



Methodology Article

Narrative Criminology and the Interactional Construction of Crime

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Abstract

We put forth the argument that the criminal, as a recognizable social figure, is a narrative construct, produced through the positioning work performed in interactional settings where legal institutions operate. Taking courtroom closing arguments as the analytical site, we apply positioning analysis to two closing arguments from American legal drama television: a closing in *Law & Order* (Season 21, Episode 1), and a second from *For the People* (Season 1, Episode 10), with a third, a mercy killing trial, as methodological anchor and comparative baseline. The comparison yields three analytically distinct positions that extend the care-versus-justice dyad. The argument in the *Law & Order* case absorbs the care narrative into the prosecutorial stance and subordinates it, making the alignment with the traditional McCoy-era prosecutorial epistemology invisible to thematic readings alone. The defense argument in *For the People* goes further: it does not contest a competing ethical content but the justice framework's authority to frame. We describe this as a delegitimizing narrative, a third position in comparison. The finding has implications for narrative criminology, where contesting the construction of the criminal may require a different account of the institution doing the constructing, and for positioning analysis as a method, where it demonstrates the approach's capacity to distinguish moves that look structurally similar on the surface but are doing opposite work at the level of master narrative alignment.

Keywords

Narrative Criminology, Closing Arguments, Positioning Analysis, *Law & Order*, Master Narrative, Counter Narrative

1. Introduction

Crime is not simply something that happens. It gets constructed, narrated, and contested in the specific interactional settings where legal, institutional, and everyday actors encounter one another. Narrative criminology starts from that premise [24, 25]. The criminal, as a distinct social character, does not precede the stories told about them [1, 18, 19]. Rather, they are produced through those stories, through discursive choices made about who gets characterized as an agent, what counts as motive, how characters are changing across time,

and whose version of events gets ratified by institutions with the power to decide. That production, even in the case of Clark Rockefeller [2], where there was “no story,” occurs at every stage of the criminal justice process, from the initial police report to the closing argument in court. But it is nowhere more explicit, nowhere more rhetorically concentrated, than when lawyers rise to address a jury in their closing arguments and ask them to inhabit a particular way of seeing what happened, who is at fault, and who is responsible.

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In this article, we examine that moment through the lens of positioning analysis, as exemplified for courtroom interactions in [5, 6]. Positioning analysis attends to the micro-level interactional work through which characters are constructed, agency assigned, and identity claims made and contested. It operates across three analytical levels: how characters are positioned within the story world, how the storyteller positions themselves in relation to their audience, and how both of those align with or push against the broader master narratives and dominant discourses that make certain identity claims legible and others invisible. Across all three levels, we also track three identity dilemmas that structure how participants navigate the space between self and other: agency versus passivity, sameness versus difference, and constancy versus change. They are the practical terrain on which lawyers, witnesses, defendants, and jurors work out who someone is and what their actions mean.

We proceed in four sections. Section 2 examines the TV show *Law & Order* as a narrative franchise at the macro-structural level, tracing the sources of its longevity and identifying what macro-structural accounts can and cannot explain. Section III prepares the ground for positioning analysis proper: we identify closing arguments as the analytical site where the narrative architecture of the whole criminal proceeding becomes most visible and most consequential, establish the Sutter mercy killing case from Bamberg and Wipff [6] as the methodological anchor, and introduce the two closing arguments that form the analytical core of the article. Section IV carries out the positioning analyses themselves, working through the prosecution's closing in *Law & Order*, and the defense closing in *For the People*.¹ Section V draws the comparison and develops its implications for narrative criminology.

1.1. Our Argument

Positioning theory, as laid out in Bamberg [3, 4], will serve as the methodological framework from which to enter the theoretical perspective of narrative criminology. More specifically, in this article, with our analysis of the two closing arguments, we rely heavily on the Sutter case [5], which provides the methodological anchor for our claims.² In that mercy killing trial, the defense lawyer constructed Henry Sutter through an ethics of care master narrative, a devoted husband who acted from love and the desire to end his wife's suffering. In contrast, the district attorney (prosecution) deployed the ethics of justice, acontextually, universally binding, indifferent to personal history, to dismantle the affective force of the care narrative and reposition the jury within a civic obligation frame. Both lawyers worked within the legitimate frame of the

legal system. Neither contested its authority as a truth-seeking institution. That shared commitment to the frame is what makes the Sutter case analytically productive as a baseline. It shows us what care and justice look like when both sides work within the system's legitimacy [13-15].

Applying the analytic procedures from the Henry Sutter case to the two closings of *Law & Order* and *For the People*, we need to recognize that both are situated in what roughly can be characterized as the post-George Floyd's murder, Black Lives Matter, and Defund the Police era. Public awareness during the twenty seasons before the cancellation of *Law & Order* in 2010 and the creation of the legal drama *For the People* had changed. The revival of *Law & Order* in 2022, also following the *Cosby* prosecution,³ did not arrive in a neutral cultural moment. The show returned to a sustained public reckoning with what the American criminal justice system actually does and to whom. That context matters analytically, not just historically, because it means the revival episode we examine here, "The Right Thing," is self-consciously positioned within that reckoning. On first viewing, it appears to be a significant departure from the McCoy-era procedural logic that dominated the original run. The closing argument delivered by ADA Samantha Maroun is personal, emotionally textured, and explicitly concerned with the gap between moral and legal justice. This is not how Jack McCoy argued.⁴

But positioning analysis, as we will show, reveals something more precise than departure. Maroun's argument is structurally continuous with the prosecutorial epistemology of the McCoy era. The personalization is not a break from the ethics of justice master narrative. It is the mechanism by which that master narrative absorbs and subordinates the competing ethics of care and thereby confirms rather than contests the legal system's authority. *The Right Thing* is a more sophisticated version of the traditional McCoy argument, and as such it is not a different one. Only positioning analysis makes that continuity visible, whereas thematic readings alone would miss it.

The comparison with Sandra Bell's closing in *For the People* then shows what happens when a lawyer steps outside that shared commitment altogether. Bell does something neither Sutter lawyer does. She names the master narrative of justice as a procedural fiction rather than an epistemic truth, and she does so from within the very proceeding that narrative is supposed to govern. Although it may appear as if the distinction between verdict and truth in lines 27 through 34 of her argument (cf. our transcripts in Section 4 [16]) constitutes something like a counter-narrative in the care-versus-justice sense, it serves a different function. It is a delegitimizing move, a

¹ For our analyses, we selected two closing arguments from two different shows: *Law & Order* (season 21, episode 1, "The Right Thing," delivered by Samantha Maroun), and *For the People* (Season 1, Episode 10, "This Is What I Want to Say," delivered by Sandra Bell in the Alice Huang espionage case). The reasons for this selection is detailed below in section 3 of this article.

² "The Sutter Case," here refers to a 4:22 minute-long segment of the legal TV drama *L.A. Law*, Season 4, Episode 22, *The Last Gap*, aired on May 17, 1990.

³ "The Right Thing" presents Henry King, who allegedly had drugged and assaulted dozens of women, and when released from prison due to procedural mistakes, murdered by one of his victims – a clear analogue to Bill Cosby.

⁴ Jack McCoy, played by Sam Waterston, started in Season 5 in 1994, and continued to work in several roles as passionate courtroom advocate for the prosecution. Twenty years later, he was written off the show with Season 23 in the year 2024.

third position beyond the opposition the Sutter analysis established. Understanding what that move is, how it works at all three levels simultaneously, and what it means for how the jury is being positioned requires the micro-analytic tools of positioning analysis; something that macro-structural accounts of Law & Order have not, and, in our view, cannot adequately bring to bear.

1.2. How Macro-Structural Analysis Is Not Enough

The existing scholarly literature on Law & Order has developed sophisticated accounts of the franchise's longevity and popularity, its ideological ambiguity, its bifurcated narrative structure, and its relationship to contemporary political and legal culture. Section 2 engages that literature seriously and gives it its due. But the macro-structural account, however nuanced, reaches a limit. It can describe the shape of the procedural frame and the range of content it accommodates. What it cannot do is explain how that frame gets made credible and consequential in each specific episode. It cannot tell us why Maroun's apparently more personal and emotionally complex argument is, at the level of its positioning work, doing the same thing the DA in Sutter did. And it cannot tell us what Bell's argument is actually doing to the jury's subject position when she tells them that the system they are sitting inside is not designed to find the truth.

Those explanations require attending to the micro-level: how characters are constructed through specific linguistic and paralinguistic choices, how pronouns shift and what those shifts accomplish, how pauses and sentence rhythm activate or defer the identity dilemmas at stake, how the same surface rhetorical move, whether personalization, emotional engagement, or appeal to social context, can be doing structurally opposite positioning work depending on its direction and target. That is what positioning analysis makes visible. And that is what this article, working in detail through two closing arguments as its primary data, sets out to demonstrate.

2. Law & Order as a Narrative Brand, Macro-Structural Considerations

2.1. The Sources of Longevity

The "ripped from the headlines" account of Law & Order's success⁵ is superficially compelling. Episodes have addressed racial inequality in policing, terrorism, political corruption, sexual misconduct, immigration, corporate crime, and public health crises, often within weeks of those issues entering the news cycle. The show's capacity to absorb contemporary events and frame them within its narrative architecture has clearly sustained audience interest. But many topically relevant programs have come and gone without approaching the

franchise's reach or longevity. Thus, topical relevance alone cannot explain durability. Topical relevance may explain why individual episodes feel urgent. To answer why the format has remained credible across decades, "ripped from the headlines" may not suffice.

The formulaic structure explanation [9] runs into a parallel difficulty. Formulaic structure may, if anything, be more of a liability over time. Audiences habituate to formula. The predictable becomes tedious. What the formula explanation misses is the distinction between a template that constrains and a template that enables. The Law & Order format functions as the latter. Its recognizability is not a limitation on novelty but the condition for it. Audiences engage with each new episode against a background of known structural expectations, so deviations, complications, and morally ambiguous outcomes acquire significance they would lack in a less stable framework. The familiar provides the anchor. The new provides the interest. That interaction is where the sustained appeal actually lives [7, 8, 20, 26].

The ideological ambiguity account is more nuanced, and it is pointing at something important, though it tends to describe effects without fully explaining mechanisms. The franchise does present competing moral and political positions, and that does appear to sustain a broad audience. But the mechanism through which competing positions are made available and negotiated within each episode is precisely the narrative structure and its institutional logics. This ambiguity is built into the procedural architecture. It is not accidental or merely a result of editorial caution. The bifurcated format, investigation followed by prosecution, structurally ensures that the same set of events will be interpreted through at least two institutional lenses, the investigative and the legal, and typically more, since prosecution and defense construct competing narratives within the trial half. The ideological ambiguity is a formal consequence, not just a thematic preference [23].

2.2. Institutional Proceduralism as Defining Feature

What distinguishes Law & Order from most crime drama is, finally, its topical ambition and structural regularity. It is the consistent prioritization of institutional perspective over individual psychology. In character-centered crime drama, the investigator or lawyer carries the emotional weight of the narrative. Their personal history, relationships, and psychological vulnerabilities become plot drivers. Law & Order resists that logic. Characters occupy institutional positions [10, 11]. They speak and act as detectives, prosecutors, defense attorneys, and judges rather than as biographical individuals whose private lives and moral character explain their professional choices. The relative absence of psychological depth has sometimes been offered as a criticism of the franchise. We would argue that reading gets things backwards. The drama

⁵ Cf. an interview [16] featuring creator Dick Wolf and actors.

emerges not from characters' inner conflicts or convictions but from the tensions inherent in the criminal justice system itself.

This is a substantive distinction. When character psychology drives a crime drama, the institutional setting functions as backdrop for personal drama. When institutional proceduralism drives the narrative, as it does in *Law & Order*, the institution itself becomes the most stable character. The criminal justice system, with its competing imperatives of enforcement, prosecution, defense, and judicial oversight, generates conflict without requiring any individual to be especially complicated. A case about mercy killing does not need a psychologically tortured prosecutor to be dramatically effective. It needs the institutional logic of law, which forbids private determinations of when life should end, to come into direct conflict with the moral logic of compassionate care. That conflict is structural. Characters enact it rather than personify it [22].

It also explains one of the franchise's more distinctive features, namely *Law & Order*'s capacity to absorb extensive cast changes without loss of program identity. Characters have turned over repeatedly across the original series and its spin-offs. The institution persists. What any given character brings to a role is not primarily a personal history but a position within an institutional framework, and that position carries consistent interactional and narrative implications regardless of who occupies it.

2.3. Bifurcated Narrative Structure

The two-part episode format, i.e., the division between a police investigation in the first half and a prosecution in the second, is primarily organizational. However, it creates an additional distinctive narrative rhythm that differs from both conventional police procedurals and conventional courtroom drama [21]. Each half applies its own institutional logic to the same underlying events. The investigation half constructs an account of what happened and who is responsible. The prosecution half tests that account against legal standards, defense counter-narratives, and the evidentiary constraints of formal adjudication. The same criminal act is, in effect, narrated twice, under different institutional conditions and toward different ends.

This double narration is where the ideological work of the series begins. The transformation of an isolated criminal incident into an examination of legal accountability and social order requires passing that incident through two distinct institutional frames. Questions of moral responsibility, legal culpability, and social meaning are opened up during the police investigation. In the subsequent step, the prosecution half attempts to build on what the investigation established. It also stages a conflict between competing interpretations, competing master narratives of justice and care, of individual autonomy and institutional constraint. That staging is the show's primary mode of ideological exploration [7, 8].

The structural stability of this format across more than

thirty years is itself analytically significant [27-29]. This format provides continuity while the content, topically anchored to contemporary events, provides novelty [12]. Audiences know the shape of what they will see. They do not know where within that shape the moral weight will fall, or how the competing narratives will resolve. The procedural frame is flexible precisely because it is stable. It can accommodate terrorism, corporate fraud, and sexual misconduct without altering its narrative architecture, because those issues become objects of institutional processing rather than occasions for entirely different kinds of stories [12]. That flexibility, grounded in formal consistency, is what the topical relevance account alone cannot explain.

2.4. Positioning and Courtroom Interaction

As we already tried to point out, unlike serial dramas such as *The Wire* or *The Sopranos*, where characters build biographical depth over time, *Law & Order* defines its characters primarily through their institutional roles rather than personal histories. Similarly, this arguably explains why the show can swap cast members so easily: continuity is maintained at the level of the institution – its procedures, logics, and relationships – rather than through individual biography. However, this does not mean characters are uninteresting. Their interest is generated interactionally rather than biographically. What makes a given prosecutor compelling is how they argue, how they respond to a moral challenge, how they position themselves relative to legal obligation when the moral stakes of a case complicate straightforward prosecution. Those are interactional and discourse-level achievements. A character is characterized through their positioning moves, through the rhetorical choices they make in dialogue and argument, through how they navigate the institutional constraints bearing on their role.

In addition, there may be a broader theoretical point here that the existing scholarly literature on *Law & Order* may not have adequately developed yet. Focusing on the broad formal and thematic features of the franchise, as most accounts do, risks treating narrative structure as something independent of the communicative practices through which it gets realized. Structure is taken as a given, a kind of container, and the question becomes: what does the show put into it, and how does the content resonate with audiences? But that framing forecloses something important. Narrative structures cannot be treated simply as given. They are reproduced through the interactional practices of characters who occupy institutional roles and who, through their interactional moves, continuously enact the distinctions and tensions on which the narrative depends. The procedural frame is a recurrent accomplishment. It gets made, episode by episode, through the discourse that fills it.

The institutional roles of detective, prosecutor, defense attorney, and judge are distinctions continuously produced through and *in* interaction. What makes a character legible as

a prosecutor rather than an advocate or a private citizen is not merely the costume of the role or the institutional setting. It is how they speak, what claims they make, what they hold themselves accountable to, and how they respond when their claims are challenged. The institutional position is continuously enacted in interaction, and that enactment contributes to the maintenance of the narrative patterns the macro-structural account identifies.

This has a methodological consequence that carries directly into the analysis that follows. Understanding why Law & Order works as a narrative franchise, and why a specific episode like "The Right Thing" can appear to depart from the classic McCoy-era template while remaining structurally continuous with it, requires attending to both levels simultaneously. The macro-structural account explains the shape of the format and the range of topical content it can accommodate [12]. It does not explain how the format is made credible and consequential in each episode, or how a closing argument can absorb a counter-narrative and subordinate it while appearing to welcome it. That explanation requires looking at the micro-level: how characters position themselves and others through the specific communicative practices of courtroom argument. The closing argument is the site where that positioning work is most concentrated, most explicit, and most consequential. It is where we turn next.

3. Procedural Interaction – How Institutional Structures "Come-to-Existence"

3.1. Closing Arguments as Analytical Site

Trials produce narrative all the way through. The opening statement frames what the jury is about to hear. Witness testimony adds detail, contradiction, and affect. Cross-examination tests the coherence of accounts already given. But closing arguments occupy a singular position in this sequence, and that singularity is what makes them the analytical focus of this article.

By the time prosecuting and defense attorneys rise to address the jury, the evidentiary record is closed. Facts have been contested, witnesses examined and cross-examined, physical evidence displayed and disputed. What remains is the harder task: persuading twelve people to occupy a particular subject position, to see the defendant as a certain kind of person, and to understand themselves as the kind of people who would reach a particular verdict. That is, at bottom, a narrative act. It is also the moment when the positioning work distributed across investigation, pretrial preparation, and testimony hearings becomes concentrated, explicit, and rhetorically shaped for maximum effect.

This is also where the three analytical levels converge most visibly. Level I character construction, the narrative shaping of who the defendant is, what they did, and why, is no longer provisional or partial. The closing argument is the lawyer's final opportunity to fix the character in place. Level II jury positioning is at its most explicit: the lawyer is speaking directly to the twelve people whose verdict will determine the outcome, and every pronoun choice, every pause, every shift in register is doing relational work in real time. And Level III master narrative alignment is at its most consequential: the lawyer must connect the specific facts of this case to the broader cultural and ethical frameworks that make certain identity claims legible and others invisible. Closing arguments are where all three levels operate at full pressure simultaneously, leading us to consider them as sites for our analytic scrutiny.

3.2. Why These Two Shows, Why These Episodes

The choice of the Law & Order episode "The Right Thing" (2022), and "This Is What I Wanted To Say" from *For the People*, is not arbitrary. The two shows represent structurally distinct approaches to the institutional architecture of the criminal justice system, and that structural difference shapes the positioning possibilities available to lawyers within each narrative world. Law & Order, as we established in section 2, is organized around institutional proceduralism and the prosecution's perspective. Its bifurcated format moves from police investigation to courtroom prosecution, with the state's narrative logic driving the momentum of each episode. The defense in Law & Order is reactive by design, a counterweight within a framework whose center of gravity lies with the prosecution.⁶

For the People inverts that architecture. Set in the Southern District of New York Federal Court, it follows lawyers on both sides of the courtroom, prosecution and defense, as co-protagonists of equal narrative weight. The defense is not a counter-weight here. It is an originating perspective. Sandra Bell's closing argument in the Alice Huang spy case is not a response to a prosecution-centered framework. It is a fully autonomous narrative act delivered within a show that grants the defense its own structural authority.

That architectural difference matters for positioning analysis. When Maroun addresses the jury in "The Right Thing," she is speaking from within the dominant institutional frame of the series. Her positioning moves work with the grain of the show's narrative logic. When Bell addresses the jury in *For the People*, she operates within a framework that takes the defense's institutional perspective seriously as an originating point of view. Her positioning moves therefore carry a different kind of structural weight. The comparison between the two arguments is not just a comparison between two lawyers. It is a comparison between two different institutional architectures and what they

⁶ It may be of interest for the reader unfamiliar with the US court system that the

defense typically starts the summons (closing arguments), followed by the prosecution's presentation of the case.

make possible at the level of narrative positioning.

In addition to the particulars of the historical moment alluded to in our introductory section, NBC's decision to relaunch with "The Right Thing" most likely itself was a clever positioning move. Their restoration of the franchise, accompanied by heavy advertising and high ratings expectations, required an opening episode that announced the show's awareness of the cultural moment without abandoning the procedural architecture that made the franchise durable. The episode departs from the classic template in visible ways. Its victim, Henry King, is highly unsympathetic, an alleged serial rapist released from prison – Bill Cosby "ripped from the headlines." Its detectives do not begin with the discovery of a body and an initial mystery over motive; they begin with a known victim pool of forty women. And its closing argument, delivered by ADA Samantha Maroun rather than a McCoy-era figure, is explicitly personal, emotionally textured, and concerned with the gap between moral justice and legal justice. In this context, it may be noteworthy that "The Right Thing" is one of the very few episodes that includes both the opening statement as well as the closing – both from the prosecution; and, to the best of our knowledge, the only one with no response by the defense.

On the surface, this may look like a departure. Positioning analysis will show it is something more precise: a structural continuity with the McCoy-era prosecutorial logic, achieved through a more sophisticated mechanism. Maroun absorbs the care narrative into her prosecutorial stance and then subordinates it. The personalization is not a break from the ethics of justice master narrative. It is the mechanism by which that master narrative absorbs and subordinates the competing ethics of care, thereby confirming rather than contesting the legal system's authority. "'The Right Thing'" is a more sophisticated version of the McCoy argument. Positioning analysis makes that continuity visible where thematic reading alone would miss it.

Sandra Bell's closing in the Alice Huang case operates on different terrain altogether. Where Maroun works within the ethics of justice master narrative, Bell does something the Sutter defense lawyer never does and that Maroun's argument is specifically designed to prevent: she dismantles the justice master narrative from the inside. The distinction between legal verdict and truth that Bell draws across lines 27 through 34 (cf. our transcript below) is not a counter-narrative in the sense of care opposing justice. It is an exposure of the justice framework as a procedural system serving purposes other than truth-seeking. That is a third position, beyond the care/justice opposition the Sutter analysis established, and it is what makes the Alice Huang case analytically the most generative of the three and what makes the comparison between the two arguments consequential for narrative criminology.

3.3. The Sutter Analysis as Methodological Anchor

The analytical framework we apply here was developed in

earlier publications [3, 4] and effectively applied to the Sutter case [6]. That article analyzed the closing arguments in a murder trial in which Henry Sutter was accused of causing his wife Moira's death. The fact of her death was not contested. What the defense lawyer and district attorney contested was the narrative construction of the characters, the events, and the moral framework through which those characters and events should be understood.

The defense lawyer opened by positioning herself through a small story as a former prosecutor who had once argued the other side. That continuity-discontinuity move simultaneously inoculated the jury against the DA's coming argument and established her own credibility as someone who had genuinely changed her reasoning for this particular case. She then constructed Henry Sutter through an ethics of care master narrative: a devoted husband who witnessed seven years of his wife's deterioration, who acted from love, and who sought to end her pain and preserve her dignity. The story elements were minimal, a setting and a single act, but the character construction was dense, relational, contextual, and affectively rich. Her Level III positioning aligned with the ethics of care as the master narrative, and her Level II work was to make the jury empathetic proxies for Henry Sutter.

The district attorney opened with an apparent concession of empathy, also using a small story, but from thereon systematically dismantled its legal relevance. His character construction of Henry Sutter was stripped of relational context: no temporal development, no loving history, no shared name with Moira. Where the defense lawyer gave us HS and MS as a married couple, the DA gave us "he" and "she," pronouns that assumed referential continuity from the defense narrative but emptied it of its affective content. His Level III positioning aligned with the ethics of justice master narrative: acontextual, universally binding, indifferent to personal history. His culminating move, that societal moral rules outweigh individually felt compassion, was designed to undo the jury's alignment with the defense's care narrative and reposition them within a civic obligation master-frame.

What the Sutter analysis established for the present article is this: the same event can be narratively constructed through competing master narratives, each internally coherent, each activating the three identity dilemmas in different ways, and whose illocutionary force depends not on what the story is about, i.e., its thematic content, alone but on the positioning work performed at all three levels simultaneously. The criminal is never simply a person who did a thing. The criminal is a narrative construct, the product of character construction, agency assignment, and master narrative alignment working together in the space of a closing argument.

We carry that analytical procedure forward here, with the added complexity that the Maroun/Bell comparison involves not just two competing master narratives but a case in which one lawyer's argument explicitly contests the legitimacy of the master narrative framework itself. Section 4 applies the three-step procedure – thematic segmentation, story analysis, and

positioning across the three levels and three dilemmas, first to Maroun's argument and then to Bell's. The comparison that follows will then identify what is continuous with the Sutter framework and what it requires us to extend.

4. Analyses

4.1. Prosecution in Law & Order: "The Right Thing," Samantha Maroun

4.1.1. Thematic Segments

The closing argument divides into five segments, each performing distinct positioning work.

Lines 1-8 open with what looks like a conventional institutional self-presentation, "I'm a prosecutor / I'm sworn in to enforce the laws of this state." But the segment does not stay there. Line 3 introduces a concessive move, "Yet I understand the defendant's desire for revenge," and lines 4 through 8 deliver the small story that earns that concession: Maroun's own sister was raped and murdered, the offender was known but never prosecuted. The institutional "I" of lines 1 and 2 and the personal "my" of line 4 are held simultaneously, without explicit transition. That double occupancy is the segment's central positioning achievement.

Lines 9-18 transfer the emotional logic of Maroun's personal story onto Nicole Bell. The transition at line 9 is seamless: "So it's easy to understand the defendant's rage." Bell's interiority, her desire for vengeance, her fantasies of killing, is constructed through a borrowed emotional grammar. What Maroun felt, or could have felt, is projected onto Bell. Lines 16 through 18 then perform a normalization move: the fantasies are "perfectly normal" and "perfectly legal." This is not exculpation. It is preparation for the line that follows.

Lines 19-26 draw the line the previous segment set up. The fantasy was legal. The act, waiting, shooting five times in cold blood, is "not only wrong" but "criminal." Lines 24 through 26 generalize: "Just because you're suffering and you're filled with anger doesn't mean you get to play God." The "you" here is still nominally addressed to Bell, but its generalized form begins the pronoun work that will culminate in the jury address.

Lines 27-29 complete the pronoun transfer. "Now that doesn't mean you shouldn't have tremendous sympathy for the defendant." The "you" has shifted. This is the jury now. Line 29 delivers the culminating permission structure: "Give yourself permission to feel sorry for her."

Lines 30-34 perform the final reduction. The complexity is bracketed. "This case comes down to one simple question: Did Nicole Bell shoot and kill Henry King." The binary forecloses everything that preceded it, not by denying its emotional weight but by ruling it out of legal order.

TRANSCRIPT (Closing Argument) - - - PROSECUTION
- Samantha Maroun (she)

1) I'm a prosecutor

2) I'm sworn in to enforce the laws of this state

3) Yet I understand the defendant's desire for revenge

a) For street justice

<pause>

4) Nine years ago my sister was raped and murdered in Georgia

5) Police never arrested the offender

6) But I knew who did it

7) Police knew too

8) Just couldn't prove it

9) So it's easy to understand the defendant's rage

a) Her desire for vengeance

b) Her need for the son of a bitch to pay for what he did to her

c) To suffer like he made her suffer

10) When Henry King was released from prison

11) The defendant's thirst for revenge escalated

12) Maybe she even began to fantasize about killing him

13) Pictured herself grabbing a gun

a) Going to his house

b) Waiting for him to show up

14) She probably even planned what she was going to say

15) Where she was going to shoot him

16) Those types of fantasies are perfectly normal

17) Trust me

18) They're also perfectly legal

19) But to actually take the life of another human being

20) To wait outside of someone's house

21) And shoot him five times in cold blood

22) That's not only wrong

23) That's criminal

24) Just --- just because you're suffering

25) and you're filled with anger

26) doesn't mean you get to play God

27) Now that doesn't mean you shouldn't have tremendous sympathy for the defendant

a) That you shouldn't appreciate the pain and the suffering she endured

28) So when you go back to the jury room to deliberate

29) Give yourself permission to feel sorry for her

30) But that doesn't mean she is innocent

a. That she should walk free

<somber music>

31) This case comes down to one simple question

32) Did Nicole Bell shoot and kill Henry King

33) If the answer is yes

34) You must convict

4.1.2. Story

The small story in lines 4 through 8 is Maroun's own, not Bell's. Maroun's sister was raped and murdered. The offender was known. The law could not touch him. That story is structurally identical to Bell's situation, a violent crime against someone close, a known perpetrator, a legal system that failed to act. The parallel is established before Bell's story is told, so

that when line 9 arrives, "So it's easy to understand the defendant's rage," the emotional transfer is already complete. Bell's interiority does not need to be constructed independently. It is read through Maroun's own.

The narrator of Bell's psychology is not Bell. It is the prosecutor. Maroun constructs Bell's rage, her fantasies, her escalating desire for revenge, in lines 10 through 15, through a speculative but syntactically confident mode. "Maybe she even began to fantasize." "She probably even planned." The hedges are present, "maybe," "probably," but the narrative sequence is fully rendered: release from prison, escalation, fantasy, planning, execution. Bell is the story's only developed character. Henry King appears as a pronoun and a description, "the son of a bitch," whose prior actions are named but whose personhood is not constructed. He functions as a plot catalyst, not a character.

The act of killing is presumed throughout. Maroun never argues that Bell shot King. She builds a narrative in which the shooting is the logical culmination of an established sequence, and the closing reduction in lines 31 through 34 simply names what that narrative has already established as true.

4.1.3. Positioning

Level I: Character construction.* Nicole Bell is positioned across two simultaneous axes that map directly onto the agency-passivity dilemma. She is high-agency with respect to the killing: she planned it, she waited, she shot him five times. The language is active and sequential throughout lines 10 through 21. But she is simultaneously low-agency with respect to the prior violation: she suffered, she endured, she was wronged by a system that failed her. Maroun holds both in place at the same time, and crucially neither framing is contested.

The constancy-change dilemma surfaces here in a specific way. The Nicole Bell who is sympathetic is the one shaped by years of suffering, formed by the legal system's failure to protect her. The Nicole Bell who must be convicted is the one who acted, at a single point in time, outside the law. The argument depends on keeping those two temporalities separate: the long history that explains, and the single act that the law governs. What is noteworthy is that Maroun's claim about the same system that wronged her own sister also wronged Bell creates a quiet alignment between prosecutor and defendant at Level I, an alignment that is then resolved, at Level III, in favor of legal procedure over personal moral judgment.

Level II: Jury positioning.* The pronoun management across lines 1 through 29 is the most analytically significant feature of Maroun's argument. She opens with the institutional "I," the voice of the state, sworn to enforce the law. Then, in line 4, "my sister was raped and murdered," the "I" shifts to a private person with a private history. No transition marks the shift. The audience is expected to hold both simultaneously: the official sworn to enforce the law, and the woman whose own sister was murdered and whose killer was never prosecuted.

By occupying both subject positions, Maroun positions herself as someone who has earned the right to speak about the defendant's grief from the inside. She is not a functionary indifferent to suffering. She is someone who knows that suffering personally, and who nevertheless stands before the jury as a prosecutor. The jury is being told: the person asking you to convict is not someone who does not understand what Nicole Bell has been through.

The culmination of this Level II work is line 29: "Give yourself permission to feel sorry for her." This is a granting move, not a demanding one. Maroun is not instructing the jury to override their sympathy. She is releasing them from the anxiety that sympathy might require acquittal. The permission structure positions the jury as people already inclined toward empathy, already feeling the weight of the defendant's history, who need only authorization to carry that empathy into a conviction. You do not have to become hard to do your job. You can grieve for her and convict her. Both identities are available simultaneously.

Level III: Master narrative alignment.* Maroun's argument aligns with the ethics of justice master narrative, but the mechanism is more sophisticated than anything the Sutter DA deployed. The Sutter DA subordinated care to justice by arguing that societal moral rules outweigh individual compassion. He positioned care and justice as opposing forces and then argued for justice's priority. Maroun does not oppose them. She absorbs the care narrative into her prosecutorial stance entirely. She demonstrates personal credentials for empathy, grants the jury full permission to feel it, and then draws the boundary not between care and justice but between feeling and acting. Sympathy is permitted. Acting on that sympathy, either by committing a killing or by acquitting someone who did, is where the legal constraint applies.

This is the structural move that connects "The Right Thing" to the McCoy-era prosecutorial logic despite its apparently more personal surface. The show's revival in 2022, after George Floyd, after the Cosby prosecutions, after the Black Lives Matter movement's sustained reckoning with what the justice system actually does and to whom, could not simply resume the classic McCoy argument. That argument, acontextual, indifferent to personal history, institutionally guaranteed, would have read as tone-deaf in the cultural moment. Maroun's argument is the McCoy argument made culturally fluent. The ethics of justice is not argued against the ethics of care. It is shown to be compatible with care, to accommodate care, and then to supersede it in the specific domain of legal determination.

The sameness-difference dilemma is resolved in a specific direction. Maroun positions herself and the jury as the same kind of people as Nicole Bell: people who understand rage, grief, and the desire for revenge. However, what distinguishes the lawful from the convicted is not their feelings but their restraint in acting on those feelings. The implicit identity claim is that we are all people who could have done what she did. We are also all people governed by the same law that must

now respond to what she did. Lines 31 through 34 perform the final reduction: everything preceding them, the personal history, the normalization, the permission to feel sympathy, is bracketed by the binary question. The complexity is acknowledged and then ruled out of legal order. That foreclosure is precisely what Bell's argument in *For the People* is structured to refuse.

4.2. Defense in *For the People*: "'This Is What I Wanted To Say'", Sandra Bell

4.2.1. Thematic Segments

Bell's closing argument divides into four segments whose logic is cumulative rather than sequential.

Lines 1-11 construct Alice Huang's identity through biographical accumulation. The details move from formal to informal, from institutional credentials to cultural markers, and the register shift is deliberate. Hebei Province and Jilin University establish origin and education. Stony Brook and the MSc in hydrology establish achieved American credentials. The Boys and Girls Club board membership establishes civic investment. Drake and the Knicks establish cultural fluency. The accumulation lands on two short declarative sentences: "She is a New Yorker." Pause. "She is an American." Pause. The pauses are not decorative. Each one holds open a space in which the jury must evaluate the claim before the next arrives.

Lines 12-26 introduce the refrain and the comparative structure. "Why is she here? Why are you here?" appears across lines 12, 13, 19, 20, 25, and 26, and its function shifts with each repetition. The first instance, following the biographical reconstruction, is a genuine question: given everything you have just heard, what is the basis for this prosecution? The subsequent instances, following each normalization move, become challenges. Passwords were shared routinely. Sixty-six others downloaded the same data. Yonis Jorgenson did exactly the same thing and was rewarded. She was arrested. By line 26, the question is no longer open. It is unanswerable within the prosecution's own evidentiary logic.

Lines 27-36 execute the meta-positioning move. "One of the great misunderstandings of the American Criminal Justice System is that it is a search for the truth. It is not." Bell steps outside the master narrative of legal adjudication and names it as a procedural system rather than an epistemic one. The jury will not be asked to return with the truth. They will be asked only to return with a verdict. That distinction is not technical. It is the foundation of everything that follows.

Lines 37-50 name the dark truth and transfer agency to the jury. "She is here. You are here. We are all here. Because she is not from here." The repetition of "here" across five lines carries the full weight of the xenophobia argument. Lines 46 through 50 then fragment into pauses: "And what you do. Here. Now." The verdict is positioned not as a finding about the past but as a decision about what kind of future is possible.

TRANSCRIPT (Closing Argument)- - - DEFENSE – Sandra Bell (she)

- 1) Alice Huang grew up in Hebei Province, in Central China
- 2) She studied at Jilin University
- 3) Moved to the United States when she was 20,
- 4) Got her MSC with a concentration in hydrology at Stony Brook
 - a) <short pause>
- 5) And fell in love with America
- 6) She is a mother of two boys
- 7) She's a board member of her local Boys and Girls Club
- 8) She likes Drake
- 9) She's a long-suffering Knicks-fan
- 10) She is a New Yorker
 - a) <short pause>
- 11) She is an American
 - a. <short pause>
- 12) Why is she here
- 13) Why are you here
 - a. <short pause>
- 14) Is it because Alice borrowed a password?
- 15) You heard the testimony of Jennifer Capelli
- 16) Passwords are shared all the time in Alice's office
- 17) Is it because Alice downloaded data from the National Water Distribution database?
- 18) 66 other people downloaded the same data last year
 - a. <short pause>
- 19) Why is she here?
- 20) Why are you here?
 - a. <short pause>
- 21) Is it because Alice exchanged scientific data with a colleague from another country?
- 22) Yonis Jorgenson exchanged the exact same data in the exact same way
- 23) He was rewarded
- 24) She was arrested
 - a. <short pause>
- 25) Why is she here?
- 26) Why are you here?
- 27) One of the great misunderstandings of the American Criminal Justice System is that it is a search for the truth
- 28) It is not
- 29) When the judge gives you his instructions
- 30) And you head back to that jury room
- 31) You will not be asked to return with the truth
- 32) You will be asked only to return with a verdict
- 33) Guilty or not guilty
- 34) Did the Government meet its burden of proof or not?
- 35) I believe the evidence is clear that it did not
- 36) I believe that the evidence is clear that Alice Hwang is not guilty
- 37) But the truth also matters here
- 38) So let's tell the truth

- 39) The truth is
- 40) She is here
- 41) You are here
- 42) We are all here
- 43) Because she is not from here
- 44) That is why we are here
- 45) That is the dark truth
- a. <short pause>
- 46) And what you do
- a. <short pause>
- 47) Here
- a. <short pause>
- 48) Now
- a. <short pause>
- 49) That will either be a light out of this darkness
- 50) Or this ... is where we will stay

4.2.3. Story

Bell's argument contains minimal small story elements in the classical sense. There is no scene-setting, no action sequence, no narrative arc moving from crime through motive to act. What she constructs instead is a biographical character sketch in lines 1 through 11 and a comparative dossier in lines 14 through 24. The comparative structure, Alice did X, sixty-six others did the same, Jorgenson did exactly the same and was rewarded, she was arrested, is itself a kind of story, but its narrative logic is not causal or temporal. It is structural. The story being told is not what Alice Huang did. It is the story of selective application, a pattern rather than a sequence.

In the Sutter case, both lawyers constructed a story about what happened, with different framings of motive and character. Maroun constructs a story about what Bell did and why. Sandra Bell declines to construct a story about what Alice Huang did at all, because the what is not in dispute and because engaging it on those terms would mean fighting on the prosecution's ground. The narrative strategy is to shift the story from the defendant's actions to the system's pattern of selective enforcement.

4.2.4. Positioning

Level I: Character construction and the sameness-difference dilemma.* Bell's opening eleven lines are a sustained sameness-construction. The biographical details are selected with precision and arranged in a deliberate sequence: from origin, through education, through civic engagement, to cultural markers of ordinary American urban life. The register shift from formal to informal, from Stony Brook to Drake to the Knicks, is not incidental. It enacts the argument. By line 10, "She is a New Yorker," the case being made is no longer about credentials. It is about belonging.

The pauses after lines 4, 10, and 11 force active reception. The jury cannot defer the identity question to deliberation. It is being posed right now, in the space between sentences: do you accept this? The sameness-difference dilemma is activated at maximum intensity. Bell is not arguing that Alice Huang is similar to the jurors or comparable to them. She is

arguing that Alice Huang is the same: American, New Yorker, person who built a life here.

The Jorgenson contrast in lines 22 through 24 is the sharpest Level I move in the argument. "Yonis Jorgenson exchanged the exact same data in the exact same way. He was rewarded. She was arrested." The sentence length drops to three words. The rhythm enacts the binary. Same conduct, opposite outcomes. At this point the sameness-difference dilemma is no longer being applied to Alice Huang's identity but to the system's treatment of two people who did identical things. Bell has transferred the question of difference from the defendant to the institution. The question is no longer whether Alice Huang is different from ordinary Americans. The question is what the system's differential treatment of Huang and Jorgenson is actually tracking, and what it reveals about the institution doing the tracking.

Level II: Jury positioning and the agency transfer.* The refrain "Why is she here? Why are you here?" is doing different work in each of its two parts. "Why is she here?" is about Alice Huang. "Why are you here?" is about the jury. Bell is addressing the jury not as arbiters of evidence but as participants in a proceeding whose legitimacy is itself in question. The jury is implicated, not just informed. Their presence in this room is entangled with the prosecution's decision to bring Alice Huang to trial, and they therefore bear some responsibility for what that decision represents. This is a significant Level II move: the jury is being recruited not as evaluators of conduct but as agents whose verdict will either ratify or resist a pattern of selective enforcement.

The agency transfer culminates in lines 46 through 50. After naming the dark truth, Bell addresses the jury through a series of pauses that isolate each word: "And what you do. Here. Now." The fragmentation is a positioning mechanism. Each pause assigns weight to the jury's agency. What you do. Not what the evidence shows, not what the law requires, but what you do. The constancy-change dilemma surfaces in its most compressed form. The darkness Bell has named is a condition, a state of things that has persisted and will continue to persist unless the jury acts. The verdict is positioned not as a finding about the past but as a decision about what kind of future is possible. "That will either be a light out of this darkness, or this is where we will stay."

The light-and-dark imagery carries deliberate historical resonance. The darkness Bell insinuates here is the darkness of a pre-Enlightenment condition in which belonging is contingent, in which the same act is rewarded in one person and criminalized in another on the basis of origin. The Enlightenment promise, equal treatment under universally binding law, is being named here as a promise the justice system has broken. The jury, "The People" in the show's title and in the constitutional formula, are positioned as the agents who can redeem that promise, or confirm its failure. Note that the shift to "we" in line 42, "We are all here," aligns the jury with Bell herself and, by extension, with Alice Huang. The sameness-difference construction that opened the argument is now complete:

we are all here, we are all implicated, and what distinguishes us from the darkness is what we do now.

Level III: Dismantling the master narrative from the inside.* This is where Bell's argument diverges most sharply from every other closing argument examined in this article, from Maroun's, from the Sutter DA's, and from the Sutter defense lawyer's alike. All of those arguments work within the master narrative of the criminal justice system as a legitimate truth-seeking institution. They contest characterizations of defendants, they appeal to competing ethical frameworks, they invoke care against justice or justice against care, but they do not contest the frame itself. Bell does.

Lines 27 through 34 are the pivot. "One of the great misunderstandings of the American criminal justice system is that it is a search for the truth. It is not." This is not a counter-narrative in the sense of care opposing justice. It is a meta-positioning move: Bell steps outside the master narrative of legal adjudication and names it as a procedural system rather than an epistemic one. The jury will not be asked to return with the truth. They will be asked to return with a verdict. If the system is not designed to produce truth, then the question of why it produces the outcomes it produces becomes open. And that question is what lines 37 through 45 answer.

"The truth is. She is here. You are here. We are all here. Because she is not from here." The repetition of "here" across five lines requires careful attention. In lines 40 through 42, "here" refers to the courtroom, the immediate physical and institutional space. In line 43, "from here" shifts register entirely: it refers not to a room but to a country, a category, a condition of belonging. The spatial term carries the full weight of the xenophobia argument. She is here, in this courtroom, because she is not from here, from America, from the category of persons whose presence is treated as unconditional rather than provisional. Every dimension of the subject position Bell spent lines 1 through 11 constructing, New Yorker, American, board member, Knicks fan, is now revealed as precisely what the prosecution is refusing to grant.

This is the move that makes Bell's argument structurally different from anything in the Sutter case and from Maroun's argument in "The Right Thing". The Sutter defense lawyer deployed the care narrative against the justice narrative, working within a shared commitment to the legal system's legitimacy as a frame. Maroun absorbed the care narrative into the justice framework and subordinated it. Bell does neither. She removes the legal system from its position as the authoritative frame altogether, and relocates authority in the jury's moral capacity to witness and name a truth the system cannot produce. The system cannot tell the truth about itself. The jury can. That is why their agency matters, not as participants within a procedure but as moral witnesses whose verdict can say what the procedure is designed not to say.

What Bell is deploying, in the vocabulary of Bamberg and Wipff [6], is neither a counter-narrative in the sense of care opposing justice, nor a simple alternative narrative. It is something more precisely described as a delegitimizing narrative:

one that contests not the content of the dominant framework but its authority to frame. The criminal justice system is named as a mechanism of procedural exclusion rather than truth-seeking, and the jury is positioned as the only available corrective to that mechanism. Their verdict becomes the site where the gap between procedure and truth can be named and, potentially, closed, not by the system, but despite it.

4.3. Summary and Comparison

The structural contrast between these two closing arguments is visible at every analytical level, but its deepest expression is at Level III, in the relationship each lawyer constructs with the master narrative of the justice system. And that relationship is not binary. The Sutter case gave us two positions: care against justice, justice against care. The present analysis adds a third.

Maroun works within the justice master narrative and reinforces it. Her sophistication lies in the mechanism of reinforcement. She does not simply invoke legal obligation the way the Sutter DA does, arguing that societal moral rules outweigh individual compassion. She absorbs the care narrative into her prosecutorial stance, demonstrates her personal credentials for empathy through the "my sister" move, and then draws the boundary not between care and justice but between feeling and acting. The ethics of justice is shown to be compatible with care, to accommodate it, and then to supersede it in the specific domain of legal determination. The jury is positioned as people capable of moral complexity. They can feel for the defendant and uphold the law. That complexity is resolved in favor of compliance. The sameness-difference dilemma is navigated toward sameness with Maroun herself: we are all people who understand rage, and we are all people governed by law. The agency-passivity dilemma is resolved by separating temporal registers: Nicole Bell's passivity belongs to her history, her agency belongs to the act, and the law governs the act. The constancy-change dilemma is bracketed entirely. Who Nicole Bell is across time is not the legal question. What she did at a specific moment is.

Bell's argument expands at every point where Maroun's contracts. Where Maroun narrows to a binary question, Bell opens outward from biographical detail to normalization to systemic critique to the naming of historical darkness. Where Maroun absorbs the care narrative and subordinates it, Bell declines to work within the justice framework at all. The sameness-difference dilemma is navigated not toward accommodation but toward solidarity: Alice Huang is positioned as the same as the jurors, and the system's treatment of her becomes the measure of what that sameness is actually worth. The agency-passivity dilemma is transferred entirely from the defendant to the jury: Alice Huang's passivity in the face of selective prosecution is the condition the jury can change. The constancy-change dilemma is projected into the future. The darkness is the current condition. The light is what becomes possible if the jury acts.

That light/dark framing carries deliberate historical resonance. It evokes the pre-Enlightenment darkness against which the promise of reason and rights defined itself. Bell is positioning the jury not just as arbiters of this case but as agents who can either honor or betray that promise. The criminal justice system, in Bell's construction, belongs to the darkness, not the light. It is the institution that predates the promise, or has reverted to something before it. The jury, ordinary people, folks like you and me, belongs potentially to the light. That is the fullest expression of the sameness alignment Bell has been constructing since line 1: she is a New Yorker, she is an American, she is one of us, and the system that put her here is not.

The comparison to the Sutter case clarifies what is distinctive about each position. The Sutter defense lawyer deployed care as a counter-narrative to justice within a shared commitment to the legal system's legitimacy. The Sutter DA deployed justice as the master narrative against which care must ultimately yield. Maroun does something more sophisticated than the Sutter DA: she incorporates care into the justice framework rather than opposing it, making the prosecutorial argument emotionally richer and structurally more resilient. But she does not contest the frame.⁷ Bell does something that neither Sutter lawyer does and that Maroun's argument is specifically designed to prevent: she removes the legal system from its position as the authoritative frame and relocates authority in the jury's moral capacity to witness and name a truth the system cannot produce. That is not a counter-narrative within the justice framework. It is a challenge to the framework's legitimacy as a truth-producing institution.

The observation that both arguments were shaped in the same cultural moment, post-George Floyd, with Black Lives Matter and Defunding the Police still lingering on, is important context. Both arguments are aware of that reckoning. But they respond to it differently, and positioning analysis makes that difference precise. Maroun's argument acknowledges the gap between moral justice and legal justice and closes it in favor of legal procedure. That is a culturally aware version of the McCoy-era proceedings, not a departure from them. Bell's argument names that gap as the constitutive feature of the system and refuses to close it. Those are not two rhetorical styles. They are two incompatible accounts of what legal institutions are for and who they serve. Positioning analysis is what makes that incompatibility analytically visible, rather than leaving it at the level of ideological preference or thematic contrast.

5. Conclusion

The analyses in section IV build on but simultaneously rise above the framework that we had opened up for discussion in

Bamberg and Wipff [6]. The Sutter analysis showed how competing master narratives, care and justice, could be mobilized in the same courtroom to construct the same defendant in incompatible ways, and how the illocutionary force of each construction depended on the positioning work performed simultaneously at all three levels. That finding holds here. But the comparison between Maroun and Bell adds a dimension the Sutter dyad could not supply, because both Sutter lawyers, however opposed their ethical orientations, worked within a shared commitment to the legal system's legitimacy as a truth-seeking institution. Neither contested the frame itself. Bell does.

This gives us three analytically distinct positions rather than two. The Sutter DA deployed justice as the master narrative against which care must ultimately yield. The Sutter defense lawyer deployed care as a counter-narrative within the same institutional frame. Maroun does something more sophisticated than either: she absorbs the care narrative into her prosecutorial stance, demonstrating personal credentials for empathy, but then draws the line not between care and justice but between emotion and acting. Care is not opposed. It is accommodated, and then subordinated. That is a structurally different move from the Sutter DA's argument, and it is what makes the Level III alignment of "The Right Thing" with the McCoy-era procedural epistemology invisible to thematic reading alone. The episode looks like a departure from the classic Law & Order prosecutorial logic. Positioning analysis shows it is a more sophisticated version of the exact same logic.

Bell's argument cannot be mapped onto any of these three positions. It is not a counter-narrative in the sense of care opposing justice. It is not an absorption of care into a justice framework. It is something closer to what we would like to call a delegitimizing narrative: one that contests not the content of the dominant master narrative but its authority to frame. Lines 27 through 34 do not appeal to a competing ethical framework. They call the justice system's claim to truth-seeking out as a procedural fiction, and they do so from inside the very proceeding that claim is supposed to govern. In positioning terms, this could go down as a meta-positioning move. Bell steps outside the master narrative of legal adjudication, names it as a system rather than an epistemology, and then hands authority to the jury, not as participants within the procedure but as moral witnesses whose verdict can say what the procedure is designed not to say.

The light and dark imagery in lines 46 through 50 is doing more than rhetorical work. The darkness Bell names is not merely the prosecution's case. It is a condition, pre-Enlightenment in its resonance, the state of things before (modern) reason, (human) rights, and (civic) equality were supposed to have arrived. The jury is positioned as the agents who can step out from that darkness into the light, but only by stepping outside their institutional role as arbiters of evidence and occupying the larger role Bell has been constructing for them across

⁷ Thus, it can be reasoned, since this typically is the response of the defense, this episode does not require any defense – neither in the opening, nor in the closing.

They are institutionally voiced and hearable, by the jury as well as by us as viewers, as built into Maroun's closing argument.

the entire argument: people who can witness and name what the system cannot produce. The constancy-change dilemma is resolved not in the past, as it is in Maroun's argument, but in the future. The verdict is not a finding about what Nicole Bell did. It is a decision about what kind of institution the jury will allow the criminal justice system to be [17].

This asymmetry between Maroun and Bell operates within the cultural moment in which both arguments were created. "The Right Thing" aired as the first episode of Law & Order's 2022 revival, after George Floyd, after Black Lives Matter. That context could not be ignored. But what positioning analysis makes precise is how each argument responds to it. Maroun's argument acknowledges the gap between moral justice and legal justice and insists that the gap must be closed in favor of legal procedure. The acknowledgment is real, apparently grounded in personal history, but the resolution is institutional. That is a culturally aware version of the McCoy-era argument, not a departure from it. Bell's argument names the gap as the constitutive feature of the system and refuses to close it. Those are more than just two rhetorical styles. They are two incompatible accounts of what legal institutions are and whom they serve.

For narrative criminology, the implications reach beyond the specific analyses here. The closing arguments examined in this article show that constructing the defendant as criminal or not-criminal is never simply a matter of evidence. It is always also a matter of how characters are positioned in narrative time and space, how agency is assigned and distributed, how sameness and difference are navigated with respect to the jury and the larger community, in addition to how the story told in the courtroom aligns with or contests the master narratives that make certain identity claims legible and others invisible. The criminal, in line with the tenets of narrative criminology and as shown elsewhere [5, 6], is a narrative construct, either as contextual, highly agentic, or marked as different from or the same as the community that judges them. The closing arguments examined here confirm this, and they add something: contesting that construct, in the most challenging cases, requires not just a different story about the defendant but a different account of the institution doing the constructing.

This is also a contribution to the ongoing conversation about where and how positioning analysis can be productively applied. The courtroom closing argument is, in many respects, an ideal site. The institutional stakes are explicit, the positioning moves are highly visible because the lawyers are trained advocates making deliberate rhetorical choices, and the three dilemmas, agency versus passivity, sameness versus difference, constancy versus change, are all activated under maximum pressure – and this within a tightly bounded interaction. What this article shows is that positioning analysis is not merely a descriptive tool for cataloguing who says what. Applied carefully, at all three levels simultaneously, it can reveal structural continuities that thematic reading misses. But more

relevantly, it can distinguish positioning moves that look similar on the surface but are doing structurally opposite work: they enable us to identify forms of narrative practice, the delegitimizing narrative among them, that existing conceptual vocabulary captures only partially. That is, we argue, exactly the kind of analytic yield narrative criminology needs if it is to do justice to the complexity of how crime, culpability, and justice are constructed in the spaces where those constructions matter most.

Abbreviations

DA	District Attorney
ADA	Assistant District Attorney

Author Contributions

Michael Bamberg: Conceptualization, Formal Analysis, Writing – original draft, Writing – review & editing

Owen Linden: Conceptualization, Formal Analysis, Writing – original draft, Writing – review & editing

Conflicts of Interest

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