a), a hypothetical piece of evidence is presented as screaming what can be inferred from it to the one to find the evidence. In (11b), the noun phrase "some physical evidence" is modified by a restrictive relative clause presenting this evidence as speaking in clear conversational style and including the verb "to say" as a

argued. Consider for instance, how the prosecutor began his discourse following the defense's (Vol.6, 1452: 10–15):

(i) The purpose of my rebuttal closing argument is to specifically address some of the points that Mr. L. [defense attorney] addressed. And what I think is important that you realize before I make this argument is my comments are *not directed at Mr. L. personally.* The comments are *directed at the defendant* and the law as it applies to *the defendant.*

In fact, in a four-hour feedback interview, the chief deputy defense attorney admitted to me that defense team was convinced of the defendant's guilt (Int.9-DC: 10–11).

space-builder of the fictive address. In (11c), a direct speech constituent (i.e. "I told you so"), showing the first and second person deictic pronouns, is used as a modifier of the noun "evidence." The referent of this noun needs to be construed as the one saying "I told you so" to those who had not believed that type of evidence would ever be provided.

In sum, it is not uncommon to conceptualize the source of an inference as speaking to the one(s) to draw the inference in a fictive interaction blend. Hence, it makes sense to present a murder victim as speaking up, or even testifying through circumstantial evidence on her life, as well as to characterize a type of evidence through a direct speech constituent representing what that sort of evidence fictively says. In the courtroom, legal evidence may be presented as speaking to the professionals or to the jury, always as a counterargument to what the evidence of the opposite team may suggest.

The final decision as a moralistic address

This last section deals with the presentation of a final evaluation in conversational terms. The examples discussed are the Voting As Speaking blend and the construal and presentation of the verdict in court as the jury saying something to the defendant and the community at large.

Voting as speaking

Coulson and Oakley (2006: 54–55) discuss a political letter in which electoral polls and democratic elections appear as the voice of the people, with the ability of sending a "message" to a political party. The relevant fragment of the letter reads:

(12) All the public opinion polls [. . .] have said the same thing over and over: *The American public does NOT want impeachment.* Yet, Congress has decided to tell the public to take a flying $#@& and has moved ahead with the impeachment process anyway. The only way to send a true message to the right wing is to throw every Republican out of office. The message would be loud and clear to all these new Democrats – *THE AMERICAN PUBLIC WANTS THE AGENDA OF THE (so-called) CHRISTIAN RIGHT REMOVED FROM THE HALLS OF OUR UNITED STATES CONGRESS!*

Coulson and Oakley analyze this as a metaphor that presents a political process as an "interpersonal argument," involving massive compression in a fictive interaction blend. The public polls are first personified and used metonymically to stand for the American people as a whole and not just the voters questioned. These polls have then the ability to verbally express the opinion of the people. The Congress ignores that advice and speaks to the public in a joint voice. Then, the public is

encouraged to *respond* to the Congress 'words' by sending "a true *message* to the right wing," namely "to throw every Republican out of office." Even though the election polls, the Congress decision regarding the impeachment process and the actual elections occur at different times, in the blend they appear as an integrated event scenario.

The event in the blend is a verbal argument or debate between the American public and the politicians in power. In this argument, the sum of all the individual acts of voting for Democrats are compressed into one sole voice representing "the citizenry's turn in conversation" (Coulson & Oakley 2006: 54). Unlike the vote in the Reality Space of politics, this conversational turn is one that can be heard. Thus, the number of votes maps onto the loudness of the message that voting is presented as sending. Following our cultural understanding of everyday conversation, the louder the message the more conviction we attribute to the one who sends it. In this letter, Moore suggests that if enough citizens vote for Democrats, the message to the opposite party will be so forceful as to end the public debate.

The presentation of voting as speaking discussed by Coulson and Oakley is certainly not a one-time configuration. Sapir ([1949] 1986: 104) for instance, speaks of (my italics) "such simple *acts of communication* as that John Doe votes the Republican ticket, thereby *communicating a certain kind of message.*" Note too that voting can be construed as communicating something to fellow voters and not only to the political candidate parties to be elected. An example is the cartoon drawing of a pie chart, whose labels appear to be different conversational turns in a heated political debate between the percentage of voters sharing particular opinions (Pascual 2002: 16–17):

(13) Thinks country is 'divided'
Is *not!* [. . .]
Does my opinion count? [. . .]
Don't blame me! I didn't vote!
Don't blame me! I voted for *everyone*!

It could also be added that in the Voting as Speaking blend, somebody (i.e. the group of voters), speaks to somebody else (i.e. the losing party), with a third group as audience (i.e. the entire population of voters and non-voters to be ultimately affected by the outcome of the debate). Thus, the fictive conversation is an 'adversarial' one that seems to suggest a trialogic structure.

The jury verdict as an audible message

The courtroom equivalent of voting in a political election is coming up with a verdict. Interestingly, in the same way as voting can be construed as an act of communication, so can reaching a verdict. Consider for instance the following extract

from a prosecutor's opening statement to the jury in a no-body trial aired by NBC television:

(14) …at the end of this trial I want you to do two things. One, I want you to *tell the defendant* that he is guilty of murder. And two, I want you to *tell the defendant* that there's no such thing as a perfect crime.

Much as they might want to, in the strict sense jurors in the Reality Space of the trial in which this piece of discourse was produced could never do what the prosecutor asks them to in (14). In the Normative Space of the Law, jurors are not allowed to speak during the trial or sentencing phase, let alone address the defendant directly, as the judge or family members of the victim may at sentencing. Moreover, jurors are not the ones to read the verdict; a clerk reads it instead. All jurors do is assert when asked by the clerk whether the verdict read was their "true verdict." In fact, the members of the jury do not even write down the verdict in their own words. After the deliberation, once they have come to a unanimous agreement on all the relevant issues concerning the case, the foreperson of the jury fills in and signs up the verdict form prepared by the court. This form shows a set of binary options to chose from ("guilty/not guilty"; "did/did not"; "was/was not"). These seem to be conceptualized as yes/no questions on the case that the court asks the jury to answer. In fact, in American law the verdict form is sometimes explicitly presented as a list of questions, something that is the default case in the Belgian jury system. It is through the jury's answers to these questions that the defendant, the court and the public in general can learn what the jury's views on the case are. Thus, even though the jurors' addressed at in (14) did not have to decide whether there is "such thing as a perfect crime," that they thought this was not the case could be inferred from their accusatory verdict.

The presentation of the jury's verdict as them telling something to the defendant in this example is not a one time occurrence. Also, I believe this is not a mere rhetorical device, often as (American) attorneys use it. Rather, I suggest that it is a reflection of the way in which attorneys and jurors alike conceptualize the final verdict. In order to support this, I will discuss fragments of the full transcript of a real-life jury deliberation in a death-penalty case for double murder, which occurred in an Ohio court in 2004. The transcript was released by ABC television as complementary material relating to the documentary series 'In the Jury Room.'

Just as was the case for voting, the jurors in this case seemed to understand their verdict as a "message." As it is, in their deliberation the word "message" was used 13 times in relation to their verdict. Consider for instance the example below, produced by the foreman at the beginning of the deliberation on sentencing:

(15) …this is the sentencing phase, to approach the *sentencing options* carefully and with forethought. To see what message we're sending or presumably send-

> ing with each one of the four counts [...] What message we're sending A to Mr. Donald [defendant] and what message we're sending to[,] as *the conscience of the community*, we're sending to the community with our deliberation, with our final suggestion. (juror 1, JurDel-B, p. 182)

In the Present Reality Space of the ongoing deliberation, which is mapped onto the Normative Space of the Law, the jury only get a set of "sentencing options" from the court, which cannot be changed or paraphrased. This notwithstanding, in (15) their choice between them – or rather what can be inferred from their choice – is presented as the jury's own message. The verdict is not portrayed as a decision on what type of sentence the defendant deserves, but as a concrete act of communication addressed to the one who committed the crime that requires punishment. Also, by being the defendant's 'peers,' who are selected (roughly) at random, jurors metonymically stand for "the conscience of the community." Therefore, since in the Normative Space of the Law the jury's decision is unbiased, it maps onto any future verdict on a similar case. This allows the jury's message to be presented as also addressed to the community at large. By 'responding' to the court's 'questions' through their verdict, the jury is construed as fictively speaking to the defendant and the community directly as overhearers of the fictive verbal exchange between court and jury.

Interestingly, just as was the case for the voting as speaking example, the jury's fictive message to the defendant and the community can appear verbalized in a concrete fictive utterance:

> (16) What is the message that we are sending A. to Mr. Donald and B. to the community? To the community we are saying *this punishment that we are meeting out is harsh; it is commensurate with the crime and murders must be paid; there's a payback for murder and it is losing your freedom for the rest of your life* [...] There are other possible messages and those other possible messages in my opinion are based on our sentencing. [...] The other mercy factor, the other messages, excuse me, is that in some way, because of the mitigating circumstances, surrounding this case, that we looked at carefully, we have assessed as a jury that *we empathize with your situation, Mr. Donald and we are not going to punish you up to the full letter of the law because we feel that the mitigating circumstances are equal to the aggravated circumstances.* (juror 1, JurDel-B, p. 184)

In this fragment, the jury's final decision, which in the Present Reality Space of the ongoing deliberation was reached through multiple turns among jurors for two full days with time left for individual reflection, is not presented as a description. Rather, it is presented demonstratively with clear conversational style as a harsh speech to the community at large and a compassionate speech to the defendant himself. Since in the Normative Space of the Law the verdict is neither addressed

to anybody in particular nor written down by the jurors themselves, these 'utterances' cannot be actual quotations of actual previous ones and hence constitute instances of 'constructed dialogue' (Tannen 1986, 1989). They represent the compressed verbal counterpart of the feeling of all jurors, using what Tannen (1989) calls 'choral dialogue.' In the blend, the jury's suggested punishment appears as the joint fictive voice of all jury members speaking as one *fictive individual* (Langacker 1990) engaged in a fictive verbal argument. Thus, the jury's reasons for punishment are metonymically linked to the punishment by an identity connector, which seems to represent the mental version of the conventional Cause-Effect vital relation. Also, the jury's moralistic justification for their choice in (16) corresponds to what one could infer from their decision, rather than the text in the actual verdict form, which does not include a section on verdict motivation. The presentation of the jury's fictive address to the defendant in (16) constitutes a clear case of fictive interaction within the sentence (Pascual 2006b). There, the verb 'to assess,' which is a verb of reasoning rather than communication, is followed by 'that' plus a string in the direct rather than the indirect speech. A grammatical blend seems to be involved, in which formal and functional properties of direct and indirect speech are integrated. Note too that whereas in the verdict form the defendant is referred to in the third person and with full names and surnames, the fictive interaction blend, which turns the verdict into a face-to-face conversation, allows the use of a vocative such as "Mr. Donald" and the second person pronoun to refer to him.

In the cases just discussed a decision arisen from a long set of conversational turns among jurors is compressed to human scale into one sole act of communication in the blend involving the jury and the defendant as fictive participants. On occasions even more compression of the diffuse is involved in running the blend. As pointed out in the discussion on example (15), it is not unusual for juries to view their decision as one that stands for the decisions of jury counterparts in Past and Future Hypothetical Spaces. Consider for instance:

(17) …the fact is he [defendant] got out and continued on a course of action that landed him in jail again and after a stent in jail he got out and he has been incarcerated again. And how many times does he have to be incarcerated before we say, *you know what? You've had all these chances. You've had them. When does it stop Mike? When does it stop?* (juror 7, JurDel-B, p. 150)

In this fragment, the utterer seems to indicate that the jury needs to teach the repeat offender a lesson by coming up with a severe verdict. The jury member speaking is framing the sentencing decision at hand as their final scolding of the defendant, after he has been given a second chance by two previous juries. Not only do we have the presentation of the joint fictive voice of the jury as a fictive individual, but also the voice of their counterpart juries in previous trials. Since the jury is an institutionalized legal entity and a trial a public matter, a metonymic

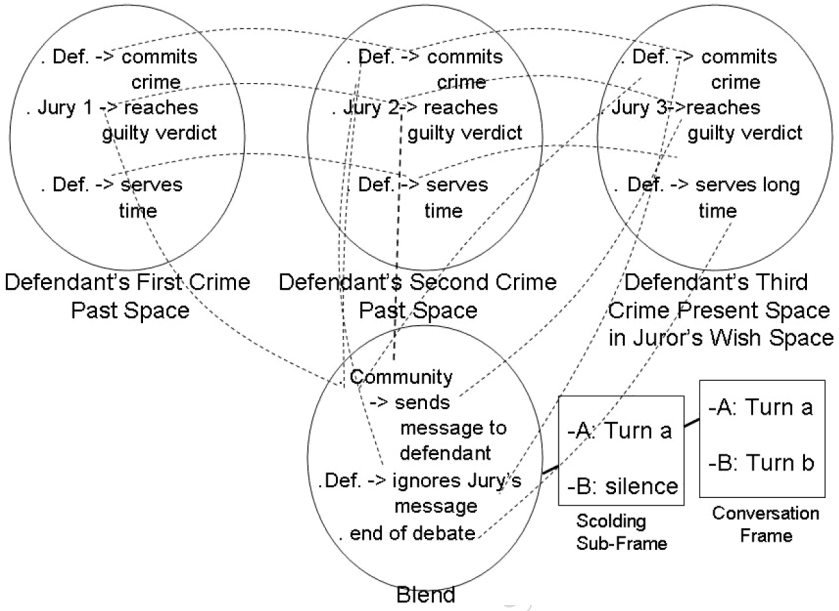

Figure 3. The jury's verdict as the last community's scolding of the defendant

mapping is established in which the present jury stands for all the juries who have been entrusted with the task of judging the defendant's conduct. Thus, in (17) the verdict at hand is contextualized within the defendant's entire criminal history, understood as a heated argument. More specifically, the jury's present message to the defendant represents one conversational turn between the defendant and the law in a fictive debate that he started with the commitment of his first criminal act. By so doing, the utterer of (17) succeeds in presenting her suggestion for sentencing together with the motivation behind it, as well as frame the crime within defendant's entire criminal history. The image presented suggests that if their message is severe enough, it will be the last word to end the debate (see Figure 3).

In sum, whereas in the Reality Space of the trial the defendant is not the one to which the verdict is addressed, as it is read in open court for all to hear, in the cases analyzed here the defendant appears as the direct (fictive) addressee of the jury's verdict. He can thus be presented as addressed with the second pronoun and his proper name can be used as a vocative.

Note too, that since the frame of the ordinary conversation is used in running the blend, there is also conceptual space for overhearers. Indeed, the victim's family, who might not have been present at the trial, may appear as overhearing what the jury fictively says to the defendant. Consider for instance the extract below:

(18) …we are giving mercy to Vanessa's family and to Dan's [victims] family, uh, by having sentenced this man already and giving [them] the conviction and the satisfaction that they can sleep knowing that we said, *okay, yeah, you did murder Dan, you did murder Vanessa.* (juror 12, JurDel-B, p. 134)

In this fragment, it is by having fictively overheard the jury's verbal accusation to the defendant that the family of the two victims are to learn how their family members passed away.

Finally, the understanding of a relation between verdicts and their possible translation in some verbal exchange also seems to be present in the overall conceptual configuration underlying direct speech constituents used to categorize a type of verdict. Consider for instance the examples below, from an on-line forum on a trial for sexual assault, a television interview with a prosecutor in a drunk-driving case, and an information flyer on trial skills seminars for defense attorneys:

(19) a. …the jury should not hand down a verdict that says, *"you are free to go."*
b. You can't come up with a verdict on *I feel sorry for this guy.*
c. Real-life examples of techniques that have attained *"Not guilty!"* verdicts, …

In these examples, the strings in italics do not constitute a descriptive means to characterize a type of verdict, as in the alternative wordings "*exculpatory* verdict(s)" or "a verdict (based) on *sympathy*." Rather, they are demonstrations of the jury's joint fictive voice verbalizing the verdict's content or motivation. In (19a), the main fictive interactional structure that seems to characterize the jury's conceptualization of their verdict becomes manifest in the presentation of the verdict itself as doing the fictive talking. In the same way as the law-makers' fictive voice may be heard when one speaks of the law as 'saying' this or that, the verdict is presented as taking the joint voice of the jury in telegraphic and straight-forward speech presenting the gist of the 'message' to the defendant. In (19b), the fictive speech of a juror standing for the whole group serves to metonymically refer to a potential string of thought or decision-making process, which may be expressed as such to fellow jurors, the court or the community. In (19c), the exclamation "*Not Guilty!*" is used to refer to exculpatory verdicts, which are expressed through the jury's underlining of the words *not-guilty* in their jury form, subsequently read aloud by a court employee, and then agreed upon verbally by the jury. The exclamation mark seems to indicate that the string in italics is an exclamation of joy and thus needs to be ascribed to the defense team.

In short, it seems common to conceptualize the outcome of a weighting process, such as voting or reaching a verdict, in conversational terms as those who come up with the decision fictively addressing the one(s) to be most affected by it. Such a conversation is understood as having been started by politicians in the case

of voting or the defendant(s) in the case of coming up with a verdict. As a conversation or discussion, it leaves space for overhearers (e.g. fellow citizens, victim's family). This conceptualization does not only become manifest in speakers' lexical choices (e.g. "message" for "vote" or "verdict"). It is also reflected in their use of direct speech – in different grammatical positions – in order to demonstrate the content of this message and/or the motivation behind it, as well as to characterize the type of a verdict, for instance.

Fictive interaction as a fundamental cognitive process

In the previous three sections I discussed instances of fictive interaction blends in ordinary and legal settings. These involved the conceptualization and presentation of: (i) serial monologues as simultaneous trialogues between the speakers and the audience; (ii) the source of an inference as directly speaking to those who draw the inference or learn about it; and (iii) the result of a deliberation on some issue as an act of communication. I postulate that the use of the conversation frame in general as well as the subframe of the fictive trialogue in 'display talk' (Goffman 1981) and apostrophe (cf. Richardson 2002) in particular is not restricted to these cases. Quite differently, I argue that it constitutes a fundamental structure of ordinary argumentation as well as thought, language, and discourse.

Take for instance the following example of apostrophe from the same jury deliberation on which subsection 5.2. was based:

(20) Juror 2: Did you wet yourself at that point?
Juror 7: That's what I said when you said that.
Juror 11: *Oh, my Lord, have mercy*. *Keep that conversation down.* (JurDel-B, p. 211)

Instead of directly telling juror 2 and 7 that they should 'keep their conversation down,' in (20), a juror addresses a deity asking Him to make sure this happens. Regardless the jurors' religious beliefs, the juror's address is a fictive one, since it is not meant for God to hear, but for the participants in the actual situation of communication, who are thus turned into fictive overhearers.

A similar structure can be used by fictively addressing the individual talked about directly, as in the following extracts from the same jury deliberation:

(21) Juror 2: It's the defense fault, but that's why it cannot come down [on] Mark [defendant], is because the defense did not do their part.
Juror 1: He chose his lawyers. He chose them. [...] He chose his lawyers! [...]
Juror 12: *If <u>you</u> don't like the way <u>your</u> lawyer is doing it, then fire him and get another one.*

Juror 2: Okay.
Juror 12: *Fire him and get another one.* (JurDel-B, p. 170)

In this example, as in (20), the utterer of the strings in italics steps out of the ongoing situation of communication in the here and now in order to communicate something to her fellow interlocutors. Juror 12 fictively addresses the individual that the conversation is about, namely the defendant, whom jurors had never addressed and would most probably never address. By fictively telling the defendant that if he does not like his lawyers he should fire them, juror 12 is letting his fellow jurors know that the defendant had a choice to stay with his defense team. Consider also the following example from the same deliberation:

(22) Juror 7: The Doctor says... The Doctor says that he is a pathological liar. That's what the Doctor says. The Doctor says he is competent, so it balances itself-
Juror 1: You got to weigh it.
Juror 7: It cancels itself out. [...] It cancels itself out. [...] He says on one hand he's okay, and on the other hand he is not okay. Well *pick a side Doc. Is he all right, or is he not all right.* (JurDel-B, p. 91)

In (22), juror 7 fictively asks the (now absent) expert witness talked about to take a stand on a particular issue. By so doing, this juror can make it clear to fellow jurors that the testimony of that witness was not consistent and should probably be disregarded, without having to explicitly express it.

Fictively addressing an individual in order to say something about them is not restricted to argumentation. Take for instance the examples below, from my interview to a novelist who attended a murder trial, a juror's comment to the press in the Michael Jackson case, and an interview with a lawyer:

(23) a. I took one look at him [defendant] and I thought [takes breath] *"Oh! I don't like you at all!"* (Int.8-Nov.: 35-36)
b. I disliked it intensely when she [witness] snapped her fingers at us [...] I thought, *"Don't snap your fingers at me, lady."* (*New York Times*, June 14, 2005)
c. I want the jury to get annoyed at the other guy... Hopefully the jury is figuring: *"Shut up. We wanna hear what he has to say. Sit down, you nerd!"* (Walter 1988: 80)

These examples illustrate what could be called *thinking as speaking*. Thinking something about somebody or about their behavior is presented as directly speaking one's thoughts to that individual. Note that in the situations described the utterers could never speak to the individuals talked about. A trial attendee cannot address the defendant on the stand and the jury cannot talk to witnesses or attorneys in court. This notwithstanding, what they thought about them or about their

behavior is still presented through direct speech as words fictively directed to them. It is through this fictive address that the conversational participant(s) in the actual situation of communication can learn what the utterer thought of the individual talked about. Since a relation is assumed between language and conceptualization, this seems to suggest that thought as such may be interactionally structured.

Conclusions

In this paper I suggested that fictive interaction constitutes the unifying structure of well-known blends, previously analyzed separately, namely Fauconnier and Turner's "Debate With Kant," Turner's "The Dream of the Root," and Coulson and Oakley's "Voting as Speaking." Thus, the study of basic blending types, rather than anecdotal tokens, may help us understand the operations underlying their particular instances, as well as shed light on the reasons why some blends are more successful than others. Analysis suggested that the novel construals that arise in fictive interaction networks – as well as any other conceptual configurations – emerge from situational constraints and are rooted in extant frames and cultural models – such as the cultural model of speech as informational (Sweetser 1987) – as well as overall knowledge of the context.

I further proposed that the courtroom examples dealt with reflect the conceptualization of the different trial phases (i.e. the presentation of evidence, the argumentation upon it, and its evaluation) in terms of overt and covert verbal exchanges between the main trial participants showing an underlying triadic structure. Such a conceptualization becomes manifest at the levels of the discourse structure and content, the sentence, the clause, the phrase and the lexical item. The strategic use of fictive interaction as in the examples discussed seems to be motivated by the importance of language in Western courts as well as its strict interactional structure and adversarial system (Pascual 2006a, forth.). Thus, legal argumentation involves the conceptual construction of fictive realities different from the objective facts, which still determines the outcome, specially when the stakes are particularly high (Coulson & Pascual 2006; Pascual in press).

I further conclude that the fictive interaction blending type suggests that if ordinary interaction can serve as a frame to a common blend, consideration of the interactional context should enlighten understanding of the overall network. More generally, I postulate that the conversation frame in general as well as the subframe of the fictive trialogue in 'display talk' and apostrophe in particular constitute fundamental structures of thought, language, and discourse. In sum, I argue that we not only rely on our direct bodily experience for structuring our mental world (Lakoff & Johnson 1980, 1999; Johnson 1987; Sweetser 1990; Talmy 2000),

but also on our social experience as individuals constantly exposed to and engaged in situated verbal exchanges with fellow speakers.

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