Topoi
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An Inevitable Verdict (or Perhaps Not). The Rhetoric of 'Reasonable Doubt' in *Twelve Angry Men* by Sidney Lumet

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Abstract
Twelve jurors find themselves 'trapped' in the deliberation room, struggling to reach a unanimous verdict on a case that should have been 'easy', until the stubborn insistence of one of them begins to reveal its full complexity by means of the rhetoric of 'reasonable doubt'. With *Twelve Angry Men*, Sidney Lumet stages a courtroom drama that has set a benchmark in the genre (if only for making the workings of a jury visible) and that might appear to lend itself to an easy reading. Unless, just as in the film, one attempts to dig deeper.

Keywords Jury · Reasonable doubt · Conflict · Truth · Justice

1 Not a Single One Will Remain On the Contrary

The film, first of all. Released in 1957, *Twelve Angry Men* marks Sidney Lumet's directorial debut in cinema, following his early career as a theatre and television director. It can arguably be considered unmatched in his body of work, though it owes much to the masterful screenplay crafted by Reginald Rose (Rose 2006; Rosenzweig 2021). It did not win any Oscars, despite three nominations (Best Picture, Best Director, and Best Adapted Screenplay), but it still received numerous awards, as well as countless adaptations and reinterpretations (even a musical), allowing the director to embark on a brilliant career that would culminate, several decades later, in films such as *Dog Day Afternoon* (1975), *Network* (1976), and *The Verdict* (1982).

Although a widely known film, especially among legal scholars, it is necessary here to briefly outline its plot, hoping not to bore anyone.

A young man of humble social background, with a troubled past, is accused of the premeditated murder of his father, a crime punishable by death in the state of New York at the time. The jury, having received instructions from a perfunctory judge, retires to the deliberation room to decide on the case, and the entire story – except for roughly three minutes! – unfolds there (Lumet 1995, ch. 1). Yes, because although the verdict initially seems a foregone conclusion – namely, the recognition of the defendant's guilt (on which there appears to be consensus: Rose 1955, 11) – Juror No. 8 (played by a composed Henry Fonda) immediately takes a stand against it. Without actually arguing for the young man's innocence (in fact, openly admitting his complete uncertainty in this regard), he nevertheless considers it a duty to discuss the evidence presented during the trial, as another life is at stake (Rose 1955, 12). All this juror asks of the others – fundamentally appealing to their reasonableness (Zorzetto 2015) – is to discuss the verdict, if only briefly (*I just want to talk*), before returning to their everyday affairs (Barenghi 2020).

Needless to say, from that moment on, things become considerably more complicated, and the director's mastery is evident in his ability to render the increasingly 'claustrophobic' atmosphere, heightened by the almost tangible tension among the jurors (brilliantly portrayed by some of the finest character actors of Hollywood back then). Some grow impatient, if not outright aggressive, and must be restrained with difficulty by the foreman, Juror No. 1 (Martin Balsam), as well as by the oppressive heat of the day itself (which, in a way, serves as a metaphor for the 'climate' of their interactions).

Step by step, for just under an hour and a half, the key pieces of evidence presented during the judicial inquiry are examined (allowing the audience to reconstruct them

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indirectly), and the leitmotif of the jurors' confrontation – growing ever more heated as previously unnoticed flaws begin to surface in the prosecution's case – becomes the *possibility* that unforeseen circumstances may have played a role in the trial (for instance, it is immediately revealed that the murder weapon may not have belonged to the defendant, contrary to what had been unquestioningly assumed in court).

At first, the jurors do not place much reliance on these circumstances, as the prevailing belief is that the defendant's innocence remains, after all, rather unlikely. However, the first reconsiderations soon become the prelude to those 'reasonable' doubts that, in criminal proceedings, prove to be decisive. In this way, interweaving with one another, what initially appeared to be mere abstract possibilities – often fanciful, or something along those lines – begin to challenge the jurors' initial certainties in 'reasonable' terms, without necessarily 'turning into' actual probabilities.

It is precisely the emergence of the rhetoric of the reasonableness of doubt that ultimately overcomes the inertia of the other jurors, shatters seemingly unshakable certainties (for one reason or another), and transcends the barriers posed by emotions and by testimonies – including expert ones – presented throughout the trial.

In the end, with the gradual – though not entirely linear – reversal of opinions among the other eleven jurors (as Juror No. 8 is progressively joined by the rest, some out of genuine conviction, others out of sheer exasperation), a true metanoia takes place, overturning the initial stance of the (overwhelming) majority. This ultimately leads the jury to deliver a unanimous verdict of not guilty to the judge. This radical shift from 11 to 1 to full acquittal is clearly something that in-depth research in the social sciences acknowledges as possible, though highly improbable (Hans and Vidmar 1986, 110).

2 A 'Goldmine' for Legal Studies

Few other films seem as well suited as this one to a comprehensive reflection on law, encompassing a variety of disciplinary perspectives: some more specific, such as the didactic (Hanscombe 2019) and psychoanalytic (Cunningham 1986) perspectives, and others less so, such as the historical-cultural perspective (Marder 2022). What often goes unnoticed, however, is the genuinely anthropological-legal perspective, which draws attention to the symbolism permeating the film. Indeed, *Twelve Angry Men* demonstrates that justice is rooted in the life of law as an aesthetic experience of the union between form and meaning (Mittica 2020), unveiling a distinct space and time in which a kind of ritual takes place, complete with its prescriptions, officiants, and language. Not by chance, the camera lingers, in the opening shots, on the Courthouse (the New York County Courthouse), which resembles a temple of classical antiquity – with its columns, pediment, statues, etc. – before guiding us inside, on a sort of initiatory journey (Garapon 1997, pt.I). We are led up the staircase (rising from the 'profane' chaos of everyday life – evoked by the sounds of traffic – into the 'sacred' harmony of the ritual of justice); we enter what corresponds to the ancient *pronaos*, perceiving the animated bustle of those gathered in clusters, anticipating or commenting on the cases; with reverence, we lift our gaze to the soaring ceilings before making our way to the courtroom, at the centre of which we notice an enclosure, reminiscent of those found in ancient cults.

But, much like the space of law, the time of law also holds a distinctly symbolic nature, unfolding here through the jury's deliberation. The alternating phases of their discussion find a counterpart in the shifting external weather conditions: the scorching sun at first causes the jurors to suffer both the oppressive heat of the season and the fiery conflict that soon 'erupts' among them; then comes a 'purifying' downpour, foreshadowing the final resolution. At last, they can breathe again: not only because of the cooling air but also because the darkening sky 'forces' them to turn on the light, which, in turn, activates the fan connected to it (previously believed to be broken) (Honig, 2019).

Above all, however, the jury in *Twelve Angry Men* appears to represent an exceptional socio-legal 'laboratory': in its arduous deliberation – closely followed by the viewer through the director's masterful use of editing and cinematography – we observe highly contextualised interpersonal relationships unfolding through shared normative models (e.g., the charge of first-degree murder), more or less formalised decision-making procedures (such as the principle of unanimity and the voting order), and even *ad hoc* coexistence rules that emerge spontaneously (just think to the secret ballot, introduced to prevent psychological pressure) (Marder 2006, 158–159).

Recourse to the supposed reasonableness of (some) doubts structures the jurors' decision-making process in three distinct phases: from initial ease of judgment (marked by a dull critical sense) to relational strain (triggered by the prolonged deliberation process) to the emergence of a certain harmony (through dyadic and group interactions of varying tone and depth). At first, each juror appears driven by impulse in forming probabilistic judgments or assessing the frequency of events based on their recollection of examples or occurrences resembling those inferred in the trial. These judgments arise from associations grounded in the so-called 'availability heuristic' or, in any case, facilitated by familiarity, emotional resonance, temporal proximity, the authority of the source, and similar factors. In this regard,

intrapsychic processes come to the forefront – emerging through the gestures of the protagonists (Bettinson 2022) – intersecting both the cognitive and the irrational spheres; these processes seem to jeopardize the proper understanding of the facts, primarily due to more or less conscious biases and stereotypes (which could prove all the more influential considering that the jury is not required to provide reasoning for its verdict). To this same regard, note that, precisely with reference to the functioning of a jury, Vilfredo Pareto identified five sources of risk in judgments: (1) political influences; (2) humanitarian inclinations; (3) the sense of being able to decide in a sovereign and uncontrolled manner; (4) cultural, ethical, and/or intellectual modesty; (5) the overvaluation of a momentary impression (Pareto 1978, 91–92).

Perhaps too much importance is given to the psycho-emotional aspects of the narrative, risking a loss of focus on the central issue: the key-role of *rhetoric* in the search for the *truth* of the facts presented at trial as the foundation of *responsibility* (in a sense that is not exclusively legal). A responsibility that, moreover, is symbolized by the figure of the father, which hovers over the entire discussion and constitutes both its alpha and omega: the victim is the defendant's father, and the entire resistance of the juror most vehemently in favour of a guilty verdict, Juror No. 3 (Lee J. Cobb), to yielding to (reasonable?) doubts regarding the evidence gathered by the prosecution revolves around his personal drama as a father, until his final capitulation.

Anyway, setting aside for now the perspectives briefly reviewed – including the socio-legal perspective, on which I have extensively focused (and which has the undeniable merit of highlighting the conception of justice as a social enterprise) – I would now turn to the even more promising *rhetorical perspective*, focusing the analysis on the reconstruction of the criminal act based on the examination of the prosecution's case.

3 The Legend of the Holy Speaker

Normally, the observations on this widely discussed film tend to focus on the terms in which the debate is initiated and guided by Juror No. 8, who soon proves to be a highly skilled speaker and is almost 'sanctified' in the maieutic role he exercises through thaumaturgical recourse to the reasonableness of doubt (Barros Da Silva Sales 2022, 49–50; Marder 2022, 570–571).

That said, it must be added that the screenplay of *Twelve Angry Men*, distinguished by its literary precision (also owing to Rose's personal experience as a juror: Rosenzweig 2021, 57–58, 60–62, 209), is above all remarkable in depicting the gradual unravelling of the prosecution's case (thanks to the providential intervention of Juror No. 8), emphasizing the deconstruction of the representation of the facts that had taken shape in court. It should be noted that this deconstruction is carried out by ordinary jurors, who – little by little – are transformed into jurists (*honoris causa*) through their growing awareness of the role they play and the corresponding necessity of making a decision on which a life depends (Marder 2006; Hans 2007, 585).

Ultimately, one gets the impression that the trial parties failed to live up to their roles, and that the rhetorical confrontation takes place only in the deliberation room: here, arguments, counter-arguments, and fallacies follow one another, moving from premises that have been subjected to the examination of that dialectic which, according to the principle of adversarial proceedings, should have been the backbone of the courtroom debate. The protagonist from the very first exchanges is Juror No. 4 (E. G. Marshall), who, in responding sharply – and effectively – to the argument put forward by Juror No. 8, immediately demonstrates a cool and rational mindset. The dialectical 'game' emerges in the initial debate over *motive*, when Juror No. 8 argues that the defendant could not have been driven to murder by two slaps, having been beaten by his father throughout his entire life («I can't see two slaps in the face provoking him into committing omicide»). At this, Juror No. 4, with his cold rationality, is quick to counter that these simple and habitual slaps, in that particular situation, could have been the proverbial 'last straw that broke the camel's back' («It may have been two slaps too many. Everyone has a breaking point») (Rose 2006, 16–17).

In any case, it is obviously impossible to fully account here, in the span of just a few pages, for the wealth of rhetorical insights offered by the film. Therefore, I will focus solely on the pivotal moments of the story – its decisive turning points. At the beginning, we encounter a (peculiar) twist that unexpectedly ignites the debate among the jurors, while at the end, there is another, no less unforeseen, twist that ultimately leads the last remaining jurors to yield to the verdict of not guilty.

3.1 Follow Me, Appreciate Me, Love Me

In the first turning point, Juror No. 8, catching the other eleven – all formally in agreement on the guilty verdict – off guard, delivers a striking demonstration of why the case deserves proper discussion: not only because another life is at stake (following that of the victim), and because the defendant is barely of legal age (indeed, just sixteen), thus warranting extra caution, but above all because, from a probative standpoint, not everything seems to add up.

In particular, Juror No. 8 highlights that, contrary to what emerged during the trial phase, the knife found in the victim's body did not necessarily belong to the defendant. The

latter claimed to have purchased it on the very evening of the murder, following an argument with his father (at the peak of which he had been struck), to have later shown it to his friends, and to have lost it through a hole in his pocket while at the cinema, where he had ultimately taken 'refuge'. This account appears, at first glance, implausible and indeed invites easy sarcasm. However, Juror No. 8 firmly asserts that the knife is not nearly as rare as claimed in court (Rose 2006, 21–25). He proves this with a dramatic gesture that constitutes an excellent example of a 'visual' argument: he stabs into the table, right next to the murder weapon (which had just been embedded there by Juror No. 4), an identical knife that he himself had purchased – *contra legem!* – the day before at a pawnshop just a few blocks from the crime scene. Thus introducing, surreptitiously (but not too much), a first element of 'evidence' not produced during the trial (Spaulding 2019, 120).

By itself, this is a rather trivial detail, merely suggesting a highly unlikely possibility (Rose 2006, 22–24). However, it is enough to set in motion, not only the narrative mechanism but also a different and, one might say, more rigorous legal reasoning about the case. It reveals how the very description of the facts takes shape only within a field of possibilities defined by rhetoric in terms of premises that are either (presumed to be) shared or that eventually become so following a critical discussion.

In this sense, no description can ever present itself as absolutely 'objective' and therefore unique, but only preferable to alternative descriptions. And it is precisely in a legal context, where different and often opposing descriptions are regularly produced and contested, that one becomes fully aware of how even factual reasoning is deeply indebted to the classical theory of argumentation and its key components: *topical* reasoning, the activity aimed at identifying the most appropriate premises on which to base the description of the facts (general or special, i.e. 'technical', commonplaces); *dialectic*, the activity aimed at testing the consistency of the description based on the selected premises, verifying whether they lead to contradictions; and *rhetoric*, the activity aimed at recomposing the punctual descriptions that have appeared, developing and reordering their arguments in an overall representation of the fact that appears verisimilar and hence persuasive.

Returning to *12 Angry Men*, we can point out that the intertwining of the above-mentioned activities is linked, on the one hand, to a hermeneutic process of constructing the juridical case itself (Hruschka 2009) and, on the other, to the person most deeply engaged in the argument, Juror No. 8, who presents himself as the most 'reasonable' (Blanco Cortina 2019; Jost, 2004; Tomasi 2020a, b), as if to say: «follow me, esteem me, love me» (Barthes 2011, 87). In this way, jurors, in reviewing what emerged during the trial, are led to an informal – in some ways 'instinctive' – logic of which legal logic, as outlined by Perelman onwards (Perelman 1979; Tomasi, 2020a, b), represents one of the best 'embodiments' (once specific legal system parameters are set aside). In any case, this is a logic that allows the jurors to critically assess the evidence presented during the trial, navigating through witness testimonies, scientific findings, and emotional impulses by drawing on common sense, and thus resorting to maxims of experience, if not to actual 'experiments' conducted in the deliberation room.

In other words, this logic is anchored to the case at hand and, therefore, is not skewed toward deductive reasoning and the problems of syllogistic demonstration. Instead, as is required of a jury, it focuses on the issue of the verisimilitude of the representation of facts from which legal consequences will arise (Manzin 2011; Puppo 2015). Such verisimilitude inevitably collapses whenever the *coherence* of the reasoning fails, leading to *contradiction*. This becomes particularly evident toward the epilogue of the story, when Juror No. 8 brings the discussion back to the knife from which it all began (indeed, the knife appears to bear a symbolic value in that it gives shape to the ambiguity that necessarily arises in communication: see Church, – Jones, 2020). Specifically, the second knife's 'experiment' involves reconsidering the – until then unquestioned – link between the defendant's criminological profile, the murder weapon, and the wounds found on the victim's body. The aim is to assess the validity of the argument put forward by Juror No. 5 (Jack Klugman), who had spent his childhood in the slums and had thus witnessed knife fights, knowing firsthand how a switchblade is handled (Rose 2006, 61).

And indeed, the 'experiment' succeeds, exposing the *inconsistency* between the defendant's well-documented proficiency in handling that type of knife, corroborated by relevant prior offences, and the actual manner in which the murder was carried out, as highlighted by the medical-forensic examination. In fact, the 'correct' way to stab with a switchblade, which the defendant – given his criminal background – should have been well aware of, does not match the technique used by the killer. The wounds inflicted on the victim seem to be consistent only with an 'inexperienced' use of the weapon: a downward stabbing motion, which makes the knife unwieldy and ineffective, despite the attempt to prove its verisimilitude by Juror No. 3, at the height of his exasperation with the much-despised Juror No. 8 (for a moment making the worst seem possible) (Rose 2006, 60–61).

However, by the time the discussion turns to the manner in which the victim was stabbed, the jury's deliberation had already taken on a *collective momentum*: with the exception of the intransigent holdouts (driven by prejudice, indifference, or incompetence), one by one, the jurors had begun

to feel compelled to contribute – each in their own way – by drawing on their personal or professional *experience*. Through this collective engagement, the reasoning on the criminal act reaches established points that ultimately are supposed to render the prosecution's case indefensible.

In this respect, a decisive moment comes with the examination of the first of the two key testimonies – that of the neighbour living in the same building as the father and son. At the trial he claimed to have heard an argument between them, the sounds of a struggle, a scream («I'm gonna kill you»), a loud thud, and then to have seen the young man fleeing down the stairs in haste. On this point, Juror No. 8, firstly draws attention to the noise of the passing train at the time of the murder, which, in his view, would have made the voice indistinguishable (having himself once lived near a railway). Moreover, in this observation, he is assisted by Juror No. 6 (Edward Binns), a house painter, who confirms, by his experience (he had previously worked for a time in a house next to a railway), the impossibility of distinctly hearing, or at least recognizing, a voice, even in a shout, precisely at the moment a train passes (Rose 2006, 34–35). Then, Juror No. 8, somewhat undermining the foreman – from his position of authority, proposes (imposes) to reconstruct the entire scene, thanks to a post-trial 'experiment' specifically based on his own experience as an architect: he uses a floor plan of the apartment, made available to the jurors, to map out the length of the route and attempts to time the *likely* movement of the witness – an elderly and limping man – toward the stairs as soon as he heard the commotion from the floor below, to better understand what the witness could have *actually* seen and heard (Rose 2006, 42–47).

Besides, to this same regard, we can recall that, with an introspective argument that had initially failed to break through with the jurors, Juror No. 9 (Joseph Sweeney), the wise one, had previously pointed out that he could empathize with the elderly witness, because of their shared age. After observing the man's humble appearance, he explained that he could fully understand how, for once in his life, feeling heard, recognized, and acknowledged, the witness might have convinced himself that he had heard something he perhaps (probably?) had not, thus 'lying' without lying (Rose 2006, 36).

But, after all, as previously remarked, from a certain point onwards the jurors' contributions follow one after the other. For instance, before scrutinizing the testimony of the elderly man, Juror No. 11 (George Voskovec), an immigrant watchmaker from Europe, had aptly drawn the other jurors' attention to the timing of the initial witness statement and to certain discrepancies regarding the presumed timeline of the crime (Rose 2006, 16, 38–41). Shortly thereafter, even the mild-mannered, and – let's say it – rather amorphous Juror No. 2 (John Fiedler), a submissive bank clerk, offers precise observations that seem to reflect not only his personality but also his professional background (Rose 2006, 57, 60, 71).

All very enlightening. Except that one might suspect that the doubts troubling the jurors are at some point considered 'reasonable' not so much because of the alleged discovery of new empirical evidence (which is impossible in itself) but because of the concern to recognise a limit – precisely, a 'reasonable' limit – to the exercise of their prerogatives under (criminal) law. Reminding ourselves of the theological origins of the criterion of beyond reasonable doubt – also known by the acronym BARD – in the criminal trial, upon which we will focus below: in reality, it was not intended to guarantee the rights of the defendant but rather to 'protect' the conscience of the jurors (even to persuade them to convict!) (Whitman 2008).

3.2 The Rhetoric of Reasonable Doubt

The second turning point I wish to highlight here brings us to the collapsing of the extreme *rational* opposition to a not-guilty verdict, represented by Juror No. 4; from this moment on, there is only an oppositive juror left, and he is an irrational one: Juror No. 3, who is ultimately forced to dramatically admit the personal nature of his position (the psychological transfer that led him to try to condemn the defendant as his son, with whom he had been estranged for years) (Rose 2006, 71–72).

In particular, this turning point concerns the scrutiny of the second key testimony (one that becomes decisive once the elderly man's account is discredited), namely, the testimony of the almost middle-aged woman who claimed to have seen the defendant stab his father from the opposite building, at night, through the windows of a passing train on the elevated tracks (since the lights inside the train cars were not on). Upon closer examination, this testimony also seems to be inconsistent. In fact, it begins to crumble under an argument that calls into question the witness's very ability to see. It is Juror No. 9, who had supported Juror No. 8 from the beginning (Rose 2006, 26–28), who draws attention to the small 'indentations' visible on the witness's nose as she gave her testimony, suggesting that these are likely marks left by eyeglasses: from this, he infers that she would not have been wearing them in bed, where she had admitted to being at the time of the event.

And so, once it is dismantled in the very two testimonies on which it claimed to rest, the prosecution's case – regarding the reconstruction of the facts – collapses, and the jury reaches the long-awaited unanimous verdict to be delivered to the judge. A verdict that must be one of acquittal for the defendant of the charge against him, despite what the early stages of the deliberation had seemed to foreshadow.

An inevitable verdict, then? After all, *12 Angry Men*, while dealing with the deliberative process no less than with the institution of the jury (Klimis 2018, 29–61; Marder 2006) – and, indeed, with the very essence of democracy (Marder 2022, 247) – proves to be an intellectually stimulating film precisely because it 'plumbs the depths of' the meaning of legal experience, showing how disputes are resolved, and not merely concluded, starting from that *innermost* conviction about the facts of the case that should guide *jurors'* reasoning, especially within the U.S. legal system (Carlizzi 2018, 9, note 1, 16, 19 and *passim*).

The guiding star in this complex process of shaping, expressing, and scrutinizing the jurors' *inner conviction* is the standard of 'beyond any reasonable doubt', a principle closely linked to the classical legal maxims *in dubio pro reo* and *favor rei*. This standard reinforces the centrality of the *presumption of innocence* in the U.S. criminal justice system (as well as in most Western legal systems) (Rosenzweig 2021, 208–219) and in some way even conditions the scientific evidence itself, as derived from '*expert* testimony' (which, while allowing for a better focus on specific aspects of the fact, does not appear to be able to 'fill in' the gaps of the reconstruction as a whole) (Carlizzi 2020).

Indeed, every stage of the discussion that, in the film, will lead to the overturning of the guilty verdict that initially seemed to be taking shape is precisely marked by the invocation of the sacramental formula of 'reasonable doubt'. Once this formula had been indicated by the judge himself as the decisive criterion, the jurors explicitly invoke it at the moment of their 'conversion', particularly Jurors No. 4, 5, and 11, and, above all, Juror No. 8 himself , who is sarcastically addressed as Mr. Reasonable Doubt by Juror No. 3 (Rose 2006, 42). Only Juror No. 7 (Jack Warden) failing somewhat to recognize its 'salvific' self-evidence (Rose 2006, 12, 55, 62–63).

So what is the point? The point is that *rational credibility* regarding proof of criminal responsibility would seem an oxymoron if not safeguarded by the criterion of beyond any reasonable doubt. However, this criterion, sometimes considered merely psychological (Laudan 2006, 36–38), is reliable precisely because it has an objectivity different from statistical objectivity, which does not 'work' (even resorting to Bayes' Theorem) (Tuzet 2020). This objectivity cannot be perfectly determined a priori because it is qualitative: that is to say, it is *rhetorical* objectivity (which is why the criterion of beyond any reasonable doubt is sometimes classified as a rule and sometimes as a principle).

Anyway, turning to the film, the beyond-any-reasonable-doubt criterion seems to work – in the sense of refuting the prosecution's case – only because Juror No. 8 had, from the outset, instilled the idea that the two testimonies, whose 'deconstruction' does not seem so surprising (Ángeles González Coulon 2024), were the «cornerstones of the prosecution»: in this way, the discussion centres on them, shifting focus away from the broader body of circumstantial evidence (Rose 2006, 20).

Negativa non sunt probanda, of course (it would make no sense – at least in terms of legal civilization – to require the defendant to prove that he did not commit the act). Nontheless, this verdict remains unconvincing. And not only because even Juror No. 8 does not seem entirely free from an unspoken personal interest in asserting himself, but above all because a touch of healthy realism should have led the jurors beyond the two testimonies (assuming, for the sake of argument, that these could truly be deemed compromised in the manner suggested by the film) (Astimow 2007, 713–714).

To be frank, in discussing the evidence of the facts at issue, there is no *overarching* implausibility in the prosecution's case. On the contrary, it can still be reasonably considered as proven to a certain degree (and it is precisely this degree that should be the focus of discussion). What emerges instead is a series of doubts or inconsistencies arising from the scrutiny of details («little things») in the absence of an adversarial debate («a lot of details that never came out») (Rose 2006, 52). These doubts, compounded by the insistence of some and the indecisiveness of others, ultimately provide the jury with *legitimate* grounds to reach a verdict of acquittal. However, while it could not - and indeed should not - be expected of the jury to put forward an alternative account of the facts to replace that of the prosecution, it is equally problematic to rest the verdict solely on the claim that the prosecution has failed to meet its burden of proof, in the absence of even the reasonable conceivability of alternatives capable of undermining the exclusivity of the prosecution's narrative. Consider how quickly the knife could have been purchased and subsequently lost by the defendant (Rose 2006, 22 ff.).

In short, the issue that can be identified here is the meaning of the many mistakes made by odious guilty-voting jurors such as the ever-predictable Juror No. 3 and Juror No. 10, a greedy and insensitive businessman, hostage to racial prejudices (Ed Begley). Certainly, their words and conducts are exposed by contradictions of which there would be countless examples. Just to mention a few: accusing others of ignorance, only to make a grammatical mistake oneself (this is Juror No. 10: Rose 2006, 37); claiming that those from the 'slums' are untrustworthy (refferring to the defendant), yet placing faith in what was stated by the witness from the 'slums' (again, Juror No. 10: Rose 2006, 13 and 16); presenting the issue as a mere matter of facts, and then concluding «I'm sick and tired of facts. You can twist 'em any way you like» (again, Juror No. 10: Rose 2006), 13 and 51); claiming that saying «I'm gonna you» means

being seriously intent on doing it, only to then utter the same phrase without acting on it (this is Juror No. 3: Rose 2006, 37 and 48); placing everything on one testimony (the woman who supposedly saw everything), asserting that all the rest can be disregarded, and then, once that testimony is discredited, stating that all the other evidence must be considered (again, Juror No. 3: Rose 2006, 67 and 71).

Nevertheless, all of these – logical and pragmatic – contradictions do not mean that the prosecution's case is unfounded (after all, even fairy tales must be coherent). On the contrary, the evidence assembled forms an overall picture that would still suggest that the defendant committed the murder since the weight of the proof in favour of the prosecution's case cannot be said to have been meaningfully undermined – in terms of *reasonable* doubt – just by the inconsistencies in the discussion regarding the two testimonies (one need only consider the conjectures that were deemed acceptable regarding defendant's alibi, which, if not entirely absurd, were certainly far-fetched).

And while I cannot now dwell on the many grey areas in the narrative – the innocentist, or rather, non-guilty stance that gradually prevails within the jury – I will at least reaffirm that, *even within this framework*, a plausible guilty interpretation of the case remains possible. This holds true even after exposing the various *biases* at play: from Juror No. 10's racism against the defendant to Juror No. 3's emotional entanglement, who, in a Freudian sense, sought to condemn in the defendant the son with whom he was estranged.

One of the more reserved jurors, No. 6 (Edward Binns), would seem to give voice to these grey areas in what appears to be a moment of pause in the plot's progression: «I'm not used to supposing, I'm just a working man. My boss does the supposing. But I'll try one. Suppose you talk us all outa this and the kid really did knife his father» (Rose 2006, 30). Words that, incidentally, echo what Juror No. 8 himself initially stated to start the discussion («I'm not trying to change your mind. It's just that we're talking about somebody's life here. I mean, we can't decide in five minutes. Suppose we're wrong?») (Rose 2006, 12).

4 Appearances (Do not Have to) Deceive (Concluding Remarks)

If the almost unanimous verdict at the beginning was not – evidently – inevitable, then was the final, truly unanimous verdict inevitable instead? Moreover, what of the (reasoning on the) criminal act – where did it ultimately go? Given everything we have discussed, it seems that there has been some degree of political overstatement, broadly speaking, in the way *Twelve Angry Men* has been interpreted: an emphasis that has led to greater interest in its 'democratic' implications rather than in the way in which a jury extracts a narrative, among other possible ones, from the light and shade of the trial (countercurrent interpretations, e.g., in Astimow 2007 e Cabra 2015).

And this is precisely the point. *Twelve Angry Men* may not be a dishonest film, but it certainly stacks the deck – concealing the trial itself (with witness examinations, expert reports, the prosecution's case, the defense's arguments etc.) only to then surprise the viewer. Thus, we are left with two possibilities: either, through this dramatic reversal, the director asks us to embrace an unrealistic, naïve, well-meaning, and – astonishingly – superficial vision of legal experience (one tainted by a set of ideological assumptions); or, as I argue, he *challenges* the viewer to examine appearances more critically and engage with a deeper reading – one that undermines the monolithic certainties typically associated with the film's 'message'.

In reality, precisely from a probative standpoint, just as the near-verdict at the beginning was not inevitable, neither does the final unanimous verdict appear inevitable either: it seems instead merely to 'establish' the facts in some way in order to avoid a hung jury, whereas downgrading the charge to second-degree murder – if previously allowed by the judge – would probably have been the correct solution (and, in any case, a hung jury is simply a jury that fails to reach a unanimous decision and must therefore refer the case back to the judge, with all the ensuing consequences – yet, this does not necessarily mean that it has truly failed to fulfil its role: Marder 2022, 190–194).

First and foremost, the 'conversion' of some jurors appears inconsistent: beyond the forced 'conversion' of the *despicable* Juror No. 10 (in the end isolated and silenced: Rose 2006, 66), one might consider the fictitious 'conversion' of Juror No. 7, a salesman more concerned about not missing the Yankees game, for which he had bought tickets, than about the verdict, as well as the accidental 'conversion' – so to speak – of Juror No. 12 (Robert Webber), a vacuous and indecisive advertising man (he changes his opinion four times: Rose 2006, 51, 63, 67, 71).

In other words, the irenic reading that sees the jurors' common pursuit of truth transforming them from «angry men» –each for different reasons – into impartial jurors (Marder 2006), thereby making justice human (that is, horizontal), rather than 'petrified' in the verticality of the Courthouse they entered to fulfil their role (Klimis 2018, 32–34), seems wholly unconvincing. It is, at best, a rather idealistic interpretation – one that, while partially legitimised, owes more to the film's final sequences than to the actual outcome of the deliberation (Juror No. 8 and Juror No. 9, who reversed the initial near-verdict, introduce themselves, descending the steps of the Courthouse, and then depart).

Above all, the doubt that is ultimately said to have prevailed upon the jurors (or rather, as we noted earlier, upon some of them) appears far from truly 'reasonable'. As already emphasised, the circumstantial framework – despite the discrediting of the two key testimonies – remains decidedly solid, as the unexplained circumstances, particularly those concerning the knife and the cinema, do not seem to undermine the motive (especially considering the familiar and social environment in which the event took place). At the same time, the conjectures regarding the witnesses' lack of full reliability remain just that – conjectures.

As previously highlighted, one could therefore hypothesise that, at a certain point, the jurors develop a sort of 'veil'due to the perspective of the death penalty (in the words of Juror No. 8: « testimony that could put a human being into the electric chair should be that accurate» – Rose 2006, 35), especially when it is imposed on a very young person of humble origins, raised in the slums, with a criminal record, etc. The director's intent seems to be openly revealed here: to turn the film into a tribute to the U.S. judicial system, which would inherently contain the safeguards necessary to counteract distortions, even when they affect the disadvantaged. Paying homage to the idea, particularly revered in the Anglo-Saxon world, that it is «better that ten guilty persons escape the law than that one innocent suffer» (Rose 2006), 66; Reiman and Haag 1990).

However, if this were the case, one would not only have to acknowledge that the institution of the jury would not emerge in the best light (given the high improbability – if not the virtual impossibility – of there always being a juror like the cinematic Juror No. 8: Hans 2007), but, more importantly, one would have to discard the idea – one that I find both tenable and intriguing – that Sidney Lumet himself has deliberately scattered elements throughout the film that undercut its 'comforting' reading. Admitting this, in turn, would allow for a very different conclusion: that, in legal practice, discourses – or rather the narratives they give shape to – can end up crushing the very fact of the crime, obscuring every attempt at reasoning about it.

If one thinks about it carefully, the 'unpleasant' jurors, on more than one occasion, raise *reasonable* doubts.

I am alluding, of course, to the 'usual' Juror No. 3 (the embittered father who has lost all contact with his son) and Juror No. 10 (more concerned with running his garages than with people, especially those he deems inferior). The former, in fact, points out the entirely conjectural nature of Juror No. 8's arguments and objects that the marks on the witness's nosepiece could indicate glasses other than myopic ones (such as reading glasses or sunglasses) (Rose 2006, 70–71). The latter declares himself convinced of the implausibility of the defendant's version and the substantial reliability of the witnesses, warning against losing sight of the overall picture by getting lost – hypothetically – behind details (which, moreover, are detrimental here, as they can no longer be examined in court) (Rose 2006, 40–41). Along similar lines, a juror who is less 'unpleasant,' Juror No. 7, despite his usual cynicism, holds, reasonably (considering that previously the actions of both the investigating judge and the lawyer had been questioned by several jurors: Rose 2006, 20, 25), that beyond a certain level of re-examination, it would make more sense to redo the entire trial (Rose 2006, 42). Likewise, the reminder from Juror No. 6 – a juror who is, so to speak, 'neutral' – about the centrality of motive, albeit quickly abandoned, does not seem out of place (Rose 2006, 30).

But if this were the case - if, that is, the jurors who were not inwardly convinced, and who were later isolated or resigned, were actually right - then even the 'inevitable' final verdict would rest on the gradual withdrawal of those convinced of the defendant's guilt, if not on an *ad hominem* fallacy (on which see Macagno and Walton 2012). And perhaps, at this point, the intelligence, courage, tenacity, and charisma of Juror No. 8 would reveal, above all, his psychagogic abilities (more than a negotiator's skills – as put by Flouri and Fitsakis, 2007).

In sum, stripped of all the hagiography – and indeed self-righteousness – often associated with it, the film in question could also serve as a warning about the opacity of the legal system, reaffirming that, in it, judging is much more an art than a science (Rossi – Velo Dalbrenta – Pedrazza Gorlero 2022). Moreover, it underlines that, in this context, the *raison d'être* of judging could be overshadowed by that very formalism that we can recognise as intrinsic to law (Schauer 2009), which certainly tends to relegate the search for truth to the background. And this also applies to the 'sacramental' beyond-reasonable-doubt-criterion, which is certainly elusive for jurists and laypeople (no matter how detailed the instructions given to a jury may be). What is the real significance of this criterion in judging and judging the judging? How would the appeal to the 'reasonableness' of a doubt contribute to justice in criminal proceedings? What would be the root of the persuasion that it promotes in judicial decisions? And finally, what relationship would such reasonableness have with the search for the truth?

These are all questions to which it is difficult even to hint at an answer, especially if they are completely disconnected from a court case and the concrete logic of reason that it requires (Recaséns Siches 1971). In this sense, *12 Angry Men*, by presenting a (very) hypothetical jury room, offers interesting food for thought by showing the main risk in appealing to 'reasonable doubt': in fact, the film emphasises that the threshold of reasonable doubt should be understood as the last resort to achieve objectivity in jury fact-finding, but does not assume it to be properly controllable in rational

terms. The problem with the film is precisely that the indeterminacy of reasonable doubt criterion, or rather, its irreducibility to quantitative parameters, is not accompanied by a full awareness of its rhetorical nature by the jurors. On the contrary, the 'reasonable doubt' is here invoked in a 'thaumaturgical', sometimes unreflective way (as indicated by the excessive use of conjectures and 'visual' argumentation), fundamentally unconcerned with the inferences that substantiate the prosecution's case. For this reason, jurors soon depart from the evidence available after the trial by means of narratives that are no longer testable (through the trial dialectic), insinuating themselves into the inevitable 'cracks' of the representation of facts only to blow it up in favour of a self-referential representation. In doing so, jurors, first of all, forget that trial is essential for law. However, they also misunderstand the complexity of a verisimilar representation of facts, which is not made exclusively of coherence. Indeed, facts can be better understood, even in a juridical context, by deepening the meaning of their ambiguity, inadequacies and «contradictions, instead of wasting so much time on identities and consistencies, which have a duty to explain themselves» (Saramago 2004, 18).

Declarations

Conflict of interest The author declares no conflict of interest.

References

Ángeles González Coulon M de los (2024) (Coord.) *Testimonios: Ecos sobre los hechos en el proceso*, tirant lo blanch, Valencia

Astimow M (2007) 12 angry men: a revisionist view. Chicago-Kent Law Rev 82:711–716. (available at: https://scholarship.kentlaw.iit.edu/cklawreview/vol82/iss2/12)

Barenghi M (2020) I just want to talk. *Su un vecchio film di Sidney Lumet*. LawArt – Rivista di Diritto Arte Storia/Journal of Law, Art and History 1:63–77

Barros Da Silva Sales H (2022) 12 *Angry men (1957). The Ekphrastic Word-Image at Judgment*. 2i – Revista de Estudos de Identitade e Intermedialidade 4(5):47–61

Barthes R (2011) *La Rhétorique ancienne* (1970), It. transl., *La retorica antica*, Bompiani, Milano

Bettinson G (2022) *The lumet touch*. Movie J Film Crit 10:1–10. (available at:https://warwick.ac.uk/fac/arts/scapvc/film/movie/contents/movie_issue10_thelumettouch.pdf)

Blanco Cortina D (2019) *El encanto de la duda en Doce hombres en pugna*. Escritos 27(58):1–25. (available at: https://revistas.upb.edu.co/index.php/escritos/article/view/672)

Cabra Apalategui JM (2015) *Relato y justificación. en el corazón deliberativo de un jurado (a propósito de* Twelve Angry Men). Teoría & Derecho 17:130–144 (available at: https://teoriayderecho.tirant.com/index.php/teoria-y-derecho/article/view/497/491)

Carlizzi G (2018) *Libero convincimento e ragionevole dubbio nel processo penale. Storia prassi teoria*, Bonomo, Bologna (available at: https://www.academia.edu/36665234/Libero_convincimento_e_ragionevole_dubbio_nel_processo_penale_Storia_prassi_teoria)

Carlizzi G (2020) Scientific questions of fact between free evaluation of evidence and proof beyond any reasonable doubt in the criminal trial. Quaestio facti. Revista Internacional sobre Razonamiento Probatorio – Quaestio facti. Int J Evid Legal Reason 1:133–176

Church SH, Jones JK (2020) The word is the knife: janus-faced communication in Sartre's No Exit and Rose's Twelve Angry Men. New Theatre Q 36(1):84–95

Cunningham FR (1986) Lumet's humanism: the return to the father in 'Twelve Angry Men. Lit Film Q 14(2):112–121

Flouri E, Fitsakis Y (2007) Minority matters: 12 angry men as a case study of a successful negotiation against the odds. Negotiat J 23(4):449–462

Fuller LL (1969) The morality of law. Yale University Press, New Haven (rev. ed.)

Garapon A (1997) *Bien juger. Essai sur le rituel judiciaire*, Odile Jacob, Paris

Hans VP, Vidmar N (1986) Judging the Jury. Plenum Press, New York

Hans VP (2007) Deliberation and dissent: 12 angry men versus the empirical reality of juries. Chicago-Kent Law Rev 82:579–589

Hanscombe S (2029) Teaching critical thinking virtues and vices: the case for Twelve Angry Men. Teach Philos 42(3):173–195. (available at: https://eprints.gla.ac.uk/192572/)

Honig B (2019) 12 Angry Men: care for the Agon and the varieties of masculine experience. Theory Event 22(3):701–716

Hruschka J (2009) *Die Constitution der Rechtsfalle* (1965), It. transl., *La costituzione del caso giuridico. Il rapporto tra accertamento fattuale e applicazione giuridica*, il Mulino, Bologna 2009.

Jost W (2004) Sweating the Little Things in Sidney Lumet's 12 Angry Men. In: Hyde MJ (ed) TheEthos of Rhetoric. University of South Carolina Press, Columbia (SC), pp 75–88

Klimis S (2018) *Penser, délibérer, juger. Pour une philosophie de la justice en acte(s)*, De Boeck, Louvain-la-Neuve

Lumet S (1995) Making movies. Random House, New York

Macagno F, Walton D (2012) Character attacks as complex strategies of legal argumentation. Int J Law Lang Discourse 2(3):59–117. (available at: https://ssrn.com/abstract=2189846)

Manzin M (2011) Rhetorical vs. syllogistic models of legal reasoning: the Italian experience, In: Proceedings of the 7th Conference of the International Society for the Study of Argumentation, Rozenberg/ Sic Sat, Amsterdam, 1165–1174

Marder NS (2022) The power of the Jury. Transforming Citizens into Jurors. Cambridge University Press, Cambridge, New York

Marder NS (2006) Why 12 Angry Men?(1957)?: The Transformative Power of Jury Deliberations. In: Strickland R, Foster TE, Lovell Banks T (eds) Screening Justice – The Cinema of Law: Significant Films of Law, Order and Social Justice. William S. Hein & Company, Buffalo, New York, pp 157–169

Mittica MP (2020) In quest of sense. The way towards an aesthetics of law through law and humanities. Law Lit 33(2):171–188

Pareto, V. 1978. *Compendio di Sociologia* (1920), Einaudi, Torino

Perelman, C. 1979. *Logique juridique* (1976), It. trans. *Logica giuridica, nuova retorica*, Giuffrè, Milano

Puppo F (2015) Is there fact in a trial? A rhetorical account of legal reasoning. Diritto & Questioni pubbliche 15(1):211–225 (available at: https://www.dirittoequestionipubbliche.org/page/2015_n15-1/02_studi_12-Puppo.pdf)

Recaséns Siches L (1971) *Experiencia jurídica, naturaleza de la cosa y Lógica 'razonable'*, Fondo de Cultura Ecónomica, México

Reiman J, Haag Evanden (1990) On the common saying that it is better that ten guilty persons escape than that one innocent suffer: pro and con. Soc Philos Policy 7:226–248

Rose R (2006) *Twelve Angry Men*, Penguin Books, New York 2006 (with an introduction by D. Mamet)

Rosenzweig P (2021) Reginald rose and the journey of 12 angry men. Fordham University Press, New York

Rossi G, Velo Dalbrenta D, Pedrazza Gorlero C (2022) (eds) *L'arte di giudicare. Percorsi ed esperienze tra letteratura, arti e diritto*, Edizioni Scientifiche Italiane, Napoli

Saramago J (2004) *A Caverna* (2000), It. transl., *La caverna,* Einaudi, Torino

Schauer F (2009) Thinking like a lawyer. A new introduction to legal reasoning. Harvard University Press, Cambridge

Spaulding NW (2019) Disorder in court: representations of resistance to law in trial film dramas. In: Sarat A, Silbey J, Merrill Umphrey M (eds) Trial Films on Trial. Law, Justice, and Popular Culture. The University of Alabama Press, Tuscaloosa, pp 111–139

Tomasi S (2020a) *L'argomentazione giuridica dopo Perelman. Teorie, tecniche e casi pratici*, Carocci, Roma

Tomasi S (2020b) Legal argumentation and forensic rhetoric: a challenge to uncertainty of law. Iustum Aequum Salutare 16(1): 79–90 (available at: http://ias.jak.ppke.hu/hir/ias/20201sz/08_STomasi_IAS_2020_1.pdf)

Tuzet G (2020) Assessment criteria or standards of proof? An effort in clarification. Artif Intell Law 28:91–109. https://doi.org/10.1007/s10506-018-9233-1

Whitman JQ (2008) The origins of reasonable doubt: Theological roots of the criminal trial. Yale University Press, New Haven

Zorzetto S (2015) Reasonableness. The Italian Law Journal» 1(1):107–139. (available at: https://www.academia.edu/12144992/Silvia_Zorzetto_Reasonableness)